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SECURITY AND RELATED ACTIVITIES (CONTROL)
ACT 1996

**SECURITY AND RELATED
ACTIVITIES (CONTROL)
REGULATIONS 1997**

WESTERN AUSTRALIA

**SECURITY AND RELATED ACTIVITIES
(CONTROL) REGULATIONS 1997**

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SECURITY AND RELATED ACTIVITIES (CONTROL) ACT 1996
SECURITY AND RELATED ACTIVITIES (CONTROL)
REGULATIONS 1997

Made by His Excellency the Governor in Executive Council.

PART 1 — PRELIMINARY

Citation

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

Commencement

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

Interpretation

3. (1) In these regulations —

“**approved training course**” means a training course which —

- (a) is accredited by the Training Accreditation Council under section 27 of the *Vocational Education and Training Act 1996*; or
- (b) has been given interim approval by the Commissioner under regulation 16(2),
and which is provided by a person who —
 - (c) is registered by that Council as a training provider under section 27 of that Act; and
 - (d) has been approved by the Commissioner 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);

“licensed activity” means, in relation to a licensee, an activity authorized 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*;

“section” means a section of the Act.

(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 the Standards Association of Australia, as amended from time to time; or
- (b) any document issued by the Standards Association of Australia in substitution for that document; as amended from time to time.

PART 2 — EXEMPTIONS**Exemptions from section 37 (crowd controller's licence)**

4. (1) In this regulation —

“licensed premises” has the same meaning as in the *Liquor Licensing Act 1988*.

(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 Licensing Act 1988*.

Exemption for certain casino employees

5. The holder of a casino key employee licence or a casino employee licence under the *Casino Control (Burswood Island) (Licensing of Employees) Regulations 1985* is exempt from sections 15, 16, 17, 18, 29, 30, 36 and 37 while the person —

- (a) is employed or engaged to work at the Burswood Casino;
- (b) is acting in the course of that employment or engagement; and
- (c) is performing activities authorized by that licence.

PART 3 — SECURITY ACTIVITIES

Locks prescribed for section 14

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

- (a) operated by a key, an electronic code, a card or a digital function;
- (b) intended to prevent unauthorized entry to a place; and
- (c) manufactured in accordance with AS 4145 — Mechanical Locksets for Doors and Buildings.

Security doors prescribed for section 14

7. The security doors prescribed for the purposes of section 14 (1) (e) are any hinged or sliding doors manufactured in accordance with AS 2803 — Security Screen Doors.

Equipment or devices prescribed for section 14

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

- (a) electric fences that are —
 - (i) intended to prevent unauthorized human entry to a place; and
 - (ii) manufactured in accordance with the document entitled ANZS 3016 — Electrical Installations — Electrical Security Fences;
 and
- (b) bullet resistant screens (including pneumatic pop-up screens), walls and doors manufactured in accordance with AS 2343 — Bullet Resistant Panels for Interior Use.

Activity prescribed for section 24

9. The following activity is prescribed for the purposes of section 24 (1) (b) — standing guard at an automatic teller machine while it is malfunctioning or is being repaired or serviced.

Application for endorsement under section 24

10. 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

- (b) the fee provided for in Schedule 4.

Annual medical examination prescribed for section 24

11. A security officer whose licence is endorsed under section 24 must —
- (a) undergo a medical examination of the type prescribed by regulation 15 (as if the officer were an applicant) at least once in every 12 months, commencing on the day on which the endorsement was issued; and
 - (b) within one month of undergoing that examination, give to the Commissioner a medical certificate relating to that examination.

Application for permit under section 25

12. 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 —
- (a) if the applicant does not hold a security officer's licence with an endorsement under section 24, a medical certificate relating to a medical examination carried out within the previous month; and
 - (b) the fee provided for by Schedule 4.

Application for endorsement under section 26

13. 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.

PART 4 — LICENSING PROCEDURES

Application for the issue of a licence

14. An application under section 46 (1) for the issue of a 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.

Medical examination prescribed for sections 47 and 52

15. The medical examination prescribed for the purposes of sections 47 (1) (d) and 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.

Training courses prescribed for sections 47, 52 and 53

16. (1) The following training courses are prescribed for the purposes of sections 47 (1) (f) (i), 52 (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; and
- (c) a crowd controller's licence, an approved training course in crowd control activities.

