

DEPARTMENT OF JUSTICE

SPEECH NOTES:

The Security and Investigations Agents Amendment Bill 2010

Mr Speaker, I move that the *Security and Investigations Agents Amendment Bill* be read a second time.

The *Security and Investigations Agents Act 2002* came into force on 25 June 2002. The Act regulates the 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 the 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 and to implement this approach in three phases, specifically:

- phase 1 – focusing on the ‘guarding’ sector and designed to improve the probity, competence, skills and mobility of employees in the security guarding industry;
- phase 2 - the establishment of regulatory standards for the ‘technical’ sector, this includes the installation and maintenance of alarm and electronic surveillance systems; and
- phase 3 - possible introduction of a national licensing system.

Mr Speaker, the Amendment Bill adopts the COAG agreed phase 1 changes to harmonise certain provisions of the security industry across Australia.

COAG agreed that the phase 1 changes would be implemented by all jurisdictions by the end of 2009. However, the legislative schedule in late 2009 and election in early 2010 resulted in a delay in drafting the amendment bill. I understand that only NSW and WA have implemented the phase 1 amendments and that these changes are currently being progressed in Victoria.

The key changes to the probity requirements are that a person may be excluded from eligibility for a period of up to 10 years if convicted of serious offences such as assault, theft, firearms, or robbery. Where convictions are recorded but no penalty is imposed the exclusion may be for a period of 5 years.

These changes will ensure that Tasmania adopts nationally consistent probity requirements and licence categories. This will allow for easier portability of licenses from one jurisdiction to another.

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

In addition, new rules allow for a licence to be refused where an applicant has a 'close association with a person who supports or is involved in criminal activity. For example where a person (who is involved in criminal activity) has a financial interest in, or exercises a significant influence over, the management or operation of the security business.

When the changes commence, it will also be a requirement that applicants provide the Commissioner of Police with finger and palm prints. The Commissioner may use finger prints and palm prints to screen licence applicants with criminal histories. These prints may be used as evidence in any court proceeding.

The Bill provides for the confidential provision of criminal intelligence to both the Director of Consumer Affairs and Fair Trading and to the Magistrate in determining licence eligibility.

While training requirements are determined by the Director, 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.

The Amendment Bill will result in improved probity, competence and skill levels within the industry and ensures that employees in the security guarding industry can move more easily between jurisdictions.

Mr Speaker, I commend the *Security and Investigations Agents Amendment Bill 2010* to the House.