

PARLIAMENT OF VICTORIA

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**Private Security and County Court Amendment  
Bill 2024**

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# PARLIAMENT OF VICTORIA

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Introduced in the Assembly

## **Private Security and County Court Amendment Bill 2024**

A Bill for an Act to amend the **Private Security Act 2004** to provide for a new licensing system for the private security industry and to amend the **County Court Act 1958** and the **Sentencing Act 1991** to extend the operation of the Drug Court Division of the County Court and for other purposes.

**The Parliament of Victoria enacts:**

### **Part 1—Preliminary**

#### **1 Purposes**

The main purposes of this Act are—

- 5 (a) to amend the **Private Security Act 2004**—
- (i) to provide for a new licensing system for the private security industry; and
  - (ii) in relation to applications for, and the renewal of, a private security licence; and

Part 1—Preliminary

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- (iii) in relation to complaints about the conduct of a holder of a private security licence; and
  - (iv) to provide for offences in relation to sub-contracting; and
  - (v) to provide for a code of conduct for holders of private security licences; and
  - (vi) to require a risk management plan to be prepared before a security activity is carried on; and
  - (vii) in relation to the appointment of special counsel under Part 7 of that Act; and
- (b) to amend the **County Court Act 1958** and the **Sentencing Act 1991** to extend the operation of the Drug Court Division of the County Court; and
- (c) to consequentially amend other Acts.

## 2 Commencement

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- 25
- (1) This Act (other than Parts 2 and 4) comes into operation on the day after the day on which this Act receives the Royal Assent.
  - (2) Subject to subsection (3), Parts 2 and 4 come into operation on a day or days to be proclaimed.
  - (3) If a provision referred to in subsection (2) does not come into operation before 19 June 2025, it comes into operation on that day.

## 3 Principal Act

In this Act, the **Private Security Act 2004** is called the Principal Act.

## Part 2—Amendments in relation to licensing, registration and sub-contracting

### 4 Purposes

5 In section 1(a) of the Principal Act **omit**  
"and registration".

### 5 Definitions

In section 3 of the Principal Act—

(a) **insert** the following definitions—

10 "**ABN** has the same meaning as in section 41  
of the A New Tax System  
(Australian Business Number)  
Act 1999 of the Commonwealth;

**code of conduct** means the code of conduct  
developed under section 171;

15 **private security individual operator**  
**(security guard) licence** means a  
private security individual operator  
licence that authorises the holder to  
20 carry on the activity of acting as a  
security guard;

**risk management plan** means the plan  
referred to in section 136A;"

(b) the definitions of **class A security activity**  
and **class B security activity** are **repealed**;

25 (c) in the definition of **close associate**—

(i) **omit** "or a private security business  
registration" (where twice occurring);

(ii) **omit** "or registration"  
(wherever occurring);

30 (iii) **omit** "or the applicant obtained  
registration (as the case may be)";

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- 5
- (d) for the definition of *nominated person substitute*—  
"*nominated person*, in relation to a licence holder, means the person nominated under section 124 by that licence holder;"
- 10
- (e) the definitions of *private security business registration*, *private security individual operator registration* and *private security registration* are **repealed**;
- (f) in the definition of *register of licence and registration holders* omit "*and registration*";
- 15
- (g) in the definition of *registered address* omit "or of a private security registration";
- (h) for the definition of *security activity substitute*—  
"*security activity* means any of the following activities—
- 20
- (a) acting as an investigator;
  - (b) acting as a bodyguard;
  - (c) acting as a crowd controller;
  - (d) acting as a security guard;
  - (e) acting as a private security trainer;
  - 25
  - (f) acting as a security equipment installer;
  - (g) acting as a security adviser;"
- (i) the definition of *specified identification method* is **repealed**.
-

**6 Act not applicable to certain persons**

(1) In section 4 of the Principal Act—

(a) **omit** ", a private security registration";

(b) **omit** "or Division 5 of Part 4".

5

(2) In section 4(h) of the Principal Act—

(a) **omit** ", or a business for which a private security business registration is required";

(b) subparagraph (iv) is **repealed**;

10

(c) in subparagraph (v), for "Act; or" **substitute** "Act;";

(d) subparagraph (vi) is **repealed**.

**7 Offence to carry on the business of providing certain private security services without a private security business licence**

15

For section 5(1) of the Principal Act **substitute**—

20

"(1) A person must not carry on the business of providing the services of other persons to carry on a security activity (other than a specified security guard activity) unless the person is the holder of a private security business licence that authorises that person to carry on the business of providing the services of other persons to carry on that security activity.

