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as at 23 September 2026

Private Security Personnel and Private Investigators Act 2010

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Commencement	see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Private Security Personnel and Private Investigators Act 2010.

2 Commencement

This Act comes into force on 1 April 2011.

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act is to ensure that persons offering specified private security and investigation services for hire, and personnel providing those services,—

(a) are suitably qualified to carry out that work; and

(b) do not behave in ways that are contrary to the public interest.

4 Interpretation

In this Act, unless the context otherwise requires,—

authorised person means a person authorised by the chief investigator

certificate of approval means a certificate of approval issued under section 54, or a temporary certificate of approval issued under section 60; and **certificate holder** means a person who holds a certificate of approval

chief investigator means the chief investigator of the Complaints, Investigation, and Prosecution Unit

Complaints, Investigation, and Prosecution Unit means the unit established under section 100

confidential document destruction agent has the meaning given to it in section 8

confidential document destruction agent employee has the meaning given to it in section 16

consumer goods has the same meaning as in section 5 of the Credit Contracts and Consumer Finance Act 2003

credit bureau means a person, or an association of persons whether incorporated or unincorporated, who, in consideration of the payment of a subscription, fee, or levy, supplies to a subscriber to the service provided by that person or association, or to a member of that association, but to no other person, information relating to the financial position of a person

creditor has the same meaning as in section 5 of the Credit Contracts and Consumer Finance Act 2003, and includes a creditor referred to in section 83B(2)(b) of that Act

crowd controller has the meaning given to it in section 11

crowd controller employee has the meaning given to it in section 19

Crown has the meaning given to it in section 2(1) of the Public Finance Act 1989

debt-collecting agency means a person, or an association of persons whether incorporated or unincorporated, who, for valuable consideration, recovers or attempts to recover for a person any money owing to that person by another person

licence means a licence issued under section 34

Licensing Authority or **Authority** means a Private Security Personnel Licensing Authority appointed under section 87 and includes a Deputy Private Security Personnel Licensing Authority appointed under section 91, and the terms **Licensing Authorities**, **Authorities**, and **Deputy Licensing Authorities** have corresponding meanings

Minister means the Minister of the Crown who is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

misconduct, for the purposes of sections 73, 74, 80, and 83, means conduct by a licensee or certificate holder that a reasonable person would consider to be disgraceful, wilful, or reckless or conduct that contravenes this Act or any regulations made under this Act

offence of dishonesty means—

(a) a crime described in any of sections 104, 105B, 108 to 117, and 217 to 266 of the Crimes Act 1961; and

(b) any offence described in sections 15 to 20 of the Summary Offences Act 1981; and

(c) any offence described in section 127 of the Social Security Act 1964

offence of violence means an offence under—

(a) any of sections 128B to 149A, 158 to 181, 188 to 204, 208, 209, and 216B to 216D of the Crimes Act 1961; or

(b) any of sections 3, 5, 5A, 6 to 6B, 7, 9, 10, 14, or 21 of the Summary Offences Act 1981

officer, in relation to a company, means—

(a) a director as that term is defined in section 126 of the Companies Act 1993; and

(b) the chief executive of the company, or any person occupying the equivalent position

personal guard has the meaning given to it in section 10

personal guard employee has the meaning given to it in section 18

Police employee has the meaning given to it in section 4 of the Policing Act 2008

private investigator has the meaning given to it in section 5

private investigator employee has the meaning given to it in section 13

private security business means any or all of the classes of business described in sections 5 to 11

property guard has the meaning given to it in section 9

property guard employee has the meaning given to it in section 17

public record means—

(a) a record, register, file, or document that any member of the public is entitled under an enactment, whether on payment of a fee or otherwise, to—

(i) inspect; or

(ii) obtain a copy of or an extract from; or

(b) a newspaper within the meaning of section 2 of the Films, Videos, and Publications Classification Act 1993

repossession agent has the meaning given to it in section 8A

repossession employee has the meaning given to it in section 16A

responsible department means the department of State that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

responsible employee means any or all of the classes of employee defined in sections 13 to 19

responsible Minister means the Minister of the Crown who is responsible for the department that is authorised by the Prime Minister to provide administrative support to the Licensing Authorities

security consultant has the meaning given to in section 7

security consultant employee has the meaning given to it in section 15

security technician has the meaning given to it in section 6

security technician employee has the meaning given to it in section 14.

unsatisfactory conduct, in relation to a licensee or certificate holder and for the purposes of sections 73 and 74, means—

(a) conduct that falls short of the standard that a reasonable member of the public is entitled to expect from a reasonably competent licensee or certificate holder; or

(b) conduct that is incompetent or negligent; or

(c) conduct that would reasonably be regarded by private security personnel or private investigators of good standing as being unacceptable.

Section 4 **authorised person**: inserted, on 10 July 2026, by section 19 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 4 **chief investigator**: inserted, on 10 July 2026, by section 19 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 4 **consumer goods**: inserted, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 4 **creditor**: inserted, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 4 **Licensing Authority** or **Authority**: replaced, on 14 November 2018, by section 180(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 4 **misconduct**: amended, on 14 November 2018, by section 180(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 4 **offence of dishonesty** paragraph (b): amended, on 14 November 2018, by section 180(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 4 **offence of dishonesty** paragraph (c): inserted, on 14 November 2018, by section 180(4) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 4 **repossession agent**: inserted, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 4 **repossession employee**: inserted, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 4 **responsible Minister**: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 4 **unsatisfactory conduct**: inserted, on 14 November 2018, by section 180(5) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

5 Meaning of private investigator

(1) In this Act, **private investigator** means a person who, for valuable consideration, either by himself or herself or in partnership with any other person, carries on a business seeking or obtaining for any person or supplying to any person any information described in subsection (2).

(2) For the purposes of this section, **information**—

(a) means any information relating to—

(i) the personal character, actions, or behaviour of any person; or

(ii) the financial position of any person; or

(iii) the occupation or business of any person; or

(iv) the identity or whereabouts of any person; but

(b) does not include information that is contained in a public record.

(3) For the purposes of this section but without limiting the meaning of the term **carries on any business**, a person is carrying on a business if he or she holds himself or herself out to the public as being ready to carry on that business.

(4) Despite subsection (1), no person is a private investigator within the meaning of this Act by reason of the fact that—

(a) he or she seeks, obtains, or supplies any information—

(i) for or to the Crown, or any constable, or any local authority; or

(ii) at the request of a person who is not a client of the business; or

(iii) only as a necessary, usual, or reasonable incident of any other activity by that person that is not described in that subsection; or

(iv) for any purpose relating to the dissemination of news or other information to the public or to any section of the public; or

(v) for any cultural or historical purpose or for any purpose relating to education, literature, or science; or

(vi) relating only to the person by whom he or she is engaged or retained; or

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

(b) he or she is a security technician, security consultant, confidential document destruction agent, repossession agent, property guard, personal guard, or crowd controller.

Section 5(4)(b): amended, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

6 Meaning of security technician

(1) In this Act, **security technician** means a person who for valuable consideration, either by himself or herself or in partnership with any other person, carries on a business—

(a) installing or repairing on, or removing from, any part of any premises that are not owned or occupied by himself or herself or his or her firm or any of his or her partners—

(i) a burglar alarm or similar warning device intended to immediately alert a person or persons to the presence of a person or persons in a particular place; or

(ii) a locking device for a safe or a strongroom; or

(b) installing, operating, causing to be operated, or repairing, on or in, or removing from, any premises or other place not owned or occupied by himself or herself or his or her firm or any of his or her partners, any camera or similar device for the purpose of detecting the commission of any offence by any person.

(2) Subsection (1)(b) applies even if more than one purpose exists for the installation, operation, repair, or removal of the camera or similar device so long as one of the purposes is to detect the commission of any offence by any person.

7 Meaning of security consultant

In this Act, **security consultant** means a person who for valuable consideration, either by himself or herself or in partnership with any other person, carries on a business—

(a) entering any premises that are not owned or occupied by himself or herself or his or her firm or any of his or her partners for the purpose of selling or attempting to sell any device of the kind referred to in paragraph (a) or (b) of section 6(1); or

(b) entering any premises that are not owned or occupied by himself or herself or his or her firm or any of his or her partners for the purpose of advising the owner or occupier of the premises on the desirability of having installed on the premises any, or any further, such device; or

(c) entering any premises that are not owned or occupied by himself or herself or his or her firm or any of his or her partners for the purpose of advising the owner or occupier of the premises on the desirability of having guarded the premises or any other property that may from time to time be on the premises or dispatched from the premises.

8 Meaning of confidential document destruction agent

In this Act, **confidential document destruction agent** means a person who for valuable consideration, either by himself or herself or in partnership with any other person, carries on a business—

(a) collecting, for destruction, documents identified as being of a confidential nature; and

(b) destroying those documents.

8A Meaning of repossession agent

In this Act, **repossession agent** means a person who for valuable consideration, either by himself or herself or in partnership with any other person, carries on a business of repossessing consumer goods on behalf of a creditor.

Section 8A: inserted, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

9 Meaning of property guard

(1) In this Act, **property guard** means a person who for valuable consideration, either by himself or herself or in partnership with any other person, carries on a business—

(a) guarding, elsewhere than on premises owned or occupied by himself or herself or his or her firm or any of his or her partners, any real or personal property belonging to another person; or

(b) monitoring in real time, elsewhere than on premises owned or occupied by himself or herself or his or her firm or any of his or her partners, any of the following:

(i) a burglar alarm or similar warning device intended to immediately alert a person or persons to the presence of a person or persons in a particular place:

(ii) a camera or similar device; or

(c) responding to any device in paragraph (b)(i) or (ii) that has been activated and that is on any part of any premises that are not owned or occupied by himself or herself or his or her firm or any of his or her partners.

(2) A person is not a property guard solely because he or she does the work described in section 8.

10 Meaning of personal guard

In this Act, **personal guard** means a person who for valuable consideration, either by himself or herself or in partnership with any other person, carries on a business—

(a) guarding a specific person or persons; or

(b) guarding a specific person or persons and keeping order at any place (not being premises or a conveyance licensed under the Sale and Supply of Alcohol Act 2012) where the person or persons being guarded may be.

Section 10(b): amended, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

11 Meaning of crowd controller

(1) In this Act, **crowd controller** means a person who for valuable consideration, either by himself or herself or in partnership with any other person, carries on a business doing all or any of the following:

(a) screening entry to a place (other than simply ensuring that admission has been paid or that those entering have appropriate invitations or passes):

(b) keeping order in a place (more than merely being expected to draw the attention of others to behaviour that is inappropriate or threatens to become inappropriate):

(c) removing any person from a place.

(2) A person is not a crowd controller solely because he or she does the work described in section 10.

12 Governor-General may, by Order in Council, exclude certain persons from sections 5 to 11

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister,—

(a) declare that certain persons or classes of persons are not any one of the persons defined in sections 5 to 11 (as specified in the Order in Council) by reason only of the fact that they carry on any occupation or business described in the order:

(b) declare that certain persons or classes of persons are not any one of the persons defined in sections 5 to 11 (as specified in the Order in Council) by reason only of the fact that they carry on any occupation or business described in the order conditional on—

(i) those persons being members or affiliates of a named professional organisation or licensed under the law of New Zealand or any other place outside New Zealand; or

(ii) some other requirement being satisfied:

(c) declare that certain persons or classes of persons are not any one of the persons defined in sections 5 to 11 (as specified in the Order in Council) if they carry on an occupation or business only during the period or in the circumstances described in the order.

(2) The Minister must not make a recommendation under subsection (1) unless the Minister—

(a) is satisfied that there is no material benefit to be gained by requiring the persons concerned to be licensed; and

(b) has consulted the persons or organisations that, in the opinion of the Minister, have an interest in the proposed declaration.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it relates exclusively to an individual.

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 12(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

13 Meaning of private investigator employee

In this Act, **private investigator employee** means an individual who in the course of his or her employment, or engagement as a contractor, by a private investigator seeks, or obtains for any person or supplies to any person, any information specified in section 5(2).

14 Meaning of security technician employee

In this Act, **security technician employee** means an individual who in the course of his or her employment, or engagement as a contractor, by a security technician—

(a) installs or repairs on, or removes from, any part of any premises that are not owned or occupied by the security technician, the security technician's firm, or any of the security technician's partners—

(i) a burglar alarm or similar warning device intended to immediately alert a person or persons to the presence of a person or persons in a particular place; or

(ii) a locking device for a safe or a strongroom; or

(b) installs, operates, causes to be operated, or repairs, on or in, or removes from, any premises or other place not owned or occupied by the security technician, the security technician's firm, or any of the security technician's partners any camera or similar device for the purpose of detecting the commission of any offence by any person.

15 Meaning of security consultant employee

In this Act, **security consultant employee** means an individual who in the course of his or her employment, or engagement as a contractor, by a security consultant—

(a) enters any premises that are not owned or occupied by the security consultant, the security consultant's firm, or any of the security consultant's partners for the purpose of selling or attempting to sell any device of the kind referred to in section 6(1)(a) or (b); or

(b) enters any premises that are not owned or occupied by the security consultant, the security consultant's firm, or any of the security consultant's partners for the purpose of advising the owner or occupier of the premises on the desirability of having installed on the premises any, or any further, such device; or

(c) enters any premises that are not owned or occupied by the security consultant, the security consultant's firm, or any of the security consultant's partners for the purpose of advising the owner or occupier of the premises on the desirability of having guarded the premises or any other property that may from time to time be on the premises or dispatched from the premises.

16 Meaning of confidential document destruction agent employee

In this Act, **confidential document destruction agent employee** means an individual who in the course of his or her employment, or engagement as a contractor, by a confidential document destruction agent—

(a) collects, for destruction, documents identified as being of a confidential nature; and

(b) destroys those documents.

16A Meaning of repossession employee

In this Act, **repossession employee**—

(a) means an individual who in the course of his or her employment, or engagement as a contractor, by a repossession agent or a creditor repossesses, or holds himself or herself out as being authorised to repossess, consumer goods; and

(b) includes a creditor who carries out a repossession himself or herself, regardless of whether the creditor is, in fact, an employee.

Section 16A: inserted, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

17 Meaning of property guard employee

In this Act, **property guard employee** means an individual who in the course of his or her employment, or engagement as a contractor, by a property guard—

(a) guards, elsewhere than on premises owned or occupied by the property guard, the property guard's firm, or any of the property guard's partners, any real or personal property belonging to another person; or

(b) monitors in real time, elsewhere than on premises owned or occupied by the property guard, the property guard's firm, or any of the property guard's partners, any of the following:

(i) a burglar alarm or similar warning device intended to immediately alert a person or persons to the presence of a person or persons in a particular place:

(ii) a camera or similar device; or

(c) responds to any device in paragraph (b)(i) or (ii) that has been activated and that is on any part of any premises that are not owned or occupied by the property guard, the property guard's firm, or any of the property guard's partners.

18 Meaning of personal guard employee

In this Act, **personal guard employee** means an individual who in the course of his or her employment, or engagement as a contractor, by a personal guard—

(a) guards a specific person or persons; or

(b) guards a specific person or persons and keeps order at any place (not being premises or a conveyance licensed under the Sale and Supply of Alcohol Act 2012) where the person or persons being guarded may be.

Section 18(b): amended, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

19 Meaning of crowd controller employee

(1) In this Act, **crowd controller employee** means an individual who in the course of his or her employment, or engagement as a contractor, by a crowd controller or other person—

(a) screens entry to a place (other than simply ensuring that admission has been paid or that those entering have appropriate invitations or passes):

(b) keeps order in a place (more than merely being expected to draw the attention of others to behaviour that is inappropriate or threatens to become inappropriate):

(c) removes any person from a place.

(2) A person is not a crowd controller employee if—

(a) he or she is not employed or engaged primarily to do work of a kind specified in subsection (1)(a), (b), or (c), but performs that work incidentally to the principal work he or she performs; or

(b) he or she does the work specified in section 18(b) and no other work of a kind specified in subsection (1)(a), (b), or (c).

