

Private Security Regulations

Exposure Draft

TABLE OF PROPOSALS

<i>Proposal</i>	<i>Page</i>
Part 1—Preliminary	1
1 Objectives	1
2 Authorising provision	1
3 Commencement	2
4 Revocation	2
5 Definitions	2
6 Security equipment	2
7 Act not applicable to certain persons	3
Part 2—Licensing of private security operators	5
Division 1—Private security business licences	5
8 Particulars for licence or renewal application	5
9 Documents to accompany licence application	8
10 Documents to accompany renewal application	9
Division 2—Individual operator licences	10
11 Particulars for licence or renewal application	10
12 Documents to accompany licence application	11
13 Documents to accompany renewal application	12
Division 3—General provisions for licences	12
14 Licence document	12
15 Application by holder of licence to vary licence to authorise additional activity	13
16 Application by holder of licence to vary or revoke a licence condition	15
17 Issue and surrender of licence document	15
18 Issue of new licence document on cancellation or suspension of authority to carry on activity	15
Division 4—Fees for private security licences	16
19 Fees for business licences held by natural persons	16
20 Fees for business licences held by bodies corporate	17
21 Fees for individual operator licences	18

<i>Proposal</i>	<i>Page</i>
22 Reduced fees for simultaneous applications	19
23 Reduced application fee for certain applications	19
24 Fees for variation of licences	19
25 Application by holder of licence to vary or revoke a licence condition	20
Division 5—Permits	20
26 Overseas bodyguard with temporary interstate or Territory permit	20
27 Application and permit fees for permits	20
Part 3—Registration of private security operators	22
Division 1—Private security business registrations	22
28 Particulars for registration or renewal application	22
29 Documents to accompany registration application	24
30 Documents to accompany renewal application	25
Division 2—Individual operator registrations	26
31 Particulars for registration or renewal application	26
32 Documents and information to accompany application for registration	26
Division 3—General provisions for registrations	27
33 Registration document	27
34 Application by holder of registration to vary registration to authorise additional activity	27
35 Application by holder of registration to vary a registration	27
36 Issue, surrender and cancellation of registration document	28
Division 4—Fees for registrations	28
37 Fees for business registrations held by natural persons	28
38 Fees for business registrations held by bodies corporate	29
39 Fees for individual operator registrations	30
40 Reduced fees for simultaneous applications	30
41 Reduced application fee for certain applications	31
42 Fees for variation of business registrations	31
43 Application fee to vary or revoke a registration condition	32
Division 5—Permits	32
44 Fees for permits	32
Part 4—General provisions applying to licences and registrations	33
45 Nominated person of body corporate	33
46 Duplicate licence or registration document	35
47 Permanent records to be kept by licence and registration holders	35

<i>Proposal</i>	<i>Page</i>
48 Inspection of records	36
49 Persons for giving written references	36
Part 5—Particular provisions for crowd controllers	38
50 Crowd controllers must wear identification	38
51 Information required to be entered in the register	38
Part 6—Infringement notices	39
52 Power to serve a notice	39
Part 7—General	40
53 Approvals to be published	40
54 Chief Commissioner to keep register	40
55 Parts of the register that may be inspected	40
56 Requirement to notify Chief Commissioner of changes to close associates	41
57 Body corporate to notify Chief Commissioner of changes to officers	42
58 Notice of change of particulars	43
59 Certified copies of documents	44
Schedule 1—Register of licence, registration and permit holders	45
<hr/>	
Endnotes	46



Victoria

Private Security Regulations

Exposure Draft

Part 1—Preliminary

1 Objectives

The objectives of these Regulations are—

- (a) to prescribe classes of person to whom certain requirements in the **Private Security Act 2004** do not apply; and
- (b) to prescribe procedures for making applications under the Act; and
- (c) to prescribe procedures for the keeping of records and registers under the Act; and
- (d) to prescribe fees and infringement offences under the Act; and
- (e) to prescribe other matters required for the purposes of the Act.

2 Authorising provision

These Regulations are made under section 180 of the **Private Security Act 2004**.

3 Commencement

These Regulations come into operation on 26 June 2016.

4 Revocation

The Private Security Regulations 2005¹ are **revoked**.

5 Definitions

In these Regulations—

certified copy means a copy of a document that has been certified in accordance with regulation 59;

Council has the same meaning as it has in section 3(1) of the **Local Government Act 1989**;

disqualifying offence has the same meaning as it has in Part 3 of the Act;

public entity has the same meaning as it has in section 4(1) of the **Public Administration Act 2004**;

special body has the same meaning as it has in section 4(1) of the **Public Administration Act 2004**;

the Act means the **Private Security Act 2004**.

6 Security equipment

For the purposes of the definition of *security equipment* in section 3 of the Act, the following equipment is prescribed—

- (a) security camera systems;
- (b) security audio systems;
- (c) security audio or visual recording systems;
- (d) security alarms;

- (e) security alarm monitoring systems;
- (f) safes;
- (g) vaults;
- (h) security intrusion detectors including motion, infrared, microwave or contact detectors;
- (i) electric, electro-mechanical, magnetic or biometric access control devices, but not including stock, inventory or product loss prevention monitoring devices.

