

1997

THE LEGISLATIVE ASSEMBLY FOR THE


AUSTRALIAN CAPITAL TERRITORY

FAIR TRADING ACT 1992

FAIR TRADING REGULATIONS (AMENDMENT)

Subordinate Law No. 37 of 1997

EXPLANATORY MEMORANDUM

A handwritten signature in black ink, appearing to be 'G. Humphries', is positioned above the text of the Attorney General.

Circulated by the authority of
Gary Humphries MLA
Attorney General

FAIR TRADING REGULATIONS (AMENDMENT)

Subordinate Law No. 37. of 1997

PURPOSE

The intention of this amendment is to have the *Fair Trading Regulations* ("the Principal Regulations") prescribe the "Crowd Marshals Industry Code of Practice" ("the Code") as a code of practice under section 34 of the *Fair Trading Act 1992* ("the Act").

BACKGROUND

The Director of Consumer Affairs has submitted the Code to the Minister in accordance with section 33 of the Act and the Minister has approved the Code without amendment.

DETAILS OF AMENDMENT

Regulation 4 in the Principal Regulations is repealed and replaced with a new regulation 4 that specifies all codes of practice that are prescribed under section 34 of the Act. These are the Crowd Marshals Industry Code of Practice and the Fitness Industry Code of Practice (which was previously prescribed under regulation 4 of the Principal Regulations).

The Crowd Marshals Industry Code of Practice and accompanying explanatory notes are contained in the Attachment to this memorandum.

FINANCIAL IMPLICATIONS

The Code will be self-funding.

Fair Trading Act 1992

**Crowd Marshals Industry
CODE OF PRACTICE**


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Fair Trading Act 1992 Code of Practice

Crowd Marshals Industry

PART I: Preliminary

Objectives

1. The objectives of this code of practice are:

- (a) to ensure appropriate standards of trading are maintained by those who provide crowd marshal services;
- (b) to promote consumer and community confidence in those who provide crowd marshal services;
- (c) to ensure that those who provide crowd marshal services and their employees provide services in a safe, ethical and professional manner;
- (d) to support and promote those who provide crowd marshal services; and
- (e) to establish adequate procedures to resolve complaints.

Interpretation

2. In this Code, unless the contrary intention appears:


ACTSPIC: ACT Security Protection and Investigation Industry Council Incorporated, unless the Minister has approved some other body, in which case; that other body;

Advertisement: includes any business card, stationery, brochure, flier, circular, newsletter, fax form, printed or published paid advertisement in any media form (but does not include a simple telephone book listing);

Code: this Code of Practice;

Consumer: a person who is provided with a crowd marshal service or who is making inquiries about a crowd marshal service;

Crowd marshal service: any service whereby a person monitors and controls the behaviour of people for and on behalf of the occupier of land or a person responsible for an event conducted in a public place and includes the provision of management, secretarial or administrative support in respect of such a service;



Crowd marshal industry: a service industry encompassing principals within the meaning of this code;

Director: Director of Consumer Affairs for the Australian Capital Territory or his or her nominee;

Employ: includes any engagement whether or not for remuneration;

Employee: includes any person engaged by a principal to provide a crowd marshal service, whether or not for remuneration;

Incident report: a record of a relevant incident that shall include:

- (a) the date and time at which the incident occurred;
- (b) the location at which the incident occurred;
- (c) details of the incident;
- (d) for each employee involved in, or witnessing, the incident:
 - (i) the name and ACTSPIC registration number of that employee;
 - (ii) the identification used by the employee; and
 - (iii) if applicable, the name of the person supervising that employee; and
- (e) the names and contact details of any witnesses.

