



Australian Institute of
Private Detectives

President: John Bracey [REDACTED]

Website: www.aipd.com.au
[REDACTED]

24/6/14

The Chair
Legal Affairs Committee
NSW Parliament
Macquarie Street
NSW 2000

Supplementary questions following hearing on 16 June 2014

Australian Institute of Private Detectives

1. Could you share your views on a proposal to allow licensed commercial agents and private inquiry agents to receive information about the location of debtors in matters that are before a court?
 - a. What controls would be required to ensure that personal information is used only for appropriate purposes, if such an arrangement was in place?

As contained in my previous 'Solutions' response. 'Controls' are denoted clearly via CoP under a National Scheme to ensure consistency across Australia. Requirement for all CA's and PIs to be 'Certified' and submit to the industry CoP. This allows for the 'control mechanisms' to be enforced where licensing fails completely. It also provides a fair 3-tier Dispute Resolution Scheme to ensure transparency and issue/complaints management. Every Certified Mercantile Agent/Private Investigator is issued with an Information Access Identity number and all applications for information come thru AIPD/(AFP) computer system.

Each application **must be supported** with the client information and purpose/s evidence before acceptance. Fees are paid on each application based on the 'purpose category'. All that is required effectively is that a simple alteration or an amendment to the CAPI Act, the noting that all private investigators and commercial agents must be issued with a National Practising Certificate issued through the Code of Practice for Private Investigators and Commercial Agents in Australia.

The Committee members NEED TO READ the CoP document.

Australian Institute of Private Detectives Ltd ABN 28 054 902 000

Vice President: Barry Sweet [REDACTED]

Secretary: Kurt Hippe [REDACTED]

Treasurer: Steven Stocks [REDACTED]

2. In evidence to the Committee, the Security Licensing and Enforcement Directorate of the NSW Police Force proposed transferring the oversight of commercial agents to NSW Fair Trading, while the Police Force retained regulation of private inquiry agents. Given that many commercial agents may also be licensed private inquiry agents, can you comment on the proposal?

As contained in my previous 'Solutions' response. This is simply a further demonstration of the same stupidity by the Police and evidence of their complete lack of understanding of the Commercial Agents and Private Investigation Industry. They are covered in one Act which is OK, but the Act needs changing to enable the industry to function and also one cannot be controlled by Police and the other by Fair Trading. It's like having solicitors licensed and governed by the Attorney General's department and barristers and Judges controlled & licenced by the Police Department.

Private Investigators also the prepare criminal defence briefs and they are in direct opposition to the police who prepare prosecution briefs, it will be noted that under the CAPI Act police have the authority without a search warrant to go through the offices of a private investigator or commercial agent during working hours to ascertain whether they are complying with the requirements of the Act.

Commercial Agents and Private investigation are INTERRELATED ACTIVITIES. Neither have ANYTHING to do with or anything in common with the Security Industry.

Regards,

John Bracey