



Queensland

Security Providers Amendment Act 2007

Act No. 15 of 2007



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Security Providers Amendment Act 2007

Act No. 15 of 2007

An Act to amend the *Security Providers Act 1993*, and for other purposes

[Assented to 20 March 2007]

The Parliament of Queensland enacts—**1 Short title**

This Act may be cited as the *Security Providers Amendment Act 2007*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Act amended

This Act amends the *Security Providers Act 1993*.

4 Amendment of s 3 (Definitions)

(1) Section 3, definitions *accountant, appropriate licence, chief executive, criminal history, crowd controller, legal practitioner, private investigator* and *public place*—

omit.

(2) Section 3—

insert—

‘appropriate direct supervision, for carrying out the functions of a particular type of security provider, means direct supervision of a security provider by another security provider who—

- (a) is a security provider of the same type as the supervised security provider; and
- (b) holds an unrestricted licence for carrying out the functions.

appropriate licence means—

- (a) a class 1 or class 2 unrestricted licence authorising the licensee to carry out the functions of the types of security provider stated in the licence; or

- (b) a class 1 or class 2 restricted licence authorising the licensee to carry out the functions of the types of security provider stated in the licence, other than a security firm, under appropriate direct supervision.

approved training course, for carrying out the functions of a particular type of security provider, means a training course approved by the chief executive for the carrying out of the functions.

authorised functions means functions authorised under a corresponding authority.

bodyguard see section 4A.

bodyguard functions, for part 5, see section 55.

charge, for an offence, means a charge in any form, including, for example, the following—

- (a) a charge on an arrest;
- (b) a notice to appear served under the *Police Powers and Responsibilities Act 2000*, section 382;
- (c) a complaint under the *Justices Act 1886*;
- (d) a charge by a court under the *Justices Act 1886*, section 42(1A) or another provision of an Act;
- (e) an indictment.

class 1 licence means—

- (a) an unrestricted licence for carrying out the functions of 1 or more of the following—
 - (i) a bodyguard;
 - (ii) a crowd controller;
 - (iii) a private investigator;
 - (iv) a security officer;
 - (v) a security firm supplying security firm services of a person mentioned in any of subparagraphs (i) to (iv) who holds a class 1 unrestricted licence; or
- (b) a restricted licence for carrying out 1, or more than 1, of the functions of a bodyguard, crowd controller, private investigator or security officer.

class 2 licence means—

- (a) an unrestricted licence for carrying out the functions of 1 or more of the following—
 - (i) a security adviser;
 - (ii) a security equipment installer;
 - (iii) a security firm supplying security firm services of a person mentioned in subparagraph (i) or (ii) who holds a class 2 unrestricted licence; or
- (b) a restricted licence for carrying out the functions of either or both a security adviser or security equipment installer.

condition means a statutory condition or an imposed condition.

conviction means a finding of guilt, or the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded.

corresponding authority means an authority, however described, issued under the law of another State that is equivalent to an unrestricted licence for carrying out the functions of 1 or more of the following—

- (a) a bodyguard;
- (b) a crowd controller;
- (c) a security officer;
- (d) a security firm supplying security firm services of a person mentioned in paragraph (a), (b) or (c) who holds a class 1 unrestricted licence.

criminal history, of a person, means—

- (a) despite the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6, every conviction of the person for an offence, in Queensland or elsewhere, whether before or after the commencement of this definition; and
- (b) every charge made against the person for an offence, in Queensland or elsewhere, whether before or after the commencement of this definition.

crowd controller see section 5.

crowd controller functions, for part 5, see section 55.

imposed condition see section 15(1).

investigative information see section 12B(2).

licence means a licence issued under part 2.

prescribed identification, for a particular type of security provider, means the identification prescribed under a regulation for the type of security provider.

private investigator see section 6.

public place includes—

- (a) licensed premises; and
- (b) an entertainment venue to which the public are admitted, whether or not for consideration.

restricted licence means a licence for carrying out the functions of a type of security provider stated in the licence under appropriate direct supervision.

security adviser see section 6A.

security equipment see section 8A.

security equipment installer see section 6B.

security firm licence means a licence authorising a security firm to supply security firm services.

security firm services means the services of a bodyguard, crowd controller, private investigator, security adviser, security equipment installer or security officer.

State includes Territory.

statutory conditions, of a restricted licence, see section 14B(1).

temporary permit means a temporary permit issued under part 2A.

unrestricted licence means a licence for carrying out the functions of a type of security provider stated in the licence, other than under appropriate direct supervision.’

- (3) Section 3, definition *disqualifying offence*, paragraph (c), ‘the schedule’—

omit, insert—

‘schedule 1’.

- (4) Section 3, ‘In this Act—’—

omit, insert—

‘The dictionary in schedule 2 defines particular words used in this Act.’.

