

Security Providers Amendment Regulation (No. 1) 2014

Explanatory notes for SL 2014 No. 314

made under the

Security Providers Act 1993

General Outline

Short title

Security Providers Amendment Regulation (No. 1) 2014

Authorising law

Section 54 of the *Security Providers Act 1993*

Policy objectives and the reasons for them

The policy objective of the amendment regulation is to reduce unnecessary red tape, regulation and costs imposed on security firms and security officers that remotely monitor Queensland properties from another Australian state or territory.

The *Security Providers Act 1993* (the Act) establishes an occupational licensing system for the private security industry in Queensland. The licensing provisions of the Act apply to people providing a range of security services for reward, including individuals and firms that monitor property by operating audiovisual or visual recording systems, radios or other electronic monitoring devices.

The nature of remote security monitoring means that a monitoring centre based in one state or territory may provide monitoring services for clients' properties located in another state or territory.

On a strict application of the Act, a security firm that provides monitoring services for Queensland properties from an interstate location is required to hold a Queensland security providers' licence. Additionally, in most cases, the security firm would also need to hold a licence issued by the industry regulator in the jurisdiction within which the monitoring centre is physically based.

Similarly, security officers working for the security firm would need to hold licences in both the jurisdiction in which they are based and Queensland, if the security officer is monitoring Queensland properties as part of their duties.

Peak security industry associations have expressed concern about the regulatory duplication and additional red tape and costs imposed on security firms providing remote security monitoring services for clients in other states and territories.

Requiring a remote security monitoring business based in one state or territory to hold licences in multiple other jurisdictions where their clients' property is located is a costly, onerous regulatory intervention which delivers minimal (if any) additional protection for consumers or the broader community. This is particularly the case given the security firm and its employees have no physical presence or direct contact with the public in the other jurisdictions. In addition, the Australian jurisdictions that regulate security firms and security officers providing monitoring centres have relatively consistent and high probity standards that are applied in determining whether a firm or individual is eligible for a licence to undertake security monitoring work.

Consistent with the Government's commitment to reducing unnecessary red tape and regulation by 20% by 2018, the amendment regulation is designed to reduce red tape and regulation imposed on security firms and security officers providing remote security monitoring services.

Achievement of policy objectives

The policy objective will be achieved by making a regulation exempting particular security firms and security officers from the need to hold a licence under the Security Providers Act.

Section 54(2)(a) of the Act enables a regulation to be made "providing that a security provider need not hold the appropriate licence for a specified type of activity, event or place, despite section 9 (Requirement to be licensed)".

The amendment regulation inserts new section 25A (Exemption for particular interstate security firm from holding licence) and new section 25B (Exemption for particular security officer from holding licence) into the *Security Providers Regulation 2008*.

In summary, under new section 25A, a security firm will not need to hold a licence under the Queensland Act where the firm supplies monitoring services to a person's property in Queensland from another state or territory, provided that the firm holds a corresponding authority under the law of another state or territory to provide monitoring services, and provided the firm does not conduct any other security functions in Queensland. For example, the exemption will not apply where the security firm performs additional security functions in relation to a Queensland property, such as installing security equipment or dispatching a 'first response' security officer to attend the Queensland premises in response to an alarm or other form of alert.

New section 25B will provide a similar exemption for security officers that perform security monitoring functions from another state or territory. In summary, a person who carries out security monitoring functions in relation to a person's property in Queensland from another state or territory will not need to hold a licence under the Queensland Act

provided the person holds a corresponding authority under the law of another state or territory. Importantly, the exemption only extends to the provision of monitoring services from another jurisdiction. If the person performs other security functions in Queensland (for example, physically patrolling Queensland premises or working as a crowd controller), the person will need to obtain and hold a Queensland security providers' licence.

While the exemptions will significantly reduce red tape and regulation for interstate security firms and security officers performing security monitoring services in relation to Queensland properties, there is expected to be no appreciable reduction in protection for consumers or the community more generally. To benefit from the exemption, a security firm and security officer must meet probity and regulatory requirements of another Australian jurisdiction and hold a corresponding licence or other authority to perform security monitoring functions.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the policy objectives of the Security Providers Act.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

An alternative way of achieving the policy objectives with respect to individual licensees is to maintain the status quo and for individual, interstate-based security officers to rely on arrangements under the *Mutual Recognition (Queensland) Act 1992* as a means of obtaining a Queensland security providers' licence.

However, security officers still need to apply for (and hold) a Queensland security providers' licence through the mutual recognition process, which involves costs in the form of licence fees as well as time spent completing paperwork.

Additionally, security firms are not able to take advantage of the Mutual Recognition Act, as mutual recognition of licences is only available to individuals.

Given these limitations, the amendment regulation is a more effective way of delivering red tape reduction benefits to both individuals and firms providing security monitoring services for Queensland properties from an interstate location, without any appreciable reduction in protections for consumers or the broader community.

Benefits and costs of implementation

The amendment regulation will provide significant benefits for a relatively small sector of the industry. For those interstate licensees who are currently required to hold a Queensland licence by virtue of the fact that they monitor Queensland premises, the removal of the requirement for a Queensland licence will provide cost savings for

security firms and individual security providers. The minimum amount currently payable, being a one-year fee, for a Queensland security firm licence is \$1,355 plus an additional \$138.40 per person appearing on the application form, to cover the costs of fingerprinting and criminal history checks. For an individual Class 1 licence — Security Officer (Monitoring), the present cost is \$273.20 plus \$138.40 for fingerprinting and a criminal history check.

The amendment regulation will result in a relatively minor reduction in revenue from licence fees for the Queensland Government. However, this loss is expected to be offset by the benefits of reducing red tape and regulation. In addition, the licensing exemption will avoid the potential need for the Queensland Office of Fair Trading to conduct compliance activities in relation to security firms and security officers providing monitoring services in locations outside of Queensland. Complaints or concerns about an interstate monitoring centre or its employees are able to be dealt with by the local regulator.

Consistency with fundamental legislative principles

The amendment regulation is consistent with fundamental legislative principles.

Consultation

The amendment regulation has been prepared as a result of representations made by peak security industry bodies seeking a reduction in the costs and regulatory burdens imposed on security firms and security officers providing monitoring services in relation to Queensland properties from another state or territory.

The Office of Best Practice Regulation (OBPR) within the Queensland Competition Authority has been consulted in relation to the application of the regulatory impact statement (RIS) system. OBPR has advised that while the amendment regulation does not align with an exclusion category, it appears to reduce red tape without resulting in significant adverse impacts, and is therefore, excluded from further analysis under the RIS guidelines.

The Department of Premier and Cabinet and Queensland Treasury and Trade have been consulted. No outstanding issues have been identified.