

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

INQUIRY INTO THE PROTECTION OF CROWDED PLACES FROM TERRORIST ACTS



**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 14 MARCH 2018**

SESSION ONE

Members

Mr P.A. Katsambanis (Chairman)
Mr M.J. Folkard (Deputy Chairman)
Mr Z.R.F. Kirkup
Mr A. Krsticevic
Mr D.T. Punch

Hearing commenced at 9.48 am

Mr MICHAEL DYER

President, Security Agents Institute of Western Australia, examined:

Mr RONALD ADAMS

Executive Officer, Security Agents Institute of Western Australia, examined:

The CHAIRMAN: On behalf of the committee, I would like to thank you for agreeing to appear today to provide evidence in relation to the inquiry into the protection of crowded places in Western Australia from terrorist acts. My name is Peter Katsambanis and I am Chairman of the Community Development and Justice Standing Committee. I would like to introduce the other members of the committee: the Deputy Chair is Mark Folkard, member for Burns Beach; Zak Kirkup, member for Dawesville; Don Punch, member for Bunbury; and Tony Krsticevic, member for Carine.

It is important that you understand that any deliberate misleading of this committee may be regarded as a contempt of Parliament. If during the course of the hearing you believe that some committee questions require answers containing sensitive or confidential information, you can request that the committee take that evidence in a closed session. You will need to explain briefly why you feel it is necessary to close the hearing. Should the committee accept your explanation, the committee will receive your evidence in closed session. Hansard will continue to make a transcript of the session, but the transcript will not be publicly available unless the committee or the Legislative Assembly resolves to authorise its release. If that is the case, we will have some further communication to ensure that you are comfortable with that. Your evidence is protected by parliamentary privilege. However, this privilege does not apply to anything you might say outside today's proceedings.

Before we begin our questions, do you have any questions about your attendance today?

The WITNESSES: No.

The CHAIRMAN: Do you have a brief opening statement you want to make?

The WITNESSES: No.

The CHAIRMAN: Thank you. As you know, we are conducting this inquiry into preparedness in case there are any incidents in crowded places. Obviously, the security industry—security agents and the companies that are members of your institute—is the frontline in many cases if we are to provide proper protection to the general public from any of the threats out there, be that terrorist threats or other threats that can happen in public places. As a committee we decided that it was worthwhile to have you at the hearings to find out from your members' perspective—often having a representative body like yourselves is easier than having individual members give us information about their individual concerns, because you would have a good overview of the industry. With that in mind, we know that you are regulated by a series of acts, including the Security and Related Activities (Control) Act 1996, have you identified any concerns, weaknesses or gaps in that regulatory structure that concerns the competency of security licence holders?

Mr DYER: Yes, I have. The act itself is fairly straightforward and easy to understand. The regulations that provide an interpretation of the act are also fairly clear. But it is the enforcement of both the act and the regulations by the regulators that is the problem. There is no regulation.

The CHAIRMAN: Can you expand on that? The regulator in this case is WA police.

Mr DYER: WA police is responsible for the vetting and the issuing of the licences for all security personnel. Once the applicant obtains his licence, he will then be subject to random checks every couple of years to ensure, in the case of an agent like myself—they will come and inspect our records—that all the people we employ are licensed personnel and are abiding by the regulations and the act. They do this on a regular basis because we are licensed; they know where we are. We are easy to find. What they do not do is go and inspect people who are working in our industry who are not licensed. If they are not licensed, it is usually because there is a problem. You cannot get a security licence in WA if you have a criminal conviction under 10 years old. If you get a criminal conviction whilst you are the holder of a security licence, you may well lose that license, even if it is a spent conviction. So, the people who we know are working in our industry who are not licensed are not being pulled up or prosecuted.

The CHAIRMAN: Is it an inspection and enforcement issue?

Mr DYER: That is what it is.

The CHAIRMAN: How is it that these people are able to work in your industry if they are unlicensed? What is the process that enables an unlicensed person to work as a security officer?

Mr DYER: There are a couple of ways. A good example is that a few years ago Bandyup Women's Prison was undergoing an upgrade for security—access control, CCTV—and the particular company that was actually performing the contract we knew that some of the technicians working there were not licensed. The company was licensed, the supervisors were licensed, but the actual technicians who were running around the prison doing the work were not licensed.

The CHAIRMAN: Under the act they ought to have been licensed; is that correct?

Mr DYER: They ought to have been licensed.

Mr ADAMS: They would have to be licensed.

Mr DYER: Performing a security task for remuneration, and under the act, they had to have a security installer's licence.