20 Governor-General may by Order in Council exclude persons from definition of repossession employee, property guard employee, personal guard employee, and crowd controller employee

(1) The Governor-General may, by Order in Council, made on the recommendation of the Minister, declare that certain persons or classes of persons are not any one of the classes of responsible employee described in sections 16A, 17, 18, and 19—

(a) by reason only of the fact that they do anything described in the order; or

(b) if they do anything described in section 16A, 17, 18, or 19, as the case may be, only in the circumstances described in the order; or

(c) for the purpose of their work at a specified event or type of event provided that conditions specified in the order are complied with.

(2) The Minister must not make a recommendation under subsection (1) unless the Minister—

(a) has consulted the persons or organisations that, in the opinion of the Minister, have an interest in the proposed declaration and is satisfied

that there is no material benefit to be gained by requiring the persons concerned to hold certificates of approval; or

(b) is satisfied that the benefit to be gained by requiring the persons concerned to hold certificates of approval is outweighed by the public interest in ensuring that there are sufficient persons doing the work described in sections 17 to 19 available to work at a major event declared under section 7 of the Major Events Management Act 2007, or events (whether or not organised by the major event organiser) associated with the major event.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it relates exclusively to an individual.

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 20 heading: amended, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 20(1): amended, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 20(1)(b): amended, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 20(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

21 Act binds the Crown

Except as provided in section 22, this Act binds the Crown.

22 Application of Act in certain cases

(1) Nothing in this Act—

(a) requires any Police employee to hold a licence or certificate of approval in respect of any act performed in the course of his or her employment by the Commissioner of Police; or

(b) requires the Commissioner of Police to hold a licence or certificate of approval; or

(c) requires any employee of the Crown to hold a licence or certificate of approval in respect of—

(i) any act performed in the course of his or her employment by the Crown; or

(ii) any act performed by any other employee of the Crown in the course of his or her employment by the Crown; or

(ca) requires any employee of a parliamentary agency to hold a licence or certificate of approval in respect of—

(i) any act performed in the course of their employment by the parliamentary agency; or

(ii) any act performed by any other employee of the parliamentary agency in the course of their employment by the parliamentary agency; or

(d) requires any person to hold a licence or certificate of approval in respect of the carrying on by that person of an occupation or business in accordance with a practising certificate, licence, permit, or other authority, granted or issued to him or her under any other enactment.

(2) In this section, **parliamentary agency** has the meaning given to it in section 5 of the Parliament Act 2025.

Section 22(1)(ca): inserted, on 13 November 2025, by section 51 of the Parliament (Repeals and Amendments) Act 2025 (2025 No 63).

Section 22(2): inserted, on 13 November 2025, by section 51 of the Parliament (Repeals and Amendments) Act 2025 (2025 No 63).

Part 2
Licences and certificates

Subpart 1—Licences

Who must be licensed

23 Persons who must hold licence

(1) The following persons must hold a licence under this Act:

(a) a private investigator:

(b) a security technician:

(c) a security consultant:

(d) a confidential document destruction agent:

(da) a repossession agent:

(e) a property guard:

(f) a personal guard:

(g) a crowd controller.

(2) Every person who contravenes this section commits an offence and is liable on conviction,—

(a) in the case of an individual, to a fine not exceeding $40,000:

(b) in the case of a body corporate, to a fine not exceeding $60,000.

Section 23(1)(da): inserted, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 23(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Applying for licence

24 Application for licence: individual applicant

(1) An application by an individual for a licence must be made to a Licensing Authority in the manner prescribed by regulations made under this Act and must—

(a) be in a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities; and

(b) be accompanied by a photograph of the applicant, authenticated in accordance with any prescribed requirements; and

(c) be accompanied by the prescribed fee (if any).

(2) The application must specify—

(a) the full name, residential address, occupation, and date of birth of the applicant; and

(b) the full address of every place of business from which the applicant proposes to carry on the business or businesses to which the application relates; and

(c) the proposed principal place of business of the applicant, being one of the places of business specified in the application; and

(d) the particular class or classes of private security business that the applicant proposes to carry on; and

(e) whether any of the grounds of disqualification in section 62 apply to the applicant; and

(f) whether the applicant has ever—

(i) been convicted outside New Zealand of an offence; or

(ii) had an order imposed in relation to him or her by any court or tribunal outside New Zealand, instead of passing sentence, that the applicant be treated or cared for in relation to the applicant's mental impairment; and

(g) any other prescribed information.

(3) An application may also state an address, other than the residential address of the applicant, at which documents relating to the application may be served on the applicant.

Section 24(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 24(1)(a): amended, on 1 May 2019, by section 181(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 24(1)(c): amended, on 14 November 2018, by section 181(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

25 Application for licence: company applicant

(1) An application by a company for a licence must be made to a Licensing Authority in the manner prescribed by regulations made under this Act and must—

(a) be in a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities; and

(b) specify the names of the officers of the company and be accompanied by a statement by each of those officers as to whether any ground of disqualification applies to him or her and, if so, which ground; and

(c) be accompanied by the prescribed fee (if any).

(2) The application must specify—

(a) the full name, residential address, occupation, and date of birth of every officer of the company; and

(b) the full address of every place of business from which the company proposes to carry on the business or businesses to which the application relates; and

(c) the proposed registered office of the company, being one of the places of business specified in the application; and

(d) the particular class or classes of private security business that the company proposes to carry on; and

(e) the nature of all other business carried on or proposed to be carried on by the company; and

(f) whether or not any grounds of disqualification as set out in section 63 apply in respect of the company; and

(g) whether the company or any officer of the company has ever been convicted outside New Zealand of an offence; and

(h) whether any officer of the company has ever had an order imposed in relation to him or her by any court or tribunal outside New Zealand, instead of passing sentence, that he or she be treated or cared for in relation to his or her mental impairment; and

(i) any other prescribed information.

Section 25(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 25(1)(a): amended, on 1 May 2019, by section 182(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 25(1)(c): amended, on 14 November 2018, by section 182(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

26 Licensing Authority may make inquiries and request report

(1) On receipt of an application under section 24 or 25, a Licensing Authority—

(a) may make whatever inquiries it considers necessary in order to determine whether or not the application should be granted; and

(b) without limiting paragraph (a), may provide a copy of the application to the chief investigator and request the chief investigator to cause a report on the application to be prepared by the Complaints, Investigation, and Prosecution Unit for the Licensing Authority.

(2) For the purpose of preparing a report under subsection (1)(b) the chief investigator or an authorised person may make whatever inquiries he or she considers necessary in order to verify the information contained in the application.

Section 26(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 26(1)(b): amended, on 10 July 2026, by section 20(1)(a) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 26(1)(b): amended, on 10 July 2026, by section 20(1)(b) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 26(2): amended, on 10 July 2026, by section 20(2) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

27 Notice of application for licence

(1) A Licensing Authority must serve on the Police a notice of every application for a licence and the information contained in it.

(2) Every applicant for a licence must publish a notice of the applicant's intention to make the application in a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities (if any) and in the prescribed manner.

(3) The application must not be heard before the expiry of 20 working days after subsections (1) and (2) have been complied with.

Section 27(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 27(2): amended, on 1 May 2019, by section 183(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 27(3): amended, on 14 November 2018, by section 183(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Objections

28 Objections by Police to application for licence

(1) The Police may, within 20 working days after the notice of the application has been served on them under section 27(1), file a notice of objection to the grant of the application.

(2) The notice must state the grounds of the objection.

(3) A Licensing Authority must serve a copy of the notice of objection on the applicant within 5 working days after it is filed.

Section 28(1): amended, on 14 November 2018, by section 184(1)(a) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 28(1): amended, on 14 November 2018, by section 184(1)(b) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 28(3): amended, on 14 November 2018, by section 184(2)(a) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 28(3): amended, on 14 November 2018, by section 184(2)(b) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 28(3): amended, on 14 November 2018, by section 184(2)(c) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

29 Objections by other persons

(1) Any person other than a constable may, within 20 working days after the first date of publication of a notice under section 27(2) in respect of an application for a licence, file a notice of objection to the grant of the application.

(2) No objection may be made under this section except on one of the following grounds:

(a) that the applicant is disqualified on 1 or more grounds in section 62 or 63, as the case may be; or

(b) that there are other reasons relating to the applicant's character, circumstances, or background why the applicant is unsuitable to carry on the class or classes of private security business to which the application relates.

(3) The grounds of objection specified in subsection (2) may relate either to the application as a whole or to any particular class or classes of private security business that the applicant proposes to carry on.

(4) The notice must state the grounds of the objection.

(5) A Licensing Authority must serve a copy of the notice of objection on the applicant within 5 working days after it is filed with the Licensing Authority.

Section 29(1): amended, on 14 November 2018, by section 185(1)(a) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 29(1): amended, on 14 November 2018, by section 185(1)(b) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 29(5): amended, on 14 November 2018, by section 185(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 29(5): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Hearing of application

30 Application determined on papers

(1) A Licensing Authority must determine an application on the papers if no notices of objection to the grant of the application have been filed with the Licensing Authority in accordance with section 28 or 29.

(2) If 1 or more notices of objection to the grant of an application have been filed with a Licensing Authority in accordance with section 28 or 29,—

(a) the Licensing Authority must determine the application on the papers unless it thinks an oral hearing is required; and

(b) if determining the application on the papers, the Licensing Authority may request that the applicant file a written response to any notice of objection within a period of time specified by the Authority.

(3) A Licensing Authority may refuse an application without holding an oral hearing in accordance with section 31 if the Licensing Authority is unable to verify information provided in the application.

Section 30(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 30(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 30(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

31 Application determined by oral hearing

(1) If a Licensing Authority is to hold an oral hearing of an application for a licence, the Authority must fix a time and place for the hearing, and must give not less than 10 working days' notice of the hearing to—

(a) the applicant; and

(b) any person who has filed a notice of objection in accordance with section 28 or 29; and

(c) if it receives a report on the application from the Complaints, Investigation, and Prosecution Unit, the chief investigator.

(2) If a Licensing Authority receives a report requested under section 26(1)(b) and suspects on the basis of that report that there may be grounds for refusing the application, the Authority must, not later than 10 working days before the date of the hearing, provide the applicant with a statement of the reasons for that suspicion.

(3) At the hearing, the applicant, every objector, and, if a Licensing Authority received a report on the application from the Complaints, Investigation, and Prosecution Unit, the chief investigator or an authorised person—

(a) is entitled to appear, be heard, call evidence, and cross-examine and re-examine witnesses; and

(b) may conduct his or her case personally or may be represented by counsel.

(4) A Licensing Authority may from time to time adjourn the hearing to a time and place fixed by it.

Section 31(1): replaced, on 14 November 2018, by section 186 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 31(1)(c): amended, on 10 July 2026, by section 21(1) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 31(2): replaced, on 14 November 2018, by section 186 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 31(3): amended, on 10 July 2026, by section 21(2) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 31(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 31(4): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Decision on application

32 Consideration of application relating to more than 1 class of business

If an application relates to more than 1 class of private security business a Licensing Authority—

(a) must assess the application in respect of each class of business to which it relates; and

(b) may, under section 33,—

(i) grant the application in respect of all those classes of business; or

(ii) grant the application in respect of only 1 or more of those classes of business and refuse it in respect of the other 1 or more of those classes of business to which the application relates; or

(iii) refuse the application entirely.

Section 32: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

33 Decision on application for licence

(1) A Licensing Authority may grant an application only if—

(a) in the case of an applicant who is an individual, the applicant is of or over the age of 18 years; and

(b) in the case of an applicant that is a company, each officer of the company is of or over the age of 18 years; and

(c) the requirements of section 24 or 25, as the case may be, are satisfied.

(2) Subsection (3) applies if a Licensing Authority is satisfied that no grounds of disqualification under section 62 or 63, as the case may be, apply to the applicant.

(3) A Licensing Authority must grant the application in respect of a particular class of business to which it relates unless the Licensing Authority is satisfied, based on any other evidence provided to the Authority relating to the character, circumstances, or background of the applicant, that the person is not suitable to carry on that class of business.

(4) Subsection (5) applies if a Licensing Authority is satisfied that 1 or more grounds of disqualification under section 62 or 63, as the case may be, apply to the applicant.

(5) A Licensing Authority may grant the application in respect of a class of business to which it relates if, and only if, the Licensing Authority is satisfied that the person is suitable to carry on that class of business taking into account—

(a) the grounds on which the applicant is disqualified under section 62 or 63, as the case may be, and the way in which that influences the suitability of the applicant; and

(b) any other evidence provided to the Authority relating to the character, circumstances, or background of the applicant.

(6) Subsections (3) and (5) are subject to subsection (1).

(7) A Licensing Authority may impose conditions on the carrying on by the licensee of any business in respect of which the licence is issued.

(8) A Licensing Authority must give written notice to the applicant and any person who filed an objection when it grants or refuses to grant an application and give reasons for the grant or refusal of the application.

Section 33(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 33(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 33(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 33(4): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 33(5): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 33(7): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 33(8): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Issue, duration, etc, of licence

34 Issue of licence

(1) If a Licensing Authority grants an application in whole or in part under section 33, the Licensing Authority must issue a licence in a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities specifying—

(a) the class or, if more than 1, each class of business in respect of which the Authority has granted the application; and

(b) the registered office or the principal place of business, as the case may be, of the applicant; and

(c) the places from which the applicant is authorised to carry on each class of business to which the licence relates; and

(d) any other prescribed matter.

(2) A licence issued to an individual must contain a photograph of the licensee.

Section 34(1): amended, on 1 May 2019, by section 187(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 34(1): amended, on 14 November 2018, by section 187(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

35 Effect of licence

(1) Subject to this Act and to any conditions imposed by an Authority, a licence authorises the licensee to carry on the class or classes of private security business for which the licence is issued, on his or her own account during the currency of the licence.

(2) The licensee may carry on that class or those classes of business either by himself or herself or in partnership with any other person or persons who are the holders of licences that include that same authority.

(3) A licence does not authorise a licensee to carry on the business to which the licence relates from any place of business that is not specified in the licence.

Section 35(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

36 Duration of licence

(1) Unless cancelled earlier, a licence expires 5 years from its date of issue.

(2) A licence may be renewed under section 42.

(3) Despite subsection (1), if an application for renewal of a licence is made before the expiry of the licence, the licence continues in force until the application for renewal is determined.

37 Licensing Authority to notify Commissioner of Police when licence issued

A Licensing Authority must, after issuing a licence, notify the Commissioner of Police in writing of—

(a) the full name and (if the licensee is an individual) residential address of the licensee; and

(b) the nature and number of the licence; and

(c) the date on which it was issued; and

(d) the registered office of the licensee (if a company) or principal place of business of the licensee (if not a company) and the other places of business specified in the licence.

Section 37: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Temporary certificate of approval for applicant for licence

38 Temporary certificate of approval for applicant for licence

(1) An individual who has applied for a licence under section 24 may also request in writing that he or she be issued with a temporary certificate of approval under section 60.

(2) If an individual makes a request under subsection (1) the individual must state the name of his or her current employer (if any), or employers if more than 1.

(3) If an individual makes a request under subsection (1), section 60 applies as if—

(a) the application for a licence is an application under section 46; and

(b) the application is for a certificate of approval to be a responsible employee of a class that corresponds to the class or classes of private security business that the applicant for the licence proposes to carry on.

General provisions, amendments, renewals, etc

39 Name under which licensee may carry on business

(1) Unless another name has been approved in writing by a Licensing Authority, no licensee who is an individual may carry on the business to which the licence relates under any name that is not—

(a) his or her own name; or

(b) in the case of a firm, the name of one of the partners.

(2) An applicant for a licence, or a licensee, may at any time apply in writing to a Licensing Authority to approve a name under subsection (1).

