Western Australia

Security and Related Activities (Control) Act 1996

Security and Related Activities (Control) Regulations 1997

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Western Australia

Security and Related Activities (Control) Regulations 1997

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Defined terms

Western Australia

Security and Related Activities (Control) Act 1996

Security and Related Activities (Control) Regulations 1997

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Security and Related Activities (Control) Regulations 1997* [1].

2. Commencement

These regulations come into operation on the day on which the *Security and Related Activities (Control) Act 1996* comes into operation [1].

3. Terms used

(1) In these regulations —

approved training course means —

(a) a higher education course within the meaning of that term in the *Higher Education Act 2004* section 3; or

(b) a training course accredited for the purposes of the *Vocational Education and Training Act 1996* and provided by a person who is —

(i) a registered training provider within the meaning of that term in the *Vocational Education and Training Act 1996* section 5; and

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(ii) approved under regulation 16(3);

or

(c) a training course given interim approval under regulation 16(2) and provided by a person who is —

(i) a registered training provider within the meaning of that term in the *Vocational Education and Training Act 1996* section 5; and

(ii) approved under regulation 16(3);

business means —

(a) if the relevant agent's licence is held on behalf of a partnership or body corporate, the business of the partnership or body corporate; or

(b) otherwise, the business of the security agent, crowd control agent or inquiry agent;

crowd control activities means the activities described in section 35(1);

current first aid certificate means a certificate issued to a person on the successful completion of an approved training course in first aid that is current;

guard dog has the meaning given in regulation 38A;

licensed activity means, in relation to a licensee, an activity authorised by the licensee's licence;

medical certificate means a certificate given by a medical practitioner certifying that on a specified date a named person passed a medical examination of the type prescribed by regulation 15;

medical practitioner means a person who is registered as a medical practitioner under the *Medical Act 1894* [2];

section means a section of the Act;

training course in firearms discharge means a training course of a type set out in subregulation (3).

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(2) A reference in these regulations to ***AS***, or ***ANZS***, followed by a number and the name of a document is a reference to —

(a) the document of that name being the Australian Standard, or the Australia/New Zealand Standard, of that number issued by Standards Australia, as amended from time to time; or

(b) any document issued by Standards Australia in substitution for that document, as amended from time to time.

(3) A training course in firearms discharge is a training course involving —

(a) elements of firearm safety; and

(b) training in the use of force; and

(c) a course of firing of firearms at targets set at various distances,

that has been approved by the Commissioner and that is conducted by training providers who are approved in accordance with regulation 14A.

[Regulation 3 amended in Gazette 1 Sep 2005 p. 4073-4; 3 Oct 2006 p. 4343-4; 4 Dec 2009 p. 4889-90.]

4A. Method of giving things to licensing officer

Where the Act or these regulations authorises or requires a document to be given or delivered to the Commissioner or a licensing officer, or the Commissioner or a licensing officer to be notified, in writing, the document is taken to be given or delivered, or the person notified, if the document or notice is delivered —

(a) personally; or

(b) by post, in accordance with the *Interpretation Act 1984* section 75(1),

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to the offices of the Licensing Enforcement Division, Western Australia Police, 297 Hay Street, East Perth.

[Regulation 4A inserted in Gazette 4 Dec 2009 p. 4891.]

Part 2 — Exemptions

4. Exemptions from section 37 (crowd controller's licence)

(1) In this regulation —

licensed premises has the same meaning as in the *Liquor Control Act 1988*[3].

(2) An usher or ticket collector at a theatre or cinema that is not a licensed premises is exempt from section 37 to the extent that his or her functions include screening persons seeking entry to that theatre or cinema.

(3) A ticket collector or turnstile operator at a sporting venue that is not a licensed premises is exempt from section 37 to the extent that his or her functions include screening persons seeking entry to that venue.

(4) A natural person who is the licensee or manager of licensed premises is exempt from section 37 to the extent that he or she performs crowd control activities on those premises in compliance with the *Liquor Control Act 1988*[3].

*[**5.** Deleted in Gazette 29 Apr 2011 p. 1532.]*

5A. Exemptions in relation to *Court Security and Custodial Services Act 1999*

(1) In this regulation the words set out in the Table to this subregulation have the respective meanings that they have in the *Court Security and Custodial Services Act 1999.*

Table

contract	court security service
contractor	custodial service
contract worker	subcontractor

(2) A person who is a contractor, subcontractor or contract worker is, in respect of actions performed in the course of providing a

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court security service or a custodial service under a contract, exempt from all of the provisions of the Act.

(3) A person is exempt from sections 21, 33 and 40 if the sole purpose of the advertisement or the holding out that he or she is willing to supply services referred to in the respective sections is to become a contractor or subcontractor and supply the services for the purposes of a contract.

[Regulation 5A inserted in Gazette 28 Jul 2000 p. 4028; amended in Gazette 12 Jun 2001 p. 2959-60.]

5B. Exemption in relation to contracts under the *Prisons Act 1981* Part IIIA

(1) In this regulation the words set out in the Table to this subregulation have the respective meanings that they have in the *Prisons Act 1981*.

Table

contract	prison services
contractor	subcontractor
contract worker	

(2) A person who is a contractor, subcontractor or contract worker for the purposes of Part IIIA of the *Prisons Act 1981* is, in respect of actions performed in the course of providing prison services under a contract entered into under that Part, exempt from all of the provisions of the Act.

(3) A person is exempt from sections 21, 33 and 40 if the sole purpose of the advertisement or the holding out that the person is willing to supply services referred to in the respective sections is to become a contractor or subcontractor and supply the services for the purposes of a contract.

[Regulation 5B inserted in Gazette 12 Jun 2001 p. 2960.]

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Part 3 — Security activities

6. Locks prescribed for section 14

The locks prescribed for the purposes of section 14(1)(d) are locks (other than key in knob sets) —

(a) the purpose of which is to prevent unauthorised entry to a place; and

(b) that are operated by a key, code, card or digital function.

[Regulation 6 inserted in Gazette 13 Apr 2006 p. 1555.]

7. Security doors prescribed for section 14

The security doors prescribed for the purposes of section 14(1)(e) are hinged or sliding doors —

(a) the purpose of which is to prevent forced entry to a place; and

(b) comprising material that —

(i) provides a physical barrier to entry but allows the passage of light and air; and

(ii) is fitted inside a frame.

[Regulation 7 inserted in Gazette 13 Apr 2006 p. 1555-6.]

8. Equipment or devices prescribed for section 14

The following equipment and devices are prescribed for the purposes of section 14(1)(g) —

(a) fences —

(i) the purpose of which is to prevent unauthorised human access to a place; and

(ii) comprising one or more electrical conductors to which electric pulses are applied;

(b) screens, panels, doors and walls the purpose of which is to prevent penetration by bullets discharged from firearms; and

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(c) equipment by which a screen, panel, door or wall mentioned in paragraph (b) is operated.

[Regulation 8 amended in Gazette 13 Apr 2006 p. 1556.]

9. Activities prescribed for section 24

The following activities are prescribed for the purposes of section 24(1)(b) —

(a) guarding an automatic teller machine while it is malfunctioning or is being repaired or serviced;

(b) guarding a safe while it is malfunctioning or is being repaired or serviced;

(c) guarding money or an article of value at a place of business specified in a security agent's licence.

[Regulation 9 inserted in Gazette 1 Sep 2005 p. 4074.]

10. Application for endorsement under section 24

An application for an endorsement under section 24 is to be made to a licensing officer in the approved form and is to be accompanied by —

(a) a medical certificate relating to a medical examination carried out within the previous month; and

(aa) evidence that within the previous 6 months the applicant —

(i) has successfully completed an approved training course in firearm use; or

(ii) has obtained a qualification, approved by the Commissioner, in firearm use;

and

(ab) evidence that (within the previous 6 months) the applicant has successfully completed a training course in firearms discharge; and

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(b) the fee provided for in Schedule 4.

[Regulation 10 amended in Gazette 1 Sep 2005 p. 4074; 3 Oct 2006 p. 4344.]

11. Medical examinations prescribed for section 24

(1) A security officer whose licence is endorsed under section 24 must undergo a medical examination of the type prescribed by regulation 15(2) —

(a) at least once in every 12 months, commencing on the day on which the endorsement was made; and

(b) when directed to do so by a licensing officer under subregulation (2).

(2) A licensing officer is to direct a security officer whose licence is endorsed under section 24 to undergo a medical examination if the licensing officer reasonably believes that the security officer may be unable to pass the medical examination.

(3) A direction under subregulation (2) is to be in writing given to the security officer and may provide for one or more of the following —

(a) the time within which the medical examination is to be undertaken;

(b) the medical practitioner who is to conduct the medical examination;

(c) the time within which the security officer is to give to a licensing officer the medical certificate relating to the examination.

(4) A security officer who has undergone a medical examination is to give to a licensing officer a medical certificate relating to the examination within one month after undergoing the examination, or, if an earlier time is provided in a direction under subregulation (2), that earlier time.

