

Communiqué 20 May 2019

Members were welcomed to the May 2019 meeting of the SLED Advisory Council.

Cameron Smith, Director, Security Licensing and Enforcement Directorate (SLED) introduced **Michelle Wollaston**, the new **Manager, Training Regulation** and the new **Manager, Licensing Services, Ashlene Reyburn**. Ms Wollaston has a background in the private sector consulting with Registered Training Organisations (RTOs) on compliance obligations and Ms Reyburn is a former Deputy Registrar at Liverpool Local Court.

Mr Smith said SLED is still waiting for legislative changes to be implemented that would see private investigators become a security licence subclass. He also said it is anticipated tattoo industry legislation would eventually be transferred to the NSW Police Force from Fair Trading. SLED is already performing applicant probity checks for Fair Trading and recommends whether or not a licence should be granted, but intelligence restrictions mean SLED is unable to share the reasoning behind the recommendations.

In other news, Mr Smith said SLED had proposed combining the class 1A and 1C licence subclasses into a single “Security Officer” subclass, as well as creating a new Cash-In-Transit subclass. It’s hoped other jurisdictions will see these changes and follow suit. Meanwhile, the implementation of the new security training package will be the focus of the SLED-hosted Security Industry Regulators’ Forum in July 2019 and it’s predicted the online licence application portal will be up and running by July.

Mr Smith said SLED has been working closely with the Australian Skills Quality Authority (ASQA) and the Queensland regulator to decrease the number of mutual recognition applications coming from the state. He said there was evidence some master licensees were deliberately importing an exploitable workforce of students who were made to work long hours and paid below award rates cash-in-hand. People on student or working holiday visas are not eligible for security licences in NSW, but other jurisdictions have different rules.

Portfolio Manager, Industry Regulation, Lisa Stockley, gave an update on the Compliance and Enforcement team’s recent activities. The team has conducted 193 investigations, 203 site audits and issued 213 notices to produce records this financial year to date. As a result, the team identified 414 minor and 1094 serious offences, and 90 penalty infringement notices were issued totalling \$404,000. Another 492 cautions were issued and nine master licences were revoked.

Ms Stockley explained SLED’s graduated enforcement model, which involves educating master licensees on non-compliance issues before issuing fines, unless the non-compliance is repeated or serious. She said 37 per cent of the team’s work related to licensees breaching their licence conditions, 17 per cent related to unlawfully providing persons, 10 per cent to carrying out a security work without a licence and 17 per cent related to sign-on register breaches. She said the Compliance and Enforcement team recently conducted a regional deployment in the Griffith area where 34 audits were conducted. The level of compliance was pleasing and, despite having to issue a few cautions, no fines were issued.

Ms Stockley and other SLED staff recently attended a licensing forum in Sydney, which brought together master licensees and operatives who work in the Sydney Police Area Command. She spoke about SLED’s expectations in terms of licence condition compliance and legislative compliance, as well as the new training package.

On the training front, she said Service NSW has given SLED an estimated cost of the proposed pre-licensing knowledge test. The cost is higher than anticipated and more work is needed to see where savings can be made. As a result, the test will take longer to implement than initially anticipated.

The Training Regulation team has suspended an Approved Organisation (AO) after serious non-compliance issues were identified. An in-depth investigation is underway into the qualifications the AO has issued and decisions will be made in the future about how to treat those qualifications for new licence applications, and whether the AO should retain its approval.

Ms Wollaston told members, since she joined SLED in February, she has been working on the implementation of the new Security Licence Course. She said the Training Regulation team has streamlined the course so RTOs can deliver modules that will work across multiple licence subclasses. The first draft of the new course has already been sent to RTOs and SLED will soon send out an initial consultation survey to RTOs, Approved Trainers, industry groups and other stakeholders to gather their feedback about training needs and course requirements. This will be followed by face-to-face consultation in late June or early July 2019. All course material will go out to RTOs by November 2019 and it is expected the first course will be delivered in January 2020.

Portfolio Manager, Determinations, Michelle Morgan, gave an update on the work the Adjudication team has been doing this year. She said the team had revoked 277 licences for a variety of reasons, including 177 revoked for the person failing to have their photograph taken or collect their licence. Ms Morgan said people renewing their licence received a Photographic Advice letter and had 60 days to have their photo taken, after which their new licence card is generated. If they don't have their photo taken within this timeframe a new letter needs to be issued.

Ms Morgan said there is currently a backlog in the processing of operator security licences due to staffing issues, including staff turnover and the ongoing restructure. The call centre is also struggling with staffing issues, including vacancies, but emails are still being answered on time, with very few responses taking more than five working days. She said the number of mutual recognition applications had reduced so far this year. Over 12 months ago, 52 per cent of applications were made under Mutual Recognition legislation, but this year to date the figure is only 18 per cent.

Mr Smith opened up the floor for any general business from the Council members. Unified Security Group Australia Managing Director, Ben Demsitz, enquired about the process for reinstating a licence that had expired some time ago. Ms Morgan said a licence cannot be renewed if it has been expired for more than 90 days and the person will need to apply for a new licence. If the person has older qualifications, they may need to redo their security training course. If the new licence is granted, they will be given a new licence number.

Mr Demsitz also asked if complainants get feedback when they report an issue to SLED. Ms Morgan said privacy laws prevent SLED from sharing details of investigation outcomes with complainants. She said the only time a complainant will be contacted is if the Compliance and Enforcement team requires further information. Mr Smith said he was concerned the lack of feedback may deter people from providing information as they may feel their complaint has not been investigated. He suggested SLED look into some form of generic correspondence letting the complainant know the matter has been appropriately dealt with and Ms Morgan agreed to investigate this.

SNP Security Head of Compliance and Quality, Tamara Bayly, asked what powers SLED has, or what action it takes, in relation to expired first aid training. Mr Smith said SLED ensures applicants for relevant subclasses have a valid first aid certificate when they initially apply for a security licence but does not monitor the currency of the certificate once the licence is granted. He said the onus was on the individual and their employer to maintain its currency. Ms Stockley said when the Training Regulation team has identified individuals who appear to have an improperly obtained first aid certificate, they notify ASQA as first aid training is not within SLED's regulatory remit.

At the conclusion of these discussions, Mr Smith closed the meeting. The next meeting is scheduled for August 2019.