(3) A Licensing Authority must not approve a name under subsection (1) if it considers that the name so nearly resembles the name of any other person, firm, or company carrying on a class or classes of private security business as to be likely to deceive, or that the name is that of any other person, firm, or company—

(a) whose licence has been suspended or cancelled under section 76 or 78; or

(b) whose application for a licence has at any time been refused under this Act and who has not subsequently obtained a licence.

(4) No licensee that is a company may carry on the business to which the licence relates under any name other than the name by which the company is registered or incorporated.

(5) Every licensee who contravenes subsection (1) or (4) commits an offence against this Act.

Compare: 1974 No 48 s 31

Section 39(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 39(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 39(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

40 Persons not to act as officers of licensed company without consent of Licensing Authority

(1) In the case of a licensee that is a company, unless with the prior approval of a Licensing Authority, no person who is not an officer of the company at the time when the application for the licence is granted may subsequently act as an officer of the company.

(2) A licensee may at any time apply in writing to a Licensing Authority for approval of any person under subsection (1).

(3) An application for approval of any person must be in a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities and accompanied by the prescribed fee (if any).

(4) A Licensing Authority must not give its approval under subsection (1) in respect of a person unless the Licensing Authority is satisfied that—

(a) the officer is of or over the age of 18 years; and

(b) no ground of disqualification under section 62 applies to the officer or, if 1 or more grounds do apply, that this does not make the company unsuitable to hold the licence.

(5) Every person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $20,000.

(6) Every licensee who, being a company, employs any person or permits any person to act as an officer of the company in contravention of subsection (1), commits an offence and is liable on conviction to a fine not exceeding $20,000.

Compare: 1974 No 48 s 32

Section 40(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 40(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 40(3): amended, on 1 May 2019, by section 188 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 40(4): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 40(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 40(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

41 Amendment of licence

(1) If a Licensing Authority has under section 34 issued a licence that is limited in its effect to any particular class or classes of private security business, the licensee may at any time during the currency of the licence apply to the Licensing Authority to amend the licence by adding or removing any class or classes of private security business.

(2) Sections 24 to 34, 37, 62, and 63 apply with any necessary modifications.

(3) If a Licensing Authority grants an application to add, or remove, a class or classes of private security business to, or from, the licence, the Licensing Authority must, on payment of the prescribed fee (if any), issue to the applicant an amended licence specifying the class or classes of private security business that the licensee may carry on.

Section 41(1): amended, on 14 November 2018, by section 189(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 41(3): amended, on 14 November 2018, by section 189(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

42 Renewal of licence

(1) A licence may be renewed.

(2) Sections 24 to 34, 37, 62, and 63 apply to an application for renewal of a licence as if the application were an application for a licence.

(3) A renewed licence is to be treated for all purposes as a new licence issued under section 34.

43 Annual return updating licence and certificate of approval information

(1) At 12-monthly intervals after the date of issue of a licence, the licensee must send to a Licensing Authority a return advising—

(a) whether there has been any change to the details included in the licensee's application for a licence; and

(b) in respect of each person (if any) who is employed or engaged by the licensee and who is a certificate holder, whether there has been any change to the details that were included in the application for the certificate holder's certificate of approval of which the licensee is aware, or ought reasonably to be aware.

(2) The return must be accompanied by the prescribed fee (if any).

(3) On receiving a return under subsection (1), a Licensing Authority must, if there has been a change to the details recorded on the licence issued to the licensee, or on a certificate of approval issued to a person employed or engaged by the licensee, issue an amended licence or certificate of approval, as the case may be.

(4) The amended licence or certificate of approval is not a new or renewed licence or certificate of approval.

(5) If an amended licence or certificate of approval is issued, the licensee or certificate holder, as the case may be, must, within 5 working days of receiving the amended licence or certificate, return the old licence or certificate of approval to a Licensing Authority.

(6) If a licensee fails to comply with subsection (1) or (2) the licence issued to the licensee is automatically suspended from the date of the non-compliance until the requirements of subsection (1) or (2), as the case may be, are satisfied.

(7) A person commits an offence who fails without reasonable excuse to comply with subsection (5).

Section 43(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 43(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 43(5): amended, on 14 November 2018, by section 190 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 43(5): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Subpart 2—Certificates of approval

Who must hold certificate of approval

44 Persons who must hold certificate of approval

(1) The following individuals must hold a certificate of approval under this Act:

(a) a private investigator employee:

(b) a security technician employee:

(c) a security consultant employee:

(d) a confidential document destruction agent employee:

(da) a repossession employee:

(e) a property guard employee:

(f) a personal guard employee:

(g) a crowd controller employee.

(2) A person commits an offence and is liable on conviction to a fine not exceeding $20,000 who—

(a) is employed, engaged as a contractor, acts, or holds himself or herself out to any person or to the public as a person of any kind specified in subsection (1); and

(b) does not hold a certificate of approval authorising him or her as a responsible employee of that kind.

(3) This section is subject to section 61.

Section 44(1)(da): inserted, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 44(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

45 Offences by licensees, etc, relating to requirements to hold certificate of approval

(1) No person who holds a licence may employ, engage as a contractor, or permit to act as a responsible employee any individual who does not hold an appropriate certificate of approval.

(1A) No person, not being the holder of a licence, may employ, engage as a contractor, or permit to act as a repossession employee any individual who does not hold a certificate of approval as a repossession employee.

(2) No person, not being the holder of a licence, may employ, engage as a contractor, or permit to act as a crowd controller employee any individual who does not hold a certificate of approval as a crowd controller employee.

(3) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding $20,000.

(4) It is a defence in any prosecution for an offence against this section if the defendant proves that he or she took all reasonable steps to ascertain whether the person who was employed, engaged, or permitted to act held a certificate of approval.

(5) This section is subject to section 61.

Section 45(1A): inserted, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 45(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Applying for certificate of approval

46 Application for certificate of approval

(1) An application for a certificate of approval must be made to a Licensing Authority in the manner prescribed by regulations made under this Act and must—

(a) be in a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities; and

(b) be accompanied by a photograph of the applicant, authenticated in accordance with any prescribed requirements; and

(c) be accompanied by the prescribed fee (if any).

(2) The application must specify—

(a) the applicant's full name, residential address, occupation, and date of birth; and

(b) the particular class or classes of responsible employee in relation to which a certificate of approval is sought by the applicant; and

(c) if the applicant is employed, the name of the applicant's current employer, or employers if more than 1; and

(d) whether or not any of the grounds of disqualification in section 62 apply to the applicant; and

(e) whether the applicant has ever—

(i) been convicted outside New Zealand of an offence; or

(ii) had an order imposed in relation to him or her by any court or tribunal outside New Zealand, instead of passing sentence, that he or she be treated or cared for in relation to his or her mental impairment; and

(f) any other prescribed information.

Section 46(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 46(1)(a): amended, on 1 May 2019, by section 191(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 46(1)(c): amended, on 14 November 2018, by section 191(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

47 Licensing Authority may make inquiries and request report

(1) On receipt of an application, a Licensing Authority—

(a) may make whatever inquiries it considers necessary in order to determine whether or not the application should be granted; and

(b) without limiting paragraph (a), may provide a copy of the application to the chief investigator and request the chief investigator to cause a report on the application to be prepared by the Complaints, Investigation, and Prosecution Unit for the Licensing Authority.

(2) For the purpose of preparing a report under subsection (1)(b) the chief investigator or an authorised person may make whatever inquiries he or she considers necessary in order to verify the information contained in the application.

Section 47(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 47(1)(b): amended, on 10 July 2026, by section 22(1)(a) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 47(1)(b): amended, on 10 July 2026, by section 22(1)(b) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 47(2): amended, on 10 July 2026, by section 22(2) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

48 Notice of application for certificate of approval

(1) A Licensing Authority must serve on the Police a notice of every application for a certificate of approval and the information contained in it.

(2) The application must not be heard before the expiry of 5 working days after subsection (1) has been complied with.

Section 48(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 48(2): amended, on 14 November 2018, by section 192 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Objections

49 Objections by Police to application for certificate of approval

(1) The Police may file a notice of objection to the grant of an application for a certificate of approval within 5 working days after notice of the application is served on them.

(2) The notice must state the grounds of the objection.

(3) A Licensing Authority must serve a copy of the notice of objection on the applicant within 5 working days after it is filed.

Section 49(1): replaced, on 5 December 2013, by section 5 of the Private Security Personnel and Private Investigators Amendment Act 2013 (2013 No 128).

Section 49(1): amended, on 14 November 2018, by section 193(1)(a) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 49(1): amended, on 14 November 2018, by section 193(1)(b) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 49(3): amended, on 14 November 2018, by section 193(2)(a) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 49(3): amended, on 14 November 2018, by section 193(2)(b) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 49(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Hearing of application

50 Application determined on papers

(1) A Licensing Authority must determine an application on the papers if no notice of objection to the grant of the application has been filed with the Licensing Authority in accordance with section 49.

(2) If a notice of objection to the grant of an application has been filed with a Licensing Authority in accordance with section 49,—

(a) the Licensing Authority must determine the application on the papers unless it thinks an oral hearing is required; and

(b) if determining the application on the papers, the Licensing Authority may request that the applicant file a written response to the objection within a period of time specified by the Authority.

(3) A Licensing Authority may refuse an application without holding a hearing in accordance with section 51 if the Licensing Authority is unable to verify information provided in the application.

Section 50(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 50(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 50(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

51 Application determined by oral hearing

(1) If a Licensing Authority is to hold an oral hearing of an application for a certificate of approval, the Licensing Authority must fix a time and place for the hearing, and must give not less than 10 working days' notice of the hearing to—

(a) the applicant; and

(b) if the Police have filed a notice of objection, the Police; and

(c) if the Licensing Authority has received a report on the application from the Complaints, Investigation, and Prosecution Unit, the chief investigator.

(2) Section 31 applies, with any necessary modifications, in respect of the hearing in the same way as if it were an oral hearing of an application for a licence.

Section 51(1): amended, on 14 November 2018, by section 194 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 51(1)(c): amended, on 10 July 2026, by section 23 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Decision on application

52 Consideration of application relating to more than 1 class of responsible employee

If an application relates to more than 1 class of responsible employee, a Licensing Authority—

(a) must assess the application in respect of each class of responsible employee to which it relates; and

(b) may, under section 53,—

(i) grant the application in respect of all those classes of responsible employee; or

(ii) grant the application in respect of only 1 or more of those classes of responsible employee and refuse it in respect of the other 1

or more of those classes of responsible employee to which the application relates; or

(iii) refuse the application entirely.

Section 52: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

53 Decision on application for certificate of approval

(1) A Licensing Authority may grant an application only if—

(a) in the case of an applicant applying for a certificate as a responsible employee of a class in section 13, 14, 16A, 17, 18, or 19, the applicant is of or over the age of 18 years; and

(b) the requirements of section 46 are satisfied.

(2) Subsection (3) applies if a Licensing Authority is satisfied that no grounds of disqualification under section 62 apply to the applicant.

(3) A Licensing Authority must grant the application in respect of a particular class of responsible employee to which it relates unless the Licensing Authority is satisfied, based on any other evidence provided to the Authority relating to the character, circumstances, or background of the applicant, that the person is not suitable to be a responsible employee of that class.

(4) Subsection (5) applies if a Licensing Authority is satisfied that 1 or more grounds of disqualification under section 62 apply to the applicant.

(5) A Licensing Authority may grant the application in respect of a class of responsible employee to which it relates if, and only if, the Licensing Authority is satisfied that the person is suitable to be a responsible employee of that class taking into account—

(a) the grounds on which the applicant is disqualified under section 62 and the way in which that influences the suitability of the applicant; and

(b) any other evidence provided to the Authority relating to the character, circumstances, or background of the applicant.

(6) Subsections (3) and (5) are subject to subsection (1).

(7) A Licensing Authority may impose conditions on the performance by the certificate holder of duties as a responsible employee of any particular class in respect of which the certificate is issued.

(8) A Licensing Authority must give written notice to the applicant and the Police (if an objection was filed) when it grants or refuses to grant an application, and give reasons for the grant or refusal of the application.

Section 53(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 53(1)(a): amended, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 53(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 53(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 53(4): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 53(5): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 53(7): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 53(8): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Issue, duration, etc, of certificate of approval

54 Issue of certificate of approval

(1) If a Licensing Authority grants an application in whole or in part under section 53, the Licensing Authority must issue a certificate of approval in a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities specifying—

(a) the class or, if more than 1, each class of responsible employee in respect of which the Authority has granted the application; and

(b) any other prescribed matter.

(2) A certificate of approval must contain a photograph of the certificate holder.

Section 54(1): amended, on 1 May 2019, by section 195(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 54(1): amended, on 14 November 2018, by section 195(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

55 Effect of certificate of approval

(1) Subject to this Act and to any conditions imposed by an Authority, a certificate of approval authorises the holder to work during the currency of the certificate—

(a) as a responsible employee of any licensee carrying on the business to which the certificate of approval relates; or

(b) in the case of a crowd controller employee or a repossession employee, as a responsible employee of any person.

(2) Subject to this Act, to the Credit Contracts and Consumer Finance Act 2003, and to any conditions imposed by an Authority, a certificate of approval that is held by a creditor referred to in section 16A(b) authorises the creditor to carry out a repossession of consumer goods himself or herself.

Section 55(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 55(1)(b): replaced, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 55(2): inserted, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 55(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

56 Duration of certificate of approval

(1) Unless cancelled earlier, a certificate of approval expires 5 years from its date of issue.

(2) A certificate of approval may be renewed under section 59.

(3) Despite subsection (1), if an application for renewal of a certificate of approval is made before the expiry of the certificate of approval, the certificate of approval continues in force until the application for renewal is determined.

57 Licensing Authority to notify Commissioner of Police when certificate of approval issued

A Licensing Authority must, after issuing a certificate of approval, notify the Commissioner of Police in writing of—

(a) the full name and residential address of the certificate holder; and

(b) the nature and number of the certificate of approval; and

(c) the date on which it was issued.

Section 57: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

58 Amendment of certificate of approval

(1) If a Licensing Authority has under section 54 issued a certificate of approval that is limited in its effect to any particular class or classes of responsible employee, the certificate holder may at any time during the currency of the certificate of approval apply to the Licensing Authority to amend the certificate of approval by adding or removing any class or classes of responsible employee.

(2) Sections 46 to 54, 57, and 62 apply with any necessary modifications.

(3) If a Licensing Authority grants an application to add, or remove, a class or classes of responsible employee to, or from, the certificate of approval, the Licensing Authority must, on payment of the prescribed fee (if any), issue to the applicant an amended certificate of approval specifying the class or classes of responsible employee in respect of which the holder may carry out work.

Section 58(1): amended, on 14 November 2018, by section 196(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 58(3): amended, on 14 November 2018, by section 196(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

59 Renewal of certificate of approval

(1) A certificate of approval may be renewed.

(2) Sections 46 to 54, 57, and 62 apply to an application for renewal of a certificate of approval as if the application were an application for a certificate of approval.

(3) A renewed certificate of approval is to be treated for all purposes as a new certificate issued under section 54.

Temporary certificates of approval

60 Temporary certificates of approval

(1) A person who has applied for a certificate of approval under section 46 may also apply in writing for a temporary certificate of approval.

(2) A Licensing Authority may issue a temporary certificate of approval at any time after receiving a correct application for a certificate of approval under section 46 if,—

(a) in the case of an applicant applying for a certificate as a responsible employee of a class in section 13, 14, 16A, 17, 18, or 19, the applicant is of or over the age of 18 years; and

(b) the prescribed fee (if any) is paid; and

(c) except as provided for in subsection (3)(b), the application does not disclose any ground on which the applicant is disqualified under section 62; and

(d) there is no reason to believe that the application contains statements that are incorrect; and

(e) in the opinion of the Licensing Authority there are no other reasons disclosed by the application why the applicant may be unsuitable to be a responsible employee of the class or classes to which the application relates.