- (5) Section 3, definitions—

relocate to schedule 2, as inserted by section 36.

5 Amendment of s 4 (Who is a security provider)

- (1) Section 4(1)—

omit, insert—

- ‘(1) A **security provider** is any of the following—

- (a) a bodyguard;
- (b) a crowd controller;
- (c) a private investigator;
- (d) a security adviser;
- (e) a security equipment installer;
- (f) a security officer;
- (g) a security firm.’.

- (2) Section 4(3)(a), ‘, another State or a Territory’—

omit, insert—

‘or a State’.

- (3) Section 4(3)(c), (d) and (e), ‘or Territory’—

omit.

- (4) Section 4(3)(f)—

omit, insert—

- ‘(f) an officer of or employee in the parliamentary service established under the *Parliamentary Service Act 1988*;

- (g) a casino employee or casino key employee within the meaning of the *Casino Control Act 1982*.

6 Replacement of s 5 (Who is a crowd controller)

Section 5—

omit, insert—

‘4A Who is a bodyguard

‘A *bodyguard* is a person who, for reward, provides a close personal protection service.

‘5 Who is a crowd controller

‘(1) A *crowd controller* is a person who, for reward, is at a public place principally for keeping order in or about the public place, including, for example, by doing any of the following—

- (a) screening the entry of persons into the place;
- (b) monitoring or controlling the behaviour of persons in the place;
- (c) removing persons from the place.

Example—

a bouncer at a hotel, night club or rock concert

‘(2) Despite subsection (1), a person is not a crowd controller merely because the person checks that a person allowed admission to the public place has paid for the admission or has an invitation or pass allowing the admission.’

7 Amendment of s 6 (Who is a private investigator)

(1) Section 6(1)—

omit, insert—

‘(1) A *private investigator* is a person who, for reward—

- (a) obtains and gives private information about another person, without the other person’s express consent; or

- (b) carries out surveillance for obtaining private information about another person, without the other person's express consent; or
 - (c) investigates the disappearance of a missing person.'.
- (2) Section 6(2)(b)—
renumber as section 6(2)(c).
- (3) Section 6(2)—
insert—
- '(b) the person—
 - (i) is an employee of a person who, for reward, obtains and gives information; and
 - (ii) as an employee, obtains and gives information about another person to the employer other than for the purpose of the employer giving the information to someone else for reward; or'.
- (4) Section 6(3)(a)—
omit, insert—
- '(a) an Australian legal practitioner or an Australian legal practitioner's employee;'
- (5) Section 6—
insert—
- '(4) Also, an independent investigator is not a private investigator in investigating and reporting on the grievance for which the independent investigator is engaged.
- '(5) In this section—
accountant means—
- (a) a person registered as an auditor under the Corporations Act; or
 - (b) a member of CPA Australia who is entitled to use the letters 'CPA' or 'FCPA'; or
 - (c) a member of The Institute of Chartered Accountants in Australia who is entitled to use the letters 'CA' or 'FCA'; or

- (d) a member of the National Institute of Accountants who is entitled to use the letters ‘MNIA’, ‘FNIA’, ‘PNA’ or ‘FPNA’.

Australian legal practitioner means an Australian legal practitioner within the meaning of the *Legal Profession Act 2004*.

independent investigator means a person, other than a public service employee, who is engaged to investigate and report on a grievance lodged by a public service employee under the *Public Service Act 1996*.

private information, about a person, means information, including information recorded in a document, about—

- (a) for an individual—the individual’s personal character, actions, business or occupation; or
- (b) for a person other than an individual—the person’s business or occupation.’.

8 Replacement of s 7 (Who is a security officer)

Section 7—

omit, insert—

‘6A Who is a security adviser

- ‘(1) A ***security adviser*** is a person who, for reward, gives advice about security equipment or security methods or principles (***security advice***).
- ‘(2) Despite subsection (1), a person is not a security adviser merely because—
- (a) the person—
- (i) is an employee of a person who does not, for reward, give security advice; and
- (ii) as an employee, gives security advice to the employer; or
- (b) the person—
- (i) is an employee of a person who, for reward, gives security advice; and

- (ii) as an employee, gives security advice to the employer in relation to the employer's own security and not in relation to the security of someone else for whom the employer gives security advice for reward; or
- (c) the person is an architect under the *Architects Act 2002* and gives security advice in providing architectural services within the meaning of that Act; or
- (d) the person is a registered professional engineer under the *Professional Engineers Act 2002* and gives security advice in providing professional engineering services within the meaning of that Act.

