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SECURITY AND RELATED ACTIVITIES (CONTROL)  
ACT 1996

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**SECURITY AND RELATED  
ACTIVITIES (CONTROL)  
AMENDMENT REGULATIONS  
(No. 2) 2009**



Security and Related Activities (Control) Act 1996

## **Security and Related Activities (Control) Amendment Regulations (No. 2) 2009**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Security and Related Activities (Control) Amendment Regulations (No. 2) 2009*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day the *Security and Related Activities (Control) Amendment Act 2008* section 3 comes into operation.

### **3. Regulations amended**

These regulations amend the *Security and Related Activities (Control) Regulations 1997*.

### **4. Regulation 3 amended**

- (1) In regulation 3(1) delete the definition of *approved training course*.

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(2) In regulation 3(1) insert in alphabetical order:

***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
    - (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);

***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;

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**5. Regulation 4A inserted**

At the end of Part 1 insert:

**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),

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

**6. Regulation 11 replaced**

Delete regulation 11 and insert:

**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).

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- (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.
- (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.

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**7. Regulation 12 replaced**

Delete regulation 12 and insert:

**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.

**8. Part 4 Division 1 heading inserted**

Before regulation 14 insert:

**Division 1 — Licences other than temporary licences**

**9. Regulation 14 amended**

In regulation 14 delete “licence” and insert:

licence, other than a temporary licence,

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**10. Regulation 15 replaced**

Delete 15 and insert:

**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.

**11. Regulation 16 amended**

In regulation 16(1):

- (a) delete "52(g)(i)" and insert:

52(1)(g)(i)



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- (b) in paragraph (d)(iii) delete “missing persons.” and insert:

missing persons;

- (c) after paragraph (d) insert:

(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.

**12. Regulation 17 amended**

- (1) In regulation 17(1):

- (a) delete “52(g)(ii)” and insert:

52(1)(g)(ii)

- (b) in paragraph (f) delete “Doors.” and insert:

Doors; or

- (c) after paragraph (f) insert:

(g) closed circuit television equipment for security purposes, a written examination on AS4806 — Closed Circuit Television (CCTV).

- (d) after each of paragraphs (a) to (d) insert:

or

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- (2) In regulation 17(2) delete “52(g)(ii)” and insert:

52(1)(g)(ii)

**13. Regulation 18 replaced**

Delete regulation 18 and insert:

**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**

| <b>Item</b> | <b>Category 1</b>  |
|-------------|--|
| 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.                            |

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| <b>Item</b> | <b>Category 1</b>  |
|-------------|--|
| 3.          | A proof of age card bearing the name, date of birth and photograph of the applicant that has been issued under the <i>Liquor Control Regulations 1989</i> regulation 18B.  |
| 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.  |

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| <b>Item</b> | <b>Category 2</b>   |
|-------------|---|
| 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.                                     |

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

**14. Regulation 21 amended**

After regulation 21(c) insert:

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

**15. Part 4 Division 2 and Parts 5A and 5 inserted**

After regulation 21 insert:

**Division 2 — Temporary licences**

**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.

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- 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.
  - (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).

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**Part 5A — Disqualifying offences and  
disqualifying periods**

**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.

**25. Disqualifying periods**

- (1) In this regulation —

***Division 1 offence*** means an offence described in Schedule 1 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.

### **Part 5 — Classes of licence**

#### **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**

| <b>Class of licence</b> | <b>Types of items or equipment</b>   |
|-------------------------|--|
| Class 1                 | safes<br>vaults<br>locks of a kind prescribed by regulation 6  |
| Class 2                 | security alarms<br>closed circuit television equipment for security purposes<br>equipment and devices prescribed by regulation 8 |

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| <b>Class of licence</b> | <b>Types of items or equipment</b>        |
|-------------------------|---|
| 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.

**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**

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



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- (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.

**16. Regulation 35 amended**

In regulation 35:

- (a) in paragraph (b) delete "regulation 37; and" and insert:  
regulation 37;
- (b) after paragraph (b) insert:
- (ca) a guard dog register containing the particulars required by regulation 38A;

**17. Regulation 38A inserted**

After regulation 37 insert:

**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

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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.

**18. Regulation 38 amended**

- (1) In regulation 38(1):
  - (a) delete paragraph (a) and insert:
    - (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 paragraph (b) after “security officers,” insert:

security bodyguards,
  - (c) in paragraph (b)(iii) after “security officers,” insert:

security bodyguards,

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- (d) delete paragraph (c) and insert:
  - (c) the hourly movement of each security officer and security bodyguard while carrying out licensed activities for the business.

(2) After regulation 38(2) insert:

- (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.

**19. Regulation 41 amended**

(1) In regulation 41:

- (a) delete "A crowd" and insert:

(1) A crowd

- (b) delete paragraph (a) and "and" after it and insert:

- (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

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(2) At the end of regulation 41 insert:

- (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.

