

SLED Advisory Council

Communique 18 May 2023

Cameron Smith, Director of the Security Licensing & Enforcement Directorate (SLED) welcomed Council members to the meeting, confirmed the previous minutes and introduced **Michelle Morgan, Assistant Director (Determinations)**.

Ms Morgan told Council members that, in addition to her Assistant Director role, she's also SLED's Regulatory Owner for the new Licensing.NSW system, AMANDA. She said SLED was the first agency, outside of the Department of Customer Service, to adopt the new system which is being rolled out across NSW Government agencies. AMANDA is being developed using agile methodology in which new parts of the system are created as required on a priority basis and, when fully operational, it will provide many benefits, Ms Morgan said. She said operative licence records would be migrated into AMANDA on 25 May 2023 and from 26 May 2023 individuals would be able to apply for and renew licences and request replacement licences online. They will also be able to update their contact details online when they renew their licence. Name changes will need to be submitted via a paper application form sent through to SLED to allow for the additional checks required.

Ms Morgan informed members security legislation changes would take effect on 1 June 2023, including changes to Class 1 subclasses, and therefore the public register may not show the correct subclasses on 31 May 2023 as the changeover takes place. Ms Morgan was asked if the legislative changes would affect the apps the industry uses to check the public register and she said the changes may cause some bugs in the first week, but there shouldn't be any problems.

Mr Smith told members the legislative changes would include a new disqualifying offence: registrable persons within the meaning of the *Child Protection (Offenders Registration) Act 2000* with reporting obligations under the Act will not be eligible for a security licence. He said current licensees who are subject to this new disqualifying offence will not be able to renew their licence, nor will they be able to reapply. Mr Smith also told members the Assessment team had identified an increase in suspected money laundering activities and a trend in which Master licences are surrendered after SLED begins to make inquiries into suspicious activities. Investigations are ongoing, but issues of this nature will also be referred to the Financial Crimes Squad, Australian Taxation Office and the Fair Work Ombudsman, as appropriate.

Mr Smith then addressed two action items from the previous meeting:

- Mr Smith was asked to explore if SLED could legally survey licensees, particularly to determine whether they are currently employed in the security industry, without breaching privacy requirements. He said the *Privacy and Personal Information Protection Act* required that SLED not use personal information for a purpose other than that for which it was provided. However, he said there was no privacy impediment if the primary purpose of the survey was to determine SLED customer satisfaction, and that such a survey could include additional questions about whether the licence holder is currently active in the industry. Mr Smith asked members to consider potential survey questions to be discussed at the next meeting.
- **Brian Moir, Assistant Director (Service Delivery)** addressed a second action item to investigate whether applicants could be photographed at police stations when they had their fingerprints taken. He said security legislation contains multiple provisions requiring licence photographs to be taken by Service NSW. Additionally, at police stations photographs are taken in charge rooms using a system that links the photograph to charges

for an offence and there would be a significant cost to modify that equipment or purchase new equipment. Mr Moir said the new AMANDA system and the 1 June legislation changes would allow applicants to begin work as soon as their photograph was taken for their licence card. In response to a member question, Mr Moir said current licence applicants had been advised to have their photograph taken before 20 May 2023 and that no more photograph advice letters would be sent out until after 1 June 2023. Mr Moir said people who were having problems applying online should send in a paper application while Service NSW addressed a known technical issue with accepting application payments.

Mr Smith told members about the Tattoo Industry Regulation, which the Legislation and Policy branch was finalising and expected to send to the Minister next week. He said the SLED senior management team had met with the Australian Tattooist Guild and the Professional Tattooist Association of Australia to begin building relationships and to gauge current industry concerns. He said that until the 1 September 2023 implementation date, SLED would be developing application forms, website content and a licensing system for the regulation of the tattoo industry.

Mr Moir then provided an update on the migration of all security operative records to AMANDA and the impact of the security legislation changes, including:

- A new portrait-style licence card to be issued to security operative licensees from 1 June 2023. Mr Smith said licensees would not be required to purchase new card holders and could display the card on its side if necessary. He also noted that some people were unhappy with the change and wanted SLED to provide a choice of style, this was not possible. Mr Moir said licensees would be able to apply to replace their licence card with the new card design later this year for the standard replacement fee. In response to a member question, Mr Moir said the cards were sourced by the Department of Customer Service and would clarify where the security licence cards are produced for the next meeting.
- All current licence holders will receive an SMS directing them to the SLED website for information about the upcoming system and legislative changes
- New paper application forms are being created and would be available before 1 June, but online applications are still the preferred and faster option
- Online applications and renewals are available from 26 May, but amendments must be done via the post until the online functionality is introduced later this year.

