

Security Industry Amendment Bill 2017

Second Reading

The Hon. SCOTT FARLOW (12:29): On behalf of the Hon. Niall Blair: I move:

That this bill be read a second time.

I am pleased to introduce the Security Industry Amendment Bill 2017.

This bill is evidence of the Government's unflinching commitment to the strong and effective regulation of the New South Wales private security industry.

The provision of private security services is quite rightly considered a high-risk activity.

Security licensees are given access to firearms, to large quantities of cash, they often have access to commercially sensitive sites and information, as well as being routinely asked to maintain order in public areas and defuse potentially dangerous situations.

We ask a lot of our security firms.

Security industry licensees are providing vital services to communities right across New South Wales every day—in hospitals, pubs and clubs, banks, shopping centres and defence sites.

But, as a high-risk industry, we expect a lot too.

It is vital that the Commissioner of Police and his delegates, as industry regulator, are appropriately empowered and resourced to keep the industry honest and make sure holders of security licences are properly trained to do their job.

It is worth repeating: we rely on the NSW Police Force to weed out rogue operators and to maintain high standards of probity and training across this industry.

Accordingly, the bill before the House seeks to strengthen the Security Industry Act 1997 by making a series of small yet significant changes requested by the regulator: the NSW Police Force.

I will now outline these proposed amendments in greater detail.

Many pieces of New South Wales legislation dealing with industry regulation already contain a provision which serves to abrogate—or set aside—the common law privilege against self-incrimination.

An example is section 35 of the Gaming and Liquor Administration Act 2007.

The importance of such provisions is that they ensure that an industry participant cannot evade reasonable and necessary questioning and proper record keeping by the regulator by claiming the privilege.

Such a provision is considered an appropriate and necessary inclusion for the Security Industry Act and hence will be included via item 23 of this bill, if passed.

In addition, item 13 of the bill provides that the Commissioner of Police may, if satisfied that grounds may exist for revoking a licence, suspend the licence for a period of up to 60 days, with no requirement to provide the licensee with an opportunity to be heard.

The commissioner may by further notice extend the period of suspension for a further period of up to 60 days.

Such a change will ensure that police, as industry regulator, can better manage risks within the industry, for example, being able to immediately remove a crowd controller from their position where they have been charged with violent offences, but the charges have yet to be heard by a court. And being able to continue the suspension until the charges have been determined.

I am sure members will agree that public safety must be paramount in such situations.

Should a licensee wish to challenge the suspension of their licence they will, of course, still be able to seek a review by the NSW Civil and Administrative Tribunal [NCAT].

Item 18 of the bill strengthens current protections around the disclosure of information, criminal information or criminal intelligence used by the NSW Police Force in matters before NCAT.

This is important to ensure, for example, that a rogue licensee cannot use such proceedings as a backdoor way of gaining access to police criminal intelligence holdings, with all the threats to police human sources that entails.

The bill also makes a series of other small but important amendments to the Act, which will, if passed, strengthen the current regulatory scheme for the New South Wales security industry.

For example, the bill clarifies that the Commissioner of Police must refuse to renew a licence in circumstances where the Act would mandate refusal if the licence holder were applying for a new licence.

Finally, item 28 of the bill adds to the efficiency of court proceedings by providing that the Commissioner of Police may provide certificate evidence relating to the following matters:

- that a specified person was or was not...on a day or during a specified period, a person or organisation approved under section 27A of the Act; and
- that on a day or during a specified period, specified conditions were or were not imposed under section 27A with respect to the provision of training, assessment and instruction by a person or organisation approved under that section.

We have already done the heavy lifting in reforming the regulation of the security industry.

So while these changes are not major, they are important, in helping us to ensure the legislation remains effective in helping to maintain high probity and competency standards across the New South Wales private security industry.

I commend the bill to the House.