



Australian Capital Territory

Security Industry Amendment Act 2010

A2010-33

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Australian Capital Territory

Security Industry Amendment Act 2010

A2010-33

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

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

Part 1 Preliminary

1 Name of Act

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

2 Commencement

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

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

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

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

Part 2 Security Industry Act 2003

3 Legislation amended—pt 2

This part amends the *Security Industry Act 2003*.

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

insert

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

5 New section 21A

insert

21A Review of workplace information criterion

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

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

insert

- (ia) the giving of workplace information;

7 Dictionary, note 2

insert

- commissioner for fair trading

8 Dictionary, new definition of *employee organisation*

insert

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

Note A reference to a law (including a Cwlth Act) includes a reference to the Act as originally made and as amended (see Legislation Act, s 102).

9 Dictionary, new definition of *workplace information*

insert

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

Part 3 Security Industry Regulation 2003

10 Legislation amended—pt 3

This part amends the *Security Industry Regulation 2003*.

11 New section 2

insert

2 Dictionary

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

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

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

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

omit

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

omit

14 Section 6 (1) (f), note

omit

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

omit

section 7A

substitute

section 9A

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

relocate in part 3 as section 9A

17 New sections 7A and 7B

insert

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

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

7B Certificate from employee organisation

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

18 New section 9B

in part 3, insert

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

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

Examples

- minimum wages and employment conditions
- employment agreements
- termination of employment agreements
- workplace safety

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

19 New dictionary

insert

Dictionary

(see s 2)

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

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

- chief officer (fire brigade)
- chief officer (rural fire service)
- commissioner for fair trading

- corrections officer
- person (see s 160)
- police officer
- public servant.

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

- employee organisation
- licence
- licensee
- master licence (see s 12)
- security equipment (see s 8)
- trainer licence (see s 14)
- workplace information.

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 24 June 2010.

2 Notification

Notified under the Legislation Act on 2 September 2010.

3 Republications of amended laws

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

I certify that the above is a true copy of the Security Industry Amendment Bill 2010, which was passed by the Legislative Assembly on 24 August 2010.

Acting Clerk of the Legislative Assembly

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