**20. Regulation 44A inserted**

At the end of Part 6 insert:

**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.

**21. Regulation 44 amended**

(1) In regulation 44 insert in alphabetical order:

*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;

(2) In regulation 44 in the definition of *approved testing equipment* delete "Director" and insert:

chief executive officer

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**22. Regulation 46 amended**

(1) In regulation 46(1):

(a) delete “Commissioner of Health” and insert:

CEO

(b) in paragraphs (a) and (b) delete “Commissioner” and insert:

CEO

(c) in paragraph (b) delete “and urine samples.” and insert:

or urine samples or both.

(2) In regulation 46(2) delete “Director” (each occurrence) and insert:

chief executive officer

**23. Regulation 48A amended**

In regulation 48A(1) delete “crowd controller” and insert:

licensee

**24. Regulation 51 amended**

(1) In regulation 51(1) delete “Director” and insert:

chief executive officer

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- (2) In regulation 51(2) delete “Director” and insert:

chief executive officer

**25. Regulation 53 amended**

In regulation 53:

- (a) in paragraph (a) delete “Director” and insert:

chief executive officer

- (b) in paragraph (aa) delete “Director” and insert:

chief executive officer

**26. Regulation 54A amended**

- (1) Delete regulation 54A(1) and insert:

- (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 regulation 54A(2):

- (a) delete “an association” and insert:

the Commissioner

- (b) delete paragraph (b) and “and” after it;

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(c) after paragraph (a) insert:

and

(3) Delete regulation 54A(3).

**27. Regulations 55 to 57 inserted**

At the end of Part 8 insert:

**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.

**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.

**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.

**28. Part 9 deleted**

Delete Part 9.

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**29. Schedule 1 clause 1 amended**

- (1) In Schedule 1 clause 1(1):
  - (a) delete “the Commissioner — ” and insert:

a licensing officer —
  - (b) in subclause (1)(b) after “security officer,” insert:

security bodyguard,
- (2) In Schedule 1 clause 1(2) delete “the Commissioner” and insert:

a licensing officer

**30. Schedule 1 clause 4A inserted**

After Schedule 1 clause 3 insert:

**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.



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**31. Schedule 1 clause 4 amended**

In Schedule 1 clause 4(1)(a) delete “activity or the security officer holds a permit under section 25 for the relevant occasion;” and insert:

activity; and

**32. Schedule 1 clause 9 amended**

Delete Schedule 1 clause 9(1) and insert:

- (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.

**33. Schedule 1 clauses 11A and 11B inserted**

In Schedule 1 Division 2 after clause 10 insert:

**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 (***commencement day***) until the day that is 12 months after commencement day.

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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 (**commencement day**) until the day that is 2 years after commencement day.

**34. Schedule 1 Division 2B inserted**

After Schedule 1 clause 11 insert:

**Division 2B — Security bodyguard's licence**

**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.

**12B. First aid certificate**

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

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**35. Schedule 1 clause 12 amended**

- (1) In Schedule 1 clause 12(1) delete “the Commissioner —” and insert:

a licensing officer —

- (2) In Schedule 1 clause 12(2) delete “the Commissioner” and insert:

a licensing officer

**36. Schedule 1 clause 13 amended**

- (1) In Schedule 1 clause 13(1) delete “the Commissioner —” and insert:

a licensing officer —

- (2) In Schedule 1 clause 13(2) delete “the Commissioner” and insert:

a licensing officer

**37. Schedule 1 clause 15A inserted**

After Schedule 1 clause 15 insert:

**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.

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- (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.

**38. Schedule 1 clause 19A inserted**

After Schedule 1 clause 18 insert:

**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 (***commencement day***) until the day that is 2 years after commencement day.

**39. Schedule 2 inserted**

After Schedule 1 insert:

**Schedule 2 — Disqualifying offences**

[r. 24]

**Division 1 — Division 1 offences**

| <b>Enactment</b>         | <b>Offences</b>  |
|--------------------------|--|
| <i>The Criminal Code</i> | 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<br><br>Offences under the following sections —<br>s. 51(2)                      s. 74                      s. 87 |

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| Enactment                                       | Offences  |
|---|---|
|   | 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 |
| <i>Firearms Act 1973</i>                        | All indictable offences   |
| <i>Misuse of Drugs Act 1981</i>                 | All indictable offences   |
| <i>Criminal Code Act 1995</i><br>(Commonwealth) | All offences in the Schedule Part 5.3 — Terrorism   |

**Division 2 — Division 2 offences**

| Enactment                       | Offences  |
|---------------------------------|---|
| <i>The Criminal Code</i>        | 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 |
| <i>Misuse of Drugs Act 1981</i> | All offences other than indictable offences   |

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| <b>Enactment</b>        | <b>Offences</b> |
|-------------------------|-----------------|
| <i>Poisons Act 1964</i> | All offences    |
| <i>Weapons Act 1999</i> | All offences    |

**40. Schedule 4 amended**

In Schedule 4:

(a) before the heading "*Other licences*" insert:

s. 46(1) Application for issue of temporary  
agent's licence ..... 451

(b) before the heading "*Miscellaneous*" insert:

s. 46(1) Application for issue of temporary  
licence other than a temporary  
agent's licence ..... 155

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.