

PRIVATE SECURITY

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Private Security Act 2012

TABLE OF AMENDMENTS

The Private Security Act 2012 No 18 was certified on 6 November 2012 and commenced on 6 December 2012 (GN No 606/2012; Gaz 153/2012).

Amending Legislation	Certified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

An Act to regulate the provision of private security services and for related purposes.

Enacted by the Parliament of Nauru as follows:

PART 1 — PRELIMINARY

1 Short title

This Act may be cited as the *Private Security Act 2012*.

2 Commencement

This Act commences 1 month after certification and came into effect on 6 December 2012.

3 Act binds Republic

Except as expressly stated, this Act binds the Republic.

4 Definitions

In this Act:

'bodyguard' has the meaning given to it in Section 7;

'crowd controller' has the meaning given to it in Section 8;

'information notice', for a decision, means a written notice to a person specifying the following:

- (a) the decision;
- (b) the reasons for the decision; and
- (c) that the person may apply to the Minister for review of the decision within 28 days after receiving the notice;

'licence fee', for a security licence, means the fee prescribed by regulations;

'licensee', for a security licence, means the holder of the licence;

'Licensing Authority' means the person appointed under Section 10;

'proposed decision notice', for a proposed decision, means a written notice to a person specifying the following:

- (a) the proposed decision;
- (b) the reasons for the proposed decision; and
- (c) that the person may make written submissions to the person giving the notice about the proposed decision within 7 days after receiving it;

'security activity' has the meaning given to it in Section 5;

'security licence' means a licence to conduct one or more security activities issued under Section 13; and

'security officer' has the meaning given to it in Section 6.

PART 2 — INTERPRETATION

5 Meaning of ‘security activity’

- (1) A person conducts a ‘*security activity*’ if, as part of a business or the person’s employment, the person does any of the following:
 - (a) acts as a security officer;
 - (b) acts as a bodyguard;
 - (c) acts as a crowd controller; or
 - (d) operates a security firm.
- (2) Subsection (1) does not apply to:
 - (a) a public officer who conducts an activity mentioned in subsection (1) as part of the person’s employment as a public officer; or
 - (b) the Republic.

6 Meaning of ‘security officer’

A ‘*security officer*’ is a person who, for reward, guards, patrols or watches another person’s property.

7 Meaning of ‘bodyguard’

A ‘*bodyguard*’ is a person who, for reward, provides a close personal protection service to another person.

8 Meaning of ‘crowd controller’

- (1) A ‘*crowd controller*’ is a person who, for reward, performs any of the following functions at a place at which a public or private event is being held:
 - (a) controlling or monitoring the behaviour of people at the place;
 - (b) screening people seeking entry to the place; or
 - (c) removing people from the place because of their behaviour.
- (2) A person is not a crowd controller only because the person checks whether another person is authorised to enter the place under a ticket, pass or invitation.

9 Security firms

A person operates a ‘*security firm*’ if the person, for reward, supplies the services of any of the following:

- (a) security officers;
- (b) bodyguards; or
- (c) crowd controllers.

PART 3 — SECURITY LICENCES

10 Appointment of Licensing Authority

The Cabinet may, by Gazette notice, appoint a person to be the Licensing Authority.

11 Application for security licence

- (1) A person may apply to the Licensing Authority for a security licence.
- (2) The application shall be:
 - (a) in the form prescribed by regulations; and
 - (b) accompanied by:
 - (i) evidence of payment of the licence fee for the licence; and
 - (ii) any information prescribed by regulations.

12 Request for further information

- (1) The Licensing Authority may, by written notice to the applicant for the licence, request additional specified information or documents the Licensing Authority reasonably needs to decide the application.
- (2) If the applicant does not provide the information or documents, the Licensing Authority may refuse the application.

13 Decision on application

- (1) Subject to Section 12(2), on receiving the application, the Licensing Authority shall:
 - (a) issue the licence; or
 - (b) refuse to issue the licence.
- (2) The Licensing Authority may only issue the licence if the Licensing Authority is satisfied that:
 - (a) the applicant is a suitable person to hold the licence;
 - (b) the applicant meets any criteria prescribed by regulations for issuing the licence; and
 - (c) if the applicant is an individual, the applicant is an adult.
- (3) If the Licensing Authority decides to refuse to issue the licence, the Licensing Authority shall give the applicant an information notice for the decision.