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(5) A medical certificate relating to a medical examination is to include a statement by the medical practitioner who conducts the examination as to the period of time the practitioner has known the security officer.

[Regulation 11 inserted in Gazette 4 Dec 2009 p. 4891-2.]

12. Application for permit under section 25

An application for a permit under section 25 is to be made to a licensing officer in the approved form and is to be accompanied by the fee provided for in Schedule 4.

[Regulation 12 inserted in Gazette 4 Dec 2009 p. 4893.]

13. Application for endorsement under section 26

An application for an endorsement under section 26 is to be made to a licensing officer in the approved form and is to be accompanied by —

(a) evidence that the applicant has successfully completed an approved training course in baton use within the previous 12 months; and

(b) the fee provided for in Schedule 4.

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Part 3A — Inquiry activities

[Heading inserted in Gazette 10 Mar 2000 p. 1124.]

13A. Investigations not within section 28(1)(a)

The following persons and circumstances are prescribed under section 28(2)(e) —

(aa) a person appointed under the *Court Security and Custodial Services Act 1999* section 44 to carry out an inquiry under that section, while acting in the ordinary course of that inquiry;

(ab) a person appointed under the *Prisons Act 1981* section 9 to carry out an inquiry under that section, while acting in the ordinary course of that inquiry;

(a) a person appointed under the *Public Sector Management Act 1994* section 24H to carry out a special inquiry, while acting in the ordinary course of that inquiry;

(b) a person authorised under section 24 of the *Public Sector Management Act 1994* to conduct an investigation, while acting in the ordinary course of that investigation;

(c) a person authorised under the *Public Sector Management Act 1994* section 81(1) to deal with a matter as a disciplinary matter, while acting in the ordinary course of investigating that matter;

(da) a person directed under the *Public Sector Management Act 1994* section 81(2) to prepare a report, while acting in the ordinary course of investigating for the purpose of preparing that report;

(d) a person directed under the *Public Sector Management Act 1994* section 87 to carry out a special disciplinary inquiry, while acting in the ordinary course of that inquiry;

(e) a person employed or engaged to assist a person referred to in paragraph (aa), (ab), (a), (b), (c), (da) or (d), while

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acting in the ordinary course of that person's inquiry or investigation.

[Regulation 13A inserted in Gazette 10 Mar 2000 p. 1124; amended in Gazette 1 Sep 2005 p. 4075; 11 Feb 2011 p. 505.]

Part 4 — Licensing procedures

Division 1 — Licences other than temporary licences

[Heading inserted in Gazette 4 Dec 2009 p. 4893.]

14. Application for the issue of a licence

An application under section 46(1) for the issue of a licence, other than a temporary licence, is to be lodged by the applicant in person —

(a) if the applicant resides within 50 km of the General Post Office at Perth, with a licensing officer; or

(b) otherwise, with the officer in charge at the police station nearest to the applicant's place of residence.

[Regulation 14 amended in Gazette 4 Dec 2009 p. 4893.]

14A. Approval of providers of training course in firearms discharge

(1) The Commissioner may approve of a person as a provider of a training course in firearms discharge if the Commissioner is satisfied that the person, and each other person who is or will be involved in providing that training, is a fit and proper person to be providing that training course.

(2) An approval under subregulation (1) —

(a) is to be given in writing; and

(b) is subject to the conditions in subregulations (3) and (4); and

(c) may be subject to such conditions and restrictions (including as to its duration) as the Commissioner thinks fit.

(3) An approved training provider is to keep a record of attendance, showing the competence of each attendee, for each training course in firearms discharge conducted by that provider.

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(4) As soon as practicable after conducting a training course and, in any case, no later than 7 days after that course, an approved training provider must provide the records kept under subregulation (3) —

(a) to a licensing officer; or

(b) where the attendee is an endorsed security officer, to a licensing officer and to the agent or agents that employ the security officer.

[Regulation 14A inserted in Gazette 3 Oct 2006 p. 4344-5.]

15. Medical examination prescribed for security officers with authority to be in possession of firearm

(1) Subregulation (2) sets out the medical examination prescribed for the purposes of —

(a) section 47(1)(d) in the case of an application for a security officer's licence with an endorsement under section 24; and

(b) section 52(1)(h).

(2) A medical examination is the examination of the person by a medical practitioner to determine if the medical practitioner is of the opinion that the person is physically and psychologically fit to be in possession of a firearm, and is to include the examination of the person's hearing and vision.

(3) An application for a security officer's licence with an endorsement under section 24 is to be accompanied by a medical certificate relating to the medical examination that is to include a statement by the medical practitioner as to the period of time the practitioner has known the applicant.

[Regulation 15 inserted in Gazette 4 Dec 2009 p. 4894.]

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16. Training courses prescribed for sections 47, 52 and 53

(1) The following training courses are prescribed for the purposes of sections 47(1)(f)(i), 52(1)(g)(i) and 53(2) in respect of —

(a) a security officer's licence with an endorsement under section 26, an approved training course in watching, guarding and protecting property including the use of a baton;

(b) any other security officer's licence, an approved training course in watching, guarding and protecting property;

(c) a crowd controller's licence, an approved training course in crowd control activities;

(d) an investigator's licence, an approved training course in —

(i) investigations into the conduct of individuals or bodies corporate or the character of individuals;

(ii) surveillance work in relation to the matters referred to in subparagraph (i);

(iii) investigations concerning missing persons;

(e) a security bodyguard's licence, an approved training course in security operations;

(f) a Class 1 security installer's licence, an approved training course in locksmithing.

(2) The Commissioner may, on application by the provider of a training course, give interim approval to the course if the provider is seeking to have the course accredited under the *Vocational Education and Training Act 1996*.

(3) The Commissioner may, on application by the provider of a training course, approve of the applicant as a course provider if the Commissioner is satisfied that the applicant, and each other person who is or will be involved in providing that training, is a fit and proper person to be providing such training.

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(4) An approval under subregulation (2) or (3) —

(a) is to be given in writing; and

(b) may be subject to such conditions and restrictions (including as to its duration) as the Commissioner thinks fit.

(5) The Commissioner may, by giving written notice to the course provider, cancel an approval given under subregulation (2) or (3), but the cancellation is not effective unless the Commissioner —

(a) has given to the course provider written notice of the intention to cancel the approval stating the grounds on which the cancellation is intended and allowing the course provider 21 days within which to respond to the notice; and

(b) has had due regard to any response to the notice made within that time.

[Regulation 16 amended in Gazette 1 Sep 2005 p. 4076-7; 4 Dec 2009 p. 4894-5.]

16A. Records required when baton training undertaken

(1) An approval under regulation 16(2) or (3) involving training that includes the use of a baton is subject to the conditions in subregulations (2) and (3).

(2) An approved training provider is to keep a record of attendance, showing the competence of each attendee, for each approved training course that includes the use of a baton conducted by that provider.

(3) As soon as practicable after conducting an approved training course that includes the use of a baton and, in any case, no later than 7 days after that course, an approved training provider must provide the records kept under subregulation (2) to a licensing officer and to any agents that employ the security officer.

[Regulation 16A inserted in Gazette 3 Oct 2006 p. 4345.]

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17. Examinations prescribed for sections 47 and 52

(1) The following examinations are prescribed for the purposes of sections 47(1)(f)(ii) and 52(1)(g)(ii) in respect of a security consultant's licence which authorises the licensee to give advice about or seek out persons who may be prepared to enter into contracts for the supply of, or a security installer's licence which authorises the licensee to install, maintain and repair —

(a) locks of the kind referred to in regulation 6, a written examination on AS 4145 — Mechanical Locksets for Doors and Windows; or

(b) security doors of a kind referred to in regulation 7, a written examination on AS 2804 — Installation of Security Screen Doors; or

(c) electric fences, a written examination on ANZS 3016 — Electrical Installations — Electrical Security Fences; or

(d) bullet resistant panels, a written examination on AS 2343 — Bullet Resistant Panels for Interior Use; or

(e) security alarms, a written examination on AS 2201.1 — Intruder Alarm Systems, Part 1 — Systems Installed in Client's Premises and, in the case of a security installer's licence, on the principles of electronics; or

(f) security doors, a written examination on AS 2803 — Security Screen Doors; or

(g) closed circuit television equipment for security purposes, a written examination on AS 4806 — Closed Circuit Television (CCTV).

(2) The following examination is prescribed for the purposes of sections 47(1)(f)(ii) and 52(1)(g)(ii) in respect of a security agent's licence, inquiry agent's licence and a crowd control agent's licence, a written examination on the obligations under the Act of security agents, inquiry agents or crowd control agents (as the case may be).

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(3) In this regulation —

written examination means a written examination —

(a) set by the Commissioner to test the applicant's knowledge of the relevant subject matter; and

(b) administered by the person to whom the application for the issue of the relevant licence is made under regulation 14.

[Regulation 17 amended in Gazette 4 Dec 2009 p. 4895-6.]

18. Evidence of age and identity of applicant for licence other than temporary licence

For the purposes of section 47(1)(a), evidence of age and identity to accompany an application for the issue of a licence is to consist of the original or a certified copy of —

(a) 2 documents referred to in items 1 to 6 in the Table; or

(b) one document referred to in items 1 to 6 and 2 documents referred to in items 7 to 10 in the Table.

