



Queensland

# State Buildings Protective Security Amendment Regulation (No. 2) 2011

## Explanatory Notes for SL 2011 No. 132

made under the

*State Buildings Protective Security Act 1983*

---

## General outline

### Short title

*State Buildings Protective Security Amendment Regulation (No. 2) 2011.*

### Authorising law

Section 4 and section 33 of the *State Buildings Protective Security Act 1983*.

### Policy objectives and the reasons for them

The *State Buildings Protective Security Act 1983* (the Act) provides, inter alia, for the provision of security by the State Government Protective Security Service (known as State Government Security) to 'state buildings' which include buildings, or parts of buildings, occupied by the State or a non-commercial authority of the State. Section 4(4) of the Act provides for the declaration by regulation for a stated time of another building as a 'state building' where the building, or part of a building, is to be used for an activity with which the State is directly concerned.

The State Government Protective Security Service provides security services to Arts Queensland for the four entities occupying the Queensland

Cultural Centre precinct which comprise the Library Board of Queensland, the Queensland Art Gallery Board of Trustees, the Board of the Queensland Museum and the Queensland Performing Arts Trust (the Cultural Centre entities).

Although the land on which the Queensland Cultural Centre precinct is situated is owned by the State of Queensland, it is occupied by the Cultural Centre entities. As the Cultural Centre entities are not considered to be 'the State' or a 'non-commercial authority of the State', it is necessary for a regulation to be made under sections 4 and 33 of the Act to allow State Government Protective Security Service officers to be able to exercise all their powers and functions under the Act in respect of the Queensland Cultural Centre precinct.

Section 3 of the *State Buildings Protective Security Regulation 2008* (the Regulation) provides that, for section 4(4) of the Act, the buildings and their precincts located on the land described in schedule 1 of the Regulation are state buildings.

Section 3 of the Regulation declares that the Queensland Cultural Centre and its precincts, which consists of the Queensland Performing Arts Centre (including the cultural forecourt in front of QPAC), the Queensland Museum South Bank, the State Library of Queensland, the Queensland Art Gallery and the Gallery of Modern Art (GOMA), are all 'state buildings' for the purposes of the Act because they are described in schedule 1. Therefore State Government Protective Security Officers have all the powers conferred on them under the Act with respect to all of these buildings and their precincts.

The regulation declaring the Queensland Cultural Centre precinct a 'state building' expires on 30 June 2011. Arts Queensland has requested that the declaration of the Queensland Cultural Centre as a 'state building' be extended to enable the State Government Protective Security Service to continue to provide security services for a further three year term.

The current declaration under section 3 of the Regulation does not include Lot 1 on AP9911. Lot 1 on AP9911 incorporates land where Stanley Street was formerly located. As GOMA is now built across this lot, Arts Queensland has requested that it be included in the declaration.

### **Achievement of policy objectives**

The regulation achieves its objectives by amending the Regulation to declare the Queensland Cultural Centre as a 'state building' for a further three year period up to 30 June 2014.

### **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with its authorising Act.

### **Inconsistency with policy objectives of other legislation**

The regulation is not inconsistent with the policy objectives of other legislation.

### **Alternative ways of achieving policy objectives**

The policy objective can only be achieved by a regulatory amendment.

### **Benefits and costs of implementation**

There are no additional costs to or other substantive impacts on the community or business. However, the amendments may result in greater protection for members of the public, staff and property at the Queensland Cultural Centre.

The proposed amendment does not have any significant impact or costs on government.

### **Consistency with fundamental legislative principles**

The regulation is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

### **Consultation**

Consultation was undertaken with the Department of the Premier and Cabinet (through Arts Queensland) and Queensland Treasury, which are supportive of the proposed amendment.

No public consultation has been undertaken as the proposed amendment does not significantly impact on the public.

---

#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Public Works.

© State of Queensland 2011  
Authorised by the Parliamentary Counsel  
and printed by the Government Printer