Liquor licensee: a licensee under the *Liquor Act 1975* who, in the normal course of business, provides a crowd marshal service in respect of their licensed premises;

Minister: the Minister responsible for administering the *Fair Trading Act 1992*;

Principal: A person, wherever located, who:

- (a) for any consideration whatsoever, engages in business to provide, accepts an engagement to furnish, or agrees to provide, a crowd marshal service in the Australian Capital Territory but does not include a Territory, State or the Commonwealth Government in so far as an officer of that government is not engaging in business within the meaning of the that word in the *Competition Policy Reform Act 1996*,
- (b) is a liquor licensee within the meaning of this clause; or
- (c) voluntarily accedes by notice in writing to the Director to this Code.

Relevant Influential Person: in relation to a body corporate is:

- (a) a director or secretary of the body; or
- (b) a person who is:
 - (i) substantially concerned in the management of the body; or
 - (ii) able to control, or to substantially influence, the body's activities or internal affairs.

Application of Code

3. This Code applies to a Principal.

Exemption from Code

4. (1) A principal may apply to the Minister for an exemption from the application of all or any of the provisions of the Code.
- (2) An application to the Minister under subclause (1) shall be in writing setting out the grounds on which the principal seeks the exemption.
- (3) Where the Minister receives an application in accordance with subclause (1), the Minister shall seek advice from the Code Administration Committee.
- (4) The Minister may:
 - (a) after considering advice from the Code Administration Committee; and
 - (b) if satisfied that there will be no substantial detriment caused to consumers;grant to a principal:
 - (c) an unconditional exemption; or
 - (d) an exemption subject to conditions.
- (5) The Minister may, at any time, revoke an exemption.
- (6) If the Minister revokes an exemption, he or she shall give notice, in writing, to the principal.

PART II: PRINCIPAL'S OBLIGATIONS

Principal's obligations

5. (1) A principal shall not participate in the crowd marshal industry unless registered by the Director.
- (2) A principal shall ensure, in respect to the provision of a crowd marshal service, compliance with the obligations listed in Schedule 1.
- (3) A principal is responsible for the good conduct of his or her employees in the course their employment.
- (4) For the purpose of 5(1), the Director shall register a principal who:
 - (a) has provided to the Director a notification in the form of Attachment "A";
 - (b) in the case of a natural person;
 - (i) has either previously had or has undertaken to have within a week of the notification above, a fingerprint check with the Australian Federal Police to be provided to the Director;
 - (ii) if convicted in this country or any other country of an offence for which imprisonment has been prescribed involving dishonesty, violence, drugs or weapons, has been certified by the Director for employment in the



- industry on the ground that the principal is unlikely to reoffend; and
- (iii) is at least 18 years of age;
- (c) in the case of a body corporate,
- (i) has either previously had or has undertaken to have within a week of the notification above, a criminal record check across Australian jurisdictions performed by the Australian Federal Police to be provided to the Director;
 - (ii) has provided to the Director such details of all relevant influential persons of the body corporate as requested by the Director; and
 - (iii) if it has a relevant influential person who has been convicted in this country or any other country of an offence for which imprisonment has been prescribed involving dishonesty, violence, drugs or weapons, that person has been certified by the Director for employment in the industry on the ground that the person is unlikely to reoffend; and
- (d) has paid the registration fee, if any.
- (5) For the purpose of subparagraph 5(4)(c)(ii) and subsection 5(6), the Director may require a fingerprint check of any relevant influential person or request such details as he or she considers relevant.
- (6) The director may, at any time, request a principal which is a body corporate to provide details of any relevant influential person.
- (7) This clause does not apply to a principal who is a liquor licensee.

Liquor licensee's obligations

- 5A. (1) A liquor licensee shall ensure, in respect of the provision of a crowd marshal service, compliance with the obligations listed in Schedule 2.
- (2) A liquor licensee is responsible for the good conduct of his or her employees in the course their employment.
- (3) A liquor licensee shall maintain a record of employees providing crowd marshal services and shall make that information available to the Director or a member of the Australian Federal Police on request.
- (4) The record referred to in subclause 5A(3) shall contain, in relation to each employee:
- (a) the name of the employee;
 - (b) the identification used by the employee;
 - (c) the dates and times the employee was employed; and
 - (d) if applicable, the name of the person supervising the employee.

