

## **REGULATION OF THE PRIVATE SECURITY INDUSTRY: MANPOWER (GUARDING) SECTOR**

### **LICENSABLE ACTIVITIES**

1. That jurisdictions agree to the following list of licensable activities as the basis for a nationally-consistent approach to regulation of the private security industry:
  - i. general guarding;
  - ii. crowd or venue control;
  - iii. guarding with a dog;
  - iv. guarding with a firearm;
  - v. monitoring centre operations;
  - vi. body guarding; and
  - vii. training.

### **PROBITY**

2. That all jurisdictions agree to apply, as a minimum, the following approach to criminal exclusions in determining a person's suitability to hold a security licence:
  - a) subject to paragraphs (b) and (c) below, and without regard to the operation of spent conviction schemes, a person be excluded from holding a licence for a period of 10 years after a conviction, or five years after a finding of guilt without conviction, for any of the following offences:-
    - i. offence involving assault or violence against the person,
    - ii. offence involving dishonesty or theft,
    - iii. firearms or weapons offence,
    - iv. offence of robbery,
    - v. offence in relation to a prohibited drug or plant,
    - vi. offence in relation to a restricted pharmaceutical substance, or
    - vii. offence against Part 5.3 of the Criminal Code as set out in the Schedule to the *Commonwealth Criminal Code Act 1995* or a terrorist offence against the law of any State or Territory or overseas jurisdictions;
  - b) the mandatory exclusions in (a) do not apply where the offence was:
    - i. an offence under paragraphs i, ii or iii, or
    - ii. an offence of possession under paragraphs v or vi, and  
  
no penalty was imposed or the penalty imposed was a fine of less than \$500 or a penalty other than imprisonment; and
  - c) notwithstanding the above, a licence may be refused or revoked where the applicant or licence holder is convicted, or found guilty without conviction, of any offence if the regulator is of the opinion that the offence is one that renders the person unsuitable to hold a private security licence.
3. That all jurisdictions agree to adopt as a minimum, the following standards for identification and probity checks for security industry licences involving:
  - a) use of a 100 point identity check and mandatory fingerprinting prior to the issue of a licence to assist in initial and ongoing probity checking;

- b) eligibility restrictions sufficient to refuse or revoke a licence application based on the probity of a business licence applicant's 'close associates' (that is, persons having a financial interest in or exercising a significant influence over the management or operation of the security business);
- c) use of criminal intelligence to determine the fitness of an applicant to hold a licence with, subject to administrative review processes, the existence and nature of that intelligence not be disclosed to the applicant;
- d) use of business databases to determine the probity of applicants for business or master licences;
- e) as a minimum, national criminal history checks on every licence applicant at time of application and then daily local criminal history checks for the licence's duration; with measures to enable jurisdictions to act promptly to suspend or revoke a licence if daily criminal history checks reveal an adverse event involving an offence;
- f) eligibility restrictions sufficient to refuse a licence in circumstances where an applicant is a person whose identity or probity is unable to be verified to the satisfaction of the licensing authority; or is ordinarily a resident in Australia but has been absent from Australia for 12 months or more within the previous five years and is unable to satisfy the licensing authority of their probity during that absence; and
- g) measures to enable licensing authorities to have regard to relevant criminal history, intelligence, and identification information in making licensing decisions.

## **COMPETENCY AND SKILLS**

4. That all jurisdictions agree:
  - a) that new applicants be required to complete a pre-licensing course covering the critical foundation knowledge requirement for employment in the security industry prior to a licence being issued; and
  - b) to introduce a provisional, probational or conditional licence in the manpower sector of the industry for a duration of not less than six months.<sup>1</sup>
5. That the Ministerial Council for Policing and Emergency Management – Police (MCPPEM-P) work with Ministerial Council for Vocational Training and Education, in consultation with Security Industry Regulators Forum (SIRF), to:
  - a) improve the quality and consistency of materials used for training and assessment of the security industry, including by developing agreed competencies for each licensable activity;
  - b) ensure that arrangements for the development and maintenance of the security industry competencies and training materials include ongoing

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<sup>1</sup> It is not intended that provisional, probational or conditional licenses are to apply to those conducting training in the security industry.

consultation with the users of security services and licensing authorities in addition to the security industry;

- c) assess the implementation of the *Australian Quality Training Framework 2007* as it relates to the security industry and, where necessary, implement additional measures to improve the quality and consistency of the delivery of security industry training by Registered Training Organisations; and
- d) report to COAG on this work by 1 July 2009.

## **MOBILITY**

- 6. That all jurisdictions agree to implement temporary individual, and, if needed, corporate permits and licences based on the Victorian model.
- 7. That the MCPPEM-P, in consultation with the SIRF implement full and effective mutual recognition arrangements for the industry, consistent with the approach developed by the COAG Skills Recognition Steering Committee, to improve mobility of security personnel and business across jurisdictions.

## **IMPLEMENTATION**

- 8. That all jurisdictions agree that the reforms will be in force by 1 January 2010 and that they apply to existing licence holders and new licence applicants from that time.