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Security and Related Activities (Control) Act 1996

Security and Related Activities (Control) Amendment Regulations 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Security and Related Activities (Control) Amendment Regulations 2016*.

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 after that day.

3. Regulations amended

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

4. Regulation 3 amended

In regulation 3(1) insert in alphabetical order:

responsible police division means the division of the Police Force of Western Australia that is for the time being responsible for the implementation and enforcement of the Act;

Security and Related Activities (Control) Amendment Regulations 2016**r. 5**

Superintendent means the police officer of the rank of Superintendent or acting at the rank of Superintendent who is in charge of the responsible police division;

5. Regulation 4A amended

In regulation 4A:

- (a) delete “the Commissioner” (each occurrence) and insert:

the Commissioner, the Superintendent

- (b) delete “to the offices of the Licensing Enforcement Division, Western Australia Police, 297 Hay Street, East Perth.” and insert:

to the offices of the responsible police division at 303 Sevenoaks Street, Cannington WA 6107 or to Locked Bag 9, East Perth WA 6892.

Note: The heading to amended regulation 4A is to read:

Method of giving things to Commissioner, Superintendent or licensing officer

6. Regulation 14 amended

In regulation 14:

- (a) in paragraph (a) after “at Perth,” insert:

(GPO),

- (b) after paragraph (a) insert:

- (ab) if the applicant resides beyond 50 km of the GPO but is undertaking a course of training

Security and Related Activities (Control) Amendment Regulations 2016

r. 7

prescribed in respect of the licence at a location within 50 km of the GPO, with a licensing officer; or

7. Regulation 14A amended

After regulation 14A(2) insert:

- (2A) The Superintendent may, by giving written notice to the approved training provider, cancel an approval given under subregulation (1), but the cancellation is not effective unless the Superintendent —
- (a) has given to the training provider written notice of the intention to cancel the approval stating the grounds on which the cancellation is intended and allowing the training 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.

8. Regulation 16 amended

- (1) In regulation 16(1):
- (a) in paragraph (f) delete “locksmithing.” and insert:

locksmithing;
 - (b) after paragraph (f) insert:

(g) a Class 2 security consultant’s licence, an approved training course in technical security;

Security and Related Activities (Control) Amendment Regulations 2016**r. 9**

- (h) a Class 2 security installer's licence, an approved training course in technical security.

- (2) After regulation 16(1) insert:

- (1A) The training courses prescribed under subregulation (1)(a) and (b) do not apply in respect of a security officer's licence to the extent that the applicant, if issued with the licence, will be undertaking monitoring duties only (e.g. duties involving the monitoring of surveillance or signalling equipment in a security control room).

9. Regulation 17 amended

- (1) Delete regulation 17(1) and insert:

- (1) For the purposes of sections 47(1)(f)(ii) and 52(1)(g)(ii), a written examination on AS 2804 — Installation of Security Screen Doors is prescribed in respect of a Class 3 security consultant's licence and a Class 3 security installer's licence.

- (2) After regulation 17(2) insert:

- (2A) For the purposes of sections 47(1)(f)(ii) and 52(1)(g)(ii) —
 - (a) a written examination on watching, guarding and protecting property is prescribed for a security officer's licence; and

Security and Related Activities (Control) Amendment Regulations 2016

r. 10

- (b) a written examination on crowd control activities is prescribed for a crowd controller's licence.

(3) Delete regulation 17(3) and insert:

(3) In this regulation —

written examination means a written examination —

- (a) set by the Superintendent or by a course provider approved under regulation 16(3) 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 or, in the case of a written examination set by a course provider approved under regulation 16(3), by that course provider.

10. Regulation 24 amended

In regulation 24 delete paragraph (b) and insert:

- (b) an offence under the laws of the Commonwealth, another State or a Territory or of another country which, regardless of where it was committed, would have constituted an offence described in Schedule 2.

Security and Related Activities (Control) Amendment Regulations 2016**r. 11**

11. Regulation 40 amended

- (1) In regulation 40(2) delete the Penalty and insert:

Penalty for this subregulation: a fine of \$2 000.

- (2) After regulation 40(2) insert:

- (2A) Subregulations (1) and (2) do not apply if the details of an incident that would otherwise have to be recorded in the register in accordance with those subregulations are already recorded in the register of incidents maintained at licensed premises under the *Liquor Control Act 1988* section 116A.