Agreement for a crowd marshal service

6. (1) When a principal makes a written offer for the supply of a service, the principal shall provide to the prospective customer:
- (a) a copy of Schedule 1 to this Code endorsed by the principal, unless done so previously; and



- (b) material that discloses information from which the price or value of the services being offered may be determined.
- (2) When a principal makes an oral offer for the supply of a service, the principal shall, unless that principal has done so previously, provide to the prospective customer a copy of Schedule 1 to this Code endorsed by the principal as soon as possible after the offer is made.
- (3) This clause does not apply to a principal who is a liquor licensee.

Service quality

- 7. A principal shall ensure that employees:
 - (a) in providing a service, act in a safe, ethical and professional manner; and
 - (b) in attempting to sell a service, do not use unreasonable sales methods.

Confidentiality of personal information

- 8. (1) Subject to this clause, a principal shall not disclose, or cause to be disclosed, to any person information acquired by him or her from or for a consumer unless:
 - (a) authorised by the consumer;
 - (b) required or permitted by law; or
 - (c) required by ACTSPIC, the Director, a Code Administration Committee or a Disciplinary Committee under the Code in respect of a complaint.
- (2) Any principal or employee may divulge to a police officer or the Director any information that he or she may acquire as to any offence whether or not a lawful request has been made for such information.
- (3) This clause does not apply to a principal who is a liquor licensee.

PART III: STANDARDS

Standard of equipment

- 9. (1) A principal shall only supply equipment that:
 - (a) conforms to safety standards established by the Australian Standards Association;
 - (b) is mechanically sound; and
 - (c) where so required under a contract, is serviced adequately, efficiently and regularly to ensure continued user safety.
- (2) A principal shall ensure that equipment used by an employee:
 - (a) conforms to safety standards established by the Australian Standards Association;
 - (b) is mechanically sound; and



- (c) where so required under a contract, is serviced adequately, efficiently and regularly to ensure continued user safety.

PART IV: STAFF

Staff

10. (1) A principal shall not employ or continue to employ a person to provide a crowd marshal service unless that person is:
- (a) registered by ACTSPIC; and
 - (b) capable of providing the particular crowd marshal service that he or she is to provide.
- (2) ACTSPIC shall, for the purpose of subclause 10(1), only register a person:
- (a) who has provided to ACTSPIC a notification in the form of Attachment "B";
 - (b) if a natural person, who has either previously had or has undertaken to have within a week of the notification above, a fingerprint check with the Australian Federal Police to be provided to ACTSPIC;
 - (c) if that person has been convicted in this country or any other country of an offence for which imprisonment has been prescribed involving dishonesty, violence, drugs or weapons, who has been certified by ACTSPIC for employment in the industry on the ground that the person is unlikely to reoffend;
 - (d) who is at least 18 years; and
 - (e) who has paid the registration fee, if any.
- (3) A principal shall not represent to a consumer that a person who is to provide a crowd marshal service is capable of providing the service if the person is not capable.
- (4) For the purpose of this clause, if training under competency based industry standards has been approved in accordance with Commonwealth or Territory law, a person is deemed to be capable of providing a crowd marshal service if that person:
- (a) has successfully undertaken that training and provides the service at a level appropriate to that training; or
 - (b) is licensed to provide the crowd marshal service under the law of another jurisdiction and provides the service at a level appropriate to that registration.
- (5) A person who is gaining experience to provide a crowd marshal service shall be supervised by a person who is capable of providing the service at the appropriate level.



(6) Where a person cannot offer themselves for employment without the approval of a third person, the principal shall sight that approval and keep a copy of the approval.

(7) Where a principal, or a relevant influential person, personally provides a crowd marshal service, he or she must be capable of providing the particular crowd marshal service that he or she is providing.

Part V: Administration

Code Administration Committee

11. (1) The Code shall be administered by the Code Administration Committee.

