

Fitness and Propriety Prescribed Offences

What does fit & proper mean?

To be eligible for an *agents licence*, a *security industry trainers licence* or *approval as a security industry training provider*, the person, or in the case of a body corporate each director, must be a fit and proper person. A person is not considered fit and proper if they have been found guilty or convicted of a prescribed offence (see category A and B offences detailed below) or if they are suspended or disqualified from practising or carrying on an occupation, trade or business under a law of this State or another State or Territory of the Commonwealth.

In addition to prescribed offences when deciding whether a person is fit and proper the Commissioner for Consumer Affairs must have regard to;

- The reputation, honesty and integrity of the person;
- The reputation, honesty and integrity of people with whom the person associates;
- The results of any psychological assessment of the person under this Act (crowd controllers only);
- Any evidence that the person has contravened a provision of the *Gaming Machines Act 1992* or the *Liquor Licensing Act 1997* relating to the prevention of a person from entering, or the removal of a person from, licensed premises (crowd controllers only);
- Any other factor relevant to the performance of the functions to be authorised by the licence, including any relevant offences of which the person has been convicted or found guilty.

In addition the Commissioner for Consumer Affairs must consider any objection to the application made by the Commissioner for Police.

What if I have an offence?

If you have offences that you think may be prescribed we recommend obtaining the relevant documents from the court in which the matter was heard as this information will assist in determining whether the offences are disintitling. It is best to have this information before lodging an application as application fees are not refundable if the application is refused. If an offence is not prescribed it may still be relevant to determining your fitness and propriety and this documentation will assist with the assessment of your application.

Applicants with offence history may experience increased processing times.

For more information

Email	Website	Phone	In person
occupational@agd.sa.gov.au	www.cbs.sa.gov.au	Ph: 131 882	Customer Service Centre 91 Grenfell Street ADELAIDE SA 5000

Prescribed Offences

In accordance with Regulation 6 of the *Security and Investigation Industry Regulations 2011*, the following classes of offences are prescribed—

Category A offence means—

- (a) an indictable offence; or
- (b) an offence against the *Controlled Substances Act 1984* in respect of a controlled drug, controlled precursor or controlled plant, other than an offence constituted of possession of a controlled drug, controlled precursor or controlled plant; or
- (c) an offence against the *Police Act 1998*; or
- (d) an offence against Part 5.3 of the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth; or
- (e) except in relation to a security agent authorised to perform only the function of controlling crowds—
 - (i) an offence against the *Listening and Surveillance Devices Act 1972* or the *Surveillance Devices Act 2016*; or
 - (ii) an offence against the *Telecommunications (Interception and Access) Act 1979* of the Commonwealth; or
- (f) an offence substantially similar to any of the above offences against the law of the Commonwealth, another State or a Territory, or a place outside Australia;

Category B offence means—

- (a) an offence against the Act or regulations made under the Act or the repealed *Commercial and Private Agents Act 1986* or regulations made under that Act; or
- (b) an offence of dishonesty; or
- (c) assault or an offence of violence; or
- (d) an offence against the *Firearms Act 1977*, other than an offence against section 15C, 18, 21A, 21AB or 26 of that Act; or
- (da) an offence against the *Firearms Act 2015*; or
- (e) an offence against Part 3A of the *Summary Offences Act 1953*; or
- (f) an offence against the *Controlled Substances Act 1984* constituted of possession of a controlled drug, controlled precursor or controlled plant; or
- (g) offence substantially similar to any of the above offences against the law of the Commonwealth, another State or a Territory, or a place outside Australia, but does not include a category A offence.

Important note

The date the offence was finalised, the outcome recorded and the penalty imposed is often relevant to whether the offence is prescribed. The tables on the next page can be used to determine whether an offence is prescribed for the purpose of the *Security and Investigation Industry Act 1995*.

Category A offence

When were you found guilty or convicted?	Outcome	Penalty Imposed
Any time	Conviction	Detention or Imprisonment of more than 30 months
Within the last 10 years	Conviction	-
Within the last 5 years	Guilty (without conviction)	-

Category B offence

When were you found guilty or convicted?	Outcome	Penalty Imposed
At any time	Conviction	Detention or Imprisonment of more than 30 months
Within the last 10 years	Conviction	Any of the following; <ul style="list-style-type: none"> • a fine of or greater than \$500; • an order or a condition of a bond that the defendant be under the supervision of a community corrections officer; • a bond under which the defendant or a guarantor is obliged to pay a sum of or greater than \$500 in the event of non-compliance with a condition of the bond; • a sentence or condition of a bond requiring the performance of 25 hours or more of community service; • detention; • imprisonment.
Within the last 5 years	Guilty (without conviction)	Any of the following; <ul style="list-style-type: none"> • a fine of or greater than \$500; • an order or a condition of a bond that the defendant be under the supervision of a community corrections officer; • a bond under which the defendant or a guarantor is obliged to pay a sum of or greater than \$500 in the event of non-compliance with a condition of the bond; • a sentence or condition of a bond requiring the performance of 25 hours or more of community service;