

FACT SHEET

Security and Investigations Agents Amendment Bill 2018

The *Security and Investigations Act 2002* ("the Act") is amended to:

- Exempt retail staff from the requirement to hold a security licence for the purpose of conducting bag checks if:
 - the person is employed by a retail business and is undertaking bag checking or inspection activities, which is defined as a security activity under Section 3B(d) of the Act
 - the security activity is limited to checking a bag in possession of a person leaving the property
 - there are clear, visible signs prominently displayed at each entrance to the property stating that bag checking is a condition of entry, and
 - the bag checking is conducted in accordance with the Code of Conduct issued by the Director of Consumer Affairs and Fair Trading.

For the purposes of this Act, a bag is defined as including:

- a bag;
- a parcel;
- a carton;
- a container; or
- any another item that could reasonably be expected to conceal goods.

The Director has indicated that the 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.

These guidelines are already in use in New South Wales, where an exemption exists for people employed in the retail industry to conduct bag checks, so long as these checks are conducted in accordance with the ARA Guidelines.