



Australian Capital Territory

Security Industry Regulation 2003

SL2003-30

made under the

Security Industry Act 2003

Republication No 12

Effective: 9 September 2008 – 30 November 2010

Republication date: 9 September 2008

Last amendment made by A2008-20

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Security Industry Regulation 2003*, made under the *Security Industry Act 2003* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 9 September 2008. It also includes any amendment, repeal or expiry affecting the republished law to 9 September 2008.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Part 1 Preliminary

1 Name of regulation

This regulation is the *Security Industry Regulation 2003*.

3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the 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 section:

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 chief officer (fire brigade) and any other member of the fire brigade;
- (e) the chief officer (rural fire service) and any other member of the rural fire service;
- (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);

- (k) a person who is a casino employee under the *Casino Control Act 1988*.

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

custodial officer means—

- (a) a corrections officer; or
- (b) a youth detention officer under the *Children and Young People Act 2008*, section 96; or
- (c) a transfer escort (other than a police officer) under the *Children and Young People Act 2008*, division 5.2.1; or
- (d) a prison officer under the *Crimes (Sentence Administration) Act 2005*, section 217 (Definitions—pt 11.1) or a person appointed as an escort under the *Crimes (Sentence Administration) Act 2005*, section 240 (3) (Interstate transfer—transfer in custody of escort), definition of ***escort***, paragraph (c); or
- (e) a prison officer or another officer (other than a police officer) mentioned in the *Crimes (Sentence Administration) Act 2005*, section 257 (International transfer—functions of prison officers, police officers etc).

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

Part 3 Licences

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

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 by the commissioner for fair trading under section 7A.

7A Conditions for certain master licences—Act, s 21 (1) (a) (iii)

- (1) An applicant for a master licence who is not a locksmith must be a member of an approved industry association.
- (2) However, if the commissioner for fair trading believes on reasonable grounds that a person has a conscientious or religious objection to membership of an industry association, the commissioner may, in writing, exempt the person from subsection (1).
- (3) For this section, the commissioner for fair trading may approve an entity as an industry association.
- (4) An approval is a notifiable instrument.

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

- (5) In this section, an ***approved industry association*** means an entity approved as an industry association under subsection (3).

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

A training course mentioned in table 8, 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.

Table 8

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
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

column 1 item	column 2 employee licence subclass	column 3 training course
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
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)

column 1 item	column 2 employee licence subclass	column 3 training course
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 table 8, 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 regulation, 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 section 11 (1).

identification number, for the crowd controller, means the number allocated to the crowd controller under section 18.

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 number—Act, s 41 and s 42

- (1) The master licensee must ensure that the crowd controller wears the crowd controller's identification number so that it is clearly visible while the crowd controller is at the place.
- (2) The crowd controller must wear the crowd controller's identification number so that it is clearly visible while the crowd controller is at the place.

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 the crowd controller starts at the place; and
 - (ii) records his or her finishing time when the crowd controller 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 the crowd controller starts at the place; and
 - (b) record his or her finishing time when the crowd controller finishes at the place.

14 Records of incidents

- (1) This section 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

A licensed trainer may provide a training course mentioned in table 8, column 3 only if the trainer is employed or engaged by a registered training organisation under the *Training and Tertiary Education Act 2003*.

16 Confidentiality of personal information

- (1) This section 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 section 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 subsection (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)).

18 Allocation of identification numbers to crowd controllers

- (1) This section applies if the commissioner for fair trading issues a licence to a person that authorises the person to act as a crowd controller.
- (2) The commissioner for fair trading must allocate a unique number to the person.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This regulation was originally the *Security Industry Regulations 2003*. It was renamed under the *Legislation Act 2001*.

Security Industry Regulation 2003 SL2003-30

notified LR 2 September 2003

s 1, s 2 commenced 2 September 2003 (LA s 75 (1))

remainder commenced 3 September 2003 (s 2)

as amended by

Statute Law Amendment Act 2003 (No 2) A2003-56 sch 3 pt 3.23

notified LR 5 December 2003

s 1, s 2 commenced 5 December 2003 (LA s 75 (1))

sch 3 pt 3.23 commenced 19 December 2003 (s 2)

Emergencies Act 2004 A2004-28 pt 3.22

notified LR 29 June 2004

s 1, s 2 commenced 29 June 2004 (LA s 75 (1))

pt 3.22 commenced 1 July 2004 (s 2 (1) and CN2004-11)

Justice and Community Safety Legislation Amendment Act 2004 (No 2) A2004-32 pt 16

notified LR 29 June 2004

s 1, s 2 commenced 29 June 2004 (LA s 75 (1))

pt 16 commenced 13 July 2004 (s 2 (3))

