

Queensland



Security Providers Act 1993

SECURITY PROVIDERS REGULATION 1995

**Reprinted as in force on 7 December 2001
(includes amendments up to SL No. 210 of 2001)**

Reprint No. 2C

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Information about this reprint

This regulation is reprinted as at 7 December 2001. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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SECURITY PROVIDERS REGULATION 1995

[as amended by all amendments that commenced on or before 7 December 2001]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Security Providers Regulation 1995*.

2 Definitions

In this regulation—

“**dual licence**” means a document combining a crowd controller’s licence and a security officer’s licence.

“**officer**” of a corporation has the meaning given by section 13(1)¹ of the Act.

“**registered business name**” means a business name registered under the *Business Names Act 1962*.

“**training course**” means a training course mentioned in section 11(2)² of the Act for a licence other than a security firm’s licence.

PART 2—LICENCES

3 Documents accompanying application

(1) An application for a licence must be accompanied by—

- (a) for a crowd controller’s licence, private investigator’s licence, security officer’s licence or dual licence—

1 Section 13 (Entitlement to licences—corporations or firms) of the Act

2 Section 11 (Entitlement to licences—individuals) of the Act

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- (i) 3 testimonials by reputable persons, about the applicant's character; and
- (ii) 2 recent passport-size photographs certified to be photographs of the applicant by a person who has known the applicant for at least 1 year; and
- (iii) a certified copy of, or extract from, the applicant's birth certificate, or other evidence satisfactory to the chief executive about the applicant's name and date and place of birth; and
- (iv) evidence satisfactory to the chief executive, of the applicant's successful completion of a training course; or
- (b) for an application by an individual for a security firm's licence—
 - (i) 3 testimonials by reputable persons, about the individual's character; and
 - (ii) a certified copy of, or extract from, the individual's birth certificate, or other evidence satisfactory to the chief executive about the individual's name and date and place of birth; or
- (c) for an application by a corporation or partnership for a security firm's licence—
 - (i) 3 testimonials by reputable persons, about the nominee's character; and
 - (ii) a certified copy of, or extract from, the nominee's birth certificate, or other evidence satisfactory to the chief executive about the nominee's name and date and place of birth.

(2) An application for renewal of a licence mentioned in subsection (1)(a) must be accompanied by 2 recent passport-size photographs certified to be photographs of the applicant by a person who has known the applicant for at least 1 year.

4 Evidence verifying application statements

The chief executive may require an applicant for a licence to produce evidence, satisfactory to the chief executive, to verify a statement made in the application, including—

- (a) if the applicant is a corporation—the name of each officer of the corporation; and
- (b) if the applicant is a partnership—the name of each partner in the partnership.

5 Security firm’s nominee

(1) If an applicant for a security firm’s licence is a corporation, the applicant must nominate an officer of the corporation to be the licensee’s nominee.

(2) If an applicant for a security firm’s licence is a partnership, the applicant must nominate a partner to be the licensee’s nominee.

(3) If a licence is granted on the application, the person nominated is taken to be the licensee’s nominee.

(4) If an applicant for a security firm’s licence is an individual, the applicant may not nominate a nominee.

6 Nominee’s duties

In the conduct of the business of a security firm by a corporation or partnership, the nominee must—

- (a) complete and sign for the corporation or partnership, all documents required under the Act; and
- (b) ensure the corporation or partnership complies with the requirements of the Act.

7 Dual licence

(1) If an individual applies, and satisfies the requirements, for both a crowd controller’s licence and a security officer’s licence, the chief executive may grant a dual licence.

(2) An individual applying for a dual licence is required to make only 1 application.

8 Security firm—licence in more than 1 name

If an applicant for a security firm’s licence proposes to carry on business under more than 1 name, the chief executive may state on the licence the

registered business names under which the applicant may carry on business.

9 Offence to carry on business in another name

An entity must not carry on the business of a security firm under a name other than a name stated on the security firm's licence granted to the entity.

Maximum penalty—20 penalty units.

10 Licence to contain licensee's photograph

The following licences must contain a recent photograph of the licensee—

- (a) a crowd controller's licence;
- (b) a private investigator's licence;
- (c) a security officer's licence;
- (d) a dual licence.

11 Partial refund of fees

The chief executive must refund a reasonable amount of a fee paid on an application for the grant or renewal of a licence if—

- (a) the chief executive refuses to grant or renew the licence; or
- (b) the applicant withdraws the application before the licence is granted or renewed.

12 Change to information about licensee

(1) A licensee must give the chief executive written notice of any change in the licensee's particulars within 7 days after the change.

Maximum penalty—10 penalty units.

