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**SECURITY AND RELATED ACTIVITIES (CONTROL)
ACT 1996**

**SECURITY AND RELATED
ACTIVITIES (CONTROL)
AMENDMENT
REGULATIONS 2005**

Security and Related Activities (Control) Act 1996

Security and Related Activities (Control) Amendment Regulations 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Security and Related Activities (Control) Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on 1 September 2005.

3. The regulations amended

The amendments in these regulations are to the *Security and Related Activities (Control) Regulations 1997**.

[* *Reprint 2 as at 9 July 2004.*

For amendments to 29 June 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 368.]

4. Regulation 3 amended

- (1) Regulation 3(2)(a) is amended by deleting “the Standards Association of Australia,” and inserting instead —

“ Standards Australia, ”.

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- (2) Regulation 3(2)(b) is amended by deleting “the Standards Association of Australia” and inserting instead —

“ Standards Australia ”.

5. Regulation 9 replaced

Regulation 9 is repealed and the following regulation is inserted instead —

“

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.

”.

6. Regulation 10 amended

Regulation 10 is amended after paragraph (a) by deleting “and” and inserting instead —

“

- (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

”.

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r. 7**7. Regulation 12 amended**

Regulation 12 is amended after paragraph (a) by deleting “and” and inserting instead —

“

- (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

”.

8. Regulation 13A amended

Regulation 13A is amended as follows:

- (a) by inserting before paragraph (a) the following paragraphs —

“

- (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;

”;

- (b) in paragraph (e) by inserting after “paragraph” —
 - “ (aa), (ab), ”.

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9. Regulation 15 replaced

Regulation 15 is repealed and the following regulation is inserted instead —

“

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

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; or
- (b) section 52(h),

is an examination by a medical practitioner to determine whether the medical practitioner considers the applicant to be physically and psychologically fit to be in possession of a firearm.

”

10. Regulation 16 amended

Regulation 16(1) is amended as follows:

- (a) after paragraph (b) by deleting “and”;
- (b) in paragraph (c) by deleting “activities.” and inserting instead —

“

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;

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- (ii) surveillance work in relation to the matters referred to in subparagraph (i);
- (iii) investigations concerning missing persons.

”

11. Regulation 19 replaced

Regulation 19 is repealed and the following regulation is inserted instead —

“

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).

”

12. Regulation 22 repealed

Regulation 22 is repealed.

13. Regulation 36 amended

Regulation 36(1) is amended as follows:

- (a) by deleting “employed in the business”;

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- (b) in paragraph (a) by deleting “the name” and inserting instead —
“ the full name ”.

14. Regulation 37 amended

- (1) Regulation 37(1) is amended as follows:

- (a) by deleting “employed in the business responds to a security alarm that is monitored by the business” and inserting instead —

“

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

”.

- (b) in paragraph (a) by deleting “the name” and inserting instead —
“ the full name ”.

- (2) After regulation 37(1) the following subregulations are inserted —

“

- (1a) 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 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;

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

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

”.

- (3) Regulation 37(2) is amended by deleting “subregulation (1)” and inserting instead —

“ subregulations (1), (1a) and (1b) ”.

15. Regulation 38 amended

- (1) Regulation 38(a) is amended as follows:

- (a) by deleting “and licence numbers” and inserting instead —

“

, licence numbers and expiry dates of the licences

”;

- (b) by deleting “employed in” and inserting instead —

“ who perform licensed activities for ”.

- (2) Regulation 38(c) is amended by deleting “employed in the business”.

16. Regulation 39 amended

Regulation 39 is amended as follows:

- (a) by inserting before “The” the subregulation designation “(1)”;

- (b) at the end of the regulation by inserting the following subregulation —

“

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

”.

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r. 17**17. Regulation 40 amended**

(1) Regulation 40(1) is amended as follows:

- (a) by deleting “employed in the business removes” and inserting instead —

“

performing licensed activities on behalf of the business physically restrains a person at, or removes

”;

- (b) after “entering,” by inserting —
“ a place, ”;
- (c) in paragraph (a) by deleting “the name” and inserting instead —
“ the full name ”;
- (d) in paragraph (b) by deleting “the event” and inserting instead —
“ the place, event ”;
- (e) in paragraph (c) by deleting “the event” and inserting instead —
“ the place, event ”;
- (f) in paragraph (d) after “was” by inserting —
“ physically restrained, ”;
- (g) in paragraph (e) after “was” by inserting —
“ physically restrained, ”;
- (h) in paragraph (f) after “was” by inserting —
“ physically restrained, ”;
- (i) in paragraph (g) by deleting “the names” and inserting instead —
“ the full names ”;
- (j) in paragraph (g) after “was” by inserting —
“ physically restrained, ”;

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- (k) in paragraph (h) after “person was” by inserting —
 “ physically restrained, ”.
- (2) Regulation 40(2) is repealed and the following subregulation is inserted instead —

“

- (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.

”.

18. Regulation 41 amended

Regulation 41(a) is amended as follows:

- (a) by deleting “and licence numbers” and inserting instead —

“

, licence numbers and expiry dates of the licences

”.

- (b) by deleting “employed in” and inserting instead —
 “ who perform licensed activities for ”.

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r. 19**19. Regulation 42 amended**

Regulation 42 is amended as follows:

- (a) by deleting “and licence numbers” and inserting instead —

“

, licence numbers and expiry dates of the licences

”.

