

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]

House of Representatives, 27 July 1978

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Thomson

## PRIVATE INVESTIGATORS AND SECURITY GUARDS AMENDMENT

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### A BILL INTITULED

An Act to amend the Private Investigators and Security Guards Act 1974

5 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

No. 22—2

Price 20c

**1. Short Title**—(1) This Bill may be cited as the Private Investigators and Security Guards Amendment Act 1978, and shall be read together with and deemed part of the Private Investigators and Security Guards Act 1974\* (hereinafter referred to as the principal Act).

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*New*

(2) Section 17 and subsections (2) and (3) of section 22 of this Act shall come into force on the 1st day of April 1979.

(3) Except as provided in subsection (2) of this section, this Act shall come into force on its passing.

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*Interpretation*

**2. Meaning of “private investigator”**—Section 3 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Notwithstanding anything in subsection (1) of this section, no person is a private investigator within the meaning of this Act by reason of the fact that—

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“(a) He seeks, obtains, or supplies any information—

“(i) For or to the Crown, or any member of the Police, or any local authority; or

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“(ii) Only as a necessary, usual, or reasonable incident of any other activity by him that is not described in that subsection; or

“(iii) For any purpose relating to the dissemination of news or other information to the public or to any section of the public; or

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“(iv) For any cultural or historical purpose or for any purpose relating to education, literature, or science; or

“(v) In the course of and for the purposes of engaging in or carrying on any occupation or business in accordance with a practising certificate, licence, permit, or other authority, granted or issued to him under any other enactment; or

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“(vi) Relating only to the person by whom he is engaged or retained; or

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“(vii) In the course of and for the purposes of the business of *(banking)* a bank, or of a credit bureau, or of a debt collecting agency; or

“(b) He carries on any class of the business of a security guard.”

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**3. Meaning of "security guard"**—(1) Section 4 (1) of the principal Act is hereby amended by omitting the words "in return".

5 (2) Section 4 (1) (d) of the principal Act is hereby amended by adding the expression "; or".

(3) Section 4 (1) of the principal Act is hereby further amended by adding the following paragraph:

10 "(e) Monitors any burglar alarm or similar warning device, or camera or similar device, that is on any premises referred to in any of paragraphs (a) to (d) of this subsection."

(4) Section 4 (3) of the principal Act is hereby amended by omitting the word "only".

15 *Security Guards' Licences*

**4. Security guards to be licensed**—(1) Section 16 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

20 "(2) No person shall be a security guard unless he is the holder of a security guard's licence for every class of the business of a security guard that he carries on."

(2) Section 2 (1) of the principal Act is hereby amended by adding to the definition of the term "security guard's licence" the words "to which the licence relates".

25 **5. Application for security guard's licence**—Section 18 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

"(2A) In the case of an application for a security guard's licence, it shall also state—

30 "(a) That the applicant proposes to carry on all of the classes of the business of a security guard specified in section 4 of this Act; or

35 "(b) Where he does not intend to carry on all of those classes of business, the particular classes that he does propose to carry on."

**6. Objections by persons other than the Police to application for security guard's licence**—Section 23 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

40 "(2A) In the case of an application for a security guard's licence, the grounds of objection specified in subsection (2) of this section may relate either to the application as a whole or to any particular class or classes of the business of a security guard that the applicant proposes to carry on."

4            *Private Investigators and Security Guards  
Amendment*

**7. Issue of security guard's licence**—Section 26 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) In the case of an application for a security guard's licence, the Registrar may grant a licence under subsection (1) of this section either— 5

“(a) For all of the classes of the business of a security guard specified in section 4 of this Act; or

“(b) For any particular class or classes of that business that he specifies in the licence.” 10

**8. Registrar to require evidence as to suitability of applicant for security guard's licence**—Section 27 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) The Registrar shall not determine under subsection (1) of section 26 of this Act that the applicant is a proper person to be the holder of a security guard's licence in respect of any class of the business of a security guard specified in section 4 of this Act unless the Registrar is satisfied as to the matters specified in subsection (1) or subsection (2) of this section, as the case requires, so far as they relate to that class of business.” 15  
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**9. Effect of security guard's licence**—Section 28 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection: 25

