

H.B. 5, 2022.]

**INSTITUTE OF CHARTERED LOSS CONTROL AND PRIVATE
SECURITY MANAGERS BILL, 2022**

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Institute of Chartered Loss Control and Private Security Managers, to provide for the establishment of a Council; and to provide for matters connected with or incidental to the foregoing. The proposed law introduces professional best practices in loss control and private security management occupations, in particular, the individual clauses provide as follows—

Part I

Clause 1 provides for the short title of the Bill. *Clause 2* provides for interpretation of terms used in the Bill. *Clause 3* provides the application of the Act; while *Clause 4* sets the objects of the Bill.

Part II

Clause 6 affords the opportunity for the establishment of the Institute of Chartered Loss Control and Private Security Managers which shall be a professional association and body corporate capable of suing and being sued in its own name. The functions of the Institute are listed in *Clause 7*, which includes liaising and collaborating with its members in practice, in business and in employment in accordance with its mandate. The Institute shall be managed and directed by a body known as its Management Council. The Management Council shall consist of thirteen members as set out in *Clause 8* and shall function in accordance with *Clause 9*. For the day to day administration of the Institute the Council shall appoint an Executive Secretary who shall be assisted by officers the Council considers necessary as given in *Clause 11*.

Part III and Part IV

The register of loss control and private security managers and application for registration are provided for in *Clauses 12 and 13* of the Bill respectively. While *Clauses 14, 15, 16 and 17* provide for the manner in which a person may become a member; annual general meetings; extraordinary meetings and that the Institute shall publish a Code of Conduct that directly addresses the professional conduct of loss control and private security managers.

Part V and Part VI

Part V contains two clauses, *Clause 18* provides for the funds of the Institute; which shall be managed by the Treasurer and subject to audits in terms of *Clause 19*.

Part VI contains a reciprocity clause which provides that, where any country, specified by the government by notice in the *Gazette*, prevents citizens and residents of Zimbabwe from becoming members of any institution similar to the Institute or subjects them to unfair discrimination in that country, no subject of any such country shall be entitled to become a member of the institute or practice the profession of loss control and management in Zimbabwe under the name of the institute.

Clause 21 provides that the Minister after consultation with the Council, may make regulations providing for all matters which by this Act are required or are permitted to be prescribed or which, in his or her opinion, are necessary or convenient to be prescribed in order to carry out or give effect to this Act.

**INSTITUTE OF CHARTERED LOSS CONTROL AND PRIVATE SECURITY
MANAGERS BILL**

ARRANGEMENT OF SECTIONS

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REGISTER OF LOSS CONTROL AND PRIVATE SECURITY MANAGERS

12. Register of Loss Control and Private Security Managers.
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16. Extraordinary General Meeting.
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BILL

AN ACT to provide for the establishment of the Institute of Chartered Loss Control and Private Security Managers, to provide for the establishment of a Council; and to provide for matters connected with or incidental to the foregoing.

WHEREAS section 64 of the Constitution provide as follows—

“Every person has the right to choose and carry out any profession, trade or occupation, but the practice of a profession, trade or occupation may be regulated by law.”.

NOW, THEREFORE, be it enacted by the Parliament and the President of Zimbabwe as follows:—

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Institute of Chartered Loss Control and Private Security Managers Act.

2 Interpretation

In this Act—

“asset” means human, financial, physical and virtual resource;

“Council” means the Institute of Chartered Loss Control and Private Security Managers Council constituted in terms of section 8;