25

Penalty: In the case of a natural person,  
120 penalty units;  
In the case of a body corporate,  
240 penalty units."



**8 Holding out offence—private security business licence**

For section 6(1) of the Principal Act **substitute**—

5           "(1) A person must not in any way indicate that  
the person carries on or is willing to carry on  
the business of providing the services of  
other persons to carry on a security activity  
(other than a specified security guard  
10           activity) unless the person is the holder of a  
private security business licence that  
authorises that person to carry on the  
business of providing the services of other  
persons to carry on that security activity.

15           Penalty: In the case of a natural person,  
20 penalty units;  
In the case of a body corporate,  
40 penalty units.

**Note**

20           See also section 256 of the **Victoria Police  
Act 2013**".

**9 Offence to carry on certain activities without a private security individual operator licence**

For section 7(1) of the Principal Act **substitute**—

25           "(1) A person must not carry on a security  
activity (other than a specified security guard  
activity) unless that person is the holder of a  
private security individual operator licence  
that authorises the person to carry on that  
security activity.

30           Penalty: 120 penalty units."

**10 Holding out offence—private security individual operator licence**

For section 8(1) of the Principal Act **substitute**—

5                   "(1) A person must not in any way indicate that  
the person carries on or is willing to carry on  
a security activity (other than a specified  
security guard activity) unless that person is  
10                   the holder of a private security individual  
operator licence that authorises the person to  
carry on that security activity.

Penalty: 20 penalty units.

**Note**

See also section 256 of the **Victoria Police Act 2013**".

15                   **11 Sections 9, 10, 11 and 12 repealed**

Sections 9, 10, 11 and 12 of the Principal Act are  
**repealed.**

**12 Grant of private security business licence**

20                   (1) For section 14(1) of the Principal Act  
**substitute**—

"(1) The Chief Commissioner may license a  
person to carry on the business of providing  
the services of other persons to carry on one  
or more security activities."

25                   (2) In section 14(2) of the Principal Act, for  
"the activities" **substitute** "the security activities".

(3) For section 14(3) of the Principal Act  
**substitute—**

5                   "(3) Without limiting subsection (2), in granting a  
                      private security business (security guard)  
                      licence under subsection (1), the Chief  
                      Commissioner may specify that the holder of  
                      the licence is authorised to carry on the  
                      business of providing the services of other  
10                   persons to carry on one or more specified  
                      security guard activities."

**13 Grant of private security individual operator licence**

(1) For section 15(1) of the Principal Act  
**substitute—**

15                   "(1) The Chief Commissioner may license a  
                      natural person to carry on one or more  
                      security activities."

(2) In section 15(2) of the Principal Act, for  
"the activities" **substitute** "the security activities".

(3) For section 15(3) of the Principal Act  
**substitute—**

20                   "(3) Without limiting subsection (2), in granting a  
                      private security individual operator  
                      (security guard) licence under subsection (1),  
                      the Chief Commissioner may specify that the  
25                   holder of the licence is authorised to carry on  
                      one or more specified security guard  
                      activities."

**14 New section 15A inserted**

After section 15 of the Principal Act **insert**—

**"15A Independent contractors must hold private security business licence and private security individual operator licence**

5

(1) This section applies from the day that is the 6 month anniversary of the commencement of section 14 of the **Private Security and County Court Amendment Act 2024**.

10

(2) A natural person who operates as an independent contractor to carry on a security activity and has an ABN in relation to, or in connection with, that activity must hold a private security business licence and a private security individual operator licence."

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**15 Additional particular requirements for licence applications**

For section 17(1) and (2) of the Principal Act **substitute**—

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"(1) An application for a private security individual operator licence must be accompanied by—

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(a) a full set of the applicant's fingerprints; and

(b) if the Chief Commissioner so requires, proof of the identity of the applicant in the form approved by the Chief Commissioner.

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- (2) An application for a private security business licence must be accompanied by—
    - (a) in the case of an application by a natural person—
      - (i) a full set of the applicant's fingerprints; and
      - (ii) if the Chief Commissioner so requires, proof of the identity of the applicant in the form approved by the Chief Commissioner; and
      - (iii) a statement setting out the name and the business, residential and postal address of any person who is a close associate of the applicant, that is signed by each close associate specified in the statement; and
      - (iv) if the Chief Commissioner so requires, proof of the identity of each person named in the statement in the form approved by the Chief Commissioner; and
    - (b) in the case of an application by a body corporate—
      - (i) a statement setting out the name and the business, residential and postal address of—
        - (A) the nominated person of the body corporate; and
        - (B) any other officers of the body corporate; and
      - (ii) a statement setting out the name and the business, residential and postal address of any person who
-

is a close associate of the applicant, that is signed by each close associate specified in the statement; and

- 5 (iii) in the case of a person referred to in subparagraph (i)(A) or (B), a full set of the person's fingerprints if the Chief Commissioner so requires; and
- 10 (iv) in the case of a person referred to in subparagraph (ii), a full set of the person's fingerprints if the Chief Commissioner so requires.".