“(2) A security guard's licence, according to its tenor, shall authorise the licensee either—

“(a) To carry on all of the classes of the business of a security guard specified in section 4 of this Act; 30  
or

“(b) To carry on the particular class or classes of that business that are specified in the licence—  
on his own account during the currency of the licence, either by himself or in partnership with any other person or persons who are the holders of security guards' licences that include that same authority.” 35

**10. Amendment of security guard's licence**—(1) The principal Act is hereby further amended by inserting, after section 32, the following section:

“32A. (1) Where the Registrar has under section 26 of this Act granted to any applicant a security guard’s licence that is limited in its effect to any particular class or classes of the business of a security guard specified in section 4 of this Act,  
5 the person to whom the licence has been granted may at any time during the currency of the licence apply in writing, in the prescribed form (if any) and with one additional copy, to the Registrar to amend the licence by adding any class or classes of the business of a security guard that he may carry  
10 on.

“(2) On an application for the amendment of a security guard’s licence, the Registrar may require the applicant (except where it is a company) to submit to him 2 additional identical photographs of the applicant.

15 “(3) The application shall be heard and determined in the same way as if it were an application for a security guard’s licence, and the provisions of sections 21 to 25, subsections (1), (2), and (3) of section 26, section 27, and section 30 of this Act shall, with any necessary modifications,  
20 apply accordingly in respect of the application for the amendment of the licence.

“(4) Where the Registrar grants an application under this section to amend a security guard’s licence he shall, on payment of the prescribed fee (if any), issue to the applicant an  
25 amended licence specifying the additional class or classes of the business of a security guard that the licensee may carry on.”

(2) Section 10 (1) of the principal Act is hereby amended by inserting, after the expression “, 27”, the expression “, 32A”.

30 (3) Section 10 (2) of the principal Act is hereby amended by inserting, after the expression “, 25”, the expression “, 32A”.

**11. Grounds for cancellation of security guard’s licence—**

Section 58 (1) of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

35 “(aa) In the case of a security guard’s licence, where any person specified in subsection (2) of this section has been convicted of any crime involving dishonesty, and the Registrar is satisfied that the licensee is not a proper person to hold the licence:”.

*General Amendments Relating to Licences*

**12. Applications for licences**—Section 18 (1) of the principal Act is hereby amended by inserting, after the words “(if any)”, the words “and with one additional copy”.

**13. Notice of application for licence**—The principal Act is hereby further amended by repealing section 21, and substituting the following section: 5

“21. (1) The Registrar shall cause a copy of every application for a licence to be served on the Police.

“(2) Every applicant for a licence shall cause a notice, in the prescribed form (if any), of his application to be published twice, at intervals of not more than 14 days, in a newspaper or newspapers approved for the purpose by the Registrar. 10

“(3) The application shall not be heard before the expiry of one month after subsections (1) and (2) of this section have been complied with.” 15

**14. Renewal of licence**—The principal Act is hereby further amended by repealing section 33, and substituting the following section: 20

“33. (1) Every licence, unless it has been terminated in accordance with this Act, may from time to time be renewed in accordance with this section.

“(2) An application for the renewal of a licence shall be made by the licensee in writing, in the prescribed form (if any) and with one additional copy, to the Registrar. 25

“(3) The application shall be made not earlier than the 1st day of January, and not later than the last day of February, in the year in which the licence will expire.

“(4) On an application for the renewal of a licence, the Registrar may require the applicant (except where it is a company) to submit to him 2 additional identical photographs of the applicant. 30

“(5) After the application has been filed with the Registrar, it shall be advertised and a copy shall be served on the Police, in the same way as if it were an application for a licence. 35

“(6) The application shall not be heard before the expiry of one month after subsection (5) of this section has been complied with. 40

“(7) The Police may, before the 7th day of March in the year in which the licence will expire, file with the Registrar a notice of objection to the application in the same way as if it were an application for a licence.

5 “(8) Any person other than a member of the Police may, before the 7th day of March in the year in which the licence will expire, file with the Registrar a notice of objection to the application, on the same grounds and in the same way as if it were an application for a licence.