'6B Who is a security equipment installer

- '(1) A *security equipment installer* is a person who, for reward, installs, repairs, services or maintains security equipment.
- '(2) Despite subsection (1), a person is not a security equipment installer merely because—
 - (a) the person—
 - (i) is an employee of a person who does not, for reward, install, repair, service or maintain security equipment; and
 - (ii) as an employee, installs, repairs, services or maintains the employer's security equipment; or
 - (b) the person—
 - (i) is an employee of a person who, for reward, installs, repairs, services or maintains security equipment; and
 - (ii) as an employee, installs, repairs, services or maintains the employer's security equipment; or
 - (c) the person carries out retail key cutting; or
 - (d) the person installs a basic security item in a building owned or occupied by the person; or

- (e) the person installs a basic security item in a building owned or occupied by someone else during its construction, repair or renovation.

‘(3) In this section—

basic security item means—

- (a) a portable safe weighing not more than 50kg; or
- (b) a barrier security item; or

Example—

a security mesh door or window grille

- (c) an electronic or mechanical lock used for basic household security; or

Example—

a door lock, window lock or padlock

- (d) a motion sensor light that does not also activate an alarm.

‘7 Who is a security officer

‘(1) A ***security officer*** is a person who, for reward, guards, patrols or watches another person’s property, with or without a guard dog, including by—

- (a) personally patrolling the property; or
- (b) personally monitoring the property by operating an audiovisual or visual recording system, a radio or other electronic monitoring device.

‘(2) Subsection (1) applies to a person even if the person’s duties include guarding or watching other persons lawfully on property in a way that is not a close personal protection service.

‘(3) Despite subsection (1), each of the following is not a security officer—

- (a) an engaged service provider within the meaning of the *Corrective Services Act 2006*, in carrying out the engaged service provider’s functions under that Act;

- (b) a person who is an employee of an engaged service provider within the meaning of the *Corrective Services Act 2006*, in carrying out the functions of the person's employment.
- '(4) Also, despite subsection (1) and subject to subsection (5), a person is not a security officer merely because—
- (a) the person—
 - (i) is an employee of a person who does not, for reward, guard, patrol or watch another person's property; and
 - (ii) as an employee, guards, patrols or watches the employer's property; or
 - (b) the person—
 - (i) is an employee of a person who, for reward, guards, patrols or watches another person's property; and
 - (ii) as an employee, guards, patrols or watches the employer's property.
- '(5) A person who is an employee mentioned in subsection (4) is a security officer if the person—
- (a) is employed principally to guard, patrol or watch the employer's property; or
 - (b) is employed, whether or not principally, to guard, patrol or watch licensed premises of the employer.'

9 Amendment of s 8 (What is a security firm)

Section 8, from 'the services' to 'investigators'—
omit, insert—
 'security firm services'.

10 Insertion of new s 8A

Part 1—
insert—

‘8A What is security equipment

- ‘(1) *Security equipment* is acoustic, electronic, mechanical or other equipment—
- (a) designed, adapted, or purporting to provide or to enhance property security; or
 - (b) for protecting or watching property.

Examples—

- an alarm
- an alarm monitoring system
- an audio, or visual, recording system
- an electric, electro-mechanical, magnetic or biometric access control device
- an intrusion detector, including a motion, infra-red, microwave or contact detector
- a safe or vault

- ‘(2) However, each of the following is not security equipment—
- (a) a device for monitoring inventory, product or stock loss;
 - (b) an item designed to minimise the possibility of motor vehicle theft, including, for example, a motor vehicle alarm or immobiliser.’.

11 Insertion of new pt 2, div 1 hdg

Part 2, before section 9—

insert—

‘Division 1 Requirement for licence’.**12 Amendment of s 9 (Requirement to be licensed)**

Section 9(1) and (2), penalty—

omit, insert—

‘Maximum penalty—

- (a) for a first offence—500 penalty units; or

- (b) for a second offence—700 penalty units or 6 months imprisonment; or
- (c) for a third or later offence—1000 penalty units or 18 months imprisonment.’.

13 Insertion of new pt 2, div 2 hdg

After section 9—

insert—

‘Division 2 Application for licence’.

14 Amendment of s 10 (Application for licence)

- (1) Section 10, heading, ‘for licence’—
omit.
- (2) Section 10(2), before ‘must’—
insert—
‘must be made in the approved form and’.
- (3) Section 10(3) and (4)—
omit, insert—
- ‘(3) The applicant must state in the application—
 - (a) the term of the licence being applied for; and
 - (b) if the functions of more than 1 type of security provider are intended to be carried out under the licence—each type of security provider for which the licence is sought; and
 - (c) if the application is for a security firm licence—the security firm services intended to be supplied under the licence.
- ‘(4) Only an individual may apply for, or be granted, a licence for carrying out the functions of any of the following—
 - (a) a bodyguard;
 - (b) a crowd controller;
 - (c) a private investigator;

- (d) a security adviser;
 - (e) a security equipment installer;
 - (f) a security officer.’.
- (4) Section 10(5), after ‘application’—
insert—
‘within a stated period of at least 28 days’.
- (5) Section 10(6)—
omit, insert—
- ‘(6) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with a request under subsection (5) without a reasonable excuse.’.