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- “Executive Secretary” means the person appointed in terms of these regulations to be the Executive Secretary of the Institute;
- “Institute” means Institute of Chartered Loss Control and Private Security Managers established in terms of section 6;
- “loss” means the state or occurrence of disadvantage, harm, detriment, deprivation or dispossession arising from inability to keep, operate, have, achieve, get or own something; 5
- “loss control” means the practice of designing systems and managing operational or administrative activities targeting loss prevention as an objective; this includes prevention of loss or damage to all types of assets, business systems, facilities, infrastructure, information, persons and other property thereof against any type of potential or actual damage or loss and investigation of causes and recovery thereof; 10
- “loss control management” means the practice of loss prevention responsible for prevention of partial or total loss of assets, property, life, systems, infrastructure, information, finances, time and other aspects that reduce the value of an organisation through identification of risk and vulnerabilities and the designing, development, evaluation and implementation of policies and procedures, systems and investigation of any loss that may arise from breach, negligence, omission, accident or natural occurrences; 15 20
- “Loss Control Manager” means—
- (a) a person who is registered in terms of this Act to practice as a Loss Control Manager; or
 - (b) any person who is employed by an organisation at managerial grade with his primary duties being designing and implementation of loss control and security management systems and policy implementation; 25
- “member” means—
- (a) a person whose name is entered in the register of members of the Institute of Chartered Loss Control and Private Security Managers maintained by the Secretary in terms of this Act; 30
 - (b) a registered member of the Institute who, individually or in partnership with other Loss Control Managers or Private Security Managers or in partnership with members of such other recognised professions as may be prescribed, in consideration of remuneration received or to be received— 35
 - (i) engages himself or herself in the practice of any activity of loss control, safety or private security management; or
 - (ii) offers to perform, or performs, services and related activities involving the protection and security of human, financial and physical and non-physical assets or holds himself or herself out to the public as a loss control or private security manager; or 40
 - (iii) renders professional services or assistance in or about matters of principle or detail relating to loss control or private security management with the objective of protection of assets, information, intellectual property or human safety; or 45
 - (iv) renders such other services as, in the opinion of the Council, are or may be rendered by a member of the Institute of Chartered Loss Control and Private Security Managers in practice; 50

“Minister” means the Minister of Home Affairs and Cultural Heritage or any other Minister to whom the President may, from time to time, assign the administration of this Act;

5 “National Intelligence Services” means department responsible for state security as provided in section 210 of the Constitution of Zimbabwe;

“register” means the register of members of the Institute of Chartered Loss Control and Security Management established in terms of section 15 of this Act;

10 “private security” means private security as defined by the Private Investigators and Security Guards Control Act [*Chapter 27:10*];

“private investigator” means private investigator as defined in the Private Investigators and Security Guards Control Act [*Chapter 27:10*].

3 Application of Act

15 This Act shall apply to the registration, regulation, operation and practice of Chartered Loss Control and Private Security Managers.

4 Objects of Act

(1) The objectives of this Act are to—

- (a) set minimum professional qualifications for admission of members;
- (b) develop standards, guidelines, best practices and a code of conduct to be observed by members;
- 20 (c) promote—
 - (i) the professional training and practice of loss control and private security management in any manner including physical and cyber security, loss prevention, disaster and emergency management, investigation, assessment and recovery of loss arising from crime, fraud, debt, corrupt activities or negligence, accidental or any other occurrences incidental thereto;
 - 25 (ii) the study of and research in loss control and private security management as a body of knowledge and to facilitate continuing professional development for its members;
 - 30 (iii) the setting of and compliance with standards established code of conduct;
 - (iv) integrity, repress malpractices including corrupt practices, and to increase public confidence in those persons practicing or teaching the profession;
 - 35 (d) raise the character and status of the loss control and private security management profession and in so doing preserve the integrity of service offered by members of the Institute;
 - (e) provide disciplinary measures for members.

40 (2) The Institute shall exercise its functions so as to give full effect to the objectives set out in subsection (1).

5 Loss control and private security management general principles

45 The Institute of Chartered Loss Control and Private Security Managers shall function under the guidance of the general principles of loss control and private security management set out in regulations made under this Act.

