



*Security Providers Act 1993*

# **Security Providers Regulation 2008**

**Reprinted as in force on 1 July 2011**

**Reprint No. 2**

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

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

# Security Providers Regulation 2008

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Commencement . . . . .	5
3	Definitions . . . . .	5
<b>Part 2</b>	<b>Licences</b>	
4	Evidence of identity to accompany particular applications . . . . .	5
5	Evidence of identity to accompany application for security firm licence . . . . .	6
6	Photographs and evidence of satisfactory completion of approved course to accompany particular applications . . . . .	6
7	Evidence verifying application statements . . . . .	7
8	What must accompany application for temporary permit . . . . .	7
9	Security firm—licence in more than 1 name . . . . .	8
10	Offence to carry on business in another name . . . . .	8
11	Licence to contain licensee's photograph . . . . .	8
12	Change to information about licensee . . . . .	9
<b>Part 2A</b>	<b>Security industry associations</b>	
12A	Approval of security industry association—Act, s 25B(a) . . . . .	11
12B	Withdrawal of security industry association's approval—Act, s 25B(b) . . . . .	11
<b>Part 3</b>	<b>Registers</b>	
<b>Division 1</b>	<b>Register to be kept by chief executive</b>	
13	Register of security providers . . . . .	11
14	Change in particulars . . . . .	12
15	Chief executive's certificate about contents of register . . . . .	12
<b>Division 2</b>	<b>Registers to be kept by others</b>	
<b>Subdivision 1</b>	<b>Registers to be kept by liquor licensees</b>	
16	Application of sdiv 1 . . . . .	13

Contents

---

17	Definitions for sdiv 1 . . . . .	13
18	Liquor licensee to keep register of crowd controllers . . . . .	13
19	Register of crowd controllers—other matters . . . . .	15
<b>Subdivision 2</b>	<b>Registers to be kept by security firms</b>	
20	Security firm to keep register of security providers . . . . .	16
21	Security firm to keep register of crowd controllers . . . . .	17
22	Register of crowd controllers—other matters . . . . .	18
<b>Part 4</b>	<b>Security firm supplying security firm services of restricted licensee</b>	
23	Security firm’s duties about functions and supervision of restricted licensee . . . . .	19
<b>Part 5</b>	<b>Miscellaneous</b>	
24	Security provider not to wear or display chequerboard hat . . . . .	20
25	Crowd controller’s identification—Act, s 47 . . . . .	20
26	Exemptions from holding licence—Act, s 54(2)(b) . . . . .	21
27	Fees . . . . .	21
28	Partial refund of fees . . . . .	21
<b>Part 6</b>	<b>Repeal and transitional provisions</b>	
29	Repeal . . . . .	21
30	Application for licence or renewal before commencement . . . . .	21
<b>Schedule 1A</b>	<b>Requirements for approval of security industry associations</b>	22
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 1A . . . . .	22
<b>Part 2</b>	<b>General requirements for approval</b>	
2	Approval application to be in writing . . . . .	23
3	Incorporation . . . . .	24
4	Annual election of office holders . . . . .	24
5	Financial viability . . . . .	24
6	Services to members . . . . .	26
7	Promotion of ethics and conduct . . . . .	26
8	Code of conduct . . . . .	26
9	Complaint management policy . . . . .	27
<b>Part 3</b>	<b>Additional requirements for approved security industry associations</b>	
<b>Division 1</b>	<b>Compliance audits</b>	
10	Compliance with code of conduct . . . . .	28
11	Requirements for conducting compliance audit . . . . .	29

---

<b>Division 2</b>	<b>Information to be given to chief executive</b>	
12	Approved security industry association to give chief executive particular information . . . . .	30
13	Documents about relevant members . . . . .	32
<b>Schedule 1</b>	<b>Fees</b> . . . . .	34
<b>Schedule 2</b>	<b>Dictionary</b> . . . . .	38
 <b>Endnotes</b>		
1	Index to endnotes . . . . .	39
2	Date to which amendments incorporated. . . . .	39
3	Key . . . . .	39
4	Table of reprints . . . . .	40
5	List of legislation. . . . .	40
6	List of annotations . . . . .	41



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# Security Providers Regulation 2008

[as amended by all amendments that commenced on or before 1 July 2011]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Security Providers Regulation 2008*.

### 2 Commencement

This regulation commences on 1 July 2008.

### 3 Definitions

The dictionary in schedule 2 defines particular words used in this regulation.

## Part 2 Licences

### 4 Evidence of identity to accompany particular applications

- (1) This section applies to an application for a licence for carrying out the functions of 1 or more of the following—
  - (a) a bodyguard;
  - (b) a crowd controller;
  - (c) a private investigator;

[s 5]

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- (d) a security adviser;
  - (e) a security equipment installer;
  - (f) a security officer.
- (2) The application must be accompanied by evidence of the applicant's identity that is satisfactory to the chief executive.

*Example—*

The chief executive may adopt a system under which—

- (a) points are assigned to the applicant for producing particular evidence of identity; and
- (b) the applicant is required to achieve a total number of points stated by the chief executive.