- (b) by deleting “employed in” and inserting instead —
“ who perform licensed activities for ”.

20. Regulation 43 amended

Regulation 43(c) is amended by deleting “the names” and inserting instead —

“ the full names ”.

21. Regulation 48A inserted

After regulation 48 the following regulation is inserted —

“

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

- (1) A crowd controller 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.

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- (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.

22. Regulation 54A inserted

After regulation 54 the following regulation is inserted in Part 8 —

“

54A. Codes of conduct

- (1) A draft code of conduct may be prepared by an association representing a group of persons licensed under the Act who will be affected by the proposed code of conduct.
- (2) In preparing a draft code of conduct an association 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;
 - (b) the Commissioner; and
 - (c) members of the public.
- (3) The Commissioner is to ensure that appropriate consultation has occurred in relation to a draft code of conduct before submitting it to the Minister.
- (4) The Minister may approve the draft code of conduct with or without amendments that are specified by the Minister.

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- (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).

”

23. Schedule 1 amended

- (1) Schedule 1 clause 2 is deleted and the following clause is inserted instead —

“

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.

”

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- (2) Schedule 1 clause 3 is deleted and the following clause is inserted instead —

“

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.

”

- (3) Schedule 1 clause 4(1), (2) and (3) are each amended by deleting “employed in the business”.
- (4) Schedule 1 clause 5 is amended as follows:
- (a) by inserting before “A” the subclause designation “(1)”; and
 - (b) at the end of the clause by inserting the following subclause —

“

- (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*.

”

- (5) Schedule 1 clause 6 is deleted and the following clause is inserted instead —

“

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 an approved training course in

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firearm use at least once every 6 months commencing on the day on which the security officer first —

- (a) successfully completed an approved training course in firearm use; or
- (b) obtained a qualification, approved by the Commissioner, in firearm use.

- (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.

”

- (6) Schedule 1 clause 7(1) is deleted and the following subclause is inserted instead —

“

- (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.

”

- (7) After Schedule 1 clause 7(2) the following subclauses are inserted —

“

- (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

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business, wear a uniform that is confusingly similar to a uniform in use by a police force.

”

- (8) Schedule 1 clause 8 is deleted and the following clause is inserted instead —

“

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.

”

- (9) Schedule 1 clause 9(1)(b) is amended by deleting “in whose business he or she is employed”.

- (10) Schedule 1 clause 10 is amended as follows:

- (a) by inserting before “A” the subclause designation “(1)”;
- (b) by inserting after “licensed activity” —
“ for a security agent ”;
- (c) by deleting “in whose business he or she is employed”;
- (d) at the end of the clause by inserting the following subclause —

“

- (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*.

”

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- (11) Schedule 1 clause 11 is deleted and the following clause is inserted instead —

“

11. Weapons training

- (1) A security officer whose licence is endorsed under section 24 must successfully complete an approved training course in firearm use at least once every 6 months commencing on the day on which the security officer first —
- (a) successfully completed an approved training course in firearm use; or
 - (b) obtained a qualification, approved by the Commissioner, in firearm use.
- (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.

”.

- (12) Schedule 1 clause 14(b) is amended by deleting “it is clearly visible,” and inserting instead —

“

his or her photograph and licence number are clearly visible to other persons,

”.

- (13) Schedule 1 is amended in clause 15(c) as follows:

- (a) by deleting “employed in the business”;
- (b) by inserting after “function” —
“ for the business ”.

- (14) Schedule 1 is amended in clause 16(1) by deleting “employed in the business”.

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- (15) Schedule 1 is amended after clause 16 by inserting the following clause in Division 4 —

“

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;
- (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.

”

- (16) Schedule 1 clause 17(b) is amended by deleting “it is clearly visible,” and inserting instead —

“

his or her photograph and licence number are clearly visible to other persons,

”

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- (17) Schedule 1 is amended after clause 18 by inserting the following clause —

“

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.

”

- (18) Schedule 1 is amended after Division 5 by inserting the following Division —

“

Division 6 — All licences**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;

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- (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.

”.

24. Schedule 4 replaced

Schedule 4 is repealed and the following Schedule is inserted instead —

“

Schedule 4 — Fees

[Regulation 54]		
Provision of Act or regulations Column 1	Subject matter Column 2	Fee (\$) Column 3
<i>Agent's licences</i>		
s. 46(1)	Application for issue of agent's licence —	
	for one year or less*	370
	for 3 years	390
s. 46(1)	Application by licensee for an additional agent's licence (each)	150
s. 49(1)(c)	Application for renewal of agent's licence — 3 year (each)	205
<i>Other licences</i>		
s. 46(1)	Application for issue of any other licence —	
	for one year or less	129
	for 3 years	150

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Provision of Act or regulations Column 1	Subject matter Column 2	Fee (\$) Column 3
s. 46(1)	Application by licensee for an additional other licence (each)	95
s. 49(1)(c)	Application for renewal of any other licence — 3 year (each)	119
r. 10	Application for endorsement under section 24	30
r. 12	Application for permit under section 25	119
r. 13	Application for endorsement under section 26	30
<i>Miscellaneous</i>		
s. 10(2)	Application to inspect register	30
s. 10(3)	Certified copy of register entry	30
s. 46(1)	Fee if fingerprints and palm prints are required under section 48	88
s. 66	Issue of duplicate licence or duplicate identification card	19

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.



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