PART II

ESTABLISHMENT OF INSTITUTE OF CHARTERED LOSS CONTROL AND PRIVATE SECURITY
MANAGEMENT

6 Institute of Chartered Loss Control and Private Security Managers

There is hereby established an authority to be known as the Institute of Chartered Loss Control and Private Security Managers, which shall be an association of professional loss control and private security managers, a body corporate, capable of suing and being sued in its own name and, subject to this Act, of performing all acts that bodies corporate may by law perform. 5

7 Functions of Institute

Subject to this Act, the Institute shall have the following functions and powers— 10

- (a) to design, formulate, develop and implement measures and policies for—
 - (i) the co-ordination and monitoring of the professional functioning and operation of members of the Institute; and
 - (ii) ensure the provision and promote the enhancement of efficient professional services by members of the Institute; and 15
- (b) to liaise and collaborate with all the members in practice and, without in any way limiting the generality of this paragraph, to advise practicing members on matters pertaining to—
 - (i) practice control; and 20
 - (ii) discipline; and
 - (iii) education, training and examinations; and
 - (iv) continuing professional development; and
 - (v) minimum standards required for any premises in or at which members perform the loss control and private security management practice; and 25
- (c) to perform any other function that may be conferred or imposed upon it by or in terms of this Act or any other enactment.

8 Institute of Chartered Loss Control and Private Security Managers Council

(1) The operations of the Institute shall be managed and directed by the Institute of Chartered Loss Control and Private Security Managers Council whose members shall be chosen for their knowledge of and experience in loss control and private security management or other relevant discipline, and in electing them the members present at a General Meeting shall ensure that, so far as practicable— 35

- (a) the public and private sector, as well as appropriate professional bodies, business associations and non-governmental organisations, are adequately represented on the Council; and
- (b) there is fair representation of Zimbabwe’s regions on the Council; and
- (c) at least half the members are women. 40

(2) The Council shall consist of—

- (a) the President who shall preside at meetings of the Council;
- (b) the Vice President, who shall assist the President with his or her duties and shall assume the President’s powers and duties in the absence of the latter; 45

- (c) the Secretary-General, who shall—
- (i) perform all the duties of a secretary including without limitation, receiving and dealing with all correspondences relating to the general matters of Institute;
 - 5 (ii) write minutes of meetings of the Institute;
 - (iii) maintain a register of members with relevant information and their addresses;
 - (iv) maintain an inventory of Institute assets; and
 - 10 (v) performing all such other duties as shall be delegated to him or her by the Council from time to time;
- (d) the Vice Secretary-General, who shall assist the Secretary-General with his or her duties and shall assume the Secretary-General's powers and duties in the absence of the latter;
- (e) the Treasurer, who shall—
- 15 (i) keep charge of all the funds of Institute;
 - (ii) maintain proper books of accounts;
 - (iii) report on the financial affairs and position of Institute;
- (f) eight (8) Committee Members.

(3) All members of the Council shall be elected from names nominated for election at a General Meeting and shall hold office for a period of four (4) years:

Provided that—

- (a) members of the Council shall be eligible for re-election for one more terms in office;
- 25 (b) the President and Vice-President shall hold office for three (3) years and may be re-elected for one further term.

(4) At the end of the term of office members of the Council, members shall remain in office for until the conclusion of a General Meeting to elect new office bearers.

30 (5) In the event of a casual vacancy arising in the Council, the remaining members shall appoint a suitable member of the Institute to fill the vacancy and the member so appointed shall hold office for the remainder of the period for which that person would have continued in office.

(6) The Council shall meet at least once every three months.

(7) In the absence of the Council President and the Vice-President, the Council shall appoint one of its members to chair a meeting.

35 (8) The Council shall have a quorum of nine (9) members.

(9) Decisions are made by consensus:

Provided that in the event of there being—

- (a) no consensus, decisions shall be made by majority vote and each member is entitled to one vote; and
- 40 (b) there being decision no majority, the Council President of the relevant meeting has a casting vote.

9 Functions of Council

(1) The Council shall be the principal organ of the Institute and offer professional direction of its affairs and take the duty to implement the provision of this Act shall be vested in it and the general meeting.