**16 Section 18 repealed**

15 Section 18 of the Principal Act is **repealed**.

**17 Licence granted on condition that training be completed**

In section 33 of the Principal Act **omit** "class A".

**18 Section 37 substituted**

20 For section 37 of the Principal Act **substitute**—

**"37 Circumstances in which the Chief Commissioner must refuse to renew a licence**

- 25 (1) The Chief Commissioner must not renew a private security licence unless the Chief Commissioner is satisfied that—
- 30 (a) the applicant has satisfied any relevant criteria set out in sections 25 and 26, with such modifications as are necessary; and
- (b) the applicant has successfully completed refresher training approved by the Chief Commissioner; and
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- (c) the applicant has a current first aid qualification approved by the Chief Commissioner; and
  - (d) if the applicant's licence authorises the applicant to carry on a security activity specified in subsection (2) or to provide the services of persons to carry on a security activity specified in subsection (2), the applicant has successfully completed any further refresher training approved by the Chief Commissioner.
- (2) The following security activities are specified—
- (a) acting as a bodyguard;
  - (b) acting as a crowd controller;
  - (c) acting as a security guard.
- (3) For the purposes of subsection (1)(c), a first aid qualification approved by the Chief Commissioner is taken to be current if the training that forms part of the qualification was completed within the previous 3 years."

**19 Application by holder of licence to vary licence to authorise additional activity**

25 In section 42(1) and (2) of the Principal Act **omit** "class A".

**20 Cancellation of licence or authority to carry on activity on licence holder's request**

In section 45(1)(b)(i) and (ii) of the Principal Act **omit** "class A".

**21 Power of Chief Commissioner to hold disciplinary inquiry**

After section 50(b) of the Principal Act **insert**—

5                   "(ba) the holder of a private security licence has  
                      contravened the code of conduct; or".

**22 Interim suspension of licence or authority**

In section 51(1)(b)(i) and (ii) of the Principal Act  
**omit** "class A".

**23 Actions Chief Commissioner may take at inquiry**

10                   In section 56(e) and (g) of the Principal Act **omit**  
                      "class A" (wherever occurring).

**24 Surrender and issue of licence document upon  
cancellation or suspension**

15                   In section 59(1)(b) and (2) of the Principal Act  
                      **omit** "class A" (wherever occurring).

**25 Temporary interstate visitor permit to carry out  
activity**

                      In section 64(1) of the Principal Act **omit**  
                      "class A".

20                   **26 Temporary interstate visitor permit to carry on  
business of providing services**

In section 65(1) of the Principal Act **omit**  
"class A".

**27 Procedure for applications for permits**

25                   For section 68(2) of the Principal Act  
                      **substitute**—

                      "(2) An application for a permit must be  
                      accompanied by proof of the identity of the  
                      applicant in the form approved by the Chief  
30                   Commissioner, if the Chief Commissioner so  
                      requires.".

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**28 Part 4 repealed**

Part 4 of the Principal Act is **repealed**.

**29 Heading to Part 5 amended**

5 In the heading to Part 5 of the Principal Act **omit**  
"and registrations".

**30 Nominated person of body corporate**

(1) Section 124(5), (6), (7) and (8) of the Principal Act are **repealed**.

10 (2) For section 124(10) of the Principal Act **substitute—**

"(10) In this section, *qualified person*, in relation to a body corporate that is an applicant for or the holder of a private security business licence, means a person who—

15 (a) is an officer or employee of the body corporate primarily responsible for managing the operation of the business of the body corporate; and

20 (b) meets the probity and competency requirements set out in section 26(2) and (3)."

**31 Duplicate licence or registration document**

(1) In the heading to section 125 of the Principal Act **omit "or registration"**.

25 (2) In section 125(1) of the Principal Act—

(a) in paragraph (a) **omit** "or a private security registration";

(b) in paragraph (b) **omit** "or registration (as the case may be)".

