

Australian Capital Territory

Security Industry Amendment Regulation 2012 (No 1)

Subordinate law SL2012–20

made under the

Security Industry Act 2003, section 52 (Regulation-making power)

EXPLANATORY STATEMENT

Removal of first aid training requirements for technical security personnel

The *Security Industry Amendment Act 2011* amends *Security Industry Act 2003* (the Act) and the *Security Industry Regulation 2003* to add first aid training requirements for all categories of security industry employee, regardless of the specific nature of the services or goods they provide.

The *Security Industry Amendment Act 2011* was notified on 27 September 2011 and will commence on 27 September 2012, at which point the first aid training requirements will be inserted into section 8 of the *Security Industry Regulation 2003* as courses which must be satisfactorily completed before an employee licence can be issued.

Following further industry consultation, the Government has formed the view that it is unnecessary to extend the first aid training requirement to the following technical subclasses of employee licences:

- act as security consultant (the Act, s 13 (1) (g));
- sell security equipment (the Act, s 13 (1) (i));
- carry out surveys and inspections of security equipment (the Act, s 13 (1) (j));
- give advice about security equipment (the Act, s 13 (1) (k)); and
- install, maintain, monitor, repair or service security equipment (the Act, s 13 (1) (l)).

The first aid training requirements will be retained for the manpower licence categories, such as guards, bodyguards and crowd controllers.

Clauses 5 and 6 of this regulation, which remove the first aid training requirement for the technical security activities mentioned above, will commence immediately after the commencement of the *Security Industry Amendment Act 2011*.

Consequential amendment – information to accompany certain employee licence applications

The *Security Industry Amendment Act 2010*, which commenced on 1 January 2011, expanded the suitability criteria and prerequisites for applicants for an employee licence to work in the security industry.

The amendments provide applicants with an opportunity to discuss, in a detailed way, information about their future employment rights and obligations through face-to-face discussion with representatives of a registered organisation (usually union officials). These amendments were introduced in response to concerns that security industry employees might have trouble accessing important information about their rights and obligations in the workplace.

Section 7A of the *Security Industry Regulation 2003* provides that certain applications for an employee licence must be accompanied by a certificate from an employee organisation (a workplace information certificate) stating that the applicant has been given workplace information at an information session provided by the organisation.

The *Justice and Community Safety Legislation Amendment Act 2010 (No 4)* amended section 13 of the Act to add four new activities that may be undertaken by people with an employee licence (the new licensable activities). A consequential amendment was made to section 21 of the Act to extend the workplace information requirement to the new licensable activities.

The *Justice and Community Safety Legislation Amendment Act 2010 (No 4)* did not make a consequential amendment to section 7A of the Regulation to include the new licensable activities at the time the new licensable activities were introduced – to the effect that a person applying for an employee licence in the new categories would probably not be required to produce the workplace information certificate during the application process; although they were required to undertake the training pursuant to section 21 of the Act, and the employee organisation was required by section 7B of the Regulation to provide a certificate to a person who is given workplace information.

Clause 4 of this regulation amends section 7A of the *Security Industry Regulation 2003* to refer to the new licensable activities, consistent with section 21 of the Act. Clause 4 commences on the day after this regulation is notified.

Clause Notes

1 Name of regulation

This clause states that the name of the regulation is the *Security Industry Amendment Regulation 2012 (No 1)*.

2 Commencement

This clause provides that clauses 3 and 4 of the regulation commence on the day after this regulation's notification day.

The remaining provisions commence immediately after the commencement of the *Security Industry Amendment Act 2011*.

3 Legislation amended

This clause provides that this regulation amends the *Security Industry Regulation 2003*.

4 Section 7A

This clause omits the words 'section 13 (1) (a), (f) or (h)' from section 7A of the *Security Industry Regulation 2003* and inserts 'section 13 (1) (a), (b), (c), (d), (e), (f), or (h)'.

This amendment ensures that section 7A is consistent with section 21 (1) (a) (iii) of the *Security Industry Act 2003*, by referring to the same range of licensable activities as contained in section 21 (1) (a) (iii).

5 Table 8, item 7, column 3

Section 8 of the *Security Industry Regulation 2003* contains a table (Table 8) listing the prescribed training course (at column 3) for the subclass of employee licence that an applicant has applied for under section 21 (1) (a) (ii) of the *Security Industry Act 2003*.

At the commencement of the *Security Industry Amendment Act 2011*, table 8 will prescribe a Certificate IV in Security and Risk Management and a current certificate in first aid as required training courses for acting as a security consultant (item 7, section 13 (1) (g) of the *Security Industry Act 2003*).

This clause omits the requirement for both a Certificate IV in Security and Risk Management and a current certificate in first aid, and substitutes a requirement for a Certificate IV in Security and Risk Management only.

6 Table 8, items 9 and 10, column 3

Items 9 and 10 of Table 8 relate to the licence subclasses of selling security equipment (section 13 (1) (i) of the *Security Industry Act 2003*); carrying out surveys and inspections of security equipment (section 13(1) (j)), giving advice about security equipment (section 13 (1) (k)) and installing, maintaining, monitoring, repairing or servicing security equipment (section 13 (1) (l)).

At the commencement of the *Security Industry Amendment Act 2011*, Table 8 will prescribe a relevant Certificate II or III (depending on the nature of the activity and whether the person is a locksmith) and a current certificate in first aid.

This clause removes the requirement for a current certificate in first aid from items 9 and 10 of table 8.