

Queensland

Security Providers Act 1993

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Security Providers Act 1993

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Security Providers Act 1993

An Act to license security providers, and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Security Providers Act 1993*.

2 Commencement

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

2A Relationship with Fair Trading Inspectors Act 2014

(1) The *Fair Trading Inspectors Act 2014* (the ***FTI Act***) enacts common provisions for this Act and particular other Acts about fair trading.

(2) Unless this Act otherwise provides in relation to the FTI Act, the powers that an inspector has under that Act are in addition to and do not limit any powers the inspector may have under this Act.

(3) In this section—

inspector means a person who holds office under the FTI Act as an inspector for this Act.

3 Definitions

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

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4 Who is a security provider

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

(a) a bodyguard;

(b) a crowd controller;

(c) a private investigator;

(d) a security adviser;

(e) a security equipment installer;

(f) a security officer;

(g) a security firm.

(2) A person employed by a security provider is not a security provider if the person's duties are only secretarial or clerical.

(3) Each of the following persons is not a security provider in carrying out the functions of the person's employment—

(a) a police officer or a member of the police service of the Commonwealth or a State;

(b) a member of the Defence Force;

(c) an officer or employee of the Commonwealth or a State;

(d) a Minister of the Commonwealth or a State;

(e) a department of the Commonwealth or a State;

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

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

(4) Also, an authorised person under the *Transport Operations (Passenger Transport) Act 1994* is not a security provider in performing a function or exercising a power under that Act.

4A Who is a bodyguard

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

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5 Who is a crowd controller

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

(a) screening the entry of persons into the place;

(b) monitoring or controlling the behaviour of persons in the place;

(c) removing persons from the place.

Example—

a bouncer at a hotel, nightclub or rock concert

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

6 Who is a private investigator

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

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

(b) carries out surveillance for obtaining private information about another person, without the other person's express consent; or

(c) investigates the disappearance of a missing person.

(2) Despite subsection (1), a person is not a private investigator merely because—

(a) the person—

(i) is the employee of a person who does not, for reward, obtain and give information; and

(ii) as an employee, obtains and gives information about another person; or

(b) the person—

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(i) is an employee of a person who, for reward, obtains and gives information; and

(ii) as an employee, obtains and gives information about another person to the employer other than for the purpose of the employer giving the information to someone else for reward; or

(c) the person, for reward, gives information about another person from existing records in the person's possession or in the possession of the person's employer.

Example of paragraph (a)—

a retail department store's employee who obtains information about the credit standing of a person who has applied for the store's credit card

(3) Each of the following persons is not a private investigator in carrying out the functions of the person's occupation or employment—

(a) an Australian legal practitioner or an Australian legal practitioner's employee;

(b) an accountant or an accountant's employee;

(c) a person carrying on the business of insurance or an employee of the person;

(d) a person carrying on the business of an insurance adjustment agency or an employee of the person.

(4) Also, an independent investigator is not a private investigator in investigating and reporting on the grievance for which the independent investigator is engaged.

(5) In this section—

accountant means—

(a) a person registered as an auditor under the Corporations Act; or

(b) a member of CPA Australia who is entitled to use the letters 'CPA' or 'FCPA'; or

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(c) a member of The Institute of Chartered Accountants in Australia who is entitled to use the letters 'CA' or 'FCA'; or

(d) a member of the Institute of Public Accountants who is entitled to use the letters 'MIPA' or 'FIPA'.

Australian legal practitioner means an Australian legal practitioner within the meaning of the *Legal Profession Act 2007*.

independent investigator means a person, other than a public service employee, who is engaged to investigate and report on a grievance lodged by a public service employee under the *Public Sector Act 2022*.

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

(a) for an individual—the individual's personal character, actions, business or occupation; or

(b) for a person other than an individual—the person's business or occupation.

6A Who is a security adviser

(1) A ***security adviser*** is a person who, for reward, gives advice about security equipment or security methods or principles (***security advice***).

(2) Despite subsection (1), a person is not a security adviser merely because—

(a) the person—

(i) is an employee of a person who does not, for reward, give security advice; and

(ii) as an employee, gives security advice to the employer; or

(b) the person—

(i) is an employee of a person who, for reward, gives security advice; and

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(ii) as an employee, gives security advice to the employer in relation to the employer's own security and not in relation to the security of someone else for whom the employer gives security advice for reward; or

(c) the person is an architect under the *Architects Act 2002* and gives security advice in providing architectural services within the meaning of that Act; or

(d) the person is a registered professional engineer under the *Professional Engineers Act 2002* and gives security advice in providing professional engineering services within the meaning of that Act.

6B Who is a security equipment installer

(1) A ***security equipment installer*** is a person who, for reward, installs, repairs, services or maintains security equipment.

(2) Despite subsection (1), a person is not a security equipment installer merely because—

(a) the person—

(i) is an employee of a person who does not, for reward, install, repair, service or maintain security equipment; and

(ii) as an employee, installs, repairs, services or maintains the employer's security equipment; or

(b) the person—

(i) is an employee of a person who, for reward, installs, repairs, services or maintains security equipment; and

(ii) as an employee, installs, repairs, services or maintains the employer's security equipment; or

(c) the person carries out retail key cutting; or

(d) the person installs a basic security item in a building owned or occupied by the person; or

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

(3) In this section—

basic security item means—

(a) a portable safe weighing not more than 50kg; or

(b) a barrier security item; or

Example—

a security mesh door or window grille

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

Example—

a door lock, window lock or padlock

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

7 Who is a security officer

(1) A ***security officer*** is a person who, for reward, guards, patrols or watches another person's property, including by—

(a) personally patrolling the property; or

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

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

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

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

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(b) a person who is an employee of an engaged service provider within the meaning of the *Corrective Services Act 2006*, in carrying out the functions of the person's employment.

(4) Also, despite subsection (1) and subject to subsection (5), a person is not a security officer merely because—

(a) the person—

(i) is an employee of a person who does not, for reward, guard, patrol or watch another person's property; and

(ii) as an employee, guards, patrols or watches the employer's property; or

(b) the person—

(i) is an employee of a person who, for reward, guards, patrols or watches another person's property; and

(ii) as an employee, guards, patrols or watches the employer's property.