15 Amendment of s 11 (Entitlement to licences—individuals)

- (1) Section 11(2)(b)—
omit, insert—
‘(b) for an application for a class 1 licence, other than a security firm licence or restricted licence—has successfully completed an approved training course for carrying out the functions of each type of security provider for which the licence is sought; and’.
- (2) Section 11—
insert—
- ‘(2A) A person is taken to comply with subsection (2)(b) if the chief executive is satisfied the person, within 1 year before the day the person’s application for the licence is received by the chief executive, held a licence for carrying out the functions of each type of security provider for which the licence is sought.’.
- (3) Section 11(4), ‘may consider’—
omit, insert—
‘must consider’.
- (4) Section 11(4)(a) to (c), ‘that’, first mention in each paragraph—
omit.

(5) Section 11(4)(e)—

omit, insert—

- ‘(d) the person has been convicted of an offence in Queensland or elsewhere for which a conviction has been recorded, including an offence to which the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6 applies;
- (e) an unrecorded finding of guilt has been made against the person in relation to a relevant offence and has not been quashed or set aside by a court;
- (f) investigative information about the person in relation to a disqualifying offence that indicates either or both of the following—
 - (i) the person is a risk to public safety;
 - (ii) the holding of a licence by the person would be contrary to the public interest;
- (g) any other information indicating the granting of the licence to the person would be contrary to the public interest.’

(6) Section 11—

insert—

‘(6) In this section—

relevant offence means a disqualifying offence, or an offence that would be a disqualifying offence if committed in Queensland, committed by a person when the person was an adult and within the previous 5 years.

unrecorded finding of guilt, in relation to a relevant offence, means a finding of guilt, or the acceptance of a plea of guilty, by a court, in relation to the offence, without recording a conviction for the offence.’

16 Amendment of s 12 (Inquiries about person’s appropriateness to hold licence)

Section 12(2) and (3)—

omit, insert—

- ‘(2) The chief executive may ask the Commissioner to give the chief executive the following written information about the person—
- (a) a report about the person’s criminal history;
 - (b) a brief description of the nature of the offence giving rise to a conviction or charge mentioned in the person’s criminal history.
- ‘(3) Subject to subsection (4), the Commissioner must comply with a request made under subsection (2)(a) or (b).
- ‘(4) The duty imposed on the Commissioner to comply with the request applies only to information in the Commissioner’s possession or to which the Commissioner has access.
- ‘(5) In this section—
offence includes alleged offence.’.

17 Insertion of new ss 12A–12C

After section 12—

insert—

‘12A Notice of change in criminal history

- ‘(1) This section applies if—
- (a) the Commissioner reasonably suspects a person is the holder of, or an applicant for, a licence; and
 - (b) the person’s criminal history changes.
- ‘(2) The Commissioner may notify the chief executive that the person’s criminal history has changed.
- ‘(3) The notice must state the following—
- (a) the person’s name and any other name that the Commissioner believes the person may use or may have used;
 - (b) the person’s date and place of birth;
 - (c) a brief description of the nature of the offence giving rise to the conviction or charge to which the change relates.

- ‘(4) The chief executive may confirm the Commissioner’s suspicions under subsection (1).
- ‘(5) For a person who does not have a criminal history, there is taken to be a change in the person’s criminal history if the person acquires a criminal history.
- ‘(6) In this section—
offence includes alleged offence.

‘12B Commissioner may give investigative information

- ‘(1) This section applies if the Commissioner reasonably suspects a person is the holder of, or an applicant for, a licence.
- ‘(2) The Commissioner may give the chief executive information about an investigation relating to the possible commission of a disqualifying offence by the person (*investigative information*).
- ‘(3) The Commissioner must not give investigative information about the person if—
 - (a) the Commissioner is reasonably satisfied that giving the information—
 - (i) may prejudice or otherwise hinder an investigation to which the information may be relevant; or
 - (ii) may lead to the identification of an informant; or
 - (iii) may affect the safety of a police officer, complainant or other person; or
 - (b) for an investigation that has been completed—the investigation has not led, and the Commissioner is reasonably satisfied it is unlikely to lead, to a reasonable suspicion that the person committed a disqualifying offence; or
 - (c) for an investigation that has not been completed—the Commissioner is reasonably satisfied the investigation is unlikely to lead to a reasonable suspicion that the person committed a disqualifying offence.

