



Queensland

Security Providers Regulation 2008

Explanatory Notes for SL 2008 No. 119

made under the

Security Providers Act 1993

State Penalties Enforcement Act 1999

Short title

Security Providers Regulation 2008.

Authorising Law

Section 54 of the *Security Providers Act 1993* (Act).

Policy objectives and reasons for the subordinate legislation

The Act seeks to ensure the community is protected from unacceptable behaviour of security providers by allowing only ‘appropriate’ persons to operate in the industry. This is implemented through a licensing obligation for security providers in section 9 of the Act. The *Security Providers Regulation 2008* creates administrative processes for the Act’s licensing system and prescribes fees required for applications to support the objective of only allowing ‘appropriate’ person to operate in the industry.

Under the *Statutory Instruments Act 1992*, subordinate legislation automatically expires 10 years after its commencement. The *Security Providers Regulation 1995* was scheduled to expire on 31 August 2005. However the Governor in Council extended its expiry until 31 August 2008 based upon the 2005-06 review of the Act and the implementation of the *Security Providers Amendment Act 2007*.

The implementation of the *Security Providers Amendment Act 2007* is scheduled to be completed with the commencement of the *Security Providers Regulation 2008* on 1 July 2008. Therefore, it is now appropriate for the *Security Providers Regulation 2008* to be made re-enacting the substance of the *Security Providers Regulation 1995* to provide the administrative detail for the licensing system.

How the policy objectives will be achieved

The policy objectives of promoting public safety and security of property will be supported by the establishment of the administrative processes for the Act's licensing system. This includes the documents required for an application so the Chief Executive may consider the appropriateness of each applicant for a licence. These documents will assist in establishing a person's identity and will be used as part of the criminal history checking process allowed under the Act.

In relation to high risk areas for personal safety in liquor licensed venues, the *Security Providers Regulation 2008* requires a register of crowd controllers to be kept so that sufficient record keeping can be maintained. If an incident involving a crowd controller occurs, evidence of this can be obtained from this register.

The proposed approach is considered to be a reasonable and appropriate way of effectively achieving the desired policy objectives as it will ensure public safety and security of property are promoted within the industry.

Consistency with authorising law

The policy objectives of the Act are to promote public safety and security of property. This is carried out through a comprehensive licensing regime for security providers. These objectives are furthered through establishing the administrative detail to support the licensing regime created under the Act. The *Security Providers Regulation 2008* is consistent with the purposes of the Act.

Possible alternative approach

The Department of Justice and Attorney-General consulted with the community through the release of Regulatory Impact Statement which outlined various policy options and detailed the benefits and costs of each

option, including a non-regulatory approach. The non-regulatory approach is not the preferred option as the licensing regime created by the Act requires prescribed administrative detail to support it.

The *Security Providers Regulation 2008* reflects the support given by stakeholders during the consultation process.

Benefits and costs of implementing the *Security Providers Regulation 2008*

Appreciable costs are associated with the *Security Providers Regulation 2008* as the preferred option, which proposes to provide the administrative detail required to support the licensing regime created under the Act. In doing this, the *Security Providers Regulation* will, amongst other things, prescribe the documents required when applying for a licence, provide details on the information required to be kept in registers for security providers and the fees for applications.

The benefits and costs of implementing the *Security Providers Regulation 2008* are discussed in detail in the Regulatory Impact Statement.

Estimated cost of government implementation

Any expenditure associated with the commencement of the *Security Providers Regulation 2008* will be met through existing budget allocations.

Fundamental legislative principles

The *Security Providers Regulation 2008* is consistent with fundamental legislative principles.

Consultation

(a) *Community*

The community was consulted during the review of the Act in 2005-06, including the release of a Discussion Paper, draft Public Benefit Test report and the draft *Security Providers Amendment Bill 2006*. The community has also been consulted on the implementation of the *Security Providers Amendment Act 2007*, including through a publicly released Regulatory Impact Statement on the *Security Providers Regulation 2008*.

(b) Government

All Government Departments were consulted during the review of the Act, on the draft *Security Providers Amendment Bill 2006* and Regulatory Impact Statement on the *Security Providers Regulation 2008*.

