

ISSUE 2

JAN 25

# TRACERS.AU

## MAGAZINE

WHERE EXPERTS  
CONNECT



NIIC 2025  
GOLD COAST  
**EMPOWERING**  
PROFESSIONALS

THE NEXT BIG  
MOVES IN  
**INVESTIGATIONS**

**NEW  
TOOLS  
IN 2025**

**SHAM  
CONTRACTS:**

"Are you a business owner or just an employee in disguise? Beware of sham contracts that strip you of your rights."

TRACERS.AU: TOOLS FOR THE PROS

Monday, 27 January 2025

# news letter.

**WELCOME TO  
2025: EXCITING  
UPDATES FROM  
TRACERS.AU**

As we step into 2025, we're thrilled to bring you some exciting news and updates for the year ahead! From the much-anticipated NIIC Conference to new tools and subscription changes on Tracers.au, there's a lot to look forward to.

## **NIIC 2025: TICKETS NOW AVAILABLE**

The National Intelligence & Investigation Conference (NIIC) is on for 2025. This year, the conference will be held on the Sea World Resort on the beautiful Gold Coast on 23rd May. Tickets are now available, so don't miss your chance to secure a spot at this industry-leading event.

NIIC is designed for professionals in investigations, skip tracing, debt collection, repossession, insurance, and OSINT, offering actionable insights and practical tools to elevate your skills and business. Get ready to network, learn, and grow in an inspiring environment.



**VISIT [NIIC.COM.AU](https://niic.com.au)  
TO SECURE YOUR  
PLACE TODAY!**

# NEW TOOLS

Tracers.au continues to evolve with new features designed to support professionals in investigations, debt collection, and beyond.

## 01 WEBSITE REPORT »»» GENERATOR:

This tool extracts all the links, image links, and text content from any input website and compiles them into a PDF report. Perfect for investigations, compliance reviews, or research, it simplifies the process of analyzing web content.

## 02 PAYMENT PLAN »»» CALCULATOR:

Designed for debt collectors, this tool helps set up installment plans by calculating payment schedules, due dates, and expected completion dates. It also includes options for catch-up payments, making it easier to manage payment arrangements with clients.

These tools are just the beginning of what we're planning for Tracers.au this year, so stay tuned for more updates!

# TRACERS.AU: TOOLS FOR THE PROS





# GROWTH INNOVATION SUCCESS!

## Tracers.au Subscription

### Certificate III in Investigative Services: Beta Testing Begins

We're excited to announce that the new **Certificate III in Investigative Services textbook** is now available for beta testing. This resource is designed to provide comprehensive, up-to-date training for anyone pursuing a career in investigative services. If you're interested in getting early access and providing feedback, reach out to us—your input will help shape the future of investigative education.

### Tracers.au Subscription Changes

We've made some significant changes to how access to Tracers.au works. Our focus remains on providing flexible, no-recurring-payment options to ensure you're only paying for what you need.

#### Here are the updated subscription options:

- **Free Access:** Available to anyone enrolled in one of our courses. This ensures students have the resources they need to succeed without additional costs.
- **Annual Subscription:** For those who prefer to avoid monthly invoices, the annual subscription provides convenient access for a full year. It also includes special features, such as upcoming additional training content and the option to enroll in a compliance course at no extra cost.
- **Monthly Subscription:** This option remains unchanged for users who prefer flexibility or only need access occasionally.

These new options make it easier than ever to access the tools and resources on Tracers.au while staying in control of your spending.



# SHAM CONTRACTS:

Are You a Business Owner or Just an Employee in Disguise?

## IN THE FIELD OF DEBT COLLECTION

and private investigations, many professionals operate as sole traders, valuing the autonomy and flexibility this structure provides. However, it's crucial to recognize the potential pitfalls, particularly when a client demands exclusivity. Such arrangements can blur the lines between independent contracting and employment, potentially leading to what's known as a "sham contract."

## UNDERSTANDING SHAM CONTRACTS

A sham contract arises when an employer misrepresents an employment relationship as an independent contracting arrangement.



This misclassification often aims to circumvent legal obligations such as minimum wages, superannuation, and leave entitlements.

