

South Australia

Security and Investigation Industry Regulations 2011

under the *Security and Investigation Industry Act 1995*

6—Classes of offences (sections 3, 9, 23, 23A, 23B and 23G of Act)

- (1) For the purposes of sections 3(2)(a)(i) and 23 of the Act, the following is prescribed:
 - (a) the person has been convicted of a category A offence, or a category B offence, and the penalty imposed for the offence included detention or imprisonment of more than 30 months;
 - (b) the person has been convicted of a category A offence within the preceding 10 years;
 - (c) the person has been found guilty but not convicted of a category A offence within the preceding 5 years;
 - (d) the person has been found guilty but not convicted of a category B offence within the preceding 5 years and the penalty imposed for the offence included a fine of or greater than \$500;
 - (e) the person has been convicted of a category B offence within the preceding 10 years and the penalty imposed for the offence included a fine of or greater than \$500, detention or imprisonment.
- (2) For the purposes of section 9(7) and 23A of the Act, the following are prescribed offences:
 - (a) a category A offence;
 - (b) a category B offence.
- (3) For the purposes of section 23B of the Act, a category A offence is a prescribed offence.
- (4) For the purposes of section 23G of the Act, the following is prescribed:
 - (a) the person has been found guilty of a category A offence;
 - (b) the person has been found guilty of a category B offence and the penalty imposed for the offence included a fine of or greater than \$500, detention or imprisonment.
- (5) However, if the conviction of a person for an offence is a spent conviction under the *Spent Convictions Act 2009* the offence is to be disregarded for the purposes of the Act.
- (6) In this regulation—

category A offence means—

 - (a) an indictable offence; or

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- (b) an offence against the *Controlled Substances Act 1984* in respect of a controlled drug, controlled precursor or controlled plant, other than an offence constituted of possession of a controlled drug, controlled precursor or controlled plant; or
 - (c) an offence against the *Police Act 1998*; or
 - (d) an offence against Part 5.3 of the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth; or
 - (e) except in relation to a security agent authorised to perform only the function of controlling crowds—
 - (i) an offence against the *Listening and Surveillance Devices Act 1972*;
 - (ii) an offence against the *Telecommunications (Interception) Act 1979* of the Commonwealth; or
 - (f) 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.

category B offence means—

- (a) an offence against the Act or regulations made under the Act or the repealed *Commercial and Private Agents Act 1986* or regulations made under that Act; or
- (b) an offence of dishonesty; or
- (c) common assault or an offence of violence; or
- (d) an offence against the *Firearms Act 1977*, other than an offence against section 15C, 18, 21A, 21AB or 26 of that Act; or
- (e) an offence against Part 3A of the *Summary Offences Act 1953*; or

Drafting note—

Part 3A is proposed to be inserted by the Summary Offences (Weapons) Amendment Bill 2010.

- (f) an offence against the *Controlled Substances Act 1984* constituted of possession of a controlled drug, controlled precursor or controlled plant; or
- (g) 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,

but does not include a category A offence.

9—Licence endorsements (section 11B of Act)

- (1) If a licence is endorsed with the words "security agent", the endorsement indicates that the licence is a security agents licence.
- (2) If a security agent's licence is endorsed with 1 or more of the endorsements listed below or with words to the same effect, the endorsements indicate that the licence is subject to a restricted functions condition limiting the functions that may be performed under the authority of the licence to the functions indicated by the endorsements as set out below.

Endorsement	Function
body guarding	protecting or guarding a person or keeping a person under surveillance (other than in a manner involving a dog); and preventing, detecting or investigating the commission of an offence in relation to a person
crowd or venue control	controlling crowds
general guarding	protecting or guarding property or keeping property under surveillance (other than in a manner involving a dog or while in possession of a firearm); and preventing, detecting or investigating the commission of an offence in relation to property
guarding with a dog	if the licence is endorsed "body guarding"—protecting or guarding a person, or keeping a person under surveillance, in a manner involving a dog; and if the licence is endorsed "general guarding"—protecting or guarding property, or keeping property under surveillance, in a manner involving a dog; and in any case—hiring out or otherwise supplying dogs or other animals for the purpose of protecting or guarding a person or property
guarding with a firearm	if the licence is endorsed "general guarding"—protecting or guarding property or keeping property under surveillance while in possession of a firearm (within the meaning of the <i>Firearms Act 1977</i>)
monitoring centre operations	protecting or guarding property, or keeping property under surveillance, by means of monitoring a security alarm or surveillance system whether from the place at which the property is located or from another place (but not by means of attendance in response to an alarm)
security systems work	providing advice on security alarm or surveillance systems; and hiring out or otherwise supplying security alarm or surveillance systems; and installing or maintaining security alarm or surveillance systems
security systems work ltd to providing sales and advice only	providing advice on security alarm or surveillance systems; and hiring out or otherwise supplying security alarm or surveillance systems

- (3) If, immediately before the commencement of this subregulation, an endorsement listed in column 1 below or words to the same effect are displayed on a security agent's licence, the licence will be taken to be endorsed instead with the endorsement or endorsements listed opposite in column 2:

canine handling	guarding with a dog
crowd control work	crowd control
security guard ltd to control room operations	monitoring centre operations
security guard restricted to watching, guarding or protecting property	general guarding
security guard work	general guarding
	body guarding

- (4) If, immediately before the commencement of this subregulation, a person who holds a security agents licence holds a firearms licence under the *Firearms Act 1977* endorsed with the purpose "use in the course of carrying on the business of guarding property or use in guarding property in the course of employment by a person who carries on that business—6", the security agents licence will be taken to be endorsed with "guarding with a firearm".