## **5 Evidence of identity to accompany application for security firm licence**

- (1) An application by an individual for a security firm licence must be accompanied by evidence of the individual's identity that is satisfactory to the chief executive.
- (2) An application by a corporation for a security firm licence must be accompanied by evidence of the identity of each officer of the corporation that is satisfactory to the chief executive.
- (3) An application by a partnership for a security firm licence must be accompanied by evidence of the identity of each partner in the partnership that is satisfactory to the chief executive.

## **6 Photographs and evidence of satisfactory completion of approved course to accompany particular applications**

- (1) This section applies to an application for a licence, or renewal of a licence, for carrying out the functions of 1 or more of the following—
  - (a) a bodyguard;
  - (b) a crowd controller;
  - (c) a private investigator;



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- (d) a security adviser;
  - (e) a security equipment installer;
  - (f) a security officer.
- (2) The application must be accompanied by—
- (a) if the applicant has not, in the last 2 years, given the chief executive 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—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
  - (b) if the application is for a class 1 unrestricted licence—evidence satisfactory to the chief executive of the applicant's successful completion of an approved training course for carrying out the functions of each type of security provider for which the licence is sought.

## **7 Evidence verifying application statements**

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

- (a) if the applicant is an individual—the individual's full name, date of birth and place of birth; and
- (b) if the applicant is a corporation—the full name, date of birth and place of birth of each officer of the corporation; and
- (c) if the applicant is a partnership—the full name, date of birth and place of birth of each partner in the partnership.

## **8 What must accompany application for temporary permit**

An application for a temporary permit under section 31C of the Act must—

[s 9]

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- (a) be accompanied by—
  - (i) the corresponding authority held by the applicant that is relied on for the application; and
  - (ii) documentary evidence, satisfactory to the chief executive, of the applicant's engagement to carry out functions authorised under the corresponding authority at the event for which the permit is sought; and
- (b) state the period during which the applicant intends that the authorised functions will be carried out at the event.

## **9 Security firm—licence in more than 1 name**

If an applicant for a security firm licence proposes to carry on business under more than 1 name, the chief executive must state on the licence the registered business names under which the applicant may carry on business.

## **10 Offence to carry on business in another name**

- (1) An entity must not carry on the business of a security firm under a name other than a name stated on the security firm licence granted to the entity.

Maximum penalty—20 penalty units.

- (2) In this section—  
*entity* includes a partnership.

## **11 Licence to contain licensee's photograph**

- (1) This section applies to a licence for carrying out the functions of 1 or more 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.
- (2) The licence must contain a photograph of the licensee.

## 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
  - (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; or
  - (vii) if the individual is carrying on the business of a security firm—when the individual's current membership of an approved security industry association ends; or
- (b) for a corporation—
  - (i) the name of the corporation; or
  - (ii) the name under which the corporation carries on business; or

[s 12]

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- (iii) the postal address of the corporation; or
  - (iv) each place of business of the corporation; or
  - (v) the composition of the officers of the corporation;  
or
  - (vi) a charge against, or conviction of, an officer of the corporation for a disqualifying offence; or
  - (vii) a charge against, or conviction of, a corporation for a disqualifying offence; or
  - (viii) when the corporation's current membership of an approved security industry association ends; or
- (c) for a partnership—
- (i) the name of the partnership; or
  - (ii) the name under which the partnership carries on business; or
  - (iii) the postal address of the partnership; or
  - (iv) each place of business of the partnership; or
  - (v) the composition of the partners in the partnership;  
or
  - (vi) a charge against, or conviction of, a partner in the partnership for a disqualifying offence; or
  - (vii) when the partnership's current membership of an approved security industry association ends.

*Examples of when membership of approved security industry association ends for subsection (2)(a)(vii), (b)(viii) and (c)(vii)—*

membership lapses or is suspended, terminated or cancelled

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## **Part 2A                      Security industry associations**

### **12A    Approval of security industry association—Act, s 25B(a)**

The chief executive may approve a security industry association for part 2 of the Act if the association complies with all of the requirements stated in schedule 1A, part 2.

### **12B    Withdrawal of security industry association's approval—Act, s 25B(b)**

The chief executive may withdraw a security industry association's approval if the association no longer complies with all of the requirements stated in schedule 1A, parts 2 and 3.

## **Part 3                      Registers**

### **Division 1                Register to be kept by 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 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 adviser;

[s 14]

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- (v) a security equipment installer;
  - (vi) a security officer; and
  - (b) the name, registered business name, if any, and place of business of each person or partnership that holds a security firm 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 the following in the register of security providers—

- (a) that a particular licence has expired or has been suspended or cancelled;
- (b) that the chief executive has refused to renew or replace a particular licence;
- (c) any change in a licensee's particulars.

#### **15 Chief executive's certificate about contents of register**

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

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## **Division 2                    Registers to be kept by others**

### **Subdivision 1                Registers to be kept by liquor licensees**

#### **16            Application of sdiv 1**

This subdivision applies if—

- (a) a liquor licensee engages a person to carry out the functions of a crowd controller for reward at a public place to which a liquor licence relates; and
- (b) the liquor licence is not in relation to an event or occasion.