12. Regulations 58 and 59 inserted

At the end of Part 8 insert:

58. Prescribed offences and modified penalties

- (1) The offences specified in Schedule 5 are prescribed as offences for which an infringement notice may be given under section 88A.
- (2) The modified penalty specified opposite an offence in Schedule 5 is the modified penalty for that offence for the purposes of section 88A(3) and (5).

59. Forms

The forms set out in Schedule 6 are prescribed in relation to the matters specified in those forms.

Security and Related Activities (Control) Amendment Regulations 2016

r. 13**13. Schedule 1 clause 4A amended**

In Schedule 1 delete clause 4A(2).

14. Schedule 1 clause 11B amended

In Schedule 1 delete clause 11B(2).

15. Schedule 1 clause 19A amended

In Schedule 1 delete clause 19A(2).

16. Schedule 2 amended

- (1) In Schedule 2 Division 1 in the item relating to *The Criminal Code* delete “s. 172”.
- (2) In Schedule 2 Division 2 in the item relating to *The Criminal Code* insert in numerical order:

s. 172

17. Schedules 5 and 6 inserted

After Schedule 4 insert:

**Schedule 5 — Prescribed offences and modified penalties
for infringement notices**

[r. 58]

Division 1 — Offences under the Act

Item	Section	Offence	Modified penalty (\$)
1	s. 15	Acting as a security agent without a licence	500

Security and Related Activities (Control) Amendment Regulations 2016**r. 17**

Item	Section	Offence	Modified penalty (\$)
2	s. 16	Acting as a security officer without a licence	500
3	s. 17(1) or (2)	Acting as a security consultant without a licence	500
4	s. 18(1) or (2)	Acting as a security installer without a licence	500
5	s. 18A	Acting as a security bodyguard without a licence	500
6	s. 19(1)	Acting as a security officer, etc., while not in the employment of a security agent	500
7	s. 20(1) or (2)	Employing an unlicensed person as a security officer, etc.	500
8	s. 21(1)	Advertising or holding out to be willing to supply the services of a security officer, security consultant, security installer or security bodyguard while not being a holder of a security agent's licence	500
9	s. 23	Possessing a firearm without an endorsement on security officer's licence authorising possession	500
10	s. 29	Acting as an inquiry agent without a licence	500
11	s. 30	Acting as an investigator without a licence	500

Security and Related Activities (Control) Amendment Regulations 2016

r. 17

Item	Section	Offence	Modified penalty (\$)
12	s. 31(1)	Acting as a licensed investigator while not in the employment of an inquiry agent	500
13	s. 32	Employing a person as an investigator who does not hold an investigator's licence	500
14	s. 33(1)	Advertising or holding out to be willing to supply the services of an investigator while not being a holder of an inquiry agent's licence	500
15	s. 36	Acting as a crowd control agent without a licence	500
16	s. 37	Acting as a crowd controller without a licence	500
17	s. 38(1)	Acting as a crowd controller while not in the employment of a crowd control agent	500
18	s. 39	Employing a person as a crowd controller who does not hold a crowd controller's licence	500
19	s. 40(1)	Advertising or holding out to be willing to supply the services of a crowd controller while not being a holder of a crowd control agent's licence	500

Security and Related Activities (Control) Amendment Regulations 2016**r. 17**

Item	Section	Offence	Modified penalty (\$)
20	s. 41(1)	Acting as an armed security bodyguard while not authorised to do so	500
21	s. 64	Failing to comply with a condition or restriction attached to a licence	500
22	s. 67B	Failing to comply with licensing officer's directions for the return of licence and identity card	400
23	s. 68(2b)	Failing to comply with licensing officer's directions for the return of licence and identity card	400
24	s. 75	Failing to produce licence for inspection	400
25	s. 76	Failing to return licence and identity card when licence has expired, terminated or been surrendered	400
26	s. 77(1)	Failing to give notice of change of business address	400
27	s. 77(2)	Failing to give notice of change of residential address	400
28	s. 77A(1)	Failing to give notice of being charged or found guilty of disqualifying offence	400
29	s. 78(1)(a) or (c)	Failing to keep records	500
30	s. 78(2)	Failing to notify licensing officer of address where records are kept	400

