

Version No. 001
Private Security Regulations 2005
S.R. No. 77/2005
Version as at 1 July 2005

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PART 1—PRELIMINARY

1. Objectives

The objectives of these Regulations are to—

- (a) prescribe classes of person to whom certain requirements in the **Private Security Act 2004** do not apply; and
- (b) prescribe procedures for making applications under the Act; and
- (c) prescribe procedures for the keeping of records and registers under the Act; and
- (d) prescribe fees and infringement offences under the Act; and
- (e) 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 1 July 2005.

4. Definitions

In these Regulations—

"certified copy" means a copy of a document that has been certified in accordance with regulation 68;

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

"public sector body" means a public entity or a special body within the meaning of the **Public Administration Act 2004**;

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

5. Security equipment

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

- (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.

6. Certain requirements of the Act not to apply to prescribed classes of person

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 agreement under section 56 of the **Vocational Education and Training Act 1990** and post-secondary students undertaking training under a practical placement agreement made under section 87 of the **Vocational Education and Training Act 1990** who are—
 - (i) acting as security equipment installers in the course of their training; and
 - (ii) accompanied and directly supervised by a holder of a private security registration authorising the holder to act as a security equipment installer;
- (b) persons who, in the course of their employment with a public sector body or with a Council, are acting as investigators;
- (c) persons acting under a contract with a public sector body or a Council to act as, or to carry on the business of providing the services of, investigators to investigate matters relating to food hygiene and trade or professional standards;
- (d) sub-contractors or employees of contractors referred to in paragraph (c) who, under their contract or in the course of their employment, are investigating matters relating to food hygiene and trade or professional standards;

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- (e) a person (employee) who, in the course of his or her employment with an employer (who is not carrying on a business for which a private security registration is required) is 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 in the course of his or her employment.
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**PART 2—LICENSING OF PRIVATE SECURITY
OPERATORS**

Division 1—Business Licences held by a Natural Person

7. Particulars for licence or renewal application

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

- (a) the security activity or activities to be authorised under the licence;
- (b) 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) the date of birth of the applicant and any close associate of the applicant;
- (d) the trading name (if applicable) of the business carried on by the applicant;
- (e) 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;
- (f) details, in relation to the applicant or any close associate of the applicant, of any of the following in respect of a disqualifying offence or a particular indictable offence within the meaning of Part 3 of the Act—
 - (i) a conviction for an offence in the preceding 10 years;

- (ii) a finding of guilt for an offence for which a conviction was not recorded in the preceding 5 years;
- (iii) the laying of a charge for committing an offence;
- (g) details of any declaration of bankruptcy by the applicant or any close associate of the applicant in the preceding 5 years;
- (h) details of whether the applicant or any close associate of the applicant is insolvent under administration;
- (i) details of—
 - (i) any membership by the applicant of an approved security industry organisation relevant to each private security activity or any aspect of each private security activity to be authorised under the licence; or
 - (ii) the applicant's qualifications, knowledge, training or experience relevant to each private security activity or any aspect of each private security activity to be authorised under the licence.

8. Documents to accompany licence application

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

- (a) a passport-size colour photograph of the applicant;
- (b) if the applicant has provided details of his or her membership of an approved security industry organisation, a certified copy of a document verifying that membership;

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- (c) if the applicant has provided details of his or her qualifications or training, certified copies of documents verifying the qualifications or training;
 - (d) if the applicant has provided details of his or her knowledge or experience, documents verifying the knowledge or experience;
 - (e) if the applicant carries on the business under a business name, a certified copy of the certificate of registration issued in that name under the **Business Names Act 1962** or the corresponding law of another State or Territory;
 - (f) a certificate of currency for public liability insurance in relation to the business carried on by the applicant.

9. Documents to accompany renewal application

An application under section 36(1) of the Act for renewal of a private security business licence by a natural person must be accompanied by the following documents—

- (a) if the applicant has provided details of his or her membership of an approved security industry organisation, a certified copy of a document verifying that membership;
 - (b) if the applicant has provided details of his or her qualifications or training, certified copies of documents verifying the qualifications or training;
 - (c) if the applicant has provided details of his or her knowledge or experience, documents verifying the knowledge or experience;
 - (d) a certificate of currency for public liability insurance in relation to the business carried on by the applicant.
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Division 2—Business Licences held by a Body Corporate

