



Queensland

Security Providers (Security Officer—Licensed Premises—Code of Practice) Regulation 2008

Explanatory Notes for SL 2008 No. 122

made under the

Security Providers Act 1993

Short title

Security Providers (Security Officer—Licensed Premises—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 Officer—Licensed Premises—Code of Practice) Regulation 2008* will set minimum behavioural standards for security officers working in liquor licensed premises to support the objective of the Act of promoting public safety 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 security officers working in liquor licensed premises contained in the *Security Providers (Security Officer—Licensed Premises—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 within liquor licensed premises.

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 security officers working in liquor licensed premises. The *Security Providers (Security Officer—Licensed Premises—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 some security officers working in liquor licensed premises. There is a risk to the personal safety of patrons if the inappropriate behaviour of some security officers is allowed to continue. 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.

The *Security Providers (Security Officer—Licensed Premises—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 Officer—Licensed Premises—Code of Practice) Regulation 2008* as the preferred option, which proposes minimum behavioural standards for security officers working in liquor licensed premises.

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

Fundamental legislative principles

The *Security Providers (Security Officer—Licensed Premises—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 Officer—Licensed Premises—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 Officer—Licensed Premises—Code of Practice) 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 (Security Officer—Licensed Premises—Code of Practice) Regulation 2008* with the community 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 Officer—Licensed Premises—Code of Practice) Regulation 2008*.

(b) Government

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

NOTES ON PROVISIONS

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

Clause 2 – provides the *Security Providers (Security Officer—Licensed Premises—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 Officer—Licensed Premises—Code of Practice 2008*.

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

Clause 3 – provides this Code:

- (a) sets standards of conduct for licensed security officers carrying out the functions of a security officer in or about licensed premises; and
- (b) is designed to promote high standards of service, efficiency, and ethical behaviour for the security officers.

Clause 4 – provides this Code applies to a licensed security officer carrying out the functions of a security officer in or about licensed premises.

Clause 5 – provides that when acting as a security officer in or about licensed premises, the licensed security officer must:

- (a) take all reasonable steps to prevent violence happening; and
- (b) if practicable use tact and diplomacy, for example, mediation, conciliatory negotiation or other conciliatory communication as the first tool to control any conflict; and;
- (c) not encourage another person to commit an assault; and
- (d) use moderate language when dealing with staff associated with the licensed premises or with members of the public; and
- (e) not solicit or accept a bribe; and
- (f) not act in a way that is discreditable to:
 - (i) if the security officer is an employee—the security officer’s employer; or
 - (ii) the security provider industry; and
- (g) act fairly; and
- (h) not abuse the security officer’s position or authority; and
- (i) not consume alcohol or use illegal drugs while on duty, or be under the influence of alcohol or illegal drugs when reporting for duty; and
- (j) not carry an offensive weapon; and
- (k) not make any false oral or written statement in relation to acting as a security officer; and
- (l) not search a person of the opposite sex to the security officer; and

- (m) if the security officer has a supervisor or is not the person in charge of the licensed premises—report to, and take lawful directions from, the supervisor or person; and
- (n) keep confidential any security arrangements for the licensed premises and take all reasonable steps to keep informed of any changes to the arrangements; and
- (o) deal with each item seized by the security officer under any lawful policy for dealing with items seized at the public place; and
- (p) be aware of:
 - (i) fire or other emergency management equipment at the licensed premises; and
 - (ii) fire or other emergency management procedures for the licensed premises; and
 - (iii) the procedure for informing the manager of the licensed premises during an emergency of matters relevant to the emergency; and
 - (iv) the procedure for alerting the Queensland Police Service, Queensland Fire and Rescue Service or Queensland Ambulance Service in an emergency; and
- (q) if the duties involve the use of communications equipment, ensure that:
 - (i) the equipment works; and
 - (ii) the security officer understands how to use it.

Dictionary

Queensland Ambulance Service means the Queensland Ambulance Service established under the *Ambulance Service Act 1991*.

Queensland Fire and Rescue Service means the Queensland Fire and Rescue Service established under the *Fire and Rescue Service Act 1990*.

ENDNOTES

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

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