

Please quote:
Contact officer:
Contact telephone:

Office of Fair Trading

Department of
Justice and Attorney-General

Mr Guy Houghton
General Manager
National Electrical Contractors Association,
Queensland Chapter
PO Box 2070
MILTON QLD 4064

Dear Mr Houghton

I am writing to the approved security industry associations in Queensland to clarify the licensing requirements under the *Security Providers Act 1993* (the SP Act), with regard to the electronic monitoring of premises located in Queensland.

It has been brought to my attention that a number of organisations, who have their actual monitoring centre physically based interstate and possibly even overseas, are contracting to provide electronic monitoring services on premises located in Queensland.

Under the provisions of the SP Act, a person who for reward, guards, patrols or watches another person's property must be licensed as a security officer in order to perform the function in Queensland. This includes personally monitoring the property, by operating an audiovisual or visual recording system, a radio or other electronic monitoring device.

Furthermore, an individual, partnership or company involved in the business of supplying, for reward, security services to other persons is required to hold a security firm licence.

It is the opinion of the Office of Fair Trading (OFT) that a licensing obligation arises in the instance, where an entity receives a reward for electronically monitoring a person's property located in Queensland, regardless of the actual location of the monitoring centre. As the property being watched is located in Queensland, the monitoring function is deemed to be occurring in Queensland for the purposes of the SP Act.

Therefore, in this circumstance, the individuals performing the function must hold a security officer (monitoring) licence and the organisation supplying the services must hold a class 1 security firm licence, in Queensland.

If an individual holds the equivalent licence interstate, they may seek recognition under the *Mutual Recognition (Queensland) Act 1992* to have their licence recognised in Queensland.

It should be noted there are substantial penalties for operating without a licence and for engaging an unlicensed person under the SP Act and I am concerned that through inadvertence, your members may be unknowingly committing a breach of the legislation.

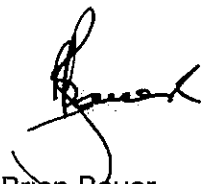
Accordingly, it would be appreciated if you could disseminate this information amongst your members and specifically, to persons who subcontract the provision of the monitoring function to others, to ensure they are engaging suitably licensed personnel to perform this function and avoiding any repercussions of potential breach of the SP Act.

If you or your members are aware of instances where the appropriate licence is not held, please report them in writing by email to oftcompliance@deedi.qld.gov.au, via the website www.fairtrading.qld.gov.au or by mail to GPO Box 3111, Brisbane Qld 4001, to enable the matter to be investigated by OFT.

Issues involving a national licensing system for security providers are considered by the Standing Council on Police and Emergency Management (SCPEM). The OFT will raise matters involving interstate/overseas electronic monitoring for discussion with officers of the state regulatory bodies at the national Security Industry Regulators Forum (SIRF). Any outcomes from this forum could then be raised with the Queensland representative of SCPEM for consideration in a national licensing agenda.

Your continued support in educating and raising standards within the security industry is appreciated.

Yours sincerely



Brian Bauer
Executive Director
Fair Trading Operations
18/9/2012

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