Under the Fair Work Act 2009, it's unlawful to:

- Misrepresent an employment relationship as an independent contracting arrangement.

- Dismiss or threaten to dismiss an employee to re-engage them as an independent contractor.
- Make false statements to persuade or influence an employee to become an independent contractor.

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## AS A SOLE TRADER,

you're essentially running a business, which inherently involves managing risks. A fundamental strategy to mitigate risk is diversifying your client base. Relying solely on one client is precarious; if that client terminates the contract, you face immediate unemployment. Moreover, as a business owner, decisions regarding your clients, workflow, processes, and invoicing should rest with you. If a client restricts your ability to operate freely, it's imperative to question whether you're genuinely an independent contractor or functioning as an employee.

## EVALUATING PAYMENT STRUCTURES

Consider a scenario where a client offers \$40 per hour. It's essential to clarify what this rate encompasses:

- Does it include time spent on reports, travel, affidavits, and postage?
- Are superannuation and insurance contributions accounted for?



Many sole traders have discovered that after deducting expenses and accounting for unpaid tasks, their effective earnings are significantly reduced.

For instance, some agents found that their real earnings amounted to approximately \$10 per hour after all considerations. Being restricted from taking on other work exacerbates this issue, aligning the situation closely with the definition of a sham contract.

Engaging in sham contracting is a serious offense under the Fair Work Act 2009. Courts can impose substantial penalties for each contravention, including:

- \$18,780 for individuals
- \$93,900 for businesses with fewer than 15 employees
- \$469,500 for businesses with more than 15 employees

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NIIC 2025  
REGISTRATION  
NOW OPEN  
[www.niic.com.au](http://www.niic.com.au)



## Fair Work Ombudsman v. Grouped Property Services Pty Ltd

In 2017, Grouped Property Services Pty Ltd (GPS), a cleaning service provider, was penalized over \$440,000 for implementing a sham contracting scheme. GPS misclassified its cleaners as independent contractors, despite exercising significant control over their work, including directing tasks, supplying equipment, and prohibiting delegation. This misclassification led to substantial underpayments, and the Federal Court ordered GPS to compensate the affected workers accordingly.

## Fair Work Ombudsman v. Doll House Training Pty Ltd

For example, in July 2024, the Fair Work Ombudsman secured \$197,000 in penalties against Doll House Training Pty Ltd for engaging in sham contracting involving workers with disabilities. The company misclassified employees as independent contractors, depriving them of rightful entitlements.

## Fair Work Ombudsman v. Quest South Perth Holdings Pty Ltd

In 2015, the High Court ruled against Quest South Perth Holdings Pty Ltd for misrepresenting two housekeepers as independent contractors through a third-party labour hire company. Despite the change in designation, the workers continued performing the same duties under Quest's direction. The court found this arrangement to be a sham, violating section 357 of the Fair Work Act 2009.

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If you're a sole trader facing demands for exclusivity, it's crucial to assess whether your working arrangement aligns with that of an independent contractor or an employee. Misclassification can deprive you of essential entitlements and protections.

Should you suspect involvement in a sham contracting arrangement, resources are available to assist you such as the Fair Work Ombudsman free information helpline 13 13 94. SafeWork Australia, Small Business Commissioner and Industry associations.

While independent contracting offers flexibility, it's imperative that such arrangements are genuine and not a means to circumvent employment obligations. Sole traders should remain vigilant, informed, and proactive in ensuring their rights are protected, maintaining the true essence of running a business.

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# ONE COUNTRY, ONE LICENSE: A CASE FOR NATIONAL LICENSING IN AUSTRALIA

BY BRAD LYONS  
THINKEDU X TRACERS.AU

**Australia, a vast land with no international land borders, is home to just 26 million people. That's fewer than the populations of California or Texas in the United States, and far less than England, which has more than 56 million residents. Astonishingly, even single regions like Uttar Pradesh in India have nearly ten times Australia's population.**

Despite these figures, private investigators and field agents in Australia face the peculiar requirement of obtaining separate licenses for each state or territory in which they operate. This fragmented approach seems at odds with the practicalities of working in a country with a small population and uniform national identity.