(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.

(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.

Examinations prescribed for sections 47 and 52

17. (1) The following examinations are prescribed for the purposes of sections 47 (1) (f) (ii) and 52 (g) (ii) in respect of a security consultant's licence which authorizes 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 authorizes 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;
- (b) security doors of a kind referred to in regulation 7, a written examination on AS 2804 — Installation of Security Screen Doors;
- (c) electric fences, a written examination on ANZS 3016 — Electrical Installations — Electrical Security Fences;
- (d) bullet resistant panels, a written examination on AS 2343 — Bullet Resistant Panels for Interior Use.
- (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.

(2) The following examination is prescribed for the purposes of sections 47 (1) (f) (ii) and 52 (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).

(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.

Other evidence prescribed for sections 47 and 52

18. (1) An application for a licence, other than an agent's licence, is to be accompanied by a written statement, signed by each person who is to be specified on the licence under section 59 as an employer, stating that the person —

- (a) holds an appropriate agent's licence; and
- (b) has offered to employ the applicant if the licence is granted.

(2) The requirements of subregulation (1) are prescribed for the purposes of sections 47 (1) (h) and 52 (j).

Application for renewal of licence

19. An application under section 49 (1) for the renewal of a licence is to be made to a licensing officer in the approved form.

Material to support application for renewal of licence

20. 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.

Prescribed conditions and restrictions on licences

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

- (a) those in Division 1, to all security agent's licences;
- (b) those in Division 2, to all security officer's licences;
- (c) those in Division 3, to all inquiry agent's licences;
- (d) those in Division 4, to all crowd control agent's licences; and
- (e) those in Division 5, to all crowd controller's licences.

Approval of uniforms and vehicle markings

22. (1) A security agent may apply to the Commissioner, in the approved form, for approval of —

- (a) a uniform to be worn by; or
- (b) a set of vehicle markings to be carried on vehicles used by,

security officers employed in the business of the security agent while carrying out licensed activities for the business.

(2) The Commissioner is to refuse to approve a uniform or set of vehicle markings if the Commissioner considers it or them to be confusingly similar to a uniform or vehicle markings used by a police force.

(3) An approval under subregulation (1) —

- (a) is to be given in writing; and
- (b) may be subject to such conditions and restrictions as the Commissioner thinks fit.

(4) The Commissioner may, by giving written notice to the security agent, cancel an approval given under subregulation (1), but the cancellation is not effective unless the Commissioner —

- (a) has given to the security agent written notice of the intention to cancel the approval stating the grounds on which the cancellation is intended and allowing the security agent 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.

PART 5 — APPEALS

Definitions

23. (1) In this Part —

“**appeal**” means an appeal under section 72.

(2) In this Part a reference to a Form followed by a designation is a reference to the form so designated in Schedule 2.

How appeals commenced

24. (1) An appeal is to be commenced by way of a notice of appeal in the form of Form 1.

(2) The notice of appeal is to be filed in the Court held nearest —

(a) in the case of an appeal by or on behalf of a partnership or body corporate, the principal place of business of that partnership or body; or

(b) otherwise, the applicant’s place of residence.

(3) The Court is to enter the day and time for the hearing of the appeal on the notice of appeal but the hearing date must not be less than 21 days from the day on which the notice was filed.

Application for an order that effect of a decision be suspended

25. (1) If an appellant also applies for an order that the effect of a decision be suspended until the hearing date of the appeal the Court may, if it would be just to do so —

(a) appoint an earlier day for the hearing of that application only; and

(b) direct that the Commissioner be served with a copy of the notice of appeal in such manner and by such time as is directed by the Court.

(2) The Court may hear an application of a kind referred to in subregulation (1) either *ex parte* or after service, as directed by the Court, has been effected.

Service

26. (1) The appellant is to serve the Commissioner, or a person authorized to accept service on behalf of the Commissioner, with a copy of the notice of appeal but it is not necessary for the appellant to serve the licensing officer who made the decision that is the subject of the appeal.

(2) Subject to regulation 25 (1) (b) the service referred to in subregulation (1) must be effected at least 14 clear days before the hearing date of the appeal.