Mr Z.R.F. KIRKUP: Just to clarify, Michael, what work were they specifically undertaking? Was it security installation of CCTV and the like?

Mr DYER: The information that we had was that it was a security upgrade for the prison, which involved CCTV, access control and alarms.

Mr Z.R.F. KIRKUP: In that case, was the company engaged in that activity licensed?

Mr DYER: Yes.

Mr Z.R.F. KIRKUP: But the contractors—the staff—they used were not licensed?

Mr DYER: Some of them were not licensed, and that is a problem. As these people enter into secure premises, whether it is a police station, Parliament or a prison, they are not asked to show their security identification card. Some of them are only asked to show their driver's licence, so they can take down the details.

Mr Z.R.F. KIRKUP: To clarify further, would they usually be issued with a class 2 in that case? Is that what it is called? Is it a class 2 installer consultant licence?

Mr DYER: Yes.

Mr Z.R.F. KIRKUP: That is what they should have been issued with.

Mr DYER: They need the licence that is appropriate for the work that they are doing.

Mr Z.R.F. KIRKUP: In that case—this is what I am trying to understand—would that have been a class 2 installer consultant licence?

Mr DYER: Yes.

Mr D.T. PUNCH: Would you have any understanding of whether that was reflected in the contractual arrangements for the provision of the service—that those qualifications were required—and the supply was not compliant?

Mr DYER: I would assume that this job was put out to tender, as a lot of them are, and the company that was granted the tender would have told them that it would supply licensed personnel, because that would have been in the tender—that all contractors on site must be licensed. But because no-one checks to see whether they are licensed, it is a fairly easy one to get around.

Mr D.T. PUNCH: So, your view is that the lack of rigour in compliance testing is leading to sometimes —

Mr DYER: No, the lack of rigour of people entering a building to do the security work. The Claremont Police Station was in exactly the same boat. One of our members rang me—this was many years ago now—to say that he knew that some security work was being done at the Claremont Police Station, including the armoury, and that the technician onsite was not licensed. I rang the sergeant down at the police station and identified myself and told him, “I believe the technician that’s working on your security system right now has not got a security licence.” He said, “How do I know that?” I said, “Go and ask him to show it.” He went and asked him, and he said, “No, I haven’t got one”, so he showed him the door. The company sent down another technician. When that technician arrived on site, he was also asked by the sergeant, “Show me your security licence.” He did not have one either.

Mr D.T. PUNCH: So until that point the sergeant was relying on the undertakings of the company in meeting the contract and it was not until he actually tested that?

Mr DYER: Exactly. The third technician had one.

The CHAIRMAN: This is the sort of information that is extraordinarily useful for our inquiry, because we are here to look at how prepared we are and how we can improve the system. In your mind, who primarily ought to be the people who are checking this? Is it really the responsibility of the building owner to sit at the door and say, “Show me your security licence”, or is it the licensed company that is employing these unlicensed people?

Mr DYER: The company that is supplying the personnel to carry out the work would know whether their employees are licensed or not licensed. We know that some of these companies are quite happy to run the risk of not getting found out, because they are never checked.

Mr M.J. FOLKARD: Is there any consequence for those companies providing unlicensed personnel?

Mr DYER: Under the act, they can be fined.

Mr ADAMS: If they are prosecuted.

The CHAIRMAN: Is there any provision for them to lose their licensing?

Mr DYER: That is the prerogative of the licensing officer and the Commissioner of Police. I would expect that in the first breach, probably not. But if they were repeat offenders and known to be taking the short cut—the reason they do it is because the cost of a fully trained licensed technician is a lot more than an unlicensed technician’s assistant.

The CHAIRMAN: But you would not have an unlicensed electrician working in your roof.

Mr DYER: How would you know?

The CHAIRMAN: Exactly right. You ask them for their licence, don't you.

Mr DYER: Exactly.

The CHAIRMAN: I think your point is well made.

Mr M.J. FOLKARD: You are saying that the onus should be on the building where the service is being provided. My comment is that the whole idea of the act is that the actual providers of that service when they tender for a job, particularly on public works, part of that tender process is that they do have qualified people doing the actual work. Are you aware of any prosecutions in relation to this?

Mr DYER: Actually, you brought up a very good point about the electricians. We have been arguing this for over 20 years—I have been a licensed operative for 40-something years now and I have been in the Security Agents Institute for 36 years, and we have been battling with the licensing authorities to give us access to information about people in our industry, licensed or not, who have actually been prosecuted. The reason we want to know is that the electricians publish in the back of their information booklet, which they produce, the prosecutions that Western Power, and what used to be the SEC, would fine these electricians for breaches; in particular, for people who were working as electricians without a licence. Some of these fines were \$10 000 and \$12 000—they were huge—and everybody was able to see who they were and what the penalties were. These penalties were certainly a deterrent to people doing it. But no such information has been forthcoming, and it is not likely to be forthcoming from the licensing authority to help.

