



Australian Capital Territory

Security Industry Regulations 2003

Subordinate Law SL2003-30

The Australian Capital Territory Executive makes the following regulations under the *Security Industry Act 2003*.

Dated 2 September 2003.

KATY GALLAGHER
Minister

BILL WOOD
Minister



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Part 1 Preliminary

1 Name of regulations

These regulations are the *Security Industry Regulations 2003*.

2 Commencement

These regulations commence on the later of—

- (a) 3 September 2003; and
- (b) the day after their notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Notes

A note included in these regulations is explanatory and is not part of these regulations.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Interpretation and application of Act

4 Prescribed security activity—Act, s 7 (1) (e)

(1) The following activities are prescribed:

- (a) acting as a security consultant;
- (b) selling security equipment;
- (c) carrying out surveys and inspections of security equipment.

(2) In this regulation:

security consultant—see the Act, section 13 (2) (Employee licences).

5 Prescribed security equipment—Act, s 8 (1), def *security equipment*, par (c)

The following equipment is prescribed:

- (a) security screen doors;
- (b) security windows that have built-in locks;
- (c) security garage doors that cannot be opened with keys.

6 Exempt people—Act, s 9

(1) The following people are exempt from the application of the Act:

- (a) a custodial officer;
- (b) a police officer;

Note **Police officer** is defined in the Legislation Act, dict, pt 1.

- (c) the sheriff, a deputy sheriff and sheriff's assistant under the *Supreme Court Act 1933*;

- (d) the fire commissioner, deputy fire commissioner and a member of the fire brigade under the *Fire Brigade (Administration) Act 1974*;
- (e) the chief fire control officer, a bushfire brigade member, emergency volunteer and fire control officer under the *Bushfire Act 1936*;
- (f) a public servant who carries on a security activity in the Assembly precincts;

Note **Public servant** is defined in the Legislation Act, dict, pt 1.

- (g) an inspector under the *Liquor Act 1975*;
- (h) a person who, in the course of the person's employment with an employer, gives advice in relation to security affecting the employer's business if—
 - (i) the person does not carry on any other security activity for the employer; and
 - (ii) the employer does not carry on a security business;
- (i) a person who, in the course of the person's employment with an employer, installs, maintains, monitors, repairs or services security equipment in relation to the employer's business if—
 - (i) the person does not carry on any other security activity for the employer; and
 - (ii) the employer does not carry on a security business;
- (j) a person who is carrying on a security activity in relation to an information system (including the computer hardware for the system).

Note Commonwealth officers, such as members of the Defence Force and protective service officers, are not bound by the *Security Industry Act 2003*. The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 27 states that, except as provided by regulations under that Act, an ACT enactment does not bind the Crown in right of

the Commonwealth. The *Australian Capital Territory (Self-Government) Regulations* (Cwlth), reg 3B states that if an enactment mentioned in the schedule to the regulations is expressed to bind the Crown or to apply to any act, matter or thing affecting the Crown or the Commonwealth, or provides that any act, matter or thing done under the enactment binds the Crown, then the Crown in right of the Commonwealth is bound. The *Security Industry Act 2003* is not listed in the schedule.

- (2) The following people are exempt from the requirement to hold a trainer licence:
- (a) a person who provides training in relation to security activities in a training course other than a training course prescribed under regulation 8 (Prescribed training courses for employee licences—Act, s 21 (1) (a) (ii));
 - (b) a person who provides a first-aid training course as part of a training course prescribed under regulation 8 who—
 - (i) holds the qualification for satisfactory completion of the first-aid training course or a first-aid training course that the commissioner for fair trading is satisfied leads to a higher qualification; and
 - (ii) holds a Certificate IV in Assessment and Workplace Training.

