



Queensland

## **Security Providers Regulation 2008**

## **Security Providers (Crowd Controller Code of Practice) 2008**

## **Security Providers (Security Officer—Licensed Premises—Code of Practice) 2008**

## **Security Providers (Security Firm Code of Practice) 2008**

**Regulatory Impact Statement for SL 2008 Nos. 119, 120, 121, 122**

made under the

*Security Providers Act 1993*

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This regulatory impact statement applies for each of the 4 items of subordinate legislation mentioned above. Separate explanatory notes accompany the 4 items.

***Security Providers Regulation 2008***  
***Security Providers (Crowd Controller Code of Practice) 2008***  
***Security Providers (Security Officer – Licensed Premises - Code of Practice) 2008***  
***Security Providers (Security Firm Code of Practice) 2008***

## **1. Introduction**

### ***Purpose of a Regulatory Impact Statement***

Under the *Statutory Instruments Act 1992*, if a proposed regulation is likely to impose appreciable costs on the community or part of the community, a regulatory impact statement must be prepared, before the regulation is made.

The purpose of this document is therefore to explain the need for the proposed regulation and to present an evaluation undertaken of the likely costs and benefits that would flow from its adoption in comparison with other options explored.

All members of the community are invited to comment on the information presented in this Regulatory Impact Statement.

### ***How to respond to this Regulatory Impact Statement***

The closing date for providing comment on this Regulatory Impact Statement is 14 March 2008.

Written submissions should be sent to:

#### **Mail:**

Security Providers Regulation 2008 RIS Project  
Director, Fair Trading Policy Branch  
Office of Fair Trading  
GPO Box 3111  
BRISBANE QLD 4001

#### **Facsimile:**

07 3119 0019

**Email:** [security.providers@justice.qld.gov.au](mailto:security.providers@justice.qld.gov.au)

### ***Public access to submissions***

Submissions may be subject to Freedom of Information and other laws, which should be taken into consideration when making submissions.

### ***Consideration of issues raised on the Regulatory Impact Statement***

After the public consultation period closes, the Government will consider issues raised by members of the community. Further consultation may occur to address concerns raised by the community prior to the development of a final position by the Government.

## **2. Background**

### ***Background to the legislation***

The Office of Fair Trading, as part of the Department of Justice and Attorney-General administers a number of Acts which impose occupational licensing requirements. These licensing requirements are designed for the protection of both consumers and industry alike in ensuring reputable business practices across a wide range of industries.

The *Security Providers Act 1993* and the *Security Providers Regulation 1995* create a licensing regime for security firms, security officers, crowd controllers and private investigators (collectively 'security providers'). Security providers must hold a licence under the *Security Providers Act 1993* to operate in Queensland.

Security firms are business licences and provide the services of crowd controllers, security officers and private investigators. Crowd controllers are employed to keep order around public places including nightclubs and hotels. Security officers provide services such as mobile and dog patrols, act as armed and unarmed guards and respond to alarms. Private investigators are typically operators who investigate missing persons, conduct covert surveillance operations and factual investigations on behalf of their clients.

Section 4 of the *Security Providers Act 1993* prescribes a list of 'exempted' persons for the licensing regime.

The *Security Providers Act 1993* seeks to ensure:

- the community is protected from unacceptable behaviour of security providers;
- only persons of an 'acceptable character' enter the industry and operate as security providers;
- operators possess basic levels of competency in the delivery of their services to members of the public; and
- industry / market participants behave according to community expectations.

The *Security Providers Regulation 1995* was made by the Governor in Council under section 54 of the *Security Providers Act 1993* and provides:

- details of the licensing scheme, including documents which must accompany applications and licence particulars;
- register requirements for security providers;
- crowd controllers' visible identification requirements; and
- fees payable under the *Security Providers Act 1993*.

### ***Overview of the review process which has lead to the proposed course of action***

In August 2004, the former Minister for Tourism, Fair Trading and Wine Industry Development (the Minister) commenced a review of the *Security Providers Act 1993* and *Security Providers Regulation 1995* as part of the Queensland Government's commitment to maintaining effective, contemporary and quality legislation.

The licensing categories were a key focus of the review as the current licence categories were established upon commencement of the *Security Providers Act 1993* in 1995 and no longer reflect the diverse occupations now in the security industry. A majority of responses to the Consultation Paper suggested that the current application of the *Security*

*Providers Act 1993* is not fully achieving its objective of providing a safe and reputable security industry in Queensland.

At its meeting on 27 September 2005, the Council of Australian Governments (COAG) recognised that a national harmonised security industry has a key role to play in counter-terrorism activities at a time when security is paramount. The COAG also requested a review of all State and Territory licensing regimes.

This harmonisation seeks to enable greater consistency between interstate licensing regimes so that a common approach to licensing appropriate and competent operators is taken nationwide.

In October 2005, the Office of Fair Trading began an investigation of policy options to reform the licensing regime under the *Security Providers Act 1993*. Preliminary investigations revealed the options of increasing the licence categories and strengthening the criteria for probity checks to determine a person's appropriateness could potentially restrict competition. This triggered a requirement to conduct a Public Benefit Test to assess the costs and benefits of these options.

The Public Benefit Test was completed in 2006 with specific recommendations to amend the *Security Providers Act 1993* now incorporated in the *Security Providers Amendment Act 2007* passed by the Legislative Assembly on 15 March 2007. The key reforms in the *Security Providers Amendment Act 2007* are, amongst other things:

- previously unregulated sectors of the industry such as security equipment installers, electronic surveillers, dog handlers, in-house security guards, and security advisors within the licensing regime will be captured;
- background probity checks have been tightened and the lists of factors which may be used to determine whether a person is suitable to remain in the industry have been increased;
- the Office of Fair Trading may use criminal intelligence, unrecorded convictions and other background information to determine if a person is suitable to hold a licence; and
- a head of power has been inserted in the *Security Providers Act 1993* to allow Codes of Practice to ensure everyone in the industry meets new standards of behaviour.

The *Security Providers Amendment Act 2007* also allows the Chief Executive to require licensed security providers to complete additional training to ensure that security personnel learn up-to-date techniques for maintaining order and avoiding the escalation of disputes. Failure to complete such training will be grounds for suspension or cancellation of a security provider licence.

The Act was also amended to allow the Chief Executive to require licensed security providers to complete additional training to ensure that security personnel learn up-to-date techniques for maintaining order and avoiding the escalation of disputes. Failure to complete such training will be grounds for suspension or cancellation of a security provider licence. As part of the implementation of the Amendment Act, the current entry level qualifications will be boosted by imposing conditions to complete additional training. For example, the entry level unit, "Monitor and controlling individual and crowd behaviour" will be supplemented with units, "Management conflict through negotiation" and "Maintaining security of environment" and requirements for high risk areas of the industry such as crowd controllers to complete "refresher" units on an annual basis.

In late 2006, the Queensland Government announced it would provide the security industry a supplementary role to assist the Department in auditing compliance with codes

of conduct to ensure those working in the industry meet behavioural benchmarks. This includes laws related to the operation of a security business such as workplace relations compliance.

The Queensland Government is considering two options directly below (see section 9.4) to achieve this objective and is seeking public comment on both options.

#### ***Proposed course of action with the expiry of the Security Providers Regulation 1995***

Under the *Statutory Instruments Act 1992*, subordinate legislation automatically expires 10 years after its commencement. The Governor in Council extended the scheduled 2005 expiry of the *Security Providers Regulation 1995* until 31 August 2008. This was based upon the review of the *Security Providers Act 1993* and the passage of the *Security Providers Amendment Act 2007* through the Legislative Assembly. Re-enacting the *Security Providers Regulation 1995* in 2005 would have pre-empted the outcomes of the review of the *Security Providers Act 1993*.

Now the *Security Providers Amendment Act 2007* has been passed, it is appropriate to re-enact the *Security Providers Regulation 1995* incorporating consequential amendments from the *Security Providers Amendment Act 2007* to coincide with its commencement. This will be done through the making of the proposed *Security Providers Regulation 2008*.

#### ***Proposed course of action with the Security Providers (Crowd Controller Code of Practice) 2008, Security Providers (Security Officer – Licensed Premises - Code of Practice) 2008 and Security Providers (Security Firm Code of Practice) 2008***

The proposed course of action with the *Security Providers (Crowd Controller Code of Practice) 2008*, *Security Providers (Security Officer – Licensed Premises - Code of Practice) 2008* and *Security Providers (Security Firm Code of Practice) 2008* (Codes of Practice) is to set minimum behavioural standards for crowd controllers, security officers working in liquor licensed premises and the operators of security firms.

#### ***What is the purpose of this Regulatory Impact Statement?***

If a regulation is due for automatic expiry, a Regulatory Impact Statement must be prepared and public consultation undertaken before a new regulation can be made. The Regulatory Impact Statement must demonstrate the proposed regulation is the most viable option which brings the greatest overall benefit to the public. Any proposed modifications to the existing regulation must also be evaluated.

#### ***Timeframes for possible introduction***

The *Security Providers Amendment Act 2007* was passed by the Legislative Assembly 15 March 2007 and received Royal Assent on 20 March 2007.

Stage One implementation of the *Security Providers Amendment Act 2007* began on 1 July 2007 with the introduction of the new penalty regime. Stage Two implementation commenced on 1 October 2007 with the introduction of the strengthened probity regime.

Stage Three implementation for the remaining provisions of the *Security Providers Amendment Act 2007* including new licence categories is scheduled to begin mid 2008.

Once the *Security Providers Regulation 2008* is finalised it will be submitted to Cabinet and the Governor in Council to be made. Stage Three implementation and the proposed *Security Providers Regulation 2008* are scheduled to commence together.

The proposed *Security Providers Regulation 2008* is only a draft at this point of time. This Regulatory Impact Statement incorporates the draft *Security Providers Regulation*

2008 at Attachment A so the security industry and other interested parties may consider the proposed amendments and make comments and suggestions. The draft *Security Providers Regulation 2008* may be amended to take into account comments and suggestions.

A communication campaign has been designed by the Office of Fair Trading which will entail media releases, mail-outs and other forms of communication to ensure security providers know their rights and responsibilities and any changes from the present system.

The Liquor Licensing Division (LLD) of Queensland Treasury is also publishing a RIS/draft Public Benefit Test (PBT) for public consultation in response to the Queensland Liquor Reforms. The reforms outlined in the RIS/draft PBT include an overhaul of Queensland's current licensing system to allow for a streamlined system of licences and permits, industry development, and a reduction of red tape. The document will be of interest to providers of security personnel to the liquor industry. A copy of this document can be obtained from the website [www.liquor.qld.gov.au](http://www.liquor.qld.gov.au) or by contacting 3239 0973.

### **3. Stakeholders**

Stakeholders affected by the proposed *Security Providers Regulation 2008* and Codes of Practice are:

- industry participants,
- the government in regulating industry;
- consumers and the general public who may be indirectly affected by licensees' services.

### **4. Authorising Law**

Section 54 of the *Security Providers Act 1993* contains the power to make regulations.

### **5. Policy Objectives**

The policy objectives of the *Security Providers Act 1993*, the proposed *Security Providers Regulation 2008* and Codes of Practice are to protect personal and public safety and property by maintaining a licensing regime which ensures only those persons of reputable character operate in the industry.

### **6. Legislative intent**

The legislative intent of the proposed courses of action for the *Security Providers Regulation 2008* and the Codes of Practice is to establish administrative processes for the licensing system and to provide a minimum set of behavioural standards. These proposed courses of action will assist in meeting the policy objectives.

Research by the Office of Fair Trading and public responses during the development of the *Security Providers Amendment Act 2007* confirmed the previous provisions of the *Security Providers Act 1993* were not totally adequate to meet these objectives, primarily due to the growth and diversification of the security industry.

The *Security Providers Amendment Act 2007*, the proposed *Security Providers Regulation 2008* and Codes of Practice seek to address this by:

- capturing mainstream professions and occupations performing security industry work under the *Security Providers Act 1993* to create a level playing field;
- and in doing so, persons performing the currently non-licensed security activities will become subject to the probity and training requirements of the *Security*

*Providers Act 1993*, with the aim of promoting public safety and security of property; and

- strengthening the probity requirements to ensure only those persons of reputable character operate in the industry.