(2) The Code Administration Committee shall consist of:

- (a) a nominee of ACTSPIC;
- (b) a representative of the Crowd Marshal Industry who is the owner or manager of an Crowd Marshal company;
- (c) the Director;
- (d) a nominee of the Licensed Clubs Association;
- (e) a nominee of the Australian Hotels Association;
- (f) a representative of employees in the industry; and
- (g) a representative of the Community Safety Committee.

(3) The representative of the Crowd Marshal Industry shall be elected at an open meeting of principals in the Crowd Marshal Industry. The representative of employees shall be elected at an open meeting of employees in the Industry. The Director shall appoint the representative of the Community Safety Committee.

(4) The Chairperson of the Code Administration Committee shall be the Director.

(5) The Consumer Affairs Bureau shall provide secretariat services to the Code Administration Committee.

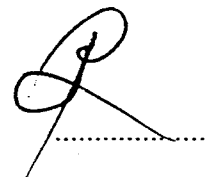
(6) The Code Administration Committee may appoint to the Code Administration Committee such other people as it considers necessary to carry out its functions.

(7) Each member of the Code Administration Committee shall be elected or appointed for a period of 2 years and shall be eligible for reelection or reappointment.

(8) The Code Administration Committee shall meet at least once each year but may meet more frequently as required.

(9) The Code Administration Committee shall:

- (a) monitor compliance with the Code;
- (b) report to the Minister on the effectiveness of the Code;



- (c) monitor the operation and administration of the complaints handling procedures and the Complaints Resolution Committee;
 - (d) develop policy and procedures to promote the Code within the industry and its recognition by consumers; and
 - (e) conduct periodic reviews of the effectiveness of the Code and consider recommendations for amendments to the Code.
- (10) A member, or former member, of a Code Administration Committee shall not disclose any confidential or sensitive information acquired by him or her as a consequence of his or her position.
- (11) A member, or former member, of a Code Administration Committee shall not be liable for anything done or omitted to be done in good faith in or in connection with the exercise or purported exercise of any duties conferred on him or her under this Code.
- (12) The appointment of a member of the Code Administration Committee is not invalidated, and shall not be called in question, by reason of a defect or irregularity in, or in connection with, the appointment of the member.
- (13) The Code Administration Committee shall not deal with matters subject to the Liquor Act 1975.

Complaint resolution procedure

12. (1) A principal shall make every reasonable effort to resolve quickly and fairly any complaint made in relation to the provision of services offered under an agreement with that principal, whether or not the complainant is a party to that agreement.
- (2) Where:
- (a) a complaint cannot be resolved between a principal and a consumer or other member of the public; or
 - (b) a complaint is made by a principal against another principal,
- the complainant may request, by writing to the Director, that the complaint be dealt with by the Complaints Resolution Committee.
- (3) Where the Director receives a request under subclause 12(2), he or she shall, as soon as practicable, appoint a Complaints Resolution Committee and refer the complaint to it for determination.
- (4) Where a complaint is referred to a Complaints Resolution Committee, the Committee shall, within 7 working days of the referral, hear the complaint.
- (5) Where a Complaints Resolution Committee reaches a majority decision on a complaint the Committee shall, within 7 working days:
- (a) notify the parties to the complaint, of the decision in writing; and
 - (b) provide a report to the Code Administration Committee specifying the decision and the reasons for that decision.

Complaints Resolution Committee

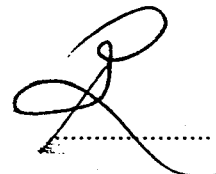
13. (1) A Complaints Resolution Committee shall consist of:



- (a) a chair;
 - (b) a representative of the Crowd Marshal Industry who is the owner or manager of a Crowd Marshal company; and
 - (c) a nominee of ACTSPIC who is not a principal nor an employee under this Code.
- (2) The Code Administration Committee shall appoint a panel of persons for membership to a Complaints Resolution Committee for the purposes of subclause (1).
- (3) The Director shall appoint, from the panel referred to in subclause 13(2), a Complaints Resolution Committee, to determine a complaint in accordance with subclause 12(3).
- (4) The member of the Complaints Resolution Committee referred to in paragraph 13(1)(b) shall be selected from appropriately qualified people who have expressed an interest in being a member of the Committee.
- (5) The Complaints Resolution Committee shall observe the principles of natural justice.
- (6) Where a member:
- (a) has a direct interest, pecuniary or otherwise, or
 - (b) has an interest which could otherwise conflict, or appear to conflict, with the proper performance of his or her duties as a member of the Committee
- in a matter before the Complaints Resolution Committee, the member shall advise the Committee and the Director of the interest and take no further part in those proceedings as a member of the Committee.
- (7) A member, or former member, of a Complaints Resolution Committee shall not disclose any information acquired by him or her as a consequence of his or her position.
- (8) A member or former member of the Complaints Resolution Committee shall not be liable for anything done or omitted to be done in good faith in or in connection with the exercise or purported exercise of any duties conferred on him or her under this Code.
- (9) The Director may appoint eligible persons as alternates in the event that a member advises the Director of a conflict of interest under subclause 13(6).
- (10) Each member of the panel referred to in subclause 13(2) shall be appointed for a period of 2 years and shall be eligible for reappointment.
- (11) The appointment of a member of the Complaint Resolution Committee is not invalidated, and shall not be called in question, by reason of a defect or irregularity in, or in connection with, the appointment of the member.
- (12) The Complaints Resolution Committee shall not deal with matters subject to the *Liquor Act 1975*.

Sanctions

14. Where a Complaints Resolution Committee determines that a principal has breached the Code, the Committee shall notify the Director and may do one or more of the following:

A stylized handwritten signature in black ink, consisting of a large capital 'R' with a loop at the top and a horizontal stroke at the bottom.

- (a) require the principal to remove or change any offending material;
- (b) require the principal to publish a corrective statement in a manner and with wording approved by the relevant Committee;
- (c) require the principal to have future advertising and promotional material monitored by the Director;
- (d) require the principal to refund to a consumer an amount determined by the relevant Committee; or
- (e) make such recommendation to the Director as it considers appropriate.

Compliance

15. If a principal refuses to:

- (a) attend to have a complaint determined by a Complaints Resolution Committee;
- (b) comply with a requirement imposed by the Complaints Resolution Committee; or
- (c) comply with the provisions of the Code,

the Complaints Resolution Committee shall notify the Code Administration Committee to request the Director to exercise his or her powers under section 36 of the *Fair Trading Act 1992*.

Administrative report

16. (1) The Code Administration Committee shall, within 3 months after the end of each financial year, submit a report to the Minister.

(2) The report shall identify industry specific problems and recommend changes to inappropriate practices.

(3) The report shall include details of:

- (a) the number of complaints lodged;
- (b) the number of principals found to be in breach of the Code and the nature of those breaches;
- (c) the amount of time taken to deal with each complaint;
- (d) the number of breaches identified through monitoring; and
- (e) the number and type of sanctions imposed.

Review and evaluation of Code

17. ACTSPIC shall review the effectiveness of the Code after the first 6 months of its operation, and then at intervals of not more than 3 years, and may make recommendations for amendments to the Code.

Administration - Director

18. (1) The Director shall maintain a register in which he or she shall record details of principals who are not liquor licensees.



(2) The Director may issue a certification of a principal, or a relevant influential person, for the purposes of subparagraph 5(4)(b)(ii) or 5(4)(c)(iii) if,

- (a) having considered the person's record;
- (b) having considered any material the person wishes the Director to take into account; and

the Director believes the person is unlikely to reoffend by reason of:

- (c) the efforts made by the person to reestablish a good character; and
- (d) the efflux of time.

(3) The Director may, in consultation with the Code Administration Committee, charge a fee for any registration, maintenance of registration or certification under the Code to the extent reasonably necessary to recover his or her administrative and operative costs associated with the Code.