14 Suitability of applicant to hold security licence – individual

- (1) In considering the requirements of Section 13(2)(a), the Licensing Authority may consider:
 - (a) the character of the applicant;
 - (b) the financial position of the applicant; or
 - (c) any other matter prescribed by regulations.
- (2) The applicant is taken not to be a suitable person to hold the licence if:
 - (a) the applicant has had a licence cancelled within 12 months before the application is made; or

- (b) the applicant, or a person acting in the person's capacity as an agent or employee of the applicant, has contravened this Act within 5 years before the application is made.

15 Suitability of corporation to hold security licence

- (1) In considering the requirements of Section 13(2)(a), where an applicant is a corporation the Licensing Authority may consider:
 - (a) the character of each director or executive officer of the corporation;
 - (b) the financial position of the corporation; or
 - (c) any other matter prescribed by regulations.
- (2) The corporation is taken not to be suitable to hold the licence if:
 - (a) the corporation has had a licence cancelled within 12 months before the application is made;
 - (b) a person, who is a director or executive officer of the corporation has had a licence cancelled within 12 months before the application is made; or
 - (c) any of the following persons has contravened this Act within 5 years before the application is made:
 - (i) the corporation;
 - (ii) a person who is a director or executive officer of the corporation, whether or not the person was a director or executive officer of the corporation at the time of the contravention; or
 - (iii) a person acting in the person's capacity as an agent or employee of the corporation.

16 Suitability of applicant to hold security licence – other body

- (1) In this Section:
 - 'relevant person'*, for a body, means a person who is responsible for the management of the body or has a financial interest in the body.
- (2) In considering the requirements of Section 13(2)(a), where an applicant that is a body other than a corporation is a suitable person to hold the licence, the Licensing Authority may consider any relevant matter, including the following:
 - (a) the character of each relevant person for the body;
 - (b) the financial position of the body; or
 - (c) any other matter prescribed by regulations.
- (3) The body is taken not to be a suitable person to hold the licence if:
 - (a) the body has had a licence cancelled within 12 months before the application is made;
 - (b) a relevant person for the body has had a licence cancelled within 12 months before the application is made; or
 - (c) any of the following persons has contravened this Act within 5 years before the application is made:
 - (i) the body;
 - (ii) a relevant person for the body, whether or not the person was a relevant person at the time of the contravention; and
 - (iii) a person acting in the person's capacity as an agent or employee of the body.

17 Form of licence

A security licence shall:

- (a) be in writing; and
- (b) state:
 - (i) the name of the licensee;
 - (ii) each security activity that is authorised under the licence;
 - (iii) the period of the licence; and
 - (iv) the conditions of the licence.

18 Period of licence

A security licence is valid for a period of 12 months.

19 Conditions of licence

A security licence is subject to the following conditions:

- (a) the licensee shall comply with all written laws; and
- (b) any other conditions that are specified in the licence.

20 Renewal of licence

- (1) If a licensee who wishes to renew a security licence applies to the Licensing Authority for the renewal at least 1 month before the licence expires, the licence continues in force until the application is decided.
- (2) Subsection (1) applies even if the application is not decided before the licence expires.
- (3) Sections 11 to 16 apply to the application as if it were an application for a new licence.

21 Variation of licence conditions

- (1) The Licensing Authority may vary the conditions of a security licence:
 - (a) on the application of the licensee; or
 - (b) by the Licensing Authority.
- (2) In considering the variation of the conditions of a licence under subsection (1)(b), the Licensing Authority shall:
 - (a) give the licensee a proposed decision notice for the decision; and
 - (b) consider any submissions received in response to the notice.
- (3) Where the Licensing Authority varies the conditions of a licence, the Licensing Authority shall issue a new licence to the licensee with the new conditions.
- (4) Where the Licensing Authority decides to vary the conditions of the licence under subsection (1)(b), the Licensing Authority shall give the licensee an information notice for the decision.