In addition, the rationale for some of the amendments in the *Security Providers Amendment Act 2007* was driven by an objective of bringing Queensland's legislation into line with the other States and Territories, therefore adding to national harmonisation of security industry legislation.

The amendments of expanding the existing licence categories under the *Security Providers Act 1993* and modifying the 'appropriate person' / probity criteria meet the policy objectives of promoting public safety and security of property both in Queensland and nationally.

## **7. Consistency with the authorising law**

The proposed *Security Providers Regulation 2008* will be consistent with the *Security Providers Act 1993*. As a result of the *Security Providers Amendment Act 2007* it was necessary to review the *Security Providers Regulation 1995* to ensure that the policy objectives of promoting public safety and security of property in Queensland are maintained.

The proposed *Security Providers Regulation 2008* rationalises the new licensing structure and changes the fees to allow for adequate enforcement and monitoring of the legislation.

The proposed Codes of Practice set minimum behavioural standards and is consistent with the changes to the *Security Providers Act 1993*.

## **8. Consistency with other legislation**

The proposed *Security Providers Regulation 2008* and Codes of Practice do not conflict with any other legislation.

## **9. Options / alternatives and cost-benefit assessment**

This Regulatory Impact Statement evaluates proposals for providing an administrative system for the licensing regime and regulating the conduct of certain security providers.

### **9.1 Administrative system supporting the licensing regime**

This Regulatory Impact Statement examines four options / alternatives to determine if a regulatory response is still the most appropriate and effective method to deliver the policy objective to maintaining the licensing regime. These options are:

- Option 1** Do nothing and allow the *Security Providers Regulation 1995* to automatically expire.
- Option 2** Rely on the industry to self regulate.
- Option 3** Re-enact the *Security Providers Regulation 1995*.
- Option 4** Make the proposed *Security Providers Regulation 2008* (**Preferred Option**).

The following criteria are used to evaluate the four options.

- The extent to which each option supports the policy objectives of the *Security Providers Act 1993*, supporting consumer protection and the safe practices of security providers.

- The cost effectiveness of each option, in terms of costs and benefits to consumers, industry and government.
- The extent to which each option contributes to the overall efficiency of the regulatory system.

### **9.1.1 Option 1 - Do nothing and allow the *Security Providers Regulation 1995* to automatically expire**

The option to ‘do nothing’ would result in the existing *Security Providers Regulation 1995* automatically expiring with no replacement regulation being made. While the *Security Providers Act 1993* would still exist, a number of provisions would be unworkable and the objectives of the *Security Providers Act 1993* could not be achieved without the fees to resource licensing staff, monitoring and enforcement of the legislation.

#### ***Impact on Industry***

It is likely, without adequate resources to administer the licensing regime and conduct compliance activity, criminal or suspect security providers may enter the industry and undermine legitimate providers. Therefore the objectives of the *Security Providers Act 1993* could not be achieved.

There would be cost savings to industry as licence fees would cease to exist. However, the opportunity provided by the proposed *Security Providers Regulation 2008* to protect the industry, its workers and consumers would cease if the ‘do nothing’ option was pursued.

#### ***Impact on Consumers***

In the absence of the *Security Providers Regulation 1995*, the licensing and compliance regime would not be efficient or effective. There would be an increased chance of risk to personal safety and property with criminals taking advantage of a system that is less controlled.

#### ***Impact on Government***

The Government’s role in administering the licensing regime and monitoring the security industry would continue under the *Security Providers Act 1993* but would be severely impeded by the lack of an appropriate regulation setting out administrative issues and allowing for the collection of fees.

#### ***Conclusion***

The option to ‘do nothing’ would result in a system that could not be properly administered and enforced. The objectives of the *Security Providers Act 1993* could not be achieved, almost certainly to the detriment of consumers, industry and Government. The cost to the wider public in terms of safety and security would be potentially very damaging. For those reasons this option is not supported.

### **9.1.2 Option 2 – Rely on the industry to self regulate**

This option would involve relying on the security industry to develop and monitor the required documentation to accompany licences, set standards for incident registers for crowd controllers, prescribe crowd controller identification and maintain compliance practices.

The security industry holds a position of trust in society and its primary function is to protect various assets, including buildings, cash, infrastructure, domestic dwellings and



people. It is essential these activities and the people who perform them are closely regulated. If, for example, there was less scrutiny of licence applicants and less compliance activity, it would be possible for criminals to enter the industry and abuse this trust.

The impact on industry, consumers and government is essentially the same as Option 1 – which is outlined above.

### ***Conclusion***

Self-regulation can work in low risk industries however there is a high risk to the safety of the public and security of property. The option of self-regulation is not supported.

### **9.1.3 Option 3 – Re-enact the *Security Providers Regulation 1995***

This option would re-enact the *Security Providers Regulation 1995* as it is presently drafted with no changes. A number of provisions, particularly the provisions regarding licensing and fees would be unworkable, as the new licence types are not contemplated in the present regulation. The objectives of the *Security Providers Act 1993* could not be achieved without the appropriate fees to resource the licensing staff, monitoring and enforcement of the legislation as a result of increased workload due to increase in licence numbers.

#### ***Impact on Industry, consumers and government***

The impacts are similar to Option 1.

### ***Conclusion***

The option to re-enact the *Security Providers Regulation 1995* would result in a system which could not be properly administered. The objectives of the *Security Providers Act 1993* could not be achieved, almost certainly to the detriment of consumers, industry and Government. For those reasons this option is not supported.

### **9.1.4 Option 4 – Make the proposed *Security Providers Regulation 2008***

The proposed *Security Providers Regulation 2008* has been developed to replace the *Security Providers Regulation 1995* which is scheduled for automatic expiry. The proposed *Security Providers Regulation 2008* supports the new licence types and replicates the administrative detail required to support the operation of the *Security Providers Act 1993* by including:

- details of the licensing scheme, including documents which must accompany applications and licence particulars;
- register requirements for security providers;
- crowd controllers' visible identification requirements; and
- fees payable under the *Security Providers Act 1993*.

#### ***Impact on Industry***

The proposed *Security Providers Regulation 2008* benefits industry by:

- ensuring a fair and equitable system by prescribing a consistent licensing system;
- ensuring the probity of licence holders; and
- increasing the professionalism and consumer confidence in the industry as criminals are prevented from entering or remaining in the industry.

There are some foreseeable impacts on the security industry as a result of the modifications made to the existing Regulation. These impacts are dealt with separately in Section 9.2.

### ***Impact on Consumers***

The proposed *Security Providers Regulation 2008* benefits consumers by:

- prescribing details to complete the licensing regime ensuring a fair and equitable system while at the same time, ensuring the *Security Providers Act 1993*'s policy objectives are met;
- improving public safety; that is, decreasing the risk to personal safety and property, by ensuring only appropriate persons are licensed;
- ensuring the licence fee structure supports the effective administration and enforcement system; and
- increasing consumer confidence in the security industry by ensuring criminals are not able to gain access to such a highly sensitive industry.

### ***Impact on Government***

The Government's role in administering the licensing regime and monitoring the security industry will continue under the *Security Providers Act 1993* with the appropriate regulation setting out administrative detail and allowing for the collection of fees.

While the administration of the licensing regime and the compliance and enforcement activities is a significant cost to Government, it is considered the cost of Government supervision of the security industry is justified in terms of the protection it affords consumers and the wider public.

### **9.1.5 Preferred Option**

Option 4 – making the proposed *Security Providers Regulation 2008*:

- meets the policy objectives of the *Security Providers Act 1993*;
- provides significant benefits to consumers and the general public; and
- incurs a medium level cost to the industry and government.

Option 4 provides the greatest net benefit and is the Preferred Option.

### ***Summary of Overall Assessment of the Options***

<b>Options</b>	<b>Benefit</b>	<b>Cost</b>	<b>Incentive for good business practice</b>	<b>Protection of consumers</b>	<b>Overall efficiency</b>
1. Do Nothing	Low	Low	Low	Low	Low
2. Rely on industry to self regulate	Low	Medium	Low	Low	Low
3. Re-enact <i>Security Providers Regulation 1995</i>	Medium	Medium	Medium	Medium	Medium
4. Proposed <i>Security</i>	High	Medium	High	High	High

<i>Providers Regulation 2008</i>					
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## **9.2 Impact Assessment of the proposed *Security Providers Regulation 2008***

The proposed *Security Providers Regulation 2008* involves a redraft of the *Security Providers Regulation 1995* with some modifications. Please refer to Attachment A and the Schedule of Fees which detail the proposed contents of the draft *Security Providers Regulation 2008* and a comparison with the *Security Providers Regulation 1995*. This part will only consider the changes and new sections to the existing regulation.

The following criteria are used to evaluate the proposed modifications to the regulation to determine if it is the most appropriate means of achieving the objectives of the *Security Providers Act 1993*.

- The extent to which the proposed *Security Providers Regulation 2008* supports the policy objectives of the *Security Providers Act 1993*, supporting consumer protection and the safe practices of security providers.
- The cost effectiveness in terms of costs and benefits to consumers, industry and government.
- The extent to which the proposed *Security Providers Regulation 2008* contributes to the overall efficiency of the regulatory system.

### **9.2.1 Part 1 - Preliminary (Sections 1 -3)**

This Part provides the definitions used in the *Security Providers Regulation 2008* and its commencement.

### **9.2.2 Part 2 – Licences (sections 4-12)**

This Part of the *Security Providers Regulation 2008*:

- prescribes requirements for licence applicants;
- details licence administration requirements, including supporting documentation; and
- prescribes notification to be given regarding changes in the licensee’s particulars.

Sections 4 and 5 – are the requirements to provide documents accompanying a licence application. It is proposed to modify the existing requirements by removing the requirement to provide documentary evidence and by adding a power of the Chief Executive to adopt a ‘100 point identity verification check’ system.

This will apply to a bodyguard, crowd controller, private investigator, security officer, security adviser, security equipment installer and to individuals applying for a security firm licence. Such a system would be based upon the Commonwealth *Financial Transaction Reports Act 1988* and the *Financial Transaction Reports Regulation 1990* used for bank account identity verification.

Section 6 – requires applicants for security provider licences (other than security firm licences) to provide a recent photograph of themselves. It also clarifies the existing requirement to provide evidence of successful completion of an approved training course so that it applies only to Class 1 (as defined) licence applicants.

Section 8 – is a new section which prescribes the documentation to accompany an application for a temporary permit. This includes:

- the applicant’s corresponding authority;

- evidence of employment/engagement to perform functions under the applicant's corresponding authority at a particular event;
- if authorised functions of a security firm are intended to be carried out, the security firm services to be supplied; and
- the period of time required to perform these functions.

### ***Objective***

The primary objective of this Part of the proposed *Security Providers Regulation 2008* is to prescribe information and particulars that must accompany licence applications. Although this is administrative in nature it is extremely important as it bolsters the probity requirements in the *Security Providers Act 1993*. It ensures that the probity checks being undertaken are on the applicant and not on a fraudulent identity.

### ***Comment***

Sections 4 and 5 have an increased requirement regarding proof of identity documentation accompanying a licence application by introducing a '100 point identity check' to be implemented by the Chief Executive. At present a certified copy or extract from a birth certificate plus 3 testimonials is required. Under this new requirement the birth certificate would account for 70 points of identification.

The obligation to provide testimonials has been removed and instead a minimum extra 30 points of identification would be required for this '100 point check' which could be a licence (car, boat, gun or pilot), student identification card, or a current council rates notice. Alternatively, 25 points may be met for example with the applicant's Medicare card, credit card, or a current public utility notice (water, electricity, gas or telephone account for a landline). This should save applicants time, as there is no need to obtain three testimonials and is a stronger way of ensuring the application is not based on a fraudulent identity.

There should be negligible cost to the applicant in providing the additional documents and there are long term benefits to the industry ensuring the probity test is performed on the correct individual. In turn consumer benefit is high through the maintenance of public safety and protection of property.

Section 8 prescribes the documentation which must accompany an application for a temporary permit. It is proposed a temporary permit will be issued to bodyguards, crowd controllers, security officers and security firms, who and which are currently licensed in another Australian State or Territory, to carry out authorised functions for a particular event.

An example of a particular event which will be considered by the Chief Executive to warrant a temporary permit is when security officers licensed in New South Wales perform security officer functions at an Asia-Pacific Economic Cooperation meeting held in Queensland. Such events may place an unusual high demand on services of the Queensland industry and this will allow for such demand to be met on a short term basis (eg. for the length of the event).

