

**Version No. 001**  
**Private Agents Regulations 1990**

**S.R. No. 215/1990**

Version as at 13 August 1998

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
<b>PART 1—PRELIMINARY</b>	<b>1</b>
1. Title	1
2. Objective	1
3. Authorising provision	1
4. Revocation	1
5. Forms	1
6. Exemptions	1
<b>PART 2—GENERAL</b>	<b>3</b>
7. Duties and functions of Registrar	3
8. Register of Private Agents	3
9. Licence fees	3
10. Duplicate licence	4
11. Surrender of provisional licence	4
12. Records	5
13. Inspection of records	8
<b>PART 3—SECURITY LICENCES</b>	<b>9</b>
14. Application for security licence	9
15. Form of security licence	9
16. Change of particulars	9
17. Crowd controller's identification	10
18. Crowd Controllers Register	10
<b>PART 4—COMMERCIAL AGENT'S LICENCES</b>	<b>11</b>
19. Commercial agent's licence application	11
20. Commercial sub-agent's licence application	11
21. Form of commercial agent's licence	11
22. Form of commercial sub-agent's licence	11
23. Commercial sub-agent's provisional licence	11
24. Endorsement of application for provisional licence	11

---

<i>Regulation</i>	<i>Page</i>
25. Notice of application	12
26. Objections	12
27. Change of nominee	12
28. Returns of licences	12
<hr/>	
<b>SCHEDULES</b>	<b>13</b>
SCHEDULE 1—Revocations	13
SCHEDULE 2—Forms	14
Form 1—Register of private agents	14
Form 2—Application for a private agent's security licence	15
Form 3—Private agent's security licence	16
Form 4—Application for a commercial agent's licence or renewal	16
Form 5—Application for a commercial sub-agent's licence or renewal	17
Form 6—Commercial agent's licence	17
Form 7—Commercial sub-agent's licence	17
Form 8—Commercial sub-agent's provisional licence	18
Form 9—Notice of receipt of application for commercial agent's/sub-agent's licence	18
Form 10—Notice of objection to licence application	19
<hr/> <hr/>	
<b>NOTES</b>	<b>20</b>
1. General Information	20
2. Table of Amendments	21
3. Explanatory Details	22

---

**Version No. 001**  
**Private Agents Regulations 1990**

**S.R. No. 215/1990**

Version as at 13 August 1998

**PART 1—PRELIMINARY**

**1. *Title***

These Regulations may be cited as the Private Agents Regulations 1990.

**2. *Objective***

The objective of these Regulations is to prescribe exemptions, forms, fees, records and procedures for the purposes of the **Private Agents Act 1966**.

**3. *Authorising provision***

These Regulations are made under section 51 of the **Private Agents Act 1966**.

**4. *Revocation***

The Regulations listed in Schedule 1 are **revoked**.

**5. *Forms***

Any reference in these Regulations to a form is a reference to the appropriate form in Schedule 2.

**6. *Exemptions***

- (1) Employees of corporations which are deemed by section 7(5) of the **Companies (Victoria) Code** to be related to another corporation are exempt from the operation of this Act in relation to—
  - (a) finding or repossessing goods or chattels which are the subject of a hire-purchase agreement or a bill of sale; or

---

(b) collecting or requesting the payment of debts—

on behalf of the corporation which is related to their employer.

- (2) People who are employed to watch, guard or protect any property or vessel within the boundaries of the ports of Melbourne, Geelong and Portland and associated ports declared under the **Marine Act 1988** and people who supply the services of such people are exempt from the operation of the Act in relation to the watching, guarding or protecting of any such property or vessel within the boundaries of the ports.
-

**PART 2—GENERAL**

**7. Duties and functions of Registrar**

The Registrar must—

- (a) record in the register of private agents, in respect of every licence holder, the details prescribed in Form 1; and
- (b) maintain a record of every licence holder who dies or whose licence expires or is suspended or cancelled; and
- (c) enter in the register any alterations in the details; and
- (d) keep a record of licence holders whose details have been removed from the register; and
- (e) provide advice on the operation of the Act and the regulations; and
- (f) make a copy of the register available for inspection on request.

**8. Register of Private Agents**

The Register of Private Agents must be kept in the form of Form 1.