**32 Business name**

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- (1) In section 126(1) of the Principal Act—
- (a) **omit** "or a private security registration";
  - (b) **omit** "or the registration (as the case may be)".
- (2) In section 126(2) of the Principal Act—
- (a) **omit** "or a private security registration";
  - (b) in paragraph (b) **omit** "or registration (as the case may be)".
- 10
- (3) In section 126(3) of the Principal Act—
- (a) **omit** "or on a private security registration";
  - (b) **omit** "or registration (as the case may be)".

**33 Section 127 repealed**

Section 127 of the Principal Act is **repealed**.

15

**34 Licence, registration or permit to be produced on demand**

- (1) In the heading to section 128 of the Principal Act **omit** ", registration".
- (2) For section 128(1) of the Principal Act **substitute**—
- 20
- "(1) A police officer or an authorised person may request that—
- (a) the holder of a private security licence produce the licence document for inspection; or
  - (b) the holder of a permit under Division 6 of Part 3 produce the permit document for inspection."
- 25

(3) For section 128(4) of the Principal Act  
**substitute**—

"(4) The holder of—

- 5 (a) a private security licence, if requested  
by a person to whom the holder is  
providing services under the licence,  
must produce the licence document for  
inspection; or
- 10 (b) a permit issued under Division 6 of  
Part 3, if requested by a person to  
whom the holder is providing services  
under the permit, must produce the  
permit for inspection."

### 35 Registered address

15 (1) In section 129(1) of the Principal Act—

- (a) **omit** "or a private security business  
registration";
- (b) for "or registration is granted (as the case  
requires)" **substitute** "is granted".

20 (2) In section 129(2) of the Principal Act—

- (a) **omit** "or a private security business  
registration";
- (b) **omit** "or registration (as the case may be)".

(3) In section 129(3) of the Principal Act—

- 25 (a) **omit** "or a private security individual  
operator registration";
- (b) for "or registration is granted (as the case  
requires)" **substitute** "is granted".

30 (4) In section 129(4) of the Principal Act **omit** "or a  
private security individual operator registration".

**36 Advertisements to contain licence or registration number**

(1) In the heading to section 130 of the Principal Act **omit "or registration"**.

5

(2) In section 130 of the Principal Act—

(a) **omit** "or a private security registration";

(b) **omit** "or registration (as the case may be)".

**37 Offence to provide or employ unlicensed persons**

10

In section 131(1) and (2) of the Principal Act **omit** "class A".

**38 Section 132 repealed**

Section 132 of the Principal Act is **repealed**.

**39 Requirement to display licence or registration document at business premises**

15

(1) In the heading to section 133 of the Principal Act **omit "or registration"**.

(2) In section 133 of the Principal Act—

(a) **omit** "or a private security business registration";

20

(b) **omit** "or registration document (as the case may be)";

(c) **omit** "or registration (as the case may be)".

**40 Permanent records to be kept**

(1) In section 134(1) of the Principal Act—

25

(a) for "any class A" **substitute** "a";

(b) in paragraph (a), for "any class A" **substitute** "the".

(2) Section 134(2) of the Principal Act is **repealed**.

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**41 False or misleading statements and particulars**

In section 135 of the Principal Act **omit**  
", written reference".

**42 New sections 136A and 136B inserted**

5 After section 136 of the Principal Act **insert**—

**"136A Requirement to prepare a risk  
management plan**

10 (1) A natural person who employs or engages  
the holder of a private security licence to  
carry on a security activity or to provide the  
services of other persons to carry on a  
security activity must prepare a risk  
management plan before the security activity  
is carried on.

15 Penalty: 30 penalty units.

20 (2) A person who employs less than 10 persons  
and employs or engages the holder of a  
private security licence to carry on a security  
activity or to provide the services of other  
persons to carry on a security activity must  
prepare a risk management plan before the  
security activity is carried on.

Penalty: In the case of a natural person,  
30 penalty units;

25 In the case of a body corporate,  
60 penalty units.

30 (3) A person who employs 10 or more persons  
and employs or engages the holder of a  
private security licence to carry on a security  
activity or to provide the services of other  
persons to carry on a security activity must  
prepare a risk management plan before the  
security activity is carried on.

Penalty: In the case of a natural person,  
60 penalty units;  
In the case of a body corporate,  
120 penalty units.

- 5 (4) A risk management plan prepared under this section must be in the form approved by the Chief Commissioner.