‘12C Use of information obtained under s 12, 12A or 12B

- ‘(1) This section applies to the chief executive in considering information about a person obtained under section 12, 12A or 12B.
- ‘(2) Investigative information or information about a conviction of a person may be used only for making a decision as to whether the person is, or continues to be, an appropriate person for the grant of a licence.
- ‘(3) Information about a charge made against the person for a disqualifying offence may be used only for deciding whether to grant a licence to the person, or to suspend, or to refuse to renew, the person’s licence.
- ‘(4) Subsections (2) and (3) do not affect sections 14(2) and 21(3).
- ‘(5) When making a decision mentioned in subsection (2), the chief executive must have regard to the following matters relating to information about the commission of an offence by the person—
 - (a) when the offence was committed;
 - (b) the nature of the offence and its relevance to the person carrying out of the functions of a security provider under the licence;
 - (c) anything else the chief executive considers relevant to the decision.
- ‘(6) When making a decision mentioned in subsection (3), the chief executive must have regard to the following matters relating to information about the alleged or possible commission of an offence by the person—
 - (a) when the offence is alleged to have been committed or may possibly have been committed;
 - (b) the nature of the alleged or possible offence and its relevance to the person carrying out of the functions of a security provider under the licence;
 - (c) anything else the chief executive considers relevant to the decision.
- ‘(7) The chief executive must destroy information obtained by the chief executive under section 12, 12A or 12B as soon as

practicable after it is no longer needed for the purpose for which it was requested or given.’.

18 Amendment of s 13 (Entitlement to licences—corporations or firms)

(1) Section 13(4)—

omit, insert—

‘(4) The imposed conditions of the licence must state the security firm services that may be supplied under the licence.’.

(2) Section 13(5), ‘and 12’—

omit, insert—

‘, 12 and 12C’.

19 Amendment of s 14 (Decision on application)

(1) Section 14—

insert—

‘(3A) A licence must state each type of security provider the functions of which may be carried out under the licence.’.

(2) Section 14(4), from ‘the licence’ to ‘promptly’—

omit, insert—

‘a licence, or grants a licence other than the licence applied for, the chief executive must’.

20 Insertion of new s 14A, pt 2, div 3 hdg and s 14B

After section 14—

insert—

‘14A Continuation of restricted licence

‘(1) Subsection (2) applies if—

(a) a person who is the holder of a restricted licence applies under section 10 for the grant of an unrestricted licence for carrying out the same type of security provider

- functions as the person is authorised to carry out under the restricted licence; and
- (b) the chief executive has not, before the restricted licence ends, decided whether to grant the unrestricted licence.
- ‘(2) The restricted licence is taken to continue in force until the day—
- (a) the chief executive grants, or refuses to grant, the unrestricted licence; or
- (b) the person withdraws the application for the unrestricted licence.
- ‘(3) If the chief executive grants the unrestricted licence to the person, the restricted licence is cancelled on the day the unrestricted licence is granted.

‘Division 3 Conditions and term of licence

‘14B Statutory conditions

- ‘(1) A restricted licence is subject to the conditions (*statutory conditions*) that the licensee—
- (a) may carry out only the functions of each type of security provider stated in the licence; and
- (b) when carrying out the functions must be under appropriate direct supervision.
- ‘(2) The licensee must comply with the statutory conditions of the restricted licence.

Note—

See section 21(1)(b) for a contravention of a condition of a licence.’.

21 Amendment of s 15 (Conditions of licence)

- (1) Section 15, heading—

omit, insert—

‘15 Imposed conditions’.

- (2) Section 15(1), from ‘stated’—

omit, insert—

‘decided by the chief executive and stated on the licence (*imposed conditions*).’.

(3) Section 15—

insert—

‘(1A) Without limiting subsection (1), the imposed conditions may include—

(a) a condition about the licensee’s completion of an approved training course for carrying out the functions of the type of security provider stated in the licence; and

Example—

A condition may require the holder of an unrestricted licence to complete a refresher training course or further particular training.

(b) for a security firm licence—a condition that the licensee monitors, at stated intervals, whether or not its employees who are employed as security providers are complying with this Act.’.

(4) Section 15(2), after ‘with the’—

insert—

‘imposed’.

(5) Section 15(3)—

omit, insert—

‘(3) The contravention of an imposed condition that is prescribed under a regulation for this section is an offence.

Maximum penalty—40 penalty units.

Note—

Also, see section 21(1)(b) for a contravention of a condition of a licence.’.

(6) Section 15(1A) to (3)—

renumber as section 15(2) to (4).

22 Replacement of ss 16–19

Sections 16 to 19—

omit, insert—

‘16 Term of licence

- ‘(1) A licence, other than a restricted licence, may be issued for a term of 1 year or 3 years.
- ‘(2) A restricted licence may be issued for a term of not more than 6 months.
- ‘(3) After the term of a restricted licence (the *first licence*) ends, the person who held the first licence can not apply for a further restricted licence for carrying out the functions that were authorised under the first licence.