The accompanying documentation is required for two reasons. First, to ensure that interstate licensees are only working at a specific event for a defined period of time, in instances when the local industry cannot meet the demand. Secondly, compliance audits can be undertaken to ensure the interstate licensee is working at that particular event.

### **9.2.3 Part 3 - Registers (sections 13-22)**

This Part of the *Security Providers Regulation 2008*:

- prescribes the register to be kept by the Chief Executive;
- outlines the register obligations of crowd controllers and security firms; and
- facilitates the inspection of registers.

Section 13 – requires the Chief Executive to keep a register of security providers. It is proposed to modify this provision to reflect the new licence types established by the *Security Providers Amendment Act 2007*.

Sections 18, 19, 21 and 22 – makes it an offence if a register of crowd controllers is not kept when crowd controllers are supplied to perform their functions. It is proposed to change register requirements to include, amongst other things:

- this obligation specifically on liquor licensees in licensed establishments and security firms in all other cases. This will complement the obligation to keep a similar register under the *Liquor Act 1992*;
- recording details legibly written in ink;
- recording the crowd controller’s full correct name and address;
- if the crowd controller is a restricted licensee, the name of the unrestricted crowd controller directly supervising;
- if the register is more than one page, it must be firmly bound along its spine and all pages sequentially and correctly numbered.

Section 20 – requires security firms to keep a register of security providers employed or engaged by the security firm. It is proposed to modify the wording of this section to clarify that it covers all security providers utilised by a security firm, regardless if they are employees or contractors.

### ***Objective***

The primary objective of this part of the *Security Providers Regulation 2008* is to maintain a register of all licensed security providers and to prescribe registers to be kept by certain classes of licensees. This assists with the monitoring and enforcement of the *Security Providers Act 1993* to ensure that only licensed security providers are working in the industry. If incidents do occur sufficient details must be recorded in the registers. The registers are an important tool in assessing compliance with the *Security Providers Act 1993*.

### ***Comment***

The proposed sections are administrative in nature.

These changes are not expected to increase the time taken nor quantity of information recorded by licensees.

## **9.2.4 Parts 4 and 5 – Supervision and Miscellaneous (sections 23 – 28)**

These Parts of the *Security Providers Regulation 2008*:

- make it an offence for security firm licensees allowing restricted licensees to carry out unauthorised functions;
- make it an offence for security firm licensees allowing restricted licensees to perform their functions without appropriate direct supervision;
- makes it an offence for a security provider to wear or display a chequerboard hat;
- prescribes the identification to be worn by a crowd controller;
- provides for exemptions to be given by the chief executive to crowd controllers or security officers who need not hold a licence for a specified activity, event or place; and

- establishes the fees payable under the *Security Providers Act 1993*, set out in the schedule to the *Security Providers Regulation 2008*.

Section 23 – provides for a maximum penalty of 20 penalty units, (ie. \$1,500 for individuals or \$7,500 for corporations), if a security firm licensee allows any restricted licensee it has engaged to carry out functions not authorised in the restricted licensee's licence. A maximum of 20 penalty units is also provided if security firm licensee allows a restricted licensee it has engaged to perform their functions without appropriate direct supervision.

Sections 24 and 25 – detail identification requirements for security providers including specific requirements for crowd controllers. This section will require a minor drafting change that will not affect its application.

Section 25 – empowers to the Chief Executive to approve a crowd controller or security officer need not hold the appropriate licence for a specified activity, event or place, despite the licensing obligation in section 9 of the *Security Providers Act 1993*. Section 25 plays an important role in the provision of services in remote indigenous communities where there is a distinct lack of appropriate persons and an extremely small pool of available workers.

#### Fees

The full list of all fees is in the Schedule and is repeated in the draft proposed *Security Providers Regulation 2008* at Attachment A.

#### ***Objective***

The primary objective of these Part of the *Security Providers Regulation 2008* is provide for sanctions in relation to non-compliance with supervision requirements for restricted licensees, to prescribe identification requirements for crowd controllers and to prescribe the fees for the new licensing and enforcement requirements introduced by the *Security Providers Amendment Act 2007*.

#### ***Comment***

There is an increase of 5% from current fees for all new and renewal applications. Reasons for the increase are:

- to cover the cost of the increased time taken to process applications and renewals based upon the increased requirements regarding training and the more detailed criminal history and probity checks undertaken on all applications. This is due to the changes made by the *Security Providers Amendment Act 2007*; and
- there will be an increase in the number of licensees as new licence types are introduced by the *Security Providers Amendment Act 2007*. This will impact on the number of licence applications to be processed and the number of licensees required to be monitored by inspectors for compliance with the legislation.

The new licence types have their fees set commensurate with the level of accompanying probity and training documentation for each application. For example as there is no requirement to successfully complete an approved training course for security equipment installers and security advisers and as such their application fees are proportionately reduced.

Section 23 makes it an offence if a security firm licensee does not ensure its restricted licensees are appropriately directly supervised.

A National Competition Policy Review of the *Security Providers Act 1993* and *Security Providers Regulation 1995* in 2002, examined the potential for licensing fees to be a barrier to entry into the industry, particularly for small or part time operators.

Comments were received as part of that review stating the licence fee in general was not a significant barrier in the case of a security firm licence, and that if an organisation could not meet minimal financial obligations, it may not be suitable to hold a licence. However, some stakeholders expressed the view that fees were too high for individuals. The Review concluded that the costs of licence fees were not a significant barrier to entry and that fees are the lowest item of expenditure for a security business.

In this context it is considered that the increase in fees for an initial individual security provider's licence will not create a substantial barrier to entry. However, it is still significantly less than the other major costs for security providers entering the industry. For example, by comparison, industry submitted that training costs range from \$600 to \$1,000.

A cost/benefit analysis on the 5% increase to the application and renewal fees and the new fees appears below.

### ***Impact on Industry***

If the proposed *Security Providers Regulation 2008* is not made fees will remain at current levels until automatic expiry of the *Security Providers Regulation 1995* on 31 August 2008.

However as no fees would be prescribed, licence applications could not be received and considered by the Chief Executive, therefore causing disruption to the licensing regime.

No operators could apply for a licence to comply with the *Security Providers Act 1993*.

With fewer compliance resources as a result of no fees being received there would be a greater risk unlicensed and inappropriate operators would be allowed to flourish.

However, if the proposed *Security Providers Regulation 2008* is made, fees payable under the *Security Providers Act 1993* can be prescribed so the licensing regime can continue.

The proposed 5% fee increase on all original and renewal applications has a financial impact on the existing licensees and the applicants for the new licence types who have not had to pay any security provider licence fees previously. The proposed application fees are detailed in the Schedule and are in full in the draft *Security Providers Regulation 2008* at Attachment A.

While fees may seem financially onerous for industry, they are commensurate with the administrative and operational work that must be undertaken to process the licence applications and ensure the continued monitoring and compliance of licensees throughout the terms of licences.

Occupational licensing and behaviour regulation create benefits to industry generally in ensuring a level playing field for all Queensland participants. Licensing fees, in general terms, provide resources to ensure that monitoring and enforcement of the legislation is maintained providing protection for legitimate businesses. In addition, providing a regulatory environment that protects legitimate businesses and promotes competition will instil greater confidence in the industry and create conditions conducive to industry growth.

### ***Impact on Consumers***

Negative impacts of not making the proposed *Security Providers Regulation 2008*, including the proposed fees, include unacceptably low enforcement activities, greater risks of operators practising without licences resulting in greater risks to personal safety and property and reduction in consumer confidence.

Not being able to apply for a licence due to no fees being prescribed if the *Security Providers Regulation 1995* expires and the proposed *Security Providers Regulation 2008* is not made would also mean that the probity checking process prescribed by the *Security Providers Act 1993* would not occur thus leaving members of the community vulnerable to those operators who are not appropriate to work in the industry.

Licensing of occupational groups gives consumers an indication that a potential supplier has been examined and assessed as having the character and skills required to undertake the work covered by the licence. It increases the professionalism and consumer confidence in the industry as criminals are prevented from entering or remaining in the industry.

The costs to consumers of changing the licensing fees will be felt to the extent that they are passed on to the end user. However, if the industry is sufficiently competitive, it may be that some of these costs are absorbed into profit margins.

### ***Impact on Government***

The introduction of the *Security Providers Amendment Act 2007* represent a significant expansion of the breadth and depth of current licensing and compliance activities under the *Security Providers Act 1993*.

The Office of Fair Trading is the primary agency in the Queensland Government responsible for marketplace regulation in the security provider industry. Economic and social change and the inadequacies of current regulatory responses to many existing and emerging marketplace issues are driving a growing community expectation that government will provide more effective regulation. There is a risk that these expectations will not be met.

If adequate enforcement and monitoring of legislation is not carried out, it may result in unlicensed traders operating and consumers being at greater risk of harm personally and to their property. This will impact on the workload of the Queensland Police Service and increase the work load of the Office of Fair Trading where a shift of focus is likely from proactive monitoring to resource intensive, reactive complaint investigation and resolution, or prosecution.

The direct costs of licensing for the Office of Fair Trading include administrative costs for wages, leasing and equipment costs, the maintenance of database systems, conducting probity checks on applicants and the physical production of licenses. The Office of Fair Trading also pays Queensland Police Service a fee to conduct criminal history checks on applicants. Legal costs are incurred in administering and enforcing the legislation.

Security provider licence applications are divided into two main groups, original applications and renewals. During the 2004–05 financial year, 2,642 original applications and 11,190 renewal applications were received. During the 2005–06 financial year 4,174 original and 10,619 renewal applications were received. During the 2006–07 financial year 4,127 original and 9,477 renewal applications were received.

In 1999, there were 13,777 licensees under the Act which has grown to 16,619 by 30 June 2006. The total number of licensees at 30 June 2007 was 18,004.



Research and consultation during the development of the *Security Providers Amendment Act 2007* revealed that a large increase in original licence applications is expected from the increase in licence types (eg. security equipment installers). The Office of Fair Trading predicts a large increase in the licence applications. A comparison with Victoria which has a similar model of regulation as Queensland would indicate that the Queensland licensee population may increase to approximately 24,000 licensees.

Additional staff will be required within the Office of Fair Trading to:

- process the large increase in additional licenses including additional resources to address the increased demand on mail receipting and counter services throughout the State;
- manage the expected influx of new applications for licences upon commencement of the amendments to the *Security Providers Act 1993* (that is, temporary staff to manage the likely high numbers of applications from persons who will be regulated for the first time);
- assess and implement the higher level probity test for applicants in respect of both new applications as well as renewals by existing licensees (eg. unrecorded convictions);
- prepare ‘show cause’ notices and statements of reasons required for any appeals in relation to licensing decisions in the Magistrates Court;
- supervise the preparation of affidavits and witness statements in relation to refusals and provide a single point of contact for service delivery officers State-wide in relation to the suitability of applicants for licenses;
- review the suitability of all existing licence holders under the new probity test and maintain a system of review. Estimates from the Queensland Police Service is that between 5 and 10% of existing licensees may not meet the new eligibility requirements; and
- assist with expected additional enquiries through Smart Service Queensland and potential referrals back to the Office of Fair Trading. Smart Service Queensland is the first point of contact for service delivery for the Office of Fair Trading. With the anticipated new applications to be received as a result of the increase in licence types, it is foreseeable that there will be an increased number of State-wide enquiries in relation to the transition to the new changes.

Greater compliance and enforcement presence is required to monitor emerging compliance risk areas and the new licensee security activities.

The number of additional licences is not the sole indicator of additional compliance resources required. The move to a stricter probity assessment and a 100% criminal history check on all renewals will result in a likely increase in inappropriate and unlicensed persons attempting to work in the industry. The complexity of compliance operations targeting the unlicensed operators is expected to be more difficult, but is essential to ensure the integrity of the licensing regime and the policy objectives of the *Security Providers Amendment Act 2007*. Compliance and enforcement capacity across the licensed industry, but also in removing unlicensed persons, represents a key risk area to the successful implementation and credibility of the enhanced regulatory model for the security industry.

Therefore the fee changes permit additional licensing and compliance staff to be employed on an ongoing basis, which has been endorsed by the Queensland Government.