Table

Item	Category 1
1.	A current motor driver's licence bearing the name, date of birth and photograph of the applicant that has been issued under a law of the Commonwealth or a State or Territory.
2.	A current passport, or a passport that has not been expired for more than 2 years, bearing the name, date of birth and photograph of the applicant.
3.	A proof of age card bearing the name, date of birth and photograph of the applicant that has been issued under the *Liquor Control Regulations 1989* regulation 18B.

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Item	Category 1
4.	An identification card (other than a card referred to in item 3) bearing the name, date of birth and photograph of the applicant that has been issued by an agency of the Commonwealth or a State or Territory to provide evidence of the person's name and age.
5.	A birth certificate bearing the name and date of birth of the applicant issued under a law of the Commonwealth or a State or Territory.
6.	A diplomatic document bearing the name, date of birth and a photograph of the applicant that has been issued by a government agency to provide evidence of the person's legal entitlement to enter Australia.

Item	Category 2
7.	A current licence (other than a motor driver's licence) or current permit bearing the name of the applicant that has been issued under a law of the Commonwealth or a State or Territory.
8.	A current identity card or licence bearing the name and date of birth of the applicant that has been issued by a government agency outside Australia.
9.	An identification card bearing the name of the applicant that has been issued by an agency of the Commonwealth or a State or Territory to provide evidence of the person's entitlement to a health benefit or pensioner concession.

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Item	Category 2
10.	An identification card bearing the name of the applicant that has been issued within the last 5 years by an Australian educational institution.

[Regulation 18 inserted in Gazette 4 Dec 2009 p. 4896-8.]

19. Application for renewal of licence

An application under section 49(1) for the renewal of a licence is to be lodged by the applicant —

(a) by post so that the application is received by a licensing officer by the time referred to in section 49(3); or

(b) in person —

(i) if the applicant resides within 50 km of the General Post Office at Perth, with a licensing officer by the time referred to in section 49(3); or

(ii) otherwise, with the officer in charge at the police station nearest to the applicant's place of residence by the time referred to in section 49(3).

[Regulation 19 inserted in Gazette 1 Sep 2005 p. 4077.]

20. Material to support application for renewal of licence

An application for the renewal of a licence is to be accompanied by photographs of the applicant in such number and form as is determined by the Commissioner under section 47(1)(b) in respect of applications for the issue of licences.

21. Prescribed conditions and restrictions on licences and endorsements

For the purposes of section 63 the conditions and restrictions set out in Schedule 1 are taken to be attached to licences or endorsements as follows —

(a) those in Division 1, to all security agent's licences;

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(b) those in Division 2, to all security officer's licences;

(c) those in Division 2A, to all endorsements of a security officer's licence, but not the licence itself;

(da) those in Division 2B, to all security bodyguard's licences;

(d) those in Division 3, to all inquiry agent's licences;

(e) those in Division 4, to all crowd control agent's licences;

(f) those in Division 5, to all crowd controller's licences.

[Regulation 21 inserted in Gazette 3 Oct 2006 p. 4346; amended in Gazette 4 Dec 2009 p. 4898.]

Division 2 — Temporary licences

[Heading inserted in Gazette 4 Dec 2009 p. 4898.]

22. Application for the issue of a temporary licence

An application under section 46(1) for the issue of a temporary licence is to be lodged by delivering the application to a licensing officer.

[Regulation 22 inserted in Gazette 4 Dec 2009 p. 4898.]

23. Evidence prescribed for section 47 for temporary licence

(1) For the purposes of section 47(2a)(a) and (b), evidence to accompany an application for the issue of a temporary licence is the original or a certified copy of the licence, registration or other authorisation to carry out the activity or activities for which the temporary licence is sought —

(a) issued under a law of the State or Territory of residence of the applicant; and

(b) bearing the name, date of birth and photograph of the applicant.

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(2) An application for a temporary licence referred to in section 42A is to be accompanied by a written statement by the holder of an appropriate agent's licence stating that he or she —

(a) has offered to employ the applicant if the temporary licence is granted; and

(b) setting out —

(i) the period for which the licence is required; and

(ii) the time and location of the event, occasion or activity in respect of which the licence is required.

(3) An application for a temporary licence referred to in section 42B is to be accompanied by a written notice setting out —

(a) the period for which the licence is required; and

(b) the time and location of the event, occasion or activity in respect of which the licence is required.

(4) The requirements set out in subregulations (2) and (3) are prescribed for the purposes of section 47(2a)(c).

[Regulation 23 inserted in Gazette 4 Dec 2009 p. 4899.]

Extract from www.slp.wa.gov.au, see that website for further information

Part 5A — Disqualifying offences and disqualifying periods

[Heading inserted in Gazette 4 Dec 2009 p. 4900.]

24. Disqualifying offences

The following offences are prescribed as being disqualifying offences for the purposes of the definition of ***disqualifying offence*** in section 3 —

(a) an offence described in Schedule 2;

(b) an offence under the laws of another jurisdiction the elements of which, if they had occurred in Western Australia, would have constituted an offence described in Schedule 2.

[Regulation 24 inserted in Gazette 4 Dec 2009 p. 4900.]

25. Disqualifying periods

(1) In this regulation —

Division 1 offence means an offence described in Schedule 2 Division 1;

Division 2 incident, in respect of a person, means an act, omission or course of conduct involving the person which has resulted in the person being charged with one or more offences described in Schedule 2 Division 2.

(2) For the purposes of section 4A, the disqualifying period prescribed in respect of a disqualifying offence committed by a person is —

(a) in the case of a Division 1 offence, unless the finding of guilt in relation to the offence is a spent conviction — 10 years commencing on the date the finding of guilt was made; or

(b) otherwise — 5 years commencing on the date the finding of guilt was made.

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(3) Subregulation (2) does not apply to a disqualifying offence described in Schedule 2 Division 2 —

(a) if the offence arose from the first Division 2 incident involving the person; and

(b) no penalty, or a penalty of, or in total of, less than $500 is imposed on the person in respect of the offence and all other offences described in Schedule 2 Division 2 arising from the same incident.

[Regulation 25 inserted in Gazette 4 Dec 2009 p. 4900-1; amended in Gazette 22 Jun 2010 p. 2784.]

Extract from www.slp.wa.gov.au, see that website for further information

Part 5 — Classes of licence

[Heading inserted in Gazette 4 Dec 2009 p. 4901.]

26. Classes of security consultant's licence

(1) A person holding a security consultant's licence of a class referred to in the Table is authorised to carry out the activities of going from place to place seeking out persons who may be prepared to enter into contracts for the supply of an item or equipment of a type listed in the Table for that class of licence.

Table

Class of licence	Types of items or equipment
Class 1	safes
	vaults
	locks of a kind prescribed by regulation 6
Class 2	security alarms
	closed circuit television equipment for security purposes
	equipment and devices prescribed by regulation 8
Class 3	security doors prescribed by regulation 7

(2) A person holding a Class 4 security consultant's licence is authorised to carry out the activities of, for remuneration, investigating or advising on matters relating to the watching, guarding or protection of property.

[Regulation 26 inserted in Gazette 4 Dec 2009 p. 4901-2.]

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27. Classes of security installer's licence

(1) A person holding a security installer's licence of a class referred to in the Table is authorised to carry out the activities of, for remuneration, installing, maintaining or repairing an item or equipment of a type listed in the Table for that class of licence.

Table

Class of licence	Types of items or equipment
Class 1	safes
	vaults
	locks of a kind prescribed by regulation 6
Class 2	security alarms
	closed circuit television equipment for security purposes
	equipment and devices prescribed by regulation 8
Class 3	security doors prescribed by regulation 7

(2) A person holding Class 4 security installer's licence is authorised to carry out the activity of, for remuneration, installing locks of a kind referred to in regulation 6.

[Regulation 27 inserted in Gazette 4 Dec 2009 p. 4902-3.]

*[**28-34.** Deleted in Gazette 30 Dec 2004 p. 6977.]*

Extract from www.slp.wa.gov.au, see that website for further information

Part 6 — Records

35. Prescribed records for a security agent

The following records are prescribed in relation to a security agent for the purposes of section 78(1)(a) —

(a) a firearms register containing the particulars required by regulation 36;

(b) an alarm surveillance register containing the particulars required by regulation 37;

(ca) a guard dog register containing the particulars required by regulation 38A;

(c) general records containing the particulars required by regulation 38.

[Regulation 35 amended in Gazette 4 Dec 2009 p. 4903.]

36. Firearms register

(1) The firearms register is to set out, in relation to each occasion on which a security officer is in possession of a firearm while performing any licensed activity for the business —

(a) the full name and licence number of the security officer;

(b) the type and serial number of the firearm;

(c) the type and quantity of ammunition carried by the security officer;

(d) the date and time when the firearm was removed from the business premises;

(e) the date and time when the firearm was returned to those premises; and

(f) if the firearm was discharged during the performance of the licensed activity —

(i) the date and time of the discharge;

(ii) the reason for the discharge;

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(iii) if it was discharged by a person other than the security officer, the name of that person (if known); and

(iv) details of any injury or damage caused by the discharge.