If the work is fundamentally the same across the nation—whether you're in Sydney, Melbourne, or Brisbane—why is the licensing process so unnecessarily complicated?

Agents near state borders feel this burden acutely. Imagine a private investigator in Albury, New South Wales, who needs to follow a lead across the border into Wodonga, Victoria. Suddenly, they're confronted with the need for a separate license simply to cross an invisible line on a map. The same problem occurs in Coolangatta and Tweed Heads, two towns that are literally within walking distance of each other but require different licenses because one is in Queensland and the other in New South Wales.

The inconsistency is baffling. Agents perform the same tasks no matter where they are. Whether it's skip tracing, conducting surveillance, or serving legal documents, the skills and ethical standards are universal. There's no compelling reason why the licensing system should differ from state to state.

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## Precedents for National Licensing

We already have examples of national licensing across different sectors in Australia. If a person obtains a driver's license in Queensland, they can still legally drive anywhere in the country.

If a business is registered, it can trade across all states and territories without needing separate registrations. A marriage performed in one state is legally recognized in every other state.

The same logic should apply to the industry. National licensing isn't an impossible concept; it just requires government cooperation—something that should be a fundamental role of governance.

## How a National Licensing System Could Work

While there are many ways to implement national licensing, one possible model is:

- 1. State-Based Entry:** New entrants into the industry would first obtain a state-based license, valid for 12 months. This ensures that they gain foundational experience and operate within a regulated framework.
- 2. Transition to National Licensing:** After one year, a licensed agent would have the option to apply for a national license or selectively add individual states to their license. The ability to add services or expand a license already exists in most licensing systems, making this a natural extension of current procedures.
- 3. Revenue Sharing Among States:** One of the primary concerns for states is the revenue generated from licensing fees. A simple solution is that an agent applies for their license in the state where they reside, and that state collects the primary licensing fee. If the agent wants to expand their license to additional states, a fee (e.g., \$50 per additional state) would be collected by their home state and distributed accordingly. Example: If an agent based in Queensland applies for a national license and adds New South Wales, QLD Fair Trading would process the application and collect the revenue. A portion of this fee (e.g., \$50) would then be passed on to NSW licensing authorities.
- 4. A National Licensing Database:** A central system accessible by all states would track licensed agents, their approved jurisdictions, and any compliance issues. This would streamline the licensing process and ensure transparency across state lines.

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### Handling Complaints and Regulatory Oversight

A national licensing system would also address regulatory concerns. If an agent is based in Queensland, conducts business in New South Wales, and has a complaint lodged against them with SLED (Security Licensing & Enforcement Directorate), the complaint would be recorded in the national database. The agent's home state (Queensland in this case) would be responsible for investigating the complaint, using the information provided by NSW.

### Preventing Bad Operators from Gaming the System

A national system would make it easier to enforce industry bans and prevent bad actors from exploiting loopholes. Currently, if an agent is banned from operating in one state, they can sometimes move to another state and apply for a new license. With a national framework, a ban in one state would apply nationwide, ensuring that unethical operators cannot simply relocate to circumvent disciplinary action.

**"Agents should be able to operate wherever their cases take them without unnecessary bureaucratic obstacles."**

### Conclusion: The Need for Change

The current system is not just inconvenient—it's inefficient, costly, and outdated. Agents should be able to operate wherever their cases take them without unnecessary bureaucratic obstacles. A national licensing system would reduce red tape, lower costs, and ensure consistent professional standards across Australia.

Other countries have already embraced national licensing for similar industries. The United Kingdom and Canada have successfully unified licensing frameworks while accounting for regional differences. If they can do it, so can Australia.

While this may not be the perfect solution, it is just one possible solution and a starting point for discussion.

By discussing and reviewing alternative solutions, and by looking at how other countries like Canada and the UK have solved this problem, we can start to make a change for the better. So start the conversation, look at options, and weigh the benefits and downsides of a national license. There will be pros and cons to this, and we need to explore them all.

