SECURITY INDUSTRY AMENDMENT BILL 2008

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Bill introduced on motion by Ms Angela D'Amore, on behalf of Ms Kristina Keneally.

Agreement in Principle

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [10.15 a.m.]: I move:

That this bill be now agreed to in principle.

The Security Industry Amendment Bill seeks to make three specific amendments to current legislation governing the New South Wales security industry that are designed to align our law with national standards agreed to through the Council of Australian Governments [COAG] process. This will allow us to benefit in future from mutual recognition provisions. The bill also introduces new requirements for the dog handling sector of the security industry, which are aimed at ensuring that holders of provisional subclass 1D licences receive necessary training through accredited employers.

I turn first to the three changes proposed through this bill that will align New South Wales with the national standards agreed to through the COAG process. In short these are: To provide for visitor permits for the purpose of providing security activities for special events; exclude the application of section 12 of the Criminal Records Act 1991 in relation to applications for security licences to allow the Commissioner of Police to take any spent conviction into account in determining whether a person should be granted a licence; and amend the Security Industry Regulation 2007 to exclude from obtaining a security licence those persons who have received a fine of $500 or more, a term of imprisonment, or both, for drug offences under the Drug Misuse and Trafficking Act 1985 or prescribed restricted substances under the Poisons and Therapeutic Goods Regulation 2008.

It is pleasing to note that only minimal change was required in order for New South Wales to meet the national minimum standards agreed to by COAG. This is because we already had strong and effective legislative controls in place and, for the most part, other jurisdictions were following our lead. Through the passing of this bill we further enhance our effective regulation of the security industry and cut some unnecessary red tape.

The introduction of visitor permits for security licence holders from other States wishing to work on special events in New South Wales represents the Government responding to a need demonstrated by the industry. Currently, interstate firms wishing to work on special events in New South Wales, such as the Byron Bay Blues Festival or Asia-Pacific Economic Cooperation [APEC], must formally apply for a New South Wales security licence first. This requires full background checks to be undertaken, as well as photo ID to be produced, all of which takes time and resources and, often, licensees in such circumstances do not even bother collecting their plastic licences, instead just relying on a confirmation letter from the Security Industry Registry as proof of their licensed status. The new powers sought through this bill will streamline this process, enabling us to provide a special permit for firms operating within New South Wales for only a specific event or time.

The bill also contains a provision aimed at excluding the application of section 12 of the Criminal Records Act 1991 in relation to applications for security licences. Security licensees often operate in high-risk, high security environments. The community has a right to expect that these people will be thoroughly vetted during the licensing process. To do this the commissioner should have access to a person's entire criminal history, including spent convictions. Until now, the commissioner has not been afforded this power. Under the Criminal Records Act 1991 all convictions are capable of becoming spent, except convictions for which a prison sentence of more than six months has been imposed, convictions for sexual offences, convictions imposed against bodies corporate, and convictions prescribed by the regulations.

Pursuant to section 8 (2) of that Act, a conviction becomes spent if a person is found guilty of an offence without proceeding to a conviction. In cases such as these, the conviction is spent immediately after the finding has been made. This has caused problems in cases when an individual has been found guilty of a particular security industry offence but the magistrate has ruled that the finding should not proceed to a conviction. The individual's conviction is thus immediately considered spent and the commissioner is unable to take the conviction into consideration to revoke the individual's security licence. The individual therefore remains licensed.

Whilst the change proposed through this bill will not be retrospective, it will mean that in future all applications and renewals for security licences will have these new conditions applied. As members may be aware, licensees must undergo a full re-application process every one or five years under the Act. The third COAG-related

proposal introduced through this bill provides for an amendment to the Security Industry Regulation to exclude individuals from obtaining a security licence who have received a fine of $500 or more, or a term of imprisonment, for offences relating to prohibited plants or drugs or prescribed restricted substances under the Drug Misuse and Trafficking Act 1985 or the Poisons and Therapeutic Goods Regulation 2008. Again, this will not be applied retrospectively but will be a condition that any new licence applications or renewals will be required to meet in the future.

This bill also seeks to provide for an enhanced licensing and training regime for the provision of dog-handling security services. The intention is to ensure that holders of provisional subclass 1D licences under the Security Industry Act 1997—that is, trainee dog handlers—have access to competency-based training provided by accredited employers already established in the industry. The master licensees authorised to provide such training will need to be able to show that they have appropriate strategies in place to manage a range of factors, including the selection, training and kennelling of dogs to be used, and the use of force guidelines and guidelines determining the situations in which dogs will be deployed.

The application process for master licensees will also provide some flexibility. For example, firms opting not to use dogs in crowd control situations and only for patrolling would require a less rigorous training regime to be in place than would be the case for firms specialising in the use of dogs for crowd control situations. The changes proposed through the Security Industry Amendment Bill 2008 will further enhance the regulatory regime we have in place for the security industry in this State and will help to streamline existing processes. As highlighted, the changes proposed through the bill will also align New South Wales legislation with the agreed Council of Australian Governments' national minimum standards. I commend the bill to the House.