(2) The details referred to in subregulation (1)(a) to (c) must be recorded in the register before the firearm is removed from the business premises and the details referred to in subregulation (1)(d) to (f) must be recorded as soon as practicable after the event in question occurs.

[Regulation 36 amended in Gazette 1 Sep 2005 p. 4077-8.]

37. Alarm surveillance register

(1) The alarm surveillance register is to set out, in relation to each occasion on which a security officer whose services are supplied by a security agent responds to a security alarm that is monitored by the security agent —

(a) the full name and licence number of the security officer;

(b) the address of the premises protected by the security alarm;

(c) details of what caused the alarm to activate;

(d) the dates and times when —

(i) the alarm was activated;

(ii) the security officer arrived at the protected premises (if attendance was required);

(iii) the police arrived at the protected premises (if police attendance was required); and

(iv) the owner or occupier of the protected premises was notified that the alarm had been activated;

and

(e) details of the action taken by the security officer.

(1a) The alarm surveillance register of a security agent is to set out, in relation to each occasion on which a security officer whose

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services are supplied by another security agent responds to a security alarm that is monitored by the security agent —

(a) the address of the premises protected by the security alarm;

(b) the name of the security agent that supplied the services of the security officer;

(c) the name of the individual who, on behalf of the security agent that supplied the services of the security officer, dealt with the request to supply those services;

(d) the dates and times when —

(i) the alarm was activated;

(ii) the owner or occupier of the protected premises was notified that the alarm had been activated;

and

(e) details of what caused the alarm to activate, if known.

(1b) The alarm surveillance register of a security agent is to set out, in relation to each occasion on which a security officer whose services are supplied by the security agent responds to a security alarm that is monitored by another security agent —

(a) the name of the security agent that monitored the alarm;

(b) the name of the individual who, on behalf of the security agent that monitored the alarm, requested the supply of the security officer's services;

(c) the name and licence number of the security officer;

(d) the address of the premises protected by the security alarm;

(e) the dates and times when —

(i) the security officer arrived at the protected premises; and

(ii) the police arrived at the protected premises (if police attendance was required);

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(f) details of what caused the alarm to activate, if known; and

(g) details of the action taken by the security officer.

(2) The details referred to in subregulations (1), (1a) and (1b) must be recorded in the register as soon as practicable after the event in question occurs.

[Regulation 37 amended in Gazette 1 Sep 2005 p. 4078-80.]

38A. Guard dog register

(1) The guard dog register is to set out, in relation to each occasion on which a dog (a ***guard dog***) is used in connection with the performance of a licensed activity for the business —

(a) the dates and times when a dog is used;

(b) the full name and licence number of the security officer responsible for handling the dog;

(c) the address of each premises where a dog is used to guard or protect property, including premises where a dog is left without the presence of a security officer for any period of time;

(d) details of any injury or damage caused by a dog in the course of performance of a licensed activity.

(2) The details referred to in subregulation (1)(a) to (c) must be recorded in the register before the dog is used and the details referred to in subregulation (1)(d) must be recorded as soon as practicable after the event in question occurs.

[Regulation 38A inserted in Gazette 4 Dec 2009 p. 4903-4.]

38. General records of security agent

(1) A security agent's general records must show —

(a) the full name, residential address, licence number and expiry date of the licence of each security officer, security bodyguard, security consultant and security

installer who performs licensed activities for the business; and

(b) in relation to each occasion on which the business is engaged to provide security officers, security bodyguards, security consultants or security installers —

(i) the name and address of the person who engaged the business;

(ii) full details of the type of security provided; and

(iii) the names of the security officers, security bodyguards, security consultants or security installers who provided that security;

and

(c) the hourly movement of each security officer and security bodyguard while carrying out licensed activities for the business.

(2) A security agent's general records must include any records received from —

(a) an approved provider of a training course in firearms discharge; and

(b) an approved provider of an approved training course that includes the use of a baton,

that relate to a security officer whose licence is endorsed under section 24 or section 26 and who has performed licensed activities for the business within the last 3 years.

(3) A security agent's general records must include records of the first aid qualifications of each security officer and security bodyguard who performs licensed activities for the business.

(4) A security agent's general records must include records of the training in guard dog handling completed by each security officer who uses a dog in connection with the performance of licensed activities for the business.

[Regulation 38 amended in Gazette 1 Sep 2005 p. 4080; 3 Oct 2006 p. 4346; 4 Dec 2009 p. 4904-5.]

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39. Prescribed records for a crowd control agent

(1) The following records are prescribed in relation to a crowd control agent for the purposes of section 78(1)(a) —

(a) an incident register containing the particulars required by regulation 40; and

(b) general records containing the particulars required by regulation 41.

(2) An incident register is to be kept in the form of a permanently bound book with sequentially numbered pages.

[Regulation 39 amended in Gazette 1 Sep 2005 p. 4080.]

40. Incident register

(1) The incident register is to set out, in relation to each occasion on which a crowd controller performing licensed activities on behalf of the business physically restrains a person at, or removes a person from, or prevents a person from entering, a place, an event or function at which the crowd controller is carrying out crowd control activities for the business —

(a) the full name and licence number of the crowd controller;

(b) the location of the place, event or function;

(c) the name and address of the person who engaged the business to provide crowd controllers at the place, event or function;

(d) the date and time when the person was physically restrained, removed or prevented from entering;

(e) the reasons why the person was physically restrained, removed or prevented from entering;

(f) the manner in which the person was physically restrained, removed or prevented from entering;

(g) the full names of any other crowd controllers who were present when the person was physically restrained, removed or prevented from entering; and

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(h) the date and time when the person referred to in paragraph (c) was notified that the person was physically restrained, removed or prevented from entering.

(2) The details referred to in subregulation (1) must be recorded in the register as soon as practicable after the incident in question occurs —

(a) by the crowd controller who physically restrained or removed the person, or prevented the person from entering; or

(b) if more than one crowd controller physically restrained or removed the person, or prevented the person from entering, by one of those crowd controllers with the written acknowledgment in the register of each of the other crowd controllers as to the accuracy of the record made.

Penalty: $1 000.

(3) In this regulation a reference to removing a person from a place or preventing a person from entering a place is a reference to the removal or prevention of entry of the person in any manner which involves physical contact between the crowd controller and the person being removed or prevented from entering.

[Regulation 40 amended in Gazette 1 Sep 2005 p. 4081-2.]

41. General records of crowd control agent

(1) A crowd control agent's general records must show —

(a) the full name, residential address, licence number and expiry date of the licence of each crowd controller who performs licensed activities for the business; and

(b) in relation to every event or function for which the business is engaged to provide crowd controllers —

(i) the name and address of the person who engaged the business;

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(ii) the location of the event or function;

(iii) the type of event or function;

(iv) the dates and times at which the event or function started and finished;

(v) the approximate number of people attending the event or function;

(vi) the names and licence numbers of the crowd controllers who carried out crowd control activities at the event or function; and

(vii) the times during which each of those crowd controllers carried out those activities.

(2) A crowd control agent's general records must include records of the first aid qualifications of each crowd controller who performs licensed activities for the business.

[Regulation 41 amended in Gazette 1 Sep 2005 p. 4082; 4 Dec 2009 p. 4905-6.]

42. Records to be kept by inquiry agent

The following records and particulars are prescribed in relation to an inquiry agent for the purposes of section 78(1)(a) — the full names, residential addresses, licence numbers and expiry dates of the licences of all investigators who perform licensed activities for the business.

[Regulation 42 amended in Gazette 1 Sep 2005 p. 4083.]

43. Records to be kept by person who engages a crowd control agent

The following records and particulars are prescribed for the purposes of section 84(a) —

(a) the name and licence number of the crowd control agent;

(b) if the crowd control agent's licence is held on behalf of a partnership or body corporate, the name of the partnership or body corporate;

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(c) the full names and licence numbers of all crowd controllers who performed crowd control activities at the event or function; and

(d) the times during which each of those crowd controllers performed those activities.

[Regulation 43 amended in Gazette 1 Sep 2005 p. 4083.]

44A. Notification of address where records held

For the purposes of section 78(2), notice of the address of the premises where records are preserved is to be given within 14 days after the records are —

(a) preserved; or

(b) removed to the premises.

[Regulation 44A inserted in Gazette 4 Dec 2009 p. 4906.]

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Part 7 — Drug testing

44. Terms used

In this Part —

analyst means a person approved under regulation 46(2);

approved testing equipment means equipment approved by the chief executive officer of the Chemistry Centre (WA) for the purpose of testing urine under regulation 50(1a);

blood sampling equipment means the equipment prescribed by regulation 47(1);

chief executive officer, in relation to the Chemistry Centre (WA), has the meaning given in the *Chemistry Centre (WA) Act 2007* section 3;

licensee has the meaning given in section 79B;

police officer or employee means a police officer or an employee, within the meaning of the *Public Sector Management Act 1994*, who carries out duties for the Western Australian Police Service;

sample collector means a medical practitioner or a person approved under regulation 46(1)(b);

sampling equipment means blood sampling equipment or urine sampling equipment;

technologist means —

(a) a person who is registered as an analyst under section 203 of the *Health Act 1911*; or

(b) a person approved under regulation 46(1)(a);

urine sampling equipment means the equipment prescribed by regulation 47(2).

