



## Guidelines for Licence Applicants Body Corporate

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### Business and Occupational Services

Level 3  
Chesser House  
91-97 Grenfell Street  
Adelaide SA 5000

GPO Box 1719  
Adelaide SA 5001  
DX 225

Tel 08 8204 9686  
Fax 08 8204 9697

These guidelines discuss what is involved in obtaining a Security and/or Investigation Agents licence, and the requirements that need to be met. If you require any additional information, or would like to complete an assisted application, please contact the Commercial Licensing section on (08) 8204 9686.

### Information to be provided with your application

- Evidence that either one or all of the directors meet the business requirements. Please refer to the **Business Criteria Information Sheet** for further details.
- A copy of the company's Profit and Loss Statement and Balance Sheet for the last financial year, or if newly incorporated, a copy of the Opening Balance Sheet.

The minimum share capital to perform security and investigation agent work is 5,000 issued shares valued at \$1.00 each. Please note, shares do not have to be fully paid.

**Please note:** If your company is a trustee, you will need to supply evidence of the trust arrangement and a copy of the trust's Profit and Loss Statement and Balance Sheet for the last financial year.

- The correct **application fee** and **pre-grant fee**. Please refer to the attached **Fee Schedule**.
- **If applying for Collection and/or Inquiry Work only—**  
A National Police Certificate in relation to each director. The certificate must be no more than three months old preceding the date of lodgement of the licence application, and must be either an original document, or a copy certified by a Justice of the Peace. To obtain this certificate, each director will need to apply directly to the South Australia Police.
- **If applying for any or all of the following endorsements—**  
*Guard Work, Crowd Control Work, Canine Handling, Security Systems Work, Security Guard limited to Control Room Operations, Security Systems Work limited to Providing Sales and Advice Only:*

Each director to complete a Personal Information Declaration Form (provided at time of application). All directors will also need to be fingerprinted by South Australia Police (fingerprinting arrangements are made after lodgement of application).

### Important notes

If in the last 10 years, you have resided outside Australia where the period of time spent in any one country was 12 months or more and you were over 17 years of age at the time, you **must** provide an **Original or Certified copy of your Police Certificate** (Statement of Offence History) from the local Law Enforcement Agency of each country in which you have resided to be endorsed with your PID form. Also you must include a **translated copy** if the certificate is not in English.

All qualifications and documentation submitted with an application must be in the full and legal name of the applicant and an original or certified copy.

## Who needs to obtain a licence?

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Those persons who wish to carry out any of the security or investigation work listed below are required to hold a licence.

### Investigation Agents Licence

Collection to perform the following:

- Ascertaining the whereabouts of or repossessing goods that are subject to a security interest;
- Collecting or requesting the payment of debts;
- Executing legal process for the enforcement of a judgement or order of a court;
- Executing distress for the recovery of rates, taxes or money.

Inquiry to perform the following:

- Obtaining or providing (without the written consent of a person) information as to the personal character or actions of the person or as to the business or occupation of the person;
- Searching for missing persons;
- Obtaining evidence for the purpose of legal proceedings (whether the proceedings have been commenced or are prospective).

### Security Agents Licence

Crowd controlling to perform the following:

Controlling crowds

Security systems work for one or more of the following:

- Providing advice on security alarm or surveillance systems;
- Hiring out or otherwise supplying security alarm or surveillance systems;
- Installing or maintaining security alarm or surveillance systems.

Security guarding to perform the following:

- Protecting or guarding a person or property or keeping a person or property under surveillance;
- Preventing, detecting or investigating the commission of an offence, in relation to a person or property.

Canine handling to perform the following:

Hiring out or otherwise supplying dogs or other animals for the purpose of protecting or guarding a person or property.

### Nominating a Manager

A company will also need to ensure that their business is properly managed and supervised by nominating a manager. This person must have the same licence endorsements as that of the company, however, they must not be subject to an 'Employee Under Supervision' condition. The company may choose to nominate more than one manager provided that all of the work functions authorised by the body corporate licence are covered, either individually or combined, by the nominated managers.

# Prescribed Offences

## Important Information about Prescribed Offences

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If you have been convicted of any of the offences listed below, you are **not entitled** to be licensed as a security and/or investigation agent or be a director of a body corporate that is a security and/or investigation agent.