(3) Subject to regulation 25 (1) (b) section 56 of the *Justices Act 1902* applies to the mode of service of a notice of appeal except that if the Commissioner is to be served by post then the letter is to be addressed to the Commissioner at his or her head office.

Information to be transmitted to Court

27. If a notice of appeal has been filed the Court may direct either the licensing officer who made the decision that is the subject of the appeal or the Commissioner to transmit to the Court any of the following —

- (a) the material that was before the licensing officer when the decision was made;
- (b) where applicable, a copy of —
 - (i) the licence in question;
 - (ii) the conditions or restrictions applying to that licence;
 - (iii) the written notice setting out the decision that the licence not be issued or renewed, and the reasons for the decision; and
 - (iv) the notices and the response referred to in section 67 (2),

and the licensing officer or the Commissioner, as the case requires, is to transmit the required information in accordance with the terms of the Court's direction.

Dismissal or adjournment of appeal or application

28. (1) If the appellant fails to appear at a hearing of an appeal or an application under regulation 25 the Court may dismiss or adjourn the appeal or application.

(2) If the licensing officer whose decision is the subject of an appeal or his or her representative fails to appear at the hearing of the appeal or an application under regulation 25 —

- (a) the Court may adjourn the hearing of the appeal or application; or
- (b) the Court, on being satisfied that service has been properly effected on the Commissioner, may hear and decide the appeal or the application in the absence of the licensing officer or his or her representative.

Summons to witness

29. (1) A summons to a witness to attend, or produce documents at, the hearing of an appeal is to be in the form of Form 2.

(2) A summons cannot be directed to more than one person.

(3) Each summons is to be filed in triplicate and the Court is to retain the original and sign, stamp and return the duplicate and triplicate to the party who filed the summons.

(4) The duplicate summons must be served personally on the person named in the summons.

(5) The triplicate summons is to be endorsed with the details of the service of the summons.

(6) At the time of service, the person serving the summons must tender to the person named in the summons sufficient money to enable the person named in the summons —

(a) to travel between his or her place of residence or employment (whichever is appropriate) and the place of hearing mentioned in the summons; or

(b) to deliver the documents to the Court,

as the case requires.

(7) A person summoned under this regulation must not, without reasonable cause, proof of which is on the person —

(a) fail to attend for examination if required by the summons to do so;

(b) fail to bring any document required by the summons to be brought;

(c) having attended, refuse to be sworn or affirmed; or

(d) having attended, refuse to answer a question if directed to do so by the Court.

Penalty: \$1 000.

Affidavits

30. (1) If a party to an appeal intends to seek the Court's approval to tender evidence by way of affidavit at the hearing of the appeal the party is to file and serve the affidavit on the other party to the appeal not less than 24 hours before the time fixed for the hearing or within such other time as directed by the Court.

(2) If a party to an appeal intends to seek the Court's approval to tender evidence by way of affidavit at the hearing of an application under regulation 25 then the party is to comply with any directions of the Court in relation to filing and serving of the affidavit.

Certain documents to be filed and served by appellant

31. If an appellant intends to produce at the hearing of an appeal any document that was not before the licensing officer the appellant must file, and serve the Commissioner with, a copy of the document not less than 7 clear days before the time fixed for the hearing or within such other time as directed by the Court.

Procedure in relation to appeals and applications

32. Subject to the Act and to these regulations, the procedure in relation to an appeal or an application under regulation 25 is to be determined by the Court.

Costs

33. (1) The amount of any costs ordered to be paid under section 72 (4) (c) is to be such amount as seems just and reasonable to the Court.

(2) An order for costs under section 72 (4) (c) may be enforced as if it were a payment order within the meaning of section 155 of the *Justices Act 1902*.

Court fees

34. (1) In this regulation —

“court fees regulations” means the *Justices Act (Courts of Petty Sessions Fees) Regulations*.

(2) The fees to be taken for the filing of documents and other services provided by the Court are to be in accordance with the fees set out in the First Schedule to the court fees regulations.

(3) For the purposes of subregulation (2) —

- (a) a reference in the court fees regulations to a complaint is to be treated as a reference to a notice of appeal; and
- (b) a service provided by the Court in respect of an appeal is to be treated as if it were the service set out in the First Schedule to the court fees regulations that most closely corresponds to the first-mentioned service.