[Regulation 44 amended in Gazette 28 Apr 2006 p. 1657; 4 Dec 2009 p. 4906.]

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45. Prescribed drugs

The drugs referred to in Schedule 3 are prescribed for the purposes of section 80.

46. Approval of technologists, sample collectors and analysts

(1) The CEO (as defined in the *Health Act 1911*) may approve a person as —

(a) a technologist for the purposes of this Part if the CEO considers the person is competent to prepare sampling equipment;

(b) a sample collector for the purposes of this Part if the CEO considers the person is competent to take or collect blood or urine samples or both.

(2) The chief executive officer of the Chemistry Centre (WA) may approve a person as an analyst for the purposes of Part 9 of the Act if the chief executive officer considers the person is competent to ascertain whether, and to what extent, drugs are present in blood and urine samples.

(3) An approval under this regulation may relate to —

(a) a specified person;

(b) the holder from time to time of a specified office or position; or

(c) a specified class of persons.

(4) An approval under this regulation —

(a) is to be given in writing;

(b) may be subject to such conditions and restrictions (including as to its duration) as the person giving the approval thinks fit; and

(c) in the case of an approval under subregulation (3)(b) or (c) is to be published in the *Gazette*.

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(5) The person who gave an approval under subregulation (3)(b) or (c) may cancel it by publishing a notice to that effect in the *Gazette*.

(6) The person who gave any other approval under this regulation may cancel it by giving written notice to the approved person but, before doing so, must give the approved person an opportunity to show why the approval should not be cancelled.

[Regulation 46 amended in Gazette 4 Dec 2009 p. 4907.]

47. Prescribed sampling equipment

(1) For the purposes of this Part the following is prescribed as blood sampling equipment —

(a) a sterile syringe with a capacity of approximately 30 ml;

(b) a sterile needle to be attached to the syringe;

(c) 2 sterile bottles, each of which —

(i) is numbered with the serial number of the package referred to in regulation 48(1)(b);

(ii) contains approximately 25 mg of potassium oxalate and 10 mg of sodium fluoride; and

(iii) is closed with a cap fitted with a rubber disc;

(d) a container containing a solution of 1 part mercury bichloride to 1 000 parts distilled water;

(e) 2 swabs of cotton wool; and

(f) a pair of disposable gloves.

(2) For the purposes of this Part, 2 specimen jars are prescribed as urine sampling equipment.

[Regulation 47 amended in Gazette 28 Apr 2006 p. 1657.]

48. Preparation and use of sampling equipment

(1) Sampling equipment is to be prepared by a technologist who must, in relation to each set of equipment —

(a) complete and sign a certificate in the approved form; and

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(b) seal the equipment in a serially numbered package and sign his or her name over the sealed portion or flap of the package.

(2) A sample collector taking or collecting a sample for the purposes of the Act —

(a) subject to regulation 50(1), must use only sampling equipment prepared under subregulation (1); and

(b) must not use sampling equipment contained in a package that is not sealed and intact or in respect of which the indicated expiry date has passed.

[Regulation 48 amended in Gazette 28 Apr 2006 p. 1657.]

48A. Identity card to be produced when blood, urine collected

(1) A licensee who is directed under section 80 to give a sample of his or her blood or urine for analysis must, at the time when the sample is taken, produce his or her identity card to the sample collector or a police officer or employee who is present when the sample is taken.

Penalty: $2 000.

(2) A failure to produce an identity card in accordance with subregulation (1) is to be taken to be a failure to comply with a direction under section 80.

(3) A person does not commit an offence under subregulation (1), and subregulation (2) does not apply, if the person who provided the sample produced, at the time of providing the sample, evidence that satisfied the sample collector or police officer or employee that the person was the subject of the direction.

[Regulation 48A inserted in Gazette 1 Sep 2005 p. 4083-4; amended in Gazette 4 Dec 2009 p. 4907.]

49. Method of collecting blood

(1) A blood sample is to be taken by a sample collector by venepuncture using the syringe.

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(2) Before taking a blood sample the sample collector must cleanse the proposed site of the venepuncture using the mercury bichloride solution and cotton wool.

(3) After taking a blood sample —

(a) the sample collector must discharge approximately half of the sample into each of the 2 sterile bottles;

(b) the sample collector must securely tighten the cap on each bottle and shake it thoroughly (by inverting it at least 20 times) to mix the contents;

(c) the sample collector and a police officer or employee must each complete and sign the relevant parts of the approved form;

(d) the sample collector must seal each of the sterile bottles in a separate package and seal it by fixing the form referred to in paragraph (c) over the opening of the package;

(e) the sample collector and police officer or employee must each sign his or her name over the sealed portion or flap of that package; and

(f) the sample collector must give one blood sample to the person from whom it was taken and the other sample to the police officer or employee.

50. Method of collecting urine

(1) A urine sample is to be collected by a sample collector in a sterile urine collecting container.

(1a) After a urine sample has been collected, the sample collector may withdraw from the urine collecting container as much of the urine as is necessary to enable the urine to be tested by the approved testing equipment.

(1b) If —

(a) the test of the urine by the approved testing equipment indicates that the urine sample may be a non-complying sample (as defined in regulation 52); or

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(b) no urine from the urine sample is tested by the approved testing equipment,

subregulation (2) must be complied with in relation to the urine sample.

(1c) If the test of the urine by the approved testing equipment does not indicate that the urine sample may be a non-complying sample (as defined in regulation 52), the sample collector may decide —

(a) that no further action is to be taken in relation to the urine sample; or

(b) for any reason the sample collector considers sufficient, that subregulation (2) is to be complied with in relation to the urine sample.

(2) For this subregulation to be complied with in relation to a urine sample —

(a) the sample collector must pour as much of the urine into each of the 2 specimen jars as is necessary to enable an analysis of the urine to be made and securely tighten the cap on each specimen jar;

(b) the sample collector and a police officer or employee must each complete and sign the relevant parts of the approved form;

(c) the sample collector must seal each of the specimen jars in a separate package and seal it by fixing the form referred to in paragraph (b) over the opening of the package;

(d) the sample collector and police officer or employee must each sign his or her name over the sealed portion or flap of that package; and

(e) the sample collector must give one urine sample to the person from whom it was collected and the other sample to the police officer or employee.

[Regulation 50 amended in Gazette 28 Apr 2006 p. 1657-8.]

Extract from www.slp.wa.gov.au, see that website for further information

51. Analysis of samples

(1) A police officer or employee who is given a sample under regulation 49(3)(f) or 50(2)(e) must cause that sample to be delivered promptly to the chief executive officer of the Chemistry Centre (WA) for analysis.

(2) The chief executive officer of the Chemistry Centre (WA) must —

(a) cause a sample delivered under subregulation (1) to be analysed by an analyst to determine whether, and to what extent, any drugs referred to in Schedule 3 are present in the sample; and

(b) give a copy of the results of the analysis to the Commissioner of Police.

[Regulation 51 amended in Gazette 4 Dec 2009 p. 4907-8.]

52. Definition of non-complying sample

For the purposes of section 81(1)(b) a blood or urine sample is a non-complying sample if —

(a) the sample contains any measurable amount of a drug referred to in Schedule 3 other than testosterone; or

(b) the amount of testosterone per millilitre of the sample is 6 or more times the amount of epitestosterone per millilitre of the sample.

53. Certificate evidence

In any proceeding under the Act and in the absence of proof to the contrary, any of the following certificates is evidence of the matters certified in it —

(a) a certificate purporting to be signed by the chief executive officer of the Chemistry Centre (WA), certifying that a named person is, or was at a particular time, approved as an analyst under regulation 46(2);

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(aa) a certificate purporting to be signed by the chief executive officer of the Chemistry Centre (WA), certifying that identified equipment is, or was at a particular time, approved testing equipment;

(b) a certificate purporting to be signed by a technologist, certifying that —

(i) identified sampling equipment comprises the items required by regulation 47;

(ii) he or she prepared that sampling equipment in accordance with regulation 48; and

(iii) at the time it was prepared the sampling equipment was sterile and fit for use in taking blood or urine samples (as the case requires) if used on or before the stated expiry date;

(c) a certificate purporting to be signed by a sample collector certifying that an identified blood or urine sample was taken or collected —

(i) from a named person;

(ii) at a specified date and time;

(iii) in accordance with these regulations; and

(iv) using sampling equipment that was sealed in a package with a specified serial number;

and

(d) a certificate purporting to be signed by an analyst, certifying —

(i) that an identified blood or urine sample taken or collected from a named person was analysed for drugs in accordance with these regulations; and

(ii) the results obtained from that analysis.