- (3) In this regulation:

Assembly precincts—see the *Legislative Assembly Precincts Act 2001*, dictionary.

custodial officer means—

- (a) a custodial officer or superintendent under the *Remand Centres Act 1976*; or
- (b) an escort (other than a police officer) under the *Custodial Escorts Act 1998*; or

- (c) a community corrections officer or supervisor under the *Supervision of Offenders (Community Service Orders) Act 1985*; or
- (d) a manager of a detention centre or custodial officer under the *Periodic Detention Act 1995*; or
- (e) an escort under the *Children and Young People Act 1999*, part 6.3 (Interstate transfer); or
- (f) an officer (other than a police officer) mentioned in the *Children and Young People Act 1999*, section 120 (6) (Transfer directions), section 122 (4) (Temporary custody prior to transfer between institutions) or section 125 (3) (Placing in shelter or remand centre); or
- (g) a prison officer under the *Prisoners (Interstate Transfer) Act 1993* or person appointed as an escort under the *Prisoners (Interstate Transfer) Act 1993*, section 23 (3) (Transfer in custody of escort), definition of **escort**, paragraph (c); or
- (h) a prison officer or another officer (other than a police officer) mentioned in the *Prisoners (International Transfer) Act 1999*, section 6 (Powers and functions of prison officers, police officers and others).

information system—see the *Electronic Transactions Act 2001*, dictionary.

Part 3 Licences

7 Prescribed information to accompany licence application—Act, s 17 (3)

- (1) For an application for a master licence by a person who is not a locksmith, the prescribed information is evidence of membership of an industry association approved in writing by the commissioner for fair trading.
- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

8 Prescribed training courses for employee licences—Act, s 21 (1) (a) (ii)

A training course mentioned in the following table, column 3 that is provided by a licensed trainer is the prescribed training course for the subclass of employee licence mentioned in column 2 of the same item:

column 1 item	column 2 employee licence subclass	column 3 training course
1	patrol, guard, watch or protect property (including cash in transit) (the Act, s 13 (1) (a))	Certificate II in Security Operations

column 1 item	column 2 employee licence subclass	column 3 training course
2	act as bodyguard (the Act, s 13 (1) (b))	Certificate II in Security Operations with electives about— <ul style="list-style-type: none"> • protecting people; and • protecting self and others using basic defensive tactics
3	act as security consultant (the Act, s 13 (1) (c))	Certificate IV in Security and Risk Management
4	act as crowd controller (the Act, s 13 (1) (d))	Certificate II in Security Operations with electives about— <ul style="list-style-type: none"> • controlling access to and from premises; and • monitoring and controlling individual and crowd behaviour; and • protecting self and others using basic defensive tactics

Part 3 Licences

Regulation 8

column 1 item	column 2 employee licence subclass	column 3 training course
5	sell security equipment (the Act, s 13 (1) (e)) carry out surveys and inspections of security equipment (the Act, s 13 (1) (f)) give advice about security equipment (the Act, s 13 (1) (g))	<ul style="list-style-type: none">• for a person who is not a locksmith—Certificate II in Technical Security• for a locksmith—Certificate III in Engineering Technology (Locksmithing stream) or Certificate III in Engineering-Mechanical Trade (Locksmithing)
6	install, maintain, monitor, repair or service security equipment (the Act, s 13 (1) (h))	<ul style="list-style-type: none">• for a person who is not a locksmith—Certificate III in Technical Security• for a locksmith—Certificate III in Engineering Technology (Locksmithing stream) or Certificate III in Engineering-Mechanical Trade (Locksmithing)

9 Prescribed training courses for trainer licences—Act, s 21 (1) (a) (ii)

The training courses that are the prescribed training courses for trainer licences are—

- (a) if the applicant for the licence proposes to provide a training course mentioned in regulation 8, table, column 3 the satisfactory completion of which leads to a particular qualification—the training course provided by a licensed trainer or a training course that the commissioner for fair trading is satisfied leads to a higher qualification; and
- (b) Certificate IV in Assessment and Workplace Training.

Example for par (a)

Ally is an applicant for a trainer licence. She proposes to teach Certificate II in Security Operations. To teach the course, Ally must have satisfactorily completed Certificate II in Security Operations taught by a licensed trainer or a training course that the commissioner for fair trading is satisfied leads to a higher qualification, eg Certificate III in Security Operations.

Note An example is part of the regulations, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Part 4 Crowd control

10 Definitions for pt 4

In this part:

crowd controller—see regulation 11 (1).

identification number—see regulation 12 (1) (a).

provide a person includes employ a person.

11 Application of pt 4

- (1) This part applies if a master licensee provides a person to act as a crowd controller (the *crowd controller*) for a place.
- (2) To remove any doubt, this part applies to the master licensee and the crowd controller in relation to each occasion for which the master licensee provides the crowd controller for the place.

