

First print



New South Wales

Security Industry (Olympic and Paralympic Games) Bill 1999

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to enable the issue of a limited licence for security personnel for the purposes of the Olympic Games and Paralympic Games.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act, namely *Homebush Bay*, *Olympic Co-ordination Authority*, *Olympic venues and facilities* and *the Olympic Games*.

Part 2 Security Industry Act 1997

Clause 4 provides that the proposed Part is to be construed with and as if it formed part of the *Security Industry Act 1997*. The proposed Part therefore has effect as if it made unincorporable amendments to the *Security Industry Act 1997*. The clause also provides that, in the event of an inconsistency between the proposed Part and the *Security Industry Act 1997*, the proposed Part is to prevail to the extent of the inconsistency.

Clause 5 creates an additional class of licence under the *Security Industry Act 1997*, namely the Olympic security licence. An Olympic security licence authorises the licensee to carry on a limited range of security activities at Homebush Bay and at any Olympic venues and facilities during the 4-month period from 1 August 2000 to 30 November 2000.

Clause 6 specifies information and particulars, additional to that required under the *Security Industry Act 1997*, that are to be provided by an applicant for an Olympic security licence.

Clause 7 provides that the fee for an Olympic security licence is to be paid to and retained by the Security Resource Centre.

Clause 8 prevents the Commissioner of Police from granting an Olympic security licence unless the applicant has attained satisfactory competency standards and levels of accreditation. The clause also specifies other eligibility requirements and creates offences concerning the dishonest use of documents as evidence that a person has attained satisfactory competency standards and levels of accreditation.

Clause 9 provides that the term of an Olympic security licence is 4 months from 1 August 2000.

Clause 10 requires the holder of an Olympic security licence to wear the photo version of the licence when carrying on security activities.

Clause 11 enables the delegation of functions under the proposed Act by the Commissioner of Police to the Director, Commercial Security Directorate of the Olympic Security Command Centre.

Clause 12 provides that sections 16 (4) and (5), 24 and 29 of the *Security Industry Act 1997* do not apply in relation to an Olympic security licence.

Part 3 Security Industry Regulation 1998

Clause 13 provides that the proposed Part is to be construed with and as if it formed part of the *Security Industry Regulation 1998*. The proposed Part therefore has effect as if it made unincorporable amendments to the *Security Industry Regulation 1998*. The clause also provides that, in the event of an inconsistency between the proposed Part and the *Security Industry Regulation 1998*, the proposed Part is to prevail to the extent of the inconsistency.

Clause 14 provides for the making of applications for Olympic security licences.

Clause 15 requires a person to whom an Olympic security licence has been granted to notify the person who issued the licence immediately on becoming aware that the licence has been lost, stolen, destroyed, defaced or mutilated.

Clause 16 provides that clauses 15, 17 and 19 of the *Security Industry Regulation 1998* do not apply in relation to an Olympic security licence.

Part 4 Miscellaneous

Clause 17 provides for the enforcement of the provisions of the proposed Act.

Clause 18 enables the making of regulations for the purposes of the proposed Act.

Clause 19 provides that the proposed Act ceases to have effect on 1 December 2000.



New South Wales

Security Industry (Olympic and Paralympic Games) Bill 1999

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New South Wales

Security Industry (Olympic and Paralympic Games) Bill 1999

No. , 1999

A Bill for

An Act to enable the issue of a limited licence for security personnel for the Olympic Games and Paralympic Games; and for other purposes.

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Security Industry (Olympic and Paralympic Games) Act 1999*. 4
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2 Commencement 6

This Act commences on a day or days to be appointed by proclamation. 7
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3 Definitions 9

In this Act: 10

Homebush Bay means: 11

- (a) the land shown by distinctive colouring or marking on the drawing numbered HS-P-P-722 dated 1 November 1999 deposited in the office of Olympic Co-ordination Authority, and 12
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- (b) land that is vested in the State Sports Centre Trust constituted by the *State Sports Centre Trust Act 1984* and that is leased to the Olympic Co-ordination Authority. 15
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Olympic Co-ordination Authority means the Olympic Co-ordination Authority constituted by the *Olympic Co-ordination Authority Act 1995*. 18
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Olympic venues and facilities means venues and facilities that are required for hosting the Olympic Games, including the following: 21
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- (a) venues to conduct sporting events, 23
- (b) training facilities for competitors, 24
- (c) media centres and other communications facilities for the media, 25
26
- (d) residential accommodation for competitors, officials and members of the media, 27
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- (e) storage facilities for sporting, communication or other equipment, 29
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- (f) catering facilities for venues, training facilities, media centres and residential accommodation, 31
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|-----|--|----------------------------|
| (g) | helicopter landing facilities, | 1 |
| (h) | transport and other physical infrastructure associated with any of the above venues or facilities, | 2
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| (i) | any other development (within the meaning of the <i>Environmental Planning and Assessment Act 1979</i>) determined by the Director-General of the Olympic Co-ordination Authority to be required for, or as being associated with, the Olympic Games. | 4
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| | <i>the Olympic Games</i> means the Games of the XXVII Olympiad to be held principally in Sydney in the year 2000, and includes: | 9
10 |
| (a) | the Paralympic Games, being the games for athletes with a disability that are to be held principally in Sydney in the year 2000, and | 11
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13 |
| (b) | a test event, being an event conducted at a venue or facility at which Olympic Games and Paralympic Games sporting events are to be conducted before those Games are held in order to test the capacity and operational functions of the venue or facility to provide for those sporting events. | 14
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Part 2 Security Industry Act 1997	1
4 Relationship with Security Industry Act 1997	2
(1) This Part is to be construed with and as if it formed part of the <i>Security Industry Act 1997</i> .	3 4
(2) In the event of an inconsistency between this Part and the <i>Security Industry Act 1997</i> , this Part prevails to the extent of the inconsistency.	5 6
5 Olympic security licence	7
(1) In addition to the classes of licence specified in section 9 of the <i>Security Industry Act 1997</i> , a licence may be of the class of Olympic security licence.	8 9 10
(2) An Olympic security licence authorises the licensee to carry on security activities consisting of patrolling, protecting, watching or guarding property, and using security equipment, at:	11 12 13
(a) Homebush Bay, and	14
(b) any Olympic venues and facilities,	15
during the period from 1 August 2000 to 30 November 2000, inclusive.	16 17
6 Application for Olympic security licence	18
In addition to the provisions of section 14 (1) and (2) of the <i>Security Industry Act 1997</i> , an applicant for an Olympic security licence must:	19 20
(a) provide 2 written references from such class or classes of persons as are prescribed by the regulations under that Act for the purposes of section 14 (3) (b) of that Act to the effect that the applicant is a fit and proper person to work in the security industry, and	21 22 23 24 25
(b) provide such other information and particulars as the Commissioner may require in respect of the application.	26 27
7 Fee for Olympic security licence	28
The fee for an Olympic security licence is to be paid to and retained by the Security Resource Centre established by Australian Security Industry Association Limited.	29 30 31