10. Particulars for licence or renewal application

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

- (a) the security activity or activities to be authorised under the licence;
- (b) the name of the body corporate and the Australian Company Number of the body corporate if registered under the Corporations Act;
- (c) any additional names under which the body corporate intends to carry on the business;
- (d) the Australian Business Number (if any) issued under the A New Tax System (Australian Business Number) Act 1999 of the Commonwealth of the business carried on by the applicant;
- (e) in the case of a renewal, 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;
- (f) the date of birth of the nominated person, each officer of the body corporate and any close associate of the body corporate;

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- (g) 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 in respect of a disqualifying offence or a particular indictable offence within the meaning of Part 3 of the Act—
- (i) a conviction for an offence within the preceding 10 years;
 - (ii) a finding of guilt for an offence for which a conviction was not recorded within the preceding 5 years;
 - (iii) the laying of a charge for committing an offence;
- (h) details of any declaration of bankruptcy in the preceding 5 years by the nominated person, any officer of the body corporate or any close associate of the body corporate;
- (i) details of whether the nominated person, any officer of the body corporate or any close associate of the body corporate is insolvent under administration;
- (j) details of—
- (i) 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 to be authorised under the licence; or
 - (ii) the nominated person's qualifications, knowledge, training or experience relevant to each private security activity or any aspect of each private security activity to be authorised under the licence.
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11. Documents to accompany licence application

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

- (a) a passport-size colour photograph of the nominated person;
- (b) if the applicant has provided details of the nominated person's membership of an approved security industry organisation, a certified copy of a document verifying that membership;
- (c) if the applicant has provided details of the nominated person's qualifications or training, certified copies of documents verifying the qualifications or training;
- (d) if the applicant has provided details of the nominated person's knowledge or experience, documents verifying the knowledge or experience;
- (e) a certified copy of any certificate of registration under the Corporations Act for the body corporate;
- (f) 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 certificate of registration issued to the body corporate in that name under the **Business Names Act 1962** or the corresponding law of another State or Territory;
- (g) a certificate of currency for public liability insurance in relation to the business carried on by the body corporate;

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- (h) a certified copy of a document that verifies the appointment of the officers of the body corporate from the Australian Securities and Investments Commission if the body corporate is registered under the Corporations Act.

12. Documents to accompany renewal application

An application under section 36(1) of the Act for the renewal of a private security business licence by a body corporate must be accompanied by the following documents—

- (a) if the applicant has provided details of the nominated person's membership of an approved security industry organisation, a certified copy of a document verifying that membership;
- (b) if the applicant has provided details of the nominated person's qualifications or training, certified copies of documents verifying the qualifications or training;
- (c) if the applicant has provided details of the nominated person's knowledge or experience, documents verifying the knowledge or experience;
- (d) a certificate of currency for public liability insurance in relation to the business carried on by the body corporate;
- (e) a certified copy of a document that verifies the appointment of the officers of the body corporate from the Australian Securities and Investments Commission if the body corporate is registered under the Corporations Act.

Division 3—Individual Operator Licences

13. Particulars for licence or renewal application

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

- (a) the security activity or activities to be 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 to be authorised under the licence;
- (f) details, in relation to the applicant, of any of the following in respect of a disqualifying offence or a particular indictable offence within the meaning of Part 3 of the Act—
 - (i) a conviction for an offence in the preceding 10 years;
 - (ii) a finding of guilt for any offence for which a conviction was not recorded in the preceding 5 years;
 - (iii) the laying of a charge for committing an offence.

14. Documents to accompany licence application

For the purposes of section 16(c) of the Act, an application for the grant of 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 his or her qualifications or training, certified copies of documents verifying the qualifications or training;
- (c) if the applicant has provided details of his or her knowledge or experience, documents verifying the knowledge or experience.

15. Documents to accompany renewal application

An application under section 36(1) of the Act for 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) certified copies of documents verifying the qualifications or training; or
- (b) documents verifying the knowledge or experience.

Division 4—General Provisions for Licences

16. 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 activity or activities authorised under the licence;

- (c) the name of the licence holder, and, if the licence is 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 if the licence is 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.