‘Division 4 Amendment of licence**‘17 Amendment of licence on application**

- ‘(1) A licensee may apply to the chief executive for an amendment of the licence, other than its statutory conditions.
- ‘(2) The application must be in the approved form and accompanied by the fee prescribed under a regulation.
- ‘(3) The chief executive must decide the application by—
 - (a) amending the licence in the way applied for; or
 - (b) with the applicant’s written agreement, amending the licence in another way; or
 - (c) refusing to amend the licence.
- ‘(4) If the chief executive decides to refuse to amend the licence, the chief executive must give the applicant a written notice stating—
 - (a) the decision; and
 - (b) the reasons for the decision; and
 - (c) that the applicant may appeal against the decision within 28 days to a Magistrates Court.

- ‘(5) An amendment under this section has effect when the chief executive gives notice of the amendment to the licensee or at a later time stated in the notice.

‘18 **Amendment of licence by chief executive**

- ‘(1) This section applies if—
- (a) the chief executive considers a licence, other than its statutory conditions, should be amended; and
 - (b) the licensee has not applied for the amendment under section 17.
- ‘(2) The chief executive must give the licensee a written notice (the *show cause notice*) that—
- (a) states the reasons for the amendment; and
 - (b) outlines the facts and circumstances forming the basis of the reasons; and
 - (c) invites the licensee to show cause within a stated period, of at least 28 days, why the licence should not be amended.
- ‘(3) The chief executive may amend the licence, other than its statutory conditions, if, after considering all representations made within the stated period, the chief executive still believes the licence should be amended—
- (a) in the way mentioned in the show cause notice; or
 - (b) in another way, having regard to the representations.
- ‘(4) If the chief executive decides to amend the licence, the chief executive must give the licensee a written notice stating—
- (a) the way in which the licence has been amended; and
 - (b) that the licensee may appeal against the amendment within 28 days to a Magistrates Court.
- ‘(5) Subsections (2) to (4) do not apply if the licence is to be amended only—
- (a) by omitting an imposed condition; or
 - (b) to correct a minor error or to make a change that is not a change of substance; or

- (c) in another way that does not adversely affect the licensee's interests.
- '(6) The chief executive may make an amendment of a type mentioned in subsection (5) by written notice given to the licensee.
- '(7) An amendment under this section has effect when the chief executive gives notice of the amendment to the licensee or at a later time stated in the notice.

'19 Notice to return licence for recording amendment

- '(1) The chief executive, by written notice, may require a licensee to return the licensee's licence to the chief executive within a stated period, of at least 14 days, to enable the chief executive to record on the licence an amendment of the licence under section 17 or 18.
- '(2) After recording the amendment, the chief executive must return the licence to the licensee.
- '(3) A licensee to whom a notice under subsection (1) is given must comply with the notice, unless the licensee has a reasonable excuse.
- Maximum penalty—20 penalty units.
- '(4) The amendment of a licence under section 17 or 18 does not depend on the amendment being recorded on the licence under this section.

'Division 5 Other provisions about licence'

23 Amendment of s 20 (Renewal of licence)

- (1) Section 20, heading, after 'of'—
insert—
'unrestricted'.
- (2) Section 20(1), from 'a licence' to 'after'—
omit, insert—
'an unrestricted licence before'.

- (3) Section 20(2), ‘a licence’—
omit, insert—
 ‘an unrestricted licence’.
- (4) Section 20—
insert—
- ‘(2A) Despite subsection (2), but without limiting section 22, if either of the following has been charged with a disqualifying offence, the chief executive may defer making a decision to renew or to refuse to renew the unrestricted licence until the end of the proceeding for the charge—
- (a) the applicant;
 - (b) another person required to be an appropriate person for the grant of the unrestricted licence.’.
- (5) Section 20(3), ‘the licence’—
omit, insert—
 ‘the unrestricted licence’.
- (6) Section 20(5), ‘a licence’—
omit, insert—
 ‘an unrestricted licence’.
- (7) Section 20(5), from ‘the day’—
omit, insert—
 ‘the day—
- (a) the chief executive renews, or refuses to renew, the licence; or
 - (b) the licensee withdraws the application for renewal.’.

24 Amendment of s 21 (Grounds for suspension, cancellation or refusal to renew)

Section 21(1)(b), after ‘contravened’—

insert—

‘this Act, including a code of practice, or’.

25 Insertion of new s 25A and new pt 2, div 6 hdg

After section 25—

insert—

‘25A Production of licence

‘A licensee must produce the licensee’s licence for inspection on the request of—

- (a) an inspector; or
- (b) if the licensee is not wearing the prescribed identification when carrying out a function of a security provider—the person with whom the licensee is dealing when carrying out the function.