[Regulation 53 amended in Gazette 28 Apr 2006 p. 1658; 4 Dec 2009 p. 4908.]

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Part 8 — Miscellaneous

54. Fees

The fees set out in column 3 of Schedule 4 are prescribed in relation to the matters set out in that Schedule.

54A. Codes of conduct

(1) The Commissioner may prepare a draft code of conduct setting out minimum standards of conduct to be observed by all licensees or licensees who hold licences of a particular type or class.

(2) In preparing a draft code of conduct the Commissioner is to invite the following persons to make submissions in relation to the draft code of conduct —

(a) the persons who are the holders of licences of a kind that would be affected by the proposed code of conduct; and

[(b) deleted]

(c) members of the public.

[(3) deleted]

(4) The Minister may approve the draft code of conduct with or without amendments that are specified by the Minister.

(5) The Commissioner is to ensure that a code of conduct that is approved by the Minister is published in the *Gazette*.

(6) A code of conduct is to specify the persons to whom the code applies.

(7) A breach of a code of conduct that has been approved by the Minister and published in the *Gazette* is a proper cause for disciplinary action against a licensee under section 67(1a)(d).

[Regulation 54A inserted in Gazette 1 Sep 2005 p. 4084-5; amended in Gazette 4 Dec 2009 p. 4908-9.]

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55. Surrender of licence

For the purposes of section 76(c), a licensee may surrender a licence by written notice given to a licensing officer.

[Regulation 55 inserted in Gazette 4 Dec 2009 p. 4909.]

56. Return of licence

For the purposes of section 76, the licence and any identity card must be delivered to a licensing officer within 14 days after the expiry, termination or surrender of the licence.

[Regulation 56 inserted in Gazette 4 Dec 2009 p. 4909.]

57. Notification of change of address

(1) For the purposes of section 77(1), notice of the address of a new place of business of a licensee under an agent's licence is to be in writing and given to a licensing officer.

(2) For the purposes of section 77(2), notice of the address of a new place of residence of a licensee is to be in writing and given to a licensing officer.

[Regulation 57 inserted in Gazette 4 Dec 2009 p. 4909.]

[Part 9 deleted in Gazette 4 Dec 2009 p. 4909.]

Extract from www.slp.wa.gov.au, see that website for further information

Schedule 1 — Conditions and restrictions attached to licences

[Regulation 21]

Division 1 — Security agent's licence

1. Notification of change of personnel

(1) A security agent must notify a licensing officer —

(a) if the security agent's licence is held on behalf of a partnership or body corporate, of any change in the partners or the officers of the body corporate; and

(b) in every case, whenever a security officer, security bodyguard, security consultant or security installer commences or ceases to be employed in the business.

(2) The notice under subclause (1) is to be in writing and given to a licensing officer within 21 days of the occurrence to which it relates.

[Clause 1 amended in Gazette 4 Dec 2009 p. 4910.]

2. Uniforms

(1) All security officers must, at all times while performing licensed activities for a business, wear a uniform that is of a type approved by the Commissioner.

(2) This condition does not apply —

(a) to a security officer who is engaged in loss prevention activities in a retail store; or

(b) if a licensing officer is satisfied that a security officer is engaged in escort duties in circumstances that require the security officer to wear clothes other than a uniform that is of a type approved by the Commissioner.

(3) A security officer to whom subclause (2)(a) or (b) applies must not, while performing licensed activities for a business, wear a uniform that is confusingly similar to a uniform in use by a police force.

[Clause 2 inserted in Gazette 1 Sep 2005 p. 4085.]

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3. Vehicle markings

A marking on a vehicle used by a security officer while performing licensed activities for a business must not be confusingly similar to a vehicle marking in use by a police force.

[Clause 3 inserted in Gazette 1 Sep 2005 p. 4086.]

4A. Guard dog handling training

(1) A security officer must not use a dog in connection with the performance of any licensed activity for the business unless the officer has successfully completed an approved training course in the handling of guard dogs.

(2) This condition does not apply until the day that is 12 months after the day on which the *Security and Related Activities (Control) Amendment Regulations (No. 2) 2009* regulation 30 commences [1].

[Clause 4A inserted in Gazette 4 Dec 2009 p. 4910.]

4. Armed security officers

(1) A security officer must not be in possession of a firearm while performing any licensed activity for the business unless —

(a) the security officer's licence is endorsed under section 24 for that activity; and

(b) the business is an organization which holds a licence, permit or approval, issued under the *Firearms Act 1973*, that authorises the possession of firearms by its employees; and

(c) the firearm —

(i) was provided to the security officer by the security agent for the purpose of performing that activity; and

(ii) is a firearm to which the licence referred to in paragraph (b) applies.

(2) A security officer must not be in possession of a baton while performing any licensed activity for the business unless —

(a) the security officer's licence is endorsed under section 26; and

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(b) the baton is of a type approved by the Commissioner under section 26(2)(b).

(3) A security officer must not be in possession of any other weapon while performing any licensed activity for the business.

[Clause 4 amended in Gazette 1 Sep 2005 p. 4086; 4 Dec 2009 p. 4911.]

5. Firearm security

(1) A firearm used in the business must be kept, while not being used, at the place of business specified in the security agent's licence in storage facilities which are adequate to ensure its safety and to safeguard it from loss or improper use.

(2) This condition does not prevent a firearm used in the business being kept at the residence of a security officer employed in the business if —

(a) the security officer is on call to perform an activity of a kind referred to in regulation 9(a) or (b); and

(b) the firearm and any ammunition is stored in accordance with the requirements of the *Firearms Act 1973*.

[Clause 5 amended in Gazette 1 Sep 2005 p. 4086.]

6. Weapons training

(1) A security officer whose licence is endorsed under section 24 must not be in possession of a firearm while performing any licensed activity for the business unless he or she successfully completes a training course in firearms discharge, at least once in every 6 months, commencing on the day on which the endorsement was issued.

(2) A security officer whose licence is endorsed under section 26 must not be in possession of a baton while performing any licensed activity for the business unless he or she successfully completes an approved training course in baton use at least once every 6 months commencing on the day on which the security officer first successfully completed an approved training course in baton use.

[Clause 6 inserted in Gazette 1 Sep 2005 p. 4086-7; amended in Gazette 3 Oct 2006 p. 4346-7.]

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Division 2 — Security officer's licence

7. Uniforms

(1) A security officer must, at all times while performing a licensed activity for a business, wear a uniform that is of a type approved by the Commissioner.

(2) This condition does not prevent the wearing of other items of clothing, in addition to the approved uniform, if —

(a) the approved uniform does not include items of that nature; and

(b) those items are in keeping with the approved uniform.

(3) This condition does not apply —

(a) to a security officer who is engaged in loss prevention activities in a retail store; or

(b) if a licensing officer is satisfied that a security officer is engaged in escort duties in circumstances that require the security officer to wear clothes other than a uniform that is of a type approved by the Commissioner.

(4) A security officer to whom subclause (3)(a) or (b) applies must not, while performing a licensed activity for a business, wear a uniform that is confusingly similar to a uniform in use by a police force.

[Clause 7 amended in Gazette 1 Sep 2005 p. 4087-8.]

8. Vehicle markings

A security officer must not use a vehicle while performing licensed activities for a business if a marking on the vehicle is confusingly similar to a vehicle marking in use by a police force.

[Clause 8 inserted in Gazette 1 Sep 2005 p. 4088.]

9. Carrying of weapons

(1) A security officer must not be in possession of a firearm while performing any licensed activity unless the firearm was provided to the security officer by the security agent for the purpose of performing that activity.

Extract from www.slp.wa.gov.au, see that website for further information

(2) A security officer must not be in possession of a baton while performing any licensed activity unless —

(a) the security officer's licence is endorsed under section 26; and

(b) the baton is of a type approved by the Commissioner under section 26(2)(b).

(3) A security officer must not be in possession of any other weapon while performing any licensed activity.

[Clause 9 amended in Gazette 1 Sep 2005 p. 4088; 4 Dec 2009 p. 4911.]

10. Firearm security

(1) A security officer who is in possession of a firearm while performing a licensed activity for a security agent must, at the end of the activity, promptly return the firearm to the security agent.

(2) This condition does not prevent a security officer keeping the firearm at his or her residence if —

(a) the security officer is on call to perform an activity of a kind referred to in regulation 9(a) or (b); and

(b) the firearm and any ammunition is stored in accordance with the requirements of the *Firearms Act 1973*.

[Clause 10 amended in Gazette 1 Sep 2005 p. 4088.]

11A. Guard dog handling training

(1) A security officer must not use a dog in connection with the performance of any licensed activity unless the officer has successfully completed an approved training course in the handling of a guard dog provided by a registered training provider.

(2) This condition does not apply to the holder of a licence that was issued before the day on which the *Security and Related Activities (Control) Amendment Regulations (No. 2) 2009* regulation 33 commences [1] (***commencement day***) until the day that is 12 months after commencement day.

[Clause 11A inserted in Gazette 4 Dec 2009 p. 4911.]