8	Training requirements for Olympic security licences	1
(1)	The Commissioner must not grant an application for an Olympic security licence unless the applicant has attained, to the satisfaction of the Commissioner:	2
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		4
	(a) the approved competency standards, or	5
	(b) the approved level of accreditation,	6
	for the Olympic security licence training course.	7
(2)	A person is not eligible to undertake the training course if the person would be refused a security licence under the <i>Security Industry Act 1997</i> , subject to section 12 of the <i>Security Industry (Olympic and Paralympic Games) Act 1999</i> .	8
		9
		10
		11
(3)	A person:	12
	(a) who dishonestly obtains, or attempts to obtain, a certificate or any other document that purports to be evidence that the person has attained the approved competency standards or the approved level of accreditation referred to in subsection (1), or	13
		14
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		16
	(b) who:	17
	(i) is in possession of such a certificate or document, and	18
	(ii) uses it, or attempts to use it, for a dishonest purpose, or	19
	(c) who dishonestly issues such a certificate or document,	20
	is guilty of an offence.	21
	Maximum penalty (subsection (3)): 20 penalty units in the case of a corporation, or 5 penalty units in the case of an individual.	22
		23
9	Term of licence	24
	An Olympic security licence remains in force from 1 August 2000 for a period of 4 months, unless sooner surrendered or revoked or it otherwise ceases to be in force.	25
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		27
10	Licence to be worn by licensee	28
	The holder of an Olympic security licence must, at all times while carrying on a security activity, wear the form of the licence that contains a photograph of the licensee.	29
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	Maximum penalty: 40 penalty units.	32

Clause 11 Security Industry (Olympic and Paralympic Games) Bill 1999

Part 2 Security Industry Act 1997

11	Delegation by Commissioner	1
	For the purposes of section 43 (3) of the <i>Security Industry Act 1997</i> ,	2
	the Director, Commercial Security Directorate of the Olympic Security	3
	Command Centre is an authorised person in relation to any function of	4
	the Commissioner concerning an Olympic security licence.	5
12	Provisions of Security Industry Act 1997 not to apply	6
	Sections 16 (4) and (5), 24 and 29 of the <i>Security Industry Act 1997</i> do	7
	not apply in relation to an Olympic security licence.	8

Part 3 Security Industry Regulation 1998	1
13 Relationship with Security Industry Regulation 1998	2
(1) This Part is to be construed with and as if it formed part of the <i>Security Industry Regulation 1998</i> .	3 4
(2) In the event of an inconsistency between this Part and the <i>Security Industry Regulation 1998</i> , this Part prevails to the extent of the inconsistency.	5 6 7
14 Applications for Olympic security licences	8
(1) Despite clause 6 of the <i>Security Industry Regulation 1998</i> , in making an application for an Olympic security licence, the applicant is required to send the application by mail to the address specified for the purpose in the application form.	9 10 11 12
(2) For the purposes of section 14 (2) (a) of the <i>Security Industry Act 1997</i> , the prescribed fee to accompany an application for an Olympic security licence is \$50.	13 14 15
(3) For the purposes of section 14 (2) (b) of the <i>Security Industry Act 1997</i> , the following particulars are required in relation to an application for an Olympic security licence:	16 17 18
(a) the applicant's name and residential address,	19
(b) the applicant's date of birth,	20
(c) evidence of the relevant qualifications for the licence,	21
(d) authority to conduct a background check.	22
15 Lost, stolen or destroyed licence	23
A person to whom an Olympic security licence has been granted must, immediately on becoming aware that the licence has been lost, stolen, destroyed, defaced or mutilated, notify the person who granted the licence in writing of that occurrence.	24 25 26 27
16 Provisions of Security Industry Regulation 1998 not to apply	28
Clauses 15, 17 and 19 of the <i>Security Industry Regulation 1998</i> do not apply in relation to an Olympic security licence.	29 30

Part 4 Miscellaneous	1
17 Enforcement	2
For the avoidance of doubt, it is declared that:	3
(a) the provisions of Part 2 of this Act may be enforced in accordance with the provisions for the enforcement of the <i>Security Industry Act 1997</i> , and	4 5 6
(b) the provisions of Part 3 of this Act may be enforced in accordance with the provisions for the enforcement of the <i>Security Industry Regulation 1998</i> .	7 8 9
18 Regulations	10
The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	11 12 13 14
19 Expiry of Act	15
This Act ceases to have effect on 1 December 2000.	16