(4) The Director shall deregister a principal where the principal has:

- (a) failed to pay a fee for the maintenance of registration;
- (b) failed an undertaking given under subparagraph 5(4)(b)(i) or 5(4)(c)(i);
- (c) been convicted in this country or any other country of an offence referred to in 5(4)(d) and has not obtained a certification under subclause 18(2) in relation to that offence;
- (d) a relevant influential person who has been convicted in this country or any other country of an offence referred to in 5(4)(c)(iii) and has not obtained a certification under subclause 18(2) in relation to that offence; or
- (e) failed, within a reasonable time, to provide details requested by the Director under subclause 5(6).

(5) Where it appears to the Director, having made appropriate inquiry in accordance with the principles of natural justice, that a principal has committed persistent breaches or a serious breach of the Code, the Director may deregister a principal and impose conditions on that person obtaining future registration.

Administration - ACTSPIC

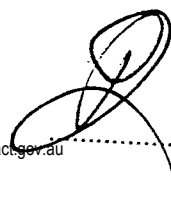
19. (1) ACTSPIC shall maintain a register in which it shall record details of employees.

(2) ACTSPIC may issue a certification for the purposes of paragraph 10(2)(c) if,

- (a) having considered the person's record;
- (b) having considered any material the person wishes ACTSPIC to take into account; and
- (c) having considered any material the person's employer or prospective employer wishes ACTSPIC to take into account;

ACTSPIC believes the person is unlikely to reoffend by reason of:

- (d) the efforts made by the person to reestablish a good character; and
- (e) the efflux of time.



(3) ACTSPIC, by notice in writing to the Director, may convene or establish a subcommittee of ACTSPIC to discharge the duties referred to in subclause 19(2).

(4) ACTSPIC may charge a fee, in consultation with the Code Administration Committee, for any registration, maintenance of registration or certification performed by ACTSPIC under the Code to the extent reasonably necessary to recover its administrative and operative costs associated with the Code.

(5) ACTSPIC shall deregister a person where the person has:

- (a) failed to pay a fee for the maintenance of registration;
- (b) failed an undertaking given under 10(2)(b); or
- (c) been convicted in this country or any other country of an offence referred to in 10(2)(c) and has not obtained a certification under subclause 19(2) in relation to that offence.

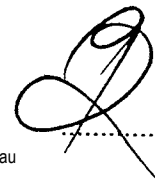
(6) A member or former member of ACTSPIC shall not be liable for anything done or omitted to be done in good faith in or in connection with the performance or purported performance of any function carried on by him or her under this Code.

(7) ACTSPIC may enter into an arrangement with the Director under which the Director may perform, on behalf of ACTSPIC, any of ACTSPIC's registration functions under the Code, including the maintenance of the register under subclause 19(1) and the registration of persons under clause 10.

Transitional arrangements

20. A principal shall:

- (a) from the day on which the Code commences: comply with the Code to the extent that he or she is reasonably capable of complying; and
- (b) as soon as practicable but in any case no later than 1 July 1998, comply with the Code.



Schedule 1

clause 5

The following specific obligations apply to principals in relation to the provision of a **crowd marshal service**. Where an obligation below purports to place an obligation on an employee of the principal, the principal is responsible for ensuring that the obligation is discharged.