PART 6 — RECORDS**Prescribed records for a security agent**

35. 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; and
- (c) general records containing the particulars required by regulation 38.

Firearms register

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

- (a) the 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;
 - (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.

Alarm surveillance register

37. (1) The alarm surveillance register is to set out, in relation to each occasion on which a security officer employed in the business responds to a security alarm that is monitored by the business —

- (a) the 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.

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

General records of security agent

38. A security agent's general records must show —

- (a) the full names, residential addresses and licence numbers of all security officers, security consultants and security installers employed in the business;
- (b) in relation to each occasion on which the business is engaged to provide security officers, 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 consultants or security installers who provided that security;
- and
- (c) the hourly movement of all security officers employed in the business while they are carrying out licensed activities for the business.

Prescribed records for a crowd control agent

39. 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.

Incident register

40. (1) The incident register is to set out, in relation to each occasion on which a crowd controller employed in the business removes a person from, or prevents a person from entering, an event or function at which the crowd controller is carrying out crowd control activities for the business —

- (a) the name and licence number of the crowd controller;
- (b) the location of the event or function;
- (c) the name and address of the person who engaged the business to provide crowd controllers at the event or function;
- (d) the date and time when the person was removed or prevented from entering;
- (e) the reasons why the person was removed or prevented from entering;
- (f) the manner in which the person was removed or prevented from entering;
- (g) the names of any other crowd controllers who were present when the person was removed or prevented from entering; and
- (h) the date and time when the person referred to in paragraph (c) was notified that the person was 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 event in question occurs.

(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.

General records of crowd control agent

41. A crowd control agent's general records must show —

- (a) the full names, residential addresses and licence numbers of all crowd controllers employed in 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;
 - (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.

Records to be kept by inquiry agent

42. 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 and licence numbers of all investigators employed in the business.

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

43. 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;
- (c) the 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.

PART 7 — DRUG TESTING

Definitions

44. In this Part —

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

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

“**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).

Prescribed drugs

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

Approval of technologists, sample collectors and analysts

46. (1) The Commissioner of Health (as defined in the *Health Act 1911*) may approve a person as —

- (a) a technologist for the purposes of this Part if the Commissioner considers the person is competent to prepare sampling equipment;
- (b) a sample collector for the purposes of this Part if the Commissioner considers the person is competent to take or collect blood and urine samples.

(2) The Director of the Chemistry Centre (WA) may approve a person as an analyst for the purposes of Part 9 of the Act if the Director 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*.
- (5) The person who gave an approval under subregulation (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.

Prescribed sampling equipment

- 47.** (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 the following is prescribed as urine sampling equipment —
- (a) a container for collecting urine;

- (b) 2 specimen jars; and
- (c) a pair of disposable gloves.

Preparation and use of sampling equipment

48. (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
- (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) 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.

Method of collecting blood

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

(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.

Method of collecting urine

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

(2) After a urine sample has been collected —

- (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.

Analysis of samples

51. (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 Director of the Chemistry Centre (WA) for analysis.

(2) The Director 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.

Definition of non-complying sample

52. 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.

Certificate evidence

53. 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 Director 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);
- (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.

PART 8 — MISCELLANEOUS

Fees

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

PART 9 — TRANSITIONAL PROVISIONS

Existing licences

55. (1) A licence that is to be treated, under clause 2 (3) of Schedule 1 to the Act, as a security officer's licence is to be treated as if it had been endorsed under section 24 if the licensee was licensed under the *Security Agents Act 1976* to carry on the class of business described in regulation 6 (b) (ii) of the *Security Agents Regulations 1977*, and this Act applies to that endorsement as if it had been issued under this Act.

(2) A licence for a security guard under the *Security Agents Act 1976* is to be treated as if it were a security consultant's licence if the licensee was licensed under that Act to carry on the class of business described in regulation 6 (b) (iv) of the *Security Agents Regulations 1977*, and this Act applies to that licence as if it had been issued under this Act.

(3) A licence for a security agent or security guard under the *Security Agents Act 1976* is to be treated as if it were a security installer's licence if the licensee was licensed under that Act to carry on one or more of the classes of business described in regulation 6 (b) (v) to (ix) of the *Security Agents Regulations 1977*, and this Act applies to that licence as if it had been issued under this Act.