**136B Requirement to provide specified information and equipment**

10 A person who employs or engages the holder of a private security licence to carry on a security activity or to provide the services of other persons to carry on a security activity must give each person carrying on the  
15 security activity at least one day before that security activity is carried on or those services are provided the following—

- (a) a copy of the risk management plan prepared under section 136A;  
20 (b) prescribed equipment;  
(c) information, in writing, about the person's role and responsibilities when carrying on the security activity.

25 Penalty: In the case of a natural person,  
60 penalty units;  
In the case of a body corporate,  
120 penalty units."

**43 New Part 5A inserted**

After Part 5 of the Principal Act insert—

**"Part 5A—Offences in relation to  
sub-contracting**

5

**Division 1—Interpretation**

**136C Definitions**

In this Part—

10

*client* means a person who has employed or engaged a principal contractor to provide the services of other persons to carry on a security activity;

*principal contractor* means the holder of a private security business licence and includes an independent contractor;

15

*sub-contractor* means—

(a) the holder of a private security business licence who is not the principal contractor; or

20

(b) the holder of a private security individual operator licence.

**Division 2—Offences in relation to  
principal contractors**

**136D Engagement of sub-contractor by  
principal contractor**

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(1) This section applies if a principal contractor is required to engage a sub-contractor to carry on a security activity or to provide the services of other persons to carry on a security activity on the principal contractor's behalf.

30

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- 5 (2) At least one day before the security activity commences, the principal contractor must obtain the client's written consent to the sub-contractor carrying on the security activity or providing those services.
- Penalty: In the case of a natural person,  
120 penalty units or 6 months imprisonment or both;
- 10 In the case of a body corporate,  
240 penalty units.
- (3) Subject to subsection (4), at least one day before the security activity commences, the principal contractor must give the client written notice that includes—
- 15 (a) the name of the sub-contractor; and
- (b) the licence number of the sub-contractor.
- Penalty: In the case of a natural person,  
120 penalty units or 6 months imprisonment or both;
- 20 In the case of a body corporate,  
240 penalty units.
- (4) A principal contractor is not required to comply with subsection (3) if—
- 25 (a) the principal contractor is the holder of a private security business licence that authorises the principal contractor to provide the services of other persons to act as an investigator; and
- 30 (b) in respect of any person who is authorised to act as an investigator under the principal contractor's private security business licence, the requirement to provide written notice
-



under subsection (3) would  
compromise—

- (i) any investigation conducted by  
that investigator; or
- (ii) the safety of that investigator.

5

**136E Engagement of sub-contractor by  
principal contractor on short notice**

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(1) This section applies if, within 24 hours of a  
security activity commencing, a principal  
contractor is required to engage a  
sub-contractor to carry on a security activity  
or to provide the services of other persons to  
carry on a security activity on the principal  
contractor's behalf.

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(2) Within 3 days after the commencement of  
the security activity, the principal contractor  
must obtain the client's written consent to the  
sub-contractor carrying on the security  
activity or providing those services.

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Penalty: In the case of a natural person,  
120 penalty units or 6 months  
imprisonment or both;

In the case of a body corporate,  
240 penalty units.

25

(3) Subject to subsection (4), within 3 days after  
the commencement of the security activity,  
the principal contractor must give the client  
written notice that includes—

30

- (a) the name of the sub-contractor; and
  - (b) the licence number of the  
sub-contractor.
-

Penalty: In the case of a natural person,  
120 penalty units or 6 months  
imprisonment or both;  
In the case of a body corporate,  
240 penalty units.

5

- (4) A principal contractor is not required to  
comply with subsection (3) if—
- (a) the principal contractor is the holder of  
a private security business licence that  
authorises the principal contractor to  
provide the services of other persons to  
act as an investigator; and
- (b) in respect of any person who is  
authorised to act as an investigator  
under the principal contractor's private  
security business licence, the  
requirement to provide written notice  
under subsection (3) would  
compromise—
- (i) any investigation conducted by  
that investigator; or
- (ii) the safety of that investigator.

10

15

20

### **Division 3—Offences in relation to sub-contractors**

25

#### **136F Engagement of another sub-contractor by a sub-contractor**

30

- (1) This section applies if a sub-contractor  
engaged by a principal contractor to carry on  
a security activity or to provide the services  
of other persons to carry on a security  
activity in accordance with section 136D is  
required to engage another sub-contractor  
(*other sub-contractor*) to carry on the  
security activity or to provide those services.
-

- 5
- (2) At least one day before the security activity commences, the sub-contractor engaged by the principal contractor must—
- (a) obtain the client's written consent to the other sub-contractor carrying on the security activity or providing those services; and
- (b) give the client written notice that includes—
- 10
- (i) the name of the other sub-contractor; and
- (ii) the licence number of the other sub-contractor.