22 Suspension or cancellation of licence

- (1) The Licensing Authority may suspend a security licence if:
 - (a) the Licensing Authority suspects on reasonable grounds that the licensee:
 - (i) has failed to comply with a condition of the licence; or
 - (ii) is no longer a suitable person to hold the licence; and

- (b) the suspension is necessary while the Licensing Authority determines whether the licence be cancelled.
- (2) Where the Licensing Authority suspends the licence, the Licensing Authority shall give the licensee a notice specifying:
 - (a) the reason for the suspension; and
 - (b) the circumstances in which the suspension may be revoked.
- (3) The Licensing Authority shall cancel a security licence if:
 - (a) the licensee is convicted of an offence against Section 26; or
 - (b) the Licensing Authority believes on reasonable grounds that the licensee is no longer a suitable person to hold the licence.
- (4) The Licensing Authority may cancel a security licence if the Licensing Authority believes on reasonable grounds that the licensee has failed to comply with a licence condition, even if the licensee has not been charged with or convicted of an offence against Section 26.
- (5) In considering the cancellation of a security licence, the Licensing Authority shall:
 - (a) give the licensee a proposed decision notice for the decision; and
 - (b) consider any submissions received in response to the notice.
- (6) Where the Licensing Authority decides to cancel the licence, the Licensing Authority shall give the licensee an information notice for the decision.

23 Complaint about person conducting security activity

A person may complain to the Licensing Authority of:

- (a) the conduct of a person who is a licensee in the person's capacity as a licensee; or
- (b) a person who is conducting a security activity without a licence.

PART 4 — OFFENCES

24 Conducting security activity without licence

A person commits an offence if the person conducts a security activity without a security licence.

Maximum penalty: \$50,000 and 2 years imprisonment.

25 Employing unlicensed person

A person commits an offence if:

- (a) the person operates a security firm;
- (b) the person employs a person to conduct a security activity; and
- (c) the person employed does not hold a security licence to conduct the activity.

Maximum penalty: \$50,000 and 2 years imprisonment.

26 Failure to comply with licence condition

A licensee commits an offence if the licensee fails to comply with a condition of the licensee's security licence.

Maximum penalty: \$20,000 and 12 months imprisonment.

27 Advertising unauthorised security activity

A person commits an offence if the person:

- (a) advertises that the person conducts, or is willing to conduct, a security activity; and
- (b) the person does not hold a security licence that authorises the person to conduct the activity.

Maximum penalty: \$10,000 and 6 months imprisonment.

28 Failure to produce licence

A licensee commits an offence if:

- (a) the licensee is asked to produce the licensee's security licence for inspection by:
 - (i) a police officer; or
 - (ii) a person with whom the licensee has dealings when conducting a security activity; and
- (b) the licensee does not produce the licence for inspection.

Maximum penalty: \$1,000.

29 Failure to inform Licensing Authority of change

A licensee commits an offence if:

- (a) a detail included in the licensee's security licence or in the application for the licence, changes; and
- (b) the licensee does not inform the Licensing Authority about the change as soon as practicable after the licensee becomes aware of the change.

Maximum penalty: \$1,000.

PART 5 — REVIEWABLE DECISIONS

30 Review of decision

- (1) A person who is entitled to be given an information notice for a decision may apply to the Minister for review of the decision.
- (2) The application for review shall be made within 28 days after:
 - (a) if the person receives the information notice, the day the person receives the notice; or
 - (b) if the person does not receive the information notice, the day the person becomes aware of the decision.
- (3) The application shall be in writing and shall set out the reasons for the application.
- (4) To decide the review, the Minister shall:
 - (a) affirm the decision;
 - (b) vary the decision; or
 - (c) set aside the decision and substitute a new decision.

PART 6 — ADMINISTRATIVE MATTERS

31 Register of security licences

The Licensing Authority shall keep a register of security licences.

32 Refund of licence fee – refusal to issue licence

- (1) This Section applies if:
 - (a) a person applies for a security licence;
 - (b) the person pays the licence fee for the licence; and
 - (c) the Licensing Authority refuses to issue the licence.
- (2) The Licensing Authority shall refund the licence fee to the person.

33 Refund of licence fee – return of licence

- (1) This Section applies if:
 - (a) a person applies for a security licence;
 - (b) the person pays the licence fee for the licence; and
 - (c) the person does not conduct a security activity under the licence at any time.
- (2) The person may return the licence to the Licensing Authority within 28 days after it is issued.
- (3) If the person returns the licence under subsection (2), the Licensing Authority shall refund the licence fee to the person.

34 Certificates as evidence

- (1) This Section applies to a certificate signed by the Licensing Authority certifying any of the following:
 - (a) that a stated person was or was not, on a stated day or during a stated period, the holder of a security licence; or
 - (b) that a licence was or was not, on a stated day or during a stated period, subject to stated conditions.
- (2) The certificate is admissible in any proceeding under this Act and is evidence of the matters stated in it.

