

DRAFT SECOND READING SPEECH

HON. SARAH COURTNEY MP

Security and Investigations Agents Amendment Bill 2018

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Madam Speaker, I move that the Bill now be read a second time.

The purpose of the Bill is to make it easier for retailers to protect their stock from shoplifters, by providing an exemption to their employees from requiring a licence to undertake bag checks.

The overwhelming majority of Tasmanians are law-abiding citizens. But for some anti-social offenders and petty criminals, retail theft has become all too common.

The Australian Retailers Association estimates the cost of shoplifting equates to 3.5 per cent of all turnover.

In Tasmania, retail turnover is over \$6 billion, so losses from theft have been estimated at around \$200 million or more per year.

While this is a significant cost to businesses, ultimately the consumer pays with higher prices and increased cost of living pressures.

We have consulted retailers and have heard their frustration about being virtually powerless to act to prevent offenders taking advantage of loopholes in the law which allow them to steal from retailers with little or no consequence.

Anecdotal evidence suggests thieves are aware that retail staff have no power to inspect bags if they do not give consent, and can and do advantage of this.

We have been told of incidences where thieves, sometimes operating in small groups, distract retail staff in order to steal products, and then walking out the door challenging retailers with comments such as “you can’t touch me” as they leave with the unpaid goods in a bag, trolley or under clothing.

In addition, a retailer must employ a licensed security guard if they wish to search a customer’s bag while they are inside their business or shop.

For many businesses, it is cost prohibitive to employ a licensed security agent, and as a result, choose to employ retail staff in the role of “greeter”.

Greeters are employed to discourage dishonest behaviour, however under the current legislation they do not have the power to search bags.

In anticipation of the introduction of this Amendment Bill, no compliance action has been taken against businesses choosing to use retail staff in this manner, but there has also been no opportunity to fully train these staff in the correct way to conduct bag checks.

In order to address this issue, the amendments to the *Security and Investigations Act 2002* provide an exemption to retail staff conducting bag checks from requiring a licence to undertake bag checking security activities.

The exemption will allow retail staff to conduct bag checks when there are clear and visible signs prominently displayed at each entrance to the store, stating that allowing a bag to be checked is a condition of entry, and inspections are limited to bags in possession of persons leaving the property.

This will allow Tasmanian retailers, large or small, to make it a condition of entry that customer bags can be inspected.

As consenting to a bag check will be part of the condition of entry to a store, anyone refusing to allow a bag check could be denied entry.

The amendments also provide for the Director of Consumer Affairs and Fair Trading to require retail staff conducting these checks and inspections to adhere to a Code of Conduct.

The Director has indicated that the endorsed Code of Conduct will be based on the Australian Retailers Association (ARA) Bag Check Guidelines, which will clarify that retail staff may not forcibly search a shopper.

The guidelines state that retail staff may only request that a customer present their bag for inspection and may not touch the customer, the bag or the contents of the bag, and they may not detain the customer.

An education campaign to communicate the exemption and the Code of Conduct to retail staff and Tasmanian consumers will be initiated by Consumer, Building and Occupational Services, to ensure everyone fully understands their rights and responsibilities when it comes to conducting and consenting to bag checks.

I commend this Bill to the House.