Results of consultation

(a) Community

Consultation during the review of the Act, on the draft *Security Providers Amendment Bill 2006* and Regulatory Impact Statement on the *Security Providers Regulation 2008* with the community confirmed this reform in security provider licensing will assist in improving the quality of personnel operating in the industry.

There were 17 submissions to the Regulatory Impact Statement. In addition to individual security provider licensees, the Department of Employment and Industrial Relations, the Queensland Retailers, Traders and Shopkeepers Association, the National Retail Association, the Australian Security Industry Association Limited, the National Security Association (Qld), the Locksmiths Guild of Australia, Clubs Queensland, the Brisbane City Council and the Liquor, Hospitality and Miscellaneous Union provided submissions to the RIS supporting the making of the *Security Providers Regulation 2008*.

(b) Government

All Government Departments support the reforms in security provider licensing, including the *Security Providers Regulation 2008*.

Notes on provisions

Clause 1 – provides this regulation may be cited as the *Security Providers Regulation 2008*.

Clause 2 – provides the *Security Providers Regulation 2008* will commence on 1 July 2008.

Clause 3 – provides the dictionary in schedule 2 defines particular words used in this regulation.

Clause 4 – requires applicants for a licence, other than for a security firm, to provide evidence of the applicant’s identity which is satisfactory to the Chief Executive. This process may involve the adoption of a ‘100 point identity check’ process by the Chief Executive.

Clause 5 – requires applicants for a security firm licence to provide evidence of the applicant’s identity which is satisfactory to the Chief Executive.

Clause 6 – requires applicants for a licence, other than for a security firm, to provide to the Chief Executive recently taken photographs of the applicant. The applicant need not provide these if the applicant has, in the last 2 years, already given the Chief Executive recent photographs.

If the application is for a class 1 unrestricted licence, the applicant must provide the Chief Executive with evidence satisfactory to the Chief Executive of the applicant’s successful completion of an approved training course for carrying out the functions of each type of security provider for which the licence is sought.

Clause 7 – empowers the Chief Executive to require an applicant for a licence, or renewal of a licence, to produce evidence satisfactory to the Chief Executive to verify a statement made in the application. This may include name, date and place of birth of an applicant.

Clause 8 – provides for the documents required in an application for a temporary permit.

Clause 9 – empowers the Chief Executive to state on the licence for a security firm the registered business names under which the applicant may carry on business if the security firm proposes to carry on business under more than one name.

Clause 10 – provides it is an offence if an entity carries on the business of a security firm under a name other than a name stated on the security firm licence granted to the entity.

Clause 11 – requires a licence to contain a photograph of the individual in relation to performing the function of a bodyguard, crowd controller, security officer, private investigator, security adviser or security equipment installer.

Clause 12 – provides it is an offence if a licensee does not give the Chief Executive written notice of any change in the licensee’s particulars within 7 days after the change. These particulars include, for example, the individual’s name, postal or residential address and any charges or convictions for disqualifying offences.

Clause 13 – requires the Chief Executive to keep a register of security providers open for inspection during normal business hours.

Clause 14 – requires the Chief Executive to note a particular licence has expired or has been suspended or cancelled, that the Chief Executive has refused to renew or replace a particular licence and any change in a licensee’s particulars.

Clause 15 – confirms a certificate, purporting to be signed by the Chief Executive, about the contents of a register kept by the Chief Executive, is evidence of the matters stated in the certificate.

Clauses 16, 17 and 18 – provide a licensee licensed under the *Liquor Act 1992* is required to keep a register of persons engaged by the liquor licensee to carry out the functions of a crowd controller for reward at the public place.

However this obligation only applies if the liquor licensee engages a person to carry out the functions of a crowd controller for reward at a public place to which the liquor licence relates and the liquor licence is not in relation to an event or occasion.

Details required to be recorded include, for example, the crowd controller’s full name, residential address and licence number, written in ink and so that they are easily legible, the security firm’s name and address if the services of the crowd controller are supplied by a security firm, the number of the identification which must be worn by the crowd controller required under the Act, the date and time when the crowd controller starts and finishes each period of duty at the public place and if the crowd controller is a restricted licensee and is to work under appropriate direct supervision, the name of the person who is to directly supervise the crowd controller.