35 Protection from liability

- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function under this Act as the Licensing Authority.
- (2) Subsection (1) does not affect any liability the Republic would, apart from that subsection, have for the act or omission.
- (3) In this Section:
‘exercise’, of a power, includes the purported exercise of the power; and
‘performance’, of a function, includes the purported performance of the function.

36 Regulations

- (1) The Cabinet may make regulations under this Act.
- (2) Without limiting subsection (1), the regulations may:
 - (a) prescribe requirements for the issue of a security licence, including requirements about the qualifications and experience that shall be held by the applicant for the licence;
 - (b) provide for the accreditation of trainers and instructors to provide training required to meet a requirement mentioned in paragraph (a);
 - (c) prescribe codes of practice and required procedures for the conduct of security activities;
 - (d) prescribe conditions that apply to security licences;
 - (e) prescribe fees payable under this Act;
 - (f) give a person discretion to decide a matter; and
 - (g) apply, adopt or incorporate with or without changes, the whole or part of a document as in force or existing at a particular time or from time to time.

PART 7 — TRANSITIONAL MATTERS

37 **Definitions**

In this Part:

'commencement date' means the date this Act commences.

38 **Person conducting security activity before commencement**

- (1) This Section applies to a person who conducted a security activity immediately before the commencement date.
- (2) The person may continue to conduct the activity without a security licence until 3 months after the commencement date.

Private Security (Forms and Fees) Regulations 2019

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Private Security (Forms and Fees) Regulations 2019

TABLE OF AMENDMENTS

The Private Security (Forms and Fees) Regulations 2019 SL 7 were notified and commenced on 22 February 2019 (GN No 140/2019; Gaz 33/2019).

Amending Legislation	Notified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

The Cabinet makes the following Regulations under Section 36 of the *Private Security Act 2012*:

1 Citation

These Regulations may be cited as the *Private Security (Forms and Fees) Regulations 2019*.

2 Commencement

These Regulations come into effect on the day they are notified in the Gazette.

3 Application for security licence

For the purpose of Section 11 of the Act, the prescribed form for an application for a security licence is in Form 1 of Schedule 1.

4 Particulars required

For the purpose of Section 11(2) of the Act, a person applying for a security licence shall provide:

- (a) surname and forenames;
- (b) usual residential address;
- (c) correspondence address, if different from address of the business;
- (d) a certified copy of the current business licence under the *Business Licences Act 2017*;
- (e) passport size photographs and identity instruments such as drivers licence, biodata page of passport or birth certificate of the applicant;
- (f) information on the relevant person who will be responsible for the management of the security firm or has interest in the security firm;
- (g) character references of the relevant person;
- (h) financial position of the applicant;
- (i) certificates of the security officers having had appropriate training;
- (j) police clearance certificate of the applicant; and
- (k) police clearance certificates for security officers, bodyguards and crowd controllers employed by the security firm.

5 Security licence

For the purpose of Section 17 of the Act, the Licensing Authority shall issue a licence in Form 2 of Schedule 1 and any conditions prescribed under Section 19 of the Act.

6 Renewal form

For the purpose of Section 20 of the Act, the licensee shall make an application for renewal of the licence at least 1 month prior to the expiry date of the licence in Form 3 of Schedule 1.

7 Notification for variation of particulars

- (1) For the purpose of Section 21 of the Act, the prescribed form for an application for variation of particulars of a licensee is in Form 4 of Schedule 1.

- (2) A person applying for the variation of particulars shall:
- (a) state the variation of the particulars; and
 - (b) provide the requisite information or documents required under Regulation 4 as if the variation was registered in the first instance.

8 Recorded in the Register of Security Licences

For the purpose of Section 31 of the Act, the record to be kept and maintained is in Form 5 of Schedule 1.

9 Licence fees

The prescribed fees to be paid for the purposes of the Act are set out in Schedule 2.

SCHEDULE 1

FORMS

FORM 1



**REPUBLIC OF NAURU
PRIVATE SECURITY ACT 2012**

[Section 11, Regulation 3]

APPLICATION FORM FOR SECURITY LICENCE

To: the Licensing Authority, Nauru

Details of the applicant: (individual/firm/corporation):

Applicant's name:	
Business name (if any)	
Principal place of business:	
Number of employees:	
Security activity/activities applied for:	
Business Licence No (NBL):	
Telephone number:	
Email address:	

NOTE: the following shall be provided in support of the application:

1. Certified copy of the current business licence under the *Business Licences Act 2017*;
2. Passport size photographs and identity instruments such as drivers licence, bio page of passport or birth certificate of the applicant;
3. Character references of the relevant person;
4. Certificate of the security officers having had appropriate training;
5. Police clearance certificate of the applicant; and
6. Receipt of payment of security licence fee.