45

- (2) In particular, and without prejudice to the generality of the foregoing powers set out in subsection (1), the duties of the Council shall include—
- (a) prescribing acceptable academic courses and their contents;
 - (b) enforcing compliance with regulations, code of conduct and ethical behaviour on members of the institute; 5
 - (c) admitting, registering and deregistering members of the institute;
 - (d) regulating the engagement and professional training of graduate members;
 - (e) approving qualifications for entry into the register;
 - (f) granting and refusing certificates of membership under this Act and regulations made in terms of section 22; 10
 - (g) maintaining and publishing the institute’s register of members qualified to practice as professional loss control and private security managers;
 - (h) levying and collecting fees from members and other persons;
 - (i) regulating and maintaining the status and standard of professional qualifications awarded or accepted by the institute; 15
 - (j) granting financial assistance to persons other than members of the Council or any other manner, of research in loss control and private security management;
 - (k) maintaining a library and publication of books and periodicals relating to loss control and private security management; 20
 - (l) enabling the proper functioning of the Executive Secretary, the Disciplinary Committee, and the Appellate Authority constituted under the provisions of this Act;
 - (m) enabling the proper functioning of the Quality Review Board;
 - (n) considering the recommendations of the Quality Review Board made under the regulations and the details of decision taken thereon in its annual report; and 25
 - (o) ascertaining and ensuring the proper functioning of the Institute in accordance with this Act and in performance of or conformance statutory requirement; 30
 - (p) design and implement continuing professional development programmes;
 - (q) develop and review professional loss control and private security management training and education curriculum and syllabi.

10 Committees of Council

- (1) The Council shall— 35
 - (a) have the power to create Committees for specific tasks as shall be required from time to time or as it thinks fit;
 - (b) designate one of its members to chair the proceedings of a Committee.
- (2) The chairperson of a Committee shall report on the proceedings and recommendations, if any, of his or her Committee at each Council meeting. 40
- (3) All recommendations of a Committee shall be subject to approval of the Council.

11 Institute of Chartered Loss Control and Private Security Managers Council Secretariat

5 (1) The Council shall appoint an Executive Secretary and such other officers as it shall consider necessary or desirable for the purpose of managing the affairs of the Institute who shall collectively be referred to as the Secretariat.

(2) The Executive Secretary and other officers appointed in terms of subsection (1) shall hold office for such period and on such terms and conditions as may be fixed by the Council and shall carry out such functions as may be assigned to them under these regulations or by Council.

10 (3) The Secretariat shall be responsible for the day to day management of the affairs of the Institute and in the exercise of its functions the Secretariat shall—

- (a) keep records of membership and to promote new membership and affiliations;
- 15 (b) co-ordinate and facilitate the activities of the Institute and in particular, to provide a supporting role to the Council;
- (c) collect, collate and disseminate information concerning the Institute, its activities and objects;
- (d) ensure that the members of the Institute are well informed of the Institute's programmes and activities;
- 20 (e) maintain liaison and co-ordinate activities between the Institute and other organisations which has similar or shared objectives with the Institute;
- (f) handle the finances and keep the records and archives of the Institute; and
- 25 (g) to perform any other function that may be conferred or imposed upon it by or in terms of this Act or as delegated, directed or recommended by the Council.

PART III

REGISTER OF LOSS CONTROL AND PRIVATE SECURITY MANAGERS

12 Register of Loss Control and Private Security Managers

30 (1) The Council shall establish the Register of Loss Control and Private Security Managers.

(2) The Executive Secretary shall keep and maintain the Register of Loss Control and Private Security Managers as prescribed in regulations.

13 Application for registration

35 (1) An application for registration shall be made to the Executive Secretary and shall be accompanied by such documents and information, including evidence of identity, as may be prescribed in the regulations.

(2) The Executive Secretary—

- (a) may require any statement made in or in connection with an application for registration to be supported by solemn declaration;
- 40 (b) shall refer an application for registration, the documents and information referred to in subsection (1), any solemn declaration referred to in subsection (2) and any report he or she may wish to make on the application for registration, to Council.

PART IV

MEMBERSHIP AND MEETINGS

14 Membership

(1) A member who wishes to join Institute must register his or her membership in the form set out in regulations made under this Act. 5

(2) All members registered in terms of sub-section (1), shall be required to a pay a membership fee determined by the Council and specified by notice in the *Gazette*.

