

New laws that affect you













Information for the Private Security Industry



VICTORIA POLICE



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New laws for the Private Security Industry in Victoria

New laws contained in the *Private Security Act 2004*, will commence operation on 1 July 2005. The new legislation will affect security guards, crowd controllers, investigators, and private security businesses. Licensing will now also extend to bodyguards. The previously unregulated occupations of security equipment installers and security advisers will now require registration in Victoria.

The new Act sets the Chief Commissioner of Police (CCP) as the Regulator of the Private Security Industry. The powers of the Chief Commissioner are delegated through the provisions in the Act to the Licensing Services Division (LSD), formerly known as the Private Agents Registry.

Summaries of the main changes contained in the new Act are outlined in this brochure. To download application forms, obtain further information relating to the regulation of the Private Security Industry, or to view fees please visit www.police.vic.gov.au.



Licensing

The new Act extends the requirement for licensing to include bodyguards. Licensing will be required for the security activities of security guard, crowd controller, investigator and bodyguard.

These activities are classified as 'Class A Security Activities'.

- A **Security Guard** is defined as a person who is employed or retained to protect, watch or guard any property by any means including:
 - a) by patrolling the property in person; or
 - b) by monitoring the property by operating a security system that utilises closed circuit television, a closed monitoring system, radio or other similar alarm device.

- A **Crowd Controller** is defined as a person who is employed or retained principally to maintain order at any public place by doing all or any of the following:
 - a) Screening entry into; or
 - b) Monitoring or controlling behaviour in; or
 - c) Removing any person from; or
 - d) Otherwise maintaining order in –
Any such place, unless that person is doing nothing more than securing or checking that persons allowed admission
 - e) have paid for admissions; or
 - f) have invitations or passes allowing for admission.

- An **Investigator** is defined as a person who on behalf of any other person, is employed or retained:
 - a) To obtain and furnish information as to the personal character or actions of any person or as to the character or nature of the business or occupation of any person; or
 - b) To search for missing persons.
- A **Bodyguard** is defined as a person who is employed or retained to provide a close personal protection service.

Any person operating in any of these activities in Victoria must have a current Private Security Individual Operator licence. Any business providing the services of others who perform any of these activities must have a current Private Security Business licence. The new Private Security Licences will specify all activities on one plastic licence card and will be issued once a licence has been approved.

Under the new Act, applicants must submit supporting documentation with their licence application, including 2 written character references from a prescribed class of person. A list of prescribed class of persons can be found on application forms and at www.police.vic.gov.au.



Registration

Security equipment installers and security advisers have the capacity to collect sensitive information about the personal and security arrangements of their customers. Under the *Private Security Act 2004* security advisers and security equipment installers must be registered with LSD.

Security advisers and security equipment installers are classified as 'Class B Security Activities'.

- A **Security Equipment Installer** is defined as a person who is employed or retained to install, repair, service or maintain security equipment.
- A **Security Adviser** is defined as a person who is employed or retained to provide advice in relation to security equipment or security methods or principles.
- **Security Equipment** includes camera systems, security alarms and electronic security devices. The full definition of security equipment can be found in the Private Security Regulations 2005.

Under the new Act, applicants must submit supporting documentation with their registration application, including 2 written references from a prescribed class of person. A list of prescribed class of persons can be found on application forms and at www.police.vic.gov.au.



New requirements for businesses

The *Private Security Act 2004* outlines new advertising requirements for business applications. Within 7 days of lodging an application for a Private Security Business licence or registration, a newspaper advertisement stating the intention to apply for a business licence or registration must be placed by the applicant in a daily newspaper circulating generally in Victoria. A copy of the advertisement must be forwarded to LSD within 14 days of the application being made, including the date of publication. Any persons wishing to object to the granting of a licence or registration may do so in writing to LSD on the basis of this advertisement. Due to this, the advertisement must be worded as specified in the application form. LSD must consider any submission received within 14 days of the advertisement being published.

The applicant, or nominated person in the case of a body corporate, for a Private Security Business licence must have fulfilled the competency requirements, which include possessing the relevant qualifications, knowledge, approved training or experience or membership of an approved security industry organisation.

Applications for a Private Security Business licence or registration must include a statement of all close associates to the business. All persons declared on a business application, including close associates, are required to meet probity requirements.

Permits

The new Act introduces temporary permits for persons who reside outside Victoria wishing to work as a private security operator in Victoria for a special event.