If the register consists of more than 1 page, it must be firmly bound along its spine and sequentially numbered.

Clause 19 – requires a liquor licensee to allow the register kept by the liquor licensee to be inspected by the Chief Executive and must not remove, or allow a person to remove, a page from the register. The liquor

licensee must also not erase or obliterate an entry in the register; or allow a person to erase or obliterate an entry in the register.

The liquor licensee must keep the register for at least seven years after the last entry was made in the register.

Clause 20 – requires a security firm to keep a register of security providers engaged by the firm.

Clause 21 – requires a security firm, which supplies the services of crowd control at a particular public place, to keep a register of crowd controllers if a liquor licensee is not required to keep a register of crowd controllers for the place under Clauses 16, 17 and 18.

While the services of crowd control are being provided, the register must be kept in a secure place at the public place or otherwise in a secure place at a place of business of the security firm.

Details required to be recorded include, for example, the crowd controller's full name, residential address and licence number, written in ink and so that they are easily legible, the security firm's name and address if the services of the crowd controller are supplied by a security firm, the number of the identification which must be worn by the crowd controller required under the Act, the date and time when the crowd controller starts and finishes each period of duty at the public place and if the crowd controller is a restricted licensee and is to work under appropriate direct supervision, the name of the person who is to directly supervise the crowd controller.

If the register consists of more than 1 page, it must be firmly bound along its spine and sequentially numbered.

Clause 22 – requires a security firm to allow the register kept by the security firm to be inspected by the Chief Executive and must not remove, or allow a person to remove, a page from the register. The security firm must also not erase or obliterate an entry in the register, or allow a person to erase or obliterate an entry in the register.

The security firm must keep the register for at least seven years after the last entry was made in the register.

Clause 23 – requires the security firm to ensure that, while the security firm services of a restricted licensee are being supplied, the restricted licensee carries out only the functions of a type of security provider stated in the licence.

In supplying the security firm services, the security firm must also ensure the restricted licensee carries out the functions of a type of security provider stated in the licence under appropriate direct supervision.

Clause 24 – prohibits a security provider, in carrying out the security provider’s functions from wearing a chequerboard hat or displaying, or permitting to be displayed, a chequerboard hat without reasonable excuse.

Clause 25 – prescribes the identification a crowd controller must wear on the crowd controller’s clothing at the chest consisting of a number at least 3cm in height and 4mm in thickness and the word ‘security’ in capital letters at least 1cm in height and 2mm in thickness.

The numbers and letters must be black on a white background and each crowd controller at a public place must wear a different number.

Clause 26 – empowers the Chief Executive to approve that a crowd controller or security officer need not hold the appropriate licence for a specified activity, event or place, despite the obligation to be licensed in section 9 of the Act.

Clause 27 – provides the fees payable under the Act are in the Schedule 1 to the *Security Providers Regulation 2008*.

Clause 28 – requires the Chief Executive to refund a reasonable amount of a fee paid on an application for the grant or renewal of a licence if the Chief Executive refuses to grant or renew the licence or the applicant withdraws the application before the licence is granted or renewed.

Clause 29 – repeals Security Providers Regulation 1995 SL No. 25.

Clause 30 – provides an application for a licence, or renewal of a licence, made but not decided before the commencement of the *Security Providers Regulation 2008* will be decided under the *Security Providers Regulation 1995*.

Clause 31 – provides this Part amends the *State Penalties Enforcement Regulation 2000*.

Clause 32 – replaces the existing infringement notices fines for offences under the *Security Providers Regulation 1995* with new infringement notice fines for offences under the *Security Providers Regulation 2008*.

These new fines mirror the existing fines for equivalent provisions under the *Security Providers Regulation 1995* apart from the new offences described in Clause 23.

Clause 32 also provides an inspector appointed under the *Security Providers Act 1993* is an authorised person for service of infringement notices for these fines.

Schedule 1 Fees – prescribes the fees applicable under the *Security Providers Act 1993*.

Schedule 2 Dictionary – provides defined meanings for terms used in the *Security Providers Regulation 2008*.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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