15 Annual General Meeting

(1) The Annual General Meeting of Institute shall be held in every year, later than one month after the end of the Financial Year. 10

(2) Twenty one (21) days' notice of the date, time and place of the meeting shall be given to members of Institute by the Secretary-General and such notice shall be in writing.

(3) All notices of motion must be made in writing to the Secretary-General within seven (7) days of such notice: 15

Provided that particulars of such motion shall be included in the Agenda and published seven (7) days prior to the meeting.

(4) The Council President while presiding over a general meeting shall have power to accept a notice of motion at any time.

(5) The business to be transacted at the meeting shall include the following— 20

(a) to receive the reports of the Council President, Secretary-General and Treasurer and to adopt the financial statement;

(b) to elect the Council President, Vice-President, Secretary-General, Vice Secretary-General, Committee Members and Treasurer in the event of the terms of the respective office bearers having expired or in the case of filling a casual vacancy that would have arisen prior to the Annual General Meeting; 25

(c) to consider and approve, or otherwise, the estimates of expenditure and budget and work plan of Institute;

(d) to consider the audited accounts laid before it; 30

(e) to appoint an Auditor who shall be a professionally qualified accountant and to determine his or her remuneration; and

(f) to deal with any matters on the Agenda.

(6) At the Annual General Meeting only ordinary members who are sitting members of Council for the time being who are present, shall be eligible to vote. Any member of Institute is entitled to attend and take part in any discussion. 35

(7) Those present at the meeting and eligible to vote shall be issued with a voting card.

(8) Voting shall be by secret ballot.

(9) One third of the members eligible to attend and vote present at an Annual General Meeting shall constitute a quorum. 40

(10) Decisions shall be made by majority vote and each member is entitled to one vote. In the event of there being no majority the Council President of the Annual General Meeting shall have a casting vote.

(11) Minutes of the Annual General Meeting shall be kept and such minutes must be signed by both the Council President and Secretary-General.

16 Extraordinary General Meeting

(1) An Extraordinary General Meeting, in between Annual General Meetings,
5 may be called by the Council, but shall be called at the request of at least ten (10) voting members of Institute, and held within twenty-eight (28) days of such request.

(2) The Secretary-General shall notify Members of Institute at least fourteen
(14) days prior to the meeting of the business to be transacted at that meeting. No further business may be brought forward or discussed at the meeting.

10 (3) At the Extraordinary General Meeting only ordinary members who are sitting members of for the time Council being who are present, shall be eligible to vote:

Provided that any member of Institute is entitled to attend and take part in any discussion.

(4) Those present at the meeting and eligible to vote shall be issued with a
15 voting card.

(5) Voting shall be by secret ballot

(6) Two thirds of the members eligible to attend and vote present at an Extraordinary General Meeting shall constitute a quorum.

(7) Decisions shall be made by a two thirds majority vote and each member is
20 entitled to one vote. In the event of there being no majority the Council President of the Annual General Meeting shall have a casting vote.

(8) Minutes of the Extraordinary General Meeting shall be kept and such minutes must be signed by both the Council President and Secretary-General.

17 Code of Conduct

25 (1) A member shall behave and conduct his or her affairs in a manner consistent with the values that Institute defends, as well as strive to uphold the integrity of those values.

(2) A member shall avoid actual, potential and perceived conflicts of interest and as such a member shall be obliged to report and disclose to Institute any actual,
30 potential and perceived conflicts of interest as soon as he or she becomes aware of any circumstances that may give rise to a conflict of interest.

(3) Institute shall publish a Code of Conduct for its members in the form of a booklet or any other written form.

(4) The evaluation of a breach of the values of Institute will be made by the
35 Council which shall have full authority to decide on the appropriate sanction that may be imposed in any given circumstance of breach.

PART V

FUNDS OF INSTITUTE

18 Funds of Institute

40 (1) The Financial Year of Institute shall be from the 1st January to the 31st December.

