



ACT Department of Justice & Community Safety

Mr Brad Waugh
General Manager
Security Providers Association of Australia Limited
PO Box 8184
BAULKHAM HILLS NSW 2153



Dear Mr Waugh

Thank you for your letter of 2 February 2010 seeking clarification on behalf of your Association and its members in relation to the proposed legislative amendments to the *Security Industry Act 2003*. For ease of reference, I have answered your queries in the order set out in your letter.

I understand the Attorney General, Mr Simon Corbell MLA, currently intends to re-introduce the proposed amendments in the Legislative Assembly in March 2010. However, the amendments are not likely to commence until the necessary arrangements are in place to deliver the information sessions in a way that is easily accessible for applicants seeking a security licence.

It would not be compulsory for applicants to join any union to be eligible for certification. Compulsory unionism in Australia is unlawful under the Commonwealth *Fair Work Act 2009* (FWA).

For convenience, it is expected that the information/discussion sessions would be held at an easily accessible location for example in Fyshwick, near the Office of Regulatory Services, and last for approximately 45 minutes. Existing employee licence holders would not be required to attend a session until they need to renew their licence and would only need to attend a session once.

As you point out in your letter, workplace information is freely available and provided by trade unions Australia wide under the Fair Work Australia legislation and by the Commonwealth Fair Work Ombudsman. It is not clear, however, that security industry employees have full access to that information or whether information provided to them by employers is clear in relation to employees' rights.

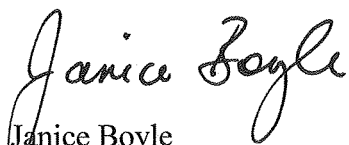
In an industry where workers usually only take short, 'crib' breaks and work in isolation from each another in other people's workplaces, the Government has been advised that there is little if any opportunity to ensure that adequate and specific workplace information in this area can be delivered to employees. In the circumstances, the Government proposes that an appropriate juncture at which to deliver this important information about security industry workers' rights and entitlements is at the point of their entry to the workforce.



As you note in your letter, these problems may well exist for security industry workers in other places and it may be that other State/Territory legislatures outside the ACT may decide to follow the ACT Government's initiative, once the legislation comes into effect.

I trust this information is of assistance. Please do not hesitate to contact me with any further queries you might have about this legislative proposal.

Yours sincerely



Janice Boyle
Senior Manager
Regulatory Policy Unit
Legislation & Policy Branch

25 February 2010



Security Providers Association of Australia Limited

2nd February 2010

Ms Janice Boyle
Department of Justice & Community Safety
GPO Box 158
Canberra ACT 2601

Dear Janice,

I refer to the letter of 19th January 2010 received from Joy Burch MLA on behalf of the Attorney General (copy attached) in relation to the proposed legislative changes to the Security Industry Act 2003.

I would like to raise the following points for clarification on behalf of our association and its members as advised by Ms Burch.

- When is the proposed legislation to be put to Parliament?
- When would this requirement commence if approved?
- Will it be compulsory for the applicant to join the union to be eligible for certification?
- Where are the proposed courses to be conducted and the duration of same?
- Are existing security licence holders obligated to follow the same procedure if this new legislation is introduced?
- Employee information is freely available from Fair Work Australia. What evidence do you have that there is a gap in provision of this information to security industry employees?
- If the new requirement reinforces existing Commonwealth law and practice, then why are no other State / Territory licensing regulators proposing such a requirement on licence applicants?

I look forward to your response in due course so that we may advise our members / business owners in the ACT as soon as possible.

Yours sincerely

Brad Waugh
General Manager

"Your secure association for the future"

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