10 “(9) The application shall be heard and determined in the same way as if it were an application for a licence and, subject to subsections (7) and (8) of this section, the provisions of sections 22 to 25, subsections (1), (2), and (3) of section 26, section 27, and section 30 of this Act shall, with  
15 any necessary modifications, apply accordingly in respect of the application for the renewal of the licence.

“(10) The Registrar may hear and determine an application for the renewal of a licence, or any objection to its renewal, notwithstanding that the application or the notice  
20 of objection is not filed within the time limit specified in this section, as long as the application or notice, as the case may be, is filed before the date of expiry of the licence.

“(11) Where the Registrar grants an application for the renewal of a licence he shall, on payment of the prescribed  
25 fee (if any), issue a renewed licence accordingly.

“(12) Where an application for the renewal of a licence has been made but not determined before the licence expires and a bond that complies with section 19 of this Act is for the time being in effect in respect of the licence, the licence  
30 shall continue in force until the application is determined by the Registrar.”

*Responsible Employees*

15 **15. Application for certificate of approval—**(1) The principal Act is hereby further amended by repealing section 36, and substituting the following section:

“(36. (1) An application for a certificate of approval shall be made in writing, in the prescribed form (if any) and with one additional copy, to the Registrar by the person who proposes to employ the person in respect of whom the applica-  
40 tion is made.

“(2) The application shall state the following information:

“(a) The full name of the applicant and (where he is a licensee) his registered office:

“(b) The full name, residential address, occupation, and date of birth of the person in respect of whom the application is made: 5

“(c) Such other matters as may be prescribed.

“(3) The application shall be accompanied by the prescribed fee (if any), and by 2 identical photographs of the person in respect of whom the application is made. 10

“(4) Where the application for a certificate of approval is made by an applicant for a licence, it shall be attached to and form part of the application for a licence.

“(5) The Registrar shall cause a copy of the application to be served on the Police. 15

“(6) The application shall not be heard before the expiry of one month after subsection (5) of this section has been complied with.”

*New*

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(2) Section 37 (1) of the principal Act is hereby consequentially amended by omitting the expression “(4)”, and substituting the expression “(5)”.

**16. Renewal of certificate of approval**—The principal Act is hereby further amended by repealing section 44, and substituting the following section: 25

“44. (1) Every certificate of approval, unless it has been terminated in accordance with this Act, may from time to time be renewed in accordance with this section. 30

“(2) An application for the renewal of a certificate of approval may be made in writing, in the prescribed form (if any), and with one additional copy, to the Registrar by the licensee by whom the holder of the certificate of approval is employed. 35

“(3) The application shall be made not earlier than the 1st day of January, and not later than the last day of February, in the year in which the certificate of approval will expire.

“(4) On an application for the renewal of a certificate of approval, the Registrar may require the applicant to submit to him 2 additional identical photographs of the holder of the certificate of approval. 40

“(5) After the application has been filed with the Registrar, a copy shall be served on the Police in the same way as if it were an application for a certificate of approval. 45



“(6) The application shall not be heard before the expiry of one month after subsection (5) of this section has been complied with.

5 “(7) The Police may, before the 7th day of March in the year in which the certificate of approval will expire, file with the Registrar a notice of objection to the application in the same way as if it were an application for a certificate of approval.

10 “(8) The Police shall cause copies of the notice of objection to be served respectively on—

“(a) The applicant; and

“(b) The holder of the certificate of approval—  
within 7 days after it is filed with the Registrar.

15 “(9) The application shall be heard and determined in the same way as if it were an application for a certificate of approval.

20 “(10) The holder of the certificate of approval in respect of which the application is made shall be entitled to appear as a party to the application, and the provisions of sections 35, 36, and 39, subsections (1) and (2) of section 40, and section 43 of this Act shall, with any necessary modifications, apply in respect of the application in the same way as if it were an application for a certificate of approval.

25 “(11) The Registrar may hear and determine an application for the renewal of a certificate of approval, or any objection to its renewal, notwithstanding that the application or the notice of objection is not filed within the time limit specified in this section, as long as the application or notice, as the case may be, is filed before the date of expiry of the certificate  
30 of approval.

“(12) Where the Registrar grants an application for the renewal of a certificate of approval he shall, on payment of the prescribed fee (if any), issue a renewed certificate of approval accordingly.

