



Prescribed Offences

Important Information about Prescribed Offences

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 - (i) an offence against the Act or these regulations or the repealed *Commercial and Private Agents Act 1986* or regulations made under that Act;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.