## **9.2.5 Conclusion**

Making the proposed *Security Providers Regulation 2008*, including the proposed fees:

- meets the policy objectives of the *Security Providers Act 1993* and the *Security Providers Amendment Act 2007*;
- provides significant benefits to consumers and the general public; and
- incurs a medium level cost to the industry and government.

It provides the greatest net benefit and is the Preferred Option.

### Summary of Overall Assessment of the Options

Options	Benefit	Cost	Incentive for good business practice	Protection of consumers	Overall efficiency
1. No changes and do not increase fees	Low	Low	Low	Low	Low
2. Changes to regulation plus increase fees	High	Medium	High	High	High

### 9.3 Proposed Codes of Practice

The *Security Providers Amendment Act 2007* inserts an express head of power in the existing regulation making power of the Governor in Council to make regulations prescribing codes of practice for security providers. It is proposed to establish three Codes of Practice:

- *Security Providers (Crowd Controller Code of Practice) Regulation 2008*;
- *Security Providers (Security Officer – Licensed Premises - Code of Practice) Regulation 2008*; and
- *Security Providers (Security Firm Code of Practice) Regulation 2008*.

The three Codes are detailed in Attachment B.

The first two Codes of Practice set standards of practice for licensed crowd controllers and security officers working in and about liquor licensed premises. This is considered to be the most high risk category to public safety. The standard described in the Codes is the minimum acceptable standard.

The third proposed Code of Practice sets standards of practice for all security firms. The objective of this Code of Practice is to ensure that operators of security firms are aware of, maintain copies of, and comply with the *Security Providers Act 1993* and the *Security Providers Regulation 2008*.

The principal obligation in this Code of Practice will be for security firms to ensure all security staff hold and renew appropriate licences under the *Security Providers Act 1993* and are only employed on duties consistent with their licence, qualifications and training.

A breach of a Code of Practice is a ground for suspension, cancellation or refusal to renew a licence.

A cost/benefit analysis on the incremental costs and benefits of moving from the ‘without change’ to the ‘with change’ scenarios for the Codes of Practice is below. Therefore the options are:

**Option 1** No change – no Codes of Practice established

**Option 2** Introduce the proposed Codes of Practice (**Preferred Option**).

The following criteria are used to evaluate the two options to determine the most appropriate means of achieving the *Security Providers Act 1993*'s objectives:

- the extent to which each option supports the policy objectives of the *Security Providers Act 1993*, supporting consumer protection and the safe practices of security providers;
- the cost effectiveness of each option, in terms of costs and benefits to consumers, industry and government; and
- the extent to which each option contributes to the overall efficiency of the regulatory system.

### **9.3.1 Option 1 – no change – no Codes of Practice established**

#### ***Impact on Industry***

The current impact on industry is the negative publicity associated with the behaviour of both security personnel and patrons at licensed premises. Recent high profile assaults involving security providers and disorder around licensed premises in Queensland has raised significant community concern and prompted Government intervention.

It is acknowledged that there are many responsible security officers and crowd controllers working in licensed premises. However, it is the inappropriate behaviour of few that can impact adversely on individual members of the community, the reputation and business of responsible licensed premises and the general community.

#### ***Impact on Consumers***

As noted above there is significant community concern regarding the behaviour of some security officers and crowd controllers at liquor licensed premises. There is a risk to the personal safety of patrons if the inappropriate behaviour of some is allowed to continue.

#### ***Impact on Government***

If the Government does not set a minimum level of acceptable standard of behaviour through a Code of Practice, there remains a potentially serious impact on the safety of the community. There are no costs or benefits to Government to retain the status quo.

### **9.3.2 Option 2 – Introduce the proposed Codes of Practice (Preferred Option).**

#### ***Impact on Industry***

The proposed Codes of Practice are at Attachment B and benefit industry by:

- ensuring a fair and equitable system by prescribing a consistent level of acceptable behavioural standards and ethics;
- ensuring security firms only employ licensed security providers;
- increasing the professionalism and consumer confidence in the industry; and
- generating increased revenue as patrons would be more likely to seek those venues where they can feel safe, thus increasing patronage.

If a crowd controller or security officer working in licensed premises or a security firm does breach the Code of Practice they may have their licence suspended, cancelled or not renewed. It is acknowledged that this may have a direct effect on the employment of the licensee, however, a significant deterrent to breaching the Codes of Practice is considered necessary to safeguard community welfare.

The content of the Codes is not considered onerous and has been developed in consultation with the stakeholders.

### ***Impact on Consumers***

The proposed Codes of Practice benefit consumers by:

- improving public safety; that is, decreasing the risk to personal safety and property; and
- increased consumer confidence in the security industry.

### ***Impact on Government***

The Government’s role in monitoring compliance with the Codes of Practice is a cost to Government, however, it is considered that the cost of Government supervision of the security industry is justified in terms of the protection that it affords consumers and the wider public.

### **9.3.3 Preferred Option**

Option 2 – introducing the proposed Codes of Practice:

- meets the policy objectives of the *Security Providers Act 1993* and *Security Providers Amendment Act 2007*;
- provides significant benefits to consumers and the general public; and
- incurs a medium level cost to the industry and government.

Option 2 provides the greatest net benefit and is the Preferred Option.

### ***Summary of Overall Assessment of the Options***

<b>Options</b>	<b>Benefit</b>	<b>Cost</b>	<b>Incentive for good business practice</b>	<b>Protection of consumers</b>	<b>Overall efficiency</b>
1. No Codes of Practice	Low	Low	Low	Low	Low
2. Proposed Codes of Practice	High	Medium	High	High	High

## **9.4 Providing the security industry with a supplementary compliance role**

In late 2006, the Queensland Government announced it would provide the security industry a supplementary role to assist the Department in auditing compliance with codes of conduct to ensure those working in the industry meet behavioural benchmarks. This includes laws related to the operation of a security business such as workplace relations compliance.

The Queensland Government is considering the following two options to achieve this objective and is seeking public comment on both options.

### **9.4.1 Third party auditing of the proposed Security Firm Code of Practice**

This option proposes the Chief Executive of the Department of Justice and Attorney-General approve third party auditors. Under this option, it is proposed these approved persons would assist with the ongoing compliance by security firms with workplace relations obligations. These industrial law obligations would need to be set out in the

proposed *Security Providers (Security Firm Code of Practice) Regulation 2008*. The proposed Security Firm Code of Practice will apply to security firms operating in both the manpower and technical sectors.

The objective of this option is for third party audits to ensure security firms comply with workplace relations and business obligations.

Under this option, the Department of Justice and Attorney-General would also offer an audit service for a fee for those security firm licensees who prefer to engage the Queensland Government to conduct the audits.

As part of the approval process for third party auditors, the Chief Executive would form an advisory body comprising of members from the security industry, employee associations and other persons to assist him/her with the development of the standards for appointment, in particular, experience, knowledge and appropriateness tests. These standards would be made publicly available by the Chief Executive. For example, the appropriateness test would include there be no conflict of interest, that is, the person should not be a licensed security provider or an employee of a security industry or employee association.

This option would allow approved persons to require a fee to be paid for their compliance audit services. The fee may be paid by the security firm licensee, or by an industry association of which the applicant is a member.

It would be a standard condition of a security firm licence that the licensee has an audit undertaken by an approved auditor or by the Department of Justice and Attorney-General on its compliance with the proposed Security Firm Code of Practice every three years. The licensee would need to submit to the Department of Justice and Attorney-General a copy of the Audit Report prior to its application for renewal. The Audit Reports could be considered by the Chief Executive at the time of a renewal application. Under the *Security Providers Act 1993* a contravention of the proposed Security Firm Code of Practice is a ground for the Chief Executive to consider suspension, cancellation of, or a refusal to renew a Security Firm licence.

There may be difficulties in effectively implementing this option. Legislative drafting, legal and constitutional issues may prevent the proposed Security Firm Code of Practice from requiring security firm licensees to comply with State and Commonwealth workplace relations legislation or other non-security regulatory regimes that would help improve industry standards.

In addition, Queensland Government inspectors do not have the power to enter workplaces for the purpose of inspecting time and wages records which are subject to federal industrial relations laws. Since the introduction of the federal *Work Choices* laws in 2006, this applies to private sector employers that are foreign, financial or trading corporations.

### ***Impact on Industry***

If the proposed Security Firm Code of Practice was able to require security firm licensees to comply with State and Commonwealth workplace relations legislation and other non-security regulatory regimes, this option would benefit security industry employees. In particular, by ensuring security firms comply with workplace relations and business obligations thus protecting workers' rights and entitlements. However as noted above, there are significant problems with this option which prevent its implementation.

Under this option, security firm licensees would have to pay for the audit prior to each tri-annual licence renewal. The fee may be paid by the licensee, or by an association of

which the applicant is a member. The amount of the fee would not be prescribed in legislation but industry consultation indicates that on current commercial rates it is likely to be approximately \$300-\$400. Alternatively, licensees may engage the audit service offered by the Department of Justice and Attorney-General which is likely to cost a similar amount.

### ***Impact on Consumers***

Although some security firms may pass on the cost of auditing to clients, it is expected that any impacts on the whole community with this option would not be significant.

### ***Impact on Government***

Where the Department of Justice and Attorney-General offers an auditing service for a fee, Department inspectors conducting this service would face a conflict of interest with their regulatory duty to also investigate breaches of the Act, its regulation and any proposed Code of Practice. There may also be a perception of bias with the Government conducting the auditing service and also being in a position to consider the suspension, cancellation or refusal to renew a security firm licence. A perception may also result if Government decisions makers perform this service instead of an approved person, that the licensee could be in a worse position if it was done instead by a third party approved person.

There are costs for Government in pursuing this option. These include training Department of Justice and Attorney-General inspectors in the obligations of a range of legislation additional to the Act such as the Commonwealth *Workplace Relations Act 1996*. Other costs would be incurred in supporting the role of the Chief Executive in assessing, approving and monitoring the performance of industry associations based auditors. This role would be in addition to the licensing and enforcement roles for the Department already under the Act.

As noted above, there are significant problems with this option which prevent its effective implementation.

## **9.4.2 Mandatory membership of security industry organisations**

Under this option, the Act would be amended to require a security firm licence applicant to provide evidence of membership of an approved security industry organisation. These organisations require members to adhere to industry based codes of conduct, including compliance with workplace relations obligations. These organisations may also provide for professional development and a forum in which members can discuss standards of conduct and issues of concern to their businesses. They can also play a role in ensuring the Act's obligations are met.

A security industry association will usually require its members to abide by its code of conduct. An industry code of conduct is usually a common set of guidelines which informs all relevant persons in an industry and their customers of the responsibilities and expectations under that code. Industry based codes are usually developed with significant industry involvement and can be easily amended to suit changing environments.

In conjunction with codes of conduct, industry associations will normally have a complaints resolution service for consumers. Both are usually independent from State and Commonwealth regulators.

A number of organisations represent the interests of different types of businesses and occupational groups in the security industry. These organisations are governed by elected members from specific sectors of the industry.

Mandatory membership of an approved security organisation would enable those organisations to identify new entrants in the industry. These people can be educated in their responsibilities, monitored and assisted in their professional development.

Approved security organisations in other jurisdictions commonly adopt a consistent approach to good business practices and can ensure member compliance with relevant State and Commonwealth legislation.

The review of the NSW *Security Act 1997* concluded the legislative requirement for approved security organisations in the NSW Act contributes to the regulation of the industry and greatly assists with effective compliance. The review also noted partnership with security industry organisations contributes to a form of co-regulation between the NSW Act and various industry codes of conduct.

Approved security organisations must be representative of their relevant industry sector in order for this co-regulatory approach to be effective.

The basis of requiring a potential licensee to become a member of an approved security industry organisation is to ensure all industry participants are captured by the compliance activities of approved industry organisations. This includes professional development and compliance with individual organisation codes of conduct and with the Act itself. These compliance activities by approved security organisations are integral in the 'co-regulatory' approach with this option.

However, in order to assist the effectiveness of this option, an accountability mechanism for the obligations of approved security organisations must be provided. These obligations would be established through requirements considered by the Chief Executive in approving security industry associations. These obligations would need to be monitored by the Chief Executive for this option to be effective.