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11B. First aid certificate

(1) A security officer must not perform any licensed activity unless the officer holds a current first aid certificate.

(2) This condition does not apply to the holder of a licence that was issued before the day on which the *Security and Related Activities (Control) Amendment Regulations (No. 2) 2009* regulation 33 commences [1] (***commencement day***) until the day that is 2 years after commencement day.

[Clause 11B inserted in Gazette 4 Dec 2009 p. 4912.]

Division 2A — Security officer's licence endorsement

[Heading inserted in Gazette 3 Oct 2006 p. 4347.]

11. Weapons training

(1) A security officer whose licence is endorsed under section 24 must successfully complete an approved training course in firearms discharge, at least once in every 6 months, commencing on the day on which the endorsement was issued.

(2) A security officer whose licence is endorsed under section 26 must successfully complete an approved training course in baton use at least once every 6 months commencing on the day on which the security officer first successfully completed an approved training course in baton use.

[Clause 11 inserted in Gazette 1 Sep 2005 p. 4089; amended in Gazette 3 Oct 2006 p. 4347.]

Division 2B — Security bodyguard's licence

[Heading inserted in Gazette 4 Dec 2009 p. 4912.]

12A. No weapons to be carried by a security bodyguard

(1) Other than in accordance with section 41 a security bodyguard must not be in possession of any firearm, baton or other weapon while performing a licensed activity.

(2) This condition applies even if the security bodyguard —

(a) is entitled under the *Firearms Act 1973* to be in possession of a firearm; or

(b) is also a security officer whose licence is endorsed under section 24 or 26 or who holds a permit under section 25.

[Clause 12A inserted in Gazette 4 Dec 2009 p. 4912.]

12B. First aid certificate

A security bodyguard must not perform a licensed activity unless the bodyguard holds a current first aid certificate.

[Clause 12B inserted in Gazette 4 Dec 2009 p. 4912.]

Division 3 — Inquiry agent's licence

12. Notification of change of personnel

(1) An inquiry agent must notify a licensing officer —

(a) if the inquiry agent's licence is held on behalf of a partnership or body corporate, of any change in the partners or the officers of the body corporate; and

(b) in every case, whenever an investigator commences or ceases to be employed in the business.

(2) The notice under subclause (1) is to be in writing and given to a licensing officer within 21 days of the occurrence to which it relates.

[Clause 12 amended in Gazette 4 Dec 2009 p. 4913.]

Division 4 — Crowd control agent's licence

13. Notification of change of personnel

(1) A crowd control agent must notify a licensing officer —

(a) if the crowd control agent's licence is held on behalf of a partnership or body corporate, of any change in the partners or the officers of the body corporate; and

(b) in every case, whenever a crowd controller commences or ceases to be employed in the business.

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(2) The notice under subclause (1) is to be in writing and given to a licensing officer within 21 days of the occurrence to which it relates.

[Clause 13 amended in Gazette 4 Dec 2009 p. 4913.]

14. Wearing of identification cards

A crowd control agent to whom an identification card has been issued under section 61 must wear that card —

(a) on his or her chest; and

(b) in such a manner that his or her photograph and licence number are clearly visible to other persons,

at all times while the agent is at any place for the purpose of supervising crowd controllers employed in the business.

[Clause 14 amended in Gazette 1 Sep 2005 p. 4089.]

15. Information to clients

Before the start of any event or function at which a crowd control business is engaged to provide crowd controllers, the crowd control agent must give to the person who engaged the business a written notice setting out —

(a) the name and licence number of the crowd control agent;

(b) if the crowd control agent's licence is held on behalf of a partnership or body corporate, the name of the partnership or body corporate;

(c) the names and licence numbers of all crowd controllers who will be performing crowd control activities at the event or function for the business;

(d) the times during which each of those crowd controllers will be performing those activities; and

(e) a statement to the effect that the person who engaged the business is required by section 84 of the Act to retain the notice for 3 years.

[Clause 15 amended in Gazette 1 Sep 2005 p. 4089.]

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15A. Information to licensing officer

(1) A crowd control agent must, at a licensing officer's written request, notify a licensing officer of the details referred to in clause 15(c) and (d) in respect of an event or function.

(2) The notice under subclause (1) is to be in writing and given to a licensing officer within any time frame specified in the request.

[Clause 15A inserted in Gazette 4 Dec 2009 p. 4913-14.]

16. No weapons to be carried by crowd controllers

(1) A crowd controller must not be in possession of any firearm, baton or other weapon while carrying out crowd control activities for the business.

(2) This condition applies even if the crowd controller —

(a) is entitled under the *Firearms Act 1973* to be in possession of a firearm; or

(b) is also a security officer whose licence is endorsed under section 24 or 26 or who has a permit under section 25.

[Clause 16 amended in Gazette 1 Sep 2005 p. 4089.]

16A. Incident register

A crowd control agent, in relation to an incident register referred to in regulation 39 kept by the agent, must ensure that —

(a) each entry made in the incident register is legible;

(b) each page or part of a page is not removed from the incident register;

(c) each page or part of a page of the incident register is not damaged, obscured or replaced;

(d) each entry or part of an entry in the incident register is not deliberately erased, obscured or otherwise rendered illegible;

(e) a person is not requested or allowed to deliberately erase, obscure or otherwise render illegible any entry or part of an entry in the incident register;

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(f) a person who makes an alteration to an entry in the incident register dates and initials the alteration and legibly prints his or her full name near the initials.

[Clause 16A inserted in Gazette 1 Sep 2005 p. 4090.]

Division 5 — Crowd controller's licence

17. Wearing of identification card

A crowd controller to whom an identification card has been issued under section 61 must wear that card —

(a) on his or her chest; and

(b) in such a manner that his or her photograph and licence number are clearly visible to other persons,

at all times while performing crowd control activities.

[Clause 17 amended in Gazette 1 Sep 2005 p. 4090.]

18. No weapons to be carried by crowd controller

(1) A crowd controller must not be in possession of any firearm, baton or other weapon while carrying out crowd control activities.

(2) This condition applies even if the crowd controller —

(a) is entitled under the *Firearms Act 1973* to be in possession of a firearm; or

(b) is also a security officer whose licence is endorsed under section 24 or 26 or who holds a permit under section 25.

19A. First aid certificate

(1) A crowd controller must not perform crowd control activities unless the controller holds a current first aid certificate.

(2) This condition does not apply to the holder of a licence that was issued before the day on which the *Security and Related Activities (Control) Amendment Regulations (No. 2) 2009* regulation 38 commences [1] (***commencement day***) until the day that is 2 years after commencement day.

[Clause 19A inserted in Gazette 4 Dec 2009 p. 4914.]

Extract from www.slp.wa.gov.au, see that website for further information

19. Incident register

A crowd controller, in relation to an incident register referred to in regulation 39 that is kept by the crowd control agent —

(a) must ensure that each entry that he or she makes in the incident register is legible;

(b) must not remove a page or part of a page from the incident register;

(c) must not damage, obscure or replace a page or part of a page of the incident register;

(d) must not deliberately erase, obscure or otherwise render illegible any entry or part of an entry in the incident register;

(e) must not request or allow another person to deliberately erase, obscure or otherwise render illegible any entry or part of an entry in the incident register;

(f) must date and initial any alteration that he or she makes to an entry in the incident register and legibly print his or her full name near the initials.

[Clause 19 inserted in Gazette 1 Sep 2005 p. 4091.]

Division 6 — All licences

[Heading inserted in Gazette 1 Sep 2005 p. 4091.]

20. Identity cards

A person to whom an identity card is issued —

(a) must not deliberately alter, erase, obscure or otherwise render illegible any written information on the identity card;

(b) must not deliberately alter, remove or obscure the photograph on the identity card;

(c) must not request or allow another person to deliberately alter, erase, obscure or otherwise render illegible any written information on the identity card; and

(d) must not request or allow another person to deliberately alter, remove or obscure the photograph on the identity card.

[Clause 20 inserted in Gazette 1 Sep 2005 p. 4091-2.]

Extract from www.slp.wa.gov.au, see that website for further information

Schedule 2 — Disqualifying offences

[r. 24]

[Heading inserted in Gazette 4 Dec 2009 p. 4914.]

Division 1 — Division 1 offences

[Heading inserted in Gazette 4 Dec 2009 p. 4914.]

Enactment	Offences
The Criminal Code	All indictable offences with a maximum penalty exceeding 3 years imprisonment (whether or not a summary conviction penalty applies in respect of the offence), other than an offence under s. 378 Offences under the following sections — s. 51(2) s. 74 s. 87 s. 128 s. 131 s. 171 s. 172 s. 192 s. 345 s. 396 s. 488 Offences under s. 378 if the offence falls within the description of a special case under the heading "Punishment in special cases" in that section
Firearms Act 1973	All indictable offences
Misuse of Drugs Act 1981	All indictable offences
Criminal Code Act 1995 (Commonwealth)	All offences in the Schedule Part 5.3 — Terrorism

[Division 1 inserted in Gazette 4 Dec 2009 p. 4914-15.]