### Schedule 1 of the Regulations, *Security and Investigation Agents Act 1995*

#### 1 - Licences - Section 9(1)(b) and 9(2)(b)(i)

- (1) An offence to which this subclause applies is prescribed for the purposes of section 9(1)(b) and 9(2)(b)(i) of the Act in relation to any function to be authorised by a licence other than the function of controlling crowds if -
  - (a) a sentence of detention or imprisonment of more than 30 months was imposed in respect of the offence; or
  - (b) the offence was committed by a minor and-
    - (i) in the case of a minor dealt with in relation to the offence as an adult - the conviction was within the previous 10 years; or
    - (ii) in any other case - the conviction was within the previous 5 years; or
  - (c) the offence was committed by an adult and the conviction was within the previous 10 years.
- (2) Subclause (1) applies to the following offences:
  - (a) an indictable offence;
  - (b) common assault or an offence of violence;
  - (c) an offence against the *Controlled Substances Act 1984* involving a prohibited substance or a drug of dependence, other than a simple cannabis offence within the meaning of section 45A of that Act;
  - (d) an offence against the *Firearms Act 1977*, other than an offence against section 15C, 18, 21A, 21AB or 26 of that Act;
  - (e) an offence against section 15 or 15A of the *Summary Offences Act 1953*;
  - (f) an offence against the *Police Act 1998*;
  - (g) an offence against the *Listening and Surveillance Devices Act 1972*;
  - (h) an offence against the *Telecommunications (Interception) Act 1979* of the Commonwealth;
  - (i) an offence against the Act or these regulations or the repealed *Commercial and Private Agents Act 1986* or regulations made under that Act;
  - (j) an offence substantially similar to any of the above offences against the law of the Commonwealth, another State or a Territory, or a place outside Australia.

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- (2a) An offence to which this subclause applies is prescribed for the purposes of section 9(1)(b) and 9(2)(b)(i) of the Act in relation to the function of controlling crowds to be authorised by a licence if -
- (a) a sentence of detention or imprisonment of more than 30 months was imposed in respect of the offence; or
  - (b) the offence was committed by a minor and -
    - (i) in the case of a minor dealt with in relation to the offence as an adult - the conviction was within the previous 10 years; or
    - (ii) in any other case - the conviction was within the previous 5 years; or
  - (c) the offence was committed by an adult and the conviction was within the previous 10 years.
- (2b) Subclause (2a) applies to the following offences:
- (a) an indictable offence;
  - (b) common assault or an offence of violence
  - (c) an offence against the *Controlled Substances Act 1984* involving a controlled drug;
  - (d) an offence against the *Firearms Act 1977*, other than an offence against section 15C, 18, 21A, 21AB or 26 of that Act;
  - (e) an offence against section 15 or 15A of the *Summary Offences Act 1953*;
  - (f) an offence against the *Police Act 1998*;
  - (g) an offence against the Act or these regulations or the repealed *Commercial and Private Agents Act 1986* or regulations made under that Act;
  - (h) an offence substantially similar to any of the above offences against the law of the Commonwealth, another State or a Territory, or a place outside Australia.
- (3) The following offences are prescribed for the purposes of section 9(1)(b) and 9(2)(b)(i) of the Act in relation to any function to be authorised by a licence if the conviction was within the previous 5 years:
- (a) a summary offence against Part 5 of the *Criminal Law Consolidation Act 1935*;
  - (b) an offence substantially similar to the above offence against the law of the Commonwealth, another State or a Territory, or a place outside Australia.

# Fee Schedule

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## **Security and Investigation Agents Act 1995**

Fees and Charges Effective 1 July 2008

No GST is applicable - our ABN is 15 088 976 178

### **Please note**

Application and Pre-Grant Fees **must be lodged with your application form.**

In the event of the application being refused or withdrawn before being finalised, the pre-grant fee will be refunded. Application fees are generally non-refundable.

	<b>Application Fee</b>	<b>Pre-Grant Fee</b>	<b>Total</b>
Application for a licence for a body corporate	\$588.00	\$644.00	\$1232.00
Application to vary the conditions of an existing licence	\$220.00	N/A	\$220.00

### **Annual registration fee**

For a body corporate	\$644.00
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### **Other Fees**

Cheques should be made payable to the Commissioner for Consumer Affairs.

Credit cards accepted are: Bankcard, Visa and MasterCard.

Eftpos facilities are available at our Adelaide Office.

All fees and charges are subject to change without notice and are usually adjusted each financial year.

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For further information please contact the Business and Occupational Services Branch on **(08) 8204 9686** or **131 882** (for SA country callers only) or send an email to **comm.bos@agd.sa.gov.au**.  
Office Hours: **8.30am to 5pm, Monday to Friday** (excluding public holidays).

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