Continuation of conditions

56. Where a licence under the *Security Agents Act 1976* or the *Inquiry Agents Licensing Act 1954* is to be treated as a licence under this Act all the conditions and restrictions that applied to the licence under the repealed Act continue to apply to the licence until it is renewed under this Act.

Uniforms and vehicle markings

57. (1) If, immediately before the commencement of these regulations, a certificate was in force under section 41 (6) of the *Security Agents Act 1976* in respect of a uniform or vehicle marking, that uniform or vehicle marking is taken to have been approved by the Commissioner under regulation 22 unless cancelled under regulation 22 (4).

(2) Where —

- (a) a licence for a security agent under the *Security Agents Act 1976* is to be treated, under clause 2 (3) of Schedule 1 to the Act, as a security agent's licence; and
- (b) the licensee does not have a certificate issued under section 41 (6) of the *Security Agents Act 1976* in relation to a uniform or vehicle markings,

any licence condition under Schedule 1 as to a matter for which the licensee does not have such a certificate does not apply until —

- (c) the licence is renewed under this Act; or
- (d) the licensee has obtained an approval under regulation 22 in relation to that matter.

**SCHEDULE 1 — CONDITIONS AND RESTRICTIONS ATTACHED
TO LICENCES**

[Regulation 21]

Division 1 — Security agent's licence

Notification of change of personnel

1. (1) A security agent must notify the Commissioner —
 - (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 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 the Commissioner within 21 days of the occurrence to which it relates.

Uniforms

2. All security officers employed in the business must, at all times while performing licensed activities for the business, wear a uniform approved under regulation 22 for that business.

Vehicle markings

3. A vehicle used by a security officer employed in the business while performing licensed activities for the business must not carry markings other than those for which the security agent has obtained approval under regulation 22.

Armed security officers

4. (1) A security officer employed in the business 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 or the security officer holds a permit under section 25 for the relevant occasion;
 - (b) the business is an organization which holds a licence, permit or approval, issued under the *Firearms Act 1973*, that authorizes 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 employed in the business 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
- (b) the baton is of a type approved by the Commissioner under section 26 (2) (b).

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

Firearm security

5. 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.

Weapons training

6. 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 has successfully completed an approved training course in baton use within the previous 6 months.

Division 2 — Security officer's licence

Uniforms

7. (1) While performing any licensed activity for a business in which he or she is employed a security officer must wear the uniform approved under regulation 22 for that business.

(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.

Vehicle markings

8. While performing any licensed activity for a business in which he or she is employed a security officer must not use a vehicle that carries vehicle markings other than markings in respect of which the security agent has obtained approval under regulation 22.

Carrying of weapons

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

- (a) the security officer's licence is endorsed under section 24 for that activity or the security officer holds a permit under section 25 for the relevant occasion; and
- (b) the firearm was provided to the security officer by the security agent in whose business he or she is employed for the purpose of performing that activity.

(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.

Firearm security

10. A security officer who is in possession of a firearm while performing a licensed activity must, at the end of the activity, promptly return the firearm to the security agent in whose business he or she is employed.

Weapons training

11. 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 endorsement is issued.

Division 3 — Inquiry agent's licence

Notification of change of personnel

12. (1) An inquiry agent must notify the Commissioner —

- (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 the Commissioner within 21 days of the occurrence to which it relates.

Division 4 — Crowd control agent's licence

Notification of change of personnel

- 13.** (1) A crowd control agent must notify the Commissioner —
- (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.
- (2) The notice under subclause (1) is to be in writing and given to the Commissioner within 21 days of the occurrence to which it relates.

Wearing of identification cards

- 14.** 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 it is clearly visible,
- at all times while the agent is at any place for the purpose of supervising crowd controllers employed in the business.

Information to clients

- 15.** 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 employed in the business who will be performing crowd control activities at the event or function;
 - (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.

No weapons to be carried by crowd controllers

16. (1) A crowd controller employed in the business 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.

Division 5 — Crowd controller's licence

Wearing of identification card

17. 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 it is clearly visible,

at all times while performing crowd control activities.

No weapons to be carried by crowd controller

18. (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.