(3) A Licensing Authority may issue a temporary certificate of approval under this section even if—

(a) the time for the Police to file an objection under section 49 has not expired; or

(b) the applicant has not met the requirements prescribed in regulations made under section 114(1)(h).

(4) A temporary certificate of approval issued under subsection (2) gives the holder all the rights and duties of a certificate of approval issued under section 54 to be a responsible employee of the class or classes to which the application relates.

(5) A temporary certificate of approval is in force for a period of 3 months after the date of its issue, or until a certificate of approval is issued to the applicant under section 54, whichever comes first.

Section 60(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 60(2)(a): amended, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 60(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Emergency appointments of responsible employees

61 Emergency appointment of responsible employee

(1) A person who does not hold an appropriate certificate of approval may be employed, engaged on contract, or act, as a responsible employee if—

(a) he or she has applied for a certificate of approval and paid the prescribed fee; and

(b) the person who engages the person, or permits the person to act,—

(i) has, owing to employee illness or emergency, insufficient employees who hold a certificate of approval to carry on his or her business; and

(ii) is satisfied on reasonable grounds that the person has applied for an appropriate certificate of approval and that the information provided in the application indicates that no ground of disqualification under section 62 exists; and

(iii) is to the best of his or her knowledge satisfied that the person is not currently charged with an offence that, if it resulted in conviction, would be a ground of disqualification under section 62; and

(iv) has no reason to believe that any statement in the application is incorrect; and

(v) notifies a Licensing Authority in the prescribed manner before employing or engaging the person, or permitting the person to act, as a responsible employee; and

(vi) complies with any requirements prescribed in regulations made under this Act relating to the making of emergency appointments under this section.

(2) Except with the prior approval of a Licensing Authority, a person (**Y**) must not in reliance on this section employ or engage a person, or permit a person to act, as a responsible employee, or continue to do so, if Y—

(a) has already employed, engaged, or permitted the person to act as a responsible employee in reliance on this section for a continuous period of 2 weeks; or

(b) has already employed, engaged, or permitted the person to act as a responsible employee in reliance on this section on an occasion more than 2 weeks previously.

(3) If under subsection (1) a person (**Y**) employs or engages a person, or permits a person to act, as a responsible employee, Y must immediately stop the person from undertaking any work for which the person would be required to hold a

certificate of approval if Y is instructed by a Licensing Authority to do so by service of a notice in writing.

Section 61(1)(b)(v): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 61(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 61(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Subpart 3—Grounds of disqualification

Grounds of disqualification: Individual

62 Grounds of disqualification for individual applicant

The grounds of disqualification for an individual applicant for a licence, or an applicant for a certificate of approval, are that the individual—

(a) has been ordered by a court to be detained in a hospital owing to his or her mental condition and is currently subject to such an order; or

(b) has ever had an order made in relation to him or her under section 34(1)(b) of the Criminal Procedure (Mentally Impaired Persons) Act 2003, section 118 of the Criminal Justice Act 1985, or section 39J of the Criminal Justice Act 1954 (being an order imposed, instead of passing sentence, that the offender be treated or cared for in a manner that the offender's mental impairment requires, either in the offender's interest, or for the safety of the public, or for the safety of a person or class of person); or

(c) has ever been ordered by a court to be detained in a penal institution following conviction for an offence and that conviction or order has not been quashed on appeal; or

(d) has ever been convicted of a specified offence as defined in section 4 of the Criminal Records (Clean Slate) Act 2004; or

(e) has ever been disqualified from driving under section 65 of the Land Transport Act 1998 or an earlier equivalent provision; or

(f) has, within the preceding 7 years, been convicted of any—

(i) offence under the Arms Act 2026; or

(ii) offence under any of sections 216H to 216J or 216Q of the Crimes Act 1961; or

(iii) offence under section 10, 11, 12A, 13, 16, 19, 21, 24, 47F, or 47J of the Fair Trading Act 1986; or

(iiia) offence under section 103(1) of the Credit Contracts and Consumer Finance Act 2003 that involves a breach of any provision of Part 3A of that Act; or

(iv) offence under section 25 of the Harassment Act 1997; or

(v) offence against section 6 of the Misuse of Drugs Act 1975 in relation to a Class A controlled drug, a Class B controlled drug, or a Class C controlled drug, in relation to which the amount, level, or quantity at and over which the drug is presumed to be for supply is specified in Schedule 5 of that Act; or

(vi) offence of dishonesty; or

(vii) offence of violence; or

(viii) offence under this Act of working while not holding a licence or relevant certificate of approval or employing or engaging a person without a relevant certificate of approval, or an offence under section 16, 34, or 52 of the Private Investigators and Security Guards Act 1974; or

(fa) is adjudged bankrupt, makes any assignment for the benefit of his or her creditors, or makes any composition with his or her creditors; or

(g) holds a licence or certificate of approval that has been suspended; or

(h) has, within the preceding 7 years, had a licence or certificate of approval cancelled under this Act or the Private Investigators and Security Guards Act 1974; or

(i) does not meet the requirements prescribed in regulations made under section 114(1)(h); or

(j) in the case of an applicant for a licence, has not, within the preceding 5 years, had 12 months' relevant experience as a licensee or responsible employee in the class or classes of private security business to which the application relates.

Section 62(f)(i): amended, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

Section 62(f)(ii): amended, on 26 May 2026, by section 23(1) of the Crimes Legislation (Stalking and Harassment) Amendment Act 2025 (2025 No 72).

Section 62(f)(iii): amended, on 17 June 2014, by section 41(2) of the Fair Trading Amendment Act 2013 (2013 No 143).

Section 62(f)(iiia): inserted, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 62(f)(iv): amended, on 26 May 2026, by section 23(2) of the Crimes Legislation (Stalking and Harassment) Amendment Act 2025 (2025 No 72).

Section 62(fa): inserted, on 29 October 2019, by section 197 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Grounds of disqualification: Company

63 Grounds of disqualification for company

(1) The grounds of disqualification for a company applicant for a licence are that—

(a) the company has, within the preceding 7 years, been convicted of any—

(i) offence under section 10, 11, 12, 12A, 16, 19, 21, 24, 47F, or 47J of the Fair Trading Act 1986; or

(ia) offence under section 103(1) of the Credit Contracts and Consumer Finance Act 2003 that involves a breach of any provision of Part 3A of that Act; or

(ii) offence of dishonesty; or

(iii) offence against section 6 of the Misuse of Drugs Act 1975 in relation to a Class A controlled drug, a Class B controlled drug, or a Class C controlled drug, in relation to which the amount, level, or quantity at and over which the drug is presumed to be for supply is specified in Schedule 5 of that Act; or

(iv) offence under this Act of operating while unlicensed or employing or engaging a person without a certificate of approval, or an offence under section 16, 34, or 52 of the Private Investigators and Security Guards Act 1974; or

(b) the company holds a licence that has been suspended; or

(c) the company has, within the preceding 7 years, had a licence cancelled under this Act or the Private Investigators and Security Guards Act 1974; or

(d) an officer of the company was, or is, an officer of another company (whether or not that other company is still in existence) that, within the preceding 7 years, had a licence cancelled under this Act or the Private Investigators and Security Guards Act 1974; or

(e) any of the grounds of disqualification in section 62(a) to (h) apply to any officer of the company; or

(f) every officer of the company is disqualified under section 62(i) and (j).

(2) For the purposes of subsection (1)(e) and (f), section 62 must be read as if the officer were the applicant for the licence.

Section 63(1)(a)(i): amended, on 17 June 2014, by section 41(2) of the Fair Trading Amendment Act 2013 (2013 No 143).

Section 63(1)(a)(ia): inserted, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Waiver of ground of disqualification

64 Waiver of ground of disqualification while licence or certificate of approval in force

(1) This section applies if, while a licence or certificate of approval is in force, an event occurs that means that 1 or more grounds of disqualification apply to the licensee or certificate holder under section 62 or 63, as the case may be.

(2) The licensee or certificate holder may apply in writing to a Licensing Authority for a waiver of the disqualification.

(3) The application must be accompanied by the prescribed fee, if any.

(4) A Licensing Authority may waive the disqualification if the Authority is satisfied that the licensee or certificate holder is, despite the disqualification, suitable to be a licensee or certificate holder, as the case may be, in relation to the class or classes of business or work to which the licence or certificate relates.

(5) A waiver of disqualification under this section expires on the expiry of the licence or certificate of approval in respect of which it was granted.

(6) If a waiver of disqualification has been granted under this section, no complaint may be made under Part 4 against the licensee or certificate holder on the grounds that he or she is disqualified in the respect covered by the waiver.

Section 64(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 64(4): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Part 3
Responsibilities of licensees and certificate holders

65 Production of licence

(1) A licensee must produce his or her licence on demand to—

(a) a Licensing Authority; or

(b) any constable; or

(c) an authorised person; or

(d) any person with whom the licensee is dealing when carrying on or attempting to carry on any private security business to which the licence relates.

(2) If the licensee is a company, it is sufficient compliance with the requirements of subsection (1) if the licence is kept in the company's registered office and is made available for inspection on demand by any of the persons referred to in that subsection.

(3) A licensee who knowingly contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding $2,000.

Compare: 1974 No 48 s 45

Section 65(1)(a): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 65(1)(c): amended, on 10 July 2026, by section 24 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 65(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

66 Production of certificate of approval

(1) A certificate holder must produce his or her certificate of approval on demand to—

(a) a Licensing Authority; or

(b) any constable; or

(c) an authorised person; or

(d) any person with whom the certificate holder is dealing in the course of performing his or her duties as a responsible employee.

(2) A certificate holder must, on demand by any person specified in subsection (1), inform that person of the name and address of the person by whom the holder is employed or engaged as a responsible employee.

(3) A certificate holder who knowingly contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine not exceeding $2,000.

Compare: 1974 No 48 s 46

Section 66(1)(a): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 66(1)(c): amended, on 10 July 2026, by section 25 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 66(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

67 Requirement to wear identification badge

(1) An individual who is the holder of a licence to carry on any of the classes of private security business described in sections 6 to 11 must wear an identification badge issued by an Authority at all times during the course of carrying on or attempting to carry on that business.

(2) The holder of a certificate of approval as a responsible employee of any kind described in sections 14 to 19 must wear an identification badge issued by an Authority at all times during the course of performing his or her duties as a responsible employee.

(3) The identification badge must be worn in a position that is readily visible.

(4) Despite subsections (1) and (2), no licensee or certificate holder is required to wear an identification badge if the licensee or certificate holder reasonably believes that wearing it would threaten his or her safety or the safety of any person.

(5) A licensee or certificate holder who intentionally contravenes this section commits an offence and is liable on conviction to a fine not exceeding $2,000.

Section 67(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 67(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 67(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

68 Identification badge

(1) An identification badge must contain the following information:

(a) a unique identifier number or code:

(b) a photograph of the licensee or certificate holder:

(c) the class or classes of work that the licensee or certificate holder is authorised to carry out:

(d) the expiry date of the licence or the certificate of approval.

(2) In the case of an identification badge to be worn by the holder of a temporary certificate of approval, the identification badge must identify the wearer as the holder of a temporary certificate of approval.

(3) An identification badge must not include the name or address of the licensee or certificate holder.

69 Licensee and certificate holder to keep records

A licensee or certificate holder or person who employs or engages any repossession employee or crowd controller employee commits an offence and is liable on conviction to a fine not exceeding $2,000 who fails without reasonable excuse to comply with any requirement to keep records that is prescribed in regulations made under section 114.

Section 69: amended, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 69: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

70 Access by Police and Complaints, Investigation, and Prosecution Unit to records

(1) A licensee or certificate holder or person who employs or engages any repossession employee or crowd controller employee must, when required to do so by a constable or an authorised person,—

(a) show the constable or authorised person without delay any record or document that is required by regulations made under this Act to be kept by the licensee or certificate holder:

(b) make a copy of all or specified parts of a record or document of a kind referred to in paragraph (a) and give it to the constable or authorised person, or if that is impracticable, give the constable or authorised person the record or document or specified part of it.

(2) If a licensee or certificate holder or person who employs or engages any repossession employee or crowd controller employee gives a constable or authorised person a record or document, or a specified part of it, under subsection (1)(b), the constable or authorised person must—

(a) give a receipt for the record or document or specified part of it; and

(b) return it within 2 hours.

(3) A licensee or certificate holder or person who employs or engages any repossession employee or crowd controller employee commits an offence and is liable on conviction to a fine not exceeding $2,000 if the licensee or certificate holder or person fails without reasonable excuse to comply with subsection (1).

Section 70(1): amended, on 10 July 2026, by section 26 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 70(1): amended, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 70(2): amended, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 70(3): amended, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 70(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

71 Updating certificate information

(1) A certificate holder must advise a Licensing Authority—

(a) of any change to the certificate holder's name or residential address; or

(b) if, subsequent to the application for a certificate of approval, any of the grounds of disqualification described in section 62 apply to him or her.

(2) A certificate holder commits an offence if he or she fails without reasonable excuse to comply with subsection (1).

Section 71(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

72 Private investigator to display notices at offices

(1) A licensee authorised to carry on the business of a private investigator must cause the information specified in subsection (2) to be conspicuously displayed on—

(a) all notices, advertisements, and other publications issued by him or her or on his or her behalf, in the course of or in connection with the business of a private investigator; and

(b) all letters, accounts, and other documents sent out by him or her or on his or her behalf, in the course of or in connection with the business of a private investigator.

(2) The information referred to in subsection (1) is—

(a) the licensee's full name; and

(b) the fact that the licensee is the holder of a licence authorising him or her to carry on the business of a private investigator; and

(c) if the business is not carried on in the licensee's own name, the name under which he or she carries on the business.

(3) A licensee authorised to carry on the business of a private investigator must cause to be conspicuously shown on all letters sent out or published by him or her or on his or her behalf, in the course of or in connection with the business of a private investigator, a statement to the effect that he or she has no more authority than that of an ordinary private citizen to require a reply to the letter.

(4) A licensee who knowingly contravenes subsection (1) or (3) commits an offence.

Compare: 1974 No 48 s 48

Part 4
Discipline

Complaints

73AAA Complaint against unlicensed persons, etc

(1) This section applies to a written complaint relating to either of the following:

(a) a person who is or may be in breach of section 23 (persons who must hold licence):

(b) a person who is or may be in breach of section 44 (persons who must hold certificate of approval).

(2) The following persons may file a written complaint with a Licensing Authority:

(a) a constable:

(b) a person other than a constable with the leave of a Licensing Authority.

(3) The Licensing Authority may grant leave under subsection (2)(b) only if the Authority is satisfied that the complainant has an interest, greater than that of the public generally, in the subject matter of the complaint, and that the complaint is made in good faith and is not frivolous or vexatious.

(4) The complaint must specify in sufficient detail the matter to which it relates.

(5) The Licensing Authority may require the complainant to provide further information regarding the complaint.

(6) The Licensing Authority must serve a copy of the complaint on the person who is the subject of the complaint—

(a) within 5 working days of receiving the complaint if the complaint is filed by a constable; or

(b) within 5 working days of granting leave to file the complaint if the complaint is filed by someone other than a constable.

Section 73AAA: inserted, on 10 July 2026, by section 27 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

73 Complaint against licensee

(1) A constable may at any time file a written complaint with a Licensing Authority against a licensee.

(2) A person other than a constable may at any time, with the leave of a Licensing Authority, file a written complaint with that Authority against a licensee.

(3) The Authority may grant leave under subsection (2) only if the Authority is satisfied that the complainant has an interest, greater than that of the public generally, in the subject matter of the complaint, and that the complaint is made in good faith and is not frivolous or vexatious.

