

Security Construction and Equipment Committee

Approved Locksmith Scheme

Policy

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Introduction

The Security Construction and Equipment Committee (SCEC) Approved Locksmith scheme (the scheme) provides Australian Government agencies with approved locksmiths who have demonstrated that they have the necessary lock-smithing skills as well as having met the high standards of integrity, honesty and confidentiality required of personnel working for or on behalf of the Australian Public Service. SCEC administers the scheme on behalf of, and with the approval of, the Protective Security Policy Committee.

SCEC approved locksmiths are approved by SCEC to maintain and/or install at the request of Australian Government agencies:

- SCEC approved security containers, security doors and their locking hardware, and
- door hardware in Secure Areas.

The scheme provides for periodic renewal of each locksmith's approval.

This policy sets out the approval criteria and process to be used by SCEC in assessing applicants to the scheme. The policy also sets out the rights and responsibilities of the applicants.

Approval is dependent on meeting the application criteria and being assessed as a fit and proper person.

Continued suitability is dependent on compliance with the SCEC Locksmith Scheme Code of Conduct and continued assessment as a fit and proper person.

Procedural fairness

All decision to reject a person's locksmith application will be subject to the procedural fairness to the fullest extent possible consistent with national security. Applicants will be advised verbally of any concerns that SCEC may have with their application or continuing participation in the scheme. If the concerns are not mitigated verbally then the Chair of SCEC will advise the applicant of the concerns in writing and the applicant will then be given reasonable time to answer the concerns in writing before a final decision is made.

The reasons for concerns will not be advised where there are significant security reasons. Security reasons that are not be notified would be subject to an Attorney-General's Certificate and are issued only when ASIO determine that disclosing the information would significantly impact on national security. If ASIO considers that there may be grounds for the issuing of a Certificate then ASIO Legal advice is to be sought prior to issuing the Certificate.

See the ARC Best Practice Guide, ARC Best Practice Guide 2: Natural Justice available at:

http://www.ag.gov.au/agd/WWW/archome.nsf/Page/Publications_Reports_Other_Documents

Overview of application criteria:

1. Application form

All applicants are required to submit a completed application form to be considered for the scheme.

2. List of required documentation and supporting material

Applicants are to provide with the application form:

- Certified copies of:
 - the locksmith's current security licence(s) to practice locksmithing in the State(s)/Territory(s) for which approval is sought (unless the State/Territory does not issue security licences to Locksmiths
 - evidence of locksmithing qualifications
 - passport size photograph,

AND

- a signed letter from the applicant's current employer describing:
 - the length of service with the employer
 - the nature of their current position, in particular whether the locksmith has worked with combination locks and commercial grade hardware in their daily duties and, if so, for how longor
 - if the locksmith has not been working with combinations locks and commercial grade hardware locksmiths for six months are to provide evidence of previous work in this area

OR

- if self employed two references from businesses for whom the locksmith has performed a commercial fit-out or lock work using high security locks and locking systems.

For renewals applicants are also to return their expired SCEC Locksmith Card

3. National police check

Applicants are to provide a completed Australian Federal Police - Records Check report (No Exclusion under the Spent Convictions Scheme).

Fit and proper person assessment

Applicants will be assessed against the following criteria based on documentary evidence provided by the applicant and other checks as detailed below.

Applicants are required to continue to be fit and proper persons. Failure to continue to meet the high standards expected of SCEC approved locksmiths will lead to suspension and/or revocation of the SCEC approval.

Criterion One: Personal qualities

The applicant is to be of good reputation, integrity and character, including being honest, trustworthy and mature. These characteristics are to be confirmed by referee report and results of the AFP Records check. The *Australian Government Adjudicative Guidelines* available from pspf@ag.gov.au are to be used as a guide when assessing the applicant's suitability against the "Whole Person". Any mitigating factors as identified in the Adjudicative Guidelines should be considered prior to making an adverse determination against the applicant.

Criterion Two: Qualifications

The applicant is to:

- have held a Certificate III or higher locksmithing qualification such as the four year Locksmithing Technician course or have successfully completed a locksmithing apprenticeship an Australian Recognised Trade Certificate for at least three years. Where the applicant is unable to supply proof of their qualification they are to apply to Trades Recognition Australia for a Skills Assessment for an Australian recognised Trade Certificate
- have current experience of not less than six months working with combination locks and commercial grade locks and locking hardware, and
- hold security licences to operate in all States and Territories that they are seeking approval to operate in, where those States and Territories require the locksmith to hold a security licence.

Qualifications will be confirmed from documents provided, see list of required documents and supporting material above.

If granted approval to the scheme the applicant is to advise SCEC of any changes to their qualifications during the course of their participation in the scheme. Failure to advise of changes may result in revocation of approval, see 'Revocation of approval' below.

Criterion Three: Criminal offences

The applicant is not to have been convicted of any offences:

- involving fraud, theft or dishonesty, and/or
- related to national security such as threat of terrorism, politically motivated violence or threats against holders of high office

Offences are to be declared in accordance with the Spent Convictions Scheme of the *Crimes Act 1914* (Cth) and SCEC is not subject to any exclusions under the scheme.

A history of multiple and recent offences other than the types listed above will lead to a decision of the applicant being unsuitable under Criterion One.

See the Adjudicative Guidelines: Guideline E: Criminal History and Conduct.