(5) A person who is an employee mentioned in subsection (4) is a security officer if the person—

(a) is employed principally to guard, patrol or watch the employer's property; or

(b) is employed, whether or not principally, to guard, patrol or watch licensed premises of the employer.

7A Who is a relevant person

A ***relevant person***, for an application for a licence or application for renewal of an unrestricted licence, is—

(a) if the application is made by an individual—the individual; or

(b) if the application is made by a corporation—an officer of the corporation; or

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(c) if the application is made by a partnership—a partner of the partnership.

8 What is a security firm

A ***security firm*** is a person who, or partnership that, engages in the business of supplying, for reward, security firm services to other persons.

Note—

Under the *Acts Interpretation Act 1954*, schedule 1, *person* includes a corporation.

8A What is security equipment

(1) ***Security equipment*** is acoustic, electronic, mechanical or other equipment—

(a) designed, adapted, or purporting to provide or to enhance property security; or

(b) for protecting or watching property.

Examples—

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

(2) However, each of the following is not security equipment—

(a) a device for monitoring inventory, product or stock loss;

(b) an item designed to minimise the possibility of motor vehicle theft, including, for example, a motor vehicle alarm or immobiliser.

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Part 2 Licences

Division 1 Requirement for licence

9 Requirement to be licensed

(1) Unless a person holds the appropriate licence, the person must not—

(a) carry out the functions of a security provider; or

(b) advertise, or in any way hold out, that the person carries out or is willing to carry out, the functions of a security provider.

Maximum penalty—

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

(b) for a second offence—700 penalty units or 6 months imprisonment; or

(c) for a third or later offence—1,000 penalty units or 18 months imprisonment.

(2) A person must not, directly or indirectly, engage another person to carry out for reward the functions of a security provider unless the other person holds the appropriate licence.

Maximum penalty—

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

(b) for a second offence—700 penalty units or 6 months imprisonment; or

(c) for a third or later offence—1,000 penalty units or 18 months imprisonment.

(3) Unless a person holds the appropriate licence, the person is not entitled to any reward for carrying out the functions of a security provider.

(4) Subsection (3) has effect despite any arrangement to the contrary.

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Division 2 Application for licence

10 Application

(1) An application for a licence may be made to the chief executive by—

(a) for any licence—an individual; or

(b) for a security firm licence—a person or a partnership.

(2) The application must be in the approved form and accompanied by the fee prescribed by regulation.

(2A) If, before or when the application is made, the chief executive requires the payment of costs under section 12AA(1), the application must also be accompanied by the amount of the costs required to be paid.

(3) The applicant must state in the application—

(a) the term of the licence being applied for; and

(b) if the functions of more than 1 type of security provider are intended to be carried out under the licence—each type of security provider for which the licence is sought.

(3A) The applicant must also state in the application—

(a) if it is for carrying out the functions of a security officer—the category of functions intended to be carried out under the licence; or

(b) if it is for carrying out the functions of a security firm—the security firm services intended to be supplied under the licence.

(3B) If the application is for carrying out the functions of a security firm, the application must include evidence that the applicant is a current member of an approved security industry association.

(4) Only an individual may apply for, or be granted, a licence for carrying out the functions of any of the following—

(a) a bodyguard;

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(b) a crowd controller;

(c) a private investigator;

(d) a security adviser;

(e) a security equipment installer;

(f) a security officer.

(5) The chief executive, by written notice, may request the applicant to give further information or documents relevant to the application within a stated period of at least 28 days.

(6) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with a request under subsection (5) without a reasonable excuse.

(7) A requirement mentioned in subsection (2A) is sufficiently made of the applicant if it is made generally of applicants in the approved form or notified on the department's website.

(8) An application for a licence may be considered by the chief executive only if each relevant person for the application is agreeable to having his or her fingerprints taken by the Commissioner under section 27, unless the Commissioner already holds the relevant person's fingerprints taken under section 27.

(9) If a regulation prescribes a fee for taking a relevant person's fingerprints under section 27, the application must be accompanied by the fee for each relevant person for the application.

(10) However, subsection (9) does not apply if the Commissioner already holds the relevant person's fingerprints taken under section 27.

(11) If a relevant person's fingerprints are not taken under section 27 for the application, the chief executive must refund to the applicant any fee paid under subsection (9) for the relevant person for the application.

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11 Entitlement to licences—individuals

(1) This section applies if an individual applies for a licence.

(2) A person is entitled to a licence if the chief executive is satisfied that the person—

(a) is either—

(i) 18 years or more; or

(ii) for a class 2 licence for carrying out the functions of a security equipment installer—an apprentice or trainee security equipment installer; and

(b) for an application for a class 1 licence, other than a security firm licence or restricted licence—has successfully completed an approved training course for carrying out the functions, or the category of functions, of each type of security provider for which the licence is sought; and

(c) for an application for a security firm licence—is a current member of an approved security industry association; and

(d) is an appropriate person to hold the licence.

(2A) A person is taken to comply with subsection (2)(b) if the chief executive is satisfied the person, within 1 year before the day the person's application for the licence is received by the chief executive, held a licence for carrying out the functions, or the category of functions, of each type of security provider for which the licence is sought.

(3) In deciding whether a person is an appropriate person to hold a licence, the chief executive—

(a) may only consider the matters mentioned in subsections (4) and (5); and

(b) may not have regard to criminal intelligence given to the chief executive by the Commissioner under section 48.

(4) In deciding whether a person is an appropriate person to hold a licence, the chief executive must consider the following

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matters as indicating that the person may not be an appropriate person—

(a) in dealings in which the person has been involved, the person has—

(i) shown dishonesty or lack of integrity; or

(ii) used harassing tactics;

(b) the person has taken advantage, as a debtor, of the laws of bankruptcy;

(c) the person has been convicted of an offence in Queensland or elsewhere for which a conviction has been recorded, including an offence to which the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6 applies;

(d) an unrecorded finding of guilt has been made against the person in relation to a relevant offence and has not been quashed or set aside by a court;

(e) any other information indicating—

(i) the person is a risk to public safety; or

(ii) the holding of the licence by the person would be contrary to the public interest.

(5) A person is not an appropriate person to hold a licence if the person—

(a) has, within 10 years of applying for the licence, been convicted of a disqualifying offence for which a conviction was recorded; or

(b) is subject to a relevant control order.

(6) In this section—

apprentice or trainee means an apprentice or trainee within the meaning of the *Further Education and Training Act 2014*.