7 Act not applicable to certain persons

For the purposes of section 4(1) of the Act, the following classes of person are prescribed—

- (a) apprentices undertaking training with an employer under a training contract within the meaning of Part 5.5 of the **Education and Training Reform Act 2006** and post-secondary students undertaking work experience or training under a practical placement agreement made under section 5.4.14 of the **Education and Training Reform Act 2006** who—
 - (i) in the course of the person's training or work experience, install security equipment; and
 - (ii) are accompanied and directly supervised by a holder of a private security registration authorising the holder to act as a security equipment installer;
 - (b) persons employed as investigators by a public entity, a special body or a Council;
-

Private Security Regulations

Exposure Draft

Part 1—Preliminary

- (c) persons investigating matters relating to food hygiene or trade or professional standards under a contract with a public entity, a special body or a Council including employees of those persons or sub-contractors who are undertaking those investigations in the course of their employment or under their contract;
- (d) persons (employees) who, in the course of employment with an employer (who is not carrying on a business for which a private security registration is required) are required, at the employer's business premises, to provide advice to customers of the business in relation to security equipment that the person is required to sell.

Part 2—Licensing of private security operators

Division 1—Private security business licences

8 Particulars for licence or renewal application

For the purposes of sections 16(b) and 36(2)(b) of the Act, an application for a private security business licence or the renewal of a private security business licence must contain the following particulars—

- (a) the security activities the applicant seeks to have authorised under the licence;
- (b) in the case of an application by a natural person, the given names, surname, postal and residential address of the applicant and, in the case of a renewal of a licence, any close associate of the applicant;
- (c) in the case of an application by a body corporate—
 - (i) the name of the body corporate and the Australian Company Number of the body corporate if registered under the Corporations Act; and
 - (ii) any additional names under which the body corporate intends to carry on the business;
- (d) in the case of a renewal by a body corporate, the given names, surname, postal and residential address of the nominated person, each officer of the body corporate and any close associate of the body corporate;

- (e) the date of birth of—
 - (i) in the case of an application by a natural person, the applicant and any close associate of the applicant; or
 - (ii) in the case of an application by a body corporate, the nominated person, each officer of the body corporate and any close associate of the body corporate;
 - (f) the trading name (if applicable) of the business carried on by the applicant;
 - (g) the Australian Business Number (if any) issued under the A New Tax System (Australian Business Number) Act 1999 of the Commonwealth for the business carried on by the applicant;
 - (h) in the case of an applicant who is a natural person, details in relation to the applicant and any close associate of the applicant, and in the case of an applicant that is a body corporate, details in relation to the nominated person, each officer of the body corporate and any close associate of the body corporate, of any of the following—
 - (i) a conviction for an indictable offence or a disqualifying offence in the preceding 10 years;
 - (ii) a finding of guilt for an indictable offence or a disqualifying offence in the preceding 5 years for which a conviction was not recorded;
 - (iii) any charges that have been laid for committing an indictable offence or a disqualifying offence that are pending at the time the application is made;
-

Private Security Regulations
Exposure Draft

Part 2—Licensing of private security operators

- (i) details of any declaration of bankruptcy in the preceding 5 years by—
 - (i) in the case of an applicant who is a natural person, the applicant and any close associate of the applicant; and
 - (ii) in the case of an applicant that is a body corporate, the nominated person, any officer of the body corporate and any close associate of the body corporate;
 - (j) details of whether any of the following is insolvent under administration—
 - (i) in the case of an applicant who is a natural person, the applicant and any close associate of the applicant; and
 - (ii) in the case of an applicant that is a body corporate, the nominated person, any officer of the body corporate and any close associate of the body corporate;
 - (k) details of—
 - (i) any membership of an approved security industry organisation relevant to each private security activity or any aspect of each private security activity the applicant seeks to have authorised under the licence by—
 - (A) in the case of an applicant who is a natural person, the applicant; and
 - (B) in the case of an applicant that is a body corporate, the nominated person; or
 - (ii) the applicant's (in the case of an application by a natural person) or the nominated person's (in the case of an application by a body corporate)
-

qualifications, knowledge, training or experience relevant to each private security activity or any aspect of each private security activity the applicant seeks to have authorised under the licence.

9 Documents to accompany licence application

For the purposes of section 16(c) of the Act, an application for a private security business licence must be accompanied by the following documents—

- (a) a passport-size colour photograph of—
 - (i) in the case of an application by a natural person, the applicant; and
 - (ii) in the case of an application by a body corporate, the nominated person;
 - (b) if details of the applicant's or the nominated person's membership of an approved security industry organisation have been provided, a certified copy of a document verifying that membership;
 - (c) if details of the applicant's or the nominated person's qualifications or training have been provided, certified copies of documents verifying the qualifications or training;
 - (d) if details of the applicant's or the nominated person's knowledge or experience have been provided, documents verifying the knowledge or experience;
 - (e) a certificate of currency for public liability insurance in relation to the business carried on by the applicant;
 - (f) if the applicant is a natural person and carries on the business under a business name, a certified copy of the registration issued in
-

- that name under the Business Names Registration Act 2011 of the Commonwealth;
- (g) in the case of an application by a body corporate—
- (i) a certified copy of any certificate of registration under the Corporations Act for the body corporate; and
 - (ii) if the body corporate is trading under a name other than in the certificate of registration under the Corporations Act, a certified copy of any registration issued to the body corporate in that name under the Business Names Registration Act 2011 of the Commonwealth; and
 - (iii) if the body corporate is registered under the Corporations Act, a certified copy of a document that verifies the appointment of the officers of the body corporate from the Australian Securities and Investments Commission.