If granted approval to the scheme the applicant is to advise SCEC of any criminal charges laid against the applicant during the course of their participation in the scheme. Failure to advise of changes may result in revocation of approval, see 'Revocation of approval' below.

Criterion Four: ASIO assessment

All applicants will undergo an ASIO assessment conducted by ASIO-T4 on behalf of the SCEC. Where areas of concern are identified a full ASIO assessment will be requested. Any unresolved concerns from the full assessment will disqualify the applicant from the scheme.

The ASIO assessment may be subject to periodic reassessment if there are changes in the applicant's circumstances.

Briefing by T4 Protective Security

Successful applicants will be provided with a briefing by ASIO-T4 on behalf of SCEC. The briefing details the applicants continuing responsibilities under the scheme.

The briefing is to include a statement of ongoing responsibility under sections 70 and 79 of the *Crimes Act 1914* (Cth) and part 5.2 of the *Criminal Code* (Cth) covering for the protection of official information. See **Attachment E**.

Conditions of approval

1. SCEC locksmith training course

The applicant is to successfully complete the SCEC locksmith training course prior to approval and periodically as required as part of the re-approval process.

Approval will be reassessed at least every five years. Reassessment may be sooner if:

- concerns about continuing suitability are identified by or to SCEC, and/or
- technological changes warrant additional training or competency assessment.

2. SCEC Approved Locksmiths' Code of Conduct

All applicants are to comply with the code of conduct while participating in the scheme. All reported instances of non-compliance with the code of conduct will be investigated by SCEC and if found to be true may lead to suspension and/or revocation of approval under the scheme.

3. SCEC Approved Locksmith identification card

All participating locksmiths will be provided with a photographic SCEC approved locksmiths ID card. This card is the proof of the suitability under the scheme and is to be provided to Australian Government agency security personnel on request.

SCEC recommends that the ID card be worn at all times when undertaking locksmithing work for Australian Government agencies.

4. Advice of any changes of circumstances relating to the fit and proper person assessment

All participants are to advise SCEC of any changes to their personal circumstances that may affect the continuing fit and proper person assessment while participating in the scheme. Changes that are to be notified include:

- conviction of an offence or offences as listed in Criterion Three above within seven calendar days of conviction, and
- any changes in details as submitted in the application form including but not limited to changes in employer, address, qualifications within fourteen calendar days.

SCEC will provide a change notification form on their website, see Attachment D.

On receipt of advice of any changes in circumstances SCEC will assess the appropriateness of continued suitability to participate in the scheme using criteria one to four above.

Failure to report changes in circumstances is to result in revocation of SCEC approval when SCEC is made aware of the changes unless the applicant can demonstrate the omission was entirely accidental.

Revocation of approval

SCEC is to suspend participants from the scheme when it becomes aware of credible information that is relevant to whether a SCEC Approved Locksmith is a fit and proper person. If following an investigation the concerns are found to be true and are not otherwise mitigated the locksmith's approval is to be revoked. Grounds for revocation include:

- a. providing false and misleading information to any Australian Government Agency, official or representative as part of the application process or after being approved as a SCEC Approved Locksmith
- b. breaching any of the Conditions of Approval
- c. being convicted of an offence as listed in Criterion Three above
- d. no longer being employed as a locksmith, and
- e. not having or no longer having the necessary State and/or Territory security licences.

All decisions to suspend or revoke approval are subject to procedural fairness unless there is a significant security concern. (See procedural fairness above).

Notification of decision

The SCEC is to notify all applicants of the outcome of their application in writing as soon as possible and not more than 28 days from the decision.

Acceptance

SCEC is to notify all locksmiths who are selected to participate in the SCEC Approved Locksmith scheme. The notification is to include:

- the letter of acceptance
- the T4 briefing
- the SCEC Approved Locksmith ID card, and
- directions on advising changes of circumstances.

Rejection or revocation

SCEC will discuss any issues with the applicants to the scheme prior to providing formal notification of rejection of their application or revocation of approval to the scheme unless the reasons are subject to and Attorney-General's Certificate. This will provide the applicant with a chance to provide further information that may resolve identified issues.

The Chair of the SCEC will provide all applicants who are found to be unsuitable to participate in the scheme with written advice stating the grounds for unsuitability, unless there is an Attorney-General's Certificate against providing the reasons.

Applicants are also to be provided with:

- advice on procedural fairness, and
- details of the review process.

In addition applicants who have their approval revoked will be requested to return their SCEC Approved Locksmiths ID card. SCEC will also remove their details from the SCEC Locksmiths list available on the SCEC website and advise Australian Government agencies of the revocation.

Review process

The Chair of the Protective Security Policy Committee, as the Committee overseeing the SCEC will appoint a member of the PSPC to undertake a review of the decision of the SCEC if requested in writing by the applicant within 28 days of the notification of rejection or revocation being signed.

The request for review should detail the reasons for the request and provide any additional information the applicant feels is relevant. The review will be undertaken within 28 days of receipt of the request for review.

The nominated PSPC member will review the application, assessment process and reasons for rejection or revocation, as well as any additional information provided in writing by the applicant. The reviewer may:

- uphold the SCEC decision, or
- overturn the SCEC decision and approve the applicant.

The applicant will be notified in writing no more than 28 days after the review.