Mr M.J. FOLKARD: In plain language, there seems to be a lack of rigour in the enforcement of the act. Is that what you are saying?

Mr DYER: Yes.

The CHAIRMAN: We have spoken specifically about technicians going into buildings and doing installation work—quite sensitive buildings—so that is important. How does this then translate to the security officers, or the security personnel, at places like concerts and stadiums in relation to their licensing and compliance with licensing?

Mr DYER: Very easily. In fact, there are more breaches by security officers/crowd control workers than there are by technicians in CCTV and alarms. The other week I went to Optus Stadium to see the football and there were groups of police walking around and I probably identified about 30 separate security officers all with their lanyards and security identification badges around their necks. I also noticed about eight others who did not have a card around their neck. You have to ask yourself: what were these guys doing? They had walkie-talkies. They were performing what I would consider to be a security job. They were watching people and they were observing their surroundings, which is the function of a crowd controller, but they did not have security cards around their necks. They may have been supervisors, but the supervisors would have had to have been licensed also. Whenever you go to one of these events and you see people doing the directing and handling of the public within these venues without a security lanyard with a card in it around their neck, you have to ask yourself: are they licensed or not? The chances are they are not licensed. If they were, they would have their card there, because it is a requirement that they do. Why the police at the venue did not question any of these people, I do not know. Maybe they had some other information and they knew they were, maybe, management. But it is a red flag when you go to any one of these places, particularly nightclubs, and you see these people performing the function of a crowd controller and they do not have a security licence displayed—probably not licensed.

Mr A. KRSTICEVIC: Obviously, you indicated with the Claremont Police Station, where they did not even check. But, in your experience, how much checking do the police actually do to make sure that people have their licences? The impression I am getting is that if they are not even checking the

people who come into their own police stations, how much are they checking all the other areas where these people are?

Mr DYER: As I said, they have a list of all the security personnel, and there are thousands of us. There are plenty of people for them to go and check. But we are the ones who have already got the licence. All they are doing is checking to make sure that we are conforming with the conditions of our licence. The Security Agents Institute's point of view is that they should be out there finding out the people who are working in the industry without a licence.

Mr A. KRSTICEVIC: When you identified those situations to them, for example, with the Claremont Police Station, did they go and then take action against that firm?

Mr DYER: I doubt it. My information was that the first two technicians at the Claremont Police Station were just shown the door. They got in their cars and drove off, and the company sent down another technician. What I do find, Tony, is that a lot of police personnel are not aware of what the act or the regulations say in relation to security licensing. They just do not know it.

Mr A. KRSTICEVIC: Do you think on face value because they are wearing a uniform, they think they must be okay and they just become a little bit blasé about it.

Mr DYER: Of course they do. And that is what the public do as well.

Mr ADAMS: Can I just add that when the government department goes out to tender for a security service, they do not check if they are licensed or not. They get the lowest tender and they give them the job.

Mr M.J. FOLKARD: But in the tender documents surely there must be a standard that says state's limits.

Mr ADAMS: No.

Mr M.J. FOLKARD: So that is not in there?

Mr ADAMS: We have been fighting that for the last 20 years. Government agencies should have in there that they have to have a licence, they got to comply with superannuation, workers' compensation, all those issues, but they take the lowest tender all the time and companies go broke because they cannot compete when they get the tender. It is too low.

The CHAIRMAN: I think that is an issue that has been ventilated in a number of industries recently and you would imagine that if you are hiring someone who requires a licence that the licensing requirement would be one line and one tick of a box in an entire tender.

Mr ADAMS: We have had two of our members who run very large personnel companies from the previous government to this government tend to specifically point that situation out, but nothing happened. Government departments always say, "Take the lowest price; we have a budget problem here, take the lowest price".

The CHAIRMAN: We do have lots of licensed security officers —

Mr ADAMS: We have 11 000

The CHAIRMAN: — and crowd controllers, 11 000, in various classes. I note that, I think it was last year, Western Australia police introduced a pre-licence competency assessment. I think that is something that your industry body was calling for. Are you satisfied with that system and how that is operating?

[10.10 am]

Mr ADAMS: That system has been operating now for 12 months. There have been 2 000 officers go through that test, and I would say when we first started the failure rate was roughly about 60 per cent. It is now down to quite reasonable acceptable levels because the RTO is now getting information that they have to do genuine training for these people instead of just taking their money and giving them a certificate. That is working very well. We get about 50 a week through the competency testing program.