#### **17            Definitions for sdiv 1**

In this subdivision—

*liquor licence* means a licence under the *Liquor Act 1992*.

*liquor licensee* means a person who holds a licence under the *Liquor Act 1992*.

#### **18            Liquor licensee to keep register of crowd controllers**

- (1) The liquor licensee must keep a register of persons engaged by the liquor licensee to carry out the functions of a crowd controller for reward at the public place.

Maximum penalty—20 penalty units.

- (2) The register must be kept in a secure place at the public place.
- (3) The register must state the following in relation to each crowd controller—
  - (a) the crowd controller’s full name, residential address and licence number, written in ink and so that they are easily legible;

[s 18]

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*Note—*

Under the *Acts Interpretation Act 1954*, section 36, writing includes any mode of representing or reproducing words in a visible form.

- (b) if the services of the crowd controller are supplied by a security firm—the security firm’s name and address;
  - (c) the number of the identification that must be worn by the crowd controller under section 25;
  - (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;
  - (f) if the crowd controller is a restricted licensee and is to carry out the functions of a crowd controller under appropriate direct supervision—the name of the crowd controller who—
    - (i) holds an unrestricted licence for carrying out crowd controller functions; and
    - (ii) is to directly supervise the crowd controller for the purpose of giving the appropriate direct supervision;
  - (g) the information mentioned in subsection (4) about each incident at the public place—
    - (i) involving the crowd controller and in which a person is injured; or
    - (ii) requiring a person to be removed from the public place by the crowd controller.
- (4) For subsection (3)(g) the information is as follows—
- (a) the date and time the incident happened;
  - (b) a description of the location at the public place where the incident happened;
  - (c) a description of each person involved in the incident and, if known, the person’s name;



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- (d) details of the incident, including, for example, information about whether a person was removed from the premises because of the incident;
  - (e) details of injuries suffered by persons involved in the incident;
  - (f) details of action taken by the crowd controller or member of staff of the public place in response to the incident.
- (5) The liquor licensee must ensure—
- (a) the particulars mentioned in subsection (3)(a), (b), (c), (d) and (f) are noted in the register, and the register is signed by the crowd controller, before the crowd controller starts each period of duty; and
  - (b) the particulars mentioned in subsection (3)(e) are noted in the register, and the register is signed by the crowd controller, immediately after the crowd controller finishes the period of duty; and
  - (c) the information mentioned in subsection (3)(g) is noted in the register as soon as practicable after the incident.

Maximum penalty—20 penalty units.

- (6) If the register consists of more than 1 page, it must be—
- (a) firmly bound along its spine; and
  - (b) sequentially numbered.

## **19 Register of crowd controllers—other matters**

- (1) The liquor licensee must allow the register kept by the liquor licensee under section 18 to be inspected by the chief executive.

Maximum penalty—20 penalty units.

- (2) The liquor licensee must not—
- (a) remove, or allow a person to remove, a page from the register; or

[s 20]

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- (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.

- (3) The liquor licensee must keep the register for at least 7 years after the last entry was made in the register.

Maximum penalty—20 penalty units.

## **Subdivision 2      Registers to be kept by security firms**

### **20      Security firm to keep register of security providers**

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

Maximum penalty—20 penalty units.

- (2) The register must state—
  - (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 of each engagement.
- (3) If the engagement of a security provider ends, the register must also state the date the engagement ended.
- (4) The security firm must allow the register to be inspected by the chief executive.

Maximum penalty—20 penalty units.

- (5) The security firm must keep the register for at least 7 years after the last entry was made in the register.

Maximum penalty—20 penalty units.

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## **21 Security firm to keep register of crowd controllers**

- (1) This section applies if—
  - (a) a security firm supplies crowd controller services at a particular public place; and
  - (b) a liquor licensee is not required to keep a register of crowd controllers for the place under subdivision 1.
- (2) The security firm must keep a register of crowd controllers whose crowd controller services are supplied by the security firm at the public place.

Maximum penalty—20 penalty units.

- (3) The register must be kept—
  - (a) while the services are being supplied—in a secure place at the public place; or
  - (b) otherwise—in a secure place at a place of business of the security firm.
- (4) The register must state the following in relation to each crowd controller—
  - (a) the crowd controller's full name, residential address and licence number, written in ink and so that they are easily legible;

*Note—*

Under the *Acts Interpretation Act 1954*, section 36, writing includes any mode of representing or reproducing words in a visible form.

- (b) the number of the identification that must be worn by the crowd controller under section 25;
- (c) the date and time when the crowd controller starts each period of duty at the public place;
- (d) the date and time when the crowd controller finishes each period of duty at the public place;
- (e) if the crowd controller is a restricted licensee and is to carry out the functions of a crowd controller under

[s 22]

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appropriate direct supervision—the name of the person who—

- (i) holds an unrestricted licence for carrying out crowd controller functions; and
  - (ii) is to directly supervise the crowd controller for the purpose of giving the appropriate direct supervision;
- (f) details of each incident at the public place—
- (i) involving the crowd controller and in which a person is injured; or
  - (ii) requiring a person to be removed from the public place by the crowd controller.
- (5) The security firm must ensure—
- (a) the particulars mentioned in subsection (4)(a), (b), (c) and (e) are noted in the register, and the register is signed by the crowd controller, before the crowd controller starts each period of duty; and
  - (b) the particulars mentioned in subsection (4)(d) are noted in the register, and the register is signed by the crowd controller, immediately after the crowd controller finishes the period of duty; and
  - (c) the details mentioned in subsection (4)(f) are noted in the register as soon as practicable after the incident.

