

Private Investigator Transition Arrangements – Master Licensees



On 1 July 2022, the *Commercial Agents and Private Inquiry Agents Act 2004* will be repealed.

Private inquiry agent activities previously authorised by a CAPI licence (surveillance of persons and investigation of persons) will be regulated by SLED under the *Security Industry Act 1997* and require a Class 2E (Private Investigator) security operative licence to carry on the activities, or a Master security licence to carry on business in either or both of the activities.

All CAPI Master licences authorising commercial agent activities (process serving, debt collection and repossession of goods) will cease to exist on 30 June 2022 and [NSW Fair Trading](#) will assume regulation of the commercial agent industry from 1 July 2022.

What is the difference between a CAPI Master licence and a Master security licence?

Apart from the types of activities carried on by the Master licensees, the major difference is the way in which a licensee carries on business in relation to its operators/operatives.

A CAPI Master licence authorises the holder to employ a specified number of licensed operators to carry out the licensable activities, while a Master security licence authorises the holder to provide a specified number of licensed operatives on any one day to carry on security activities.

What will happen to CAPI Master licences?

On 1 July 2022, CAPI Master licences for private inquiry agent activities that were current on 30 June 2022 will become Master security licences.

If you already hold a Master security licence you will retain that licence with the same number and expiry date and receive a pro-rata refund of the last application fee paid for your CAPI Master licence.

If you don't have an existing Master security licence, you will be granted a Master security licence (as per the conversion table), with the same number and expiry date as your CAPI Master licence.

CAPI Master Licence Class	Master Security Licence Subclass	Authorised Number of Persons to be Provided
Class 1 (where held by an individual)	MA	Self-employed only
Class 1 (where held by a corporation)	MC	Between 4 and 14 persons
Class 2 (1 to 10 employees)	MC	Between 4 and 14 persons
Class 3 (more than 10 employees)	ME	50 or more persons

What will happen to my CAPI owner/operator licence?

If you're authorised to carry on private inquiry agent activities, the following will occur:

- if you have an existing security operative licence, the subclass 2E (Private Investigator) will automatically be added to your licence, with the security licence retaining its expiry date. You will need to carry both photo licence cards until you renew your security licence (your renewed photo licence card will show all authorised subclasses, including 2E)
- if you don't have an existing security operative licence, you will be granted a Class 2E (Private Investigator) security licence. It will have the same number and expiry date as your CAPI licence, but you will not be issued with a security photo licence card until you renew the licence. Until then, you can continue working as a private investigator using your previous CAPI photo licence card
- if you have an existing Master security licence, you will retain that licence with the same number and expiry date and receive a pro-rata refund of the last application fee paid for your CAPI owner/operator licence, depending on the activities authorised by the licence
- if you don't have an existing Master security licence, you will be granted a Master security licence (as per the conversion table), with the same number and expiry date as your CAPI Master licence.

If you're authorised to carry on commercial agent activities, that authorisation will cease to exist from 1 July 2022. You will need to contact NSW Fair Trading to determine your commercial agent licensing requirements.

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What will happen with CAPI Master licences held by corporations?

On 1 July 2022, CAPI Master licences held by corporations for private inquiry agent activities that were current on 30 June 2022 will automatically become Master security licences as per the conversion table.

If you have an existing Master security licence, you will be authorised to provide 2E (Private Investigator) licensees under that licence, with the same number and expiry date, and receive a pro-rata refund of the last application fee paid for your CAPI Master licence.

If you don't have an existing Master security licence, you will be granted a Master security licence (as per the conversion table), with the same number and expiry date as your CAPI Master licence.

Under security industry legislation, all Master licences held by a corporation must have a "Nominated Person".

The "Nominated Person" must be a close associate of the corporation who is involved in the day-to-day conduct of the corporation's security activities, have Australian work rights (excluding people on student and working holiday visas), and consent to having their fingerprints taken and to be subject to probity checks.

SLED will write to corporations after 1 July 2022 with further information about how to comply with the requirement to specify a Nominated Person.

What Master security licence will I need?

A Master security licence authorises the holder to provide a specified number of licensed operatives on any one day to carry on security activities.

Security industry legislation requires a Master security licensee to hold a licence sufficient to include the number of all licensed security operatives provided on any one day, including those provided under subcontracting arrangements.

The full list of Master security licence subclasses is as follows:

Master Security Licence Subclass	Description
MA	Authorises the holder (who is self-employed and who holds a Class 1 or Class 2 licence, or both) to provide their services to carry on security activities
MB	Authorises the holder to provide no more than 3 persons on any one day to carry on security activities
MC	Authorises the holder to provide between 4 and 14 persons on any one day to carry on security activities
MD	Authorises the holder to provide between 15 and 49 persons on any one day to carry on security activities
ME	Authorises the holder to provide 50 or more persons on any one day to carry on security activities

Normally, Master security licence holders who exceed the authority of their licence commit an offence. However, SLED recognises that the change in licence authority from "employed persons" to "provided persons" may mean that some affected CAPI Master licensees will require a higher class of security licence. Therefore, affected licensees can vary their Master security licence at no cost until 31 August 2022 by filling in the relevant amendment form, which can be found on SLED's website, www.police.nsw.gov.au/sled, and emailing it to sled@police.nsw.gov.au.

No affected licensee will commit an offence if they exceed the authority of their licence before either 1 September 2022 or before we determine any application they have made to vary their licence.

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How do I get a refund for the unused portion of my CAPI Master licence?

SLED will process refunds for the unused portion of CAPI Master licences in August 2022. Your refund will depend on the activities authorised by your CAPI licence and the amount of time left before its expiry date (i.e. between 1 August 2022 and the expiry date). Please ensure your contact details and postal address are up to date with SLED so we can send you your refund.

If you hold a CAPI Master licence authorising you to carry on private inquiry agent activities only and don't have an existing Master security licence, you will not be entitled to a refund. However, you will not be required to pay for the Master security licence until you apply to renew it.

Will I get a Master security licence certificate straight away?

No. You will receive a Master security licence certificate when you renew your Master security licence. Until then, you can continue to carry on business while displaying your previous CAPI Master licence certificate.

My CAPI Master licence is about to expire. How can I renew it before 1 July 2022?

SLED is no longer processing new CAPI applications or reapplications involving commercial agent activities.

If your CAPI Master licence is due to expire before 1 July 2022, and you would like to continue to provide operators to carry on private inquiry agent activities, you can submit a reapplication to SLED as normal. Your details will be recorded and your licence will be renewed as a Master security licence on 1 July 2022.

If you are authorised to provide operators to carry on commercial agent activities, your reapplication will be returned to you, but your details will be recorded and you will be able to continue carrying on business until you can apply for a licence with [NSW Fair Trading](#) from 1 July 2022.

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).

Are there different legislative requirements I need to be aware of when I become a security licensee?

We encourage all new Master security licence holders to familiarise themselves with security industry legislation, which identifies the compliance obligations for holders of operative and Master security licences. These obligations include:

- Master licensees must have their client's permission to engage subcontractors and must tell their client which subcontractor/s they used before requiring payment
- Master licensees must keep particular records
- Licensees must notify SLED within 14 days of any changes related to business name, close associates or business or individual contact details.

See the *Security Industry Act 1997* and the *Security Industry Regulation 2016* for full details of all relevant compliance obligations.

Need more help?

You can get in touch with the SLED Contact Centre by calling 1300 362 001 or via email at sled@police.nsw.gov.au.