The CHAIRMAN: So prior to the competency testing, it was really a private matter between the RTO and the applicant.

Mr ADAMS: They were considered competent as soon as they were finished. They were issued with a certificate to say that they are competent in cert II but 50 per cent of them were not.

The CHAIRMAN: Are you satisfied now with the RTO training that is provided?

Mr ADAMS: It is getting a lot better. Through the industry training council and through the competency testing program, the training has picked up a lot. The quality of training now is getting quite good.

The CHAIRMAN: There are some licensed categories that do not have pre-testing requirements. Are you comfortable with that?

Mr ADAMS: They are installers mainly—installers electrically and installers of security windows, grills and all that sort of thing. I think they probably should go through as well.

Mr DYER: There are three main groups. There is the personnel, which are your guards, there is electronic, which takes care of your access control, your alarms, your CCTV, and then there is physical security—doors, locks, grills, safes et cetera. The electronic side of things, the market sorts out their competency fairly easily. There is a basic test that you are required to pass to get your licence and if you are technically half competent, you will get your licence and then you can learn further on the job. The market will ensure that you either make it or you will not make it. If you are no good, you go broke. But the damage that can be done by people working in the electronic side of things is immense and the buildings that they have access to are huge. Most buildings today have access by one of these things. You swipe this and the door opens. This is one of probably 2 000 cards that are available on a particular system. When the technician programs these codes for, say, Mark, Zack and Don, you each get a card with a number on it and it starts off at one and finishes up at 2 000. You may only have 100 people in the organisation so 100 cards are issued and through the life of that system, it will probably only ever get to 200 or 300 cards ever issued for a building. If a technician wants to program card 1 999, no-one is ever going to see it—no-one. It comes up on the computer, you can probably get 50 per screen and you are not going to flick through 50 unused cards, but there at number 1 999 is a spare card that has been programmed, and guess what, the technician has got it and he has probably given it to his mate or his buddy with a motorcycle or whatever. But that is how easy it is to do and then you have got access to Bandyup Women's Prison or Parliament House all because some technician was programming your cards and he was not licensed and nobody checked him.

The CHAIRMAN: That is really important.

Mr M.J. FOLKARD: I picked up on some of your comments earlier on about particularly government contracts. One of the aspects of this committee is that we are looking at parliamentary oversight. With government contracts, I am getting the impression that in the standard government contract, there is no reference to the security and unlicensed providers of services.

Mr ADAMS: Not to my knowledge. And I am bearing out two of the leading personnel people in the state. They said there is nothing in there either.

Mr M.J. FOLKARD: Would a fix to this even help you assist that, as part of the standard government contracts that are provided, provision in there to counter or cover-off on security aspects, licensed providers of services and the ability that every person attending that particular work site produces that documentation to validate who they are?

Mr ADAMS: Yes, absolutely, and also they are paying correct wages, they are paying their super. They have to pay workers' compensation because it is compulsory. They get away with not paying tax and super so they can get the contract.

Mr M.J. FOLKARD: So what you are saying is that at the moment as it currently stands, the tenders are going to the lowest common denominator?

Mr ADAMS: Usually, yes.

Mr M.J. FOLKARD: Usually, unless there is another reason for it. But the contracts are not covering-off on actual services provided.

Mr ADAMS: They are not doing their due diligence—that is what they are not doing.

The CHAIRMAN: No, and obviously taxation and superannuation collection are the jobs of the ATO, so they are a little bit beyond our scope but the point is still validly made that some organisations may choose to quote extremely low and get away with it because they are not complying with legal requirements, and then that sends the operators who operate within the legal sphere and do the right thing and pay their taxes and their superannuation, they are chased down in a race to the bottom and eventually end up going broke.

Mr ADAMS: Yes, and it has been going on for the last 30 or 40 years.

Mr D.T. PUNCH: Picking up on the theme of the tender briefs, can you provide us with examples of either tender briefs or contractual agreements that do not reflect the requirement for those licensing provisions?

Mr ADAMS: I will talk to one of our colleagues and see what I can find for you, yes.

The CHAIRMAN: We will take that as supplementary.

Mr D.T. PUNCH: My second question is: what is the general period that a licence is valid for?

Mr DYER: Three years.

Mr D.T. PUNCH: Is it an automatic renewal or there is a process of reapplication?