Maximum penalty—20 penalty units.

- (6) If the register consists of more than 1 page, the register must be—
- (a) firmly bound along its spine; and
  - (b) sequentially numbered.

## **22 Register of crowd controllers—other matters**

- (1) If a security firm is required to keep a register of crowd controllers under section 21, the security firm must allow the register to be inspected by the chief executive.

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Maximum penalty—20 penalty units.

- (2) The security firm 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.

- (3) The security firm must keep the register for at least 7 years after the last entry was made in the register.

Maximum penalty—20 penalty units.

## **Part 4                                  Security firm supplying security firm services of restricted licensee**

### **23        Security firm's duties about functions and supervision of restricted licensee**

- (1) This section applies if a security firm supplies security firm services of a restricted licensee for reward.
- (2) The security firm must ensure that, while the security firm services are being supplied, the restricted licensee carries out only the functions of a type of security provider stated in the licence.

Maximum penalty—20 penalty units.

- (3) The security firm, in supplying the security firm services, must ensure that the restricted licensee carries out the functions of a type of security provider stated in the licence under appropriate direct supervision.

Maximum penalty—20 penalty units.

## Part 5 Miscellaneous

### 24 Security provider not to wear or display chequerboard hat

- (1) A security provider, in carrying out the security provider's functions, must not without reasonable excuse—
  - (a) wear a chequerboard hat; or
  - (b) display, or permit to be displayed, a chequerboard hat.

*Example of displaying a hat—*

holding a hat in view in the security provider's hands

Maximum penalty—20 penalty units.

- (2) In this section—

***chequerboard hat*** means a hat displaying a chequerboard design.

*Example—*

a hat that has a chequerboard hatband

### 25 Crowd controller's identification—Act, s 47

- (1) The prescribed identification for section 47 of the Act is identification that complies with subsections (2) to (5).
- (2) The identification must be worn on a licensed crowd controller's clothing at the chest.
- (3) The identification must consist of—
  - (a) a number at least 3cm in height and 4mm in thickness; and
  - (b) the word 'security' in capital letters at least 1cm in height and 2mm in thickness.
- (4) The numbers and letters must be black on a white background.
- (5) Each crowd controller at a public place must wear a different number.

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**26 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 9 of the Act.

**27 Fees**

The fees payable under the Act are stated in schedule 1.

**28 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.

## **Part 6 Repeal and transitional provisions**

**29 Repeal**

The Security Providers Regulation 1995 SL No. 25 is repealed.

**30 Application for licence or renewal before commencement**

- (1) This section applies to an application for a licence, or renewal of a licence, made but not decided before the commencement of this section.
- (2) The repealed *Security Providers Regulation 1995* applies in relation to the application.

## **Schedule 1A Requirements for approval of security industry associations**

sections 12A and 12B

### **Part 1 Preliminary**

#### **1 Definitions for sch 1A**

In this schedule—

**accountant** means—

- (a) a member of CPA Australia who is entitled to use the letters ‘CPA’ or ‘FCPA’; or
- (b) a member of The Institute of Chartered Accountants in Australia who is entitled to use the letters ‘CA’ or ‘FCA’; or
- (c) a member of the National Institute of Accountants who is entitled to use the letters ‘MNIA’, ‘FNIA’, ‘PNA’ or ‘FPNA’.

**association** means—

- (a) for part 2—
  - (i) an association seeking to become an approved security industry association; or
  - (ii) an approved security industry association; or
- (b) for part 3—an approved security industry association.

**complaint management policy**, for an association, means a written policy outlining the principles and procedures the association uses to deal with and resolve complaints the association receives about its members.

**corresponding law** means a law applying, or that applied, in another State that provides, or provided, for the same, or substantially the same, matter as the *Associations Incorporation Act 1981* or a provision of that Act.



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*declaration of financial viability*, for an association, means—

- (a) if the association has a management committee—a declaration made by the management committee that, in the committee members' opinion, there are reasonable grounds to believe that the association is financially viable; or
- (b) if the association has a board of directors—a declaration made by the directors that, in the directors' opinion, there are reasonable grounds to believe that the association is financially viable.

*financially viable*, for an association, means the association is able to pay its debts as and when they become due and payable.

*management committee* means—

- (a) for an association incorporated under the *Associations Incorporation Act 1981*—the association's management committee formed under that Act; or
- (b) for an association incorporated under a corresponding law—the expression in the corresponding law that has the same, or substantially the same, meaning as the expression 'management committee' under the *Associations Incorporation Act 1981*.

*relevant member*, of an association, means a member of the association holding a security firm licence.