This option provides a suitable mechanism for monitoring compliance with industry standards, including compliance with industrial and workplace legislation. It provides a desirable co-regulatory scheme for the Government and the security industry which is complementary to activities of State and Commonwealth workplace relations authorities.

### ***The interstate experience***

The NSW *Security Industry Regulation 2007* requires applicants for a master licence (ie. security firm licence) to provide evidence of current membership of an approved industry association. Currently, the following are approved security organisations:

- Australia and New Zealand Locksmiths Association Ltd;
- Building Service Contractors Association of Australia;
- Australian Hotels Association NSW;
- Australian Retailers Association NSW;
- Australian Security Industry Association Ltd;
- Institute of Security Executives Inc.;
- Locksmiths Guild of Australia Inc. NSW;
- Master Locksmiths Association of Australasia Ltd;

- National Electrical Contractors Association NSW Chapter; and
- Motor Traders Association of New South Wales.

The role of approved security organisations in NSW is to provide education and guidance to members in complying with State and Federal legislation and also to raise professional and ethical standards within the industry.

In order to be approved by the NSW Commissioner of Police, organisations are required, in addition to satisfying structural and financial criteria, to demonstrate their capacity to fulfil their legislative and industry responsibilities on an on-going basis by:

- providing a clear Code of Conduct to members;
- demonstrating a capacity to audit all members on an on-going basis to ensure compliance with the Code of Conduct;
- developing a program to identify general operational difficulties and practices of its members in relation to State and Federal legislation and provide information to the NSW Security Industry Registry so it can review / rectify those difficulties; and
- developing a complaint management system to investigate and resolve complaints concerning members.

#### ***Impacts on the industry***

Approved security organisations would receive revenue from mandatory membership which would be returned to members in the form of stronger industry representation, improved and increased training, professional development and advice. Security industry organisations operate on a 'not for profit' business model with all of their operations carried out for the benefit of members.

For those security industry businesses which are not currently members of a security industry organisation, this proposal would enforce membership costs.

For example, the Australian Security Industry Association Limited membership fee schedule tiers the cost of corporate membership ranging from \$290 for businesses with less than \$100,000 turnover to \$15,318 for businesses with turnover of \$75 million or more. The ASIAL is the peak security industry representative body in Australia.

#### ***Impacts on consumers***

Although some security firms may pass on the cost of membership to an approved security industry organisation to clients, it is expected that any impacts on the whole community with this option would be negligible.

#### ***Impacts on Government***

The costs to the Queensland Government are likely to be less than the first option discussed above. Queensland Government inspectors would not be conducting compliance with workplace relations and other legislation. The costs for this option would be incurred in supporting the role of the Chief Executive in assessing, approving and monitoring the performance of industry associations.

Mandatory membership of approved security organisations would assist Government in compliance activities and complaint resolution. Linking membership with licensing requirements would place an onus on industry participants to ensure compliance with security industry organisation codes of conduct.

This would give these organisations a 'co-regulatory' position with Government and help ease the burden on Government resources.



## **10. Consistency with fundamental legislative principles**

The proposed legislation is consistent with fundamental legislative principles.

## **11. Conclusion**

The proposed *Security Providers Regulation 2008* is considered reasonable and appropriate because it meets the policy objectives without imposing unreasonable costs on industry. The proposed *Security Providers Regulation 2008* rationalises the new licensing structure and changes the fees to allow for adequate enforcement and monitoring of the legislation.

The proposed Codes of Practice are also aimed at promoting the objectives of the authorising law by setting behavioural benchmarks, creating work ethics for crowd controllers and security officers in licensed premises and ensuring security firms are accountable and only employ licensed security providers. The different components of the legislation together create a strong regulatory regime that is consistent with the authorising law to ensure that the policy objectives of promoting public safety and security of property are fulfilled.

<p><b>Part 1 Preliminary</b></p> <p><b>1 Short title</b> This regulation may be cited as the <i>Security Providers Regulation 1995</i>.</p> <p><b>2 Definitions</b> In this regulation— <i>dual licence</i> means a document combining a crowd controller’s licence and a security officer’s licence. <i>officer</i> of a corporation has the meaning given by section 13(1) of the Act. <i>registered business name</i> means a business name registered under the <i>Business Names Act 1962</i>. <i>training course</i> means a training course mentioned in section 11(2) of the Act for a licence other than a security firm’s licence.</p>	<p><b>Part 1 Preliminary</b></p> <p><b>1 Short title</b> This regulation may be cited as the <i>Security Providers Regulation 2008</i>.</p> <p><b>2 Commencement</b> This regulation commences on 1 July 2008.</p> <p><b>3 Definitions</b> The dictionary in schedule 2 defines particular words used in this regulation.</p>
<p><b>Part 2 Licences</b></p> <p><b>3 Documents accompanying application</b></p> <p>(1) An application for a licence must be accompanied by—</p> <p>(a) for a crowd controller’s licence, private investigator’s licence, security officer’s licence or dual licence—</p> <p>(i) 3 testimonials by reputable persons, about the applicant’s character; and</p> <p>(ii) 2 recent passport-size photographs certified to be photographs of the applicant by a person who has known the applicant for at least 1 year; and</p> <p>(iii) a certified copy of, or extract from, the applicant’s birth certificate, or other evidence satisfactory to the chief executive about the applicant’s name and date and place of birth; and</p>	<p><b>Part 2 Licences</b></p> <p><b>4 Evidence of identity to accompany particular licence applications</b></p> <p>(1) This section applies to an application for a licence for carrying out the functions of 1 or more of the following—</p> <p>(a) a bodyguard;</p> <p>(b) a crowd controller;</p> <p>(c) a private investigator;</p> <p>(d) a security adviser;</p> <p>(e) a security equipment installer;</p> <p>(f) a security officer.</p>

<p>(iv) evidence satisfactory to the chief executive, of the applicant's successful completion of a training course; or</p> <p>(b) for an application by an individual for a security firm's licence—</p> <p>(i) 3 testimonials by reputable persons, about the individual's character; and</p> <p>(ii) a certified copy of, or extract from, the individual's birth certificate, or other evidence satisfactory to the chief executive about the individual's name and date and place of birth; or</p> <p>(c) for an application by a corporation or partnership for a security firm's licence—</p> <p>(i) 3 testimonials by reputable persons, about the nominee's character; and</p> <p>(ii) a certified copy of, or extract from, the nominee's birth certificate, or other evidence satisfactory to the chief executive about the nominee's name and date and place of birth.</p> <p>(2) An application for renewal of a licence mentioned in subsection (1)(a) must be accompanied by 2 recent passport-size photographs certified to be photographs of the applicant by a person who has known the applicant for at least 1 year</p>	<p>(2) The application must be accompanied by evidence of the applicant's identity that is satisfactory to the chief executive.</p> <p><i>Example—</i> The chief executive may adopt a system under which—</p> <p>(a) points are assigned to the applicant for producing particular evidence of identity; and</p> <p>(b) the applicant is required to achieve a total number of points stated by the chief executive.</p>
<p><b>4 Evidence verifying application statements</b></p> <p>The chief executive may require an applicant for a licence to produce evidence, satisfactory to the chief executive, to verify a statement made in the application, including—</p> <p>(a) if the applicant is a corporation—the name of each officer of the corporation; and</p> <p>(b) if the applicant is a partnership—the name of each partner in the partnership.</p>	<p><b>5 Evidence of identity to accompany application for security firm licence</b></p> <p>(1) An application by an individual for a security firm licence must be accompanied by evidence of the applicant's identity that is satisfactory to the chief executive, of the individual's identity.</p> <p>(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.</p> <p>(3) An application by a partnership for a security firm licence must be</p>

<p><b>5 Security firm's nominee</b></p> <p>(1) If an applicant for a security firm's licence is a corporation, the applicant must nominate an officer of the corporation to be the licensee's nominee.</p> <p>(2) If an applicant for a security firm's licence is a partnership, the applicant must nominate a partner to be the licensee's nominee.</p> <p>(3) If a licence is granted on the application, the person nominated is taken to be the licensee's nominee.</p> <p>(4) If an applicant for a security firm's licence is an individual, the applicant may not nominate a nominee.</p>	<p>accompanied by evidence of the identity of each partner in the partnership that is satisfactory to the chief executive..</p> <p><b>6 Photographs and evidence of satisfactory completion of approved course to accompany particular applications</b></p> <p>(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—</p> <ul style="list-style-type: none"> <li>(a) a bodyguard;</li> <li>(b) a crowd controller;</li> <li>(c) a private investigator;</li> <li>(d) a security advisor;</li> <li>(e) a security equipment installer;</li> <li>(f) a security officer.</li> </ul> <p>(2) The application must be accompanied by—</p> <ul style="list-style-type: none"> <li>(a) 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, unless the applicant has, 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; and</li> <li>(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.</li> </ul>
<p><b>6 Nominee's duties</b></p> <p>In the conduct of the business of a security firm by a corporation or partnership, the nominee must—</p> <ul style="list-style-type: none"> <li>(a) complete and sign for the corporation or partnership, all documents</li> </ul>	<p><b>7 Evidence verifying application statements</b></p> <p>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—</p>

<p>required under the Act; and</p> <p>(b) ensure the corporation or partnership complies with the requirements of the Act.</p>	<p>(a) if the applicant is an individual—the individual’s full name, date of birth and place of birth; and</p> <p>(b) if the applicant is a corporation—the full name, date of birth and place of birth of each officer of the corporation; and</p> <p>(c) if the applicant is a partnership—the full name, date of birth and place of birth of each partner in the partnership.</p>
<p><b>7 Dual licence</b></p> <p>(1) If an individual applies, and satisfies the requirements, for both a crowd controller’s licence and a security officer’s licence, the chief executive may grant a dual licence.</p> <p>(2) An individual applying for a dual licence is required to make only 1 application.</p>	<p><b>8 What must accompany application for temporary permit</b></p> <p>An application for a temporary permit under section 31C of the Act must—</p> <p>(a) be accompanied by -</p> <p>(i) the corresponding authority held by the applicant that is relied on for the application; and</p> <p>(ii) documentary evidence, satisfactory to the chief executive, of the applicant’s engagement to perform functions authorised under the corresponding authority at the event for which the permit is sought; and</p> <p>(b) state the period during which the applicant intends that the authorised functions will be performed at the event.</p>
<p><b>8 Security firm—licence in more than 1 name</b></p> <p>If an applicant for a security firm’s licence proposes to carry on business under more than 1 name, the chief executive may state on the licence the registered business names under which the applicant may carry on business.</p>	<p><b>9 Security firm—licence in more than 1 name</b></p> <p>If an applicant for a security firm licence proposes to carry on business under more than 1 name, the chief executive may state on the licence the registered business names under which the applicant may carry on business.</p>
<p><b>9 Offence to carry on business in another name</b></p> <p>An entity must not carry on the business of a security firm under a name other than a name stated on the security firm’s licence granted to the entity.</p>	<p><b>10 Offence to carry on business in another name</b></p> <p>(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.</p>

<p>Maximum penalty—20 penalty units.</p> <p><b>10 Licence to contain licensee’s photograph</b> The following licences must contain a recent photograph of the licensee—</p> <ul style="list-style-type: none"> <li>(a) a crowd controller’s licence;</li> <li>(b) a private investigator’s licence;</li> <li>(c) a security officer’s licence;</li> <li>(d) a dual licence.</li> </ul>	<p>Maximum penalty—20 penalty units.</p> <p>(2) In this section—<i>entity</i> includes a partnership.</p> <p><b>11 Licence to contain licensee’s photograph</b> (1) This section applies to a licence for carrying out the functions of 1 or more of the following—</p> <ul style="list-style-type: none"> <li>(a) a bodyguard;</li> <li>(b) a crowd controller;</li> <li>(c) a private investigator;</li> <li>(d) a security adviser;</li> <li>(e) a security equipment installer;</li> <li>(f) a security officer.</li> </ul> <p>(2) The licence must contain a photograph of the licensee.</p>
<p><b>11 Partial refund of fees</b> The chief executive must refund a reasonable amount of a fee paid on an application for the grant or renewal of a licence if—</p> <ul style="list-style-type: none"> <li>(a) the chief executive refuses to grant or renew the licence; or</li> <li>(b) the applicant withdraws the application before the licence is granted or renewed.</li> </ul>	<p><b>12 Change to information about licensee</b> (1) A licensee must give the chief executive written notice of any change in the licensee’s particulars within 7 days after the change.</p> <p>Maximum penalty—10 penalty units.</p> <p>(2) In this section—</p> <p><i>particulars</i> means—</p> <ul style="list-style-type: none"> <li>(a) for an individual— <ul style="list-style-type: none"> <li>(i) the individual’s name; or</li> <li>(ii) if the individual is carrying on the business of a security firm—the name under which the individual carries on business; or</li> <li>(iii) a substantial change in the individual’s appearance compared to</li> </ul> </li> </ul>