(4) No complaint may be made under this section except on 1 or more of the following grounds:

(a) that 1 or more grounds of disqualification under section 62 or 63, as the case may be, now apply to the licensee:

(b) that there are 1 or more grounds for cancelling the licence under section 80:

(c) that the licensee has contravened any provision of this Act or regulations made under this Act:

(d) that the licensee or, if the licensee is a company, any officer of the company, has been guilty of unsatisfactory conduct:

(e) that a false statement was made in the application for the licence.

(5) The complaint must specify the grounds on which it is made.

(5A) The Licensing Authority may require the complainant to provide further information regarding the complaint.

(6) The Licensing Authority must serve a copy of the complaint on the licensee—

(a) within 5 working days of receiving the complaint if the complaint is filed by a constable; or

(b) within 5 working days of granting leave to file the complaint if the complaint is filed by a person other than a constable.

Compare: 1974 No 48 s 53

Section 73(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 73(2): replaced, on 29 October 2019, by section 198(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 73(3): amended, on 10 July 2026, by section 28(1) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 73(4)(d): amended, on 10 July 2026, by section 28(2) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 73(4)(d): amended, on 29 October 2019, by section 198(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 73(4)(d): amended, on 29 October 2019, by section 198(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 73(5A): inserted, on 10 July 2026, by section 28(3) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 73(6): replaced, on 10 July 2026, by section 28(4) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

74 Complaint against certificate holder

(1) A constable may at any time file a written complaint with a Licensing Authority against a certificate holder.

(2) A person other than a constable may at any time, with the leave of a Licensing Authority, file a written complaint with that Authority against a certificate holder.

(3) The Authority may grant leave under subsection (2) only if unless the Authority is satisfied that the complainant has an interest, greater than that of the public generally, in the subject matter of the complaint, and that the complaint is made in good faith and is not frivolous or vexatious.

(4) No complaint may be made under this section except on 1 or more of the following grounds:

(a) that 1 or more grounds of disqualification under section 62 now apply to the certificate holder:

(b) that there are 1 or more grounds for cancelling the certificate of approval under section 83:

(c) that the certificate holder has contravened any provision of this Act or regulations made under this Act:

(d) that the certificate holder has been guilty of unsatisfactory conduct:

(e) that a false statement was made in the application for the certificate of approval.

(5) The complaint must specify the grounds on which it is made.

(5A) The Licensing Authority may require the complainant to provide further information regarding the complaint.

(6) The Licensing Authority must serve a copy of the complaint on the certificate holder—

(a) within 5 working days of receiving the complaint if the complaint is filed by a constable; or

(b) within 5 working days of granting leave to file the complaint if the complaint is filed by a person other than a constable.

Compare: 1974 No 48 s 59

Section 74(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 74(2): replaced, on 29 October 2019, by section 199(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 74(3): amended, on 10 July 2026, by section 29(1) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 74(4)(d): amended, on 10 July 2026, by section 29(2) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 74(4)(d): amended, on 29 October 2019, by section 199(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 74(4)(d): amended, on 29 October 2019, by section 199(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 74(5A): inserted, on 10 July 2026, by section 29(3) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 74(6): replaced, on 10 July 2026, by section 29(4) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

75 Licensing Authority may refer matter to Police or to Complaints, Investigation, and Prosecution Unit

(1) On receipt of a complaint from a person under section 73AAA(2)(b), 73(2), or 74(2), a Licensing Authority may—

(a) send a copy of the complaint to the Commissioner of Police and request the Commissioner to cause a report on the complaint to be prepared by the Police for the Licensing Authority; or

(b) send a copy of the complaint to the person in charge of the Complaints, Investigation, and Prosecution Unit and request the chief investigator to cause a report on the complaint to be prepared for the Licensing Authority.

(2) In any other case where a Licensing Authority suspects on reasonable grounds that there may be any grounds for complaint against a licensee, certificate holder, or person referred to in section 73AAA(1)(a) or (b), the Authority may—

(a) send a copy of the complaint to the Commissioner of Police and request the Commissioner to cause a report on the complaint to be prepared by the Police for the Authority; or

(b) send a copy of the complaint to the person in charge of the Complaints, Investigation, and Prosecution Unit and request the chief investigator to cause a report on the complaint to be prepared for the Authority.

Section 75(1): amended, on 10 July 2026, by section 30(1) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 75(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 75(2): replaced, on 14 November 2018, by section 200 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 75(2): amended, on 10 July 2026, by section 30(2) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

76 Suspension of licence or certificate of approval pending determination of complaint

(1) A Licensing Authority may make an order suspending a licence or certificate if a complaint has been filed against the holder of it under section 73 or 74 and the Licensing Authority is satisfied that it is necessary or desirable to do so having regard to—

(a) the interests of the public; and

(b) the possibility of further loss or damage occurring if the Licensing Authority does not make an order under this section.

(2) A licence or certificate may be suspended either in whole or in part in respect of 1 or more classes (of business or responsible employee) for which it was granted.

(3) A Licensing Authority is not obliged to give notice to the licensee or certificate holder that it intends to make an order of suspension under this section.

(4) A Licensing Authority must notify the licensee or certificate holder in writing of any order of suspension made by it under this section and of its reasons for making the order.

(5) As soon as practicable after the notification under subsection (4), a Licensing Authority must give the licensee or certificate holder an opportunity to make representations to the Authority for the revocation of the order.

(6) If an order of suspension is made under this section, the order—

(a) comes into force when the licensee or certificate holder is notified of the order in accordance with subsection (4); and

(b) lasts until the complaint is heard and determined by a Licensing Authority in accordance with this Part.

(7) During the period that a licence is suspended—

(a) the licence has no effect and must not be renewed; and

(b) no new licence may be issued authorising the licensee to carry on the class of business, or (if more than 1) any 1 or more of the classes of business, to which the suspended licence relates.

(8) During the period that a certificate of approval is suspended—

(a) the certificate has no effect and must not be renewed; and

(b) no new certificate may be issued authorising the holder to be a responsible employee of any class, or (if more than 1) any 1 or more of the classes of responsible employee, to which the suspended certificate relates.

(9) A Licensing Authority may at any time, on its own motion or on the application of the licensee or the certificate holder, revoke an order of suspension made under this section.

Compare: 1974 No 48 s 55

Section 76(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 76(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 76(4): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 76(5): replaced, on 14 November 2018, by section 201 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 76(6)(b): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 76(9): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Disciplinary hearing

77 Hearing

(1) A Licensing Authority—

(a) must hold a hearing if a complaint has been filed with the Licensing Authority against a licensee under section 73 or certificate holder under section 74, and the Licensing Authority is satisfied that the requirements of the relevant section have been complied with; and

(b) may on its own motion hold a hearing if it has received a report requested under section 75(2) and suspects on reasonable grounds that there may be grounds of the kind in section 73(4) for disciplinary action against a licensee or grounds of the kind in section 74(4) for disciplinary action against a certificate holder.

(2) A Licensing Authority must fix a time and place for the hearing.

(3) A Licensing Authority must give not less than 10 working days' notice of the hearing—

(a) to the licensee or certificate holder; and

(b) to the complainant (if any); and

(c) if the Licensing Authority wishes the Police to attend, to the Commissioner of Police; and

(d) if the Licensing Authority received a report from the Complaints, Investigation, and Prosecution Unit, to the chief investigator.

(4) If a Licensing Authority is holding a hearing under subsection (1)(b), the Licensing Authority must, not later than 10 working days before the date of the hearing, provide the licensee or certificate holder with a statement of the reasons for this.

(5) At the hearing, the following persons are entitled to appear, be heard, call evidence, and to cross-examine and re-examine witnesses:

(a) the complainant (if any); and

(b) the licensee or certificate holder; and

(c) the Commissioner of Police or any other constable on the Commissioner's behalf; and

(d) the chief investigator or an authorised person.

(6) Any party at the hearing may conduct his or her case personally or may be represented by counsel.

(7) A Licensing Authority may from time to time adjourn the hearing to a future time and place fixed by it.

(8) Despite anything in this Act to the contrary, a Licensing Authority may determine a complaint on the papers if he or she considers it appropriate.

(9) Before doing so, he or she must give the parties a reasonable opportunity to comment on whether the complaint should be dealt with in that manner.

Section 77(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 77(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 77(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 77(3)(d): amended, on 10 July 2026, by section 31(1) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 77(4): amended, on 14 November 2018, by section 202(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 77(5)(d): amended, on 10 July 2026, by section 31(2) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 77(7): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 77(8): inserted, on 14 November 2018, by section 202(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 77(9): inserted, on 14 November 2018, by section 202(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

77A Procedure

(1) A Licensing Authority may regulate his or her procedures as he or she sees fit, subject to—

(a) this Act and any regulations made under it; and

(b) any practice notes issued under section 96A.

(2) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if a Licensing Authority considers it appropriate and the necessary facilities are available.

Section 77A: inserted, on 14 November 2018, by section 203 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

77B Suppression orders

(1) A Licensing Authority may order that any part of any evidence given or the name of any witness not be published.

(2) An order may be subject to any conditions that a Licensing Authority considers appropriate.

(3) A person who breaches an order made under this section is liable on conviction to a fine not exceeding $3,000.

Section 77B: inserted, on 14 November 2018, by section 203 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

77C Contempt of Licensing Authority

(1) A person commits an offence if the person—

(a) wilfully insults or obstructs a Licensing Authority, a witness, or an officer of an Authority during a sitting of an Authority or while an Authority, a witness, or an officer is going to, or returning from, a sitting of an Authority; or

(b) wilfully insults or obstructs any person in attendance at a sitting of an Authority; or

(c) wilfully interrupts, or otherwise misbehaves at, a sitting of an Authority; or

(d) wilfully and without lawful excuse disobeys any order or direction of an Authority in the course of the hearing of any proceedings.

(2) A person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding $1,000.

(3) A Licensing Authority may order the exclusion from a sitting of that Authority of any person whose behaviour, in the opinion of the Authority, constitutes an offence against subsection (1), whether or not the person is charged with the offence; and any officer of the Authority or constable may take any steps that are reasonably necessary to enforce the exclusion.

Section 77C: inserted, on 14 November 2018, by section 203 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Powers of Authorities: Licensees

Heading: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

78 Disciplinary powers of Licensing Authority in respect of licensee

(1) If, after a hearing in accordance with section 77, a Licensing Authority is satisfied that the grounds for disciplinary action in the complaint or under section 77(1)(b), as the case may be, have been proved, the Licensing Authority—

(a) must cancel the licence if section 79 applies:

(b) may cancel the licence if section 80 applies:

(c) may, in addition to cancellation under paragraph (a), or in addition to or instead of cancellation under paragraph (b), do all or any of the following things that may be appropriate:

(i) make an order suspending the licence for a period, not exceeding 3 years, that the Licensing Authority specifies in the order:

(ii) make an order that the licensee undergo training:

(iii) make an order that the licensee work under supervision for a period that the Licensing Authority specifies in the order:

(iv) make an order that the licensee work subject to conditions and for a period that the Licensing Authority specifies in the order:

(v) bar the licensee from applying for a licence or certificate of approval for a period that the Licensing Authority specifies in the order or until certain conditions are met:

(vi) fine the licensee any amount not exceeding $2,000:

(vii) reprimand the licensee:

(viii) if the Licensing Authority is satisfied in the case of a licensee that is a company that the grounds for disciplinary action relate to any conduct or omission by a particular officer of the company, make an order directing the licensee to terminate the employment of that officer within the time the Licensing Authority specifies in the order.

(1A) If unsatisfactory conduct is proved, a Licensing Authority—

(a) must not take action under subsection (1) in relation to that conduct; but

(b) may take action under subsection (1B).

(1B) If, after a hearing in accordance with section 77, a Licensing Authority is satisfied that unsatisfactory conduct has been proved on the complaint or under section 77(1)(b), as the case may be, the Authority may do all or any of the following things that may be appropriate:

(a) order that the licensee undergo training:

(b) order that the licensee work under supervision for a period that the Authority specifies in the order:

(c) order that the licensee work subject to conditions and for a period that the Authority specifies in the order:

(d) reprimand the licensee:

(e) order that the licensee apologise to the complainant.

(2) If, after the hearing, a Licensing Authority is not satisfied that the grounds for disciplinary action have been proved, the Authority must dismiss the matter.

(3) A cancellation must be in writing, with reasons, and state the date on which the cancellation takes effect.

(4) While any order of suspension of a licence made under this section continues in force,—

(a) the licence has no effect and must not be renewed; and

(b) no new licence may be issued authorising the licensee to carry on the class of private security business, or (if more than 1) any 1 or more of the classes of private security business, to which the suspended licence relates.

(5) A fine imposed by a Licensing Authority on a licensee under subsection (1) is a debt due by the licensee to the Crown, and is recoverable in any court of competent jurisdiction.

(6) A Licensing Authority must as soon as practicable give notice in writing of the decision made by the Authority under this section, and of any penalty imposed, to—

(a) the licensee; and

(b) the Commissioner of Police; and

(c) any complainant; and

(d) the chief investigator.

(7) If a Licensing Authority makes an order under subsection (1)(c)(viii), it must as soon as practicable also give notice in writing of the order to the officer to whom it relates.

Section 78(1): amended, on 14 November 2018, by section 204(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 78(1A): inserted, on 29 October 2019, by section 204(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 78(1B): inserted, on 29 October 2019, by section 204(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 78(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 78(5): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 78(6): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 78(6)(d): amended, on 10 July 2026, by section 32 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 78(7): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

79 Mandatory grounds for cancellation of licence

(1) This section applies (and, under section 78, cancellation of the licence is mandatory) if—

(a) a Licensing Authority is satisfied that 1 or more grounds for disqualification under section 62 or 63 apply to the licensee and the Authority is satisfied that, because of this, the licensee is not suitable to hold a licence; or

(b) a Licensing Authority is satisfied that the licence was issued by mistake or by reason of fraud on the part of the applicant for the licence.

(2) Subsection (3) applies if—

(a) the licensee is a company; and

(b) the reason that a Licensing Authority is satisfied that the licensee is unsuitable to be a licensee under subsection (1)(a) is because an officer of the company is disqualified under section 62.

(3) A Licensing Authority must not cancel the company's licence if—

(a) the person became an officer of the company after the company obtained its licence; and

(b) within 2 weeks of the person becoming an officer of the company, the company applied to the Licensing Authority under section 40(2) for the approval of the officer; and

(c) either—

(i) the Licensing Authority has not yet determined whether or not to approve the officer; or

(ii) the Licensing Authority has advised the company, in writing, that it refuses to approve the officer but less than 2 weeks has elapsed since the advice was sent.

Section 79(1)(a): replaced, on 14 November 2018, by section 205 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 79(1)(b): replaced, on 14 November 2018, by section 205 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 79(2)(b): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 79(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

80 Discretionary grounds for cancellation of licence

(1) This section applies (and, under section 78, an Authority may cancel the licence) if—

(a) a person specified in subsection (2) has breached a condition of the licence imposed under section 33(7):

(aa) the Licensing Authority determines that a person specified in subsection (2) is no longer suitable to carry on the class of business to which the licence relates because of the person's character, circumstances, or background:

(b) a person specified in subsection (2) has been convicted of an offence under any of the provisions specified in Schedule 1:

(c) a person specified in subsection (2) in the course of carrying on the business to which the licence relates uses any dog and, in respect of that dog, is convicted of an offence against any of the provisions of the Dog Control Act 1996:

(d) a person specified in subsection (2), having been convicted of an offence against this Act is, within 3 years after the date of the conviction, again convicted of an offence against this Act:

(e) a person specified in subsection (2) has been guilty of misconduct or gross negligence (whether or not in the course of the business to which the licence relates):

(f) a person specified in subsection (2) has—

(i) been convicted outside New Zealand of an offence; or

(ii) had an order imposed in relation to him or her by any court or tribunal outside New Zealand, instead of passing sentence, that he or she be treated or cared for in relation to his or her mental impairment:

(g) a person specified in subsection (2) is adjudged bankrupt, or makes any assignment for the benefit of his or her creditors, or makes any composition with his or her creditors:

(h) in the case of a licensee that is a company, the High Court makes an order for the winding up of the licensee, or the licensee passes a resolution for voluntary winding up:

(i) in the case of a licensee that is a company, the licensee fails to comply with an order made under section 78(1)(c)(viii) in respect of any officer of the company:

(j) the Licensing Authority determines that a false statement was made in the application for a licence of any person specified in subsection (2).