17. Applications to vary licence to authorise different activity

- (1) An application under section 42(3) of the Act to vary a private security licence must contain current details of the particulars that have changed since the licence was granted or last renewed.
- (2) An application under section 42(3) of the Act to vary a private security licence must be accompanied by the following documents—
 - (a) in the case of a private security business licence granted to 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 to be authorised under the licence; or
 - (ii) certified copies of documents verifying the applicant's qualifications or training relevant to each additional class A security activity or any aspect of each additional activity to be authorised under the licence; or

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- (iii) documents verifying the applicant's knowledge or experience relevant to each additional class A security activity or any aspect of each additional activity to be authorised under the licence;
 - (b) in the case of a private security business licence granted to 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 to be authorised under the licence; or
 - (ii) certified copies of documents verifying the nominated person's qualifications or training relevant to each additional class A security activity or any aspect of each additional activity to be authorised under the licence; or
 - (iii) documents verifying the nominated person's knowledge or experience relevant to each additional class A security activity or any aspect of each additional activity to be authorised under the licence;
 - (c) in the case of the grant of a private security individual operator licence—
 - (i) certified copies of documents verifying the applicant's qualifications or training relevant to each additional class A security activity or any aspect of each additional activity to be authorised under the licence; or
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- (ii) documents verifying the applicant's knowledge or experience relevant to each additional class A security activity or any aspect of each additional activity to be authorised under the licence.

18. Applications to vary or revoke a licence condition

- (1) An application under section 43(2) of the Act to vary or revoke a condition on a private security licence must contain the following particulars—
 - (a) the applicant's reasons for seeking the variation or revocation of the licence condition;
 - (b) current details of the particulars that have been changed since the licence was granted or last renewed.
- (2) An application to vary or revoke a licence condition under section 43(2) of the Act must be accompanied by certified copies of any documents that verify the accuracy of the reasons set out in the application.

19. Issue of new licence document on variation of licence

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

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

20. 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.

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Division 5—Fees for Private Security Licences

21. 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 fees for a private security business licence to be held by 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

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22. 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 fees for a private security business licence to be held by 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

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23. 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 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	0.68 fee units for each month or part of a month for which the licence is granted or renewed
2	4.84 fee units	0.78 fee units for each month or part of a month for which the licence is granted or renewed
3	5.28 fee units	0.83 fee units for each month or part of a month for which the licence is granted or renewed
4	5.72 fee units	0.88 fee units for each month or part of a month for which the licence is granted or renewed

24. Reduced fees for simultaneous applications

Despite regulations 21, 22 and 23, if a person applies for the grant or renewal of a private security licence at the same time as he or she 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 21, 22 or 23.

25. Reduced application fee for certain applications

Despite regulations 21, 22, 23 and 24, if a person is granted a private security licence or has the licence renewed 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 regulation 21, 22 or 23 (or the reduced amount calculated in accordance with regulation 24) divided by 36 and multiplied by the number of months of the period of the licence.

26. Fees for variation of business licences

- (1) The application fee for a variation under section 42(1) of the Act of a private security business licence held by a natural person is 4·84 fee units.
- (2) The variation fee for a variation under section 42(1) of the Act of a private security business licence held by a natural person is 13·86 fee units.
- (3) The application fee for a variation under section 42(1) of the Act of a private security business licence held by a body corporate is 8·06 fee units.

- (4) The variation fee for a variation under section 42(1) of the Act of a private security business licence held by a body corporate is 23.09 fee units.

27. Fees for variation of individual operator licences

- (1) The application fee for a variation of a private security individual operator licence under section 42(2) of the Act is 2.2 fee units.
- (2) The variation fee for a variation of a private security individual operator licence under section 42(2) of the Act is 6.23 fee units.

28. Application fee to vary or revoke a licence condition

The fee for an application to vary or revoke a condition on a licence under section 43(2) of the Act is 2.25 fee units.

Division 6—Permits

29. Exemption for overseas visitors

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 or events that will be conducted in Victoria as well as in that State or Territory.

30. Application and permit fees for permits

- (1) For the purposes of section 69(1) of the Act, the fee for an application for a permit issued under Division 6 of Part 3 of the Act 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.

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- (2) For the purposes of section 69(2) of the Act, the fee for a permit issued under Division 6 of Part 3 of the Act 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.
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PART 3—REGISTRATION OF PRIVATE SECURITY OPERATORS

Division 1—Business Registrations of Natural Persons

31. Particulars for registration or renewal application

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

- (a) the security activity or activities to be authorised under the registration;
- (b) 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) the date of birth of the applicant and any close associate of the applicant;
- (d) the trading name (if applicable) of the business carried on by the applicant;
- (e) 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;
- (f) details, in relation to the applicant or any close associate of 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 an indictable offence for which a conviction was not recorded in the preceding 5 years;

- (iii) the laying of a charge for committing an indictable offence;
- (g) details of any declaration of bankruptcy by the applicant or any close associate of the applicant in the preceding 5 years;
- (h) details of whether the applicant or any close associate of the applicant is insolvent under administration.