Division 2 — Division 2 offences

[Heading inserted in Gazette 4 Dec 2009 p. 4915.]

Enactment	Offences
The Criminal Code	Offences under the following sections —
	s. 75 s. 190 s. 191
	s. 202 s. 313 s. 445
	s. 474 s. 514
	Offences under s. 378 other than an offence that falls within the description of a special case under the heading "Punishment in special cases" in that section
Misuse of Drugs Act 1981	All offences other than indictable offences
Poisons Act 1964	All offences
Weapons Act 1999	All offences

[Division 2 inserted in Gazette 4 Dec 2009 p. 4915-16.]

Extract from www.slp.wa.gov.au, see that website for further information

Schedule 3 — Prescribed drugs

[Regulations 45, 51 and 52]

Any drug, other than testosterone, that is from time to time —

(a) declared under section 22A of the *Poisons Act 1964* to be a specified drug; or

(b) included in Schedule 8 or 9 of that Act.

Extract from www.slp.wa.gov.au, see that website for further information

Schedule 4 — Fees

[r. 54]

[Heading inserted in Gazette 10 Jun 2011 p. 2112.]

Provision of Act or regulations **Column 1**	**Subject matter** **Column 2**	**Fee ($)** **Column 3**
Agent's licences		
s. 46(1)	Application for issue of agent's licence — for one year or less ……... for 3 years …….	 475.30 496.90
s. 46(1)	Application by licensee for an additional agent's licence (each) ..	185.60
s. 49(1)(c)	Application for renewal of agent's licence — 3 year (each) ……	254.00
s. 46(1)	Application for issue of temporary agent's licence ……..	475.30
Other licences		
s. 46(1)	Application for issue of any other licence — for one year or less ……... for 3 years …….	 164.00 186.80
s. 46(1)	Application by licensee for an additional other licence (each) ….	120.10
s. 49(1)(c)	Application for renewal of any other licence — 3 year (each) …..	146.30

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Provision of Act or regulations **Column 1**	**Subject matter** **Column 2**	**Fee ($)** **Column 3**
r. 10	Application for endorsement under s. 24 ……	36.60
r. 12	Application for permit under s. 25	146.00
r. 13	Application for endorsement under s. 26 ……	36.60
s. 46(1)	Application for issue of temporary licence other than a temporary agent's licence ……..	164.00
Miscellaneous		
s. 10(2)	Application to inspect register …..	35.00
s. 10(3)	Certified copy of register entry …	36.00
s. 46(1)	Additional fee if fingerprints and palm prints are required under s. 48 ……..	98
s. 66	Issue of duplicate licence or duplicate identity card ……..	23.00

[Schedule 4 inserted in Gazette 10 Jun 2011 p. 2112-13.]

Extract from www.slp.wa.gov.au, see that website for further information

Notes

[1] This is a compilation of the *Security and Related Activities (Control) Regulations 1997* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
Security and Related Activities (Control) Regulations 1997	27 Mar 1997 p. 1651-90	1 Apr 1997 (see r. 2 and *Gazette* 27 Mar 1997 p. 1693)
Security and Related Activities (Control) Amendment Regulations (No. 2) 1998	12 Jun 1998 p. 3201-3	1 Jul 1998 (see r. 2)
Security and Related Activities (Control) Amendment Regulations 1999	30 Jun 1999 p. 2865	1 Jul 1999 (see r. 2)
Security and Related Activities (Control) Amendment Regulations 2000	10 Mar 2000 p. 1123-4	10 Mar 2000
Security and Related Activities (Control) Amendment Regulations (No. 2) 2000	30 Jun 2000 p. 3425	1 Jul 2000 (see r. 2)
Security and Related Activities (Control) Amendment Regulations (No. 3) 2000	28 Jul 2000 p. 4028	28 Jul 2000
Reprint of the *Security and Related Activities (Control) Regulations 1997* as at 20 Apr 2001 (includes amendments listed above)		
Security and Related Activities (Control) Amendment Regulations 2001	12 Jun 2001 p. 2959-60	12 Jun 2001
Security and Related Activities (Control) Amendment Regulations (No. 2) 2001	31 Aug 2001 p. 4885-6	1 Sep 2001 (see r. 2)
Security and Related Activities (Control) Amendment Regulations 2002	28 Jun 2002 p. 3100-1	1 Jul 2002 (see r. 2)
Security and Related Activities (Control) Amendment Regulations 2003	20 Jun 2003 p. 2248-9	1 Jul 2003 (see r. 2)

Extract from www.slp.wa.gov.au, see that website for further information

Citation	Gazettal	Commencement
Security and Related Activities (Control) Amendment Regulations 2004	29 Jun 2004 p. 2542-3	1 Jul 2004 (see r. 2)
Reprint 2: The *Security and Related Activities (Control) Regulations 1997* as at 9 Jul 2004 (includes amendments listed above)		
Security and Related Activities (Control) Amendment Regulations (No. 2) 2004	30 Dec 2004 p. 6977	1 Jan 2005 (see r. 2 and *Gazette* 31 Dec 2004 p. 7130)
Security and Related Activities (Control) Amendment Regulations 2005	1 Sep 2005 p. 4071-93	1 Sep 2005 (see r. 2)
Reprint 3: The *Security and Related Activities (Control) Regulations 1997* as at 4 Nov 2005 (includes amendments listed above)		
Security and Related Activities (Control) Amendment Regulations (No. 2) 2006	13 Apr 2006 p. 1555-6	13 Apr 2006
Security and Related Activities (Control) Amendment Regulations 2006	28 Apr 2006 p. 1656-8	28 Apr 2006
Security and Related Activities (Control) Amendment Regulations (No. 4) 2006	27 Jun 2006 p. 2303-4	1 Jul 2006 (see r. 2)
Security and Related Activities (Control) Amendment Regulations (No. 3) 2006	3 Oct 2006 p. 4343-7	3 Oct 2006
Reprint 4: The *Security and Related Activities (Control) Regulations 1997* as at 1 Dec 2006 (includes amendments listed above)		
Security and Related Activities (Control) Amendment Regulations 2007	29 Jun 2007 p. 3200-1	r. 1 and 2: 29 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b))
Security and Related Activities (Control) Amendment Regulations 2008	24 Jun 2008 p. 2903-4	r. 1 and 2: 24 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
Security and Related Activities (Control) Amendment Regulations 2009	26 May 2009 p. 1810-12	r. 1 and 2: 26 May 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))

Extract from www.slp.wa.gov.au, see that website for further information

Citation	Gazettal	Commencement
Security and Related Activities (Control) Amendment Regulations (No. 2) 2009	4 Dec 2009 p. 4887-916	r. 1 and 2: 4 Dec 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Dec 2009 (see r. 2(b) and *Gazette* 4 Dec 2009 p. 4919)
Reprint 5: The *Security and Related Activities (Control) Regulations 1997* as at 5 Mar 2010 (includes amendments listed above)		
Security and Related Activities (Control) Amendment Regulations 2010	18 Jun 2010 p. 2691-3	r. 1 and 2: 18 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b))
Security and Related Activities (Control) Amendment Regulations (No. 2) 2010	22 Jun 2010 p. 2784	r. 1 and 2: 22 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Jun 2010 (see r. 2(b))
Public Sector Reform (Consequential Amendments) Regulations 2011 Pt. 7	11 Feb 2011 p. 502-7	r. 14 and 15(a): 12 Feb 2011 (see r. 2(d)); r. 15(b) & (d): 28 Mar 2011 (see r. 2(b) and *Gazette* 5 Nov 2010 p. 5563); r. 15(c): 28 Mar 2011 (see r. 2(c) and *Gazette* 5 Nov 2011 p. 5563)
Security and Related Activities (Control) Amendment Regulations (No. 2) 2011	29 Apr 2011 p. 1532	r. 1 and 2: 29 Apr 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Apr 2011 (see r. 2(b))
Security and Related Activities (Control) Amendment Regulations (No. 3) 2011	10 Jun 2011 p. 2112-13	r. 1 and 2: 10 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))

[2] The *Medical Act 1894* was repealed by the *Medical Practitioners Act 2008*.

[3] Formerly referred to the *Liquor Licensing Act 1988* the short title of which was changed to the *Liquor Control Act 1988* by the *Liquor and Gaming Legislation Amendment Act 2006* s. 4. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

Extract from www.slp.wa.gov.au, see that website for further information

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
analyst	44
ANZS	3(2)
approved testing equipment	44
approved training course	3(1)
AS	3(2)
blood sampling equipment	44
business	3(1)
chief executive officer	44
commencement day	Sch. 1 cl. 11A(2), 11B(2) and 19A(2)
crowd control activities	3(1)
current first aid certificate	3(1)
Division 1 offence	25(1)
Division 2 incident	25(1)
guard dog	3(1), 38A(1)
licensed activity	3(1)
licensed premises	4(1)
licensee	44
medical certificate	3(1)
medical practitioner	3(1)
police officer or employee	44
sample collector	44
sampling equipment	44
section	3(1)
technologist	44
training course in firearms discharge	3(1)
urine sampling equipment	44
written examination	17(3)

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