(2) The persons referred to in subsection (1) are—

(a) the licensee; and

(b) in the case of a licensee that is a company, any officer of the company.

Section 80(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 80(1)(aa): inserted, on 29 October 2019, by section 206 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 80(1)(e): replaced, on 10 July 2026, by section 33 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Powers of Authorities: Certificate holders

Heading: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

81 Disciplinary powers of Licensing Authority in respect of holder of certificate of approval

(1) If, after a hearing in accordance with section 77, a Licensing Authority is satisfied that the grounds for disciplinary action in the complaint or under section 77(1)(b), as the case may be, have been proved, the Licensing Authority—

(a) must cancel the certificate of approval if section 82 applies:

(b) may cancel the certificate of approval if section 83 applies:

(c) may, in addition to cancellation under paragraph (a), or in addition to or instead of cancellation under paragraph (b), do all or any of the following things that may be appropriate:

(i) make an order suspending the certificate of approval for a period, not exceeding 3 years, that the Licensing Authority specifies in the order:

(ii) make an order that the certificate holder undergo training:

(iii) make an order that the certificate holder work under supervision for a period that the Licensing Authority specifies in the order:

(iv) make an order that the certificate holder work subject to conditions and for a period that the Licensing Authority specifies in the order:

(v) bar the certificate holder from applying for a licence or certificate of approval for a period that the Licensing Authority specifies in the order or until certain conditions are met:

(vi) fine the certificate holder any amount not exceeding $2,000:

(vii) reprimand the certificate holder.

(1A) If unsatisfactory conduct is proved, a Licensing Authority—

(a) must not take action under subsection (1) in relation to that conduct; but

(b) may take action under subsection (1B).

(1B) If, after a hearing in accordance with section 77, a Licensing Authority is satisfied that unsatisfactory conduct has been proved on the complaint or under section 77(1)(b), as the case may be, the Authority may do all or any of the following things that may be appropriate:

(a) order that the certificate holder undergo training:

(b) order that the certificate holder work under supervision for a period that the Authority specifies in the order:

(c) order that the certificate holder work subject to conditions and for a period that the Authority specifies in the order:

(d) reprimand the certificate holder:

(e) order that the certificate holder apologise to the complainant.

(2) If, after a hearing, a Licensing Authority is not satisfied that the grounds for disciplinary action have been proved, the Authority must dismiss the matter.

(3) A cancellation must be in writing, with reasons, and state the date on which the cancellation takes effect.

(4) While any order of suspension of a certificate of approval made under this section continues in force,—

(a) the certificate of approval ceases to have effect and must not be renewed; and

(b) no new licence in respect of the business or (if more than 1) any 1 or more of the businesses to which the certificate relates or new certificate of approval of the same type may be issued to the holder.

(5) A fine imposed by a Licensing Authority on a certificate holder under this section is a debt due by the holder to the Crown, and is recoverable in any court of competent jurisdiction.

(6) A Licensing Authority must as soon as practicable give notice in writing of the decision made by the Authority under this section, and of any penalty imposed by the Authority to—

(a) the certificate holder; and

(b) the person by whom he or she is for the time being employed; and

(c) the Commissioner of Police; and

(d) the complainant (if any) if the complainant is not a constable; and

(e) the chief investigator.

Section 81(1): amended, on 14 November 2018, by section 207(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 81(1A): inserted, on 29 October 2019, by section 207(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 81(1B): inserted, on 29 October 2019, by section 207(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 81(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 81(5): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 81(6): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 81(6)(e): amended, on 10 July 2026, by section 34 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

82 Mandatory grounds for cancellation of certificate of approval

This section applies (and, under section 81, cancellation of the certificate of approval is mandatory) if—

(a) a Licensing Authority is satisfied that 1 or more grounds of disqualification under section 62 apply to the certificate holder and the Authority is satisfied that, because of this, the certificate holder is not suitable to hold a certificate; or

(b) a Licensing Authority is satisfied that the certificate was issued by mistake or by reason of fraud on the part of the applicant for the certificate.

Section 82(a): replaced, on 29 October 2019, by section 208 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 82(b): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

83 Discretionary grounds for cancellation of certificate

This section applies (and, under section 81, an Authority may cancel the certificate of approval) if—

(a) the certificate holder has breached a condition of the certificate of approval imposed under section 53(7):

(ab) the Licensing Authority determines that the certificate holder is no longer suitable to carry on the class of business to which the certificate relates because of the person's character, circumstances, or background:

(b) the certificate holder has been convicted of an offence under any of the provisions specified in Schedule 1:

(c) the certificate holder, in the course of carrying on the business to which the certificate relates, uses any dog and, in respect of that dog, is convicted of an offence against any of the provisions of the Dog Control Act 1996:

(d) the certificate holder, having been convicted of an offence against this Act is, within 3 years after the date of the conviction, again convicted of an offence against this Act:

(e) the certificate holder has been guilty of misconduct or gross negligence (whether or not in the course of the business to which the certificate of approval relates):

(f) the certificate holder has—

(i) been convicted outside New Zealand of an offence; or

(ii) had an order imposed in relation to him or her by any court or tribunal outside New Zealand, instead of passing sentence, that he or she be treated or cared for in relation to his or her mental impairment:

(g) the certificate holder is adjudged bankrupt, or makes any assignment for the benefit of his or her creditors, or makes any composition with his or her creditors:

(h) the Licensing Authority determines that a false statement was made in the application for the certificate.

Section 83: amended, on 14 November 2018, by section 209(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 83: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 83(ab): inserted, on 29 October 2019, by section 209(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 83(e): replaced, on 10 July 2026, by section 35 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

General provisions

84 Evidence of convictions in proceedings before Licensing Authority

For the purposes of any proceedings under this Part, a certificate containing the substance of the conviction of any person of any offence purporting to be signed by the Registrar of the Court by which the person was convicted is sufficient evidence of that conviction without proof of the signature or official character of the person appearing to have signed the certificate.

Compare: 1974 No 48 s 61

85 Cancelled and suspended licences and certificates of approval must be returned to Licensing Authority

(1) A person whose licence or certificate of approval is cancelled or suspended under this Part must return it to a Licensing Authority within 5 working days after being notified of the cancellation or suspension.

(2) A person commits an offence if he or she fails without reasonable excuse to comply with subsection (1).

Compare: 1974 No 48 s 62

Section 85(1): amended, on 14 November 2018, by section 210 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 85(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

86 Penalties for offences not affected

Nothing in this Part limits the jurisdiction of any court, or limits or affects any other provisions in this Act relating to the punishment of offences.

Compare: 1974 No 48 s 63

Part 5
Licensing Authorities and Complaints, Investigation, and Prosecution Unit

Part 5 heading: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Licensing Authorities

Heading: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

87 Private Security Personnel Licensing Authority

(1) The Governor-General may, by warrant, on the recommendation of the responsible Minister, appoint 1 or more persons to be Private Security Personnel Licensing Authorities, and may give the Authorities distinctive designations and change any designation.

(2) Subject to section 89(2), the office of Licensing Authority may be held concurrently with any other office.

Compare: 1974 No 48 s 5

Section 87(1): amended, on 14 November 2018, by section 211 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

88 Functions of Authorities

The functions of the Authorities are—

(a) to discharge its functions under Part 2 in relation to consideration of applications for licences and certificates of approval and the issue of licences and certificates of approval:

(b) to exercise its powers under Part 4 in relation to the discipline of licensees and certificate holders:

(c) to discharge its functions under sections 97 to 99 in relation to the keeping of registers of licensees and certificate holders.

Section 88 heading: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 88: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

88A Orderly and efficient operation

(1) A Licensing Authority is responsible for making any arrangements that are practicable to ensure that he or she and any Deputy Licensing Authority performs his or her functions—

(a) in an orderly and efficient manner; and

(b) in a way that achieves the purposes of this Act.

(2) If more than 1 Authority is appointed, they must act together in making those arrangements for any Deputy Licensing Authority.

Section 88A: inserted, on 14 November 2018, by section 212 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

89 Qualifications of Licensing Authorities

(1) No person may hold office as a Licensing Authority unless he or she is a barrister or solicitor of the High Court of not less than 5 years' standing.

(2) No public servant may hold office as a Licensing Authority.

Compare: 1974 No 48 s 6

Section 89 heading: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 89(1): amended, on 14 November 2018, by section 213 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 89(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

90 Term of office of Licensing Authorities

(1) A Licensing Authority—

(a) must be appointed for a term of up to 5 years; and

(b) may from time to time be reappointed.

(2) A Licensing Authority may at any time resign from office by notice in writing to the responsible Minister.

(3) The Governor-General may, on the recommendation of the responsible Minister, at any time remove a Licensing Authority for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, and the person removed is not entitled to compensation.

(4) A Licensing Authority continues in office despite the expiry of his or her term of office until—

(a) the Authority is reappointed; or

(b) the Authority's successor is appointed; or

(c) the Authority is notified that a replacement Licensing Authority will not be appointed; or

(d) the Authority vacates or is removed from office.

(5) A Licensing Authority who continues in office for any period under subsection (4), unless he or she was removed from office, may act as a Licensing Authority during that period for the purpose of—

(a) completing any proceedings partly or wholly heard by him or her before the expiry of his or her term of office:

(b) hearing any other proceedings.

(6) A Licensing Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may

continue in office for the purpose of completing any proceedings that are partly or wholly heard.

Compare: 1974 No 48 s 7

Section 90 heading: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 90(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 90(1)(a): amended, on 14 November 2018, by section 214(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 90(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 90(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 90(4): inserted, on 14 November 2018, by section 214(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 90(5): inserted, on 14 November 2018, by section 214(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 90(6): inserted, on 14 November 2018, by section 214(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

91 Deputy Private Security Personnel Licensing Authorities

(1) The Governor-General may, by warrant, on the recommendation of the responsible Minister, appoint 1 or more Deputy Private Security Personnel Licensing Authorities if the Minister is satisfied that—

(a) 1 or more of the Licensing Authorities are unable, because of absence (for any reason) of 1 or more of them, to perform the functions of office; or

(b) the amount of work to be done by the Licensing Authorities is more than can be reasonably done by the existing Licensing Authorities at that time.

(2) No person who is incapable of holding office as a Licensing Authority may be appointed to be a Deputy Licensing Authority.

(3) A Deputy Licensing Authority must be appointed for a fixed term as determined by the responsible Minister and may be reappointed for further fixed terms.

(3A) A Deputy Licensing Authority may at any time resign from office by notice in writing to the responsible Minister.

(3B) The Governor-General may, on the recommendation of the responsible Minister, at any time remove a Deputy Licensing Authority for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, and the person removed is not entitled to compensation.

(3C) A Deputy Licensing Authority continues in office despite the expiry of his or her term of office until—

(a) he or she is reappointed; or

(b) his or her successor is appointed; or

(c) he or she is notified that a replacement Licensing Authority will not be appointed; or

(d) he or she vacates or is removed from office.

(3D) A Deputy Licensing Authority who continues in office for any period under subsection (3C), unless he or she was removed from office, may act as a Deputy Licensing Authority during that period for the purpose of—

(a) completing any proceedings partly or wholly heard by him or her before the expiry of his or her term of office:

(b) hearing any other proceedings.

(3E) A Deputy Licensing Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.

(4) A Deputy Licensing Authority has all the powers, duties, and functions of a Licensing Authority, subject to the control of a Licensing Authority.

(5) *[Repealed]*

(6) The fact that a Deputy Licensing Authority exercises the powers, duties, and functions of a Licensing Authority is conclusive evidence of his or her authority to do so.

(7) No appointment of a deputy under this section, and no act done by him or her when acting as a Licensing Authority, may be questioned in any proceedings on the grounds that the occasion for the appointment had not arisen or had ceased.

Compare: 1974 No 48 s 8

Section 91 heading: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 91(1)(a): replaced, on 14 November 2018, by section 215(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 91(1)(b): replaced, on 14 November 2018, by section 215(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 91(2): amended, on 14 November 2018, by section 215(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 91(3): amended, on 14 November 2018, by section 215(3) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 91(3A): inserted, on 14 November 2018, by section 215(4) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 91(3B): inserted, on 14 November 2018, by section 215(4) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 91(3C): inserted, on 14 November 2018, by section 215(4) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 91(3D): inserted, on 14 November 2018, by section 215(4) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 91(3E): inserted, on 14 November 2018, by section 215(4) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 91(4): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 91(5): repealed, on 14 November 2018, by section 215(5) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 91(6): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 91(7): amended, on 14 November 2018, by section 215(6) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

92 Remuneration, and status under certain Acts

(1) A Licensing Authority and any Deputy Licensing Authority must be paid fees and expenses in accordance with the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies, as if each Licensing Authority were the chairperson of a statutory body and any Deputy Licensing Authority were a member of that body.

(2) For the purposes of the Public Service Act 2020 and the Government Superannuation Fund Act 1956, a Licensing Authority or Deputy Licensing Authority is not, by reason merely of that appointment, employed in the service of the Crown.

Compare: 1974 No 48 s 9

Section 92(1): amended, on 14 November 2018, by section 216 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 92(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 92(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

93 Licensing Authority to be Commission of Inquiry for certain purposes

(1) Where under this Act a Licensing Authority has the function of hearing or determining any matter, that Authority has the same powers as are conferred on a Commission of Inquiry by sections 19, 20, 23, 27, 28, and 34 of the Inquiries Act 2013 in respect of an inquiry under that Act.

(2) Subject to the other provisions of this Act, the provisions of the Commissions of Inquiry Act 1908 referred to in subsection (1) and sections 5, 6, 7, 9, 12, and 14 of that Act apply.

(3) At the hearing of any matter under any of sections 31, 41, 42, 51, 58, and 59, a Licensing Authority may receive as evidence any statement, document, information, or matter that in his or her opinion may assist him or her to deal with the matter, whether or not it would be otherwise admissible in a court of law.

Compare: 1974 No 48 s 10

Section 93(1): replaced, on 14 November 2018, by section 217 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 93(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

94 Protection of Licensing Authorities and Deputy Licensing Authorities

Neither a Licensing Authority nor any Deputy Licensing Authority is personally liable for any act done or omission made by him or her while acting in good faith while performing or exercising his or her functions, powers, and duties under this Act.

Compare: 1974 No 48 s 11

Section 94 heading: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 94: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

95 Administrative and secretarial services

The chief executive of the responsible department must provide for the Licensing Authorities and any Deputy Licensing Authorities the administrative and secretarial services that may be necessary to enable those persons to exercise their functions and powers, and perform their duties, under this Act.

Compare: 1974 No 48 s 12

Section 95: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

96 Delegations

(1) A Licensing Authority may, in writing, delegate to any person—

- (a) the power under section 30 to grant an application for a licence without holding an oral hearing, if no notices of objection have been filed:
- (b) the power under section 38 to issue a temporary certificate of approval:
- (c) the power of the Licensing Authority under section 43:
- (d) the power under section 50 to grant an application for a certificate of approval without holding an oral hearing, if no notices of objection have been filed:
- (e) the power under section 60 to issue a temporary certificate of approval:
- (f) the functions of the Licensing Authority under section 97 (registers).

(2) Subject to any general or special directions given or conditions attached to a delegation, the person to whom a delegation is made under this section must perform and may exercise the power or functions in the same manner and with the same effect as if they had been conferred on that person directly by this section and not by delegation.