**9. Licence fees**

- (1) The fee payable for a licence in column 1 below is the fee set out in column 2 below opposite that licence—

1	2
<i>Type of Licence</i>	<i>Fee in dollars (Three (One year) years)</i>
Commercial Agent	250
Commercial Sub-agent	50

*Private Agents Regulations 1990*

*S.R. No. 215/1990*

r. 10

---

1	2
<i>Type of Licence</i>	<i>Fee in dollars (Three (One year) years)</i>
Inquiry Agent—individual	300
corporation or partnership	750
Security Firm—individual	300
corporation or partnership	750
Security Guard	150
Crowd Controller	150
Security Guard/Crowd Controller	150

---

- (2) Every licence application must be accompanied by an application fee of \$20.

**10. Duplicate licence**

- (1) A duplicate licence must be endorsed before issue as a duplicate licence and contain the date of issue of the original licence.
- (2) The fee for a duplicate licence is \$20.
- (3) An application for a duplicate licence must be accompanied by this fee and 2 passport-size colour photographs of the holder, if an individual.

**11. Surrender of provisional licence**

When a licence is issued to the holder of a provisional licence, or if the provisional licence ceases to be in force, the holder must surrender the provisional licence—

- (a) in the case of a commercial sub-agent's licence—to the Court from which the licence was issued; and

- (b) in the case of a crowd controller's or security guard's licence—to the Registrar.

Penalty: 1 penalty unit.

## **12. Records**

- (1) The particulars required to be kept by section 44A of the Act are—

- (a) in the case of a commercial agent asked to find any goods or chattels delivered under a hire-purchase agreement or bill of sale—
- (i) the full name and address of the firm, corporation or person who asked; and
  - (ii) the date the request was received; and
  - (iii) a description of the goods or chattels concerned; and
  - (iv) where the goods or chattels were found; and
  - (v) if any premises had to be entered to find the goods or chattels, how the entry was made, and the exact terms of the authority, document, arrangement or agreement under which legal power to make entry is claimed; and
  - (vi) the fee charged for the service;
- (b) in the case of a commercial agent who repossesses any goods or chattels delivered under a hire-purchase agreement or bill of sale—
- (i) the full name and address of the firm, corporation or person who requested that the goods or chattels be repossessed; and
  - (ii) the date the request was received; and

- 
- (iii) the full name and address of the person from whom the goods or chattels were repossessed; and
  - (iv) the date and time of day of the repossession; and
  - (v) the names of the agents who repossessed the goods or chattels; and
  - (vi) a full description of the goods or chattels repossessed and the place where, or the addresses of the premises at which, they were repossessed; and
  - (vii) whether or not the person from whom the goods or chattels were repossessed was present at the time of the repossession; and
  - (viii) if the person was not present at the time of the repossession, the names of any other occupants of premises at which the goods or chattels were repossessed who were present; and
  - (ix) if the goods or chattels were repossessed at any premises and the person from whom they were repossessed was not present at the time of repossession, how entry was made into the premises; and
  - (x) the exact terms of the authority, document, arrangement or agreement under which legal power to make the entry is claimed; and
  - (xi) what notice, if any, was given or left for the person from whom the goods or chattels were repossessed that the repossession was made; and



- (xii) the address to which the repossessed goods or chattels were taken; and
- (xiii) the fee charged for the service;
- (c) in the case of a commercial agent collecting or requesting payment of debts—
  - (i) the full name and address of the firm, corporation or person who requested that a debt be collected or that a request for payment of a debt be made; and
  - (ii) the date the request was received; and
  - (iii) the full name and address of the person or body from whom the debt was collected or to whom the request for payment of the debt was made; and
  - (iv) the amount of the debt; and
  - (v) the fee charged for the service;
- (d) in the case of an inquiry agent—
  - (i) the full name and address of the corporation, partnership or person who requested an inquiry to be conducted; and
  - (ii) the date the request was received; and
  - (iii) a statement of the nature of the inquiry; and
  - (iv) the date a written statement of the information or evidence obtained or other final report on the inquiry was delivered to the person or body requiring the inquiry;
- (e) in the case of a security firm—
  - (i) the full name and address of the corporation, firm or person who

---

requested the watching, guarding or protection of property; and

(ii) the names and addresses of the security guards employed.

(2) The particulars to be recorded must be recorded immediately they become available.

Penalty: for a breach of this sub-section:  
5 penalty units.

**13. *Inspection of records***

(1) The record specified in regulation 12 must be open for inspection at any time during normal business hours by the Registrar and by any member of the Police Force.

(2) A person must not obstruct the Registrar or any member of the Police Force who is carrying out any inspection.

Penalty: 5 penalty units.

