

Incident Registers

This Fact Sheet explains requirements relating to incident registers, as provided for by clause 34 of the *Security Industry Regulation 2016*. It incorporates the NSW Commissioner of Police's requirements regarding the manner and form in which incident registers are to be kept.

WHAT IS AN INCIDENT REGISTER?

An incident register is a record of particular types of incidents that occur while Class 1 licensees are performing their duties.

WHO NEEDS TO KEEP AN INCIDENT REGISTER?

Any Master licensee who provides Class 1 licensees to carry on security activities must, as a condition of their licence, keep an incident register in a manner and form approved by the Commissioner.

WHAT TYPES OF INCIDENTS ARE REQUIRED TO BE RECORDED IN AN INCIDENT REGISTER?

Any occurrence of the following types of incidents must be recorded, or caused to be recorded, by a Master licensee in their incident register if they involve a Class 1 licensee who is provided by the Master licensee to carry on security activities:

- a Class 1A, 1B, 1C, 1D or 1F licensee makes forcible physical contact with, or physically restrains, a member of the public
- a Class 1A licensee ejects a member of the public from, or directs a person to leave, the premises or site at which they are carrying on security activities
- a Class 1D licensee's dog attacks a person
- a Class 1F licensee removes a firearm from its holster (unless the removal is for the purposes of unloading ammunition or for the maintenance of the firearm)
- a Class 1F licensee discharges a firearm (unless in the course of training, assessment or instruction). The employer of the Class 1F licensee must also, as a condition of their Master licence, notify the Firearms Registry

in writing of the particulars of the incident (as recorded in the incident register) within 24 hours of the firearm being discharged.

The Commissioner may require other types of incidents to be recorded in incident registers. Master licensees will be notified of any such requirement by the Security Licensing & Enforcement Directorate (SLED) via SLED's website.

WHAT PARTICULARS ARE REQUIRED TO BE RECORDED FOR EACH INCIDENT?

The following particulars must, as a minimum, be recorded in the incident register for each incident:

- the date and time that the incident occurred
- the address and/or name of the premises or location that the incident occurred
- a description of where in the premises, or at the location, the incident occurred
- a detailed description of the incident, including:
 - an account of what happened
 - the full name and licence number of each Class 1 licensee involved in the incident
 - the name, or a description (if the name is not known), of each other person involved in the incident
 - the injuries, if any, sustained by any person involved in the incident.
- the full name, licence number (if applicable), and signature of the person who recorded the incident in the incident register
- the date and time that the incident was recorded in the incident register.

All recorded particulars must be legible and made in the English language.

Any correction of, or addition to, the particulars of an incident recorded in the incident register should be clearly identified as such, with the following details also recorded:

- the date and time that the correction or additional information was recorded in the incident register
- the full name, licence number (if applicable), and signature of the person who recorded the correction or additional information in the incident register
- details necessary to identify the incident for which the correction or additional information is being recorded (if not on the same page as the original incident record).

For hard-copy incident registers, corrections or additions to incident records should be made via a separate entry in the register.

WHEN, AND BY WHOM, MUST INCIDENTS BE RECORDED IN AN INCIDENT REGISTER?

Master licensees are responsible for ensuring that the particulars of any incident are recorded in the incident register (by themselves or another person) as soon as practicable after the incident occurs and before any Class 1 licensee involved in the incident completes the shift during which the incident occurred.

WHERE, FOR HOW LONG, AND IN WHAT FORM MUST AN INCIDENT REGISTER BE KEPT?

Incident registers must be kept:

- at any premises at which the Master licensee provides Class 1 licensees to carry on security activities on a recurrent basis* (other than mobile patrol and cash-in-transit activities); and
- in the case of mobile patrol or cash-in-transit activities and other security activities that are not carried on at particular premises on a recurrent basis – at the Master licensee's business premises; and
- at any premises at which the Master licensee is providing three or more Class 1 licensees at any one time to carry on security activities (other than mobile patrol and cash-in-transit activities).

* "recurrent basis" means repeatedly or periodically.

In the case of (a) and (c), records of particular incidents ("incident reports") must be kept for a period of at least one month at the relevant premises at which Class 1 licensees were provided by the Master licensee to carry on security activities, unless the Master licensee ceases to provide Class 1 licensees at the premises.

After a period of no more than three months, or upon the Master licensee ceasing to provide Class 1 licensees at the premises, the incident reports (or a copy of them) must be kept at the Master licensee's business premises.

For example, a Master licensee providing crowd controllers to a licensed venue will comply with the above requirements if they keep incident reports for the month of June at the venue until August and then, during that month, transfer those reports (or a copy of them) to their business premises. In the event that the Master licensee's contract to provide crowd controllers to the venue ceased during July, they must immediately transfer their incident register for that venue to their business premises.

Each incident report must be kept for at least three years.

Incident registers must be kept in a manner that ensures that they are readily accessible and able to be produced to, examined by, and copied by/for enforcement officers, as necessary, throughout the three year retention period.

Master licensees who wish to keep an electronic incident register must ensure that it:

- meets all the requirements described in this chapter
- utilises user names and passwords, or other forms of digital signatures, that uniquely identify each person who will record incidents in the register
- prevents unauthorised changes being made to the information contained within the register, and captures who made authorised changes, what those changes were, and when they were made.

HOW DO THESE REQUIREMENTS APPLY WHEN CLASS 1 LICENSEES ARE PROVIDED BY MULTIPLE MASTER LICENSEES DUE TO SUBCONTRACTING ARRANGEMENTS?

The incident register requirements apply to all Master licensees providing Class 1 licensees, irrespective of whether those Class 1 licensees are:

- direct employees of the Master licensee; or
- employees of a subcontracted Master licensee.

Subcontracting arrangements can lead to situations where individual Class 1 licensees working at particular premises are provided by multiple Master licensees, each of whom is required to keep an incident register.

The need for those Class 1 licensees to record incidents in multiple registers at particular premises can be overcome by a written agreement between the relevant Master licensees that they will share responsibility for a single incident register to be kept for the premises. Such an agreement must be made prior to the use of the shared incident register and must include the following particulars:

- the name and licence number of each Master licensee who is a party to the agreement
- the address and/or name of the premises for which the shared incident register will be kept
- the date upon which the agreement was entered into
- the names and signatures of the persons entering into the agreement on behalf of each Master licensee.

A copy of the agreement must be retained by all the Master licensees who are parties to the agreement and a copy must also be kept with the incident register at the premises at which the Class 1 licensees provided by the Master licensees are carrying on security activities.

Master licensees sharing responsibility for a single incident register to be kept for particular premises must each ensure that all the requirements described in this chapter are met. For example, after a period of no more than three months, copies of incident reports must be taken by each Master licensee so that they may be kept at their business premises for the minimum three year retention period.

Shared incident registers can only be used when the same Class 1 licensees are provided by the same Master licensees at the same premises.

ARE INCIDENT REGISTERS STILL REQUIRED TO CONTAIN A COPY OF THE RELEVANT MASTER LICENCE?

No. The requirement for Master licensees to keep a copy of their licence in their incident register was abolished from 1 November 2012. However, Master licensees must, as a condition of their licence, keep a copy of their licence:

- at any place of business at which their records are kept, other than their principal place of business (where the original of the licence must be conspicuously displayed)
- at any other premises at which they are required to keep an incident register.

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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 amended *Security Industry Act 1997* and the *Security Industry Regulation 2016*, which are available on the NSW Legislation website (www.legislation.nsw.gov.au).