(3) A person purporting to act under a delegation is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.

(4) A delegation may be to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or specified classes of offices.

(5) A delegation is revocable in writing at will, and a delegation does not prevent the exercise of any function, duty, or power by a Licensing Authority.

(6) A delegation continues in force according to its tenor until revoked, even if the Licensing Authority who made it has ceased to hold office.

Section 96(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 96(5): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

96A Practice notes

(1) All Licensing Authorities acting together may issue practice notes, to apply to all of them, as they think fit.

(2) The practice notes must not be inconsistent with this Act or any regulations made under it and are for the guidance of a Deputy Licensing Authority, officers of a Licensing Authority, and parties before a Licensing Authority.

Section 96A: inserted, on 14 November 2018, by section 218 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

96B Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site maintained by or on behalf of the chief executive:

(a) information about the purpose of the Licensing Authorities and how to make an application or a complaint:

(b) any requirements that must be met for an application or a complaint:

(c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

Section 96B: inserted, on 29 October 2019, by section 219 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

96C Online publication of final written decisions

(1) Every final written decision of a Licensing Authority must be published on an Internet site as soon as practicable unless there is good reason not to publish it.

(2) A final written decision may be published in part if there is good reason for not publishing the full decision.

(3) Subsections (1) and (2) are subject to section 77B.

(4) Good reason not to publish a decision, or part of it, includes the following:

(a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:

(b) the decision falls into a category of decisions that are of limited public value:

(c) taking into account the presumption in subsection (1) in favour of publication, a Licensing Authority nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.

(5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in a Licensing Authority and is any of the following:

(a) a written reserved decision following an oral hearing:

(b) a written decision in any case considered on the papers:

(c) an oral decision transcribed by an official transcription service.

Section 96C: inserted, on 29 October 2019, by section 219 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Registers

97 Registers

(1) All Licensing Authorities acting together must establish and maintain the following registers:

(a) a register of licensees:

(b) a register of certificate holders.

(2) The register of licensees must show in relation to each licensee—

(a) the full name and, if the licensee is an individual, the residential address and occupation of the licensee; and

(b) the date on which the licence was issued; and

(c) the class or classes of private security business in respect of which the licence was issued; and

(d) every date on which the licence was renewed; and

(e) the registered office of the holder (if a company) or principal place of business of the holder (if not a company), and every other place of business specified in the licence; and

(f) details, including dates, of any suspension or cancellation of the licence; and

(g) any other prescribed information.

(3) The register of certificate holders must show in relation to each certificate holder—

(a) the full name, residential address, and occupation of the certificate holder; and

(b) the date on which the certificate of approval was issued; and

(c) the class or classes of responsible employee in respect of which the certificate was issued; and

(d) every date on which the certificate of approval was renewed; and

(e) details, including dates, of any suspension or cancellation of the certificate of approval; and

(f) any other prescribed information.

(4) All Licensing Authorities acting together must determine the form of the registers, and may amend the form from time to time as he or she considers necessary, providing that the content of the registers is as required by subsections (2) and (3).

Compare: 1974 No 48 s 13

Section 97(1): amended, on 14 November 2018, by section 220(1) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 97(4): amended, on 14 November 2018, by section 220(2) of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

98 Inspection of registers

(1) All Licensing Authorities acting together must take all reasonable steps to ensure—

(a) that the information contained in the registers is available to members of the public to view at all reasonable times; and

(b) that members of the public may copy or purchase all, or any part of, the information contained in the registers at no more than a reasonable cost.

(2) Despite subsection (1),—

(a) no residential address recorded under section 97(2)(a) or (3)(a) may be made available to the public for inspection; and

(b) no copy of a register or part of a register provided to a member of the public may contain a residential address recorded under section 97(2)(a) or (3)(a).

Section 98(1): amended, on 14 November 2018, by section 221 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

99 Statement by Licensing Authorities as to contents of register

A written statement of either of the following kinds signed by a Licensing Authority is, in any judicial proceedings, sufficient evidence, until the contrary is proved, of the matters referred to in the statement:

(a) a statement to the effect that any specified person is or is not the holder of a licence or certificate of approval, or was or was not the holder of a licence or certificate of approval at any particular time or during any period specified in the statement; or

(b) a statement as to any entry in a register.

Compare: 1974 No 48 s 15

Section 99 heading: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 99: amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Complaints, Investigation, and Prosecution Unit

100 Complaints, Investigation, and Prosecution Unit

(1) The chief executive of the department of State designated by the Prime Minister must provide a Complaints, Investigation, and Prosecution Unit consisting of employees of that department.

(2) The chief executive of the department designated under subsection (1) must designate an employee of that department to be the chief investigator.

(3) The chief investigator and authorised persons have the powers conferred on them by this Act.

Section 100(2): amended, on 10 July 2026, by section 36(1) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 100(3): amended, on 10 July 2026, by section 36(2) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

101 Functions of Complaints, Investigation, and Prosecution Unit

The functions of the Complaints, Investigation, and Prosecution Unit are—

(a) to prepare reports on applications for licences and certificates of approval when requested under Part 2:

(b) to take part in oral hearings of applications for licences and certificates of approval as provided for in Part 2:

(c) to prepare reports on complaints against licensees, certificate holders, and persons referred to in section 73AAA(1)(a) or (b) and matters referred by an Authority when requested under Part 4:

(d) to take part in disciplinary hearings as provided for in Part 4:

(e) to institute prosecutions for contraventions of this Act, and regulations made under this Act, in the cases that the chief investigator considers appropriate:

(f) to carry out investigations necessary or desirable for the performing of functions under paragraphs (a) to (e).

Section 101(c): amended, on 10 July 2026, by section 37(1) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 101(c): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 101(e): amended, on 10 July 2026, by section 37(2) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 101(f): inserted, on 10 July 2026, by section 37(3) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Part 6
General and miscellaneous provisions

General provisions

102 Appeals to District Court

(1) The following persons have a right of appeal to the District Court against a decision of a Licensing Authority under this Act:

(a) if an application is refused (whether in whole or in part), the applicant; and

(b) if an applicant is dissatisfied with a condition imposed by an Authority under section 33(7) or 53(7), the applicant; and

(c) if an application is granted (in whole or in part), a person who objected to the granting of the application; and

(d) if a licence is suspended or cancelled, the licensee; and

(e) if a certificate of approval is suspended or cancelled, the person whose certificate of approval is suspended or cancelled; and

(f) if the employment of an officer of a company that is a licensee is terminated, the officer; and

(g) if a licensee or person holding a certificate of approval is fined, the licensee or person; and

(h) if there was a complaint made by a constable under Part 4 but the licence or certificate of approval in relation to which the complaint was made was not suspended or cancelled, the Commissioner of Police.

(2) An appeal under this section must be brought within 20 working days after the date on which the appellant was notified in writing by a Licensing Authority of the decision appealed against, or within any further period that the court may allow.

(3) The appeal—

(a) must be made by way of originating application in accordance with the District Court Rules 2014; and

(b) must be filed in the office of the District Court nearest to the registered office of the licensee (if a company) or principal place of business of the licensee (if not a company), or to the place of employment or engagement of the certificate holder, as the case may require.

(4) On hearing the appeal, the court may—

(a) confirm, vary, or reverse the decision appealed against; or

(b) in the case of an order suspending a licence or certificate of approval, vary the period of the suspension; or

(c) refer the matter back to the Licensing Authority with directions to him or her to reconsider the whole or any specified part of the matter.

(5) Subject to any order of the court, every decision of a Licensing Authority against which an appeal is made continues in force and has effect according to its tenor pending the determination of the appeal.

Compare: 1974 No 48 s 64

Section 102(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 102(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 102(1)(b): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 102(2): amended, on 14 November 2018, by section 222 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 102(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 102(3)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 102(5): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

103 Appeals to High Court on questions of law only

If a party to proceedings before the District Court under section 102 is dissatisfied with any determination of the court as being erroneous in point of law, the party may, with the leave of the High Court, appeal to the High Court on a question of law only.

104 Power of Police and Complaints, Investigation, and Prosecution Unit to require information for law enforcement purposes

(1) Any constable, the chief investigator, or an authorised person who has reasonable cause to suspect that a person has committed or is committing or is attempting to commit any offence against this Act may require that person to give particulars of his or her—

(a) name and address; and

(b) date of birth.

(2) If the constable, chief investigator, or authorised person has reasonable grounds to suspect that any particulars provided under subsection (1) are false, he or she may require the person to supply satisfactory evidence of those particulars.

(3) If any person, without reasonable excuse, refuses or fails to supply any particulars or evidence when required to do so by a constable, the chief investigator, or an authorised person under this section, and persists in that refusal or failure after being cautioned by the constable, chief investigator, or authorised person, that person may be arrested, without warrant, by any constable.

(4) A person commits an offence who, having been required by a constable, the chief investigator, or an authorised person to supply particulars or evidence under this section, without reasonable excuse,—

(a) refuses or fails to supply the particulars or evidence; or

(b) knowingly or recklessly supplies any particulars or evidence that are false in a material respect.

(5) A person who commits an offence under this section is liable on conviction to a fine not exceeding $20,000.

Section 104 heading: amended, on 10 July 2026, by section 38(1) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 104(1): amended, on 10 July 2026, by section 38(2) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 104(2): amended, on 10 July 2026, by section 38(3) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 104(3): amended, on 10 July 2026, by section 38(4) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 104(3): amended, on 10 July 2026, by section 38(5) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 104(4): amended, on 10 July 2026, by section 38(6) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 104(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

104A Power of Complaints, Investigation, and Prosecution Unit to require information for regulatory purposes

(1) The chief investigator or an authorised person may, by written notice, require a person to produce documents or other information in the possession or control of the person.

(2) However, notice may only be given if the chief investigator or authorised person is satisfied that the documents or information are reasonably necessary for carrying out 1 or more of the functions of the Complaints, Investigation, and Prosecution Unit in section 101.

(3) The written notice must contain the following information:

(a) what information or documents must be provided:

(b) when and to whom the information or documents must be provided.

(4) The notice may specify the manner or format in which the information or documents are to be provided.

(5) A person commits an offence if the person, without reasonable excuse, refuses or fails to comply with a requirement to provide information or documents in accordance with a notice under this section.

(6) A person who commits an offence is liable on conviction,—

(a) in the case of an individual, to a fine not exceeding $10,000; or

(b) in the case of a body corporate, to a fine not exceeding $20,000.

Section 104A: inserted, on 10 July 2026, by section 39 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

105 Providing false information

A person commits an offence, and is liable on conviction to a fine not exceeding $20,000, who—

(a) is required by or under this Act to provide information to a Licensing Authority, the chief investigator, an authorised person, or a constable; and

(b) gives false information knowing that it is false or being reckless as to whether it is false.

Section 105: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 105(a): amended, on 10 July 2026, by section 40 of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 105(a): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

106 Liability of officers of company for offences

If a company commits an offence against this Act, every officer of the company is guilty of the same offence, and is liable to the same penalty, unless he or she proves that the offence was committed either without his or her knowledge or without his or her consent.

107 General penalty for offences

A person who commits an offence under this Act, or against any regulations made under this Act, for which no penalty is otherwise provided by this Act or by the regulations, is liable on conviction to a fine not exceeding $2,000.

Section 107: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

108 Defence to charges involving failure to show or make copy of document, or show or make available any thing

(1) It is a defence to a charge under this Act involving a failure, following a request by a constable, to show, make a copy of, and give a document, or a failure to show or make available any other thing, to that constable if—

(a) the constable was not in uniform and did not, at the time of making the request, produce evidence that he or she was a constable; or

(b) the request was made at a time or in a manner that was unreasonable in the circumstances.

(2) This section does not limit any other defences that may be available.

Miscellaneous provisions

109 Licence or certificate not to confer additional powers on holder

(1) No person, by virtue of being the holder of a licence or certificate of approval, has any power or authority that he or she would not have if this Act had not been passed.

(2) No person, being the holder of a licence or certificate of approval, may—

(a) either orally or in writing claim, suggest, or imply that, by virtue of his or her licence, certificate of approval, occupation, or business, he or she has any power or authority that he or she does not in law have; or

(b) use or attempt to use his or her licence or certificate of approval for the purpose of exercising, claiming, suggesting, or implying such a power or authority; or

(c) either orally or in writing describe or refer to himself or herself as a detective or by any other expression or term containing the word "detective"; or

(d) wear any article of clothing, badge, or other article, that is likely to cause any member of the public to believe that the holder of the licence or certificate of approval is a constable.

(3) Every person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding $20,000.

Compare: 1974 No 48 s 66

Section 109(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

110 Misleading conduct

(1) This section applies to the following classes of private security personnel:

(a) a repossession agent, property guard, personal guard, crowd controller:

(b) a repossession employee, property guard employee, personal guard employee, or crowd controller employee.

(2) No person who does not hold a licence or certificate of approval as a class of person to whom this section applies may, with the intention of misleading any other person to believe that he or she is the holder of a licence or certificate of approval,—

(a) put on, or assume, any dress indicating that he or she is a person of that class; or

(b) wear any insignia indicating that he or she is a person of that class.

(3) Every person who contravenes subsection (2) commits an offence against this Act.

Section 110(1)(a): amended, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 110(1)(b): amended, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 110(3): amended, on 5 December 2013, by section 6 of the Private Security Personnel and Private Investigators Amendment Act 2013 (2013 No 128).

111 Lost licences and certificates of approval

If a Licensing Authority is satisfied that a holder of a licence or certificate of approval has lost his or her licence or certificate of approval, the Authority may issue to the holder a substitute licence or certificate of approval—

(a) on payment of the prescribed fee (if any); and

(b) on receipt of a photograph of the holder that, in the opinion of the Authority, complies with the requirements (if any) of any regulations made under this Act.

Section 111: replaced, on 14 November 2018, by section 223 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

112 Voluntary surrender of licence or certificate of approval

(1) A holder of a licence or certificate of approval may at any time surrender his or her licence or certificate of approval by delivering it with a notice in writing to that effect to a Licensing Authority.

(2) On receipt of the documents by a Licensing Authority, the licence or certificate of approval ceases to have effect.

(3) If a holder of a licence or certificate of approval gives a notice under subsection (1) to a Licensing Authority, he or she must also, within 5 working days, serve a copy of the notice on the Commissioner of Police.

(4) The surrender of a licence or certificate of approval under subsection (1) does not affect the liability of the holder—

(a) to pay any fees or other money payable in accordance with the provisions of this Act on or before the date on which the licence or certificate of approval would expire if it had not been surrendered; or

(b) to perform any duty or obligation that he or she was required to perform on or before the date specified in paragraph (a); or

(c) for any act done or default or omission made before the date of surrender.

Compare: 1974 No 48 s 68

Section 112(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 112(2): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 112(3): amended, on 14 November 2018, by section 224 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 112(3): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

113 Change of place of business

(1) A licensee may at any time apply in writing to a Licensing Authority to amend his or her licence by—

(a) changing the registered office of the licensee; or

(b) specifying any additional place from which the licensee may carry on the business or businesses to which the licence relates; or

(c) deleting any place of business specified in the licence.

(2) Every application must be accompanied by the licence to which it relates.

(3) If the Licensing Authority grants the application, the Authority must endorse the licence accordingly and return it to the licensee, and must also notify the Commissioner of Police in writing of that fact.