Maximum penalty—20 penalty units.

‘Division 6 Appeals against licence decisions’.**26 Amendment of s 26 (Right to appeal to the Court)**

- (1) Section 26(1)(b)—

renumber as section 26(1)(c).

- (2) Section 26(1)—

insert—

‘(b) to grant a licence other than the licence applied for, including, for example, by—

- (i) granting a licence authorising the carrying out of the functions of only some of the types of security provider applied for; or
- (ii) imposing a condition on the licence; or’.

- (3) Section 26(2)—

omit, insert—

- ‘(2) A licensee may appeal against a decision of the chief executive—

- (a) to amend the licence; or
- (b) to refuse to amend the licence; or

- (c) to suspend or cancel the licence; or
- (d) to refuse to renew the licence; or
- (e) to refuse to replace the licence.’.

27 Replacement of s 29 (Hearing procedures)

omit, insert—

‘29 Hearing procedures

- ‘(1) The procedure for an appeal to a Magistrates Court under this Act is to be in accordance with the *Uniform Civil Procedure Rules 1999* or, in the absence of relevant rules, directions of the Court.
- ‘(2) An appeal is to be by way of rehearing unaffected by the chief executive’s decision.
- ‘(3) In deciding an appeal, the Court is not bound by the rules of evidence and must observe natural justice.’.

28 Insertion of new pt 2A

After part 2—

insert—

‘Part 2A Temporary permits

‘31A Purpose of temporary permit

- ‘(1) A temporary permit allows the holder of a corresponding authority to carry out in Queensland stated authorised functions for a stated particular event.
- ‘(2) In this section—
stated means stated in the temporary permit.

‘31B Term of temporary permit

‘The term of a temporary permit ends when the first of the following happens—

- (a) the event for which it is issued ends;
- (b) the term stated in the permit ends.

‘31C Application for temporary permit

- ‘(1) An application for a temporary permit may be made to the chief executive by—
 - (a) for a temporary permit for carrying out authorised functions of a security firm—a person or a partnership;
or
 - (b) for another temporary permit—an individual.
- ‘(2) The application must be accompanied by—
 - (a) evidence satisfying the chief executive that the applicant holds a corresponding authority; and
 - (b) the fee prescribed under a regulation.
- ‘(3) The applicant must state in the application—
 - (a) the event for which the temporary permit is sought; and
 - (b) the authorised functions intended to be carried out under the temporary permit; and
 - (c) if authorised functions of a security firm are intended to be carried out—the security firm services intended to be supplied under the temporary permit.
- ‘(4) Only an individual may apply for, or be granted, a temporary permit for carrying out authorised functions of any of the following—
 - (a) a bodyguard;
 - (b) a crowd controller;
 - (c) a security officer.
- ‘(5) The chief executive, by written notice, may request the applicant to give further information or documents relevant to the application within a stated period of at least 28 days.
- ‘(6) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with a request under subsection (5) without a reasonable excuse.

‘31D Application of pt 2 to temporary permit

- ‘(1) The following provisions of part 2 apply to a temporary permit as if the temporary permit were a licence and the holder of the temporary permit were a licensee—
- (a) division 2, other than sections 10, 11(2)(b) and (2A) and 14A;
 - (b) section 15, other than section 15(2)(a);
 - (c) divisions 4 and 5, other than sections 20 and 25;
 - (d) division 6.
- ‘(2) Despite subsection (1)(c), sections 21 and 22 apply to a temporary permit only for suspending or cancelling the temporary permit.

‘31E What temporary permit must state

‘A temporary permit must state—

- (a) the event for which it is issued; and
- (b) the authorised functions that may be carried out under the temporary permit; and
- (c) if authorised functions of a security firm may be carried out—the security firm services that may be supplied under the temporary permit.

‘31F Permit holder taken to hold appropriate licence if complying with conditions

- ‘(1) The holder of a temporary permit is taken to hold an appropriate licence for carrying out the functions of a security provider stated in the temporary permit.
- ‘(2) However, subsection (1) does not apply to the holder if the holder does not comply with the conditions of the temporary permit.

Note—

If a holder of a temporary permit does not comply with an imposed condition of the temporary permit, because of section 31D, section 15(4) may apply to the holder if the imposed condition is prescribed under a regulation as mentioned in that subsection.’.

29 Amendment of s 44 (False or misleading documents)

Section 44, ‘false, misleading or incomplete’—

omit, insert—

‘false or misleading’.

30 Amendment of s 45 (Obstruction of inspectors)

Section 45, after the penalty—

insert—

‘(2) In this section—

obstruct includes hinder, resist and attempt to obstruct.’.