32. Documents to accompany registration application

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

- (a) a passport-size colour photograph of the applicant;
- (b) if the applicant carries on the business under a business name, a certified copy of the certificate of registration issued in that name under the **Business Names Act 1962** or the corresponding law of another State or Territory;
- (c) a certificate of currency for public liability insurance in relation to the business carried on by the applicant.

33. Documents to accompany renewal application

An application under section 92(1) of the Act for renewal of a private security business registration by a natural person must be accompanied by a certificate of currency for public liability insurance in relation to the business carried on by the applicant.

Division 2—Business Registrations of Body Corporate

34. Particulars for registration or renewal application

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

- (a) the security activity or activities to be authorised under the registration;
- (b) the name and Australian Company Number of the body corporate if registered under the Corporations Act;
- (c) any additional names under which the body corporate intends to carry on the business;
- (d) the Australian Business Number (if any) issued under the A New Tax System (Australian Business Number) Act 1999 of the Commonwealth of the business carried on by the applicant;
- (e) in the case of a renewal, 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;
- (f) the date of birth of the nominated person, each officer of the body corporate and any close associate of the body corporate;
- (g) 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 within the preceding 10 years;

- (ii) a finding of guilt for an indictable offence for which a conviction was not recorded within the preceding 5 years;
- (iii) the laying of a charge for committing an indictable offence;
- (h) details of any declaration of bankruptcy in the preceding 5 years by the nominated person, any officer of the body corporate or any close associate of the body corporate;
- (i) details of whether the nominated person, any officer of the body corporate or any close associate of the body corporate is insolvent under administration.

35. Documents to accompany registration application

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

- (a) a passport-size colour photograph of the nominated person;
- (b) a certified copy of any certificate of registration under the Corporations Act for the body corporate;
- (c) 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 certificate of registration issued to the body corporate in that name under the **Business Names Act 1962** or the corresponding law of another State or Territory;
- (d) a certificate of currency for public liability insurance in relation to the business carried on by the body corporate;

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- (e) a certified copy of a document that verifies the appointment of the officers of the body corporate from the Australian Securities and Investments Commission if the body corporate is registered under the Corporations Act.

36. Documents to accompany renewal application

An application under section 92(1) of the Act for the renewal of a private security business registration by a body corporate must be accompanied by the following documents—

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

Division 3—Individual Operator Registrations

37. Particulars for registration or renewal application

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

- (a) the security activity or activities to be 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;
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- (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 for which a conviction was not recorded in the preceding 5 years;
 - (iii) the laying of an indictable charge for committing an offence.

38. Document 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 4—General Provisions for Registrations

39. 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 activity or activities authorised under the registration;
 - (c) the name of the registration holder, and, if the holder is a body corporate, the name of the nominated person;
 - (d) the expiry date of the registration;
 - (e) a photograph of the registration holder, or if the registration is held by a body corporate, a photograph of the nominated person;
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- (f) any name under which the business will operate;
 - (g) any conditions imposed on the registration.

40. Applications to vary registration to authorise different activity

An application under section 98(3) of the Act to vary a private security registration must contain current details of the particulars that have changed since the registration was granted or last renewed.

41. Applications to vary or revoke a registration condition

- (1) An application under section 99(2) of the Act to vary or revoke a condition on a private security registration must contain the following particulars—
 - (a) the applicant's reasons for seeking the variation or revocation of the condition;
 - (b) current details of the particulars that have been changed since the registration was granted or last renewed.
- (2) The application must be accompanied by certified copies of any documents that verify the accuracy of the reasons set out in the application.

42. New registration documents

- (1) A private security registration document issued under section 100(1) of the Act must contain details of—
 - (a) the class B security activities authorised under the varied registration; and
 - (b) any conditions on the varied registration.

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- (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 5—Fees for Registrations

43. 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 fees for a private security business registration to be held by 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 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

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44. 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 fees for a private security business registration to be held by 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

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45. 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 fees for a private security individual operator registrations 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	0·49 fee units for each month or part of a month for which the registration is granted or renewed
2	3·66 fee units	0·78 fee units for each month or part of a month for which the registration is granted or renewed

46. Reduced fees for simultaneous applications

- (1) Despite regulations 43, 44 and 45, if a person applies for the grant or renewal of a private security registration at the same time as he or she 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 43, 44 or 45.
- (2) Despite regulations 43, 44 and 45, if a person applies for the grant or renewal of a private security registration at the same time as he or she applies for the grant or renewal of a private security licence (whether or not he or she 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 43, 44 or 45; 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 43, 44 or 45.