10 Documents to accompany renewal application

For the purposes of section 36(2)(c) of the Act, an application for the renewal of a private security business licence must be accompanied by the following documents—

- (a) if details of the applicant's or the nominated person's membership of an approved security industry organisation have been provided, a certified copy of a document verifying that membership;
 - (b) if details of the applicant's or the nominated person's qualifications or training have been provided, a certified copy of any document verifying the qualifications or training unless
-

- that document has already been provided under regulation 9(c);
- (c) if details of the applicant's or the nominated person's knowledge or experience have been provided, any document verifying the knowledge or experience;
 - (d) a certificate of currency for public liability insurance in relation to the business carried on by the applicant;
 - (e) in the case of an applicant that is a body corporate that is registered under the Corporations Act, a certified copy of a document that verifies the appointment of the officers of the body corporate from the Australian Securities and Investments Commission.

Division 2—Individual operator licences

11 Particulars for licence or renewal application

For the purposes of sections 16(b) and 36(2)(b) of the Act, an application for a private security individual operator licence or the renewal of a private security individual operator licence must contain the following particulars—

- (a) the security activities the applicant seeks to have authorised under the licence;
- (b) the given names, surname, postal and residential address of the applicant;
- (c) the date of birth of the applicant;
- (d) the name and address of any employer of the applicant;

- (e) details of the applicant's qualifications, knowledge, training or experience relevant to each private security activity or any aspect of a private security activity the applicant seeks to have authorised under the licence;
- (f) details, in relation to the applicant, of any of the following—
 - (i) a conviction for an indictable offence or a disqualifying offence in the preceding 10 years;
 - (ii) a finding of guilt for an indictable offence or a disqualifying offence in the preceding 5 years for which a conviction was not recorded;
 - (iii) any charges that have been laid for committing an indictable offence or a disqualifying offence that are pending at the time the application is made.

12 Documents to accompany licence application

For the purposes of section 16(c) of the Act, an application for a private security individual operator licence must be accompanied by the following documents—

- (a) a passport-size colour photograph of the applicant;
 - (b) if the applicant has provided details of the applicant's qualifications or training, a certified copy of any document verifying the qualifications or training;
 - (c) if the applicant has provided details of the applicant's knowledge or experience, any document verifying the knowledge or experience.
-

13 Documents to accompany renewal application

For the purposes of section 36(2)(c) of the Act, a renewal of a private security individual operator licence that provides details of the applicant's qualifications, knowledge, training or experience must be accompanied by—

- (a) a certified copy of any document that verifies the qualifications or training, unless that document has already been provided under regulation 9(c); or
- (b) any document verifying the knowledge or experience.

Division 3—General provisions for licences

14 Licence document

A licence document issued under section 40 of the Act must contain the following particulars—

- (a) the type of private security licence granted;
 - (b) the security activities authorised under the licence;
 - (c) the name of the licence holder and, in the case of a licence held by a body corporate, the name of the nominated person;
 - (d) the expiry date of the licence;
 - (e) a photograph of the licence holder or, in the case of a licence held by a body corporate, a photograph of the nominated person;
 - (f) any name under which the business will operate;
 - (g) any conditions imposed on the licence.
-

15 Application by holder of licence to vary licence to authorise additional activity

- (1) For the purposes of section 42(4)(b) of the Act, the prescribed particulars are current details of the particulars that have changed since the licence was granted or last renewed.
- (2) For the purposes of section 42(4)(c) of the Act, the following documents and information are prescribed—
 - (a) in the case of a private security business licence held by a natural person—
 - (i) a certified copy of a document verifying the applicant's membership of an approved security industry organisation relevant to each additional class A security activity or any aspect of each additional activity the applicant seeks to have authorised under the licence; and
 - (ii) a certified copy of any document verifying the applicant's qualifications or training relevant to each additional class A security activity or any aspect of each additional activity the applicant seeks to have authorised under the licence; and
 - (iii) any document verifying the applicant's knowledge or experience relevant to each additional class A security activity or any aspect of each additional activity the applicant seeks to have authorised under the licence;

- (b) in the case of a private security business licence held by a body corporate—
 - (i) a certified copy of a document verifying the nominated person's membership of an approved security industry organisation relevant to each additional class A security activity or any aspect of each additional activity the applicant seeks to have authorised under the licence; and
 - (ii) a certified copy of any document verifying the nominated person's qualifications or training relevant to each additional class A security activity or any aspect of each additional activity the applicant seeks to have authorised under the licence; and
 - (iii) any document verifying the nominated person's knowledge or experience relevant to each additional class A security activity or any aspect of each additional activity the applicant seeks to have authorised under the licence;
 - (c) in the case of a private security individual operator licence—
 - (i) a certified copy of a document verifying the applicant's qualifications or training relevant to each additional class A security activity or any aspect of each additional activity the applicant seeks to have authorised under the licence; and
-

- (ii) any document verifying the applicant's knowledge or experience relevant to each additional class A security activity or any aspect of each additional activity the applicant seeks to have authorised under the licence.

16 Application by holder of licence to vary or revoke a licence condition

- (1) For the purposes of section 43(3)(b) of the Act, the prescribed particulars are—
 - (a) the applicant's reasons for seeking the variation or revocation of the licence condition; and
 - (b) current details of the particulars that have changed since the licence was granted or last renewed.
- (2) For the purposes of section 43(3)(c) of the Act, the prescribed documents and information is a certified copy of any document that verifies the accuracy of the reasons set out in the application.

17 Issue and surrender of licence document

A private security licence document issued under section 44(1) of the Act must contain—

- (a) details of the class A security activities authorised under the licence as varied; and
- (b) details of any conditions on the licence as varied.

18 Issue of new licence document on cancellation or suspension of authority to carry on activity

A private security licence document issued under section 45(5) or 59(2) of the Act must contain details of any class A security activity that continues to be authorised under the licence.

