

TASMANIA

**SECURITY AND INVESTIGATIONS AGENTS
AMENDMENT BILL 2018**

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SECURITY AND INVESTIGATIONS AGENTS AMENDMENT BILL 2018

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
27 November 2018

*(Brought in by the Minister for Building and Construction, the
Honourable Guy Barnett)*

A BILL FOR

An Act to amend the *Security and Investigations Agents Act 2002*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Security and Investigations Agents Amendment Act 2018*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Security and Investigations Agents Act 2002** is referred to as the Principal Act.

4. Section 41 amended (Exemptions)

Section 41 of the Principal Act is amended by inserting after subsection (5) the following subsections:

- (6) A person is not required to hold a licence authorising the undertaking of security activities under this Act if –
 - (a) the person is employed by a business at which goods are sold or offered for sale from a property that is open to the public while the business is operating; and
 - (b) the person so employed is undertaking a security activity within the meaning of section 3B(d) at the property while the business is so operating; and
 - (c) the person so employed is undertaking that security activity –

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- (i) in the course of that employment; and
 - (ii) in relation to the property at which he or she is employed; and
 - (d) the security activity that is undertaken is limited to checking a bag in the possession of a person leaving the property; and
 - (e) the property where the business is operating and at which the security activity is undertaken has, at each entrance to the property, a clearly visible sign stating that allowing a bag to be checked is a condition of entry to the property; and
 - (f) the security activity is carried out in accordance with a code of conduct issued by the Director under subsection (8).
- (7) For the purposes of subsection (6) –
- bag** includes the following items:
- (a) a bag;
 - (b) a parcel;
 - (c) a carton;
 - (d) a container;

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- (e) another item that could reasonably be expected to conceal goods.
- (8) The Director may issue codes of conduct under section 38A in respect of a person, or class of persons, who is exempt under this section from the requirement to hold a licence, as if that person, or class of persons, while so exempt were undertaking operations or activities under a licence.

5. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which this Act commences.