	<p>the individual's appearance in the photo supplied under section 6(2)(a); or</p> <ul style="list-style-type: none"><li>(iv) the individual's postal address; or</li><li>(v) the individual's residential address; or</li><li>(vi) if the individual is carrying on the business of a security firm—each place of business of the individual; or</li><li>(vii) a charge against, or conviction of, the individual for a disqualifying offence; and</li></ul> <p>(b) for a corporation or partnership—</p> <ul style="list-style-type: none"><li>(i) the name of the corporation or partnership; or</li><li>(ii) the name under which the corporation or partnership carries on business; or</li><li>(iii) the postal address of the corporation or partnership; or</li><li>(iv) each place of business of the corporation or partnership; or</li><li>(v) the composition of the officers of the corporation or the partners in the partnership; or</li><li>(vi) a charge against, or conviction of, an officer of the corporation or a partner in the partnership for a disqualifying offence; or</li><li>(vii) a charge against, or conviction of, a corporation for a disqualifying offence.</li></ul>
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**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; and

(b) for a corporation or partnership—

(i) the name of the corporation or partnership; or

(ii) the name under which the corporation or partnership carries on business; or

(iii) the postal address of the corporation or partnership; or

(iv) each place of business of the corporation or partnership; or

(v) the composition of the officers of the corporation or the partners in the partnership; or

(vi) a charge against, or conviction of, an officer of the corporation or a

**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;

(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.



<p>partner in the partnership for a disqualifying offence; or (vii) a charge against, or conviction of, a corporation for a disqualifying offence.</p>	
<p><b>Part 3 Registers</b> <b>Division 1 Registers to be kept by the chief executive</b> <b>13 Register of security providers</b> (1) The chief executive must keep a register of security providers. (2) The chief executive must note in the register— (a) the name of each person who holds a crowd controller’s licence, private investigator’s licence, security officer’s licence or dual licence; and (b) the name, registered business name (if any) and place of business of each entity that holds a security firm’s licence; and (c) any other information the chief executive considers necessary or desirable for the effective administration of the Act. (3) The chief executive must keep the register open for inspection during business hours.</p>	<p><b>14 Change in particulars</b> The chief executive must note in the register of security providers— (a) that a particular licence has expired or has been suspended or cancelled; or (b) that the chief executive has refused to renew or replace a particular licence; and (c) any change in a licensee’s particulars.</p>

<p><b>14 Change in particulars</b> The chief executive must note in the register of security providers— (a) information about a licence that— (i) has expired or been suspended or cancelled; or (ii) the chief executive has refused to renew or replace; and (b) any change in a licensee’s particulars.</p>	<p><b>15 Chief executive’s certificate about contents of register</b> 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.</p>
<p><b>15 – no current provision</b></p> <p><b>16 Chief executive’s certificate</b> A certificate, purporting to be signed by the chief executive, about the contents of a register kept by the chief executive, is admissible as evidence of the matters stated in the certificate.</p>	<p><b>Division 2 Registers to be kept by others</b> <b>Subdivision 1 Registers to be kept by liquor licensees</b> <b>16 Application of subdivision 1</b> 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.</p>
	<p><b>17 Definitions for subdivision 1</b> In this subdivision— <i>liquor licence</i> means a licence under the <i>Liquor Act 1992</i>. <i>liquor licensee</i> means a person who holds a licence under the <i>Liquor Act 1992</i>.</p>
	<p><b>18 Liquor licensee to keep register of crowd controllers</b> (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</p>

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 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; and

*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; and

(c) the number of the identification that must be worn by the crowd controller under section 24; and

(d) the date and time when the crowd controller starts each period of duty at the public place; and

(e) the date and time when the crowd controller finishes each period of duty at the public place; and

(f) 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 person who is to directly supervise the crowd controller for the purpose of giving the appropriate direct supervision; and

(g) details of each incident at the public place—

(i) involving the crowd controller in which a person is injured; or

(ii) requiring a person to be removed from the public place by the crowd controller.

(4) The liquor licensee must ensure—

	<p>(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</p> <p>(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</p> <p>(c) the details mentioned in subsection (3)(g) are noted in the register as soon as practicable after the incident.</p> <p>Maximum penalty—20 penalty units.</p> <p>(5) If the register consists of more than 1 page, it must be —</p> <p>(a) firmly bound along its spine; and</p> <p>(b) sequentially numbered.</p>
<p><b>Division 2 Registers to be kept by others</b></p> <p><b>17 Register of crowd controllers</b></p> <p>(1) An entity that, directly or indirectly, engages a person to carry out, for reward, the functions of a crowd controller at a public place, must keep a register of crowd controllers.</p> <p>Maximum penalty—20 penalty units.</p> <p>(2) The register must contain—</p> <p>(a) the crowd controller’s name, residential address and licence number; and</p> <p>(b) if the crowd controller is employed by a security firm—the security firm’s name and address; and</p> <p>(c) details of the crowd controller’s identification prescribed under section 20; and</p> <p>(d) the date and time when the crowd controller starts each period of duty</p>	<p><b>19 Register of crowd controllers—other matters</b></p> <p>(1) The liquor licensee must allow the register kept by the liquor licensee under section 18 to be inspected by the chief executive.</p> <p>Maximum penalty—20 penalty units.</p> <p>(2) The liquor licensee must not—</p> <p>(a) remove, or allow a person to remove, a page from the register; or</p> <p>(b) erase or obliterate an entry in the register; or</p> <p>(c) allow a person to erase or obliterate an entry in the register.</p> <p>(3) The liquor licensee must keep the register for at least 7 years after the last entry was made in the register.</p> <p>Maximum penalty—20 penalty units.</p> <p>(6) The security firm must keep the register, required to be kept by it under section 16(4), for at least 7 years after the last entry was made in</p>

at the public place; and

(e) the date and time when the crowd controller finishes each period of duty at the public place; and

(f) details of each incident at the public place—

(i) in which a person is injured; or

(ii) requiring a person to be removed from the public place by the crowd controller.

(3) The entity must ensure—

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

(b) the particulars mentioned in subsection (2)(e) are noted in the register, and the register signed by the crowd controller, immediately after the crowd controller finishes the period of duty; and

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

Maximum penalty—20 penalty units.

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

(a) the chief executive; and

(b) an inspector; and

(c) a police officer.

Maximum penalty—20 penalty units.

(5) The entity must not—

(a) remove, or allow a person to remove, a page from the register; or

(b) erase or obliterate an entry in the register; or

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 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.

<p>(c) allow a person to erase or obliterate an entry in the register. Maximum penalty—20 penalty units.</p> <p>(6) The entity must keep the register for 7 years after the last entry was made in the register. Maximum penalty—20 penalty units</p>	
<p><b>18 Security firm to keep register of security providers</b></p> <p>(1) A security firm must keep a register of security providers employed by the security firm. Maximum penalty—20 penalty units.</p> <p>(2) The register must contain—</p> <p>(a) the name of each security provider; and</p> <p>(b) the licence number of each security provider; and</p> <p>(c) the expiry date of each security provider’s licence; and</p> <p>(d) the date of commencement and, if applicable, termination of employment.</p> <p>(3) The security firm must allow the register to be inspected by—</p> <p>(a) the chief executive; and</p> <p>(b) an inspector; and</p> <p>(c) a police officer.</p> <p>Maximum penalty—20 penalty units.</p> <p>(4) The security firm must keep the register for 7 years after the last entry was made in the register. Maximum penalty—20 penalty units.</p>	<p><b>21 Security firm to keep register of crowd controllers</b></p> <p>(1) A security firm must keep a register of crowd controllers whose crowd controller services are supplied by the security firm at a particular public place. Maximum penalty—20 penalty units.</p> <p>(2) The register must be kept —</p> <p>(a) while the services are being supplied—in a secure place at the public place; or</p> <p>(b) otherwise—in a secure place at a place of business of the security firm.</p> <p>(3) The register must state in relation to each crowd controller—</p> <p>(a) the crowd controller’s full name, residential address and licence number, written in ink and so that they are easily legible; and</p> <p><i>Note—</i> Under the <i>Acts Interpretation Act 1954</i>, section 36, writing includes any mode of representing or reproducing words in a visible form.</p> <p>(b) the number of the identification that must be worn by the crowd controller under section 25; and</p> <p>(c) the date and time when the crowd controller starts each period of duty at the public place; and</p> <p>(d) the date and time when the crowd controller finishes each period of</p>

	<p>duty at the public place; and</p> <p>(e) 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 person who is to directly supervise the crowd controller for the purpose of giving the appropriate direct supervision; and</p> <p>(f) details of each incident at the public place—</p> <ul style="list-style-type: none"> <li>(i) involving the crowd controller in which a person is injured; or</li> <li>(ii) requiring a person to be removed from the public place by the crowd controller.</li> </ul> <p>(4) The security firm must ensure—</p> <ul style="list-style-type: none"> <li>(a) the particulars mentioned in subsection (3)(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</li> <li>(b) the particulars mentioned in subsection (3)(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</li> <li>(c) the details mentioned in subsection (3)(f) are noted in the register as soon as practicable after the incident.</li> </ul> <p>Maximum penalty—20 penalty units.</p> <p>(5) If the register consists of more than 1 page, the register must be—</p> <ul style="list-style-type: none"> <li>(a) firmly bound along its spine; and</li> <li>(b) sequentially numbered.</li> </ul>
	<p><b>22 Register of crowd controllers—other matters</b></p> <p>(1) The security firm must allow the register kept by it under section 21 to be inspected by the chief executive.</p> <p>Maximum penalty—20 penalty units.</p>

<p><b>Part 4 Miscellaneous</b></p> <p><b>19 Security provider not to wear or display chequerboard hat</b></p> <p>(1) A security provider, in carrying out the security provider’s functions, must not, without reasonable excuse—</p> <p>(a) wear a chequerboard hat; or</p> <p>(b) display, or permit to be displayed, a chequerboard hat.</p> <p><i>Example of displaying a hat—</i></p> <p>Holding a hat in view in the security provider’s hands.</p> <p>Maximum penalty—20 penalty units.</p> <p>(2) In this section—</p> <p><b>chequerboard hat</b> means a hat displaying a chequerboard design.</p> <p><i>Example—</i></p> <p>A hat that has a chequerboard hatband.</p>	<p>(2) The security firm must .not—</p> <p>(a) remove, or allow a person to remove, a page from the register; or</p> <p>(b) erase or obliterate an entry in the register; or</p> <p>(c) allow a person to erase or obliterate an entry in the register.</p> <p>Maximum penalty—20 penalty units.</p> <p>(3) The security firm must keep the register for at least 7 years after the last entry was made in the register.</p> <p>Maximum penalty—20 penalty units.</p>
<p><b>Part 4 Security firm supplying security firm services of restricted licensee</b></p> <p><b>23 Security firm’s duties about functions and supervision of restricted licensee</b></p> <p>(1) This section applies if a security firm supplies security firm services of a restricted licensee for reward.</p> <p>(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.</p> <p>Maximum penalty—20 penalty units.</p> <p>(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.</p> <p>Maximum penalty—20 penalty units.</p>	<p><b>Part 4 Security firm supplying security firm services of restricted licensee</b></p> <p><b>23 Security firm’s duties about functions and supervision of restricted licensee</b></p> <p>(1) This section applies if a security firm supplies security firm services of a restricted licensee for reward.</p> <p>(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.</p> <p>Maximum penalty—20 penalty units.</p> <p>(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.</p> <p>Maximum penalty—20 penalty units.</p>
<p><b>20 Crowd controller’s identification—Act, s 47</b></p> <p>(1) A crowd controller (other than a crowd controller who is acting only</p>	<p><b>Part 5 Miscellaneous</b></p>