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

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12 Inquiries about person's appropriateness to hold licence

(1) The chief executive may make inquiries about a person to assist in deciding whether the person—

(a) is an appropriate person for the grant of the licence; or

(b) continues to be an appropriate person.

(2) Without limiting subsection (1), the chief executive may ask the Commissioner to give the chief executive the following written information about the person—

(a) a report about the person's criminal history;

(b) a brief description of the nature of the offence giving rise to a conviction or charge mentioned in the person's criminal history.

(3) Subject to subsection (4), the Commissioner must comply with a request made under subsection (2).

(4) The duty imposed on the Commissioner to comply with the request applies only to information in the Commissioner's possession or to which the Commissioner has access.

(5) If the person is, or has been, subject to a control order or registered corresponding control order, the report must—

(a) state the details of the order; or

(b) be accompanied by a copy of the order.

(6) In this section—

offence includes alleged offence.

12AA Costs of criminal history report

(1) The chief executive may require an applicant or licensee to pay the reasonable, but no more than actual, costs of obtaining a report under section 12(2) about—

(a) the applicant or licensee; or

(b) if the applicant or licensee is a corporation—an officer of the corporation; or

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(c) if the applicant or licensee is a partnership—a partner in the partnership.

(2) The chief executive must refund to an applicant an amount paid under the requirement if—

(a) the chief executive refuses the application without asking for the report; or

(b) the applicant withdraws the application before the chief executive asks for the report.

(3) In this section—

applicant includes proposed applicant.

12A Notice of change in criminal history

(1) This section applies if—

(a) the Commissioner reasonably suspects a person is the holder of, or an applicant for, a licence; and

(b) the person's criminal history changes.

(2) The Commissioner may notify the chief executive that the person's criminal history has changed.

(3) The notice must—

(a) state the following details—

(i) the person's name and any other name the Commissioner believes the person may use or may have used;

(ii) the person's date and place of birth;

(iii) a brief description of the nature of the offence giving rise to the conviction or charge to which the change relates; and

(b) if the change includes the person becoming subject to a control order or registered corresponding control order—

(i) state the details of the order; or

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(ii) be accompanied by a copy of the order.

(4) The chief executive may confirm the Commissioner's suspicions under subsection (1).

(5) For a person who does not have a criminal history, there is taken to be a change in the person's criminal history if the person acquires a criminal history.

(6) In this section—

offence includes alleged offence.

12B Use of information obtained under s 12 or 12A

(1) This section applies to the chief executive in considering information about a person obtained under section 12 or 12A.

(2) Information about the following may be used only for making a decision about whether the person is, or continues to be, an appropriate person to hold a licence—

(a) a conviction of the person;

(b) if the person is subject to a control order or registered corresponding control order—the control order.

(3) Information about a charge made against the person for a disqualifying offence may be used only for deciding whether to grant a licence to the person, or to suspend, or to refuse to renew, the person's licence.

(4) Subsections (2) and (3) do not affect sections 14(2) and 21(3).

(5) When making a decision mentioned in subsection (2), the chief executive must have regard to the following matters relating to information about the commission of an offence by the person—

(a) when the offence was committed;

(b) the nature of the offence and its relevance to the person carrying out the functions of a security provider under the licence;

(c) anything else the chief executive considers relevant to the decision.

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(6) When making a decision mentioned in subsection (3), the chief executive must have regard to the following matters relating to information about the alleged or possible commission of an offence by the person—

(a) when the offence is alleged to have been committed or may possibly have been committed;

(b) the nature of the alleged or possible offence and its relevance to the person carrying out the functions of a security provider under the licence;

(c) anything else the chief executive considers relevant to the decision.

(7) The chief executive must destroy information obtained by the chief executive under section 12 or 12A as soon as practicable after it is no longer needed for the purpose for which it was requested or given.

(8) The *Public Records Act 2023* does not apply to information mentioned in subsection (7).

13 Entitlement to licences—corporations or firms

(1) In this section—

officer of a corporation means—

(a) a director, secretary or executive officer of the corporation; or

(b) a person who can control or substantially influence the conduct of the corporation's affairs including, for example, a person on whose directions or instructions the corporation's directors usually act.

(2) This section applies if a corporation or partnership applies for a security firm licence.

(3) The applicant is entitled to the licence if the chief executive is satisfied that—

(a) each person who is an officer of the corporation, or partner in the partnership, is an appropriate person to be

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an officer or partner if the corporation or partnership were granted the licence; and

(b) if the applicant is a corporation—the corporation is an appropriate person to hold the licence; and

(c) the applicant is a current member of an approved security industry association.

(3A) For subsection (3)(b), in deciding whether a corporation is an appropriate person to hold a security firm licence, the chief executive—

(a) must consider the following matters—

(i) whether the corporation has been convicted of a disqualifying offence for which a conviction has not been recorded and that has not been quashed or set aside by a court;

(ii) any other information indicating—

(A) the corporation is a risk to public safety; or

(B) the holding of the licence by the corporation would be contrary to the public interest; but

(b) may not have regard to criminal intelligence given to the chief executive by the Commissioner under section 48.

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

(5) Sections 11(3) to (5), 12 and 12B apply to a decision about whether a person mentioned in subsection (3)(a) is an appropriate person as if the person were the applicant for the licence.

(6) A corporation is not an appropriate person to hold a security firm licence if the corporation—

(a) has, within 10 years of applying for the licence, been convicted of a disqualifying offence for which a conviction has been recorded; or

(b) is subject to a relevant control order.

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14 Decision on application

(1) The chief executive must consider an application for a licence and either—

(a) grant the licence; or

(b) refuse to grant the licence.

(2) Despite subsection (1), if the applicant or another person required to be an appropriate person for the grant of the licence has been charged with a disqualifying offence, the chief executive may defer making a decision to grant or to refuse to grant the licence until the end of the proceeding for the charge.

(3) If the chief executive decides to grant the licence, the chief executive must promptly give the applicant—

(a) the licence; and

(b) if a condition is stated on the licence under section 15—a QCAT information notice for the decision to impose the condition.

(4) A licence must state each type of security provider the functions of which may be carried out under the licence and, for a security officer, the category of functions that may be carried out under the licence.