Security and Related Activities (Control) Amendment Regulations 2016**r. 17**

Item	Section	Offence	Modified penalty (\$)
31	s. 79	Disposing of a licence or identity card to another person or permitting another person to use licence or identity card	500
32	s. 79A(2)	Employing an unlicensed person or a person whose licence has been refused, suspended or revoked	500
33	s. 84(a) or (c)	Failing to keep records	500
34	s. 85(4)	Refusing or failing to comply with a requirement or providing false or misleading information	400
35	s. 93A(2)	Refusing or failing to comply with requirement to provide name and address of agent	400

Division 2 — Offence under these regulations

Item	Regulation	Offence	Modified penalty (\$)
1	r. 40(2)	Failing to record details in incident register	400
2	r. 48A(1)	Failing to produce identity card when giving blood or urine sample under direction	400

Security and Related Activities (Control) Amendment Regulations 2016**r. 17****Schedule 6 — Forms**

[r. 59]

Form 1 — Infringement notice

<i>Security and Related Activities (Control) Act 1996</i> <i>Security and Related Activities (Control) Regulations 1997</i> Infringement notice	
Alleged offender	Name: Surname
	Given names
	Address _____ Postcode
Details of alleged offence	Description of offence _____
	<i>Security and Related Activities (Control) Act 1996</i> s. []. <i>Security and Related Activities (Control) Regulations 1997</i> r. []
	Date / /20 Time
	Place
Officer issuing notice	Name
	Signature
	Office
Date of notice	/ /20
Modified penalty	\$ []
Penalty	\$ []
	You do not have to pay this amount. This is the maximum fine that can be imposed if you are prosecuted in a court and convicted of an offence.

Security and Related Activities (Control) Amendment Regulations 2016

r. 17

Notice to alleged offender	It is alleged that you have committed the above offence.
	If you do not want to be prosecuted in court for the alleged offence , pay the modified penalty within 28 days after the date of this notice. See below for how and where to pay the modified penalty.
	Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal court case.
	If you do not pay the modified penalty within 28 days, you may be prosecuted in court for the alleged offence or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> . Under that Act, some or all of the following action may be taken — your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.
	If you need more time to pay the modified penalty, you should contact the designated person at the address below.
	If you want this matter to be dealt with by prosecution in court , sign and date here: <div style="text-align: right;">_____ / /20</div> and post this notice to the designated person at the address below within 28 days after the date of this notice.
	If you are prosecuted in a court for the alleged offence, and convicted, you will be liable to a penalty and costs.
	If you consider that you have good reason to have this notice withdrawn, you can write to the designated person at the address below requesting that this notice be withdrawn and setting out why you consider that this notice should be withdrawn. Your letter must be received not later than 28 days after the date of this notice.

Security and Related Activities (Control) Amendment Regulations 2016**r. 17**

How to pay the modified penalty	In person	<i>[Details for paying in person]</i>
	By post	Post this notice, with a cheque or money order made payable to [payee], to: Western Australia Police 303 Sevenoaks Street Cannington WA 6107 or Locked Bag 9, East Perth WA 6892 Do not send cash in the mail.
	Online	<i>[Details for online payments]</i>
	By telephone	<i>[Details for telephone payments]</i>

Form 2 — Withdrawal of infringement notice*Security and Related Activities (Control) Act 1996**Security and Related Activities (Control) Regulations 1997***Withdrawal of infringement notice**

Alleged offender	Name: Surname
	Given names
	Address _____ Postcode
Infringement notice	Infringement notice no.
	Date of notice / /20
Alleged offence	Description of offence _____

Security and Related Activities (Control) Amendment Regulations 2016**r. 18**

	<i>Security and Related Activities (Control) Act 1996 s. [].</i> <i>Security and Related Activities (Control)</i> <i>Regulations 1997 r. []</i>
	Date / /20 Time
	Place
Officer withdrawing notice	Name
	Signature
	Office
Date of withdrawal	/ /20
Withdrawal of infringement notice	<p>The above infringement notice, which was issued for the above alleged offence, has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence in accordance with the infringement notice, the amount will be refunded to you.</p>

18. References to “Commissioner” amended

In the provisions listed in the Table delete “Commissioner” (each occurrence) and insert:

Superintendent

Table

r. 3(3)	r. 14A(1), (2)(c)
r. 14A(2)(c)	r. 16(2), (3), (4) and (5)

N. HAGLEY, Clerk of the Executive Council.