35 “(13) Where an application for the renewal of a certificate of approval has been made but not determined before the certificate of approval expires, the certificate of approval shall continue in force until the application is determined by the Registrar.”

40 17. Production of certificate of approval—Section 46 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) Every holder of a certificate of approval shall, on demand by any other person specified in subsection (1) of this section, inform that other person of the name and address of the licensee by whom the holder is employed.

“(3) Every holder of a certificate of approval who knowingly contravenes subsection (1) or subsection (2) of this section commits an offence against this Act.” 5

**18. Notice to Registrar of change of employment**—Section 47 of the principal Act is hereby amended by repealing subsections (1) and (2), and substituting the following subsections: 10

“(1) Where any holder of a certificate of approval leaves the employment of any licensee, the licensee shall within 7 days notify the Registrar in writing of the name of the holder and of the date on which he left his employment. 15

“(2) Where any holder of a certificate of approval commences employment with any licensee, the licensee shall within 7 days notify the Registrar in writing of the name of the holder, the address at which he is employed, and the date on which he commenced his employment.” 20

**19. Disciplinary powers of Registrar in respect of responsible employees**—Section 59 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) The Registrar shall refuse leave under subsection (2) of this section unless he is satisfied that the complainant has a personal interest in the subject-matter of the complaint, and that the complaint is made in good faith and is not frivolous or vexatious.” 25  
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*Miscellaneous Amendments*

**20. Appeals to Supreme Court**—(1) Section 64 (1) of the principal Act is hereby amended by inserting, after the expression “section 26,” the expression “subsection (3) of section 32A,” 35

(2) Section 64 (1) of the principal Act is hereby further amended by inserting, after the word “application”, the words “(whether the refusal relates to the whole or to any part of the application)”.

(3) Section 64 (8) (a) of the principal Act is hereby amended by inserting, after the word “confirm”, the word “, vary,”.

21. **New sections inserted**—(1) The principal Act is hereby  
5 further amended by inserting, after section 72, the following sections:

“72A. **Extensions of time**—Subject to section 33 (10) and section 44 (11) of this Act, where it is provided in this Act that a document must be filed with the Registrar or served  
10 on any person within a specified time the Registrar may, if he thinks fit on the request of the person by whom the document is to be filed or served, or of his own motion, extend the time within which it may be filed or served.

“72B. **Photographs**—Where under this Act any photo-  
15 graph is to be submitted to the Registrar, he may require that the photograph shall comply with the requirements of any regulations made under this Act.”

(2) Section 18 (4) of the principal Act is hereby amended  
20 by omitting the words “that, in the opinion of the Registrar, comply with the requirements (if any) of any regulations made in that behalf under this Act”.

22. **Forms**—(1) The Second Schedule to the principal Act is hereby amended by repealing Form 2, and substituting the form set out in the Schedule to this Act.

25 (2) The Second Schedule to the principal Act is hereby further amended by omitting from Form 3, and also from Form 4, the words “(address of registered office of employer)”.

*New*

30 (3) The Second Schedule to the principal Act is hereby further amended by adding to Form 3, and also to Form 4, after the words “an ordinary private citizen.”, the words “The holder of this certificate is obliged to provide on demand the name and address of the licensee by whom he is employed.”

12 *Private Investigators and Security Guards  
Amendment*

Section 22

**SCHEDULE**

“Form 2

“SECURITY GUARD’S LICENCE

. . . . (full name) is authorised by  
this licence to carry on the business of a  
security guard [*or* the following classes  
of the business of a security guard,  
namely—

(a) . . . .

(b) . . . .

(c) . . . .]

either on his own account or in partner-  
ship with any other person who is the  
holder of a security guard’s licence, from  
the following places of business,  
namely—

(i) . . . .

(ii) . . . .

(iii) . . . .

until the 31st day of March 19 . . . .

The registered office of the licensee is at . . . .

Dated at . . . . this . . . . day of . . . . 19 . . . .

Here affix photograph of  
licensee

.....  
Registrar of Private Investigators and Security Guards.

**SPECIAL NOTICE**

**Nothing in this licence confers on the holder any more power or authority  
than that of an ordinary private citizen.”**