	Obligation
Advertising and marketing practices	<p>A principal shall not use misleading or unfair advertising or marketing practices.</p> <p>Every advertisement by a principal soliciting or advertising business shall contain his or her business name, business address or telephone number, and registration number as they appear in the records maintained under this Code.</p> <p>A principal shall ensure that sufficient information is available to enable a consumer to make an informed decision in relation to the provision of the service, and in particular shall:</p> <ul style="list-style-type: none"> • ensure that all promotional material is truthful, accurate and unambiguous; • ensure that promotional material does not encourage unrealistic expectations about the need for the service or equipment provided; and • not make misleading or false comparisons with services provided by competitors.
Incident Reports	<p>A principal, or a person authorised by the principal, shall submit an incident report to the consumer as soon as reasonably practicable after the incident occurs.</p> <p>The person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in the report are true and correct.</p> <p>A principal shall not knowingly make any false statement in the incident report.</p>
Identification	<p>A principal or an employee of a principal:</p> <ul style="list-style-type: none"> • shall use such identification as prescribed by the ACTSPIC. ACTSPIC, in prescribing such identification, shall: <ul style="list-style-type: none"> • differentiate persons who are gaining experience to provide a crowd marshal service; and • have regard to any applicable Australian standards. • shall not knowingly use any identification to indicate that he or she is registered as a principal other than that approved by ACTSPIC or the business card regularly used by the business. • shall not knowingly use a title, or wear a uniform, or use an insignia, or use an identification card, or make any statement with the intent to give an impression that he or she is connected in any way with the Commonwealth of Australia, a state or territory government, or any government authority. • shall not knowingly impersonate, or permit or aid and abet an employee to impersonate a police officer or employee or officer of the Commonwealth of Australia, or of any state or territory or statutory authority.
Principal	<p>A principal shall not provide a crowd marshal service where the principal has been convicted of an offence for which imprisonment has been prescribed unless, having been convicted of an offence for</p>

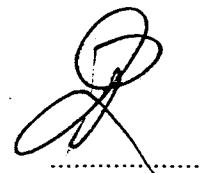


	<p>which imprisonment is prescribed, the principal has been certified as a principal by the Director of Consumer Affairs.</p> <p>In this part, offence means an offence involving violence, dishonesty, drugs or weapons.</p>
Employees	<p>A principal shall ensure that an employee who provides a crowd marshal service is capable of providing the service and:</p> <ul style="list-style-type: none"> • has not been convicted of an offence for which imprisonment has been prescribed; or • having been convicted of an offence for which imprisonment has been prescribed, has been approved as an employee by ACTSPIC. <p>In this part, offence means an offence involving violence, dishonesty, drugs or weapons.</p> <p>A principal shall provide appropriate supervision where services are provided.</p> <p>A principal shall not permit an employee in his or her own name to advertise, engage clients, furnish reports or present bills to clients, or in any manner whatever conduct a business for the provision of a crowd marshal service.</p>
Improper conduct	<p>A principal or an employee of a principal, shall not knowingly disobey, or advise, encourage, or assist disobedience of any court order or injunction in the course of business providing a Crowd Marshal service.</p> <p>A principal shall not direct an employee to take an action which contravenes any law and shall not take any action because an employee refused to take an action contrary to any law.</p>

Under clause 6 of the Code of Practice, a copy of this Schedule, endorsed by the principal, must be provided to a consumer where the principal makes an offer for the supply of a crowd marshal service. Failure to do so, is a breach of the Code of Practice.

Endorsed:

Date:



Schedule 2

The following specific obligations apply in relation to the provision of a **crowd marshal service by a licensee under the Liquor Act 1975**. Where an obligation below purports to place an obligation on an employee of the licensee, the licensee is responsible for ensuring that the obligation is discharged.

clause 5A

	Obligation
Incident Reports	A licensee shall ensure that an incident report is made as soon as reasonably practicable after an incident occurs. The person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in the report are true and correct. A licensee, or an employee of a licensee, shall not knowingly make any false report to his or her employer or client.
Identification	<p>A licensee, or an employee of a licensee:</p> <ul style="list-style-type: none"> • shall use such identification as prescribed by the ACTSPIC. ACTSPIC, in prescribing such identification, shall: <ul style="list-style-type: none"> • differentiate persons who are gaining experience to provide a crowd marshal service; and • have regard to any applicable Australian standards. • shall not knowingly use a title, or wear a uniform, or use an insignia, or use an identification card, or make any statement with the intent to give an impression that he or she is connected in any way with the Commonwealth of Australia, a state or territory government, or any government authority. • shall not knowingly impersonate, or permit or aid and abet an employee to impersonate a police officer or employee or officer of the Commonwealth of Australia, or of any state or territory or statutory authority.
Improper conduct	A licensee, or an employee of a licensee, shall not knowingly disobey, or advise, encourage, or assist disobedience of any court order or injunction in the course of business providing a crowd marshal service. A licensee shall not direct an employee to take an action which contravenes any law and shall not take any action because an employee refused to take an action contrary to any law.



