

Wearing & Producing Your Class 1 and/or Class 2 Security Licence?



This Fact Sheet provides information on the requirements for Class 1 and Class 2 licence holders to wear their photographic licence card while performing security activities and to produce it for inspection upon demand.

Why do I need to wear my security licence?

Security licensees hold positions of trust. They are involved in the protection of people and assets, including critical infrastructure, business premises, domestic dwellings, cash and precious items.

The regulation of the security industry seeks to ensure that the community can place trust in the industry by excluding unsuitable operators through measures such as mandatory fingerprinting, citizenship and residency requirements, criminal and other background checks, etc.

It is essential that users of security services and the general public can readily identify that they are dealing with a licensed security operative who has been rigorously assessed via these control measures.

Security users and the public also have a right to know the name of the person they are dealing with in relation to security matters.

Does it matter how I wear my security licence?

Section 36 of the *Security Industry Act 1997* (the Act) requires Class 1 and Class 2 licence holders to wear their licence, so that it is clearly visible, at all times while performing security activities.

To be clearly visible, a licence must be:

- attached to the licensee's outer clothing;
- worn at or above the level of the licensee's waist;
- worn at the front or side of the licensee's body;
- attached with **the front face of the licence clearly visible** to a person standing in front of the licensee; and
- not covered by any object or material.

A licensee must not cover any part of the licence, for example the licensee's photo, so as to prevent it from being seen.

Can I wear a copy of my security licence?

No.

A licensee must always wear his or her original licence. It cannot be a photocopy or other copy of the licence.

Are there any exemptions from the requirements to wear a security licence?

The Act authorises the Commissioner of Police to grant exemptions to certain licensees from the requirement to wear their licence in recognition of the special nature of their duties. The Commissioner has determined that exemptions should only be granted if wearing the licence would compromise the effectiveness of the security activities performed.

Class 2E (Private Investigator) licensees have been granted an automatic exemption, but only while they are carrying on surveillance of persons activities. Currently, the only other activities for which exemptions may be granted are those of the following nature that are performed in a genuine covert manner in plain clothes:

- transport of cash and/or other valuables
- loss prevention
- discreet close personal protection (i.e. bodyguarding)
- behavioural observation for counter terrorism purposes.

Master licence holders may apply to the Security Licensing & Enforcement Directorate for an exemption on behalf of persons they employ that are involved in these activities.

The exemption, if granted, will be issued to the Master licensee and will apply to any of the persons they employ that are performing the specified activities.

The Commissioner has also determined that Class 2C licensees may remove their licences when working in confined spaces if there is a genuine risk of losing or damaging the licence and/or there being any potential safety risks in wearing the licence.

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I have previously been granted an exemption. is it still valid?

Exemptions issued since 4 October 2003 to Master licensees on behalf of their employees remain valid.

Who can ask to see my licence?

Section 35 of the Act requires a licensee to produce his or her original licence for inspection if requested by a police officer or any other member of the NSW Police Force, or any other person with whom they have dealings while carrying on security activities.

This means that even if a licensee is wearing their licence correctly, a person has the right to inspect the licence if, for example, they wish to take a note of the licensee's name and licence number.

Are there penalties for failing to comply with these requirements?

Yes.

The maximum penalty for failing to correctly wear a security licence and/or produce a licence for inspection is \$5,500.

However, these offences may be dealt with by the issue of a penalty notice of \$550 per offence.

WHERE CAN I FIND MORE INFORMATION?

The information provided in this Fact Sheet is for general guidance only. Applicants and licensees should familiarise themselves with the *Security Industry Act 1997* and the *Security Industry Regulation 2016*, which are available on the NSW Legislation website (www.legislation.nsw.gov.au).