## Part 2 **General requirements for approval**

### 2 **Approval application to be in writing**

An association seeking to become an approved security industry association must apply in writing to the chief executive for approval under the Act, section 25B(a).

### **3 Incorporation**

The association must be incorporated.

### **4 Annual election of office holders**

- (1) The association must hold an election for members of the association to elect its office holders.
- (2) An election of office holders must be held at least once every 2 years.
- (3) The association's management committee or board of directors must include at least 1 individual who is—
  - (a) a relevant member of the association; or
  - (b) nominated for the purpose by a corporation or partnership that is a relevant member of the association.
- (4) In this section—

*office holder* means—

- (a) for an association incorporated under the *Associations Incorporation Act 1981* or a corresponding law—a member of the association's management committee; or
- (b) for an association incorporated under the Corporations Act—a director of the corporation.

### **5 Financial viability**

- (1) The association must be financially viable.
- (2) An association seeking to become an approved security industry association must give the chief executive all of the following—
  - (a) if the association has been incorporated for less than 3 years—
    - (i) a financial statement for each year that it has been incorporated; and

- (ii) for each financial statement—an accountant's written report about the accountant's audit of the statement;
  - (b) if the association has been incorporated for 3 or more years—
    - (i) financial statements for the last 3 years that it has been incorporated; and
    - (ii) for each financial statement—an accountant's written report about the accountant's audit of the statement;
  - (c) a written business plan that—
    - (i) describes how the association is to be funded; and
    - (ii) includes details of the services the association provides to its members; and
    - (iii) adopts a whole of business approach to planning, including, for example, components dealing with marketing and financial and risk management;
  - (d) a declaration of financial viability;
  - (e) a document signed and dated by an accountant stating—
    - (i) the accountant's name and business address; and
    - (ii) the accountant agrees with the declaration of financial viability for the association based on an examination of the financial statements, written reports about the accountant's audit of each financial statement and business plan for the association.
- (3) A declaration of financial viability must—
  - (a) if—
    - (i) the association has a management committee—be made under a decision of the management committee; or
    - (ii) the association has a board of directors—be made under a resolution of the directors; and

- (b) state the date when the declaration is made; and
- (c) be signed—
  - (i) if the association has a management committee—by a member of the committee; or
  - (ii) if the association has a board of directors—by a director.

## **6 Services to members**

The association must provide genuine and accessible services relevant to its members including, for example—

- (a) programs for the education and training of the association's members to develop skills and expertise relevant to the security industry; and
- (b) information or advice about statutory obligations applying to the security industry.

## **7 Promotion of ethics and conduct**

The association must demonstrate that it promotes a high standard of ethics and conduct for the security industry.

*Example—*

promoting a high standard of ethics and conduct in the association's rules, information services or promotional material

## **8 Code of conduct**

- (1) The association must have a code of conduct requiring its members to adopt best practice industry standards.
- (2) The association must be able, under the code of conduct, to deal with a breach of the association's code of conduct by—
  - (a) asking a member to take remedial action for the breach; or
  - (b) taking disciplinary action against a member for the breach.

- (3) A code of conduct must include a requirement that the association give the member a written notice about an alleged breach of the code of conduct by the member.
- (4) The written notice must include—
  - (a) a statement that if the association is satisfied that a member has breached the association's code of conduct the association may take action against the member within the period stated in the notice; and
  - (b) a show cause process.
- (5) A code of conduct must be approved by the chief executive.
- (6) In this section—

*remedial action*, for a breach of an association's code of conduct, means action to ensure a member's compliance with the association's code of conduct.

## **9 Complaint management policy**

- (1) The association must—
  - (a) keep and put into effect a complaint management policy; and
  - (b) inform its members about the policy and how it may be accessed; and
  - (c) make the policy available to—
    - (i) its members; and
    - (ii) the public.
- (2) A complaint management policy must state that an association must—
  - (a) deal with complaints about a member promptly and fairly; and
  - (b) make every reasonable effort to resolve a complaint about a member.
- (3) A complaint management policy must be approved by the chief executive.

## **Part 3**                      **Additional requirements for approved security industry associations**

### **Division 1**                **Compliance audits**

#### **10**      **Compliance with code of conduct**

- (1) The association must be able to conduct an audit (a *compliance audit*) of a relevant member's compliance with the association's code of conduct.
- (2) The association must conduct a compliance audit of each relevant member of the association—
  - (a) initially, within 3 years of the member becoming a member of the association; and
  - (b) afterwards, at least once every 3 years from the date of the audit conducted under paragraph (a).
- (3) However, subsection (4) applies if a relevant member of an approved security industry association (the *current association*)—
  - (a) is a new member of the current association; and
  - (b) before becoming a member of the current association, was a member of another approved security industry association (the *former association*).
- (4) The current association must conduct a compliance audit of the relevant member—
  - (a) within 3 years of the last satisfactory compliance audit of the member conducted by the former association; or
  - (b) if the member can not show when the last satisfactory compliance audit of the member was conducted by the former association—within 12 months of the member becoming a member of the current association.