End of article

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## SPEAKERS LINEUP

### → Kate Jones Identisearch



Kate Jones is the Managing Director of Identisearch, a premier skip tracing firm in Australia. With over 20 years of industry experience,

Kate has witnessed significant changes in both strategies and technology. She brings expert knowledge in advanced tracing techniques, combined with a comprehensive understanding of Australian databases, privacy regulations, and industry guidelines

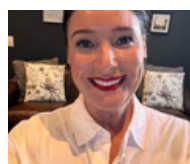
### → Brad Lyons Thinkedu



Brad Lyons is a respected consultant with deep experience in banking, finance, debt collection, and investigations.

Driven by a passion for innovation, Brad has developed a suite of essential tools and courses that have set the standard in the OSINT industry. His expertise in debt collection, investigations, and training has been instrumental in global cases, from missing persons to cyber investigations.

### → Casey Pyne



Casey Pyne is an Open Source Intelligence Investigator with over 15 years of experience in investigations specialising in

background checks and desktop investigations. She serves a diverse clientele including companies, small businesses, high net-worth individuals, insurance companies, schools, law enforcement, and lawyers.



## THE NATIONAL INTELLIGENCE & INVESTIGATION CONFERENCE: ELEVATING KNOWLEDGE, SKILLS, AND CONNECTIONS

The National Intelligence & Investigation Conference (NIIC) is not just another industry event—it's an opportunity to transform the way professionals in private investigations, government investigations, debt collection, field agency, repossession, insurance, and skip tracing work and connect. Whether you're a seasoned expert or looking to expand your skills in open-source intelligence (OSINT) and investigative techniques, NIIC offers something truly unique: practical, actionable knowledge you can implement immediately.

What makes NIIC stand out is its focus on delivering real value. Unlike many conferences where speakers promote their own services or products, NIIC prioritizes education. The goal is to ensure attendees walk away with tools, strategies, and insights that can immediately improve their work and businesses. This focus on learning was the driving force behind NIIC's creation.

For too long, industry professionals have attended conferences hoping to learn something new, only to be met with presentations that are more about sales pitches than education. While the topics might be interesting, the actionable information—the true value—is often withheld, with speakers encouraging attendees to hire them or buy their products instead. NIIC was designed to change this dynamic. Speakers are carefully selected not only for their expertise but for their commitment to sharing practical, useful knowledge during their sessions.

But NIIC isn't just about learning new skills; it's also about connecting with others. Networking at NIIC is different. It's not just about finding work; it's about building relationships, sharing experiences, and discovering opportunities. Connecting with like-minded professionals in the same industry can be invigorating. It's a chance to talk about shared challenges, gain fresh perspectives, and even find inspiration in the stories and successes of others.



## KEYNOTE SPEAKERS



### Nicholas Fisher



Nicholas joined Polonious as a systems configurator in 2017. He since completed many successful rollouts as well as building Polonious' marketing team.

Nicholas became CEO of Polonious when the founders retired in 2023. Nicholas holds a Bachelor of Commerce, and a Bachelor of Arts with Honours in Philosophy from the University of Western Australia.

Meeting people from diverse backgrounds in adjacent industries can lead to unexpected benefits. A private investigator might meet a field agent or a repossession agent and discover new ways to collaborate, expanding the services they can offer clients. For those considering a pivot to a different part of the industry, such as moving from debt collection to investigations or exploring the world of OSINT, these conversations can provide invaluable guidance. Simply chatting with someone who works in the area you're interested in could open doors you never expected.

NIIC's focus on actionable education and meaningful connections makes it a unique experience. The conference offers sessions on advanced OSINT techniques, ethical investigations, compliance with changing laws, and the latest technologies. The aim is to provide attendees with knowledge they can immediately apply to their work. And between sessions, over coffee breaks or evening events, some of the most valuable takeaways come from informal conversations with peers.

Attending NIIC is more than just professional development—it's a chance to join a community of skilled, driven individuals who are passionate about their work. The relationships you build at this conference can lead to collaborations, partnerships, and even new career opportunities.



### Kat Brownlie



As a Licensed Private Investigator with a strong background in I.T., software systems, and data analysis, Kat has a passion for justice and a knack for finding and verifying information.