15

Penalty: In the case of a natural person, 120 penalty units or 6 months imprisonment or both;

In the case of a body corporate, 240 penalty units.

20

**136G Engagement of another sub-contractor by a sub-contractor on short notice**

- 25
- (1) This section applies if, within the same 24 hour period specified in section 136E, a sub-contractor engaged by a principal contractor to carry on a security activity or to provide the services of other persons to carry on a security activity in accordance with section 136E is required to engage another sub-contractor (*other sub-contractor*) to carry on the security activity or to provide those services.
- 30
- (2) Within 3 days after the commencement of the security activity, the sub-contractor engaged by the principal contractor must—
-

- 5 (a) obtain the client's written consent to the other sub-contractor carrying on the security activity or providing those services; and
- (b) give the client written notice that includes—
- 10 (i) the name of the other sub-contractor; and
- (ii) the licence number of the other sub-contractor.
- Penalty: In the case of a natural person, 120 penalty units or 6 months imprisonment or both;
- 15 In the case of a body corporate, 240 penalty units."

#### **44 Review by VCAT**

- (1) In section 150(1)(a) of the Principal Act **omit** "or a private security registration".
- 20 (2) In section 150(1)(b) of the Principal Act **omit** "or registration (as the case may be)".
- (3) In section 150(1)(f) of the Principal Act—
- (a) **omit** "or 111";
- (b) **omit** "or registration (as the case may be)".
- 25 (4) In section 150(1)(g) of the Principal Act **omit** "or a permit under Division 5 of Part 4".
- (5) In section 150(1)(h) of the Principal Act **omit** "or 80".

#### **45 Liability of body corporate or holder of licence or registration for acts of officers, employees or agents**

- 30 (1) In the heading to section 161 of the Principal Act **omit** "or registration".
-

(2) In section 161(1) of the Principal Act **omit** "or a private security registration".

(3) In section 161(2) of the Principal Act **omit** "or the holder of a private security registration".

5

**46 New sections 171 and 171A inserted**

Before section 172 of the Principal Act **insert**—

**"171 Code of conduct**

10

(1) The Chief Commissioner must develop a code of conduct for holders of private security licences.

(2) The purpose of the code of conduct is to include the standards of conduct expected to be observed by holders of private security licences.

15

(3) The Chief Commissioner must ensure that the code of conduct is published on Victoria Police's Internet site.

**171A Chief Commissioner may prepare guidelines in relation to uniforms and equipment**

20

(1) The Chief Commissioner may prepare guidelines in relation to the following—

(a) the type or design of uniforms to be worn by—

25

(i) holders of private security licences; and

(ii) a person carrying on a security activity that is authorised by a private security licence;

30

(b) any equipment to be carried by—

(i) holders of private security licences; and

---

- 5
- (ii) a person carrying on a security activity that is authorised by a private security licence;
- (c) the conditions under which uniforms are to be worn or equipment is to be carried.
- 10
- (2) The Chief Commissioner must ensure that any guidelines prepared under subsection (1) are published on Victoria Police's Internet site."

**47 Chief Commissioner to keep register**

- (1) In section 173(1) of the Principal Act—
- (a) **omit** ", holders of private security registrations";
- 15
- (b) **omit** "and Division 5 of Part 4".
- (2) In section 173(2) of the Principal Act **omit** "or registered".

**48 Requirement to notify Chief Commissioner of changes to close associates**

- 20
- For section 174(1) of the Principal Act **substitute—**
- 25
- "(1) At any time during the course of a private security business licence, if a person becomes, or ceases to be, a close associate of the holder of the licence, the holder must notify the Chief Commissioner within 3 days after the holder becomes aware of that information.
- Penalty: 20 penalty units."

**49 Body corporate to notify Chief Commissioner of changes to officers**

For section 175(1) of the Principal Act  
**substitute—**

5                   "(1) At any time during the course of a private  
                          security business licence held by a body  
                          corporate, if a person becomes, or ceases to  
                          be, an officer of the body corporate, the body  
10                   corporate must notify the Chief  
                          Commissioner within 3 days after the body  
                          corporate becomes aware of that  
                          information.

Penalty: 20 penalty units."

**50 Requirement to notify Chief Commissioner of criminal charges**

15

Section 176(2) of the Principal Act is **repealed**.

