

2010

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

SECURITY INDUSTRY AMENDMENT BILL 2010

EXPLANATORY STATEMENT

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Security Industry Amendment Bill 2010

Overview of Bill

The Security Industry Amendment Bill 2010 amends the *Security Industry Act 2003* and regulation. The amendments will expand the current suitability criteria and pre-requisites for applicants for an employee licence to work in the security industry.

These amendments will provide applicants with an opportunity to discuss in a detailed way information about their future employment rights and obligations through face-to-face discussion with representatives of a registered organisation (usually union officials).

Under current law, a union representative can only meet to discuss workplace information with any worker at mealtimes and other break periods. As security industry workers usually only take short 'crib' breaks, there is very little, if any, window of opportunity for the Liquor, Hospitality and Miscellaneous Union to hold fruitful discussions during these breaks, and it would not be appropriate to do so from an occupational health and safety perspective. In addition, it is very difficult for union representatives to meet with a number of these employees at any one time, as security industry workers work in isolation from each another in other people's workplaces. Due to the nature of security industry work, security industry employees in the ACT have been missing out on this opportunity to discuss workplace matters and the amendments in this Bill are intended to rectify this disparity.

The operation of these new provisions will be reviewed 12 months after their commencement.

Clause Notes

Clause 1 **Name of Act**

Clause 1 provides that the name of the Act is the *Security Industry Amendment Act 2010*.

Clause 2 **Commencement**

Clause 2 provides that the Act will commence on a day fixed by the Minister. This allows time for necessary arrangements to be put in place to effectively deliver face-to-face information sessions with applicants.

Clause 3 **Legislation amended**

Clause 3 provides that the Act amends the *Security Industry Act 2003*.

Clause 4 **General suitability criteria, new section 21(1)(a)(ia)**

This clause adds a new paragraph 21(1)(a)(ia) to expand the current suitability criteria and pre-requisites for applicants for an employee licence to work in the security industry. Applicants for an employee licence (to patrol, guard, watch or

protect property; act as a bodyguard and act as a crowd controller) will be required to obtain information about their workplace rights and responsibilities from representatives of a registered organisation, before they can be issued with a licence. It is essential that workers in this industry are well informed about matters which directly affect their workplace performance.

Armed with this information, employees will be in a better position to know their workplace entitlements and responsibilities under laws in force in the Territory, thereby promoting greater productivity and economic growth in the ACT security industry.

Clause 5 New section 21A, Review of workplace information criterion

This clause inserts a new section to provide for a review of the operation of section 21(1)(ia) 12 months after the section commences.

Clause 6 Regulation- making power, New section 52(f)(ia)

This clause provides that regulations can be made concerning the giving of workplace information. This includes a power to make a regulation requiring employee organisations to give a certificate to security employee applicants who have attended a workplace information session.

Clause 7 Dictionary, note 2

This clause adds *commissioner for fair trading* to the list of terms defined by the Legislation Act dictionary.

Clause 8 Dictionary, new definition of *employee organisation*

This clause amends the dictionary in the Act to include a definition of *employee organisation* for the purposes of the new requirements, to clarify which organisation can deliver the information about workplace rights and responsibilities to security industry applicants for an employee licence.

Clause 9 Dictionary, new definition of *workplace information*

This clause inserts the definition of *workplace information* in the Dictionary. The definition of this term is found in section 21(3) of the Act.

Clause 10 Legislation amended

Clause 10 provides that the Act amends the *Security Industry Regulation 2003*.

Clause 11 New section 2

This clause makes it clear that there is a dictionary at the end of the regulation and that the dictionary is part of the regulation.

Clause 12 Prescribed security activity, section 4(2)

This clause omits section 4(2) which defines *security consultant*. Instead, Clause 19 includes this definition in the new dictionary at the end of the regulation.

Clause 13 Exempt people, section 6(1)(b), note

This clause omits the note to section 6(1)(b) which refers to the definition of *police officer*. Instead, Clause 19 includes this definition in the new dictionary at the end of the regulation which lists terms defined by the Legislation Act dictionary.

Clause 14 Exempt people, section 6(1)(f), note

This clause omits the note to section 6(1)(f) which refers to the definition of *public servant*. Instead, Clause 19 includes this definition in the new dictionary at the end of the regulation which lists terms defined by the Legislation Act dictionary.

Clause 15 Prescribed information to accompany licence application

This clause is consequential to clause 16 and omits the reference in section 7 to section 7A and substitutes a reference to section 9A.

Clause 16 Conditions for certain master licences

This clause relocates section 7A as section 9A so that when new provisions are inserted, they are logically located in the regulation according to subject matter.

Clause 17 Security Industry Regulation 2003, new sections 7A and 7B

This clause inserts section 7A to require applicants for an employee licence to provide documentary evidence of compliance with new section 21(1)(a)(ia) of the *Security Industry Act 2003* from an employee organisation. This allows the Commissioner for Fair Trading to be satisfied that the applicant has complied with the requirement in new section 21(1)(a)(ia) before issuing a licence.

The clause also inserts section 7B so that if a person has attended an information session provided by an employee organisation and received workplace information at the session, the organisation must give them a certificate to this effect.

Clause 18 New section 9B

Clause 18 prescribes the information provided by an employee organisation to an applicant as information in relation to workplace rights and responsibilities under laws in force in the territory that is relevant to people working in the security industry. The Clause also provides examples of the sort of workplace information that may be provided in an information session.

Clause 19 **New dictionary**

Clause 19 inserts a new dictionary and includes the terms: *commissioner for fair trading, police officer, public servant and security consultant*.