

2010

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Security Industry Amendment Bill 2010

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(Attorney-General)

Security Industry Amendment Bill 2010

A Bill for

An Act to amend the *Security Industry Act 2003*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Security Industry Amendment Act 2010*.

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written
6 notice.

7 *Note 1* The naming and commencement provisions automatically commence on
8 the notification day (see Legislation Act, s 75 (1)).

9 *Note 2* A single day or time may be fixed, or different days or times may be
10 fixed, for the commencement of different provisions (see Legislation
11 Act, s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the
13 notification day, it automatically commences on the first day after that
14 period (see Legislation Act, s 79).

1 Part 2 Security Industry Act 2003

2 3 Legislation amended—pt 2

3 This part amends the *Security Industry Act 2003*.

4 4 General suitability criteria 5 New section 21 (1) (a) (ia)

6 *insert*

7 (ia) for an application for an employee licence to do 1 or more of
8 the things mentioned in section 13 (1) (a), (b) or (d)—an
9 employee organisation has given the applicant the information
10 prescribed by regulation in relation to workplace rights and
11 responsibilities (*workplace information*); and

12 5 New section 21A

13 *insert*

14 21A Review of workplace information criterion

- 15 (1) The Minister must review the operation of section 21 (1) (a) (ia),
16 and present a report of the review to the Legislative Assembly, as
17 soon as practicable after the end of its 1st year of operation.
- 18 (2) This section expires 2 years after the day it commences.

19 6 Regulation-making power 20 New section 52 (2) (f) (ia)

21 *insert*

22 (ia) the giving of workplace information;

1 **7 Dictionary, note 2**

2 *insert*

- 3 • commissioner for fair trading

4 **8 Dictionary, new definition of *employee organisation***

5 *insert*

6 *employee organisation* means an organisation of employees
7 registered under the *Fair Work (Registered Organisations) Act 2009*
8 (Cwlth).

9 *Note* A reference to a law (including a Cwlth Act) includes a reference to the
10 Act as originally made and as amended (see Legislation Act, s 102).

11 **9 Dictionary, new definition of *workplace information***

12 *insert*

13 *workplace information*—see section 21 (1) (a) (iia).

1 **Part 3** **Security Industry Regulation**
2 **2003**

3 **10** **Legislation amended—pt 3**

4 This part amends the *Security Industry Regulation 2003*.

5 **11** **New section 2**

6 *insert*

7 **2** **Dictionary**

8 The dictionary at the end of this regulation is part of this regulation.

9 *Note 1* The dictionary at the end of this regulation defines certain terms used in
10 this regulation.

11 *Note 2* A definition in the dictionary applies to the entire regulation unless the
12 definition, or another provision of the regulation, provides otherwise or
13 the contrary intention otherwise appears (see Legislation Act, s 155 and
14 s 156 (1)).

15 **12** **Prescribed security activity—Act, s 7 (1) (e)**
16 **Section 4 (2)**

17 *omit*

18 **13** **Exempt people—Act, s 9**
19 **Section 6 (1) (b), note**

20 *omit*

21 **14** **Section 6 (1) (f), note**

22 *omit*

1 **15 Prescribed information to accompany licence**
2 **application—Act, s 17 (3)**
3 **Section 7**

4 *omit*
5 section 7A
6 *substitute*
7 section 9A

8 **16 Conditions for certain master licences—Act, s 21 (1) (a)**
9 **Section 7A**

10 *relocate in part 3 as section 9A*

11 **17 New sections 7A and 7B**

12 *insert*

13 **7A Information to accompany certain employee licence**
14 **applications—Act, s 17 (3) (b)**

15 An application for an employee licence to do 1 or more of the things
16 mentioned in the Act, section 13 (1) (a), (b) or (d) must be
17 accompanied by a certificate from an employee organisation stating
18 that the applicant has been given workplace information at an
19 information session provided by the organisation.

20 **7B Certificate from employee organisation**

21 If a person has been given workplace information at an information
22 session provided by an employee organisation, the organisation
23 must give the person a certificate to that effect.

1 **18 New section 9B**

2 *in part 3, insert*

3 **9B Workplace information—Act, s 21 (1) (a) (iia)**

4 Information in relation to workplace rights and responsibilities
5 under laws in force in the territory that is relevant to people working
6 in the security industry is prescribed.

7 **Examples**

- 8 • minimum wages and employment conditions
9 • employment agreements
10 • termination of employment agreements
11 • workplace safety

12 *Note* An example is part of the regulation, is not exhaustive and may extend,
13 but does not limit, the meaning of the provision in which it appears (see
14 Legislation Act, s 126 and s 132).

15 **19 New dictionary**

16 *insert*

17 **Dictionary**

18 (see s 2)

19 *Note 1* The Legislation Act contains definitions and other provisions relevant to
20 this regulation.

21 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 22 • chief officer (fire brigade)
23 • chief officer (rural fire service)
24 • commissioner for fair trading

- 1 • corrections officer
- 2 • person (see s 160)
- 3 • police officer
- 4 • public servant.

5 *Note 3* Terms used in this regulation have the same meaning that they have in
6 the *Security Industry Act 2003* (see Legislation Act, s 148). For
7 example, the following terms are defined in the *Security Industry*
8 *Act 2003*, dict:

- 9 • employee organisation
- 10 • licence
- 11 • licensee
- 12 • master licence (see s 12)
- 13 • security equipment (see s 8)
- 14 • trainer licence (see s 14)
- 15 • workplace information.

16 *security consultant*—see the Act, section 13 (2).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2010.

2 Notification

Notified under the Legislation Act on 2010.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
