

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the Security Industry Act 1997 (the Principal Act):

(a) to provide for visitor permits to enable persons licensed or authorised in other States or Territories to carry on security activities to carry out security activities for special events in this State, and

(b) to exclude the application of section 12 of the Criminal Records Act 1991 in relation to licence applications to allow the Commissioner to take any spent conviction into account in determining whether a person should be granted a licence, and

(c) to require holders of class P1D licences to complete approved training provided by approved master licensees providing dog handling security services.

The Bill also makes related amendments to the Firearms Act 1996 and the Security Industry Regulation 2007.

Outline of provisions

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

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

Clause 3 is a formal provision that gives effect to the amendments to the Security Industry Act 1997 set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the Firearms Act 1996 and Security Industry Regulation 2007 set out in Schedule 2.

Clause 5 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the Interpretation Act 1987 provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendment of Security Industry Act

1997

Schedule 1 [8] inserts proposed Part 3A into the Principal Act to provide that a visitor permit authorises an interstate licensee to carry on security activities specified in the visitor permit during the period of a special event declared by the Commissioner. An interstate licensee must supply evidence that the licensee is authorised or licensed in another State or Territory to carry out the security activities specified in the visitor permit and any additional information required by the Commissioner. The Commissioner may refuse to grant a visitor permit where such evidence or information is not supplied to the Commissioner's satisfaction or if the Commissioner is satisfied that the applicant is not a fit and proper person or that the special event does not require provision of security activities of the kind specified in the application. Proposed section 39F makes it an offence for the holder of a visitor permit to contravene any condition of the visitor permit. Schedule 1 [1] inserts a definition of visitor permit. Schedule 1 [2], [3], [6], [7] and [9] make consequential amendments relating to the creation of visitor permits. Schedule 1 [10] inserts a regulation-making power in relation to visitor permits.

Schedule 1 [4] inserts proposed section 14 (6) into the Principal Act to exclude the application of section 12 of the Criminal Records Act 1991 in relation to applications for licences under the Principal Act to allow the Commissioner to take any spent conviction into account in determining whether a person should be granted a licence.

Schedule 1 [5] inserts proposed section 23D into the Principal Act to require holders of class P1D licences to complete approved training by an approved master licensee

providing dog handling security services.

Schedule 1 [11] enables the making of savings and transitional regulations consequential on the enactment of the proposed Act.

Schedule 1 [12] inserts savings and transitional provisions relating to the amendments made by Schedule 1 [4] and [5]. Holders of class P1D licences in force immediately before the commencement of proposed section 23D will be required to complete the relevant approved training within such period as the Commissioner

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determines. The exclusion of the application of section 12 of the Criminal Records Act 1991 will not apply to an application for a licence that was not finally determined before the commencement of proposed section 14 (6).

Schedule 2 Other amendments

Schedule 2.1 amends the Firearms Act 1996 to apply the Commissioner's power to revoke a firearms licence to a visitor permit that authorises the licensee to carry out security activities of a kind authorised by a P1F licence and to extend the right for police officers to inspect storage of firearms held by security guard employers to holders of a visitor permit authorised under the Principal Act to carry out security activities of a kind authorised by a master licence.

Schedule 2.2 [1] amends the Security Industry Regulation 2007 to exclude from obtaining a security licence those persons who have received a fine of \$500 or more, or a term of imprisonment, or both, for offences relating to prohibited plants or prohibited drugs within the meaning of the Drug Misuse and Trafficking Act 1985 or prescribed restricted substances within the meaning of the Poisons and Therapeutic Goods Regulation 2008. Schedule 2.2 [2] prescribes the fee and the information and particulars that must accompany an application for a visitor permit. Schedule 2.2 [3] inserts a transitional provision relating to the proposed exclusion in Schedule 2.2 [1].