**51 Annual reporting**

In section 177 of the Principal Act—

20

(a) in paragraphs (a) and (e), for  
"private security business licences, private  
security individual operator licences, private  
security business registrations and private  
security individual operator registrations"  
**substitute** "private security licences and  
25                   private security individual operator  
                          licences";

25

(b) in paragraph (f) **omit** "or Division 5 of  
Part 4".

**52 Section 179 repealed**

30

Section 179 of the Principal Act is **repealed**.

**53 Regulations**

(1) Section 180(1)(e) of the Principal Act is **repealed**.

---

- 5
- (2) In section 180(1) of the Principal Act—
- (a) in paragraph (f) **omit** "or registration documents";
  - (b) in paragraph (h) **omit** "and registrations".
- 10
- (3) For section 180(1)(m)(ii) of the Principal Act **substitute**—
- (ii) licences or permits; or
  - (iia) the renewal or variation of licences; or".
- (4) In section 180(1)(q) of the Principal Act **omit** "and registration".
- (5) In section 180(1)(r) and (u) of the Principal Act **omit** "or registrations".
- 15
- (6) In section 180(2)(f)(ii) of the Principal Act—
- (a) for "licences, registrations or" (where twice occurring) **substitute** "licences or";
  - (b) for "licences or registrations" **substitute** "licences";
  - (c) for "licences, registrations, permits" (where twice occurring) **substitute** "licences, permits".
- 20



**54 New Part 12 inserted**

After Part 11 of the Principal Act insert—

**"Part 12—Transitional and savings provisions—Private Security and County Court Amendment Act 2024**

5

**186 Definitions**

In this Part—

10

*commencement day* means the day on which Part 2 of the **Private Security and County Court Amendment Act 2024** comes into operation.

**187 Application for private security registration on foot**

15

(1) This section applies if—

(a) an application has been made under section 73 for a private security registration immediately before the commencement day; and

20

(b) that application has not been determined before that day.

25

(2) Despite the repeal of Part 4, on and after the commencement day, the application is to be determined in accordance with Part 4 as if Part 4 were still in force.

30

(3) On and after the commencement day, if a private security business registration is granted as a result of the operation of this section, the holder of that registration must apply for a private security business licence within 12 months of the Chief

Commissioner's decision to grant the registration.

- 5
- (4) On and after the commencement day, if a private security individual operator registration is granted as a result of the operation of this section, the holder of that registration must apply for a private security individual operator licence within 12 months of the Chief Commissioner's decision to grant the registration.
- 10

**188 Application to renew private security registration on foot**

- 15
- (1) This section applies if—
- (a) an application has been made under section 92 to renew a private security registration immediately before the commencement day; and
- (b) that application has not been determined before that day.
- 20
- (2) Despite the repeal of Part 4, on and after the commencement day, the application is to be determined in accordance with Part 4 as if Part 4 were still in force.
- 25
- (3) On and after the commencement day, if a private security business registration is renewed as a result of the operation of this section, the holder of that registration must apply for a private security business licence within 12 months of the Chief Commissioner's decision to renew the registration.
- 30
- (4) On and after the commencement day, if a private security individual operator registration is renewed as a result of the operation of this section, the holder of that
- 35
-

registration must apply for a private security individual operator licence within 12 months of the Chief Commissioner's decision to renew the registration.

5

**189 Application to vary private security registration on foot**

(1) This section applies if—

10

(a) an application has been made under section 98 to vary a private security registration immediately before the commencement day; and

(b) that application has not been determined before that day.

15

(2) Despite the repeal of Part 4, on and after the commencement day, the application is to be determined in accordance with Part 4 as if Part 4 were still in force.

**190 Application to vary or revoke condition on private security registration on foot**

20

(1) This section applies if—

25

(a) an application has been made under section 99 to vary or revoke a condition on a private security registration immediately before the commencement day; and

(b) that application has not been determined before that day.

30

(2) Despite the repeal of Part 4, on and after the commencement day, the application is to be determined in accordance with Part 4 as if Part 4 were still in force.