Division 4—Fees for private security licences

19 Fees for business licences held by natural persons

For the purposes of sections 30(1), 30(2), 39(1)(a) and 39(1)(b) of the Act, the prescribed fees for a private security business licence in the case of a natural person are set out in the Table.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Number of class A activities to be authorised under the licence</i>	<i>Application fee for licence or renewal of licence</i>	<i>Licence fee or renewal fee</i>
1	9·68 fee units	1·56 fee units for each month or part of a month for which the licence is granted or renewed
2	10·65 fee units	1·66 fee units for each month or part of a month for which the licence is granted or renewed
3	11·61 fee units	1·86 fee units for each month or part of a month for which the licence is granted or renewed
4	12·58 fee units	1·96 fee units for each month or part of a month for which the licence is granted or renewed
5	13·55 fee units	2·06 fee units for each month or part of a month for which the licence is granted or renewed

20 Fees for business licences held by bodies corporate

For the purposes of sections 30(1), 30(2), 39(1)(a) and 39(1)(b) of the Act, the prescribed fees for a private security business licence in the case of a body corporate are set out in the Table.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Number of class A activities to be authorised under the licence</i>	<i>Application fee for licence or renewal of licence</i>	<i>Licence fee or renewal fee</i>
1	16·13 fee units	2·54 fee units for each month or part of a month for which the licence is granted or renewed
2	17·74 fee units	2·83 fee units for each month or part of a month for which the licence is granted or renewed
3	19·35 fee units	3·08 fee units for each month or part of a month for which the licence is granted or renewed
4	20·97 fee units	3·32 fee units for each month or part of a month for which the licence is granted or renewed
5	22·59 fee units	3·56 fee units for each month or part of a month for which the licence is granted or renewed

21 Fees for individual operator licences

For the purposes of sections 30(1), 30(2), 39(1)(a) and 39(1)(b) of the Act, the prescribed fees for a private security individual operator licence are set out in the Table.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Number of class A activities to be authorised under the licence</i>	<i>Application fee for licence or renewal of licence</i>	<i>Licence fee or renewal fee</i>
1	4.4 fee units	1.36 fee units for each period of 2 months or part of a period of 2 months for which the licence is granted or renewed
2	4.84 fee units	1.56 fee units for each period of 2 months or part of a period of 2 months for which the licence is granted or renewed
3	5.28 fee units	1.66 fee units for each period of 2 months or part of a period of 2 months for which the licence is granted or renewed
4	5.72 fee units	1.76 fee units for each period of 2 months or part of a period of 2 months for which the licence is granted or renewed
5	6.16 fee units	1.86 fee units for each period of 2 months or part of a period of 2 months for which the licence is granted or renewed

22 Reduced fees for simultaneous applications

Despite regulations 19, 20 and 21, if a person applies for a private security licence or the renewal of a private security licence at the same time as the person applies for the issue or renewal of a licence under the **Firearms Act 1996**, the application fee for the grant or renewal of the private security licence is 50% of the fee for that application set out in Column 2 of the relevant Table in regulation 19, 20 or 21.

23 Reduced application fee for certain applications

Despite regulations 19, 20, 21 and 22, if a person applies for a private security licence or the renewal of a private security licence for a period that is less than 3 years, the application fee is the amount of the application fee for that licence or renewal set out in Column 2 of the Table in regulation 19, 20 or 21 (or the reduced amount calculated in accordance with regulation 22) divided by 36 and multiplied by the number of months of the period of the licence.

24 Fees for variation of licences

- (1) For the purposes of section 42(5)(a) of the Act, the prescribed application fee is—
 - (a) in the case of a private security business licence held by a natural person, 4.84 fee units; or
 - (b) in the case of a private security business licence held by a body corporate, 8.06 fee units; or
 - (c) in the case of a private security individual operator licence, 2.2 fee units.

- (2) For the purposes of section 42(5)(b) of the Act, the prescribed variation fee is—
- (a) in the case of a private security business licence held by a natural person, 13·86 fee units; or
 - (b) in the case of a private security business licence held by a body corporate, 23·09 fee units; or
 - (c) in the case of a private security individual operator licence, 6·23 fee units.

25 Application by holder of licence to vary or revoke a licence condition

For the purposes of section 43(4) of the Act, the prescribed application fee is 2·25 fee units.

Division 5—Permits

26 Overseas bodyguard with temporary interstate or Territory permit

For the purposes of section 67(b) of the Act, the kind of permit is an authority to act as a bodyguard in another State or Territory for the duration of a special event that is conducted in Victoria as well as in that State or Territory.

27 Application and permit fees for permits

- (1) For the purposes of section 69(1) of the Act, the prescribed application fee is—
- (a) in the case of an application under section 64 or 65 of the Act, 4·4 fee units; and
 - (b) in the case of an application under section 66 of the Act, 8·8 fee units.

Private Security Regulations
Exposure Draft

Part 2—Licensing of private security operators

- (2) For the purposes of section 69(2) of the Act, the prescribed permit fee is—
- (a) in the case of a permit under section 64 or 65 of the Act, 4·15 fee units; and
 - (b) in the case of a permit under section 66 of the Act, 8·3 fee units.

