



Speech by

Hon. Margaret Keech

MEMBER FOR ALBERT

Hansard Tuesday, 28 November 2006

SECURITY PROVIDERS AMENDMENT BILL

Second Reading

Hon. MM KEECH (Albert—ALP) (Minister for Tourism, Fair Trading, Wine Industry Development and Women) (2.54 pm): I move—

That the bill be now read a second time.

The key objective of the Security Providers Amendment Bill 2006 is to tighten regulation of the security industry to ensure only those persons of reputable character operate in the industry. The new regime will:

- expand licensing categories to capture currently unregulated providers of security services, including those who operate in industries where security work can be mixed with other duties;
- strengthen character and probity tests to weed undesirable elements out of the industry;
- require licensees to continue their professional development through ongoing training;
- increase the penalties for operating without a licence or for engaging unlicensed personnel; and
- implement other important changes to the way security providers operate and are monitored to ensure protection of the community and property.

The bill implements a recent call by the Council of Australian Governments for states and territories to harmonise private security licensing regimes and to complement COAG's counter-terrorism initiatives. COAG has recognised that a national security industry has a key role to play in counter-terrorism activities at a time when security is paramount. The industry has the potential to fulfil a role in protecting critical infrastructure and, in some cases, provide a first response to a terrorist incident. A nationally consistent approach to licensing, probity and character checks will provide a 'nowhere to hide' framework to prevent rogue elements exploiting inconsistencies across state boundaries to enter the industry. I seek leave to incorporate the remainder of my second reading speech in *Hansard*.

Leave granted.

BACKGROUND

The bill will amend the Security Providers Act 1993 which creates a licensing regime for security firms, security officers, crowd controllers and private investigators.

The range of activities regulated by the Act includes people who are employed to keep order around public places including nightclubs and hotels; provide services such as mobile and dog patrols; act as armed and unarmed guards and respond to alarms. Additionally, the Act regulates private investigators who investigate missing persons, conduct covert surveillance operations and factual investigations on behalf of their clients.

The Act seeks to ensure:

- the community is protected from unacceptable behaviour of security providers;
- only persons of an 'acceptable character' enter the industry and operate as security providers;

- operators possess basic levels of competency in the delivery of their services to members of the public; and
- industry participants behave according to community expectations.

CONSULTATION

This bill has been prepared after consultation commencing in 2002 with the National Competition Policy review of the Act and the distribution of a Consultation Paper in April 2005. The most recent Consultation Paper was prepared with the input of representatives of the security industry, trainers, retailers, consumer and community organisations, academia and relevant Government departments. I thank them for their contribution.

At total of 112 submissions were received with the majority of responses focused on the growth and diversification of the industry and the need for the legislation to keep pace with this change.

The strong public feedback helped to develop the policy proposals for a Public Benefit Test which attracted a further 47 submissions from the community and industry. Stakeholders noted the reforms will assist in providing the community with a safer and more competent industry.

More specific and detailed consultation with industry groups and firms has also been undertaken. The vast majority support the general policy principles of expanding licence categories, tightening probity requirements and instituting industry training. Public consultation has also been conducted on the draft bill to ensure that the proposed changes will work in practice.

KEY PROVISIONS OF THE BILL

At present the Act requires crowd controllers, security officers, private investigators and security firms to hold a licence in order to operate.

The bill proposes to expand the current licensing categories to capture security equipment installers, electronic surveillance operators, dog handlers, in-house security guards, and security advisors as well as broadening the definition of security officer so as to capture a broader range of persons and firms who work in security along with other duties. Security officers will now be defined to include anyone who patrols, protects, watches or guards any property by either physical or electronic means. This will address a trend in the security industry whereby security personnel and security firms have avoided coverage under the Act because of uncertainty about definitions as they apply to persons and firms who mixed security with other duties or because of the industry around which their security work is conducted.

Firms and personnel in these sectors will need to be licensed, allowing the Department to check the background of operators, mandate training and monitor their appropriateness to remain in the industry.

'In-house' security officers, or employees who patrol or watch their employer's property, are not currently required to be licensed. It is proposed to include these people if security is a primary duty associated with their position. An exemption will continue for employees of the State.

This new licence category will affect employees who work as loss prevention officers for retail outlets, it will also affect soft-security at licensed premises and any other security staff who are employed directly rather than through a contractor.

