

South Australia

# **Security and Investigation Industry Variation Regulations 2015**

under the *Security and Investigation Industry Act 1995*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Security and Investigation Industry Variation Regulations 2015*.

### **2—Commencement**

These regulations will come into operation on the day on which section 36 of the *Statutes Amendment (Occupational Licensing) Act 2013* comes into operation.

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Security and Investigation Industry Regulations 2011*

### 4—Variation of regulation 3—Interpretation

Regulation 3—after the definition of *blood test information sheet* insert:

**BSB number** (Bank State Branch number) means the number assigned to identify a particular branch of a particular ADI;

### 5—Variation of regulation 5—Other exemptions

(1) Regulation 5(1)—after paragraph (c) insert:

or

(d) the person does not, for the purpose of providing advice on security alarm or surveillance systems, attend at premises in relation to which the advice is provided.

(2) Regulation 5—after subregulation (1) insert:

(1a) A person is exempt from the requirement to hold a licence authorising the performance of the function of hiring out or otherwise supplying security alarm or surveillance systems if the person does not, to perform that function, attend at premises for which a security alarm or surveillance system is supplied.

### 6—Variation of regulation 9A—Licence endorsements (section 11B of Act)

Regulation 9A(4), table—delete the table and substitute:

<b>Endorsement</b>	<b>Function</b>
body guarding	protecting or guarding a person or keeping a person under surveillance; and hiring out or otherwise supplying persons for the purpose of protecting or guarding a person or keeping a person under surveillance; and preventing, detecting or investigating the commission of an offence in relation to a person; and hiring out or otherwise supplying persons for the purpose of preventing, detecting or investigating the commission of an offence in relation to a person
crowd or venue control	controlling crowds; and hiring out or otherwise supplying persons for the purpose of controlling crowds

<b>Endorsement</b>	<b>Function</b>
general guarding	<p>protecting or guarding property or keeping property under surveillance (other than in a manner involving a dog or while in possession of a firearm); and</p> <p>hiring out or otherwise supplying persons for the purpose of protecting or guarding property or keeping property under surveillance (other than in a manner involving a dog or while in possession of a firearm); and</p> <p>preventing, detecting or investigating the commission of an offence in relation to property; and</p> <p>hiring out or otherwise supplying persons for the purpose of preventing, detecting or investigating the commission of an offence in relation to property</p>
guarding with a dog	<p>protecting or guarding property, or keeping property under surveillance, in a manner involving a dog; and</p> <p>hiring out or otherwise supplying persons for the purpose of protecting or guarding property or keeping property under surveillance, in a manner involving a dog; and</p> <p>hiring out or otherwise supplying dogs or other animals for the purpose of protecting or guarding property</p>
guarding with a firearm	<p>protecting or guarding property, or keeping property under surveillance, while possessing or using a firearm within the meaning of the <i>Firearms Act 1977</i>; and</p> <p>hiring out or otherwise supplying persons for the purpose of protecting or guarding property or keeping property under surveillance, while possessing or using a firearm within the meaning of the <i>Firearms Act 1977</i>;</p>
monitoring centre operations	<p>protecting or guarding property, or keeping property under surveillance, by means of monitoring a security alarm or surveillance system whether from the place at which the property is located or from another place (but not by means of attendance in response to an alarm)</p>
security systems work	<p>providing advice on security alarm or surveillance systems; and</p> <p>hiring out or otherwise supplying security alarm or surveillance systems or persons to provide advice on security alarm or surveillance systems; and</p> <p>installing or maintaining security alarm or surveillance systems; and</p> <p>hiring out or otherwise supplying persons for the purpose of installing or maintaining security alarm or surveillance systems</p>
security systems work limited to providing sales and advice only	<p>providing advice on security alarm or surveillance systems; and</p> <p>hiring out or otherwise supplying security alarm or surveillance systems or persons to provide advice on security alarm or surveillance systems</p>

## **7—Variation of regulation 25—General duty with respect to records**

Regulation 25(b)—delete "week" and substitute:

month

## **8—Variation of regulation 35—Audit of trust accounts**

- (1) Regulation 35—delete "A collection" and substitute:

Subject to subregulation (2), a collection
- (2) Regulation 35—after its present contents (now to be designated as subregulation (1)) insert:
  - (2) If no trust money was held in a collection agent's trust account during a particular audit period, no audit is required under subregulation (1) in relation to that period.

## **9—Variation of regulation 36—Requirement to submit audit statement or declaration**

- (1) Regulation 36(1)—delete "A collection" and substitute:

Subject to subregulation (1a), a collection
- (2) Regulation 36—after subregulation (1) insert:
  - (1a) If regulation 35(2) applies in relation to a collection agent's trust account during a particular audit period, the collection agent must, instead of lodging a statement under subregulation (1) in respect of that audit period, lodge with the Commissioner a declaration in accordance with this regulation setting out the reasons for not holding any money in the trust account during that period.

Maximum penalty: \$2 500.
- (3) Regulation 36(3)—delete "The declaration" and substitute:

A declaration required under this regulation

## **10—Variation of regulation 37—Agent's statement to auditor**

Regulation 37(2)—delete subregulation (2)

## **11—Variation of regulation 38—Requirements of audit**

- (1) Regulation 38(3)—delete subregulation (3) and substitute:
  - (3) The statement prepared by the auditor for lodging with the Commissioner must include the name, number and relevant BSB number of each trust account included in the audit.
- (2) Regulation 38(4)—delete "verify the statement by statutory declaration and"
- (3) Regulation 38—after subregulation (5) insert:
  - (6) Subregulations (2) and (5)(c) do not apply in relation to losses and deficiencies in a trust account that have been promptly rectified and were due to inadvertence (provided that the total of the losses and deficiencies have not exceeded \$100 in any 3 month period).

## **12—Variation of Schedule 4—Fees and default penalties**

- (1) Schedule 4, item 2(a)—after item (i) insert:
  - (ia) in the case of a security industry trainers licence \$291

(2) Schedule 4, item 3(a)—after item (i) insert:

(ia) in the case of a security industry trainer \$291

(3) Schedule 4, item 5—delete "for alteration to conditions of licence" and substitute:  
to impose, vary or revoke a licence condition

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 29 October 2015

No 225 of 2015

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