A person who ordinarily resides in another state or territory may apply to LSD for a permit to:

- Carry on one or more Class A Security Activities (ie. investigator, bodyguard, crowd controller or security guard)
- Carry on one or more Class B Security Activities (ie. security equipment installer or security adviser)
- Provide the services of other persons to carry on one or more Class A or B Security Activity

A person who ordinarily resides outside Australia may apply to LSD for a permit to:

- Act as a bodyguard in Victoria

Permits enable interstate residents (or overseas residents in the case of bodyguards) to work as private security operator in Victoria for a special event (eg: sporting or entertainment event).

Permits are temporary, cannot be renewed and are issued only for the duration of a special event.

LSD may impose conditions on the permit.



Conditions

LSD, under the delegation of the Chief Commissioner of Police (CCP), has the power to impose conditions on a licence or registration in relation to the following:

- Completion of any approved training requirements or other training (does not apply to registration);
- Carriage and use of equipment;
- Notification of any serious medical or psychiatric condition or impairment;
- Supervision; or
- Anything that the CCP thinks fit to impose.

A licence or registration holder can apply to LSD to vary or revoke an imposed condition. The application form to vary or revoke an imposed condition can be found at www.police.vic.gov.au.

A document called a carrier will accompany all plastic licence and registration cards. The carrier will specify the licence or registration holder's personal details and any conditions placed on the licence.

Training Competencies

The *Private Security Act 2004* sets out comprehensive training requirements for all licensing activities. The Act does not require registration applicants to complete competency requirements.

A training package has been developed from the PRS03 Asset Security Training Package. The approved training requirements are specific to each security activity (ie. security guard, crowd controller, bodyguard and investigator). However, the training for the activity of security guard is specific to the type of work the security guard intends to undertake. These sub-activities include unarmed guard, armed guard, cash in transit, control room operator or monitoring centre operator.

All **new licence applicants** must successfully complete the approved training requirements for the security activities applied for prior to application. **Existing licence holders** must update their training to the new standard by **1 March 2006**. All licence holders will be required to undergo refresher training throughout the life of the licence.

An accredited Registered Training Organisation can be contacted for more information regarding the training requirements for new applicants and existing licence holders. Please visit www.police.vic.gov.au for a list of accredited Registered Training Organisations.

Probity

The *Private Security Act 2004* sets out stringent probity requirements that are designed to reduce risks to public safety, public peace and security of property. To participate in the security industry under the new Act, individuals and businesses must meet probity requirements.

Probity entails undergoing a Criminal History Check on application and then ongoing monitoring of criminal activity throughout the life of the licence or registration.

The probity requirements are outlined in the new Act as follows:

Licensing

- A **Disqualifying Offence** relates to all licensing activities (ie. crowd control, security guard, investigator and bodyguard) and cover –
 - a) any offence under Part 5 of the *Drugs, Poisons and Controlled Substances Act 1981* involving –
 - i) trafficking in a drug of dependence; or
 - ii) cultivation of narcotic plants in a commercial quantity –
within the meaning of that Act; or
 - b) any assault punishable by a term of imprisonment of 6 months or more.



- Disqualifying offences can result in someone being a prohibited person. A **Prohibited Person** is someone who has been convicted of a disqualifying offence in the past 10 years or has been found guilty (without conviction) of a disqualifying offence in the past 5 years. *LSD must refuse to grant a licence if the applicant is a prohibited person.* Upon becoming aware that the holder of a licence (or in the case of a body corporate, an officer of the body corporate), is a prohibited person, LSD must cancel the licence immediately.
- A **Particular Indictable Offence** relates to all licensing activities and covers any indictable offence, other than a disqualifying offence, that in the opinion of the CCP makes the person unsuitable to hold a licence.

Registration

- An **Indictable Offence** relates to registration. A person who has been convicted in the past 10 years or has been found guilty (without conviction) in the past 5 years of an indictable offence that in the opinion of the CCP makes the person unsuitable cannot be granted a registration.

It is a requirement of the new Act that any licence or registration holder, nominated person or office holder of a body corporate or close associate to a business charged with a disqualifying offence, particular indictable offence or indictable offence, notify LSD in writing within 7 days. Details must be provided of the alleged offence(s) and the date or place of hearing.

Transitional Arrangements

From 1 July 2005, the transitional provisions of the Act will accommodate people who currently hold a Victorian Private Agents Licence. A licence held under the *Private Agents Act 1966* (the old Act) will be deemed a licence under the *Private Security Act 2004* (the new Act) and will remain in force until the date on which it expires unless it is cancelled or suspended. A licence granted under the old Act cannot be renewed. Existing licence holders must apply for a new licence under the new Act. Approximately 8 weeks prior to the licence expiry date, a pre-filled new application form will be sent to the licence holder for completion. The documentation and evidence required to apply for a licence under the new Act must be provided at this time.

All persons who previously did not require licensing or registration, namely security equipment installers, security advisers and bodyguards, have 6 weeks from the commencement of the new Act on 1 July 2005 to lodge the appropriate application. A person who submits an application to LSD within this timeframe may continue to operate until a decision regarding their application is made by LSD.

If a new applicant for the activity of bodyguard has a current existing licence granted under the *Private Agents Act 1966* (eg. crowd control, security guard or inquiry agent), the existing security activities must be applied for again at the time of the new application being lodged for a licence to carry on bodyguard activities. A refund will be issued for the unused portion of the original licence. If the application is approved, a single plastic card with a common expiry date will be issued for all activities authorised by the licence. The same process applies for Private Security Business Licence applicants.

For example, should a security guard licence holder under the old Act wish to apply for a bodyguard licence under the new Act, they must:

- Submit a new application and the supporting documentation for a Private Security Individual Operator licence for the activities of bodyguard and security guard.
- Pay the adjusted fee once a payment notice is issued and have their photo taken.

If the application is submitted within 6 weeks of 1 July 2005, and the applicant was previously working as a bodyguard, they may continue to operate as a bodyguard and security guard until a decision is made by LSD. If the application is approved a single plastic card with a common expiry date will be issued to the licence holder. The licence holder will be required to surrender the original security guard licence once the replacement is received.

The same principle will apply to persons holding multiple private agents licences with different expiry dates (ie: security guard and investigator). When the first licence expires, the other licence will be brought forward and must be reapplied for under the new Act at the same time. A refund will be issued for the unused portion of the existing licence. One plastic card with a common expiry dates is once again issued.



Summary of Changes

There are a number of differences between the previous Act and the new Act. This brochure provides details on the main provisions of the *Private Security Act 2004*. A summary of the main differences is provided below. The section number in brackets refers to the section in the *Private Security Act 2004* where this requirement is specified. For more details, please refer to the *Private Security Act 2004*, *Private Security Regulations 2005* or visit www.police.vic.gov.au.

Licensing

- Licensing is extended to bodyguards (section 14)
- Allows overseas bodyguards to be issued with temporary permits (section 67)
- Expands the definition of security guard (section 3)
- Establishes mandatory disqualification offences for all licensing categories (section 25 and 26)
- All licensing categories are subject to competency training requirements (section 33)
- LSD can approve training for licensing purposes (section 172)
- LSD can approve providers of training for licensing purposes (section 172)

Registration

- Security Equipment Installers and Security Advisers are required to be registered and are subject to probity requirements but not required to fulfil training competencies (section 71 and 72)

Registration and Licensing

- Allows interstate private security operators to be issued with temporary permits for the purpose of special events (section 64 and 120)
- Allows fingerprinting of applicants and close associates when identity is in question (section 22 and 79)
- LSD may cancel a licence or registration and disqualify an applicant from applying for a licence or registration for up to 5 years (section 56 and 111)
- Allows LSD to determine a matter relating to cancellation or suspension of a licence before a related criminal charge has been dealt with in the courts (section 60)
- Requires licence or registration holders and close associates to notify LSD of criminal charges (section 176)
- Allows LSD to grant a licence or registration subject to a range of conditions (section 31 and 88)
- Applicants for business licences or registrations are required to advertise their application in a daily newspaper within 7 days of applying and LSD must consider any written submission received within 14 days of publication (section 18 and 75)
- Application for a business licence or registration is required to declare the details of all close associates (section 17 and 74)
- Provides that an application for a licence or registration must include 2 written references (section 17 and 74)

General

- The industry regulator changes from the Registrar of Private Agents to the Chief Commissioner of Police (represented by LSD) (section 171)
- Provides for the issuing of infringement notices for a number of offences (section 164)
- Provides for a non-refundable application fee (section 30 and 87)

**For more information please visit
www.police.vic.gov.au**

Licensing Services Division

**‘In partnership with
the community, create a
safer Victoria, through
responsible management
of the firearm, weapon
and security industries’**



More Information

For more information regarding
the regulation of the Private Security Industry
please visit www.police.vic.gov.au
or contact the
Victoria Police Licensing Services Division
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or call 1300 651 645.

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