



# International discussion forum

Involving the security organisations of Asia, Australia, Brazil, Russia, South-Africa and the United States

## Consolidated overview of responses received to the March 2010 questionnaire on 'Legislation'

Month	March 2010
Focus theme	Legislation

1. In your country, which legislation governs private security services? Please specify if this is/are general legislation, sector-specific legislation, decrees etc. Could you please also provide us with a copy of this legislation (or with an online link through which a copy of this legislation can be downloaded)?

### Brazil (World Security Federation)

Brazil has **many acts** regulating private security companies. The main legislation is the **7.102 act** and the **administrative rule 387** from 2006, which specifically regulate the private security sector. General legislation regarding labour conditions and other administrative legislation applies to private security companies as it does to other private companies. The Brazilian acts and administrative rules are available on the World Security Federation website through the following link:  
<http://www.worldsecurityf.com/site/Legislacao.aspx>.

### Australia (CPSISC)

Australia consists of six (6) **States** and two (2) **Territories**, each of which have their **own legislation** to oversee the licensing of security officers/guards, crowd controllers etc. These comments mainly focus on the **manpower side** of private security rather than the technical side of the industry. On the CPSISC website the following will provide each jurisdictional requirement:  
[www.cpsisc.com.au/cpp07-test/PSUG/ImpSecurity/Licensing](http://www.cpsisc.com.au/cpp07-test/PSUG/ImpSecurity/Licensing). The Commonwealth government directly regulates security in regards to **aviation and maritime facilities**, but does generally rely on the fact that security operators are licensed initially within a state/territory jurisdiction although they may impose additional requirements. Reference website:  
[www.infrastructure.gov.au/transport/security/aviation/branch.aspx](http://www.infrastructure.gov.au/transport/security/aviation/branch.aspx) and  
[www.infrastructure.gov.au/transport/security/index.aspx](http://www.infrastructure.gov.au/transport/security/index.aspx).

### United States (NASCO)

Legislation governing private security services, as it relates to security firms and security officers, is predominantly enacted and enforced on a **state-by-state basis**. Currently, there is **no over-arching federal legislation** regulating the private security industry, although there are some federal laws that affect the industry. Some municipal governments also adopt rules and regulations governing the industry. Most of the 50 states have established their **own standards** through the legislative process. A list of all 50 states, and guidelines specific to each state, can be viewed at:  
<http://www.nasco.org/licensing-regulation.php>.

2. Which are the main issues, obstacles and/or challenges you have been or are faced with regarding legislation? These may be related to the legislation itself, organisation, policies, procedures or other circumstances.

### Brazil (World Security Federation)

Brazilian **legislation is outdated**. It was drawn up almost 30 years ago. The private security industry today makes use of **new technologies and practices**, which need to be incorporated in the legislation. The World Security Federation therefore cooperates in order to **modify** this legislation and make it up-to-date. Fenavist participated in the discussions regarding the **new draft legislation**.



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## Australia (CPSISC)

**National consistency** - that is transferability of licences from one jurisdiction to the next when people move across the State/Territory borders either for work or lifestyle purposes (both in a temporary or permanent situation). At present, each jurisdiction administers a regime that has its **own educational and training standards** as well as probity, experience, probationary requirements etc. All jurisdictions use the **national security qualifications**, but **may use differing qualifications for the same scope of work** and may demand **different units of competency for licensing purposes in equivalent scopes of work**. At present, through a process of **mutual recognition** involving all state and territory jurisdictions, licensees should be able to get a licence in a second jurisdiction for an identical scope of work but the practicalities and costs often make this prohibitive and impractical.

## United States (NASCO)

The main obstacle to legislation is convincing some businesses in the private security industry to **agree on legislation increasing standards and guidelines**. Some do not want to adopt standards at all and others have high standards but they self-impose but do not see a role for government in imposing these standards. Another challenge is **efforts by legislators unfamiliar with the operations of the industry** who seek to impose legislation for **political** rather than standards-based reasons. The majority of our industry agrees that enacting a **minimum standard is imperative** to the future success of our industry, but there are varying opinions on how to get there or what should qualify as “minimum”.

3. Which main objectives or ambitions did/would you like to achieve regarding legislation through your organisation’s work? How would your organisation perceive the ideal legislative model and/or process?

## Brazil (World Security Federation)

Brazil’s biggest ambition is the **approbation of the new private security legislation** this year still, which takes into account the work of Fenavist throughout the years. The ideal legislative model is **one that respects the specificities of the sector**, is a **strong regulating tool** (but without excess), and **respects international conventions** on private security.