<p>as a bodyguard) must wear identification, on the chest of the crowd controller's clothing, that consists of—</p> <p>(a) a number no smaller than 3cm in height and 4mm in thickness; and</p> <p>(b) the word "SECURITY" in letters no smaller than 1cm in height and 2mm in thickness.</p> <p>(2) The numbers and letters must be black on a white background.</p> <p>(3) Each crowd controller at a public place must wear a different number.</p>	<p><b>24 Security provider not to wear or display chequerboard hat</b></p> <p>(1) A security provider, in carrying out the security provider's functions, must not without reasonable excuse—</p> <p>(a) wear a chequerboard hat; or</p> <p>(b) display, or permit to be displayed, a chequerboard hat.</p> <p><i>Example of displaying a hat—</i> Holding a hat in view in the security provider's hands.</p> <p>Maximum penalty—20 penalty units.</p> <p>(2) In this section—</p> <p><b>chequerboard hat</b> means a hat displaying a chequerboard design.</p> <p><i>Example—</i> A hat that has a chequerboard hatband.</p>
<p><b>21 Exemptions from holding licence—Act, s 54(2)(b)</b></p> <p>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.</p>	<p><b>25 Crowd controller's identification—Act, s 47</b></p> <p>(1) The prescribed identification for section 47 of the Act is identification that complies with subsections (2) to (5).</p> <p>(2) The identification must be worn on a licensed crowd controller's clothing at the chest.</p> <p>(3) The identification must consist of—</p> <p>(a) a number at least 3cm in height and 4mm in thickness; and</p> <p>(b) the word 'security' in capital letters at least 1cm in height and 2mm in thickness.</p> <p>(4) The numbers and letters must be black on a white background.</p> <p>(5) Each crowd controller at a public place must wear a different number.</p>
<p><b>22 Fees</b></p>	<p><b>26 Exemptions from holding licence—Act, s 54(2)(b)</b></p>

<p>The fees payable under the Act are in the schedule.</p>	<p>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.</p>
	<p><b>27 Fees</b> The fees payable under the Act are stated in the schedule.</p>
	<p><b>28 Partial refund of fees</b> 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.</p>
	<p><b>Part 6 Repeal and transitional provisions</b> <b>29 Repeal</b> The Security Providers Regulation 1995 SL No. 25 is repealed.</p>
	<p><b>30 Application for licence</b> (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 <i>Security Providers Regulation 1995</i> applies in relation to the application.</p>

## SCHEDULE OF FEES

(Please see footnotes throughout the Schedule for explanations.)

<b>Type of fee</b>	<b>Existing fee</b>	<b>Proposed fee</b>
1. Application for bodyguard's licence <sup>+</sup> (a) for 1 year (b) for 3 years	\$212.00 \$427.00	*\$222.60 *\$448.30
2. Renewal of bodyguard's licence <sup>+</sup> (a) for 1 year (b) for 3 years	\$107.00 \$323.00	*\$112.30 *\$339.10
3. Application for a crowd controller's licence (a) for 1 year (b) for 3 years	\$212.00 \$427.00	*\$222.60 *\$448.30
4. Renewal of crowd controller's licence (a) for 1 year (b) for 3 years	\$107.00 \$323.00	*\$112.30 *\$339.10
5. Replacement of crowd controller's licence (including change of particulars)	\$24.00	*\$24.00
6. Application for private investigator's licence (a) for 1 year (b) for 3 years	\$212.00 \$427.00	*\$222.60 *\$448.30
7. Renewal of private investigator's licence (a) for 1 year (b) for 3 years	\$107.00 \$323.00	*\$112.30 *\$339.10
8. Replacement of private investigator's licence (including change of particulars)	\$24.00	*\$24.00
9. Application for security officer's licence (a) for 1 year (b) for 3 years	\$212.00 \$427.00	*\$222.60 *\$448.30
10. Renewal of security officer's licence (a) for 1 year (b) for 3 years	\$107.00 \$323.00	*\$112.30 *\$339.10
11. Replacement of security officer's licence (including change of particulars)	\$24.00	*\$24.00
12. Application for security firm's licence <sup>↓</sup> (a) for 1 year (b) for 3 years	\$1,061.00 \$2,143.00	<sup>↓</sup> Class 1 \$1,114.00 \$2,250.10

<sup>+</sup> Existing bodyguard licensees hold a crowd controller's licence. The definitions have been separated by the *Security Providers Amendment Act 2007* to distinguish the different types of work performed by bodyguards and crowd controllers. Existing licensees may apply for Class 1 licence authorising bodyguard security services at the time of renewal of their existing licence.

\* The proposed new fee structure comprises of a Class 1 licence authorising bodyguard, crowd control, security officer and private investigator security services to be performed. Under this model, a person may apply for a Class 1 single or multiple security service licence with a fee to reflect that structure. The fee here is for a single security service function.

<sup>↓</sup> Under the proposed new fee structure, security firms may supply Class 1, Class 2 or both security services. As such, the proposed new fee structure incorporates fees for each scenario.

<b>Type of fee</b>	<b>Existing fee</b>	<b>Proposed fee</b>
Application for security firm's licence (con't) (a) for 1 year (b) for 3 years		↓ <u>Class 2</u> \$568.00 \$1,704.10
(a) for 1 year (b) for 3 years		↓ <u>Class 1 and Class 2</u> \$1,425.90 \$2,880.10
13. Renewal of security firm's licence (a) for 1 year (b) for 3 years	\$541.00 \$1,623.00	↓ <u>Class 1</u> \$668.40 \$1,350.00
(a) for 1 year (b) for 3 years		↓ <u>Class 2</u> \$340.80 \$1,022.40
(a) for 1 year (b) for 3 years		↓ <u>Class 1 and Class 2</u> \$727.10 \$2,181.30
14. Replacement of security firm's licence (including change of particulars)	\$54.00	\$54.00
15. Application for a licence with multiple security service functions <sup>Δ</sup> <u>Class 1</u> (a) for 1 year (b) for 3 year	\$265.00 \$538.00	<sup>Δ</sup> \$278.20 <sup>Δ</sup> \$564.90
<u>Class 2</u> (a) for 1 year (b) for 3 year		<sup>Δ</sup> \$166.90 <sup>Δ</sup> \$339.90
16. Renewal of a licence with multiple security service functions <sup>Δ</sup> <u>Class 1</u> (a) for 1 year (b) for 3 years	\$136.00 \$407.00	<sup>Δ</sup> \$142.80 <sup>Δ</sup> \$427.30
<u>Class 2</u> (a) for 1 year (b) for 3 year		<sup>Δ</sup> \$85.60 <sup>Δ</sup> \$256.40
17. Replacement of a Class 1 or Class 2 licence with multiple security service functions (including change of particulars) <sup>Δ</sup>	\$34.00	<sup>Δ</sup> \$34.00
18. Inspection of register kept by the chief executive	\$13.60	\$13.60

<sup>Δ</sup> As noted above, a Class 1, Class 2 multiple security services function licence is proposed. The fee here is for multiple security service functions. This licence was previously called a dual licence.

<b>Type of fee</b>	<b>Existing fee</b>	<b>Proposed fee</b>
19. Copy of an entry in a register kept by the chief executive	\$13.60	\$13.60
20. Certified copy of an entry in a register kept by the chief executive	\$24.00	\$24.00
21. Application for restricted Class 1 licence for 6 months		<u>Single function</u> \$ 126.00 <u>Multiple function</u> \$154.80
22. Application for Class 2 licence <sup>□</sup> <u>Single function</u> (a) for 1 year (b) for 3 years <u>Multiple function</u> (a) for 1 year (b) for 3 years		<sup>□</sup> \$133.50 <sup>□</sup> \$269.00 <sup>□</sup> \$166.90 <sup>□</sup> \$339.90
23. Renewal of Class 2 licence <sup>□</sup> <u>Single function</u> (a) for 1 year (b) for 3 years <u>Multiple function</u> (a) for 1 year (b) for 3 years		<sup>□</sup> \$67.40 <sup>□</sup> \$203.40 <sup>□</sup> \$85.60 <sup>□</sup> \$256.40
24. To add a security service function to an individual's licence Adding to Class 1 Adding to Class 2		\$56.00 \$33.00
25. To add a security service function to a security firm's licence		\$170.00
26. Application for a temporary permit as a bodyguard		\$64.80
27. Application for a temporary permit as a crowd controller		\$64.80
28. Application for a temporary permit as a security officer		\$64.80
29. Application for a temporary permit as a security firm		\$108.25
30. Application fee for amendment of condition of licence		\$58.50

<sup>□</sup> The proposed new fee structure also comprises of a Class 2 licence authorising security advice and security equipment installation services to be performed. Under this model, a person may apply for a Class 1 single or multiple security services licence with a fee to reflect that structure.

**ATTACHMENT A – PROPOSED *SECURITY PROVIDERS*  
*REGULATION 2008***



Queensland

# Security Providers Regulation 2008

## Subordinate Legislation 2008 No. ...

made under the

*Security Providers Act 1993*

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## **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 licence 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;
  - (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;
  - (d) a security advisor;
  - (e) a security equipment installer;
  - (f) a security officer.
- (2) The application must be accompanied by—
  - (a) 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, unless the applicant has, 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; 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—

- (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 perform 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 performed 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 may 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) a substantial change in the individual's appearance compared to the individual's appearance in the photo supplied under section 6(2)(a); or
  - (iv) the individual's postal address; or
  - (v) the individual's residential address; or
  - (vi) if the individual is carrying on the business of a security firm—each place of business of the individual; or
  - (vii) a charge against, or conviction of, the individual for a disqualifying offence; and
- (b) for a corporation or partnership—
  - (i) the name of the corporation or partnership; or
  - (ii) the name under which the corporation or partnership carries on business; or
  - (iii) the postal address of the corporation or partnership; or
  - (iv) each place of business of the corporation or partnership; or
  - (v) the composition of the officers of the corporation or the partners in the partnership; or
  - (vi) a charge against, or conviction of, an officer of the corporation or a partner in the partnership for a disqualifying offence; or
  - (vii) a charge against, or conviction of, a corporation for a disqualifying offence.

## **Part 3                      Registers**

### **Division 1                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;
    - (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.

## **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 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; and

*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; and
  - (c) the number of the identification that must be worn by the crowd controller under section 25; and
  - (d) the date and time when the crowd controller starts each period of duty at the public place; and
  - (e) the date and time when the crowd controller finishes each period of duty at the public place; and
  - (f) 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 person who is to directly supervise the crowd controller for the purpose of giving the appropriate direct supervision; and
  - (g) 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.
- (4) 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 details mentioned in subsection (3)(g) are noted in the register as soon as practicable after the incident.

Maximum penalty—20 penalty units.

- (5) 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
  - (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.

## **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 particular 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 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; and

*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; and
  - (c) the date and time when the crowd controller starts each period of duty at the public place; and
  - (d) the date and time when the crowd controller finishes each period of duty at the public place; and
  - (e) 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 person who is to directly supervise the crowd controller for the purpose of giving the appropriate direct supervision; and
  - (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.

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.

**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**

- (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 1 Fees

section 27

\$

### Applications for licences

1	Application 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 .....	222.60
	(b) for 3 years .....	448.30
2	Application 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 .....	278.20
	(b) for 3 years .....	564.90
3	Application for a class 1 restricted licence for carrying out the functions of 1 type of security provider other than a security firm, for 6 months .....	126.00
4	Application for a class 1 security firm licence—	
	(a) for 1 year .....	1 114.00
	(b) for 3 years .....	2 250.10
5	Application 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 .....	133.50
	(b) for 3 years .....	269.00
6	Application 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 .....	166.90
	(b) for 3 years .....	339.90
7	Application for a class 2 security firm licence—	
	(a) for 1 year .....	568.00
	(b) for 3 years .....	1 704.10



	\$
8 Application for a class 1 and class 2 security firm licence—	
(a) for 1 year .....	1 425.90
(b) for 3 years .....	2 880.10
 <b>Renewal of licences</b>	
9 Renewal 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 .....	112.30
(b) for 3 years .....	339.10
10 Renewal 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 .....	142.80
(b) for 3 years .....	427.30
11 Renewal of a class 1 security firm licence—	
(a) for 1 year .....	668.40
(b) for 3 years .....	1 350.00
12 Renewal 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 .....	67.40
(b) for 3 years .....	203.40
13 Renewal 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 .....	85.60
(b) for 3 years .....	256.40
14 Renewal of a class 2 security firm licence—	
(a) for 1 year .....	340.80
(b) for 3 years .....	1 022.40
15 Renewal of a class 1 and class 2 security firm licence—	
(a) for 1 year .....	727.10
(b) for 3 years .....	2 181.30

	\$
<b>Replacement of licences</b>	
16 Replacement of a class 1 or 2 licence for carrying out the functions of 1 type of security provider other than a security firm. . . . .	24.00
17 Replacement 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 . . . . .	34.00
18 Replacement of a security firm licence . . . . .	54.00
<b>Particular amendments of licences</b>	
19 Fee to amend 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. . . . .	56.00
20 Fee to amend 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. . . . .	33.00
21 Fee to amend 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 . . . . .	170.00
<b>Inspection of register and copy of entry in register</b>	
22 Inspection of register of security providers kept by the chief executive. . . . .	13.60
23 Copy of an entry in the register . . . . .	13.60
24 Certified copy of an entry in the register . . . . .	24.00

## Schedule 2      Dictionary

section 3

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

*liquor licensee* see section 17.