---

**PART 3—SECURITY LICENCES****14. *Application for security licence***

- (1) An application for a security firm's, security guard's, inquiry agent's or crowd controller's licence must be in the form of Form 2.
- (2) The documents which must accompany each application are—
  - (a) a certified copy or extract of the entry of birth of the applicant and of every officer of a corporation and of every partner as applicable or other proof of identity acceptable to the Registrar; and
  - (b) 2 passport-size colour photographs of the applicant and of every officer of a corporation and of every partner as applicable; and
  - (c) in the case of a corporation, a certificate of incorporation; and
  - (d) where authority is sought to operate under a business name, a certificate of registration of that name.

**15. *Form of security licence***

A security firm's, security guard's, inquiry agent's or crowd controller's licence must be in the form of Form 3.

**16. *Change of particulars***

Every holder of a security licence under Part IIA of the Act must advise the Registrar as soon as practicable of any change of—

- (a) name; or
- (b) principal place of business; or

- 
- (c) employer; or
  - (d) officers of a corporation or partners in a firm.

Penalty: 1 penalty unit.

**17. *Crowd controller's identification***

- (1) The identification to be worn by a crowd controller must consist of—
  - (a) a number not less than 4 cm in height and 5 mm in thickness; and
  - (b) the word "SECURITY" in letters not less than 5 mm in height.
- (2) The identification must be worn on the crowd controller's chest.

**18. *Crowd Controllers Register***

In addition to the details required by section 41A of the Act, the register required by that section must contain—

- (a) the times at which every crowd controller starts and finishes each period of duty at the premises; and
  - (b) the signature of the crowd controller, to be entered in the register at the time of finishing each period of duty at the premises.
-

**PART 4—COMMERCIAL AGENT'S LICENCES**

**19. *Commercial agent's licence application***

- (1) An application for the issue or renewal of a commercial agent's licence must be in the form of Form 4.
- (2) In the case of an application by a corporation, the application must contain evidence of incorporation.

**20. *Commercial sub-agent's licence application***

An application for the issue or renewal of a commercial sub-agent's licence must be in the form of Form 5.

**21. *Form of commercial agent's licence***

A commercial agent's licence must be in the form of Form 6.

**22. *Form of commercial sub-agent's licence***

A commercial sub-agent's licence must be in the form of Form 7.

**23. *Commercial sub-agent's provisional licence***

A commercial sub-agent's provisional licence must be in the form of Form 8.

**24. *Endorsement of application for provisional licence***

When a registrar of the Magistrates' Court issues a provisional licence to an applicant for a commercial sub-agent's licence, the Registrar must—

- (a) if in possession of the 3 copies of the application for the licence, endorse each of the copies with the expression "Provisional licence issued on" and insert the appropriate date; or

- 
- (b) if the duplicate and triplicate of the application have been sent to the officer in charge of the police district and the Registrar in accordance with section 11 of the Act, immediately advise the appropriate police officer and the Registrar of the issue of the provisional licence and endorse the original copy of the application as required in paragraph (a).

**25. *Notice of application***

The notice of receipt of applications for commercial agent's and commercial sub-agent's licences must be in the form of Form 9.

**26. *Objections***

An objection lodged by any person against an application for a commercial agent's or commercial sub-agent's licence must be in the form of Form 10.

**27. *Change of nominee***

If the nominee of a corporation or firm which holds a commercial agent's licence is changed, the new nominee must notify the Magistrates' Court and apply for a new licence.

**28. *Returns of licences***

The returns required by section 43 of the Act must be forwarded to the Registrar no later than 7 days after the end of each month.

---

*Private Agents Regulations 1990*  
*S.R. No. 215/1990*

---

**SCHEDULES**

**SCHEDULE 1**

283/88	Private Agents Regulations 1988
401/88	Private Agents (Fees) Regulations 1988
277/89	Private Agents (Fees) Regulations 1989

---

---

**SCHEDULE 2**

**FORM 1**

**REGISTER OF PRIVATE AGENTS**

1. Name in which licence is issued.
  2. Address of principal place of business.
  3. Additional business names (if any).
  4. In the case of a corporation or partnership—
    - (a) the names and addresses of all directors, manager and secretary; and
    - (b) if a commercial agent, the name and address of the nominee.
  5. In the case of a business name, the name and address of the applicant.
  6. Date of birth or all individuals on the register.
  7. Type of licence.
  8. Date current licence issued.
  9. Date first licence issued (if known).
  10. Expiry date.
-



**FORM 2**

**APPLICATION FOR A PRIVATE AGENT'S SECURITY  
LICENCE  
(Inquiry Agent, Security Firm, Security Guard, Crowd Controller)**