Additional security activities to be licensed include the installation, maintenance or repair of security equipment. This will cover, for example, security equipment such as residential and commercial security alarm systems, safes, vaults and security audio / visual systems.

Personnel working in alarm response centres who monitor residential and commercial alarms and those monitoring closed circuit television security systems will require a licence under the changes.

Persons who provide advice to minimise security risks and provide management strategies to prevent or overcome security hazards will need a licence. This may include advice about the installation of electronic surveillance equipment such as closed circuit television and motion detector systems.

The changes will also clarify that people performing the activities of a security officer with the use of a guard dog will need to be licensed.

Probity checks

Probity checking of prospective licensees and those intending to renew their licences will be tightened and the factors used to determine whether a person is suitable to remain in the industry will be increased.

The Department will be able to use investigative information from the Queensland Police Service, unrecorded convictions and other background information to weed out of the industry members of outlaw motorcycle gangs and other undesirable persons.

The Act will be strengthened to ensure only appropriate people work in the industry. It is proposed that findings of guilt where a conviction is not recorded (that is, unrecorded convictions) are considered when assessing a new licence application and the renewal of an existing licence. The consideration of unrecorded convictions will be limited to offences serious enough to be currently prescribed under the Act as disqualifying offences, for example, theft, assault, burglary and drug offences.

Consideration of unrecorded convictions will not be open ended, and will be limited to these findings of guilt within the previous five years.

They will not automatically result in a person's exclusion as the Chief Executive must consider the nature of the offence and its relevance to the person's performance of the functions of a security provider under the licence.

Allowing unrecorded convictions to be considered is consistent with probity and character tests in other legislation involving persons occupying positions of trust.

Investigative information from the Queensland Police Service will also be considered in licence applications. This will be any relevant information about an investigation concerning the possible commission of disqualifying offences. The amendments will allow the Chief Executive of my Department to consider this information when assessing the risk to public safety or the holding of a licence being contrary to the public interest.

The Chief Executive's decision is reviewable, and aggrieved applicants will be entitled to receive reasons for the decision.

Security providers are trusted by the community to protect property and ensure public safety. Therefore, amendments will be made to enable the Chief Executive of my Department to also consider public interest when assessing a person's appropriateness to be licensed under the Act.

Increased penalties for operating unlicensed

These proposals to expand the licensing categories and scrutinise applicants more thoroughly, will be complemented by increased penalties for operating without a licence or engaging personnel without a licence.

The penalty for operating without a licence will increase from the current 100 penalty units to:

- 500 penalty units for a first offence;
- 700 penalty units or six months imprisonment for a second offence; and
- 1000 penalty units or 18 months imprisonment for a third or later offence.

These increased penalties provide an appropriately strong deterrent for those seeking to operate outside the regulatory system.

Other proposals

Once in the industry, a range of proposals are aimed at ensuring appropriate behaviour. These include the introduction of a mandatory code of practice and on-going industry-based training to force security personnel to learn up-to-date techniques for maintaining order and avoiding escalation of disputes.

The training proposals will supplement the existing qualifications required before a licence is granted. This training is of a professional development nature to ensure a licensee's skills are kept up to date with behaviour and situation management.

The training regime will be industry-based, practical training, which is strongly supported by security industry stakeholders as a means for them to monitor standards of behaviour and training across the industry.

To assist the right people to enter the industry, the bill proposes a restricted licence for trainees. Applicants under this scheme will need to first pass strict criminal history and character probity checks. If their application is successful, these restricted licensees must then work under the direct supervision of a fully licensed security provider and also complete an approved training course within a limited period of time. This will assist firms in rural and remote areas to meet local demand.

Temporary Permits

The bill will also introduce a new temporary permit for bodyguards, crowd controllers, security officers and security firms, currently licensed in another Australian State or Territory, to carry out authorised functions for a particular event.

For example, security officers licensed in New South Wales will be able to perform security officer functions at specific events such as a Commonwealth Heads of Government Meeting held in Queensland. These events place an unusual high demand on the Queensland industry and the temporary permit will allow for the demand to be met on a short term basis (for example, the length of the event).

Applications for temporary permits will be processed and tested against the same suitability criteria as normal applications. This means that the applicant will be assessed against the same criminal history and other checks.

SUMMARY

I am proud to introduce the Security Providers Amendment Bill 2006.

The bill will boost security industry standards and ensure that this Government is providing a safe and secure community for all Queenslanders.

I commend the bill to the House.