12 Identification

- (1) The master licensee must—
 - (a) allocate a unique number (the *identification number*) to the crowd controller; and
 - (b) ensure that the crowd controller wears the identification number so that it is clearly visible while the controller is at the place.
- (2) The crowd controller must wear the identification number while the controller is at the place and must wear the number so that it is clearly visible.

13 General records

- (1) The master licensee must—
 - (a) keep a written record of—
 - (i) the name and address of the entity for whom the crowd controller is provided; and
 - (ii) the address of the place; and
 - (iii) the date the crowd controller is provided; and
 - (iv) the name, address, licence number and identification number of the crowd controller; and
 - (v) the name of the person (if any) supervising the crowd controller at the place; and
 - (vi) the time that the crowd controller starts and finishes at the place; and
 - (b) ensure that the crowd controller—
 - (i) records his or her starting time when he or she starts at the place; and
 - (ii) records his or her finishing time when he or she finishes at the place.
- (2) Each record must be kept for 3 years after the day it is made.
- (3) The crowd controller must—
 - (a) record his or her starting time when he or she starts at the place; and
 - (b) record his or her finishing time when he or she finishes at the place.

14 Records of incidents

- (1) This regulation applies if a crowd controller does 1 or more of the following (the *incident*):
 - (a) makes forceable physical contact with, or physically restrains, someone at the place;
 - (b) ejects someone from the place;
 - (c) witnesses a physical assault.
- (2) The master licensee must keep a written record of—
 - (a) the date and time the incident happened; and
 - (b) the place where the incident happened; and
 - (c) the names and addresses of each person involved in the incident and, for a crowd controller involved, the controller's licence number and identification number; and
 - (d) if—
 - (i) there is 1 witness to the incident—the name and address of the witness; or
 - (ii) there are 2 or more witnesses to the incident—the names and addresses of at least 2 witnesses; and
 - (e) details of the incident; and
 - (f) whether the police were contacted about the incident and, if they were, whether they attended; and
 - (g) details of injuries caused by the incident (if any).

Note If a form is approved under the Act, s 51 for the record, the form must be used.

- (3) Each record must be kept for 3 years after the day it is made.
- (4) The master licensee must nominate a crowd controller who was involved in the incident to make the record.
- (5) The nominated crowd controller must make the record.

Part 5 Miscellaneous

15 Accreditation of trainers

- (1) A licensed trainer may provide a training course mentioned in regulation 8 (Prescribed training courses for employee licences—Act, s 21 (1) (a) (ii)), table, column 3 only if the trainer is employed or engaged by a registered training organisation under the *Tertiary Accreditation and Registration Act 2003*.
- (2) However, subregulation (1) only applies to a training course that begins after 31 October 2003.
- (3) A licensed trainer may provide a training course mentioned in regulation 8, table, column 3 that begins before 1 November 2003 only if the trainer is employed or engaged by a registered provider under the *Vocational Education and Training Act 1995*.
- (4) Subregulations (2) and (3) and this subregulation expire on 1 December 2003.

16 Confidentiality of personal information

- (1) This regulation applies to a master licensee if the *Privacy Act 1988* (Cwlth), schedule 3, national privacy principle 2 (Use and disclosure) would not apply to the licensee.
- (2) The *Privacy Act 1988* (Cwlth), schedule 3, national privacy principle 2, as in force from time to time, applies to the master licensee by force of this regulation as if—
 - (a) the licensee were an organisation; and
 - (b) any other necessary changes were made to apply the national privacy principle to the licensee.

- (3) The Legislation Act, section 47 (6) does not apply in relation to national privacy principle 2.

Note The text of applied, adopted or incorporated legislation, if applied as in force from time to time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (6) is not disapplied (see s 47 (7)).

17 Equipment standards

- (1) If a licensee installs security equipment, the equipment must comply with any safety standards for the equipment as in force from time to time—
- (a) published by Standards Australia; or
 - (b) published jointly by Standards Australia and Standards New Zealand.
- (2) The Legislation Act, section 47 (6) does not apply to a standard mentioned in subregulation (1).

Note The text of an applied, adopted or incorporated instrument, if applied as in force from time to time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (6) is not disapplied (see s 47 (7)).

Endnote

Notification

Notified under the Legislation Act on 2 September 2003.
(see www.legislation.act.gov.au)

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