- (5) Within 2 years of an association becoming an approved security industry association, the association must conduct compliance audits of at least half of its relevant members.
- (6) In this section—
- satisfactory*, for a compliance audit of a relevant member of an approved security industry association, means a written report that—
- (a) complies with section 11; and
  - (b) states whether the auditor who conducted the audit is of the opinion that the member complies with the association's code of conduct.

## **11 Requirements for conducting compliance audit**

- (1) An association must ensure a compliance audit is conducted in accordance with all of the following requirements—
- (a) an auditor must conduct the audit;
  - (b) the auditor must be an accountant;
  - (c) the auditor must clearly define the scope and objectives of each audit before the auditor begins the audit;
  - (d) the auditor must conduct the audit in compliance with the auditing and assurance standards made by the Auditing and Assurance Standards Board;
  - (e) the auditor must assess a relevant member's compliance with the provisions of the association's code of conduct that are relevant to the functions carried out by the member as a security provider;
  - (f) the auditor must use a process that enables the auditor to obtain and evaluate evidence for the audit by applying audit procedures to a selection of particular data or information that the association reasonably considers appropriate to a relevant member's circumstances, including those of a relevant member the association knows or suspects to have breached the association's code of conduct;

- (g) the auditor must give the association a written report about the audit.
- (2) The report must include a document signed and dated by the auditor stating—
  - (a) the auditor's name and business address; and
  - (b) whether the auditor is of the opinion that the relevant member is complying with the association's code of conduct.
- (3) An auditor may conduct a compliance audit in a way that the auditor considers appropriate, including, for example, by electronic communication.
- (4) Within 3 months of the completion of a compliance audit, the association must give the member audited a written notice about the outcome of the audit.
- (5) In this section—

*Auditing and Assurance Standards Board* means the Auditing and Assurance Standards Board established under the *Australian Securities and Investments Commission Act 2001* (Cwlth).

## **Division 2                      Information to be given to chief executive**

### **12      Approved security industry association to give chief executive particular information**

- (1) This section applies if the association has been an approved security industry association for 1 year or more.
- (2) Within 6 months after the anniversary date for the association, the association must give the chief executive all of the following information—
  - (a) the association's annual financial statement (the *annual financial statement*) prepared during the approval period for the association;
  - (b) a declaration of financial viability for the association;



- (c) an accountant's written report about the accountant's audit of the statement;
- (d) a document signed and dated by the accountant stating—
  - (i) the accountant's name and business address; and
  - (ii) the accountant agrees with the declaration of financial viability for the association based on an examination of the annual financial statement, the report mentioned in paragraph (c) and the business plan mentioned in section 5(2)(c) for the association;
- (e) a statement about the compliance audits conducted by the association during the approval period including details about the following—
  - (i) the number of audits conducted by the association;
  - (ii) the percentage of the association's total membership that the number of audits conducted represents;
  - (iii) the name, business address and licence number of each relevant member audited;
  - (iv) the findings of each audit;
  - (v) the action taken by the association in relation to the findings of each audit;
- (f) a statement about the operation of the association's complaint management policy during the approval period including details about the following—
  - (i) the number of complaints received;
  - (ii) a description of the nature of each complaint;
  - (iii) the action taken by the association for each complaint;
- (g) a statement that the association, during the approval period, has reviewed the association's code of conduct and complaint management policy to ensure the code of conduct and the complaint management policy have

regard to best practice industry standards for the types of services provided by the association's members;

- (h) if, within the approval period, the association has changed the association's code of conduct or complaint management policy—a copy of the new code of conduct or complaint management policy.
- (3) A declaration of financial viability must—
- (a) if—
    - (i) the association has a management committee—be made under a decision of the management committee; or
    - (ii) the association has a board of directors—be made under a resolution of the directors; and
  - (b) state the date when the declaration is made; and
  - (c) be signed—
    - (i) if the association has a management committee—by a member of the committee; or
    - (ii) if the association has a board of directors—by a director.
- (4) In this section—

***anniversary date***, for an association, means the day in each year that is the anniversary of the day when it became an approved security industry association.

***approval period***, for an association, means the period of 1 year ending on the last anniversary date for the association.

### **13 Documents about relevant members**

- (1) The association must keep for 7 years all of the documents it receives about a relevant member of the association including, for example, the following—
- (a) the relevant member's membership application;
  - (b) a document about a complaint about a relevant member;

- (c) a document about a relevant member's breach of the association's code of conduct;
  - (d) a report about a compliance audit of a relevant member.
- (2) The association must give the chief executive a copy of a document mentioned in subsection (1) within 14 days after the chief executive asks for the document.

