



Invitation to comment

Proposed changes to regulation of security and investigation agents, and process servers.

Invitation to comment

The South Australian Government invites your comments on any of the matters raised in this package.

Submissions, comments and information are invited by **Thursday, 31 March, 2011**.

Submissions can be made by accessing www.ocba.sa.gov.au. Persons who are unable to submit comments electronically should contact the Office of Consumer Affairs by telephoning 08 8204 9686 for assistance.

Additional copies of this package can be downloaded from: www.ocba.sa.gov.au

The issues for discussion in this package do not necessarily reflect the views of the Attorney-General or the State Government. This paper has been prepared for discussion purposes only. Readers should not assume that any of the proposed changes will necessarily be made. The Government will decide on any changes only after considering submissions.

Please be aware that, unless a request for confidentiality is made, information contained in any submission may be referred to publicly or published on the website. It may also be disclosed to applicants under the Freedom of Information Act. Any material identified as 'confidential' is still subject to the Freedom of Information Act. However, you will be consulted before any decision is taken to release material identified in your submission as 'confidential'.

Invitation to comment

Changes to the *Security and Investigation Agents Act 1995* (SIA Act) are proposed to implement a July 2008 agreement of the Council of Australian Governments (or COAG, being the Prime Minister and first Ministers of each State and Territory).

The COAG Agreement

There has been significant growth in demand for private security services in the wake of security threats and incidents, overseas and in Australia, with the size of the private security industry in Australia now approaching that of the Police force. Industry personnel often have access to firearms, critical infrastructure and licensed premises.

In reaching an agreement that States and Territories would adopt a more nationally-consistent approach to regulation of the private security industry's guarding sector, Governments acknowledged the need to ensure that the probity, competence and skills of the industry's personnel meet agreed national standards.

COAG also responded to industry calls for improved mobility of licensees to better enable them to work in multiple States and Territories.

The national agreement focuses initially on the industry's guarding sector, and foreshadows future work in regard to the technical sector, enhanced mutual recognition arrangements and proposals for a possible national security industry licensing system.

While work on exploration of possible national licensing continues, State and Territory Governments have now started to adopt the agreed changes to harmonise their regulation of the industry's guarding and technical sectors. More consistent licensing requirements across jurisdictions will bring greater potential to improve mobility, through enhanced mutual recognition arrangements.

Proposed South Australian reforms

The reforms I intend introducing into Parliament this year will focus on increasing harmonisation, with the ultimate aim of greater mobility for South Australian licensees.

The proposed reforms are designed to assist in the transition to nationally consistent categories of security agents in the guarding sector.

The reforms will also further strengthen probity requirements for the security industry, by:

- including additional COAG agreed mandatory disqualifying offences; and
- bringing in licensing for security industry trainers, and approval for security industry training providers (in the guarding sector).

Requiring individual security trainers to meet the same probity requirements as licensed security agents aims to address national concerns that new entrants to the industry could be at risk of exposure to inappropriate trainers.

It is also proposed to keep eligibility criteria for investigation agents and process servers in line with those for security agents.

The remaining COAG-agreed reforms, including introduction of provisional (or trainee) and temporary (or visitor's) security agents licences, are not intended to be introduced immediately. They are included here to invite feedback regarding their potential future implementation.

South Australia comes from a strong starting point. Several jurisdictions are bringing in mandatory fingerprinting for all licensed security agents – an initiative introduced by this Government from late 2005. In addition, consistent with the COAG agreement, South Australia already runs ongoing local criminal offence checks for licensed security agents.

Public consultation

To assist you in commenting on this proposal, I am releasing a copy of the draft Bill and a draft of the existing Act showing proposed changes. I am also providing a summary of the key changes proposed, and excerpts from the draft Regulations.

The Office of Consumer and Business Affairs will hold a consultation session regarding the proposals in March 2011. For further details (including how to lodge a response) please go to: www.ocba.sa.gov.au

Following consideration of comments received, I intend to introduce the Bill into Parliament during the first half of 2011. In the meantime I invite comment from all interested parties. To ensure your submission can be taken into account in finalising the Bill, please respond by the **closing date for consultation of 31 March 2011**.

John Rau
Attorney-General
3 March 2011

Please note that the attached drafts are provided for comment only and are subject to change as a result of consultation