DECLARATION:

I/We the applicant of the licence (state name) of(address),
.....(occupation), do solemnly and sincerely declare that (set out matter
declared using numbered paragraphs if it is lengthy):

.....

.....
 And I/We make this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declarations Act 1976* conscientiously believing in the statement contained therein to be true in every particular.

Signed by the person filing this form.....

Name of person filing this form: *.....

Date:.....

Declared before me:

Commissioner for Oaths

NOTE: A person making a false statement is guilty of an offence and liable to imprisonment for 5 years.

*If the person filing this form is not the owner of the security firm, provide the following details for that person:

Full name	
Nationality	
Residential or business address	
Email address	
Telephone number	

FORM 2



REPUBLIC OF NAURU
PRIVATE SECURITY ACT 2012

[Sections 17 and 19; and Regulation 5]

SECURITY LICENCE

(Name and address of individual/firm/corporation) is / are hereby licensed to operate a (security activity) at (registered and principal place of business).

This licence is valid for 1 year from date of issue and is subject to the following conditions:

- (a) *The Licensee shall only carry out the following security activity/activities which this licence is issued for;*
- (b) *A copy of this licence shall be displayed in a prominent place at the business premises of the licensee;*
- (c) *The licence or certified copy of the Licence shall be produced upon demand by an authorised person;*
- (d) *The licensee shall comply with all laws of Nauru;*
- (e) *This licence is not transferable;*
- (f) *All employees of the Licensee shall have identification badges at all times during the course of employment;*
- (g) *The Licensee shall have a current business licence.*

NOTE: Failure to comply with any condition of this licence is an offence resulting in a maximum penalty of \$20,000 and 12 months imprisonment.

Registration valid from:

(Not to exceed 12 months)

DATED this Day of 20.....

.....
(LICENSING AUTHORITY)

FORM 3



REPUBLIC OF NAURU
PRIVATE SECURITY ACT 2012

[Section 20, Regulation 6]

RENEWAL OF LICENCE

To: The Licensing Authority, Nauru

Details of the applicant: (individual/firm/corporation):

Applicant name: (first and surname)	
Business name	
Principal place of business:	
Number of employees:	
Security activity/activities applied for:	
Business Licence No (NBL):	
Telephone number:	
Email address:	

Variation of particulars

If there has been any variation of particulars please state the change at least 1 month prior to the expiry date of the licence:

Former particulars	New particulars

FORM 4



**REPUBLIC OF NAURU
PRIVATE SECURITY ACT 2012**

[Section 21, Regulation 7]

APPLICATION FOR VARIATION OF PARTICULARS

To: The Licensing Authority, Nauru

I/We _____ and (_____) apply for the following change in the particulars under the security licence.

Licensee Name:	
Security Reference Number (Security Licence Number):	
Former particulars	State reasons for change
New particulars	

Declaration

I/We the applicant..... (state name) of(address),(occupation), do solemnly and sincerely declare that (set out matter declared using numbered paragraphs if it is lengthy):

And I/We make this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declarations Act 1976* conscientiously believing in the statement contained therein to be true in every particular.

Signed by the person filing this form.....

Name of person filing this form: *.....

Date:.....

Declared before me:

Commissioner for Oaths

NOTE: A person making a false statement is guilty of an offence and is liable to imprisonment for 5 years.

FORM 5



REPUBLIC OF NAURU
PRIVATE SECURITY ACT 2012

[Section 31 and Regulation 8]

REGISTER FOR SECURITY LICENCES

Name of Licensee	Nauru Security Licence (NSL)	Business Licence No	Change of particulars

SCHEDULE 2

[Regulation 9]

FEES

	Nature of application	Fee
1	Fee for inspection of the Register	\$25
2	Fee for a certified copy of entries in the Register and Certificate	\$25
3	Application for new security licence	\$500
4	Application for renewal of a security licence	\$500
5	Late application fee for renewal of licence made in less than 30 days of the expiry of a licence	\$200
6	Late application fee for renewal of licence after the expiry of a licence	\$300