**191 Request to cancel private security registration or authority under private security registration on foot**

- 5 (1) This section applies if—
- (a) a request has been made under section 101 to cancel a private security registration or an authority under a private security registration immediately before the commencement day; and
- 10 (b) that request has not been determined before that day.
- (2) Despite the repeal of Part 4, on and after the commencement day, the request is to be determined in accordance with Part 4 as if Part 4 were still in force.
- 15

**192 Application of this Act to private security business registrations in force immediately before the commencement day**

20

- (1) Subject to subsection (2), a private security business registration that was in force immediately before the commencement day continues in force on and after the commencement day in accordance with its terms until its expiry or the registration is suspended or cancelled (whichever is the earliest).
- 25
- (2) The holder of a private security business registration that was in force immediately before the commencement day must apply for a private security business licence within 12 months of the commencement day.
- 30

**193 Application of this Act to private security individual operator registrations in force immediately before the commencement day**

- 5 (1) Subject to subsection (2), a private security individual operator registration that was in force immediately before the commencement day continues in force on and after the commencement day in accordance with its terms until its expiry or the registration is suspended or cancelled (whichever is the earliest).
- 10
- 15 (2) The holder of a private security individual operator registration that was in force immediately before the commencement day must apply for a private security individual operator licence within 12 months of the commencement day.

**194 Complaints, investigations and disciplinary inquiries about private security registrations on foot**

- 20 (1) This section applies if—
- 25 (a) a complaint has been made under section 103 immediately before the commencement day and has not been determined before that day; or
- 30 (b) an investigation of a complaint has commenced under section 104 immediately before the commencement day and has not been completed before that day; or
- 35 (c) a disciplinary inquiry has commenced under section 105 immediately before the commencement day and has not been completed before that day.
-

- 5 (2) Despite the repeal of Part 4, a complaint, investigation or disciplinary inquiry is to be determined or completed (as the case requires) on and after the commencement day in accordance with Part 4 as if Part 4 were still in force.

**195 Application to VCAT for review on foot**

- 10 (1) An application to VCAT for review of a decision made under a provision of Part 4 immediately before the commencement day that has not been determined before that day continues and may be determined on and after that day as if Part 4 were still in force.
- 15 (2) Despite the repeal of Part 4, a person who had a right to apply to VCAT for review of a decision made under a provision of Part 4 immediately before the commencement day may apply to VCAT on and after that day within the time period specified in
- 20 section 151 as if Part 4 were still in force."

## **Part 3—Other amendments to the Private Security Act 2004**

### **55 Definitions**

5 In section 3 of the Principal Act, for the definition of *investigator substitute*—

10 "*investigator* means a natural person who is employed or retained on behalf of a person to obtain information about another person's character, actions or location including in relation to the following areas—

- (a) fraud and risk management;
- (b) aviation accident and loss;
- (c) marine loss;
- (d) occupational health and safety;
- 15 (e) family law;
- (f) criminal law;
- (g) consumer law;
- (h) intellectual property;".

### **56 Holding out offence—private security business licence**

20 At the foot of section 6(1) and (2) of the Principal Act **insert**—

"**Note**

See also section 256 of the **Victoria Police Act 2013**".

### **57 Holding out offence—private security individual operator licence**

25 At the foot of section 8(1) and (2) of the Principal Act **insert**—

"**Note**

30 See also section 256 of the **Victoria Police Act 2013**".

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**58 Complaints**

For section 48(1) of the Principal Act  
**substitute—**

5           "(1) Any person may make a complaint to the  
            Chief Commissioner about the conduct of  
            the holder of a private security licence that is  
            carried on under that licence."

**59 Appointment of special counsel if review involves  
protected information**

10           After section 150B(1) of the Principal Act  
**insert—**

15           "(1A) For the purposes of subsection (1), a special  
            counsel may only represent the interests of  
            the applicant to the extent that those interests  
            relate to the protected information on which  
            the Chief Commissioner's decision is  
            based."



## **Part 4—Amendments to other Acts**

### **60 Certain persons prohibited from engaging in debt collection**

5                   Section 47(1)(a)(v) and (b)(vi) of the **Australian Consumer Law and Fair Trading Act 2012** are repealed.

### **61 What is the *security industry*?**

10                   In clause 1(1)(a) of Schedule 3 to the **Long Service Benefits Portability Act 2018** omit "or registered".

**Part 5—Amendments to the County Court  
Act 1958 and the Sentencing Act 1991**

**62 Adjournment of proceeding to Drug Court Division**

5 In section 4AAB(3) of the **County Court  
Act 1958**, for "third" substitute "fifth".

**63 Statute law revision—section 103A renumbered**

In section 103A of the **County Court Act 1958**,  
for "103A" substitute "105".

10 **64 Drug Court may hear and determine certain  
offences**

In section 18ZO(1D) of the **Sentencing Act 1991**,  
for "third" substitute "fifth".

## **Part 6—Repeal of this Act**

### **65 Repeal of this Act**

This Act is **repealed** on 19 June 2026.

#### **Note**

5

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.