

Australian Capital Territory

Security Industry Amendment Regulation 2021 (No 1)

Subordinate law SL2021-2

made under the

Security Industry Act 2003

EXPLANATORY STATEMENT

Overview

The *Security Industry Act 2003* (the Act) provides the overarching legislative framework for security licences in the Territory. The Security Industry Regulation 2003 (the Regulation) has been made under section 52 of the Act.

The Security Industry Amendment Regulation 2021 (No 1) (the Amendment Regulation) amends the Regulation to make a minor adjustment to table 8 within section 8 of the Regulation.

Table 8 sets out the prescribed training courses for employee licences. Column 4 of Item 7 of the table provides that to obtain an employee licence subclass to “act as crowd controller” (referencing s 13(1)(h) of the Act), the mandatory training course for an applicant to a licence is either a Certificate II in Security Operations with an elective about managing conflict and security; or a Certificate III in Security Operations; and a Certificate in first aid.

The Amendment Regulation resolves an unintended consequence affecting the licensing of crowd controllers in the ACT. The complication has arisen as Registered Training Organisations in the ACT and neighbouring jurisdictions are not offering an elective about managing conflict and security as a standalone unit.

This Amendment Regulation updates the qualification requirements in Column 4 of Item 7 in Table 8 of the Regulation so that the additional elective in relation to managing conflict and security is no longer a mandatory training course for a person seeking a licence to work as a crowd controller. The intended effect of this is that a person will be able to be licenced and work as a crowd controller if they have completed either a Certificate II or Certificate III in Security Operations. This standard will align with the equivalent mandatory

training requirements for crowd controllers who are licenced in neighbouring jurisdictions of New South Wales and Victoria.

The Amendment Regulation will commence on the day after its notification on the Legislation Register.

Human rights compatibility

During the development of this Amendment Regulation, due regard was given to its compatibility with human rights as set out in the *Human Rights Act 2004* (HRA).

This Amendment Regulation engages and may promote the right to work under section 27B of the HRA. Section 27B provides that everyone has the right to work, including the right to choose their occupation or profession freely.

The removal of the additional elective about managing conflict and security will support newly qualified security officers to obtain employment as crowd controllers in the ACT. Aligning the ACT's mandatory training requirements for crowd controllers with our neighbouring jurisdictions of New South Wales and Victoria will also promote the mobility of security officers across jurisdictions, allowing security officers to access greater employment opportunities.

Clause notes

Clause 1 Name of regulation

This clause provides that the Amendment Regulation may be cited as the Security Industry Amendment Regulation 2021 (No 1).

Clause 2 Commencement

This clause provides that the Amendment Regulation will commence on the day after its notification day.

Clause 3 Legislation amended

This clause provides that the Amendment Regulation amends the Security Industry Regulation 2003.

Clause 4 Section 8

This clause omits the words “with an elective about managing conflict and security” in column 4 of item 7 within table 8 of section 8 of the Security Industry Regulation 2003.

This has the effect of allowing security officers to be licenced as a crowd controller in the ACT if they have completed either a Certificate II or Certificate III in Security Operations and a Certificate in first aid.