(5) If the chief executive decides to refuse to grant a licence, or grants a licence other than the licence applied for, the chief executive must give the applicant a QCAT information notice for the decision.

(6) If the chief executive decides to defer making a decision to grant or to refuse to grant the licence, the chief executive must promptly give the applicant a QCAT information notice for the decision to defer making a decision to grant or to refuse to grant the licence.

(7) This section is subject to section 28(1).

14A Continuation of restricted licence

(1) Subsection (2) applies if—

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(a) a person who is the holder of a restricted licence applies under section 10 for the grant of an unrestricted licence for carrying out the same type of security provider functions as the person is authorised to carry out under the restricted licence; and

(b) the chief executive has not, before the restricted licence ends, decided whether to grant the unrestricted licence.

(2) The restricted licence is taken to continue in force until the day—

(a) the chief executive grants, or refuses to grant, the unrestricted licence; or

(b) the person withdraws the application for the unrestricted licence.

(3) If the chief executive grants the unrestricted licence to the person, the restricted licence is cancelled on the day the unrestricted licence is granted.

Division 3 Conditions and term of licence

14B Statutory conditions

(1) A restricted licence is subject to the conditions that the licensee—

(a) may carry out only—

(i) for a security provider other than a security officer—the functions of each type of security provider stated in the licence; or

(ii) for a security officer—the category of functions of a security officer stated in the licence; and

(b) when carrying out the functions must be under appropriate direct supervision.

(2) An unrestricted licence is subject to the condition that, if required in writing by the chief executive, the licensee must complete relevant approved training—

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(a) on renewal of the licence; or

(b) at 1 or more stated intervals during the term of the licence; or

(c) both on renewal of the licence and at 1 or more stated intervals during the term of the licence.

(3) The chief executive may make a requirement under subsection (2) only if satisfied the relevant approved training is required—

(a) because of an increased risk to public safety or protection of property since the licensee's latest successful completion of an approved training course or relevant approved training; or

(b) to update the licensee's competency for carrying out the functions, or the category of functions, of a security provider authorised under the licence.

(4) A licensee must comply with the statutory conditions of the licence.

Note—

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

(5) No appeal lies against a decision of the chief executive made under subsection (2).

(6) A court or tribunal must dismiss a proceeding started in contravention of subsection (5).

(7) In this section—

decision includes a decision affected by jurisdictional error.

relevant approved training, in relation to an unrestricted licence, means training approved by the chief executive for carrying out—

(a) for a security provider other than a security officer—the functions of each type of security provider stated in the licence; or

(b) for a security officer—the category of functions of a security officer stated in the licence.

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Example of relevant approved training—

1 or more components of an approved training course

15 Imposed conditions

(1) The chief executive may grant a licence on conditions decided by the chief executive and stated on the licence (***imposed conditions***).

(2) Without limiting subsection (1), for a security firm licence, the imposed conditions may include a condition that the licensee must monitor, at stated intervals, whether or not its employees who are employed as security providers are complying with this Act.

(3) The licensee must comply with the imposed conditions of the licence.

(4) The contravention of an imposed condition that is prescribed by regulation for this section is an offence.

Maximum penalty—40 penalty units.

Note—

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

16 Term of licence

(1) A licence, other than a restricted licence, may be issued for a term of 1 year or 3 years.

(2) A restricted licence may be issued for a term of not more than 6 months.

(3) After the term of a restricted licence (the ***first licence***) ends, the person who held the first licence can not apply for a further restricted licence for carrying out the functions that were authorised under the first licence.

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Division 4 Amendment of licence

17 Amendment of licence on application

(1) A licensee may apply to the chief executive for an amendment of the licence, other than its statutory conditions.

(2) The application must be in the approved form and accompanied by the fee prescribed by regulation.

(3) The chief executive must decide the application by—

(a) amending the licence in the way applied for; or

(b) with the applicant's written agreement, amending the licence in another way; or

(c) refusing to amend the licence.

(4) If the chief executive decides to refuse to amend the licence, the chief executive must give the applicant a QCAT information notice for the decision.

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

18 Amendment of licence by chief executive

(1) This section applies if—

(a) the chief executive considers a licence, other than its statutory conditions, should be amended; and

(b) the licensee has not applied for the amendment under section 17.

(2) The chief executive must give the licensee a written notice (the ***show cause notice***) that—

(a) states the reasons for the amendment; and

(b) outlines the facts and circumstances forming the basis of the reasons; and

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(c) invites the licensee to show cause within a stated period, of at least 28 days, why the licence should not be amended.

(3) The chief executive may amend the licence, other than its statutory conditions, if, after considering all representations made within the stated period, the chief executive still believes the licence should be amended—

(a) in the way mentioned in the show cause notice; or

(b) in another way, having regard to the representations.

(4) If the chief executive decides to amend the licence, the chief executive must give the licensee a QCAT information notice for the decision.

(5) Subsections (2) to (4) do not apply if the licence is to be amended only—

(a) by omitting an imposed condition; or

(b) to correct a minor error or to make a change that is not a change of substance; or

(c) in another way that does not adversely affect the licensee's interests.

(6) The chief executive may make an amendment of a type mentioned in subsection (5) by written notice given to the licensee.

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

19 Notice to return licence for recording amendment

(1) The chief executive, by written notice, may require a licensee to return the licensee's licence to the chief executive within a stated period, of at least 14 days, to enable the chief executive to record on the licence an amendment of the licence under section 17 or 18.

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(2) After recording the amendment, the chief executive must return the licence to the licensee.

(3) A licensee to whom a notice under subsection (1) is given must comply with the notice, unless the licensee has a reasonable excuse.

Maximum penalty—20 penalty units.

(4) The amendment of a licence under section 17 or 18 does not depend on the amendment being recorded on the licence under this section.

Division 5 Other provisions about licence

20 Renewal of unrestricted licence

(1) A licensee may apply to the chief executive for the renewal of an unrestricted licence before the licence ends.

(2) The application must be in the approved form and accompanied by the fee prescribed by regulation.

(3) If, before or when the application is made, the chief executive requires the payment of costs under section 12AA(1), the application must be accompanied by the amount of the costs required to be paid.

(4) The chief executive, by written notice, may ask the licensee to do any of the following within a reasonable period of at least 28 days stated in the notice—

(a) give the chief executive the documents or information the chief executive reasonably requires for deciding the application;

(b) if the licensee is required to pay costs under section 12AA(1) and has failed to do so—pay the costs;

(c) if the application was not accompanied by the fee under subsection (2) or (12)—pay the fee.