(2) The funds of Institute shall consist of—

- (a) periodical subscriptions paid by the Members as determined by the Council;
 - (b) gifts, donations and grants from natural and non-natural persons;
 - (c) money raised from fundraising activities by the Council, or any Sub-Committee of the Council or Institute or any individual Member or group of Members; 5
 - (d) contributions, including those from the Government, Government agencies, corporations or other business entities, international organisations, individuals and other organisations, and
 - (e) any other sources determined by the Council to be appropriate. 10
- (3) The Treasurer shall keep such cash books as recommended by the Auditors and the accounts of Institute shall be audited before being submitted to the Annual General Meeting.

19 Accounts and Audits

- (1) Bank Accounts shall be opened in the name of Institute. 15
- (2) The Council shall prepare a budget and keep books of accounts to be audited annually by an independent Auditor who shall be a member of the Public Accountants and Auditors Board of Zimbabwe.
- (3) The budget and work plan shall be presented to the members at the Annual General Meeting for approval. 20
- (4) All accounts shall be paid by cash, voucher, cheque, bank transfer or other electronic means signed or authorised by the most senior officer of the Secretariat responsible for finance and any other officers of the Secretariat with authority to sign.
- (5) The Treasurer shall prepare an Annual Report showing amounts and sources of funding received and spent in every Financial Year. 25

PART VI

MISCELLANEOUS PROVISIONS

20 Reciprocity

- (1) Where any country, specified by the government by notice in the *Gazette*, prevents citizens and residents of Zimbabwe from becoming members of any institution similar to the Institute or subjects them to unfair discrimination in that country, no subject of any such country shall be entitled to become a member of the institute or practice the profession of loss control and private security management in Zimbabwe under the name of the institute. 30
- (2) Subject to the provisions of sub-section (1), the Council may prescribe the conditions, if any, subject to which foreign qualifications relating to loss control and private security management shall be recognised by the institute for the purposes of entry in the Register. 35

21 Regulations

- (1) Subject to this section, the Minister, after consultation with the Council, may make regulations providing for all matters which by this Act are required or are permitted to be prescribed or which, in his or her opinion, are necessary or convenient to be prescribed in order to carry out or give effect to this Act. 40

- (2) Regulations made in terms of this section may provide for—
- (a) the standard and conduct of qualifying examinations under these regulations;
 - 5 (b) the qualifications for the entry of the name of any person in the Register as a member of the Institute;
 - (c) the conditions under which any examination or training may be treated as equivalent to the examination and training prescribed for members of the Institute;
 - (d) the conditions under which any foreign qualification may be recognised;
 - 10 (e) the manner in which and the conditions subject to which applications for entry in the Register may be made;
 - (f) the fees payable for membership of the Institute and the annual fees payable by associates and fellows of the Institute in respect of their certificates;
 - 15 (g) loss control management general principles;
 - (h) the establishment and functions of Council Committee;
 - (i) the particulars to be entered in the Register;
 - (j) the internship training, the fixation of limits within which trainees may be charged and the cancellation and termination of internship engagement for misconduct or for any other sufficient cause;
 - 20 (k) the regulation and maintenance of the status and standard of professional qualifications of members of the Institute;
 - (l) the maintenance of a library and publication of books and periodicals on loss control and private management;
 - 25 (m) the management of the property of the Council and the maintenance and audit of its accounts;
 - (n) the summoning and holding of meetings of General meeting, the times and places of such meetings, the conduct of business thereat and the number of members necessary to form a quorum;
 - 30 (o) the powers, duties and functions of the President and the Vice-President of the Council;
 - (p) the terms of office, and the powers, duties and functions of the Secretariat;
 - (q) the establishment of a loss control and private security managers Quality Review Board; and
 - 35 (r) any other matter which is required to be or may be prescribed under these regulations.
- (3) Regulations made in terms of this Act may impose a fine not exceeding level eight or imprisonment for a period not exceeding one year or to both such fine and such imprisonment.
- 40 (4) Regulations made in terms of this section shall be submitted to the Minister for approval and, after such approval, shall be published in the *Gazette*.