Justice and Community Safety Legislation Amendment Act 2005 A2005-5 pt 12

notified LR 23 February 2005

s 1, s 2 commenced 23 February 2005 (LA s 75 (1))

pt 12 commenced 24 February 2005 (s 2 (2))

Security Industry Amendment Regulation 2005 (No 1) SL2005-35

notified LR 14 November 2005

s 1, s 2 commenced 14 November 2005 (LA s 75 (1))

remainder commenced 15 November 2005 (s 2)

Endnotes

4 Amendment history

Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.32

notified LR 18 May 2006

s 1, s 2 commenced 18 May 2006 (LA s 75 (1))

sch 1 pt 1.32 commenced 2 June 2006 (s 2 (1) and see Crimes (Sentence Administration) Act 2005 A2005-59 s 2, Crimes (Sentencing) Act 2005 A2005-58, s 2 and LA s 79)

Justice and Community Safety Legislation Amendment Act 2006 A2006-40 sch 1 pt 1.15

notified LR 28 September 2006

s 1, s 2 commenced 28 September 2006 (LA s 75 (1))

sch 1 pt 1.15 commenced 19 October 2006 (s 2 (3))

Training and Tertiary Education Legislation Amendment Act 2007 A2007-12 sch 1 pt 1.12

notified LR 13 June 2007

s 1, s 2 commenced 13 June 2007 (LA s 75 (1))

sch 1 pt 1.12 commenced 1 July 2007 (s 2 and CN2007-3)

Corrections Management Act 2007 A2007-15 sch 1 pt 1.7

notified LR 18 June 2007

s 1, s 2 commenced 18 June 2007 (LA s 75 (1))

sch 1 pt 1.7 commenced 18 December 2007 (s 2 and LA s 79)

Children and Young People (Consequential Amendments) Act 2008 A2008-20 sch 2 pt 2.14

notified LR 17 July 2008

s 1, s 2 commenced 17 July 2008 (LA s 75 (1))

s 3, s 4 commenced 18 July 2008 (s 2 (1))

sch 2 pt 2.14 commenced 9 September 2008 (s 2 (3) and see Children and Young People Act 2008 A2008-19, s 2 and CN2008-13)

4 Amendment history

Name of regulation

s 1 am R5 LA

Commencement

s 2 om LA s 89 (4)

Exempt people—Act, s 9

s 6 am A2003-56 amdt 3.228; A2004-28 amdt 3.65; SL2005-35 s 4; A2006-23 amdt 1.281; A2007-15 amdt 1.29; A2008-20 amdt 2.25

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

s 7 sub A2004-32 s 100

Conditions for certain master licences—Act, s 21 (1) (a) (iii)

s 7A ins A2004-32 s 100

Definitions for pt 4

s 10 def *identification number* sub A2005-5 s 42; A2006-40 amdt 1.41

Identification number—Act, s 41 and s 42

s 12 sub A2005-5 s 43; A2006-40 amdt 1.42

Accreditation of trainers

s 15 (2)-(4) exp 1 December 2003 (s 15 (4))
am A2007-12 amdt 1.18

Allocation of identification numbers to crowd controllers

s 18 ins A2006-40 amdt 1.43

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 3 Sept 2003	3 Sept 2003– 1 Dec 2003	not amended	new regulation
R1A 25 Feb 2004	2 Dec 2003– 18 Dec 2003	not amended	commenced expiry

Endnotes

5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R2 (RI) 19 Dec 2003	19 Dec 2003– 30 June 2004	A2003-56	amendments by A2003-56 reissued for textual correction
R3 1 July 2004	1 July 2004– 12 July 2004	A2004-28	amendments by A2004-28
R4 13 July 2004	13 July 2004– 31 Oct 2004	A2004-32	amendments by A2004-32
R5 1 Nov 2004	1 Nov 2004– 23 Feb 2005	A2004-32	editorial amendments under Legislation Act
R6 24 Feb 2005	24 Feb 2005– 14 Nov 2005	A2005-5	amendments by A2005-5
R7 15 Nov 2005	15 Nov 2005– 1 June 2006	SL2005-35	amendments by SL2005-35
R8 2 June 2006	2 June 2006– 18 Oct 2006	A2006-23	amendments by A2006-23
R9 19 Oct 2006	19 Oct 2006– 30 June 2007	A2006-40	amendments by A2006-40
R10 1 July 2007	1 July 2007– 17 Dec 2007	<u>A2007-15</u>	amendments by A2007-12
R11* 18 Dec 2007	18 Dec 2007– 8 Sept 2008	A2007-15	amendments by A2007-15

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