(5) If the licensee does not comply with the request within the stated period—

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(a) the application is taken to have been withdrawn; and

(b) the licensee's licence ends at the end of the stated period.

(6) Without limiting section 22, if either of the following has been charged with a disqualifying offence, the chief executive may defer making a decision to renew or to refuse to renew the unrestricted licence until the end of the proceeding for the charge—

(a) the applicant;

(b) another person required to be an appropriate person for the grant of the unrestricted licence.

(7) A renewal begins at the end of the day on which, apart from its renewal, the unrestricted licence would have ended.

(8) A renewal is for the term, of 1 year or 3 years, specified in the renewed licence.

(9) If an application is made under subsection (1) for the renewal of an unrestricted licence and the chief executive has not, before the licence ends, decided whether to renew the licence, the licence is taken to continue in force until the day—

(a) the chief executive renews the licence; or

(b) the chief executive refuses under section 22 or 28(2) to renew the licence; or

(c) the licensee withdraws the application; or

(d) the application is taken to have been withdrawn under subsection (5)(a).

(10) A requirement mentioned in subsection (3) is sufficiently made of the applicant if it is made generally of applicants in the approved form or notified on the department's web site.

(11) An application for renewal of an unrestricted licence may be considered by the chief executive only if each relevant person for the application is agreeable to having his or her fingerprints taken by the Commissioner under section 27, unless the Commissioner already holds the relevant person's fingerprints taken under section 27.

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(12) If a regulation prescribes a fee for taking a relevant person's fingerprints under section 27, the application must be accompanied by the fee for each relevant person for the application.

(13) However, subsection (12) does not apply if the Commissioner already holds the relevant person's fingerprints taken under section 27.

(14) If a relevant person's fingerprints are not taken under section 27 for the application, the chief executive must refund to the applicant any fee paid under subsection (12) for the relevant person for the application.

21 Grounds for suspension, cancellation or refusal to renew

(1) Each of the following is a ground for the suspension or cancellation of a licence or the refusal to renew a licence—

(a) the licence, or a renewal of the licence, was obtained because of materially incorrect or misleading information;

(b) the licensee has contravened this Act, including a code of practice, or a condition of the licence;

(c) the licensee has committed an offence against this Act;

(d) if the licensee is an individual or a partnership—the individual, the partnership or any partner—

(i) has been convicted of an offence against the *Industrial Relations Act 2016*, section 928 relating to the under payment of wages; or

(ii) has contravened an order of the industrial commission or of the Industrial Magistrates Court to pay wages;

(e) if the licensee is a corporation—

(i) the licensee has been convicted of an offence against the *Workplace Relations Act 1996* (Cwlth), section 719 in relation to the payment of an amount to a person; or

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(ii) the licensee has contravened an order of an eligible court under the *Workplace Relations Act 1996* (Cwlth), section 719(6) or (7) or 720 to pay an amount to or on behalf of the person;

Editor's note—

Workplace Relations Act 1996 (Cwlth)—see the *Acts Interpretation Act 1954*, section 14H and the *Fair Work Act 2009* (Cwlth).

(f) the licensee is not a member of an approved security industry association;

(g) the licensee, or another person required to be an appropriate person for the grant of the licence, is not, or is no longer, an appropriate person.

(2) However, subsection (1)(f) applies only if at least 60 days have passed since the later of the following—

(a) the licensee was last a member of an approved security industry association;

(b) the commencement of this subsection.

(3) Despite subsection (1)(g), the following are not grounds for cancellation of a licence under section 22—

(a) the licensee, or another person required to be an appropriate person in relation to the licence, is convicted of a disqualifying offence;

(b) the licensee, or another person required to be an appropriate person in relation to the licence, becomes subject to a relevant control order.

Note—

See section 24 for cancellation of a licence in the circumstances mentioned in this subsection.

(4) The question whether a person is, or continues to be, an appropriate person is decided in the same way as the question whether the person would be an appropriate person for the grant of the licence.

(5) The charging of a licensee, or another person required to be an appropriate person for the grant of the licence, with a

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disqualifying offence is a ground for suspending, or refusing to renew, the licence concerned until the end of the proceeding for the charge.

(6) The power of the court to impose conditions of bail under the *Bail Act 1980* includes the power to impose a condition that the licensee not act as a security provider as stated in the condition.

21A Approved security industry association must give notice of persons whose membership of the association ends

An approved security industry association must, within 14 days after the end of each successive month after becoming an approved security industry association, give the chief executive written notice of—

(a) each person whose membership of the association ended during the month; and

(b) the date the membership ended.

Maximum penalty—20 penalty units.

22 Procedure for suspension, cancellation or refusal to renew

(1) If the chief executive considers that reasonable grounds exist to suspend, cancel or refuse to renew a licence (the ***action***), the chief executive must give the licensee a written notice (the ***show cause notice***) that—

(a) states the action proposed; and

(b) states the grounds for proposing to take the action; and

(c) outlines the facts and circumstances that form the basis for the chief executive's belief; and

(d) if the chief executive proposes to suspend the licence—states the proposed suspension period; and

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(e) invites the licensee to show cause within a specified time, of not less than 28 days, why the action proposed should not be taken.

(2) If, after considering all representations made within the specified time, the chief executive still believes that grounds to take the action exist, the chief executive may—

(a) if the show cause notice was a notice of intention to suspend the licence for a specified period—suspend the licence for a period not longer than the specified period; or

(b) if the show cause notice was a notice of intention to cancel the licence—

(i) cancel the licence; or

(ii) suspend the licence for a period; or

(c) if the show cause notice was a notice of intention not to renew the licence—

(i) refuse to renew the licence; or

(ii) refuse to renew the license for a period.

(3) The chief executive must, by written notice, inform—

(a) generally—a licensee of a decision to cancel, suspend or refuse to renew the licensee's licence; or

(b) for a licensee mentioned in subsection (1)—the licensee of a decision not to take the action.

(4) If the chief executive decides to cancel, suspend or refuse to renew the licence, the notice must be a QCAT information notice for the decision.

(5) The decision takes effect on the later of the following—

(a) the day on which the notice is given to the licensee;

(b) the day specified in the notice.