With over 17 years of industry experience in Tech, Kat has witnessed significant changes in both strategies and technology. She brings expert knowledge in advanced tracing techniques, combined with a comprehensive understanding of Australian databases, privacy regulations, and industry guidelines.

NIIC represents a shift in how conferences should work, focusing on attendees' growth and success. It's an event where learning, connection, and inspiration come together to drive the industry forward.



### Richard James



RIVICA Investigations was built on the vast expertise and global investigative network of its founder, Richard. With over 34 years in both government and private investigations,

Richard is a trusted resource for governments worldwide in complex and high-stakes cases. Known internationally for his expertise, Richard is often the first call for governments, major corporations, and media organizations seeking assistance and specialized investigative skills.

NATIONAL INTELLIGENCE INVESTIGATION CONFERENCE

**SEA WORLD RESORT  
GOLD COAST, QLD**

**23TH MAY**  
 8AM - 4.30 PM

**REGISTRATIONS FEES**

**\$650 + GST**

- ☒ Access to all conference sessions and materials
- ☒ Complimentary tea and coffee breaks
- ☒ A delicious lunch provided during the event
- ☒ Exclusive Shark Bay tour (limited availability)

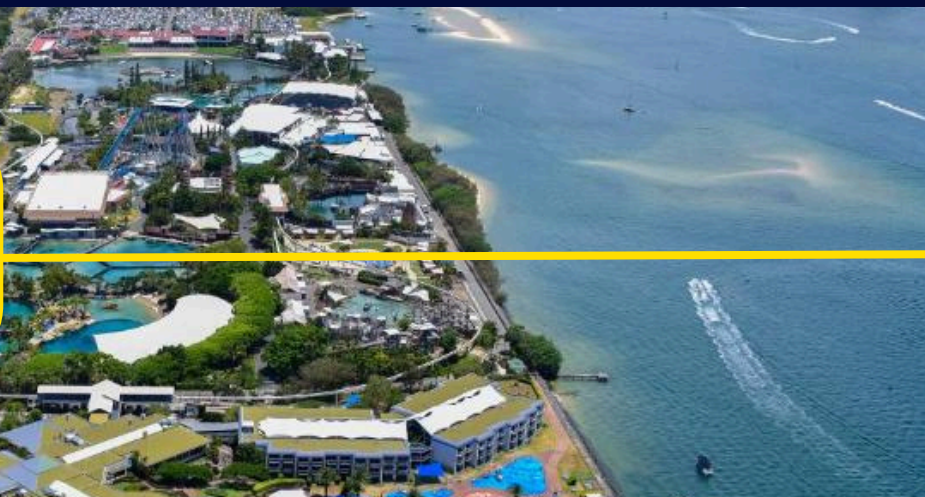
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NATIONAL  
INTELLIGENCE AND  
INVESTIGATION  
CONFERENCE



## Bring Your Family & Make it a Weekend Getaway

The NIIC Conference is not just about professional development – it's also an opportunity to enjoy a weekend with your loved ones in the beautiful Gold Coast! While you attend the conference, your family or partner can explore the many attractions the area has to offer.

## Complimentary Shark Bay Tour

All conference delegates are invited to enjoy a free Shark Bay tour before the conference starts. Explore Sea World's fascinating marine life and get an exclusive look at one of the most exciting attractions on the Gold Coast. Please note: Spaces are limited, so be sure to reserve your spot early!

## Special Delegate Discounts at Sea World Resort

Make your stay even more enjoyable with a **15% discount on accommodation** at Sea World Resort during the conference. This offers a great opportunity to stay in comfort and convenience, right next to the conference venue.

## Gala Dinner with Beverage Package for \$155 + GST

Enjoy a memorable a Dinner with a 4-hour beverage package, including **both non-alcoholic and alcoholic drinks**. It's a great way to unwind and network with other professionals in a relaxed setting.

## Unlimited Access to Iconic Theme Parks

As a delegate, you'll also receive special pricing for **unlimited access to Sea World for just \$35 per person**, or **upgrade to \$75 for unlimited access to Sea World, Movie World, and Wet'n'Wild Gold Coast** during your stay. Perfect for spending time with your family or partner after the conference!







**TRACERS  
AUSTRALIA**