## Schedule 1 Fees

section 27

\$

### Applications for licences

1	Application, under section 10 of the Act, for a class 1 licence for carrying out the functions of 1 type of security provider other than a security firm—	
	(a) for 1 year . . . . .	244.00
	(b) for 3 years . . . . .	488.00
2	Application, under section 10 of the Act, for a class 1 licence for carrying out the functions of more than 1 type of security provider other than a security firm—	
	(a) for 1 year . . . . .	302.35
	(b) for 3 years . . . . .	615.30
3	Application, under section 10 of the Act, for a class 1 licence that is a restricted licence for carrying out the functions of 1 type of security provider other than a security firm, for 6 months . . . . .	137.90
4	Application, under section 10 of the Act, for a class 1 licence that is a restricted licence for carrying out the functions of more than 1 type of security provider other than a security firm, for 6 months . . . . .	169.70
5	Application, under section 10 of the Act, for a class 1 licence that is a security firm licence—	
	(a) for 1 year . . . . .	1 220.00
	(b) for 3 years . . . . .	2 461.25
6	Application, under section 10 of the Act, for a class 2 licence for carrying out the functions of 1 type of security provider other than a security firm—	
	(a) for 1 year . . . . .	148.50
	(b) for 3 years . . . . .	291.70
7	Application, under section 10 of the Act, for a class 2 licence for carrying out the functions of more than 1 type of security provider other than a security firm—	

	\$
(a) for 1 year .....	180.35
(b) for 3 years .....	371.30
8 Application, under section 10 of the Act, for a class 2 licence that is a security firm licence—	
(a) for 1 year .....	732.00
(b) for 3 years .....	1 474.65
9 Application, under section 10 of the Act, for a security firm licence that is a class 1 and class 2 licence—	
(a) for 1 year .....	1 559.50
(b) for 3 years .....	3 150.85

#### Renewal of licences

10 Renewal, under section 20 of the Act, of a class 1 licence for carrying out the functions of 1 type of security provider other than a security firm—	
(a) for 1 year .....	122.00
(b) for 3 years .....	366.00
11 Renewal, under section 20 of the Act, of a class 1 licence for carrying out the functions of more than 1 type of security provider other than a security firm—	
(a) for 1 year .....	153.80
(b) for 3 years .....	461.40
12 Renewal, under section 20 of the Act, of a class 1 licence that is a security firm licence—	
(a) for 1 year .....	620.60
(b) for 3 years .....	1 861.80
13 Renewal, under section 20 of the Act, of a class 2 licence for carrying out the functions of 1 type of security provider other than a security firm—	
(a) for 1 year .....	73.15
(b) for 3 years .....	219.45
14 Renewal, under section 20 of the Act, of a class 2 licence for carrying out the functions of more than 1 type of security provider other than a security firm—	
(a) for 1 year .....	93.30

Schedule 1

	\$
(b) for 3 years . . . . .	279.90
15 Renewal, under section 20 of the Act, of a class 2 licence that is a security firm licence—	
(a) for 1 year . . . . .	371.30
(b) for 3 years . . . . .	1 113.90
16 Renewal, under section 20 of the Act, of a security firm licence that is a class 1 and class 2 licence—	
(a) for 1 year . . . . .	795.65
(b) for 3 years . . . . .	2 386.95

**Replacement of licences**

17 Replacement, under section 25 of the Act, of a class 1 or class 2 licence for carrying out the functions of 1 type of security provider other than a security firm. . . . .	25.95
18 Replacement, under section 25 of the Act, of a class 1 or class 2 licence for carrying out the functions of more than 1 type of security provider other than a security firm . . . . .	37.10
19 Replacement, under section 25 of the Act, of a security firm licence . . . . .	59.35

**Particular amendments of licences**

20 Amendment, under section 17 of the Act, of an individual’s class 1 licence to authorise the carrying out of the functions of an additional type of security provider other than a security firm—for each additional type of security provider . . . . .	61.45
21 Amendment, under section 17 of the Act, of an individual’s class 2 licence to authorise the carrying out of the functions of an additional type of security provider other than a security firm—for each additional type of security provider . . . . .	36.05
22 Amendment, under section 17 of the Act, of a security firm licence to authorise the carrying out of the functions of an additional type of security provider—for each additional type of security provider . . . . .	185.65

	\$
23 Amendment, under section 17 of the Act, of an imposed condition on a licence, other than in a way mentioned in item 20, 21 or 22 .....	63.65
<b>Applications for temporary permits</b>	
24 Application, under section 31C of the Act, for a temporary permit for carrying out authorised functions of a bodyguard .....	71.05
25 Application, under section 31C of the Act, for a temporary permit for carrying out authorised functions of a crowd controller .....	71.05
26 Application, under section 31C of the Act, for a temporary permit for carrying out authorised functions of a security officer .....	71.05
27 Application, under section 31C of the Act, for a temporary permit for carrying out authorised functions of a security firm .....	116.65
<b>Inspections of register and copies of entries in register</b>	
28 Inspection, under section 13(3), of register of security providers kept by the chief executive .....	14.80
29 Copy of an entry in the register .....	14.80
30 Certified copy of an entry in the register .....	25.95
<b>Fingerprinting of relevant person</b>	
31 Taking a relevant person's fingerprints under section 27 of the Act, unless the Commissioner already holds the relevant person's fingerprints taken under that section . . . .	100.00

## Schedule 2 Dictionary

### section 3

*accountant*, for schedule 1A, see schedule 1A, section 1.

*association*, for schedule 1A, see schedule 1A, section 1.

*complaint management policy*, for schedule 1A, see schedule 1A, section 1.