Mr DYER: You have hit the nail on the head! I was hoping that someone would ask this! It is the most frustrating system that you would ever want to be a part of. I have had probably three complaints in the last six months where the Western Australia police licensing division out in Sevenoaks Street sends out the renewal notices by post. If you do not renew your licence 30 days before it expires, you are out. You cannot renew it. So even if you have had a licence for 30 years, and you have got all your training, all your expertise, all your police passes if you do not renew that licence within the 30 days before it expires, it expires, and you then have to go and sit a course—or in my case I would have to sit a two-week course—and you cannot work in the meantime either and then go and pay another application fee of \$1 000 and go through the whole rigmarole of getting a licence reissued. I cannot renew it; it has to be reissued. This is not an uncommon thing to happen in our industry. I am also aware that some of the people who do not get their licence renewal, because it comes every three years, are unaware that they are working unlicensed. They are not doing this maliciously, they are just working unlicensed. However, there are some that say, "I'm not going to get caught, so I will just keep on working."

Mr D.T. PUNCH: So for those who apply within that time period, is it an automatic renewal? There is no rechecking?

Mr DYER: No, it is not automatic. You have to receive your renewal in the mail and then you can go to a post office and renew it. I think it is every three years that you have to put a new photograph in there as well, passport photographs. They already have your fingerprint, but we have to be fingerprinted as well. The office in Sevenoaks Street where the licensing division is situated also issues firearm licences. Now, I would consider a firearm licence would be more important than a security licence by the nature of what it is licensing. If you fail to renew your firearms licence, you can still go and pay for it over 30 days past the expiry date. It is an absolute nonsense, yet it is penalising people who, in a 24-hour period, are suddenly not eligible to work in their own industry simply because of a bureaucratic decision.

[10.20 am]

The CHAIRMAN: How would you fix that? I recognise that you said right at the start that they mail the notices out. Our previous inquiry was into the election that was held in 2017 and the issue of the lack of reliability of the Australian postal service is obviously impacting across many sectors in our society.

Mr ADAMS: And, Mr Chairman, they do not send reminders, by the way.

The CHAIRMAN: They do not send reminders?

Mr DYER: There is no reminder and you get one shot at it and if you miss it, you miss out.

The CHAIRMAN: How would you fix it? First of all, you would email as well as mail?

Mr DYER: The absurdity of all this is that the information that is on your licence application, they have your home number, they have got your work number, they have got your mobile number, they have got your email address, they have got your fingerprint and your photograph. There is no excuse not to be able to get in touch with you—absolutely none. It is done sheerly because it is bureaucratic nonsense.

Mr A. KRSTICEVIC: How many people every three years would drop out of the industry? You said some people —

Mr ADAMS: In what category?

Mr A. KRSTICEVIC: In terms of that licensing, you said —

Mr ADAMS: There is various licensing. Agents are probably not as regular, but officers, there is a turnover of about 4 000 or 5 000 a year.

Mr A. KRSTICEVIC: Are you talking about officers or the actual agencies?

Mr ADAMS: Agents.

The CHAIRMAN: Is it the same licensing period for officers and agencies?

Mr ADAMS: You can do one year or three years.

The CHAIRMAN: Okay. You choose one year or three years.

Mr A. KRSTICEVIC: So the agencies obviously should make extra effort to make sure they get the agencies but the officers may be —

Mr DYER: What a lot of companies now do, Tony, is the agent that owns the company that is going to get the tender to do whatever they are going to do—whether it is supplying personnel or supplying a technician to put in cameras—the company takes a register of all its employees and their licence and their expiry date. No company wants to have an unlicensed technician caught out

on site with an expired licence. The agents—it is not a requirement of any act or legislation, it is just good business practice to look after your technicians if they are not going to look after themselves. But the point is that if the system was a little bit easier, if they sent out even reminder notes or they got a phone call or they got an email, they have got all this. You can move house, but you are not going to move email address.

Mr D.T. PUNCH: Earlier you were saying that there were companies sending out unlicensed people. If they were doing that and engaging in that practice, they are not going to have much regard for whether someone has an expired licence, are they? So is not the obligation really on the industry and on the licence holder to manage their expiry date?

Mr DYER: In a perfect world, yes, but some companies are prepared to take shortcuts because it is cheaper.

Mr M.J. FOLKARD: If the figure was in the enforcement side of it, then you would not have those problems. It is clear to me that particularly in the installation side of the security industry, there is a gaping hole. I would be interested to get your comments about that. I am just questioning whether it is up to the police who should be enforcing it or whether it should be a civilian authority.