SCHEDULE 2 — FORMS
Form 1 — Notice of Appeal

[Regulation 24 (1)]

Security and Related Activities (Control) Act 1996

IN THE COURT OF PETTY SESSIONS
 sitting at

Appeal No. of

APPELLANT	TAKE NOTICE THAT I <i>[Full name]</i> OF <i>[Address for service]</i>
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APPEAL / APPLICATION	<p>am aggrieved by a decision made by licensing officer <i>[Name of officer]</i> that was made under the above Act and served on me on <i>[Date of service]</i> I hereby appeal to the Court against the decision.</p> <p>I also apply for an order that the effect of the decision to <i>[give details of decision or relevant part of decision]</i> be suspended until the hearing date of the appeal.</p> <p>I also apply for an order that <i>[give details of other orders sought]</i></p>
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DECISION DETAILS	<p>THE DECISION TO BE APPEALED IS AS FOLLOWS</p> <p>..... </p> <p>..... and concerns section 72 (1) . . . of the Act. <i>[State which paragraph of section 72 (1) of the Act applies.]</i></p>
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 GROUNDS OF APPEAL	The appeal is on the following grounds

 SIGNATURE OF APPELLANT AND DATE <i>[signature of appellant]</i> / / <i>[Date of appeal]</i>
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 HEARING DATES	<p>TO THE APPELLANT AND TO THE COMMISSIONER OF POLICE</p> <p>This appeal has been listed for hearing at the above Court on the day of 19 ... at a.m./p.m.</p> <p><i>[If applicable]</i></p> <p>Also note that the application for an order to suspend the effect of the stated decision until the above hearing date has been listed for hearing at the above Court on the day of 19 ... at a.m./p.m.</p> <p>_____</p> <p><i>[Clerk of the Court]</i></p>
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Form 2 — Summons to Witness

[Regulation 29 (1)]

Security and Related Activities (Control) Act 1996

IN THE COURT OF PETTY SESSIONS

sitting at

Appeal No. of

To: [Name of witness]
of [Address]

[Tick if person to be summoned]

You are summoned to appear before the Court of Petty Sessions at
..... a.m./p.m. on the day of 19 ..
at
[Address of Court]

until discharged from attendance, to give evidence concerning the above-
mentioned matter on behalf of
[Name and address of party taking out summons]

[Tick if person summoned is also to produce documents]

AND you are also required to have and produce at the same time and place
all documents in your possession or under your control in any way relating to
these proceedings and in particular, but not exclusively, the following —

OR

[Tick if documents only are required]

You are summoned to bring to the Court of Petty Sessions by a.m./p.m.
on the day of 19
at
[Address of Court]

all documents in your possession or under your control in any way relating to
these proceedings and in particular, but not exclusively, the following —

If you fail or refuse to comply with this summons then you may
become liable to pay a penalty.

[Clerk of the Court]

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.

SCHEDULE 4 — FEES

[Regulation 54]

Provision of Act or regulations	Subject matter	Fee (\$)
column 1	column 2	column 3
s. 10 (2)	Application to inspect register	7
s. 10 (3)	Certified copy of register entry	10
s. 46 (1)	Application ⁽¹⁾ for issue of agent's licence —	
	for one year or less	103
	for more than one year	123
s. 46 (1)	Application ⁽¹⁾ for issue of any other licence —	
	for one year or less	29
	for more than one year	49
s. 46 (1)	Fee if fingerprints or palm prints are required under section 48 ⁽²⁾	25
s. 46 (1)	Application ⁽³⁾ by licensee for an additional licence	15
s. 49 (1) (c)	Application ⁽¹⁾ for renewal of agent's licence	74
s. 49 (1) (c)	Application ⁽¹⁾ for renewal of any other licence	29
s. 66	Issue of duplicate licence or identification card	7
Reg. 9	Application ⁽⁴⁾ for endorsement under section 24	15
Reg. 11	Application ⁽⁴⁾ for permit under section 25	15
Reg. 12	Application ⁽⁴⁾ for endorsement under section 26	15

Notes regarding fees —

- (1) If an application for issue or renewal relates to more than one licence only the highest applicable fee is payable.
- (2) Fingerprint or palm print fee is in addition to application fee.
- (3) Payable only if application for additional licence is made separately from application for issue or renewal of first licence.
- (4) Payable only if application for the endorsement or permit is made separately from application for issue or renewal of the security officer's licence.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

