



Queensland

Security Providers (Security Firm Code of Practice) Regulation 2008

Explanatory Notes for SL 2008 No. 121

made under the

Security Providers Act 1993

Short title

Security Providers (Security Firm Code of Practice) 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 the establishment of a licensing obligation for security providers in section 9 of the Act. The *Security Providers (Security Firm Code of Practice) Regulation 2008* will set minimum behavioural standards for the operators of licences for security firms to support the objective of the Act of promoting public safety and security of property by only allowing 'appropriate' people to operate in the industry.

How the policy objectives will be achieved

The policy objectives of promoting public safety and security of property will be achieved by the establishment of minimum behavioural standards for the operators of licences for security firms contained in the *Security Providers (Security Officer Code of Practice) Regulation 2008*.

The proposed approach is considered to be a reasonable and appropriate way of effectively achieving the desired policy objective as it will help promote public safety and the protection of property.

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 minimum behavioural standards for the operators of licences for security firms. The *Security Providers (Security Firm Code of Practice) 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 there is significant community concern regarding the behaviour of operators of security firm licences. Without a minimum level of acceptable standards of behaviour contained in a Code of Practice, there remains a potentially serious impact on the safety of the community and the protection of its property.

The *Security Providers (Security Firm Code of Practice) Regulation 2008* reflects the support given by stakeholders during the consultation process.

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

Some costs are associated with the *Security Providers (Security Firm Code of Practice) Regulation 2008* as the preferred option, which proposes

provide minimum behavioural standards for the operators of licences for security firms.

The benefits and costs on implementing the *Security Providers (Security Firm Code of Practice) 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 (Security Firm Code of Practice) Regulation 2008* will be met through existing budget allocations.

Fundamental legislative principles

The *Security Providers (Security Firm Code of Practice) 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 a publicly released Regulatory Impact Statement on the *Security Providers (Security Firm Code of Practice) 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 (Security Firm Code of Practice) Regulation 2008*.

Results of consultation

(a) Community

Consultation with the community during the review of the Act, on the draft *Security Providers Amendment Bill 2006* and Regulatory Impact Statement on the *Security Providers (Security Firm Code of Practice) Regulation 2008* confirmed this reform in security provider legislation 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 (Security Firm Code of Practice) Regulation 2008*.

(b) Government

All Government Departments support the reforms in security provider legislation, including the *Security Providers (Security Firm Code of Practice) Regulation 2008*.

NOTES ON PROVISIONS

Clause 1 – provides this regulation may be cited as the *Security Providers (Security Firm Code of Practice) Regulation 2008*.

Clause 2 – provides the *Security Providers (Security Firm Code of Practice) Regulation 2008* will commence on 1 July 2008.

Clause 3 – provides the Code of Practice in the Schedule is prescribed.

Schedule

Clause 1 – provides this Code of Practice may be cited as the *Security Firm Code of Practice 2008*.

Clause 2 – provides the Dictionary in the Schedule defines particular words used in this Code.

Clause 3 – provides this Code sets standards of conduct for a relevant security firm, for carrying out the relevant security firm’s functions in a way that promotes:

- (a) consumer and community confidence; and
- (b) the safety of the community and particular persons engaged by a relevant security firm; and
- (c) ethical and professional conduct.

Clause 4 – provides this Code applies to a security firm that, directly or indirectly, engages a person, who holds the appropriate licence, to carry out for reward the functions of a security provider (a *relevant security firm*).

Clause 5 – provides a relevant security firm must take all reasonable steps to ensure that:

- (a) if the relevant security firm is a corporation—each officer of the corporation has a reasonable knowledge and understanding of the relevant legislation; or
- (b) if the relevant security firm is a partnership—each partner in the partnership has a reasonable knowledge and understanding of the relevant legislation.

Clause 6 – provides a relevant security firm must:

- (a) take all reasonable steps to prevent the person contravening the relevant legislation; and
- (b) not engage the person to carry out the functions of a type of security provider other than the type of security provider to which the licence relates; and
- (c) give the Chief Executive written notice of any change in the particulars mentioned in section 12 of the regulation within 7 days after becoming aware of the change; and
- (d) keep documentary evidence that the person has satisfactorily completed an approved training course for carrying out the functions of the type of security provider that the person is; and
- (e) keep a written record of the details written on the licence; and
- (f) at least once every 6 months review the details written on the licence.

Documentary evidence mentioned above must be kept with all other documentary evidence kept by the relevant security firm and be arranged under type of security provider.

A written record mentioned above must be kept with all other documentary evidence kept by the relevant security firm and be arranged under type of security provider.

Dictionary

officer see section 13(1) of the Act.

regulation means the *Security Providers Regulation 2008*.

relevant legislation means each of the following—

- (a) the Act;
- (b) the regulation;
- (c) this code;
- (d) each other code of practice made under the Act that is relevant to the functions of a security provider.

relevant security firm see Clause 4.

ENDNOTES

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

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