Mr DYER: We can have a company that does several things. They can provide lighting so it is an electrical service and that person probably has an electrician's licence. They have a second division that involves putting in bollards and boom gates. Actually, I think the bollards might have to be licensed. But the third division, which takes care of their security alarms, cameras and access control, that group of people would all have to have a security licence to be doing that particular function. If they are out on site and they need two more bodies, the company can send people from the other two divisions out to help them. Now they have not got a security licence, but if they go out and help them run the cables or move things around on site, they still have to be licensed and that is how you get people in the industry working for these companies that are not licensed. The company knows that they are not licensed to do the function.

Mr M.J. FOLKARD: There is no enforcement.

Mr DYER: There is no enforcement, so it will be okay.

Mr A. KRSTICEVIC: Why is there no enforcement?

Mr ADAMS: There is a lack of personnel from the police anyway. The police licensing is a very small unit, by the way, and is not very big.

Mr A. KRSTICEVIC: But this is a very important area.

Mr ADAMS: We have got about 11 000 licences out there and they are never, ever going to be able to go through 11 000 and check 11 000 licences. It would take years and years.

Mr DYER: The time at the moment by the enforcement officers, the compliance officer, I think the compliance officers have only been there for the last four or five years.

Mr ADAMS: Less than three years.

Mr DYER: The security agents industry has made a lot of noise about this to all the police ministers for the last 20 years. I had several meetings with Liza Harvey, Rob Johnson, and Michelle Roberts even when Michelle Roberts was in the previous government. It all centred around enforcement, enforcement, enforcement. There is no money in it.

The CHAIRMAN: We recognise that that is a serious issue. I think it has been a real focus of today. There is mutual recognition now of interstate security licensing. Through that have you identified any weaknesses or perhaps strengths of other places that we could emulate?

Mr ADAMS: Mutual recognition, even though it has been recognised, people coming from the eastern states to here still have to do a competency test so that is a circuit breaker, if you like, in the sense that they all do the cert II because it is a national program. If they do it in Sydney or Melbourne it is the same as they do it in Perth except locally we will have reference to the different legislation, for example, which will be different in every other state. They do the competency test to make sure that they are up to date with what is happening in WA. There is not a lot.

The CHAIRMAN: It is probably more relevant in the eastern states where there is more movement.

Mr ADAMS: Where you will get a lot coming over—if there is a big event, for example, and they need a lot of crowd controllers, they bring them over from the eastern states.

Mr DYER: They do. In some of these events, they might need 200 security personnel and locally they can only round up 150, so they will fly 50 over.

The CHAIRMAN: Sure.

Mr M.J. FOLKARD: In 2009 the Australian Crime Commission disclosed criminal infiltration of the security industry with the migration of security agents across borders et cetera. What are your thoughts on the impact locally of infiltration of criminals into our security industry through this?

Mr DYER: The level of training and the level of vetting for licence applications in Western Australia is now very high. I am completely satisfied with the training and quality of people now coming into our industry because of the work being done by the training council and WA police. They did an audit of all the RTOs and got rid of 40 per cent of them that were just doing lip-service and taking the money. Now the system ensures that the testing is done by an independent body so that the RTOs cannot fudge. We are happy with that now. Around about the same time, in 2009—actually, I think it was later than that, about 2015—Queensland came under attack from the security industry for their training, or lack of it, and production of security licenses for people that did not deserve them. It was pretty well known that if you wanted a security license, slip across the border to Queensland, get it and come back and under mutual recognition you can work in New South Wales. There was nothing to stop those people from then coming over to Western Australia, except we now have a set of competency tests. I feel that the quality that we have here in Western Australia is better than the other states.

Mr ADAMS: We have a very proactive training council, by the way—industry training council.

The CHAIRMAN: Sorry, I missed that.

Mr ADAMS: Proactive training council. Just to let you know, that competency test has been in now for 12 months. Both New South Wales and Victoria are looking at doing the same thing. It has been very successful.

The CHAIRMAN: Can I ask you a question: I have had people come to me and say this is happening. I have no evidence that it is other than the hearsay of these people. Is there any evidence that people are passing around their licenses?

[10.30 am]

Mr ADAMS: They would have before the competency test. You would have people who are going to the RTO who would have a brother. They would do the course and the brother would go and get the license. This was happening quite a bit.

The CHAIRMAN: Sure, but irrespective of that, can the brother not hand his —

Mr ADAMS: Yes, and they have been doing that. With the competency test now, they cannot get a license—when the competency tests comes up, that person is photographed and everything else. The person goes down the police station. Everything has to line up before they get a license.

The CHAIRMAN: I think we are talking about two slightly different ways of rorting the system.

Mr ADAMS: We do not have any evidence of people —

The CHAIRMAN: I am thinking of the situation where I have a security license. I give my card to Tony and Tony rolls up to do the job and he has never done a course and never been licensed.