He said licensees who carry on unarmed cash-in-transit (CIT) activities under the authority of a Class 1A (Unarmed Guard) subclass can continue to do so until 1 December 2023 under the new 1A (Security Officer) subclass. To continue after that date, they must successfully complete the new Cash-in-Transit Guard Licence Course and submit an application for the new 1C subclass along with their training certificates by 1 December 2023. The form will be available on the SLED website and must be submitted via email or post. If they meet these requirements their amendment will be free.

Mr Moir informed members there are currently 675 pending applications and 70 per cent of these are waiting for the applicant to provide further information or take necessary action. In response to a question about a digital security licence, Mr Smith said digital licences were being rolled out across government, but security licences were a low priority because of the requirement to wear the licence. This means a digital licence can only complement, not replace, the physical licence card.

Rochelle Blue, acting Assistant Director (Industry Regulation) then gave members an overview of the roles and responsibilities of the Compliance & Enforcement (C&E) and Training Regulation (TR) teams. She explained that the C&E team typically completes three regional deployments a year and that four investigators were currently on deployment to Broken Hill where they were assisting Licensing Police. Investigators also attended the Easter show to audit the security measures in place

and received good feedback from the industry. She said the team, currently made up of 12 investigators with one vacancy and one investigator acting as manager, was working on 90 cases covering various noncompliance issues. In addition, the team is undertaking an operation into the locksmith industry. Ms Blue said TR was working to develop assessments for the 1F Armed Guard licence course and the 1C CIT Guard course and a final draft of the CIT course would be sent to Registered Training Organisations (RTO) for feedback. The new 1A Security Officer course has been finalised and is being sent to RTOs to begin training. The team is also updating the RTO conditions of approval to align with the upcoming legislation changes. In response to a question, Ms Blue said TR would review the 1B Bodyguard licence course to ensure it was still relevant to close personal protection.

Mr Smith then addressed an agenda paper expressing concerns about disparities between RTOs providing the required private investigator (PI) course. The agenda paper also called for SLED to take action against companies subcontracting PI services without holding a Master licence. He acknowledged that SLED needed to ensure the integrity and effectiveness of both PI and Security Consultant training but was currently unable to do so without more TR resources. He said SLED has requested additional resources to expand the scope of the TR team's focus beyond the higher risk guarding sector training. If there are potential deficiencies with the training package itself, Mr Smith said the industry would need to drive any necessary revisions as SLED does not determine the training package. Mr Moir informed members that SLED would be sending reminders to PI licensees who were yet to provide their qualifications to SLED as required. The deadline for SLED to receive these qualifications is 1 July 2023. In relation to the enforcement of the PI industry, Mr Smith said it was only since PIs were brought under security legislation on 1 July 2022 that SLED had been able to investigate and take enforcement action within the industry.

In addressing general business matters raised by members, Mr Moir advised that the public register allowed up to 50 licensee names to be checked at one time and the data migration has not impacted this. Mr Smith then gave a detailed history of why there are no qualification requirements for Class 2C licence applications, and why there haven't been since about 2004. He said in 2009/2010, the Council of Australian Government determined that 'technical sector' licences should be probity-based only. Following this decision, the NSW Parliament passed amendments to NSW security legislation to combine the then Class 2C (Locksmith), Class 2E (Electronic Equipment Specialist) and Class 2F (Barrier Equipment Specialist) licences into a single Class 2C (Security Equipment Specialist) licence that only had probity requirements.

A member then asked if the Council could recommend that SLED licence cybersecurity activities. Mr Smith said cybersecurity was not captured under the *Security Industry Act 1997* and SLED didn't have the technical expertise required to regulate the cybersecurity industry. He said any cybersecurity regulation should be addressed via different legislation and a different regulator.

Another member raised concerns that the upcoming changes to visa eligibility for NSW security licences would result in fewer students in NSW Security Licence Course classes. The member asked if there was a strategy to attract more people to the industry and if it would be possible for SLED or ASIAL to seek further Smart and Skilled training funding, which was previously available during COVID. Mr Smith said while SLED supported funded security training, it was not able to request it. The NSW Police Force requested the previous funding as the operator of the hotel quarantine program. Mr Smith said SLED would support an application for funded security training submitted by ASIAL. The restrictions on the ability of visa holders to apply for a security licence were introduced because it wasn't possible to conduct the required standard of probity checks. SLED was aware that the restrictions would result in increased Mutual Recognition applications, Mr Smith said, so Operation Antares would be reopened to investigate fraudulent licensing activity in other states.

There being no further items for discussion, the meeting was closed. The next meeting is scheduled for August 2023.