Part 3—Registration of private security operators

Division 1—Private security business registrations

28 Particulars for registration or renewal application

For the purposes of sections 73(b) and 92(2)(b) of the Act, an application for a private security business registration or the renewal of a private security business registration must contain the following particulars—

- (a) the security activities the applicant seeks to have authorised under the registration;
- (b) in the case of an application by a natural person, the given names, surname, postal and residential address of the applicant and, in the case of a renewal of a registration, any close associate of the applicant;
- (c) in the case of an application by a body corporate—
 - (i) the name of the body corporate and the Australian Company Number of the body corporate if registered under the Corporations Act; and
 - (ii) any additional names under which the body corporate intends to carry on the business;
- (d) in the case of a renewal by a body corporate, the given names, surname, postal and residential address of the nominated person, each officer of the body corporate and any close associate of the body corporate;

- (e) the date of birth of—
 - (i) in the case of an application by a natural person, the applicant and any close associate of the applicant; or
 - (ii) in the case of an application by a body corporate, the nominated person, each officer of the body corporate and any close associate of the body corporate;
 - (f) the trading name (if applicable) of the business carried on by the applicant;
 - (g) the Australian Business Number (if any) issued under the A New Tax System (Australian Business Number) Act 1999 of the Commonwealth for the business carried on by the applicant;
 - (h) in the case of an applicant who is a natural person, details in relation to the applicant or any close associate of the applicant, and in the case of an applicant that is a body corporate, details in relation to the nominated person, each officer of the body corporate or any close associate of the body corporate of any of the following—
 - (i) a conviction for an indictable offence in the preceding 10 years;
 - (ii) a finding of guilt for an indictable offence in the preceding 5 years for which a conviction was not recorded;
 - (iii) any charges that have been laid for committing an indictable offence that are pending at the time the application is made;
-

- (i) details of any declaration of bankruptcy in the preceding 5 years by—
 - (i) in the case of an applicant who is a natural person, the applicant and any close associate of the applicant; and
 - (ii) in the case of an applicant that is a body corporate, the nominated person, any officer of the body corporate and any close associate of the body corporate;
- (j) details of whether any of the following is insolvent under administration—
 - (i) in the case of an applicant who is a natural person, the applicant and any close associate of the applicant;
 - (ii) in the case of an applicant that is a body corporate, the nominated person, any officer of the body corporate and any close associate of the body corporate.

29 Documents to accompany registration application

For the purposes of section 73(c) of the Act, an application for a private security business registration must be accompanied by the following documents—

- (a) a passport-size colour photograph—
 - (i) in the case of an application by a natural person, of the applicant; and
 - (ii) in the case of an application by a body corporate, of the nominated person;
 - (b) a certificate of currency for public liability insurance in relation to the business carried on by the applicant;
 - (c) in the case of an application by a natural person who carries on the business under a business name, a certified copy of the
-

- registration issued in that name under the Business Names Registration Act 2011 of the Commonwealth;
- (d) in the case of an application by a body corporate—
- (i) a certified copy of any certificate of registration under the Corporations Act for the body corporate; and
 - (ii) if the body corporate is trading under a name other than in the certificate of registration under the Corporations Act, a certified copy of any registration issued to the body corporate in that name under the Business Names Registration Act 2011 of the Commonwealth; and
 - (iii) if the body corporate is registered under the Corporations Act, a certified copy of a document that verifies the appointment of the officers of the body corporate from the Australian Securities and Investments Commission.

30 Documents to accompany renewal application

For the purposes of section 92(2)(c) of the Act, the prescribed documents or information are the following—

- (a) a certificate of currency for public liability insurance in relation to the business carried on by the applicant;
 - (b) in the case of an applicant that is a body corporate that is registered under the Corporations Act, a certified copy of a document that verifies the appointment of the officers of the body corporate from the Australian Securities and Investments Commission.
-

Division 2—Individual operator registrations

31 Particulars for registration or renewal application

For the purposes of sections 73(b) and 92(2)(b) of the Act, an application for a private security individual operator registration or the renewal of a private security individual operator registration must contain the following particulars—

- (a) the security activities the applicant seeks to have authorised under the registration;
- (b) the given names, surname, postal and residential address of the applicant;
- (c) the date of birth of the applicant;
- (d) the name and address of any employer of the applicant;
- (e) details, in relation to the applicant, of any of the following—
 - (i) a conviction for an indictable offence in the preceding 10 years;
 - (ii) a finding of guilt for any indictable offence in the preceding 5 years for which a conviction was not recorded;
 - (iii) any charges that have been laid for committing an indictable offence that are pending at the time the application is made.

32 Documents and information to accompany application for registration

An application under section 73 of the Act for the grant of a private security individual operator registration must be accompanied by a passport-size colour photograph of the applicant.

Division 3—General provisions for registrations

33 Registration document

A registration document issued under section 96 of the Act must contain the following particulars—

- (a) the type of private security registration granted;
- (b) the security activities authorised under the registration;
- (c) the name of the registration holder and, in the case of a registration held by a body corporate, the name of the nominated person;
- (d) the expiry date of the registration;
- (e) a photograph of the registration holder or, in the case of a registration held by a body corporate, a photograph of the nominated person;
- (f) any name under which the business will operate;
- (g) any conditions imposed on the registration.

34 Application by holder of registration to vary registration to authorise additional activity

For the purposes of section 98(4)(b) of the Act, the prescribed particulars are current details of the particulars that have changed since the registration was granted or last renewed.

35 Application by holder of registration to vary a registration

- (1) For the purposes of section 99(3)(b) of the Act, the prescribed particulars are—
 - (a) the applicant's reasons for seeking the variation or revocation of the condition; and
-

- (b) current details of the particulars that have changed since the registration was granted or last renewed.
- (2) For the purposes of section 99(3)(c) of the Act, the prescribed documents and information is a certified copy of any document that verifies the accuracy of the reasons set out in the application.

36 Issue, surrender and cancellation of registration document

- (1) A private security registration document issued under section 100(1) of the Act must contain—
 - (a) details of the class B security activities authorised under the varied registration; and
 - (b) details of any conditions on the varied registration.
- (2) A private security registration document issued under section 101(5) or 114(2) of the Act must contain details of any class B security activity that continues to be authorised under the registration.

Division 4—Fees for registrations

37 Fees for business registrations held by natural persons

For the purposes of sections 87(1), 87(2), 95(1)(a) and 95(1)(b) of the Act, the prescribed fees for a private security business registration in the case of a natural person are set out in the Table.

Private Security Regulations
Exposure Draft

Part 3—Registration of private security operators

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Number of class B activities to be authorised under the registration</i>	<i>Application fee for registration or renewal of registration</i>	<i>Registration fee or renewal fee</i>
1	7·23 fee units	1·17 fee units for each month or part of a month for which the registration is granted or renewed
2	7·96 fee units	1·27 fee units for each month or part of a month for which the registration is granted or renewed

38 Fees for business registrations held by bodies corporate

For the purposes of sections 87(1), 87(2), 95(1)(a) and 95(1)(b) of the Act, the prescribed fees for a private security business registration in the case of a body corporate are set out in the Table.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Number of class B activities to be authorised under the registration</i>	<i>Application fee for registration or renewal of registration</i>	<i>Registration fee or renewal fee</i>
1	12·12 fee units	1·96 fee units for each month or part of a month for which the registration is granted or renewed
2	13·33 fee units	2·15 fee units for each month or part of a month for which the registration is granted or renewed

39 Fees for individual operator registrations

For the purposes of sections 87(1), 87(2), 95(1)(a) and 95(1)(b) of the Act, the prescribed fees for a private security individual operator registration are set out in the Table.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Number of class B activities to be authorised under the registration</i>	<i>Application fee for registration or renewal of registration</i>	<i>Registration fee or renewal fee</i>
1	3·32 fee units	1 fee unit for each period of 2 months or part of a period of 2 months for which the registration is granted or renewed
2	3·66 fee units	1·08 fee units for each period of 2 months or part of a period of 2 months for which the registration is granted or renewed

40 Reduced fees for simultaneous applications

- (1) Despite regulations 37, 38 and 39, if a person applies for a private security registration or the renewal of a private security registration at the same time as the person applies for the issue or renewal of a licence under the **Firearms Act 1996**, the application fee for the grant or renewal of the registration is 50% of the fee for that application set out in Column 2 of the relevant Table in regulation 37, 38 or 39.
- (2) Despite regulations 37, 38 and 39, if a person applies for the grant or renewal of a private security registration at the same time as the person applies for the grant or renewal of a private

security licence (whether or not the person applies for the issue or renewal of a licence under the **Firearms Act 1996** at that same time) the fees are—

- (a) in the case of the application fee, 50% of the fee for that application set out in Column 2 of the relevant Table in regulation 37, 38 or 39; and
- (b) in the case of the registration or renewal fee, 10% of the fee for that registration or renewal set out in Column 3 of the relevant Table in regulation 37, 38 or 39.

41 Reduced application fee for certain applications

Despite regulations 37, 38, 39 and 40, if a person applies for a private security registration or the renewal of a private security registration for a period that is less than 3 years, the application fee is the amount of the application fee for that registration or renewal set out in Column 2 of the Table in regulation 37, 38 or 39 (or the reduced amount calculated in accordance with regulation 40) divided by 36 and multiplied by the number of months of the period of the registration.

42 Fees for variation of business registrations

- (1) For the purposes of section 98(5)(a) of the Act, the prescribed application fee is—
 - (a) in the case of a private security business registration held by a natural person, 3·62 fee units; or
 - (b) in the case of a private security business registration held by a body corporate, 6·06 fee units; or
 - (c) in the case of a private security individual operator registration, 1·66 fee units.

- (2) For the purposes of section 98(5)(b) of the Act, the prescribed variation fee is—
- (a) in the case of a private security business registration held by a natural person, 10·39 fee units; or
 - (b) in the case of a private security business registration held by a body corporate, 17·32 fee units; or
 - (c) in the case of a private security individual operator registration, 4·67 fee units.

43 Application fee to vary or revoke a registration condition

For the purposes of section 99(4) of the Act, the prescribed application fee is 2·25 fee units.

Division 5—Permits

44 Fees for permits

- (1) For the purposes of section 122(1) of the Act, the prescribed application fee for an application for a permit issued under Division 5 of Part 4 of the Act is 4·4 fee units.
- (2) For the purposes of section 122(2) of the Act, the prescribed permit fee for a permit issued under Division 5 of Part 4 of the Act is 4·15 fee units.

Part 4—General provisions applying to licences and registrations

45 Nominated person of body corporate

For the purposes of section 124(9)(c) of the Act, the following documents and information are prescribed—

- (a) a passport-size colour photograph of the nominated person;
- (b) the date of birth of the nominated person;
- (c) in the case of a private security business licence, details, in relation to the nominated person, of any of the following—
 - (i) a conviction for an indictable offence or a disqualifying offence in the preceding 10 years;
 - (ii) a finding of guilt for an indictable offence or a disqualifying offence in the preceding 5 years for which a conviction was not recorded;
 - (iii) any charges that have been laid for committing an indictable offence or a disqualifying offence that are pending at the time the application is made;
- (d) in the case of a private security business registration, details, in relation to the nominated person, of any of the following—
 - (i) a conviction for an indictable offence in the preceding 10 years;

Private Security Regulations
Exposure Draft

Part 4—General provisions applying to licences and registrations

- (ii) a finding of guilt for an indictable offence in the preceding 5 years for which a conviction was not recorded;
 - (iii) any charges that have been laid for committing an indictable offence that are pending at the time the application is made;
 - (e) details of any declaration of bankruptcy by the nominated person;
 - (f) details of whether the nominated person is insolvent under administration;
 - (g) proof of identity of the nominated person, being, if the Chief Commissioner so requires, proof by way of the specified identification method;
 - (h) two written references from persons in a class prescribed in regulation 49 attesting to the suitability of the nominated person;
 - (i) in the case of an applicant for, or holder of, a private security business licence—
 - (i) details of any membership by the nominated person of an approved security industry organisation relevant to each private security activity or any aspect of each private security activity authorised under the licence and a certified copy of a document verifying that membership; and
 - (ii) details of the nominated person's qualifications and training (if any) relevant to each private security activity or any aspect of each private security activity authorised under the licence and certified copies of documents verifying the qualifications or training; and
-

- (iii) details of the nominated person's knowledge or experience (if any) relevant to each private security activity or any aspect of each private security activity authorised under the licence and documents verifying the knowledge or experience.

46 Duplicate licence or registration document

For the purposes of section 125(2)(a) of the Act, the fee payable for a duplicate document is 2.92 fee units.

47 Permanent records to be kept by licence and registration holders

For the purposes of section 134(1)(a) and (2)(a) of the Act, the holder of a private security licence or private security registration must keep permanent records of the following particulars—

- (a) the given names, surname and address of any person who requested that the holder provide a security service;
- (b) the date the request for the service was received by the holder;
- (c) a description of the nature of the service provided by the holder;
- (d) the dates on which the service was provided;
- (e) the names and addresses of any persons engaged or employed by the holder of the private security licence or private security registration to provide the service.

48 Inspection of records

- (1) The holder of a licence or registration required to keep a record under section 134 of the Act must make the record available for inspection by a police officer or an authorised person at any time during normal business hours.

Penalty: 10 penalty units.

- (2) Records made available for inspection under subregulation (1) may only be inspected for the purposes of monitoring whether the holder of the licence or registration is complying with the Act or these Regulations.

49 Persons for giving written references

For the purposes of sections 17 and 74 of the Act, the class of person that is prescribed for the giving of written references is a person who—

- (a) has known the person referred to in the reference for at least 12 months; and
- (b) is not related by birth or marriage to that person; and
- (c) is any of the following—
- (i) a person authorised by section 107A(1) of the **Evidence (Miscellaneous Provisions) Act 1958** to witness the signing of a statutory declaration;
 - (ii) a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse (other than as a midwife or as a student);
 - (iii) a registered teacher within the meaning of the **Education and Training Reform Act 2006** or a corresponding law of another State or Territory;

Private Security Regulations
Exposure Draft

Part 4—General provisions applying to licences and registrations

- (iv) an Officer of the Australian Defence Force within the meaning of the Defence Act 1903 of the Commonwealth;
- (v) a holder of a private security business licence (or if the holder is a body corporate, the nominated person) who for at least 5 years continuously held that licence or was the nominated person in relation to the licence.

Part 5—Particular provisions for crowd controllers

50 Crowd controllers must wear identification

For the purposes of section 138 of the Act, the identification to be worn by a crowd controller must—

- (a) be clearly visible; and
- (b) consist of—
 - (i) a number not less than 4 centimetres in height and 5 millimetres in thickness; and
 - (ii) the word "SECURITY" in letters not less than 5 millimetres in height; and
- (c) be worn on the crowd controller's chest.

51 Information required to be entered in the register

For the purposes of section 142(1)(f) of the Act, the following information is required—

- (a) the times at which the crowd controller starts and finishes each period of duty at the place where the person acts as a crowd controller;
- (b) the signature of the crowd controller to be entered into the register at the time at which the crowd controller records starting and finishing each period of duty in the register.

Part 6—Infringement notices

52 Power to serve a notice

- (1) For the purposes of section 163(1)(b) of the Act, a prescribed offence is an offence set out in Column 1 of the Table.
- (2) The infringement penalty—
 - (a) for an offence against section 59(1), 62(1), 114(1), 117(1), 128(3), 129(2), 129(4), 133 or 138 of the Act is 2·5 penalty units; and
 - (b) for an offence against section 141(1), 176(1) or 176(2) of the Act is 5 penalty units; and
 - (c) for an offence against section 134(1) or 134(2) of the Act is 10 penalty units; and
 - (d) for an offence against a regulation set out in Column 1 of the Table is the amount set out in Column 2 of that Table for that offence.
- (3) A summary of an offence in Column 3 of the Table does not affect the nature or elements of the offence to which the summary refers or the operation of these Regulations.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Offences against these Regulations</i>	<i>Infringement penalty</i>	<i>Summary of offence</i>
Regulation 48(1)	2·5 penalty units	Failure to make records available for inspection
Regulation 58	2·5 penalty units	Failure to provide notice of change of particulars

Part 7—General

53 Approvals to be published

The Chief Commissioner must publish on the Internet an up-to-date list of—

- (a) security industry training or other requirements approved under section 172(1)(a) of the Act; and
- (b) security industry organisations approved under section 172(1)(c) of the Act.

54 Chief Commissioner to keep register

For the purposes of section 173(1) of the Act, the prescribed particulars are those set out in Schedule 1.

55 Parts of the register that may be inspected

For the purposes of section 173(2) of the Act, the part of the register that is prescribed for the purposes of inspection is the part containing the following particulars about holders of licences, registrations and permits under the Act—

- (a) the names in which the licences, registrations or permits are held;
 - (b) the business addresses of the holders or the names and addresses of the employers of the holders;
 - (c) the security activities the holders are authorised to carry out under those licences, registrations or permits;
 - (d) any conditions imposed on the holders of the licences, registrations or permits relating to supervision or training or the carriage and use of equipment;
 - (e) the expiry date of the licences, registrations or permits held.
-

56 Requirement to notify Chief Commissioner of changes to close associates

For the purposes of section 174(2)(d) of the Act, the following documents and information are prescribed—

- (a) the date of birth of the person;
 - (b) in the case of the holder of a private security business licence, details, in relation to the person, of any of the following—
 - (i) a conviction for an indictable offence or a disqualifying offence in the preceding 10 years;
 - (ii) a finding of guilt for an indictable offence or a disqualifying offence in the preceding 5 years for which a conviction was not recorded;
 - (iii) any charges that have been laid for committing an indictable offence or a disqualifying offence that are pending at the time the application is made;
 - (c) in the case of the holder of a private security business registration, details, in relation to the person, of any of the following—
 - (i) a conviction for an indictable offence in the preceding 10 years;
 - (ii) a finding of guilt for an indictable offence in the preceding 5 years for which a conviction was not recorded;
 - (iii) any charges that have been laid for committing an indictable offence that are pending at the time the application is made;
 - (d) details of any declaration of bankruptcy by the person;
-

- (e) details as to whether the person is insolvent under administration;
- (f) proof of identity of the person, being if the Chief Commissioner so requires, proof by way of the specified identification method;
- (g) two written references from persons in a class specified in regulation 49 attesting to the suitability of the person.

57 Body corporate to notify Chief Commissioner of changes to officers

For the purposes of section 175(2)(c) of the Act, the following documents and information are prescribed—

- (a) the date of birth of the person;
- (b) if the body corporate is the holder of a private security business licence, details, in relation to the person, of any of the following—
 - (i) a conviction for an indictable offence or a disqualifying offence in the preceding 10 years;
 - (ii) a finding of guilt for an indictable offence or a disqualifying offence in the preceding 5 years for which a conviction was not recorded;
 - (iii) any charges that have been laid for committing an indictable offence or a disqualifying offence that are pending at the time the application is made;

- (c) if the body corporate is the holder of a private security business registration, details, in relation to the person, of any of the following—
 - (i) a conviction for an indictable offence in the preceding 10 years;
 - (ii) a finding of guilt for an indictable offence in the preceding 5 years for which a conviction was not recorded;
 - (iii) any charges that have been laid for committing an indictable offence and that are pending at the time the application is made;
- (d) a certified copy of a document that verifies the appointment of the person as an officer of the body corporate from the Australian Securities and Investments Commission if the body corporate is registered under the Corporations Act;
- (e) details of any declaration of bankruptcy by the person;
- (f) details as to whether the person is insolvent under administration;
- (g) proof of identity of the person, being if the Chief Commissioner so requires, proof by way of the specified identification method;
- (h) two written references from persons in a class specified in regulation 49 attesting to the suitability of the person.

58 Notice of change of particulars

A person who is the holder of a private security licence, private security registration or permit issued under the Act must advise the Chief Commissioner in writing within 28 days of a

change in the following particulars in relation to that person—

- (a) the name of the person;
- (b) in the case of a private security business licence, a private security business registration or a permit issued under section 65 or 120 of the Act, the principal place of business of the person, if that place is not the registered address of the business.

Penalty: 10 penalty units.

Note

Section 129 of the Act requires the holder of a private security licence or a private security registration to notify the Chief Commissioner of any change in a registered address.

59 Certified copies of documents

If these Regulations require a certified copy of a document, the copy of the document must be certified by a person listed in section 107A of the **Evidence (Miscellaneous Provisions) Act 1958** in accordance with the following—

- (a) each page of the copy, other than the last page, must be certified to the effect that the copy is a true and complete copy of the corresponding page of the document;
- (b) the last page of the copy must be certified to the effect that the copy is a true and complete copy of the document.

Schedule 1—Register of licence, registration and permit holders

Regulation 54

- 1 Name in which each licence, registration or permit is granted or issued.
 - 2 Registered address of the licence, registration or permit holder.
 - 3 Address of principal place of business of the holder (if not the same address as the registered address).
 - 4 Additional business names (if any).
 - 5 Name and address of any close associate of the holder of a licence, registration or permit and in the case of a holder that is a body corporate, the names and addresses of the nominated person and each officer of the body corporate.
 - 6 Date of birth of each licence, registration and permit holder who is a natural person, and in the case of a body corporate, date of birth of the nominated person and each officer of the body corporate.
 - 7 Type of licence, registration or permit.
 - 8 Security activities authorised under the licence, registration or permit.
 - 9 Any conditions imposed on the licence, registration or permit.
 - 10 Date that the current licence, registration or permit was granted or issued.
 - 11 Date that the original licence or registration or first permit was granted or issued (if known).
 - 12 Expiry date of the current licence, registration or permit.
-
-

Endnotes

¹ Reg. 4: S.R. No. 77/2005, extended in operation by S.R. No. 60/2015.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2015 is \$13.60. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2015 is \$151.67.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.