

## Exemptions

### Section 4 - Application of the Act

This Act does not apply to—

- (a) police officer;
- (ab) a protective security officer appointed under the *Protective Security Act 2007* while performing official functions;
- (b) a sheriff, deputy sheriff, sheriff's officer, bailiff or other officer of a court or tribunal, while performing official functions;
- (c) an officer or employee of the Crown or any instrumentality of the Crown while performing official functions;
- (d) an officer or employee of a council within the meaning of the *Local Government Act 1999*, or a body vested with the powers of a council, while performing official functions;
- (e) any of the following:
  - (i) a person who holds prescribed qualifications in loss adjusting while practising as a loss adjuster;
  - (ii) a body corporate while carrying on business as a loss adjuster under the management of a natural person who is resident in the State and holds prescribed qualifications in loss adjusting;
  - (iii) a person employed under a contract of service by a person or body referred to in subparagraph (i) or (ii) while acting in the ordinary course of that employment;
- (f) any of the following:
  - (i) a person who practises as a legal practitioner; or
  - (ii) a person who holds prescribed qualifications in accountancy and practises as an accountant; or
  - (iii) a person registered as an agent under the *Land Agents Act 1994*; or
  - (iv) a company authorised by special Act of Parliament to act as a trustee; or
  - (v) an ADI; or
  - (vi) a society registered under the *Co-operatives Act 1997*; or
  - (vii) a friendly society; or
  - (viii) a person lawfully carrying on the business of providing credit within the meaning of the National Credit Code in Schedule 1 to the *National Consumer Credit Protection Act 2009* of the Commonwealth; or
  - (ix) a person who lawfully carries on the business of banking or insurance or the business of an insurance intermediary (within the meaning of the *Insurance Contracts Act 1984* of the Commonwealth), while acting in that capacity in the ordinary course of the profession or business;
- (g) a person employed under a contract of service by a person or body referred to in paragraph (f) while acting in the ordinary course of that employment;
- (h) a person employed under a contract of service who acts as an agent only as an incidental part of the duties of that employment, including, for example—
  - (i) a person employed as a resident caretaker who acts as a security agent by keeping property under surveillance only as an incidental part of the duties of that employment;
  - (ii) a person employed as a shop assistant who acts as a security agent by providing advice on security alarm or surveillance systems only as an incidental part of the duties of that employment;
- (i) a person who performs only clerical or secretarial functions on behalf of an agent;
- (j) a person employed under a contract of service by a licensed investigation agent who acts as an agent only by requesting the payment of debts by telephone calls made from the agent's place of business while under the supervision of the agent.

## Section 5 - Other exemptions

- (1) A person is exempt from the requirement to hold a licence authorising the performance of the function of providing advice on security alarm or surveillance systems if—
  - (a) the person is registered as an architect under the Architectural Practice Act 2009; or
  - (b) the person holds the qualifications necessary for membership of Engineers Australia; or
  - (c) the person is employed under a contract of service and provides advice on security alarm or surveillance systems only to his or her employer in relation to premises owned or occupied by the employer.
- (2) A person employed in connection with the casino licensed under the *Casino Act 1997* is exempt, while acting in the ordinary course of that employment, from the requirement to hold a licence authorising the performance of 1 or more of the following functions:
  - (a) protecting or guarding a person or property or keeping a person or property under surveillance;
  - (b) preventing, detecting or investigating the commission of an offence in relation to a person or property;
  - (c) controlling crowds.
- (3) A person who is not employed or engaged to deal with persons who behave in a disorderly manner or create a nuisance is exempt from the requirement to hold a licence authorising the performance of the function of controlling crowds unless the person is employed or engaged to control crowds on licensed premises (within the meaning of the *Liquor Licensing Act 1997*).

### For more information

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