*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*.

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### ENDNOTES

- 1 Made by the Governor in Council on . . .
- 2 Notified in the gazette on . . .
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

**ATTACHMENT B – DRAFT PROPOSED CODES OF  
CONDUCT**



Queensland

# Security Providers (Crowd Controller Code of Practice) Regulation 2008

Subordinate Legislation 2008 No. ...

made under the

*Security Providers Act 1993*

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*Security Providers (Crowd Controller Code of Practice) Regulation 2008*

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**1 Short title**

This regulation may be cited as the *Security Providers (Crowd Controller Code of Practice) Regulation 2008*.

**2 Commencement**

This regulation commences on 1 July 2008.

**3 Code of practice**

The code of practice in the schedule is prescribed.

## **Schedule**                      **Crowd Controllers Code of Practice 2008**

### **1**            **Short title**

This code of practice may be cited as the *Crowd Controllers Code of Practice 2008*.

### **2**            **Definitions**

The dictionary in the schedule defines particular words used in this code.

### **3**            **Objectives of code**

This code—

- (a) sets standards of conduct for licensed crowd controllers; and
- (b) is designed to promote high standards of service, efficiency and ethical behaviour by licensed crowd controllers.

### **4**            **Duties of licensed crowd controller—general**

When carrying out the functions of a crowd controller, a licensed crowd controller must—

- (a) take reasonable steps to keep order at or about the public place at which the crowd controller is acting as a crowd controller; and
- (b) if the crowd controller is engaged to do so, carefully monitor or control, or monitor and control, the behaviour of patrons at the public place so that problem behaviour can be detected early; and
- (c) if there is problem behaviour at the public place, act swiftly to protect the health and safety of all patrons at the public place, including patrons who may need to be removed because of their problem behaviour; and

*Security Providers (Crowd Controller Code of Practice) Regulation 2008*

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- (d) take reasonable steps to prevent violence happening; and
- (e) if practicable use tact and diplomacy, for example, mediation, conciliatory negotiation or other conciliatory communication as the first tool to control any conflict; and
- (f) greet visitors to the public place in a friendly and courteous way; and
- (g) use moderate language when dealing with staff associated with the public place or with members of the public; and
- (h) not encourage another person to commit an assault; and
- (i) not solicit, or accept, a bribe; and
- (j) not act in a way that is discreditable to—
  - (i) if the crowd controller is an employee—the crowd controller’s employer; or
  - (ii) the security provider industry; and
- (k) act fairly; and
- (l) not abuse the crowd controller’s position or authority; and
- (m) not consume alcohol or use illegal drugs while on duty, or be under the influence of alcohol or illegal drugs when reporting for duty; and
- (n) not carry an offensive weapon; and
- (o) not make a false oral or written statement in relation to acting as a crowd controller; and
- (p) not search a person of the opposite sex to the crowd controller; and
- (q) if the crowd controller has a supervisor or is not the person in charge of the activity or event being carried on at the public place—report to, and comply with the lawful directions of, the supervisor or person; and
- (r) keep confidential any security arrangements for the public place and take all reasonable steps to keep informed of any changes to the arrangements; and



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- (s) deal with each item seized by the crowd controller under any lawful policy for dealing with items seized at the public place; and
- (t) be aware of—
  - (i) fire or other emergency management equipment at the public place; and
  - (i) fire or other emergency management procedures for the public place; and
  - (iii) if the public place is licensed premises—the procedure for informing the manager of the licensed premises during an emergency of matters relevant to the emergency; and
  - (iv) the procedure for alerting the Queensland Police Service, Queensland Fire and Rescue Service or Queensland Ambulance Service in an emergency; and
- (u) if the duties involve the use of communications equipment, ensure that—
  - (i) the equipment works; and
  - (ii) the crowd controller understands how to use it.

## 5 Duty to report details of particular incident

- (1) This section applies if—
  - (a) a person (the *engager*) engages, directly or indirectly, another person (the *engaged crowd controller*) to carry out, for reward, the functions of a crowd controller at or about a public place; and
  - (b) an incident happens when the engaged crowd controller is a licensed crowd controller and is carrying out the functions of a crowd controller—
    - (i) involving the engaged crowd controller and in which a person is injured; or
    - (ii) requiring a person to be removed from the public place by the engaged crowd controller.

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- (2) The engaged crowd controller must, as soon as practicable after the incident happens, give details of the incident to the engager.

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**Schedule****Dictionary**

## section 3

***Queensland Ambulance Service*** means the Queensland Ambulance Service established under the *Ambulance Service Act 1991*.

***Queensland Fire and Rescue Service*** means the Queensland Fire and Rescue Service established under the *Fire and Rescue Service Act 1990*.

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## ENDNOTES

- 1 Made by the Governor in Council on . . .
- 2 Notified in the gazette on . . .
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.



Queensland

# Security Providers (Security Firm Code of Practice) Regulation 2008

Subordinate Legislation 2008 No. ...

made under the

*Security Providers Act 1993*

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*Security Providers (Security Firm Code of Practice)  
Regulation 2008*

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**1 Short title**

This regulation may be cited as the *Security Providers (Security Firm Code of Practice) Regulation 2008*.

**2 Commencement**

This regulation commences on 1 July 2008.

**3 Code of practice**

The code of practice in the schedule is prescribed.

## **Schedule                      Security Firm Code of Practice 2008**

### **1            Short title**

This code of practice may be cited as the *Security Firm Code of Practice 2008*.

### **2            Definitions**

The dictionary in the schedule defines particular words used in this code.

### **3            Objectives of code**

This code sets standards of conduct for a relevant security firm, for carrying out the relevant security firm's functions in a way that promotes—

- (a) consumer and community confidence; and
- (b) the safety of the community and particular persons engaged by a relevant security firm; and
- (c) ethical and professional conduct.

### **4            Application of code**

This code applies to a security firm that, directly or indirectly, engages a person, who holds the appropriate licence, to carry out for reward the functions of a security provider (a *relevant security firm*).

### **5            Duty about knowledge and understanding of relevant legislation of corporation officer or partner**

A relevant security firm must take all reasonable steps to ensure that—

- (a) if the relevant security firm is a corporation—each officer of the corporation has a reasonable knowledge and understanding of the relevant legislation; or

*Security Providers (Security Firm Code of Practice)  
Regulation 2008*

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- (b) if the relevant security firm is a partnership—each partner in the partnership has a reasonable knowledge and understanding of the relevant legislation.

## **6 Other duties of relevant security firm**

- (1) A relevant security firm must—
  - (a) take all reasonable steps to prevent the person contravening the relevant legislation; and
  - (b) not engage the person to carry out the functions of a type of security provider other than the type of security provider to which the licence relates; and
  - (c) give the chief executive written notice of any change in the particulars mentioned in section 12 of the regulation within 7 days after becoming aware of the change; and
  - (d) keep documentary evidence that the person has satisfactorily completed an approved training course for carrying out the functions of the type of security provider that the person is; and
  - (e) keep a written record of the details written on the licence; and
  - (f) at least once every 6 months review the details written on the licence.
- (2) Documentary evidence under subsection (1)(d) must—
  - (a) be kept with all other documentary evidence kept by the relevant security firm under that subsection; and
  - (b) be arranged under type of security provider.
- (3) A written record under subsection (1)(e) must—
  - (a) be kept with all other documentary evidence kept by the relevant security firm under that subsection; and
  - (b) be arranged under type of security provider.

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**Schedule****Dictionary**

section 3

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

*regulation* means the *Security Providers Regulation 2008*.

*relevant legislation* means each of the following—

- (a) the Act;
- (b) the regulation;
- (c) this code;
- (d) each other code of practice made under the Act that is relevant to the functions of a security provider.

*relevant security firm* see section 4.

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**ENDNOTES**

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- 2 Notified in the gazette on . . .
- 3 Laid before the Legislative Assembly on . . .
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# Security Providers (Security Officer— Licensed Premises—Code of Practice) Regulation 2008

Subordinate Legislation 2008 No. ...

made under the

*Security Providers Act 1993*

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*Security Providers (Security Officer—Licensed Premises—Code of Practice) Regulation 2008*

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**1 Short title**

This regulation may be cited as the *Security Providers (Security Officer—Licensed Premises—Code of Practice) Regulation 2008*.

**2 Commencement**

This regulation commences on 1 July 2008.

**3 Code of practice**

The code of practice in the schedule is prescribed.

## **Schedule                      Security Officer—Licensed Premises—Code of Practice 2008**

### **1            Short title**

This code of practice may be cited as the *Security Officer—Licensed Premises—Code of Practice 2008*.

### **2            Definitions**

The dictionary in the schedule defines particular words used in this code.

### **3            Objectives of code**

This code—

- (a) sets standards of conduct for licensed security officers carrying out the functions of a security officer in or about licensed premises; and
- (b) is designed to promote high standards of service, efficiency, and ethical behaviour for the security officers.

### **4            Application of code**

This code applies to a licensed security officer carrying out the functions of a security officer in or about licensed premises.

### **5            Duties of security officer in or about licensed premises**

When acting as a security officer in or about licensed premises, the licensed security officer must—

- (a) take all reasonable steps to prevent violence happening; and
- (b) if practicable use tact and diplomacy, for example, mediation, conciliatory negotiation or other conciliatory

*Security Providers (Security Officer—Licensed Premises—Code of Practice) Regulation 2008*

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- communication as the first tool to control any conflict; and;
- (c) not encourage another person to commit an assault; and
  - (d) use moderate language when dealing with staff associated with the licensed premises or with members of the public; and
  - (e) not solicit or accept a bribe; and
  - (f) not act in a way that is discreditable to—
    - (i) if the security officer is an employee—the security officer’s employer; or
    - (ii) the security provider industry; and
  - (g) act fairly; and
  - (h) not abuse the security officer’s position or authority; and
  - (i) not consume alcohol or use illegal drugs while on duty, or be under the influence of alcohol or illegal drugs when reporting for duty; and
  - (j) not carry an offensive weapon; and
  - (k) not make any false oral or written statement in relation to acting as a security officer; and
  - (l) not search a person of the opposite sex to the security officer; and
  - (m) if the security officer has a supervisor or is not the person in charge of the licensed premises—report to, and take lawful directions from, the supervisor or person; and
  - (n) keep confidential any security arrangements for the licensed premises and take all reasonable steps to keep informed of any changes to the arrangements; and
  - (o) deal with each item seized by the security officer under any lawful policy for dealing with items seized at the public place; and
  - (p) be aware of—

*Security Providers (Security Officer—Licensed Premises—Code of Practice) Regulation 2008*

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- (i) fire or other emergency management equipment at the licensed premises; and
  - (ii) fire or other emergency management procedures for the licensed premises; and
  - (iii) the procedure for informing the manager of the licensed premises during an emergency of matters relevant to the emergency; and
  - (iv) the procedure for alerting the Queensland Police Service, Queensland Fire and Rescue Service or Queensland Ambulance Service in an emergency; and
- (q) if the duties involve the use of communications equipment, ensure that—
- (i) the equipment works; and
  - (ii) the security officer understands how to use it.

**Schedule****Dictionary**

## section 3

*Queensland Ambulance Service* means the Queensland Ambulance Service established under the *Ambulance Service Act 1991*.

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