47. Reduced application fee for certain applications

Despite regulations 43, 44, 45 and 46, if a person is granted a private security registration or has the registration renewed 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 regulation 43, 44 or 45 (or the reduced amount calculated in accordance with regulation 46) divided by 36 and multiplied by the number of months of the period of the registration.

48. Fees for variation of business registrations

- (1) The application fee for a variation under section 98(1) of the Act of a private security business registration held by a natural person is 3·62 fee units.
- (2) The variation fee for a variation under section 98(1) of the Act of a private security business registration held by a natural person is 10·39 fee units.
- (3) The application fee for a variation under section 98(1) of the Act of a private security business registration held by a body corporate is 6·06 fee units.

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- (4) The variation fee for a variation under section 98(1) of the Act of a private security business registration held by a body corporate is 17·32 fee units.

49. Fees for variation of individual operator registrations

- (1) The application fee for a variation of a private security individual operator registration under section 98(2) of the Act is 1·66 fee units.
- (2) The variation fee for a variation of a private security individual operator registration under section 98(2) of the Act is 4·67 fee units.

50. Application fee to vary or revoke a registration condition

The fee for an application to vary or revoke a condition on a registration under section 99(2) of the Act is 2·25 fee units.

Division 6—Permits

51. Application and permit fees for permits

- (1) For the purposes of section 122(1) of the Act, the 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 fee for a permit issued under Division 5 of Part 4 of the Act is 4·15 fee units.
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**PART 4—GENERAL PROVISIONS APPLYING TO
LICENCES AND REGISTRATIONS**

52. Notice of person nominated by licence holder

A notice nominating a person under section 124(3) of the Act must be accompanied by the following documents or information—

- (a) a passport-size colour photograph of the nominated person;
- (b) the date of birth of the nominated person;
- (c) details, in relation to the nominated person, of any of the following in respect of a disqualifying offence or a particular indictable offence within the meaning of Part 3 of the Act—
 - (i) a conviction for an offence in the preceding 10 years; or
 - (ii) a finding of guilt for an offence for which a conviction was not recorded in the preceding 5 years; or
 - (iii) the laying of a charge for committing an offence;
- (d) details of any declaration of bankruptcy by the nominated person;
- (e) details of whether the nominated person is insolvent under administration;
- (f) 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;

- (g) 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;
- (h) 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;
- (i) proof of identity of the nominated person, being if the Chief Commissioner so requires, proof by way of the specified identification method;
- (j) two written references from a person in a class prescribed in regulation 58 attesting to the suitability of the nominated person.

53. Notice of person nominated by registration holder

A notice nominating a person under section 124(7) of the Act must be accompanied by the following documents or information—

- (a) a passport-size colour photograph of the nominated person;
- (b) the date of birth of the nominated person;
- (c) details, in relation to the nominated 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 for which a conviction was not recorded in the preceding 5 years;

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- (iii) the laying of a charge for committing an indictable offence;
- (d) details of any declaration of bankruptcy by the nominated person;
- (e) details of whether the nominated person is insolvent under administration;
- (f) proof of identity of the nominated person, being if the Chief Commissioner so requires, proof by way of the specified identification method;
- (g) two written references from a person in a class prescribed in regulation 58 attesting to the suitability of the nominated person.

54. Fee for duplicate documents

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

55. Permanent records to be kept by licence holders

For the purposes of section 134(1)(a) of the Act, the holder of a private security licence 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 licence holder;
- (d) the dates on which the service was provided;
- (e) in the case of the holder of a private security business licence, the names and addresses of any persons engaged or employed by the holder to provide the service.

56. Permanent records to be kept by registration holders

For the purposes of section 134(2)(a) of the Act, the holder of a 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) in the case of the holder of a private security business registration, the names and addresses of any persons engaged or employed by the holder to provide the service.

57. 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 any member of the police force or an authorised person at any time during normal business hours.
Penalty: 10 penalty units.
- (2) Records made available for inspection under sub-regulation (1) may only be inspected for the purposes of monitoring whether the holder is complying with the Act or these Regulations.