Attachment A

Notification of Participation in the ACT Security (Protection) Industry: Principals

Warning: Before making this notification, please read the notification carefully. Failure to make the notification or making a misrepresentation in the disclosure could expose you to serious criminal sanction.

To the Director of Consumer Affairs

I [please enter full name and business address of the person or company]:

of [address]:

having date of birth:

propose to participate in the Security Protection Industry as a principal in the [please mark one or more as appropriate]:

- access control industry
- guard and patrol services industry
- crowd marshals industry
- body guard industry
- cash transit industry

I have not been convicted in this country or any other country of an offence involving dishonesty, violence, drugs or weapons. OR

I have been convicted in this country or any other country of an offence involving dishonesty, violence, drugs or weapons and I will make an application for certification by the Director of Consumer Affairs for participation in the industry as a principal on the ground that I am unlikely to reoffend.

If a natural person: I have (indicate when) or will (within 1 week of this notification) undertake a fingerprint check with the Australian Federal Police to be provided to the Director of Consumer Affairs.

If a company: I have (indicate when) or will (within 1 week of this notification) undertake a criminal record check with the Australian Federal Police to be provided to the Director of Consumer Affairs.

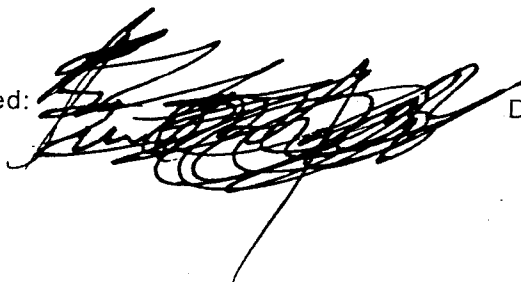
The results of the record check shall only be made available to the Director of Consumer Affairs.

I note that I am entitled to become a member of ACTSPIC .

I understand that the Code of Practice relevant to the industry in which I propose to participate will apply to me, and I agree to abide by the code.

This notification is a public notification.

Signed:



Dated:



Attachment B

Notification of Participation in the ACT Security (Protection) Industry: Employee

Warning: Before making this notification, please read the notification carefully. Failure to make the notification or making a misrepresentation in the disclosure could expose you to exclusion from the industry.

To the ACT Security Protection and Investigation Industry Council Incorporated
(ACTSPIC)

I [please enter full name]:

of [please enter full address]:

having date of birth:

propose to participate in the Security Protection Industry as an employee in the
[please mark as appropriate:]

- access control industry
- guard and patrol service industry
- crowd marshals industry
- body guard industry
- cash transit industry

I have not been convicted in this country or any other country of an offence involving dishonesty, violence, drugs or weapons. OR

I have been convicted in this country or any other country of an offence involving dishonesty, violence, drugs or weapons **and I will make an application for certification** by ACTSPIC for employment in the industry on the ground that I am unlikely to reoffend.

I have (indicate when) or will (within 1 week of this notification) undertake a fingerprint check with the Australian Federal Police to be provided to my current employer or (if no current employer) my prospective employer or (if no current nor prospective employer) ACTSPIC.

I understand that the effect of having a fingerprint check is that, in addition to disclosing any existing convictions, if I am subsequently convicted of an offence, details of the offence shall be provided to the Director of Consumer Affairs and ACTSPIC who will provide it to my employer or to another principal in the industry.

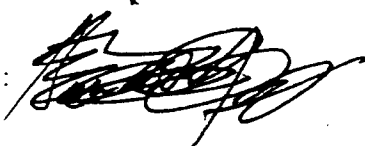
My current employer is:

My prospective employer is:

I understand that the information in this notification may be made available as follows:

- my name will be publically available; and
- my address to be made available to a registered principal or the Director of Consumer Affairs.

Signed:



Dated:

