

NORTHERN TERRITORY OF AUSTRALIA

PRIVATE SECURITY (SECURITY FIRMS) REGULATIONS

As in force at 1 July 2014

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2014

PRIVATE SECURITY (SECURITY FIRMS) REGULATIONS

Regulations under the *Private Security Act*

1 Citation

These Regulations may be cited as the *Private Security (Security Firms) Regulations*.

2 Disqualifying offences

For the definition of **disqualifying offence** in section 3 of the Act, the following offences are prescribed in relation to a security firm's licence:

- (a) an offence against section 69, 132, 156, 160, 165, 166, 177, 181, 182, 186, 188(2), 189A, 189, 192, 192B, 193, 194, 195, 196, 210, 211, 212, 227, 228, 228C, 228D, 228E, 229, 231, 233 or 239 of the Criminal Code;
- (b) an offence against section 188(1) of the Criminal Code where a circumstance of aggravation as specified in subsection (2) exists;
- (c) an offence against section 210 of the Criminal Code where a custodial sentence is imposed that is wholly or partially served;
- (d) an offence against section 59, 61, 63A, 74, 77, 82, 83, 84, 85 or 86 of the *Firearms Act*;
- (e) an offence against section 5, 6, 7, 8, 9(1), 16 or 17 of the *Misuse of Drugs Act*;
- (f) an offence against section 6, 7, 8 or 9 of the *Weapons Control Act*;
- (g) an offence against a law of the Commonwealth where the penalty for the offence is imprisonment for 2 years or more.

3 Form

For the purposes of section 14(1) of the Act, the prescribed form for an application for a security firm's licence is the form in the Schedule.

4 Information to be provided by applicant

For the purposes of section 14(5) of the Act, the following information is prescribed in relation to an application for a security firm's licence:

- (a) 2 identical current passport-sized photographs; and
- (b) the fingerprints of, where the applicant is:
 - (i) a natural person – the applicant;
 - (ii) a partnership – each partner in the partnership; or
 - (iii) a corporation – each officer, within the meaning of section 17(1) of the Act, of the corporation.

5 Fees

- (1) For section 18(6) of the Act, the fee for granting a security firm's licence is:
 - (a) if the applicant is a natural person:
 - (i) 620 revenue units – if the licence is granted for one year; or
 - (ii) 930 revenue units – if the licence is granted for 2 years; or
 - (iii) 1 096 revenue units – if the licence is granted for 3 years; or
 - (b) if the applicant is a partnership:
 - (i) 620 revenue units for each partner – if the licence is granted for one year; or
 - (ii) 930 revenue units for each partner – if the licence is granted for 2 years; or
 - (iii) 1 096 revenue units for each partner – if the licence is granted for 3 years; or

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- (c) if the applicant is a corporation:
- (i) 1 239 revenue units – if the licence is granted for one year; or
 - (ii) 1 794 revenue units – if the licence is granted for 2 years; or
 - (iii) 2 143 revenue units – if the licence is granted for 3 years.
- (2) For section 24(2) of the Act, the fee for renewing a security firm's licence is:
- (a) if the applicant is a natural person:
- (i) 620 revenue units – if the licence is renewed for one year; or
 - (ii) 930 revenue units – if the licence is renewed for 2 years; or
 - (iii) 1 096 revenue units – if the licence is renewed for 3 years; or
- (b) if the applicant is a partnership:
- (i) 620 revenue units for each partner – if the licence is renewed for one year; or
 - (ii) 930 revenue units for each partner – if the licence is renewed for 2 years; or
 - (iii) 1 096 revenue units for each partner – if the licence is renewed for 3 years; or
- (c) if the applicant is a corporation:
- (i) 1 239 revenue units – if the licence is renewed for one year; or
 - (ii) 1 794 revenue units – if the licence is renewed for 2 years; or
 - (iii) 2 143 revenue units – if the licence is renewed for 3 years.
- (3) For section 25(1A) of the Act, the fee is 30 revenue units.

6 Offences

- (1) A security firm must not engage in the business of supplying, for reward, the services of crowd controllers or security officers unless the firm has the licences and permits required by a law in force in the Territory to engage in the business.

Maximum penalty: 20 penalty units.

- (2) A security firm must not later than 30 days after changing its address notify the licensing authority of its new address.

Maximum penalty: 20 penalty units.

- (3) A security firm must ensure that a register of security officers, containing accurate records of information referred to in subregulation (5), is kept in a manner approved by the licensing authority.

Maximum penalty: 20 penalty units.

- (4) An employer must permit an inspector to examine the register kept under subregulation (3).

Maximum penalty: 20 penalty units.

- (5) For subregulation (3), the information that must be kept by a security firm is:

- (a) the name and residential address of each security officer employed by it; and
- (b) the number assigned by the licensing authority to the security officer's licence; and
- (c) for each day on which the security officer provides his or her services as a security officer, the number assigned to the security officer by the security firm; and
- (d) the date of, and details in relation to, each incident in which physical force was used by or against the security officer while the security officer was providing his or her services as a security officer.

- (6) In this regulation:

security firm means a person who, or partnership that, is the holder of security firm licence.

security officer means a person who is the holder of

- (a) a security officer's provisional licence; or
- (b) a security officer's licence.

Schedule

NORTHERN TERRITORY OF AUSTRALIA

Private Security Act

PRIVATE SECURITY (SECURITY FIRMS) REGULATIONS

regulation 3

APPLICATION FOR SECURITY FIRM LICENCE
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Important: Please print in block letters. If there is insufficient space, attach extra sheets.

All questions must be answered and full particulars provided.

Application is made for a security firm's licence in one of the following capacities.

1.	Natural person as a sole trader	
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2.	Natural persons in partnership	
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3.	Corporation	
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Application is sought for: 1yr 2yrs 3yrs

(Please ensure both Part A and Part B of this application are completed before the application is lodged.)

PART A. Declaration of Applicant

1.	NAME OF APPLICANT(S)
2.	WHERE THE APPLICANT IS A CORPORATION
a) A C N (Australian Company Number):	
b) Date and place of incorporation:	
c) Registered office address (if different from principal business address):	

TBC OFFICE USE ONLY		
All sections of form completed.	<input type="checkbox"/>	Receipt number:
Application signed by at least two directors & Part B certified by NT Police.	<input type="checkbox"/>	Amount paid:
Copy of Business or Company extract. (Check that directors, local area managers etc. match the extract)	<input type="checkbox"/>	Date received:
Copy of Identification attached. (For all directors, local area managers etc.)	<input type="checkbox"/>	Additional comments:
Criminal History from NT Police attached.	<input type="checkbox"/>

RGL OFFICE USE ONLY

Recommended / Not Recommended:	Approved / Not Approved:
.....
.....
.....

Actioning Officer: Date: / / Actioning Officer: Date: / /

<p>3. WHERE THE APPLICANT(S) IS/ARE NATURAL PERSON(S) OR A PARTNERSHIP</p> <p>Where the applicant is a natural person, he or she must provide the following information:</p> <p>Where the applicant is a partnership, each partner in the partnership must provide the following information (by attached sheet where necessary):</p>
Full name of applicant or each partner:
Date of birth: Place of birth:
Current residential address:
Full name:
Date of birth: Place of birth:
Current residential address:

4. DETAILS IN RESPECT OF EACH DIRECTOR OR OTHER PERSON CONCERNED IN THE MANAGEMENT OF THE CORPORATION

Where the applicant is a corporation, all directors, secretaries or executive officers of the corporation and all persons who control or substantially influence the conduct of the corporation's affairs, must provide the following information (by attached sheet where necessary).

Full name:

Date of birth: Place of birth:

Position held:

Current residential address:

Full name:

Date of birth: Place of birth:

Position held:

Current residential address:

5. PRINCIPAL BUSINESS ADDRESS

Telephone No: Fax No:

E-mail Address:

Business Trading Name(s):

Date business name(s) registered:

Address for service of notices:

<u>DECLARATION</u>	
<p>I/We hereby declare that to the best of my/our knowledge the particulars furnished for the purpose of obtaining a licence under the <i>Private Security Act</i> are true and correct in every detail. (To be signed by the applicant, or, where the applicant is a corporation, no less than two directors or, where the applicant is a partnership, each partner).</p>	
<i>Signature</i>	<i>Signature</i>
<i>Full Name</i>	<i>Full Name</i>
<i>Capacity</i>	<i>Capacity</i>
<i>Date</i>	<i>Date</i>

NOTES

- (a) For each business name specified in this form, a copy of the entry in the Business Names Register provided by ASIC under section 60 of the *Business Names Registration Act 2011* (Cth) relating to the name must accompany this form.
- (b) Where the applicant intends to carry on business as a body corporate, proof of the body corporate's incorporation must also accompany this form.

CERTIFICATION BY MEMBER OF NT POLICE

I confirm that I have received the prescribed information required under section 14(5) of the *Private Security Act*, being a completed Authority to Release Criminal History form and finger prints of

Name:

Date:

Signature of Member - NT Police Force:

(Name and Rank):

SUBMIT APPLICATIONS TO:
Territory Business Centre
Development House, Ground Floor
76 The Esplanade, Darwin NT
GPO BOX 3000 Darwin NT 0801
Phone (08) 8982 1700 Fax (08) 89821725

FOR ENQUIRES OR ASSISTANCE CONTACT:
Racing, Gaming and Licensing
1st Floor Enterprise House
Cnr Knuckey & Woods Street, Darwin NT
Phone (08) 8999 1800 Fax (08) 8999 1888

**ALICE SPRINGS
SUBMIT APPLICATIONS TO:**
Racing, Gaming and Licensing Division
Peter Sitzler Building,
67 North Stuart Hwy
PO Box 8470, Alice Springs NT
Phone (08) 8951 8452
Fax (08) 8951 8591

**KATHERINE
SUBMIT APPLICATIONS TO:**
Territory Business Centre
1 Randazzo Building
18 Katherine Terrace,
Katherine NT 0850
Phone (08) 8973 8180
Fax (08) 8973 8188

**TENNANT CREEK
SUBMIT APPLICATIONS TO:**
Shop 2, Barkly House
Cnr Davidson and Paterson Streets
PO Box 1221 Tennant Creek 0861
Phone: (08) 8962 4411
Fax: (08) 8962 4413

PART B. DECLARATION BY EACH PERSON SPECIFIED IN PART A

6. Name of Applicant specified at Question 1:

.....

7. Name of person (director, partner, &c.) making this declaration:

.....

8. In respect of this application have you:

(a) in the last 10 years been convicted, fined or disqualified by any court, tribunal, board or other authority of the Territory, the Commonwealth or a State or another Territory of the Commonwealth, in respect of any business or other financial dealings in or outside the Territory, or been a member of a company so dealt with? If so, please provide details.

Yes No

.....

(b) in the last 10 years been convicted of any offence(s)? If so please quote the offence(s), relevant date(s), jurisdiction(s) and sentence(s).

Yes No

.....

(c) in the last 10 years been convicted of a disqualifying offence(s)? If so please quote the offence(s), relevant date(s), jurisdiction(s) and sentence(s). Please see over the page for a list of disqualifying offences.

Yes No

.....

(d) been the subject of evidence given in any court or Commission of Inquiry? If so, please provide details.

Yes No

.....

(e) been declared bankrupt or assigned your estate for the benefit of your creditors? If so, please give date(s) and jurisdiction(s).

Yes No

(f) been or are you currently bound by any recognisance (bail condition) or the subject of any charge pending in relation to any offence(s) before a court or commission of inquiry? If so, please provide details.

Yes No

(g) have you been known by an other names? Is so please state.

If so, please provide details.

Yes No

Notes:

- (a) Where the applicant is a partnership, each partner in the partnership must complete Part B.
- (b) A disqualifying offence is any offence against a law of the Commonwealth where the penalty for the offence is imprisonment for two years or more.
- (c) A disqualifying offence is an offence against a section of the *Criminal Code* specified below.

Section 69 – going armed in public	Section 132 – indecent dealing with child
Section 156 – murder	Section 160 – manslaughter
Section 165 – attempt to murder	Section 166 – threats to kill
Section 177 – acts intending to cause serious harm or prevent apprehension	Section 181 – serious harm
Section 182 – attempting to injure by explosive substances	Section 186 – bodily harm
Section 188(2) – common assault with specified circumstances of aggravation	Section 189A – assaults on police
Section 189 – unlawful stalking	Section 192 – sexual intercourse and gross indecency without consent
Section 192B – coerced sexual self-manipulation	Section 193 – assaults with intent to commit an offence
Section 194 – kidnapping for ransom	Section 195 – kidnapping
Section 196 – deprivation of liberty	Section 210 – stealing (where a custodial sentence is imposed that is wholly or partially served)
Section 211 – robbery	Section 212 – assault with intent to steal
Section 227 – criminal deception	Section 228 – blackmail and extortion
Section 228C – dealing in identification information	Section 228D – possessing identification information
Section 228E – possessing equipment used to deal in identification information or identification documentation	Section 229 – receiving stolen property

Section 231 – taking reward for recovery of property obtained by means of a crime	Section 233 – false accounting
Section 239 – arson	

Note: A disqualifying offence is an offence against a section of the *Firearms Act* specified below.

Section 59 – firearms to be registered	Section 61 – manufacture of firearms
Section 63A – trafficking in firearms	Section 74 – alteration of identification marks
Section 77 – silencers and machine-guns	Section 82 – discharge of firearms on roads, & c.
Section 83 – prohibited use of firearms	Section 84 – discharge of firearms causing danger, & c.
Section 85 – breach of conditions	Section 86 – persons under influence of alcohol or drugs

Note: A disqualifying offence is an offence against a section of the *Misuse of Drugs Act* specified below.

Section 5 – supplying dangerous drug	Section 6 – receiving or possessing tainted property
Section 7 – cultivation	Section 8 – manufacture and production
Section 9(1) – possession	Section 16 – obtaining prescription by deception
Section 17 – obtaining dangerous drug or precursor by deception	

Note: A disqualifying offence is an offence against a section of the *Weapons Control Act* specified below.

Section 6 – prohibited weapons	Section 7 – controlled weapons
Section 8 – offensive weapons	Section 9 – body armour

DECLARATION

I hereby declare that to the best of my knowledge the particulars furnished for the purpose of obtaining a licence, the subject of this application, under the *Private Security Act* are true and correct in every detail.

The information provided on this form is collected in accordance with the *Private Security Act*. Disclosure of information may be made to the Northern Territory Police which collects information for the primary purposes of law enforcement, community safety, road safety and crime and justice services.

.....
Date

.....
*Signature of person making declaration
under Part B*

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2**LIST OF LEGISLATION*****Private Security (Security Firms) Regulations (SL No. 29, 1998)***

Notified	4 August 1998
Commenced	4 August 1998

Criminal Code Amendment (Criminal Responsibility Reform) Act 2005 (Act No. 37, 2005)

Assent date	22 November 2005
Commenced	20 December 2006 (<i>Gaz</i> G51, 20 December 2006, p 2)

Private Security (Security Firms) Amendment Regulations 2006 (SL No. 3, 2006)

Notified	15 February 2006
Commenced	15 February 2006

Treasury Legislation Amendment (Revenue Units) Regulations 2006 (SL No. 33, 2006)

Notified	18 October 2006
Commenced	18 October 2006

Statute Law Revision Act 2007 (Act No. 4, 2007)

Assent date	8 March 2007
Commenced	8 March 2007

Business Names Act 2007 (Act No. 1, 2007)

Assent date	8 March 2007
Commenced	22 August 2007 (<i>Gaz</i> G34, 22 August 2007, p 7)

Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)

Notified	14 December 2009
Commenced	1 January 2010 (r 2)

Business Names (National Uniform Legislation) Implementation Act 2012 (Act No. 8, 2012)

Assent date 27 April 2012
Commenced pts 3 and 4: 28 May 2012 (Cth proclamation F2012L00891: 19 April 2012); rem: 27 April 2012 (s 2)

Private Security (Security Firms) Amendment Regulations 2013 (SL No. 9, 2013)

Notified 29 May 2013
Commenced 29 May 2013

Criminal Code Amendment (Identity Crime) Act 2014 (Act No. 9, 2014)

Assent date 16 April 2014
Commenced 1 July 2014 (Gaz S52, 1 July 2014)

3 LIST OF AMENDMENTS

r 2 sub No. 3, 2006, r 3
amd Act No. 4, 2007, s 2; Act No. 9, 2014, s 17
r 5 sub No. 3, 2006, r 4
amd No. 33, 2006, r 5; No. 34, 2009, r 10; No. 9, 2013, r 3
r 6 ins No. 3, 2006, r 4
amd No. 33, 2006, r 5
sch amd Act No. 37, 2005, s. 21
sub No. 3, 2006, r 5
amd Act No. 4, 2007, s 2; Act No. 1, 2007, s 76; Act No. 8, 2012, s 30; Act No. 9, 2014, s 18