58. 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 listed in section 107A(1) of the **Evidence Act 1958**;
 - (ii) a registered nurse within the meaning of the **Nurses Act 1993** or any corresponding law of another State or Territory;
 - (iii) a registered teacher within the meaning of the **Victorian Institute of Teaching Act 2001** or any corresponding law of another State or Territory;
 - (iv) a commissioned officer currently serving with the Australian Defence Forces;
 - (v) a person who is the holder of a private security business licence (or, if the person is a body corporate, the nominated person) and has for at least 5 years continuously held that licence or been the nominated person in relation to the licence;

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- (vi) a person who was, before 1 July 2005, appointed as a nominee under section 9 of the **Private Agents Act 1966** in relation to a licence granted under Part IIA of that Act and the person has held that appointment continuously for at least 5 years.
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**PART 5—PARTICULAR PROVISIONS FOR CROWD
CONTROLLERS**

59. Crowd controller's 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.

60. Information entered in crowd controllers register

- (1) In addition to the information required by section 142 of the Act, the following information is to be entered in the register by a crowd controller—
 - (a) the times at which the crowd controller starts and finishes each period of duty at the place where he or she acts as a crowd controller;
 - (b) the signature of the crowd controller.
 - (2) The crowd controller must record his or her signature in the register at the time of starting and finishing each period of duty recorded in the register.
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PART 6—INFRINGEMENT NOTICES

61. Infringement notices

- (1) For the purposes of section 163(b) of the Act, the prescribed offences are the offences against regulations that are set out in Column 1 of the Table.
- (2) For the purposes of section 164(e) of the Act, 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.
- (3) A summary of an offence in Column 3 of the Table is not to be taken to 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 57	2.5 penalty units	Failure to make records available for inspection
Regulation 67	2.5 penalty units	Failure to provide notice of change of particulars

PART 7—GENERAL

62. Approvals to be published

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

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

63. Register of licence, registration and permit holders

The particulars to be contained in the register kept under section 173 of the Act in relation to holders of licences, registrations and permits under the Act are set out in the Schedule.

64. Parts of the register that may be inspected

For the purposes of section 173(2) of the Act, the part of the register that may be inspected 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.

65. Notices of change to close associates

A notice under section 174 of the Act by the holder of a private security business licence or a private security business registration must be accompanied by the following documents and information in relation to a person who has become a close associate of the holder—

- (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 in respect of a disqualifying offence or a particular indictable offence within the meaning of Part 3 of the Act—
 - (i) a conviction for an offence in the preceding 10 years;
 - (ii) a finding of guilt for an offence for which a conviction was not recorded in the preceding 5 years;
 - (iii) the laying of a charge for committing an offence;
- (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;

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- (ii) a finding of guilt for an indictable offence for which a conviction was not recorded in the preceding 5 years;
 - (iii) the laying of a charge for committing an indictable offence;
 - (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 a person in a class prescribed in regulation 58 attesting to the suitability of the person.

66. Notices of change to officers of body corporate

A notice under section 175 of the Act by a body corporate must be accompanied by the following documents and information in relation to a person who has become an officer of the body corporate—

- (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 in respect of a disqualifying offence or a particular indictable offence within the meaning of Part 3 of the Act—
 - (i) a conviction for an offence in the preceding 10 years;
 - (ii) a finding of guilt for an offence for which a conviction was not recorded in the preceding 5 years;

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- (iii) the laying of a charge for committing an offence;
 - (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 for which a conviction was not recorded in the preceding 5 years;
 - (iii) the laying of a charge for committing an indictable offence;
 - (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 a person in a class prescribed in regulation 58 attesting to the suitability of the person.
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67. 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; or
- (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.

68. 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 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; and
 - (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.
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SCHEDULE

Regulation 63

**REGISTER OF LICENCE, REGISTRATION AND PERMIT
HOLDERS**

1. Name in which each licence, registration or permit is granted or issued.
2. Registered address of the holder of the licence, registration or permit.
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. General Information

The Private Security Regulations 2005, S.R. No. 77/2005 were made on 28 June 2005 by the Governor in Council under section 180 of the **Private Security Act 2004**, No. 33/2004 and came into operation on 1 July 2005: regulation 3.

The Private Security Regulations 2005 will sunset 10 years after the day of making on 28 June 2015 (see section 5 of the **Subordinate Legislation Act 1994**).

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Endnotes

2. Table of Amendments

There are no amendments made to the Private Security Regulations 2005 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

No entries at date of publication.