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23 Return of suspended or cancelled licence

(1) If the chief executive cancels or suspends a person's licence, the chief executive may give the person a written notice requiring the person to return the licence as specified within a specified period, of not less than 14 days.

(2) The person must comply with the notice, unless the person has a reasonable excuse not to comply with it.

Maximum penalty—20 penalty units.

(3) If a licence returned to the chief executive is still current at the end of the suspension period, the chief executive must return the licence to the licensee.

24 Automatic cancellation

(1) A licensee's licence is cancelled if the licensee, or another person required to be an appropriate person in relation to the licence—

(a) is convicted of a disqualifying offence for which a conviction is recorded; or

(b) becomes subject to a relevant control order.

(2) A person whose licence is cancelled under subsection (1) must return the licence to the chief executive within 14 days after the happening of the event mentioned in subsection (1).

Maximum penalty for subsection (2)—20 penalty units.

25 Replacement licences

(1) A licensee may apply to the chief executive for the replacement of a lost, stolen or destroyed licence.

(2) The chief executive must consider each application and either—

(a) replace the licence; or

(b) refuse to replace the licence.

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(3) If the chief executive is satisfied that the licence has been lost, stolen or destroyed, the chief executive must replace the licence.

(4) If the chief executive decides to refuse to replace the licence, the chief executive must give the applicant a QCAT information notice for the decision.

25A Production of licence

(1) This section applies if—

(a) a licensee is not wearing the prescribed identification when carrying out a function of a security provider; and

(b) a person with whom the licensee is dealing when carrying out the function asks to inspect the licensee's licence.

(2) The licensee must produce the licensee's licence for inspection.

Maximum penalty—20 penalty units.

25B Approval of security industry associations

The chief executive may, under requirements prescribed by regulation—

(a) approve security industry associations for the purposes of this part; or

(b) withdraw a security industry association's approval under paragraph (a).

Division 6 Review of licence decisions

26 Review by QCAT of particular decisions of chief executive

(1) An applicant for a licence may apply to QCAT for a review of a decision of the chief executive—

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(a) to refuse to grant the licence; or

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

(i) granting a licence authorising the carrying out of the functions of only some of the types of security provider applied for; or

(ii) imposing a condition on the licence; or

(c) to defer making a decision to grant or to refuse to grant the licence.

(2) A licensee may apply to QCAT for a review of a decision of the chief executive—

(a) to amend the licence; or

(b) to refuse to amend the licence; or

(c) to suspend or cancel the licence; or

(d) to refuse to renew the licence; or

(e) to refuse to replace the licence.

(3) The application must be made as provided under the QCAT Act.

Division 7 Fingerprint procedures

27 Fingerprints to be taken

(1) This section applies if a person is agreeable under section 10(8) or 20(11) to having his or her fingerprints taken by the Commissioner.

(2) For the following purposes, the chief executive must ask the Commissioner to take the person's fingerprints—

(a) to assist the chief executive in deciding whether the person is, or continues to be, an appropriate person to hold a licence;

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(b) to assist the chief executive in identifying the person for the purpose mentioned in paragraph (a).

(3) The Commissioner must comply with a request made under subsection (2).

28 Chief executive must refuse to grant, or renew, licence if fingerprints have not been taken

(1) The chief executive must refuse to grant a licence if the fingerprints of each relevant person for the application for the licence have not been taken by the Commissioner under section 27.

(2) The chief executive must refuse to renew an unrestricted licence if the fingerprints of each relevant person for the application for the renewal have not been taken by the Commissioner under section 27.

29 Commissioner to give chief executive information about a person's identity derived from fingerprints

(1) The Commissioner must give the chief executive information about a person's identity derived from fingerprints of the person taken under section 27.

(2) However, the Commissioner must not give information under subsection (1) about a particular person if the Commissioner is reasonably satisfied that giving the information—

(a) may prejudice or otherwise hinder an investigation to which the information may be relevant; or

(b) may affect the safety of a police officer, complainant, informant or other person.

30 Use of fingerprints by Commissioner

The Commissioner may use the fingerprints of a person taken under section 27 only—

(a) to comply with section 29; or

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(b) for performing a function of the Queensland Police Service.

31 Destruction of fingerprints

(1) This section applies if—

(a) an application is made for a licence or renewal of an unrestricted licence; and

(b) a relevant person's fingerprints have been taken under section 27 for the application; and

(c) either—

(i) the applicant withdraws the application; or

(ii) the chief executive refuses to grant or renew the licence, and the applicant's review rights under section 26 for the application have been exhausted.

(2) This section also applies if—

(a) either—

(i) a licence is cancelled under section 22, and the licensee's review rights under section 26 for the cancellation have been exhausted; or

(ii) a licensee does not apply, under section 20, for the renewal of the licence before the licence ends; and

(b) a relevant person's fingerprints have been taken under section 27 for an application for the licence or renewal of the licence.

(3) The chief executive must request the Commissioner to destroy the fingerprints.

(4) The Commissioner must comply with the request within a reasonable time.

(5) In complying with the request, the Commissioner must destroy the fingerprints in the presence of a justice.

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Part 2A Temporary permits

31A Purpose of temporary permit

(1) A temporary permit allows the holder of a corresponding authority to carry out in Queensland stated authorised functions for a stated particular event.

(2) In this section—

stated means stated in the temporary permit.

31B Term of temporary permit

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

(a) the event for which it is issued ends;

(b) the term stated in the permit ends.

31C Application for temporary permit

(1) An application for a temporary permit may be made to the chief executive by—

(a) for a temporary permit for carrying out authorised functions of a security firm—a person or a partnership; or

(b) for another temporary permit—an individual.

(2) The application must be accompanied by—

(a) evidence satisfying the chief executive that the applicant holds a corresponding authority; and

(b) the fee prescribed by regulation.

(3) The applicant must state in the application—

(a) the event for which the temporary permit is sought; and

(b) the authorised functions intended to be carried out under the temporary permit; and

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(c) if authorised functions of a security firm are intended to be carried out—the security firm services intended to be supplied under the temporary permit.

(4) Only an individual may apply for, or be granted, a temporary permit for carrying out authorised functions of any of the following—

(a) a bodyguard;

(b) a crowd controller;

(c) a security officer.