Mr ADAMS: I doubt that very much. It may occur every now and then but it is not a general issue, I do not think.

Mr M.J. FOLKARD: We would not know because there is no vigour in the enforcement.

Mr ADAMS: That is what I said before. If you are trying to enforce 11 000 security officers, it is just impossible.

Mr DYER: That is probably why it does not happen that often. They are not going to check the people that are licensed. They are not going to check the people that are not licensed. So the chances of getting caught with someone else's card—well, why bother?

Mr ADAMS: It is not a big issue for us. There are bigger issues that are out there than that sort of issue.

The CHAIRMAN: If I hire one of your member companies to provide crowd control at an event and WA police or some other competent authority come around and find that five of the 50 crowd controllers are unlicensed, obviously there would be repercussions for the crowd controller and repercussions for the security firm. Are there any repercussions for the people who contracted the security firm?

Mr ADAMS: No.

Mr M.J. FOLKARD: Should there be?

Mr ADAMS: Well, probably. That is one of the things that we are saying about the tendering system. They get away with it. They do the tender, employ the people, but there is no comeback on them that they have deployed somebody without a license. There should be.

Mr D.T. PUNCH: Do you have an institute code of conduct for your members?

Mr ADAMS: We do.

Mr D.T. PUNCH: How do you enforce that?

Mr ADAMS: We have a rigorous complaints system, which is directed by our code of conduct so that if any of our members breach that code, they come through a complaints system where there is a whole process in place where they will deal with a consumer and a member. If the member is at fault, that member will either have to pay the client back or they will have some suspension or whatever it may be.

Mr D.T. PUNCH: And that is on an agreed basis? It is not enforceable?

Mr ADAMS: When they join the institute, that is what they agree to.

The CHAIRMAN: So you offer a mediation service of sorts?

Mr ADAMS: Yes, correct.

Mr A. KRSTICEVIC: You are just saying that the person taking out the contract you think should also be included in the penalties. But if I come to you and you are registered agent and I get you to sign

a contract to say you have met all the obligations, why would I be penalised when I have had you sign a contract? You are actually registered and then you go and do the wrong thing five levels down the supply chain.

Mr DYER: I can make this a little bit clearer, going back to what the Chairman was saying. I need 200 crowd control officers. In my company I only employ 25. They go around and do alarm patrols and static work and things like that. I only have 25 employees and I have suddenly won a tender for 200 of them. I only need them for three days for an event. I know that you have a guard company and you have 50 guards and so does Don and Zak. So there is 50, 50, 50 and I have 25. All I need is another 25 and I can fulfil the contract. You tell me that I have 50 licensed security guards and you can have them for the three days. I do not ask you as the primary agent to send me a list of all their names and addresses and their security licenses. I take your word for it. This is what the industry is currently doing. They are taking your word for it. It is the same with the other companies. On the day we get 200 security guards roll up, no-one has the time to go and check individual licenses and they do not do it anyway. Why bother? There is no consequence. So who cares? We have the contract. Get on, make the money and get out. This is exactly what they are doing. You might be supplying me 50 guards, 30 of who are unlicensed. You are only paying them five bucks an hour or 10 bucks an hour but I am paying you \$25 an hour.

Mr A. KRSTICEVIC: The concern for me here is that within our security structure with terrorism and looking after all our facilities, our security guards are one of the main points of —

Mr ADAMS: They will be the first responder.

Mr A. KRSTICEVIC: That is the first line of respondents and also the ones that need to be aware of what is going on and need to have the training and experience. What you are saying is that they do not in some cases, nobody seems to care and nobody is looking after it properly.

Mr DYER: You brought up another very good point. At the moment there is no terrorism training for any security guards.

Mr ADAMS: They have half a day.

Mr A. KRSTICEVIC: Half a day.

The CHAIRMAN: That is half a day of a two-day course, is it?

Mr ADAMS: They usually have a week. I think it is a week. For half a day they brush on what terrorism is. We are talking about cert 2 and it is not a very in-depth issue about terrorism.

The CHAIRMAN: As much as they ought to get training on terrorism, I think it is more responding to incidents. They are great at checking bags. I am thinking of the arena or Optus Stadium. They are great at checking bags and making sure everyone is going in the right spot and stopping any fights. But if there is a major incident, are they involved in the training?

Mr ADAMS: Just remember, these people get paid \$20 an hour.

The CHAIRMAN: I understand.

