



NSW Police Force

Grounds for Refusing or Revoking a Master Licence

FACT SHEET 7

This Fact Sheet provides information on the powers and obligations of the Commissioner of Police to refuse or revoke Master security licences.

The amended Security Industry Act 1997 and the new Security Industry Regulation 2007 provide for additional offences and circumstances for which the Commissioner must or may refuse or revoke a licence.

What offences will disqualify me from holding a Master licence?

The Security Industry Act **requires** the Commissioner to refuse or revoke a Master licence if the applicant or licensee or any of their close associates has been, whether in NSW or elsewhere:

- convicted within the previous ten years, or
- found guilty, but with no conviction recorded, within the previous five years,

of an offence prescribed by the regulations.

The prescribed offences are those:

- relating to firearms or weapons, where the offence would disqualify the person from holding a firearms licence
- relating to prohibited drugs, prohibited plants or restricted substances, where the maximum penalty is imprisonment for at least six months and/or a fine of at least \$2,200
- involving assault, where the penalty imposed is imprisonment and/or a fine of at least \$200
- involving fraud, dishonesty or stealing, where the maximum penalty is imprisonment for at least three months
- involving robbery
- under the Industrial Relations Act 1996 (or any similar law), but only if five or more such offences have been committed within a two year period
- relating to riot **New**
- relating to affray **New**
- involving stalking or intimidation **New**

- relating to reckless conduct causing death at workplace **New**
- relating to terrorism **New**
- involving organised criminal groups and recruitment. **New**

The Commissioner has no discretion to consider the circumstances of the offence, except in the case of an assault related offence where the court has found the defendant guilty but has not recorded a conviction.

Can a Master licence be refused or revoked for any other reason?

The legislation requires the Commissioner to consider and/or make assessments on a number of other matters that provide grounds for refusing or revoking Master licences. Some of these require the Commissioner to take action, while others allow the Commissioner discretion in deciding whether to refuse or revoke.

These additional grounds include, but are not limited to, that the applicant or licensee or a close associate (except where otherwise noted):

- is not a fit and proper person to hold a licence (mandatory grounds for refusal/revocation)
- is, or was in the previous three years, an undischarged bankrupt (mandatory)
- is, or was in the previous three years, a corporation subject to a winding up order or with an appointed controller or administrator, or an individual concerned in the management of such a corporation (mandatory) **New**
- has been convicted of three or more offences under the Security Industry Act 1997 within a two year period (includes offences dealt with by way of penalty notice) (mandatory) (does not apply to close associates) **New**
- has, within the previous ten years, been dismissed as a police officer on integrity grounds (mandatory) or other grounds (discretionary)



- is a police officer, and a conflict of interest exists or would exist (mandatory) (does not apply to close associates) **New**
- is not suitable to hold a licence because of involvement in corrupt conduct (mandatory)
- has, within the previous three years, been found guilty of certain offences under the Fair Trading Act 1987 or the Trade Practices Act 1974 (discretionary). **New**

The Commissioner may also refuse or revoke a licence if it is not in the public interest for the licence to be held by the applicant or licensee.

Can I appeal a decision to refuse or revoke my Master licence?

Applicants and licensees have the right to request, in the first instance, an internal review of the Commissioner's decision. An internal review is conducted by independent officers (i.e. not those who made the original decision).

If the internal review confirms the original decision, the applicant or licensee may lodge an appeal with the Administrative Decisions Tribunal. It should be noted that if the Commissioner is required by the legislation to refuse or revoke a licence (i.e. the grounds are mandatory rather than discretionary), the Tribunal must also uphold that requirement.

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Where can I find more information?

The information provided in this Fact Sheet does not limit the grounds for refusal or revocation of a Master licence. Applicants and licensees should familiarise themselves with the amended Security Industry Act 1997 and the Security Industry Regulation 2007, which are available on the NSW Legislation website (www.legislation.nsw.gov.au).



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