(5) The chief executive, by written notice, may request the applicant to give further information or documents relevant to the application within a stated period of at least 28 days.

(6) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with a request under subsection (5) without a reasonable excuse.

31D Application of pt 2 to temporary permit

(1) The following provisions of part 2 apply to a temporary permit as if the temporary permit were a licence and the holder of the temporary permit were a licensee—

(a) division 2, other than sections 10, 11(2)(b) and (2A) and 14A;

(b) section 15, other than section 15(2)(a);

(c) divisions 4 and 5, other than sections 20 and 25;

(d) division 6.

(2) Despite subsection (1)(c), sections 21 and 22 apply to a temporary permit only for suspending or cancelling the temporary permit.

31E What temporary permit must state

A temporary permit must state—

(a) the event for which it is issued; and

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(b) the authorised functions that may be carried out under the temporary permit; and

(c) if authorised functions of a security firm may be carried out—the security firm services that may be supplied under the temporary permit.

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

(1) The holder of a temporary permit is taken to hold an appropriate licence for carrying out the functions of a security provider stated in the temporary permit.

(2) However, subsection (1) does not apply to the holder if the holder does not comply with the conditions of the temporary permit.

Note—

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

Part 4 General

47 Identification to be worn by crowd controller

When acting as a crowd controller, a licensed crowd controller must wear the prescribed identification, so the identification is clearly visible.

Maximum penalty—20 penalty units.

48 Exchange of information

(1) The chief executive may enter into an arrangement (an ***information-sharing arrangement***) with a relevant agency for the purposes of sharing or exchanging information—

(a) held by the chief executive or the relevant agency; or

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(b) to which the chief executive or the relevant agency has access.

(2) An information-sharing arrangement may relate only to information that assists—

(a) the chief executive perform the chief executive's functions under this Act; or

(b) the relevant agency perform its functions.

(3) Under an information-sharing arrangement, the chief executive and the relevant agency are, despite another Act or law, authorised to—

(a) ask for and receive information held by the other party to the arrangement or to which the other party has access; and

(b) disclose information to the other party.

(4) The chief executive may use criminal intelligence, given to the chief executive by the Commissioner under an information-sharing arrangement, only for monitoring compliance with this Act.

(5) In this section—

information does not include information given to the chief executive or a relevant agency, or to which the chief executive or relevant agency has access, under the *Crime and Corruption Act 2001*.

relevant agency means the following—

(a) the Commissioner;

(b) the chief executive of a department;

(c) a local government;

(d) a person prescribed by regulation.

48A Confidentiality

(1) This section applies if a person gains confidential information through involvement in the administration of this Act.

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(2) The person must not make a record of the information or disclose the information to another person, other than under subsection (4).

Maximum penalty—35 penalty units.

(3) Without limiting subsection (1), a person gains confidential information through involvement in the administration of this Act if the person gains the information because of being, or an opportunity given by being—

(a) the chief executive; or

(b) a public service employee employed in the department; or

(c) a person engaged by the chief executive for this Act.

(4) A person may make a record of confidential information or disclose it to another person—

(a) for this Act; or

(b) to discharge a function under another law; or

(c) for a proceeding in a court or QCAT; or

(d) if authorised by a court or QCAT in the interests of justice; or

(e) if required or permitted by law; or

(f) for information other than criminal intelligence—if the person is authorised in writing by the person to whom the information relates.

(5) In this section—

confidential information—

(a) includes information about a person's affairs; but

(b) does not include statistical or other information that could not reasonably be expected to result in the identification of the person to whom the information relates.

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49 Protection from liability

(1) An official does not incur civil liability for an act or omission done honestly and without negligence under this Act.

(2) A liability that would, apart from this section, attach to an official attaches instead to the State.

(3) In this section—

official means—

(a) the chief executive; or

(b) a public service employee.

49A False or misleading documents

(1) A person must not give to the chief executive a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—60 penalty units.

(2) Subsection (1) does not apply to a person who, when giving the document—

(a) informs the chief executive of the extent to which the document is false or misleading; and

(b) gives the correct information to the chief executive if the person has, or can reasonably obtain, the correct information.

50 Offences are summary offences

An offence against this Act is a summary offence.

51 Evidentiary provisions

(1) This section applies to any proceeding under this Act.

(2) A signature purporting to be the signature of the chief executive is evidence of the signature it purports to be.

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(3) A certificate purporting to be signed by the chief executive and stating any of the following matters is evidence of the matter—

(a) that a stated document is a licence or temporary permit or copy of a licence or temporary permit issued under this Act;

(b) that on a stated day, or during a stated period, a person was or was not a licensee or a stated type of licensee;

(c) that a licence—

(i) was or was not issued for a stated term; or

(ii) was or was not in force on a stated day or during a stated period; or

(iii) was or was not subject to conditions or a stated condition;

(d) that on a stated day, or during a stated period, a person was or was not the holder of a temporary permit or a stated type of temporary permit;

(e) that a temporary permit—

(i) was or was not issued for a stated event; or

(ii) was or was not in force on a stated day or during a stated period; or

(iii) was or was not subject to conditions or a stated condition;

(f) that a document is a copy of a record kept under this Act.

52 Delegation by chief executive

(1) The chief executive may delegate the chief executive's powers under this Act to an appropriately qualified public service employee.

(2) In this section—

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appropriately qualified includes having the qualifications, experience or standing appropriate to the exercise of the power.

Example—

a person's classification level in the public service

53 Approved forms

(1) The chief executive may approve a form for the purposes of this Act.

(2) If the chief executive approves a form for a purpose, the form must be used for the purpose.

(3) A person may request the chief executive to give the person an approved form.

(4) The chief executive must promptly comply with the request.

54 Regulation-making power

(1) The Governor in Council may make regulations for the purposes of this Act.

(2) A regulation may be made—

(a) providing that a security provider need not hold the appropriate licence for a specified type of activity, event or place, despite section 9; or

(b) authorising the chief executive to approve that a crowd controller or security officer need not hold the appropriate licence for a specified activity, event or place, despite section 9; or

(c) setting the fees payable under this Act, or providing for a refund of fees that have been paid; or

(d) prescribing offences for contraventions of a regulation and fixing a maximum penalty of not more than 20 penalty units for a contravention; or

(e) regulating the conduct of security providers; or

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(f) providing for licensed corporations and partnerships, including, for example—

(i) dealing with changes to the composition or control of corporations and partnerships; and

(ii) imposing duties on particular persons to ensure the corporation or partnership complies with this Act and requiring proof of compliance; and

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

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

Note—

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

Part 5 Transitional, declaratory and validating provisions

Division 1 Transitional provisions for Security Providers Amendment Act 2007

55 Definitions for division

In this division—

bodyguard functions means the functions of a bodyguard.

crowd controller functions means the functions of a crowd controller.