*compliance audit* see schedule 1A, section 10(1).

*corresponding law*, for schedule 1A, see schedule 1A, section 1.

*declaration of financial viability*, for schedule 1A, see schedule 1A, section 1.

*financially viable*, for schedule 1A, see schedule 1A, section 1.

*liquor licence*, for part 3, division 2, subdivision 1, see section 17.

*liquor licensee* see section 17.

*management committee*, for schedule 1A, see schedule 1A, section 1.

*officer*, of a corporation, see section 13(1) of the Act.

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

*relevant member*, for schedule 1A, see schedule 1A, section 1.



# Endnotes

## 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	39
3 Key . . . . .	39
4 Table of reprints . . . . .	40
5 List of legislation . . . . .	40
6 List of annotations . . . . .	41

## 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 1 July 2011. Future amendments of the Security Providers Regulation 2008 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)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	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 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 July 2008	
1A	2008 SL No. 404	5 December 2008	
1B	2009 SL No. 120	1 July 2009	
1C	2010 SL No. 128	1 July 2010	
1D	2010 SL No. 346	3 December 2010	
1E	2010 SL No. 346	24 February 2011	
1F	2011 SL No. 86	1 July 2011	R1F withdrawn, see R2
	2011 SL No. 115		
2	—	1 July 2011	

## 5 List of legislation

### **Security Providers Regulation 2008 SL No. 119**

made by the Governor in Council on 8 May 2008

notfd gaz 9 May 2008 pp 277–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

exp 1 September 2018 (see SIA s 54)

Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) An explanatory note was prepared.

(3) A regulatory impact statement was prepared and applies to 2008 SL Nos. 119, 120, 121 and 122.

amending legislation—

### **Security Providers Amendment Regulation (No. 1) 2008 SL No. 404**

notfd gaz 5 December 2008 pp 1840–3

commenced on date of notification

### **Fair Trading (Fees) Amendment Regulation (No. 1) 2009 SL No. 120**

notfd gaz 26 June 2009 pp 831–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2)

### **Fair Trading and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 128 pts 1, 26**

notfd gaz 18 June 2010 pp 529–35

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2010 (see s 2)

**Security Providers Amendment Regulation (No. 1) 2010 SL No. 346**

notfd gaz 3 December 2010 pp 1003–6  
 ss 1–2 commenced on date of notification  
 s 4 commenced 24 February 2011 (see s 2)  
 remaining provisions commenced on date of notification

**Security Providers Amendment Regulation (No. 1) 2011 SL No. 86**

notfd gaz 17 June 2011 pp 430–4  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2011 (see s 2)  
 Note—An explanatory note was prepared.

**Justice (Fees) Amendment Regulation (No. 1) 2011 SL No. 115**

notfd gaz 1 July 2011 pp 589–96  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2011 (see s 2)  
 Note—An explanatory note was prepared.

**6 List of annotations****Change to information about licensee**

s 12 and 2010 SL No. 346 s 4

**PART 2A—SECURITY INDUSTRY ASSOCIATIONS**

pt 2A (ss 12A–12B) ins 2010 SL No. 346 s 5

**PART 7—AMENDMENT OF STATE PENALTIES ENFORCEMENT  
REGULATION 2000**

pt 7 (ss 31–32) om R1 (see RA ss 7(1)(k) and 40)

**SCHEDULE 1A—REQUIREMENTS FOR APPROVAL OF SECURITY  
INDUSTRY ASSOCIATIONS**

sch hdg ins 2010 SL No. 346 s 6

**PART 1—PRELIMINARY**

pt 1 (s 1) ins 2010 SL No. 346 s 6

**PART 2—GENERAL REQUIREMENTS FOR APPROVAL**

pt 2 (ss 2–9) ins 2010 SL No. 346 s 6

**PART 3—ADDITIONAL REQUIREMENTS FOR APPROVED SECURITY  
INDUSTRY ASSOCIATIONS**

pt hdg ins 2010 SL No. 346 s 6

**Division 1—Compliance audits**

div 1 (ss 10–11) ins 2010 SL No. 346 s 6

**Division 2—Information to be given to chief executive**

div 2 (ss 12–13) ins 2010 SL No. 346 s 6

**SCHEDULE 1—FEES**

amd 2008 SL No. 404 s 3  
sub 2009 SL No. 120 s 3 sch; 2010 SL No. 128 s 59  
amd 2011 SL No. 86 s 4; 2011 SL No. 115 s 3 sch

**SCHEDULE 2—DICTIONARY**

def “**accountant**” ins 2010 SL No. 346 s 7  
def “**association**” ins 2010 SL No. 346 s 7  
def “**complaint management policy**” ins 2010 SL No. 346 s 7  
def “**compliance audit**” ins 2010 SL No. 346 s 7  
def “**corresponding law**” ins 2010 SL No. 346 s 7  
def “**declaration of financial viability**” ins 2010 SL No. 346 s 7  
def “**financially viable**” ins 2010 SL No. 346 s 7  
def “**management committee**” ins 2010 SL No. 346 s 7  
def “**relevant member**” ins 2010 SL No. 346 s 7

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