## Australia (CPSISC)

CPSISC does not have immediate requirements for legislative purposes as our role is to develop national training qualifications. The State/Territory jurisdictions use these qualifications to align licensing in some instances. The ideal legislative model would be a **national model where one licence is issued which has been aligned to national qualifications for the relevant scopes of work**. At present, there is a **process** involving all state and territory governments at Ministerial level to implement the same educational and training requirements for the manpower side of the industry. It is proposed that the national security qualifications will be modified to ensure that the qualifications can be used **to meet the licensing requirements in all jurisdictions for similar scopes of work**.

## United States (NASCO)

NASCO would like to see **federal legislation enacted** that all states could easily comply with, and that is **not cost prohibitive** for security employers.

4. Which methodology did you use or are you planning to use to accomplish the above-mentioned objectives?

## Brazil (World Security Federation)

The methodology of Fenavist is based on **dialogue with the three powers**: legislative, judicial and executive, and with all sector stakeholders.



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## Australia (CPSISC)

CPSISC does not have responsibility for making legislative requirements; however we will **manage the process to amend the qualifications** to meet the situation described above. We **work closely with the State/Territory jurisdictions** to provide advice about national training qualifications.

## United States (NASCO)

NASCO continues to partner with other industry-related groups, other business/employer groups, representatives of labour unions, elected officials and other key stakeholders on the possibility of **collaborating on federal legislation**. We seek to **educate legislators** about the role of **higher standards in protecting public safety**.

5. Which solutions, responses, initiatives and/or projects were/will be generated in order to overcome the issues, obstacles and/or challenges you identified regarding legislation (cf. question 1.)?

## Brazil (World Security Federation)

The work of past years will result in the approbation of the new private security act, which will replace the 1983 act. The World Security Federation conducts **research** into private security legislation on a global level to **identify needs/challenges** and present **possible solutions**. The World Security Federations analyses **where legislation is most needed** so it can aid these countries in establishing efficient legislation.

## Australia (CPSISC)

The Ministerial Council for Policing and Emergency Management is overseeing a process led by the Security Industry Regulators Forum that has resulted in **agreement amongst the jurisdictions** on the **qualifications to be used for licensing in all jurisdictions** (each jurisdiction will continue to issue the licence but in accordance with a national agreement on the educational requirements for each licence category). CPSISC will **work with all industry stakeholders and government security and training regulators** to implement this agreement.

## United States (NASCO)

NASCO is undertaking **communication efforts** to **educate lawmakers, regulators, and industry members** on the positive role that **increased standards** have in the industry.

6. Do you have any (formal/informal) consultative status with your responsible/competent authority (e.g. the Ministry of the Interior, the Ministry of Justice, other bodies)?

## Brazil (World Security Federation)

A **constant dialogue** is maintained with the **Ministry of Justice and the Labour Ministry**. E.g. Fenavist (which also represents the World Security Federation) is a member of a commission that unites public and private entities (CCASP). CCASP stands for **Consultative Commission for Private Security Issues**. The CCASP discusses penalties in case companies break the law, but also discusses possible improvements to the private security industry and its activities.

## Australia (CPSISC)

CPSISC has **no formal power** in regards to security regulators, but we have **strong working relationships** with all regulators. One of the on-going challenges that has been identified is the **propensity of individual jurisdictions** to regulate an aspect of the industry in response to a local incident without consulting their fellow jurisdictions. This makes great political capital in the initiating jurisdiction but destroys efforts at national consistency let alone the opportunities for consistent licensing nationally for identical scopes of work.



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## United States (NASCO)

NASCO has an **informal and cooperative relationship** with key legislators, regulators, the Department of Justice, Federal Bureau of Investigation, most of the 50 state-level private security regulators, and legislators in key states.

7. In case you have any other comments and/or additional information you wish to share, please feel free to do so here:

## Brazil (World Security Federation)

The World Security Federation used the example of Brazil to answer the above-mentioned questions. On a global scale, more information and research is of course available. The World Security Federation invites other federations to **share information, materials** etc. regarding legislation in their country/area and thanks these federations in advance.

## Australia (CPSISC)

N/A

## United States (NASCO)

N/A

Should you have any queries and/or concerns related to this consolidated overview and/or the focus theme, please do not hesitate to contact the CoESS General Secretariat:

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