Compare: 1974 No 48 s 69

Section 113(1): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

114 Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) *[Repealed]*

(b) prescribing the matters for which fees are payable under this Act and the amount of those fees:

(c) providing for the exemption from fees, in whole or in part:

(d) prescribing the circumstances in which a Licensing Authority may waive or refund a prescribed fee in a particular case:

(e) prescribing the manner in which applications under sections 24, 25, and 46 are to be made:

(f) prescribing information required to be supplied with an application for a licence or certificate, which may include information to establish the applicant's identity or, in the case of a company applicant, the identity of an officer of the company:

(g) requiring an individual to whom a licence or certificate is issued to collect the licence or certificate in person, or provide evidence of his or her identity when collecting the issued licence; or both:

(h) prescribing the competency, knowledge, and skills required by applicants for licences and certificates of approval, applicants for renewal of licences and certificates of approval, and licensees and certificate holders, including, without limitation, by—

(i) requiring that a particular course of study or training has been successfully completed:

(ii) requiring a person to have met a specified standard or other measure of competency, knowledge, and skills:

(i) prescribe the organisation or organisations that may provide the courses of study or training referred to in paragraph (h)(i) and provide for the monitoring of those organisations by a Licensing Authority:

(j) prescribing requirements and other matters relating to the making of emergency appointments under section 61:

(k) requiring records or other documents to be kept by any class or classes of licensees, certificate holders, or persons other than licensees who employ or engage repossession employees or crowd controller employees under the Act:

(l) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this section or section 115, and prescribing the amount of any fine that may be imposed in respect of such offence, being an amount not exceeding $2,000 and, where the offence is a continuing one, a further amount not exceeding $20 for every day during which the offence has continued:

(m) providing for any other matters contemplated by this Act, necessary for its full administration, or necessary for giving it full effect.

(2) Regulations made under subsection (1)(h) may—

(a) prescribe different requirements in relation to—

(i) different classes of private security business or different classes of responsible employees:

(ii) different types of work within a class of private security business or class of responsible employees:

(b) exempt certain persons or classes of persons from all or part of the prescribed requirements:

(c) without limiting paragraph (b), provide that a standard or other measure of competency, knowledge, and skills met within a certain period before a specified date be accepted as meeting the requirements prescribed under subsection (1)(h)(ii).

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 114(1)(a): repealed, on 14 November 2018, by section 225 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 114(1)(d): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 114(1)(i): amended, on 14 November 2018, by section 228 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

Section 114(1)(k): amended, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 114(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

114A Chief executive may approve forms

(1) The chief executive may approve and issue forms that the chief executive considers necessary for the purposes of this Act, not being forms required to be prescribed by regulations or rules made under this Act.

(2) Without limiting subsection (1),—

(a) more than 1 form may be approved and issued in relation to the same matter; and

(b) a form may be described by any name that the chief executive considers appropriate, even if the form relates to a matter that is described by a different name under this Act, so long as the form refers to the appropriate provision of this Act.

(3) Every document purporting to be a form approved and issued by the chief executive under and for the purposes of this Act is deemed to have been so approved and issued unless the chief executive otherwise certifies.

Section 114A: inserted, on 14 November 2018, by section 226 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

115 Codes of conduct

(1) The Governor-General may, from time to time, by Order in Council made on the recommendation of the Minister, make regulations prescribing codes of conduct for licensees or certificate holders.

(2) Regulations made under subsection (1) may—

(a) prescribe separate requirements or separate codes of conduct in relation to different classes of private security business or different classes of responsible employees:

(b) prescribe a code of conduct for 1 or more classes of private security business or different classes of responsible employees and not for others.

(3) Without limiting subsection (1), the Minister must recommend that the Governor-General make regulations under that subsection, to be in force at all times on and after 1 April 2011, prescribing a code of conduct containing matters that the Minister is satisfied are necessary or desirable in relation to the surveillance of individuals by private investigators and private investigator employees.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 115(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

116 Service of documents

(1) Any notice or other document that under this Act may be or is required to be given to or served on any applicant for a licence or certificate of approval may be served—

(a) by delivering it to the applicant personally; or

(b) by leaving it or sending it by post addressed to the applicant at his or her residential address, principal place of business, or registered office specified in his or her application; or

(c) by leaving it at any address for service specified in his or her application.

(2) Any notice or other document that under this Act may be or is required to be given to or served on a holder of a licence or certificate of approval may be served by delivering it to him or her personally, or by leaving it or sending it by post addressed to him or her—

(a) at his or her usual or last known place of residence in New Zealand; or

(b) in the case of a licensee, at his or her registered office, principal place of business, or at any other place of business specified in his or her licence; or

(c) in the case of a certificate holder, at the place of business at which he or she is employed or engaged.

(2A) A written notice under section 104A may be served on a person (other than a holder of a licence or certificate of approval) by—

(a) delivering it in person; or

(b) leaving it or sending it by post addressed to the person at the person's usual or last known place of residence or the place of business at which the person is employed or engaged.

(3) In the absence of proof to the contrary, a notice or other document sent by post in accordance with subsection (1), (2), or (2A) must be treated as having been given to the person at the time when the letter would have been delivered in the ordinary course of post.

(4) In proving service of the notice, it is sufficient to prove that it was properly addressed and posted.

(5) Where under this Act any notice or other document is to be given to or served on the Police, it may be given to or served on the senior member, for the time being, of the police in the district or place of residence of the applicant, or holder of the licence or certificate of approval, to whom the notice or other document relates.

Compare: 1974 No 48 s 72

Section 116(2A): inserted, on 10 July 2026, by section 41(1) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

Section 116(3): amended, on 10 July 2026, by section 41(2) of the Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42).

117 Photographs

If under this Act any photograph is to be submitted to a Licensing Authority, the Authority may require that the photograph comply with the requirements of any regulations made under this Act.

Section 117: replaced, on 14 November 2018, by section 227 of the Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51).

118 Civil remedies not affected

Nothing in this Act affects any civil remedy that any person may have against a holder of a licence or certificate of approval in respect of any matter.

Compare: 1974 No 48 s 73

Repeals, revocations, and amendments

119 Repeals

The Private Investigators and Security Guards Act 1974 is repealed.

120 Revocations

The following enactments are revoked:

(a) the Private Investigators and Security Guards Act Commencement Order 1975 (SR 1975/187):

(b) the Private Investigators and Security Guards Regulations 1975 (SR 1975/188).

121 Amendments to other enactments

(1) The Acts listed in Schedule 2 are amended in the manner indicated in that schedule.

(2) The regulations listed in Schedule 3 are amended in the manner indicated in that schedule.

Transitional and savings provisions

122 Existing licences

(1) A person who, immediately before the commencement of this Act, held a licence as a security guard under the Private Investigators and Security Guards Act 1974 for the classes of business described in section 4(1)(a) or (e) of that Act is deemed to hold a licence under this Act as a property guard and a confidential document destruction agent.

(2) A person who, immediately before the commencement of this Act, held a licence as a security guard under the Private Investigators and Security Guards Act 1974 for the classes of business described in section 4(1)(b) or (c) of that Act is deemed to hold a licence under this Act as a security technician.

(3) A person who, immediately before the commencement of this Act, held a licence as a security guard under the Private Investigators and Security Guards Act 1974 for the class of business described in section 4(1)(d) of that Act is deemed to hold a licence under this Act as a security consultant.

(4) A person who, immediately before the commencement of this Act, held a licence as a private investigator under the Private Investigators and Security Guards Act 1974 is deemed to hold a licence under this Act as a private investigator.

123 Application of Act to, and expiry of, existing licences

(1) This section applies to a licence that is deemed by section 122 to be held under this Act.

(2) Any matters specified on the licence under section 26(3) or 28(2) of the Private Investigators and Security Guards Act 1974 are deemed to be conditions imposed under section 33(7) of this Act.

(3) Nothing in section 43 applies in respect of the licence.

(4) The licence expires—

(a) on the date an application for a licence under this Act is determined, if the licensee applies for the licence before the close of 1 June 2011; or

(b) in every other case, on 2 June 2011.

124 Existing certificates of approval

(1) A person who, immediately before the commencement of this Act, held a certificate of approval as a responsible employee in relation to a security guard

licensed under the Private Investigators and Security Guards Act 1974 to carry on the classes of business described in section 4(1)(a) or (e) of that Act is deemed to hold a certificate of approval under this Act as a property guard employee and a confidential document destruction agent employee.

(2) A person who, immediately before the commencement of this Act, held a certificate of approval as a responsible employee in relation to a security guard licensed under the Private Investigators and Security Guards Act 1974 to carry on the classes of business described in section 4(1)(b) or (c) of that Act is deemed to hold a certificate of approval under this Act as a security technician employee.

(3) A person who, immediately before the commencement of this Act, held a certificate of approval as a responsible employee in relation to a security guard licensed under the Private Investigators and Security Guards Act 1974 to carry on the class of business described in section 4(1)(d) of that Act is deemed to hold a certificate of approval under this Act as a security consultant employee.

(4) A person who, immediately before the commencement of this Act, held a certificate of approval as a responsible employee in relation to a private investigator is deemed to hold a certificate of approval under this Act as a private investigator employee.

125 Expiry of existing certificates of approval

(1) This section applies to a certificate of approval that is deemed by section 124 to be held under this Act.

(2) The certificate of approval expires—

(a) on the date an application for a certificate of approval under this Act is determined, if the certificate holder applies for the certificate before the close of 1 June 2011; or

(b) in every other case, on 2 June 2011.

126 Transition period for business or work of personal guard or crowd controller

(1) A person who is a personal guard within the meaning of section 10 is not required to hold a licence under this Act in respect of that class of business until the specified date.

(2) A person who is a crowd controller within the meaning of section 11 is not required to hold a licence under this Act in respect of that class of business until the specified date.

(3) A person who performs the work of a personal guard employee described in section 18 is not required to hold a certificate of approval under this Act in respect of that class of work until the specified date.

(4) A person who performs the work of a crowd controller employee described in section 19 is not required to hold a certificate of approval under this Act in respect of that class of work until the specified date.

(5) In this section, **specified date** means the date that is specified for the purpose of this section by the Governor-General by Order in Council.

(6) An order under subsection (5) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 126(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

126A Transitional provisions relating to repossession agents and repossession employees

(1) A person who is a repossession agent within the meaning of section 8A is not required to hold a licence under this Act in respect of that class of business until the specified date.

(2) A person who performs the work of a repossession employee described in section 16A is not required to hold a certificate of approval under this Act in respect of that class of work until the specified date.

(3) In this section, **specified date** means the date that is specified for the purpose of this section by the Governor-General by Order in Council.

(4) In the case of an applicant for a licence as a repossession agent, section 62(j) must be applied as if the ground for disqualification is that the individual has not, within the preceding 5 years, had 12 months' relevant experience—

(a) of carrying on a business of repossessing consumer goods on behalf of a creditor (whether that business is carried on by himself or herself or in partnership with any other person); or

(b) of repossessing consumer goods in the course of his or her employment, or engagement as a contractor, by a person who carries on a business referred to in paragraph (a) or by a creditor.

(5) Subsection (4) also applies for the purposes of section 63(1)(f) (as well as section 62(j)).

(6) Subsections (4) and (5) do not apply to applications for licences made after the day that is 5 years after the date on which this section comes into force.

(7) An order under subsection (3) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 126A: inserted, on 6 March 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 126A(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

127 Applications in progress

(1) This section applies to any application for a licence or certificate of approval made under the Private Investigators and Security Guards Act 1974 that, immediately before the commencement of this Act, was not yet determined.

(2) The Private Investigators and Security Guards Act 1974 continues to apply to the application as if it had not been repealed.

(3) If an application to which this section applies is granted, section 122 or 124 applies to the licence or certificate of approval as if the licence or certificate had been in force immediately before the commencement of this Act.

128 Disciplinary proceedings in progress

(1) This section applies to any complaint made against a licensee or certificate holder under section 53 of the Private Investigators and Security Guards Act 1974 that, immediately before the commencement of this section, was not yet determined.

(2) The Private Investigators and Security Guards Act 1974 continues to apply in respect of the complaint as if it had not been repealed.

129 Provisions relating to Registrar

(1) The Registrar under the Private Investigators and Security Guards Act 1974 remains in office until the close of 31 October 2011 to determine the applications and proceedings referred to in sections 127 and 128.

(2) For the purposes of sections 127 and 128, the Registrar has all the necessary powers and may exercise, despite the repeal of the Private Investigators and Security Guards Act 1974 by this Act, the powers conferred on the Registrar by that Act.

(3) After 31 October 2011, any applications or proceedings still to be completed must be referred to the Licensing Authority, and sections 127 and 128 apply.

(4) As soon as practicable after 31 October 2011, the Registrar must provide the Licensing Authority with—

(a) all information that the Registrar holds in respect of applications and proceedings in progress; and

(b) the registers kept under section 13 of the Private Investigators and Security Guards Act 1974.

(5) To avoid doubt, nothing in this Act entitles the Registrar to any compensation in respect of the repeal of the Private Investigators and Security Guards Act 1974, including for any salary or allowances that would otherwise be payable for the remainder of the term of an appointment affected by the repeal.

130 Savings provision for Order in Council

The Private Investigators (Exclusion of Occupations) Order 1976 (SR 1976/128) continues to have effect and may be amended, revoked, or replaced under section 12.

Schedule 1
Discretionary grounds for cancellation of licence or certificate

ss 80, 83

1 Any of sections 85, 109, or 110 of this Act.

2 Section 29 or 30 of the Summary Offences Act 1981.

3 Sections 3, 4, or 9 of the Trespass Act 1980.

Schedule 2
Amendments to Acts

s 121(1)

Dog Control Act 1996 (1996 No 13)

Definition of **working dog** in section 2: repeal paragraph (b)(v) and substitute:

> (v) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or

Financial Transactions Reporting Act 1996 (1996 No 9)

Section 3(2): omit "security guard within the meaning of section 4 of the Private Investigators and Security Guards Act 1974" and substitute "security technician, security consultant, confidential document destruction agent, or property guard within the meaning of the Private Security Personnel and Private Investigators Act 2010".

Ombudsmen Act 1975 (1975 No 9)

Part 2 of Schedule 1: insert in its appropriate alphabetical order: "Private Security Personnel Licensing Authority".

Privacy Act 1993 (1993 No 28)

Schedule 2: insert in its appropriate alphabetical order the following item:

Private Security Personnel and Private Investigators Act 2010	Section 97

Resource Management Act 1991 (1991 No 69)

Section 38(2)(a): repeal and substitute:

> (a) the holder of a licence as a property guard issued under section 34 of the Private Security Personnel and Private Investigators Act 2010; or

Schedule 3
Amendments to regulations

s 121(2)

Domestic Violence (Public Registers) Regulations 1998 (SR 1998/342)

Schedule 1: Insert in the appropriate alphabetical order the following item:

Private Security Personnel and Private Investigators Act 2010	Section 97

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)

Rule 26(2)(f)(iii): omit "security guard" and substitute "personal guard".

Rule 26(3): revoke the definition of **security guard** and substitute:

> **personal guard** has the meaning given to it in section 10 of the Private Security Personnel and Private Investigators Act 2010

Land Transport (Road User) Rule 2004 (SR 2004/427)

Rule 7.4(4)(c): omit "security guard's licence issued under the Private Investigators and Security Guards Act 1974" and substitute "licence as a property guard under the Private Security Personnel and Private Investigators Act 2010".

Notes

1 General

This is a consolidation of the Private Security Personnel and Private Investigators Act 2010 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Arms Act 2026 (2026 No 47): section 394

Regulatory Systems (Tribunals) Amendment Act 2026 (2026 No 42): Part 4

Crimes Legislation (Stalking and Harassment) Amendment Act 2025 (2025 No 72): Part 2 subpart 5

Parliament (Repeals and Amendments) Act 2025 (2025 No 63): section 51

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Tribunals Powers and Procedures Legislation Act 2018 (2018 No 51): Part 1 subpart 15

District Court Act 2016 (2016 No 49): section 261

Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33): section 82

Fair Trading Amendment Act 2013 (2013 No 143): section 41(2)

Private Security Personnel and Private Investigators Amendment Act 2013 (2013 No 128)

Sale and Supply of Alcohol Act 2012 (2012 No 120): section 417(1)

Criminal Procedure Act 2011 (2011 No 81): section 413

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