1. Type of licence(s) required.
2. If licence is to be issued in the name of an individual person—
  - (a) Name and residential address of applicant. (Full given names and surname).
  - (b) Date of birth.
  - (c) Trading name (if applicable).
  - (d) Principal place of business or name and address of employer.
3. If licence is to be issued in the name of a company or firm—
  - (a) Name of applicant.
  - (b) Registered name of company or firm.
  - (c) Registered business address.
  - (d) Full given names and surname and date of birth of every director, manager and secretary of a company or of every partner in a firm.
4. Additional names (if any) under which the applicant wishes to carry on business.
5. Have you, or anyone listed in answer to question 3(d), been convicted of any offence (other than a traffic offence) or are any charges for committing any offence (other than a traffic offence) pending against you or them?
6. Has any company of which you, or anyone listed in answer to question 3(d), are or were a director, manager or secretary been convicted of any offence or been charged with any offence that has not yet been dealt with?
7. Details of experience and qualifications.

Signature of applicant.

\_\_\_\_\_

---

**FORM 3**

**PRIVATE AGENT'S SECURITY LICENCE**

1. Type of licence—Inquiry Agent/Security Firm/Security Guard/  
Crowd Controller.
2. Name and address of licensee.
3. Expiry date.
4. Photograph of licensee.
5. Additional business name(s) (if applicable).

Registrar of Private Agents.

---

**FORM 4**

**APPLICATION FOR A COMMERCIAL AGENT'S LICENCE  
OR RENEWAL**

1. Name of corporation, firm or individual.
2. Principal place of business.
3. Name and address of nominee.
4. Names and addresses of officers of the corporation or of all partners.
5. Date on which application will be made and location of court.

Signature of applicant.

**FORM 5**

**APPLICATION FOR A COMMERCIAL SUB-AGENT'S  
LICENCE OR RENEWAL**

1. Name and residential address of applicant.
2. Place of business.
3. Date on which application will be made and location of court.

Signature of applicant.

---

**FORM 6**

**COMMERCIAL AGENT'S LICENCE**

1. Name and address of corporation, firm or individual.
2. Commencement and expiry dates of licence.
3. Photograph and signature of nominee or individual.

Registrar of the Magistrates' Court.

---

**FORM 7**

**COMMERCIAL SUB-AGENT'S LICENCE**

1. Name and residential address of licensee.
2. Commencement and expiry dates of licence.
3. Photograph of licensee.

Signature of licensee  
Registrar of the Magistrates' Court.

---

**FORM 8**

**COMMERCIAL SUB-AGENT'S PROVISIONAL LICENCE**

1. Name and residential address of licensee.
2. Name and address of employer.
3. Date of issue.

Signature of licensee.  
Registrar of the Magistrates' Court.

---

**FORM 9**

**Private Agents Act 1966**

**NOTICE OF RECEIPT OF APPLICATION FOR  
COMMERCIAL AGENT'S/SUB-AGENT'S LICENCE**

[Full name of applicant or in the case of a firm or corporation of the nominee] of [Residential address of applicant or nominee] \*on behalf of [Name and address of firm or corporation] has applied for a commercial \*agent's/\*sub-agent's licence.

The application will be heard on \_\_\_\_\_ at the \_\_\_\_\_ Magistrates' Court.

Objections to the granting of the licence may be made in accordance with section 12 of the Private Agents Act.

Registrar of the Magistrates' Court.

\*Delete if not applicable.

---

**FORM 10**

**Private Agents Act 1966**

**NOTICE OF OBJECTION TO LICENCE APPLICATION**

1. Name and address of applicant.
2. Name of firm or corporation (if applicable).
3. Type of licence applied for.
4. Location of court.
5. Name, address and occupation of objector.
6. Grounds of objection.

Signature of objector.

\_\_\_\_\_

---

**NOTES**

**1. General Information**

The Private Agents Regulations 1990, S.R. No. 215/1990 were made on 14 August 1990 by the Governor in Council under section 51 of the **Private Agents Act 1966**, No. 7494/1966 and came into operation on 14 August 1990.

The Private Agents Regulations 1990 will sunset 10 years after the day of making on 14 August 2000 (see section 5 of the **Subordinate Legislation Act 1994**).

**2. Table of Amendments**

There are no amendments made to the Private Agents Regulations 1990 by statutory rules, subordinate instruments and Acts.

---

**3. Explanatory Details**

No entries at date of publication.