(2) In this section—

“particulars” means—

- (a) for an individual—
 - (i) the individual's name; or

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- (ii) if the individual is carrying on the business of a security firm—the name under which the individual carries on business; or
 - (iii) the individual's postal address; or
 - (iv) the individual's residential address; or
 - (v) if the individual is carrying on the business of a security firm—each place of business of the individual; or
 - (vi) a charge against, or conviction of, the individual for a disqualifying offence; and
- (b) for a corporation or partnership—
- (i) the name of the corporation or partnership; or
 - (ii) the name under which the corporation or partnership carries on business; or
 - (iii) the postal address of the corporation or partnership; or
 - (iv) each place of business of the corporation or partnership; or
 - (v) the composition of the officers of the corporation or the partners in the partnership; or
 - (vi) a charge against, or conviction of, an officer of the corporation or a partner in the partnership for a disqualifying offence; or
 - (vii) a charge against, or conviction of, a corporation for a disqualifying offence.

PART 3—REGISTERS

Division 1—Registers to be kept by the chief executive

13 Register of security providers

- (1) The chief executive must keep a register of security providers.
- (2) The chief executive must note in the register—

- (a) the name of each person who holds a crowd controller's licence, private investigator's licence, security officer's licence or dual licence; and
- (b) the name, registered business name (if any) and place of business of each entity that holds a security firm's licence; and
- (c) any other information the chief executive considers necessary or desirable for the effective administration of the Act.

(3) The chief executive must keep the register open for inspection during business hours.

14 Change in particulars

The chief executive must note in the register of security providers—

- (a) information about a licence that—
 - (i) has expired or been suspended or cancelled; or
 - (ii) the chief executive has refused to renew or replace; and
- (b) any change in a licensee's particulars.

15 Register of training courses

(1) The chief executive must keep a register of training courses.

(2) The register must contain details of—

- (a) each training course approved by the chief executive; and
- (b) each training course for which the chief executive has revoked approval.

(3) The chief executive must keep the register open for inspection during business hours.

16 Chief executive's certificate

A certificate, purporting to be signed by the chief executive, about the contents of a register kept by the chief executive, is admissible as evidence of the matters stated in the certificate.

Division 2—Registers to be kept by others**17 Register of crowd controllers**

(1) An entity that, directly or indirectly, engages a person to carry out, for reward, the functions of a crowd controller at a public place, must keep a register of crowd controllers.

Maximum penalty—20 penalty units.

(2) The register must contain—

- (a) the crowd controller's name, residential address and licence number; and
- (b) if the crowd controller is employed by a security firm—the security firm's name and address; and
- (c) details of the crowd controller's identification prescribed under section 19;³ and
- (d) the date and time when the crowd controller starts each period of duty at the public place; and
- (e) the date and time when the crowd controller finishes each period of duty at the public place; and
- (f) details of each incident at the public place—
 - (i) in which a person is injured; or
 - (ii) requiring a person to be removed from the public place by the crowd controller.

(3) The entity must ensure—

- (a) the particulars mentioned in subsection (2)(a), (b), (c) and (d) are noted in the register, and the register signed by the crowd controller, before the crowd controller starts each period of duty; and
- (b) the particulars mentioned in subsection (2)(e) are noted in the register, and the register signed by the crowd controller, immediately after the crowd controller finishes the period of duty; and

3 Section 19 (Crowd controller's identification—Act, s 47)

- (c) the particulars mentioned in subsection (2)(f) are noted in the register as soon as practicable after the incident.

Maximum penalty—20 penalty units.

(4) The entity must allow the register to be inspected by—

- (a) the chief executive; and
- (b) an inspector; and
- (c) a police officer.

Maximum penalty—20 penalty units.

(5) The entity must not—

- (a) remove, or allow a person to remove, a page from the register; or
- (b) erase or obliterate an entry in the register; or
- (c) allow a person to erase or obliterate an entry in the register.

Maximum penalty—20 penalty units.

(6) The entity must keep the register for 7 years after the last entry was made in the register.

Maximum penalty—20 penalty units.

18 Security firm to keep register of security providers

(1) A security firm must keep a register of security providers employed by the security firm.

Maximum penalty—20 penalty units.

(2) The register must contain—

- (a) the name of each security provider; and
- (b) the licence number of each security provider; and
- (c) the expiry date of each security provider's licence; and
- (d) the date of commencement and, if applicable, termination of employment.

(3) The security firm must allow the register to be inspected by—

- (a) the chief executive; and
- (b) an inspector; and

(c) a police officer.

Maximum penalty—20 penalty units.

(4) The security firm must keep the register for 7 years after the last entry was made in the register.

Maximum penalty—20 penalty units.

PART 4—MISCELLANEOUS

19 Crowd controller’s identification—Act, s 47

(1) A crowd controller (other than a crowd controller who is acting only as a bodyguard) must wear identification, on the chest of the crowd controller’s clothing, that consists of—

- (a) a number no smaller than 3 cm in height and 4 mm in thickness; and
- (b) the word “SECURITY” in letters no smaller than 1 cm in height and 2 mm in thickness.