31 Amendment of s 47 (Identification to be worn by crowd controller)

(1) Section 47(1), ‘identification prescribed by regulation so that it’—

omit, insert—

‘prescribed identification, so the identification’.

(2) Section 47(2)—

omit.

32 Amendment of s 51 (Evidentiary provisions)

(1) Section 51(4), ‘specified’—

omit, insert—

‘stated’.

(2) Section 51(4)(a), after ‘licence’—

insert—

‘or temporary permit’.

(3) Section 51(4)(d)—

renumber as section 51(4)(f).

(4) Section 51(4)—

insert—

- ‘(d) that on a stated day, or during a stated period, a person was or was not the holder of a temporary permit or a stated type of temporary permit;
- (e) that a temporary permit—
 - (i) was or was not issued for a stated event; or
 - (ii) was or was not in force on a stated day or during a stated period; or
 - (iii) was or was not subject to conditions or a stated condition;’.

33 Amendment of s 54 (Regulations)

- (1) Section 54, heading—

omit, insert—

‘54 Regulation-making power’.

- (2) Section 54(2)(c), after ‘Act’—

insert—

‘, or providing for a refund of fees that have been paid’.

- (3) Section 54(2)(f)—

insert—

‘(iii) the way in which a partnership is to apply for a licence.’.

- (4) Section 54—

insert—

- ‘(3) Also, a regulation may prescribe a code of practice for security providers.

Note—

See section 21(1)(b) for a contravention of a code of practice.’.

34 Insertion of new pt 5

After section 54—

‘58 Requirement to be licensed—security adviser or security equipment installer

‘Section 9 does not apply to a person who is a security adviser or security equipment installer in relation to the functions of a security adviser or security equipment installer until the end of 3 months after the commencement of this section.

‘59 Application of s 9 penalty

‘For the application of the penalty in section 9(b) and (c) after the commencement of this section, an offence committed before the commencement can not be taken into account, even if the conviction for the offence happens after the commencement.

‘60 Existing application for licence

- ‘(1) This section applies to an application for a licence made, but not decided, before the commencement of this section.
- ‘(2) Subject to subsection (3), this Act as in force immediately after the commencement of this section applies in relation to the application, and a decision or appeal in relation to the application.
- ‘(3) If the application is for a crowd controller licence authorising the carrying out of bodyguard functions and the applicant has successfully completed a previously approved training course for carrying out crowd controller functions, the applicant is taken to have successfully completed an approved training course for carrying out bodyguard functions.
- ‘(4) However, subsection (3) does not prevent the chief executive from imposing a condition on the licence requiring the licensee to undertake further stated training.
- ‘(5) In this section—
previously approved training course means a training course approved, before the commencement, by the chief executive.

‘61 Existing conditions on licence

- ‘(1) This section applies if a licence in force immediately before the commencement of this section has a condition stated on it.
- ‘(2) The condition is taken to be an imposed condition.

‘62 Existing application for renewal of licence

- ‘(1) This section applies to an application for the renewal of a licence made, but not decided, before the commencement of this section.
- ‘(2) This Act as in force immediately after the commencement of this section applies in relation to the application, and a decision or appeal in relation to the application.

‘63 Existing proceedings

- ‘(1) A proceeding started before the commencement of this section and pending at the commencement, may be continued, and decided, under this Act as in force immediately before the commencement.
- ‘(2) In this section—
proceeding means a proceeding—
 - (a) under the *Judicial Review Act 1991* in relation to a decision made under this Act; or
 - (b) for an offence against this Act.’.

35 Amendment of schedule (Disqualifying offence provisions under the Criminal Code)

- (1) Schedule—
renumber as schedule 1.
- (2) Schedule 1, as renumbered, authorising section—
omit, insert—
‘schedule 2, definition *disqualifying offence*’.

- (3) Schedule 1, as renumbered, item 7, '(Assaults on females—Abduction)'—

omit, insert—

'(Rape and sexual assaults)'.

- (4) Schedule 1, as renumbered, items 3A to 20—
renumber as items 4 to 21.

36 Insertion of new sch 2

After schedule 1, as renumbered—

insert—

'Schedule 2 Dictionary

section 3'.

37 Amendment of other Acts

The schedule amends the Acts mentioned in it.

Schedule Consequential amendments of other Acts

section 37

Criminal Code

1 **Section 229H(5)(b)(i)—**

omit, insert—

- ‘(i) is the holder of a current licence issued under the *Security Providers Act 1993* for carrying out the functions of a bodyguard under that Act; and’.

Liquor Act 1992

1 **Section 142AD, definition *crowd controller*—**

omit, insert—

‘***crowd controller*** means the holder of a current licence issued under the *Security Providers Act 1993* for carrying out the functions of a crowd controller under that Act.’.