Mr ADAMS: So you are not going to get Einstein who is going to come along and understand what terrorism is all about, and nor would they care. They are doing a job and that is all they want to do—get the 20 bucks an hour and get out of there. Their training is inadequate. The salary is inadequate. The industry probably got the blame for that because it always goes down to the lowest common denominator when you are putting in tenders. We have been trying to control that over the last few years. We should have an industry standard that says these people will be paid this amount of money. It does not matter where they are or what they are doing; they should get this rate. No, they do not get trained well and they do not get looked after very well. There is a turnover continuously.

There will be 3 000 licenses issued this year and another 3 000 next year and another 3 000 a year after as it goes on and on.

Mr A. KRSTICEVIC: Can I just ask who these people are? Who are these people? Are they mainly Australian citizens? Are they here on student visas? Are they non-residents?

Mr ADAMS: They are mainly from overseas and they are going to be the breadwinner and it is the only job they can get. The industry needs people so there is a market for people to get a job. It is basically a job.

Mr A. KRSTICEVIC: Are they citizens—Australian citizens? Do they have to be Australian citizens to be —

Mr ADAMS: No. Some of them are.

Mr A. KRSTICEVIC: So they are just maybe on a student visa or some work visa?

Mr ADAMS: Student visa, work visa—whatever.

Mr A. KRSTICEVIC: So they are employed to look after our security here in Western Australia for our major infrastructure?

Mr ADAMS: Yes. Some of the buildings are worth billions of dollars and here we are with the person there for 20 bucks an hour.

Mr A. KRSTICEVIC: From overseas.

Mr M.J. FOLKARD: Do you as an industry have a standard contract that covers off on these particular inadequacies that you have brought to our attention this morning?

Mr ADAMS: As an institute we do not. Each company would have their own contracts because they are commercial in confidence. They all have their own ways they do tenders and their own ways they do contracts. As an industry we do not have a standard contract.

The CHAIRMAN: Often in some larger tenders, your members are the “takers” of the contract rather than the makers of the contract.

Mr ADAMS: Of course.

The CHAIRMAN: That is understandable in some instances.

Mr D.T. PUNCH: I have a very quick question. In the employment of overseas students on student visas, for example, are you confident in the screening measures that are used in the licensing process for that?

Mr ADAMS: In the licensing process, yes, but entry into the RTO? No. There are two things. They enter the RTO to do their training. They do their training and come and do a competency test and they go and get a license. The licensing is very rigorous and so is the competency test, but the RTO entry is show me your money and you are in.

Mr D.T. PUNCH: Does the licensing include checking overseas criminal convictions, for example?

Mr ADAMS: The licencing will, yes.

Mr DYER: That is the police function and we assume that they do that.

Mr ADAMS: Sorry, I know we are running out of time. I just want to raise a point. The other day I got a call from a gentleman who had just went and done his cert 2. He went to an RTO and spent whatever it was—\$1 000—come and done his competency test and spent another \$60. He went down to licensing and could not get a license because he had a spent conviction. The RTO should

have done that up-front: have you got any convictions that would not allow you to do this course? Take the money, do the course, move on.

The CHAIRMAN: The last five years and RTOs right across Australia have not been a pretty picture, have they?

Mr ADAMS: It is getting better, may I say.

The CHAIRMAN: I am interested in the licensing. If you have someone from overseas or someone who has spent significant time overseas, if they were to apply for an Australian visa any place that they have spent more than six months in, they would be required to produce a police certificate from that country. Is that level of rigor applied in the consideration of licensing or are we leaving that —

[10.40 am]

Mr ADAMS: Absolutely. I have no problems with police licensing, only enforcement.

The CHAIRMAN: We could carry on for a long time but unfortunately we are time-limited. If we have any other questions of you or issues, you have been very helpful so far —

Mr ADAMS: Mr Chairman, can I leave you with a document that the security industry and the police did some 14 years ago? It was all about terrorism and crowd control and all that sort of stuff.

The CHAIRMAN: Now you are going to lead me to one more question. You did that 14 years ago. Has it been updated since then?

Mr ADAMS: A lot of things we do with the police—as soon as somebody leaves the police force it is dropped. It is gone and finished.

The CHAIRMAN: Can we consider that as a submission to the inquiry—or document presented to the inquiry?

Mr ADAMS: Of course. It is just that it would be interesting reading for your committee.

The CHAIRMAN: It will be. Thank you very much.

Thank you for your evidence before the committee today. A transcript of the hearing will be forwarded to you for the correction of minor errors. Any corrections must be made on the transcript and returned within 10 days. If you have not returned it in that period, we will just consider that you think it is fine to go. You cannot use the correction process to add different material or alter the nature of your evidence, but if you want to provide additional information whilst the inquiry is going on, we are always here and always really welcome to receive it. I thank you for your evidence and time today.

Hearing concluded at 10.42 am
