

FACT SHEET

THE SECURITY AND INVESTIGATIONS AGENTS AMENDMENT BILL 2010

The *Security and Investigations Agents Act 2002* came into force on 25 June 2002. The Act regulates the private security industry in Tasmania.

Criminal exclusion rules and training standards in the private security industry in Australia have been of concern for some time. Concern has focused on variation in criminal exclusion rules between jurisdictions and a lack of mobility for security agents from jurisdiction to jurisdiction. There has also been concern that general standards in some jurisdictions are inadequate to reflect the increasing role played by the private security industry in Australia.

To address these concerns, on 3 July 2008, the Council of Australian Governments (COAG) agreed to adopt a nationally- consistent approach to the regulation of the private security industry. COAG agreed that the nationally consistent approach would be implemented in three phases:

- phase 1- improving the probity, competence, skills and mobility of employees in the security guarding industry;
- phase 2 - the establishment of regulatory standards for the technical sector; and
- phase 3 - possible introduction of a national system for licensing arrangements.

The Amendment Bill adopts the (COAG) agreement of 3 July 2008 to implement phase 1. The Bill is similar to amendments being made by other states and territories to their security industry legislation.

The key changes relate to the probity requirements and licence categories and the intent is that these are standardised across the country. This will allow for easier portability of licences from one jurisdiction to another. The key change to probity requirements are that a person may be excluded from eligibility for a period of up to 10 if convicted of serious offences such as assault, theft, firearms, robbery. Where convictions are recorded but no penalty is imposed the exclusion may be for 5 years.

The licence categories are: general guarding; crowd or venue control; guarding with a dog; guarding with a firearm; monitoring centre operations; body guarding, and training. The key change is that training providers who are not currently required to be licensed will now be required to do so. The Amendment Bill also provides for provisional and temporary licenses.

In addition, there are rules that allow for a licence to be refused where an applicant has “close association” with a person who supports or is involved in criminal activity.

While training requirements are determined by the Director of Consumer Affairs and Fair Trading, the introduction of this new package across Australia is likely to result in an increase in the standards of training required for all applicants over the next two years.