



Queensland

Security Providers Amendment Regulation (No. 2) 2011

Explanatory Notes for SL 2011 No. 214

made under the

Security Providers Act 1993

General outline

Short title

Security Providers Amendment Regulation (No. 2) 2011.

Authorising law

Section 48 of the *Security Providers Act 1993*.

Policy objectives and reasons for them

The policy objective of the *amending regulation* is to ensure the chief executive is able to provide the community with timely access to information contained on the security providers register.

The *Security Providers Act 1993* (the Act) regulates the private security industry through a licensing and compliance regime. The Act imposes strict identification and probity standards, which are applied by the chief executive in determining whether a person is eligible to hold a licence under the Act.

Under section 48(1) of the Act, a person must not disclose, use or record information gained through the person's involvement in the administration

of the Act. However, section 48(1) does not apply to circumstances set out in section 48(2), which includes the disclosure of information under a regulation (section 48(2)(d)).

Section 13 of the *Security Providers Regulation 2008* (the Regulation) requires the chief executive to keep a register of security providers. The register must contain prescribed information about each person who holds a licence under the Act. In accordance with section 13(3), the chief executive must keep the register open for inspection during business hours.

In response to requests from the community for easier access to licence information, the Office of Fair Trading has established an on-line licence search facility at www.fairtrading.qld.gov.au.

The on-line search facility provides security firms, employers and the public with an accessible and timely way to check whether a person holds a current licence under the Act. The ability to check a person's licence status is important as it is an offence under the Act (section 9(2)) to engage a person to carry out security functions unless that person is appropriately licensed.

While section 13(3) of the Regulation authorises, and requires, the chief executive to keep the register open for inspection during business hours, the nature of an on-line search facility is its 24 hours a day availability.

Consequently, it is desirable to amend the Regulation to ensure the chief executive's authority to keep the on-line licence search facility open 24 hours a day is sufficiently broad.

Achievement of policy objectives

The amending regulation achieves the policy objectives by expanding the discretion of the chief executive to decide on how a person may inspect (or obtain copies) of information contained in the register.

In addition to allowing a person to access the register through a departmental office, the amending regulation will also ensure the chief executive is able to provide the community with alternative ways to access information on the register, such as an on-line licence search facility.

Consistency with policy objectives of authorising law

The amending regulation is consistent with the policy objectives of the Act, which include ensuring that only people who are properly licensed under the Act are engaged to carry out the functions of a security provider.

Inconsistency with policy objectives of other legislation

The amending regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Benefits and costs of implementation

The ability to confirm the status of a person's security licence, 24 hours a day, without having to physically visit a departmental office during business hours, means information can be obtained by users in a timely and easily accessible way. This provides increased confidence for security firms, employers, businesses and consumers that engage security providers.

The provision of an on-line search facility imposes minimal administration costs on the Department of Justice and Attorney-General.

Consistency with fundamental legislative principles

The amending regulation is consistent with fundamental legislative principles.

Consultation

No consultation was undertaken with respect to the amending regulation as the amendments formalise the chief executive's authority to allow the public access to the register in alternative ways such as an on-line search facility.

ENDNOTES

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

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