

LICENSING, REGULATION AND ALCOHOL STRATEGY

Private Security Firm Licences

1. What Does This Licence Allow Me To Do?

A security firm is an individual, a partnership or a company that engages in the business of supplying, for reward, the services of crowd controllers or security officers.

The licence allows an individual, partnership or company to operate as a security firm. Depending on the conditions of the licence, it allows the licensee to employ persons to undertake the duties of a security officer and/or crowd controller.

A person employed as a security officer or crowd controller must have an appropriate licence.

In the Northern Territory, fines of up to 100 penalty units may apply to individuals carrying out the functions of a security firm, or advertising or in any way claiming that they are willing to do so, or who employ unlicensed persons if they do not hold a current NT Security Firm Licence. Fines of up to 500 penalty units may apply to corporations. The *Penalty Units Act* prescribes the monetary value of a penalty unit, its indexation and change of value by regulation. As at 1 July 2009, a penalty unit means \$130.

2. What Should I Be Aware Of Before Applying For A Licence?

Applicants must meet stringent criteria relating to their character and background. For a corporation, this means all officers. "Officers" includes a director, secretary or executive officer, or a person who can control or substantially influence the conduct of the corporation's affairs.

Applicants or Officers of security firms must consider:

- their willingness to undergo a criminal history check and finger printing; and
- whether he/she will satisfy the Commission of his/her integrity and honesty.

Licensed security firms must also:

- comply with all provisions of the *Private Security Act*;
- immediately report any change in the ownership of the business, including a change of management or Directors;

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- immediately report any changes of address.

3. Do I Need Any Special Knowledge, Experience Or Training?

Persons operating a security firm will not necessarily require any special experience or training.

However, members of management may consider it desirable to hold a security officer's or crowd controller's licence in their own right. If so, those persons will need to meet all requirements, including training, for that particular type of licence.

4. What Would Prevent My Company Or I From Being Licensed To Provide Security?

A sole trader or a company with an officer who, in the last 10 years, has been convicted of a disqualifying offence cannot be issued a licence according to *Private Security Act*.

A sole trader or a company with an officer whom the Licensing Commission considers to be inappropriate will not be granted a licence by the Commission. For example, if the officer does not satisfy the criminal history check, the Licensing Commission will not issue the company with a licence.

Where the concern is minor and can be resolved with the Commission, the Commission may grant a licence with conditions attached.

5. What Are Disqualifying Offences?

If you are applying for a Security Firm Licence you must meet stringent criteria relating to your character and background before the Licensing Commission will approve your application.

Under the *Private Security Act*, you will not be granted a licence if you have committed a disqualifying offence within the last 10 years. Being charged with a disqualifying offence is also grounds for suspension of the licence.

As of 8 March 2007, the following offences are prescribed as disqualifying:

| Criminal Code | | | |
|---------------|---|-------|---|
| S69 | Going armed in public | S192B | Coerced sexual self manipulation |
| S132 | Indecent dealing with a child under 16 years | S193 | Assaults with intent to commit an offence |
| S156 | Murder | S194 | Kidnapping for ransom |
| S160 | Manslaughter | S195 | Kidnapping |
| S165 | Attempt to murder | S196 | Deprivation of liberty |
| S166 | Threats to kill | S210 | Stealing (where a custodial sentence is imposed that is wholly or partially served) |
| S177 | Acts intending to cause grievous harm or prevent apprehension | S211 | Robbery |
| S181 | Grievous harm | S212 | Assault with intent to steal |
| S182 | Attempting to injure by explosive substances | S233 | False accounting |
| S186 | Bodily harm | S227 | Criminal deception |
| S188(2) | Common assault with | S228 | Blackmail and extortion |

| Criminal Code | | | |
|----------------------|--|------|---|
| | specified circumstances of aggravation | S229 | Receiving stolen property |
| S189A | Assaults on police | S231 | Taking reward for recovery of property obtained by means of crime |
| S189 | Unlawful stalking | | |
| S192 | Sexual intercourse and gross | S239 | Arson |