(2) The numbers and letters must be black on a white background.

(3) Each crowd controller at a public place must wear a different number.

19A Exemptions from holding licence—Act, s 54(2)(b)

The chief executive may approve that a crowd controller or security officer need not hold the appropriate licence for a specified activity, event or place, despite section 9⁴ of the Act.

20 Fees

The fees payable under the Act are in the schedule.

4 Section 9 (Requirement to be licensed) of the Act

SCHEDULE**FEES**

section 20

	\$
1. Application for crowd controller's licence	91.50
2. Renewal of crowd controller's licence.	91.50
3. Replacement of crowd controller's licence (including change of particulars)	20.30
4. Application for private investigator's licence	91.50
5. Renewal of private investigator's licence.	91.50
6. Replacement of private investigator's licence (including change of particulars)	20.30
7. Application for security officer's licence.	91.50
8. Renewal of security officer's licence.	91.50
9. Replacement of security officer's licence (including change of particulars)	20.30
10. Application for security firm's licence	459.00
11. Renewal of security firm's licence.	459.00
12. Replacement of security firm's licence (including change of particulars).	45.90
13. Application for dual licence.	115.00
14. Renewal of dual licence.	115.00
15. Replacement of dual licence (including change of particulars).	28.80
16. Inspection of a register established by the chief executive .	11.50
17. Copy of an entry in a register established by the chief executive	11.50
18. Certified copy of an entry in a register established by the chief executive	20.30
19. Application for approval by the chief executive of a training course—	

SCHEDULE (continued)

	\$
(a) if, since the commencement of the Act, the Vocational Education, Training and Employment Commission has recognised or accredited the course and registered the course provider	nil
(b) in any other case	858.00
20. Renewal of approval of a training course	113.00

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 7 December 2001. Future amendments of the Security Providers Regulation 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 67 of 1995	3 April 1995
1A	to SL No. 153 of 1996	19 July 1996
1B	to SL No. 173 of 1997	11 July 1997
2	to SL No. 173 of 1997	14 January 1998
2A	to SL No. 253 of 1998	22 October 1988
2B	to SL No. 161 of 2000	21 July 2000

5 List of legislation

Security Providers Regulation 1995 SL No. 25

made by the Governor in Council on 16 February 1995

notfd gaz 17 February 1995 pp 700–1

commenced on date of notification

exp 1 September 2005 (see SIA s 54)

as amended by—

Security Providers Amendment Regulation (No. 1) 1995 SL No. 67

notfd gaz 31 March 1995 pp 1462–5

commenced on date of notification

Consumer Affairs (Fees and Charges) Amendment Regulation (No. 1) 1995 SL No. 160 ss 1–3 sch

notfd gaz 9 June 1995 pp 1165–71

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 1995 (see s 2(1))

Security Providers Amendment Regulation (No. 2) 1995 SL No. 236

notfd gaz 18 August 1995 pp 2084–6

commenced on date of notification

Consumer Affairs (Fees and Charges) Amendment Regulation (No. 1) 1996 SL No. 153 ss 1, 2(1), 3 sch

notfd gaz 28 June 1996 pp 1164–70

ss 1–2(1) commenced on date of notification

remaining provisions commenced 1 July 1996 (see s 2(1))

Consumer Affairs (Fees and Charges) Amendment Regulation (No. 1) 1997 SL No. 173 ss 1–2(1), 3 sch

notfd gaz 27 June 1997 pp 1004–1010

ss 1–2(1) commenced on date of notification

remaining provisions commenced 1 July 1997 (see s 2(1))

Equity and Fair Trading (Fees and Charges) Amendment Regulation (No. 1) 1998 SL No. 253 s 3 sch

notfd gaz 11 September 1998 pp 145–7
 ss 1–2 commenced on date of notification
 remaining provisions commenced 5 October 1998 (see s 2)

Equity and Fair Trading Legislation Amendment Regulation (No. 1) 2000 SL No. 161 ss 1–2(1), 3 sch

notfd gaz 30 June 2000 pp 736–48
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 2000 (see s 2(1))

Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 1) 2001 SL No. 210 ss 1–3 sch

notfd gaz 16 November 2001 pp 982–5
 ss 1–2 commenced on date of notification
 remaining provisions commenced 3 December 2001 (see s 2)

6 List of annotations**Exemptions from holding licence—Act, s 54(2)(b)**

s 19A ins 1995 SL No. 236 s 3

SCHEDULE—FEES

amd 1995 SL No. 67 s 3;
 sub 1995 SL No. 160 s 3 sch; 1996 SL No. 153 s 3 sch; 1997 SL No. 173 s 3
 sch; 1998 SL No. 253 s 3 sch; 2000 SL No. 161 s 3 sch; 2001 SL No. 210
 s 3 sch