

WHAT'S BEEN HAPPENING IN SLED

Deployments

NSW South Coast (19 - 23 June 2017)

The purpose of the deployment was to undertake proactive audits in relation to suspected unlicensed security businesses and cash-in-transit master licensees, as well as the examination of two non-compliance reports received by SLED. Twenty-five businesses/locations were visited, resulting in:

- two investigations commenced
- five individuals cautioned
- five businesses cautioned
- five breaches of the *Security Industry Act 1997* identified likely to result in issuing of penalty infringement notices, pending finalisation of investigation.
[4 x breach of section 7(1) - unlawfully providing persons and 1 x section s38(a) - unauthorised subcontracting]
- SLED receiving 14 new licence applications from individuals and 11 new licence applications from businesses

Investigations

There are 43 current investigations being undertaken with a further 10 awaiting allocation of resources.

Training Regulation Compliance

Two cautions were issued to an Approved Organisation for non-compliance with conditions, namely:

- Condition no. 17 - failure to notify the SLED within 48 hours the details of each student that is absent, or has been withdrawn or discontinued, from a Security Licence Course.
- Condition no. 23 - failure to obtain sufficient student identification to meet SLED requirements.

Mutual Recognition

The percentage of all applications received for security licences involving the mutual recognition of a Queensland licence continues to remain low (around 20%) compared to those received prior to January 2017 (around 50%).

Information received from the Queensland Office of Fair Trading indicates the number of NSW residents applying for Queensland licences also continues to remain quite low compared to the periods prior to November 2016. Since 1 December 2016, there has been an average of 21 applicants each month.

ASQA has now cancelled the registration of four registered training organisations – Peacekeepers, SFAE, Sage and Premier Training – which seems to have had this noticeable effect.

Legal Outcomes

24 July 2017 - Commissioner of Police successful in getting costs order against Mr Naeem Ahmed (\$10,056.40).

Mr Ahmed's Class 1AC licence was revoked on the basis he was not a fit and proper person to hold a security licence and that it was not in the public interest that he holds such a licence. Mr Ahmed was not the holder of a licence that authorised him to conduct security training and, in particular, had been conducting security training in NSW to NSW residents to enable those persons to obtain a Queensland security licence for the express purpose of obtaining a NSW security licence via mutual recognition.

Mr Ahmed appealed to the NSW Civil & Administrative Tribunal, with the Tribunal upholding the decision on 16 March 2017.

The Commissioner subsequently filed an application for costs on the basis there were special circumstances as the proceedings lacked in substance and Mr Ahmed gave dishonest evidence to the Tribunal.

The full decision can be found at:

<https://www.caselaw.nsw.gov.au/decision/597044f3e4b074a7c6e17572>

Stranger Than Fiction...

SLED received information from a security company that it had received a number of motor traffic infringement notices for a guard it had provided under a sub-contract arrangement from another security company – 30 fines in 12 days!

The licensee was doing mobile patrol runs in the company's marked vehicle and all the infringements were captured via speed cameras, with 10 of the 30 fines being for speed in excess of 30 kph over the speed limit (the highest being 51 kph over the speed limit).

If the company was to pay the fines, it totalled a staggering \$83,645. However, if the licensee was to pay the fines, the total was \$16,729 with an associated loss of 107 demerit points.

This is where it gets interesting...the licensee uses an international driver licence as they are an "international student" and so the offences do not attract the loss of demerit points hence there is no immediate loss of driver licence.

The licence has been suspended and the licensee asked to show cause why the licence shouldn't be cancelled given their blatant disregard for the law.