| Firearm Act | | | |
|--------------------|-------------------------------------|-----|---|
| S59 | Firearms to be registered | S83 | Prohibited use of firearms |
| S61 | Manufacture of firearms | S84 | Discharge of firearms causing danger, & c. |
| S63A | Trafficking in firearms | | |
| S74 | Alteration of identification marks | S85 | Breach of conditions |
| S77 | Silencers and machine guns | S86 | Persons under influence of alcohol or drugs |
| S82 | Discharge of firearms on roads, &c. | | |

| Misuse Of Drugs Act | | | |
|----------------------------|--|-------|--|
| S5 | Supplying dangerous drug | S9(1) | Possession |
| S6 | Receiving or possessing tainted property | S16 | Obtaining prescription by deception |
| S7 | Cultivation | S17 | Obtaining dangerous drug or precursor by deception |
| S8 | Manufacture and production | | |

| Weapons Control Act | | | |
|----------------------------|--------------------|----|-------------------|
| S6 | Prohibited weapons | S8 | Offensive weapons |
| S7 | Controlled weapons | S9 | Body armour |

Other

Any conviction under Commonwealth legislation where the penalty for the offence is imprisonment for two years or more.

6. What Are The Initial Costs Involved In Obtaining A Licence?

| Licence | One Year | Two Years | Three Years |
|--|-----------------|------------------|--------------------|
| Sole Trader | \$ 400 | \$ 600 | \$ 800 |
| Partnership (each partner) | \$ 400 | \$ 600 | \$ 800 |
| Corporation | \$ 800 | \$ 1,200 | \$ 1,600 |
| Criminal History Check and Finger Printing | | | \$ 120 |

Note: The listed fees and charges may be subject to change.

7. Are There Any Ongoing Costs To Having A Licence?

Yes. There will be ongoing costs associated with the renewal of a licence. A licensee has the option of renewing their license for one, two or three years. The renewal fees are the same as the licence issue fees, see 6 above.

In addition, each partner or officer of the security firm must undergo a Police Name Check on renewal of the licence. The cost of the name check is \$50.

8. How Long Is My Licence Valid For?

A security firm licence is valid for one, two or three years. To renew your licence, complete the application for renewal form and pay the relevant fee. An application for renewal must be made not earlier than 3 months before and not later than one month before, the licence expires.

Note: Under the *Private Security Act* a licence can be suspended, cancelled or refused renewal on the grounds of:

- the licence being obtained on the basis of incorrect or misleading information;
- an officer contravening a condition;
- an officer committing an offence against the Act;
- an officer is no longer deemed an appropriate person to be in possession of the licence; or
- an officer being charged with a disqualifying offence.

9. What Is The Application Process?

Territory Business Centre provides relevant application forms and the Authority to Release Criminal History form. These forms are also available at the Licensing, Regulation and Alcohol Strategy website at www.nt.gov.au/justice/licenreg.

For fingerprinting, you must attend a Police Station (Peter McAulay Centre, Berrimah). The prescribed fingerprinting fee is \$120 and is payable at the time of lodgement of the Authority and submission of fingerprints.

The application will not progress until all necessary persons submit evidence of lodgement of fingerprints, and consent to periodic police checks during the life of the licence.

When renewing a licence the fingerprint check is not necessary. However, a name check by the Police will be required to ensure the on-going integrity of the licensee or officer. A signature on name check form must be witnessed by an authorised person (in the NT a member of the NTPFES). The cost of a name check is \$50.

You may then submit your completed application form along with the relevant fees at the Territory Business Centre.

10. Is My Licence Recognised Interstate?

The operation of a security firm is considered a business, not an occupation, therefore is not covered by mutual recognition principles. Accordingly, security firm licences are not recognised between states and territories. It will be necessary to meet the licensing requirements of each State or Territory in which it is proposed to operate.

11. If I Have Any Further Questions Or Concerns Who Can I Talk To?

For general questions about starting a business and the licensing process for security firms, contact a Territory Business Centre. Toll Free Line: 1800 193 111 (Australia Wide)

For questions about a specific licence application, contact Licensing, Regulation and Alcohol Strategy on (08) 8999 1800.