56 References to crowd controller licence

(1) In an Act or document, a reference to a crowd controller licence authorising the carrying out of bodyguard functions is taken to be a reference to an unrestricted licence authorising

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the carrying out of bodyguard functions and not authorising the carrying out of crowd controller functions.

(2) In an Act or document, a reference to a crowd controller licence authorising the carrying out of crowd controller functions is taken to be a reference to an unrestricted licence authorising the carrying out of crowd controller functions and not authorising the carrying out of bodyguard functions.

57 Existing crowd controller licence

(1) This section applies to a crowd controller licence issued before the commencement of this section (the ***existing licence***) authorising a person to carry out bodyguard functions, whether or not the existing licence also authorises the person to carry out crowd controller functions.

(2) To the extent the existing licence authorises the person to carry out bodyguard functions, it is taken to be an unrestricted licence authorising the person to carry out bodyguard functions until its term ends or it is sooner cancelled.

(3) Despite sections 20 and 62, the existing licence can not be renewed to authorise the carrying out of bodyguard functions.

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

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

59 Application of s 9 penalty

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

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60 Existing application for licence

(1) This section applies to an application for a licence made, but not decided, before the commencement of this section.

(2) Subject to subsection (3), this Act as in force immediately after the commencement of this section applies in relation to the application, and a decision or appeal in relation to the application.

(3) If the application is for a crowd controller licence authorising the carrying out of bodyguard functions and the applicant has successfully completed a previously approved training course for carrying out crowd controller functions, the applicant is taken to have successfully completed an approved training course for carrying out bodyguard functions.

(4) However, subsection (3) does not prevent the chief executive from imposing a condition on the licence requiring the licensee to undertake further stated training.

(5) In this section—

previously approved training course means a training course approved, before the commencement, by the chief executive.

61 Existing conditions on licence

(1) This section applies if a licence in force immediately before the commencement of this section has a condition stated on it.

(2) The condition is taken to be an imposed condition.

62 Existing application for renewal of licence

(1) This section applies to an application for the renewal of a licence made, but not decided, before the commencement of this section.

(2) This Act as in force immediately after the commencement of this section applies in relation to the application, and a decision or appeal in relation to the application.

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63 Existing proceedings

(1) A proceeding started before the commencement of this section and pending at the commencement, may be continued, and decided, under this Act as in force immediately before the commencement.

(2) In this section—

proceeding means a proceeding—

(a) under the *Judicial Review Act 1991* in relation to a decision made under this Act; or

(b) for an offence against this Act.

Division 2 Declaratory provision for Justice (Fair Trading) Legislation Amendment Act 2008

64 Declaratory provision for s 29

(1) To remove any doubt, it is declared that the amending provision had effect, on the commencement, to omit section 29 as in force immediately before the commencement and to insert section 29 as set out in the amending provision.

(2) In this section—

amending provision means the *Security Providers Amendment Act 2007*, section 27.

commencement means the commencement of the amending provision.

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Division 3 Transitional provisions for Fair Trading (Australian Consumer Law) Amendment Act 2010

65 When provisions relating to application for licence, or renewal of unrestricted licence, do not apply

(1) Section 10(8) to (11) and part 2, division 7 do not apply to an application for a licence that is undecided immediately before the commencement of this section.

(2) Section 20(7) to (10) and part 2, division 7 do not apply to an application for renewal of an unrestricted licence that is undecided immediately before the commencement of this section.

66 Deferral of application of provisions relating to application for renewal of unrestricted licence

Section 20(7) to (10) and part 2, division 7 only apply to an application for renewal of an unrestricted licence made on or after the day that is 3 months after the commencement of this section.

Division 4 Transitional provision for Weapons Amendment Act 2011

67 Meaning of disqualifying offence

(1) For deciding whether an offence against the *Weapons Act 1990*, section 51(1), is a disqualifying offence, an offence committed before the commencement can not be taken into account.

(2) In this section—

commencement means the commencement of the *Weapons Amendment Act 2011*.

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Division 5 Transitional provision for Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Act 2013

68 Applications not finally decided

(1) This section applies if, immediately before the commencement, the chief executive had not finally decided an application for a licence or the renewal of a licence.

(2) The chief executive must decide the application under this Act as amended by the *Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Act 2013*.

(3) In this section—

commencement means the commencement of this section.

Division 6 Transitional provisions for Serious and Organised Crime Legislation Amendment Act 2016

69 Applications not finally decided

(1) This section applies if, immediately before the commencement, the chief executive had not finally decided an application for the grant or renewal of a licence.

(2) The chief executive must decide the application under this Act as in force after the commencement.

70 Show cause process not finally decided

(1) This section applies if—

(a) the chief executive had given a show cause notice to a licensee under section 22; and

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(b) immediately before the commencement, the chief executive had not finally dealt with matters relating to the show cause notice under section 22 (the ***show cause process***).

(2) The show cause process must continue under this Act as in force after the commencement.

71 Proceedings not finally decided

(1) This section applies if immediately before the commencement the following proceedings had been started but not finally dealt with—

(a) a proceeding before QCAT for a review of a decision mentioned in repealed section 26A(1);

(b) a proceeding before the Supreme Court about a decision mentioned in repealed section 26A(1).

(2) The proceeding is discontinued and the matter is remitted to the chief executive for the chief executive to decide again under this Act as in force after the commencement.

(3) QCAT or the Supreme Court must return to the commissioner any criminal intelligence relating to the proceeding in QCAT's or the Supreme Court's possession or control.

(4) For subsection (1), a proceeding had not been finally dealt with if—

(a) QCAT or the Supreme Court had not made a decision; or

(b) QCAT or the Supreme Court had made a decision but the appeal period for the decision had not ended; or

(c) QCAT or the Supreme Court had made a decision and an appeal against the decision had started but not ended.

(5) In this section—

criminal intelligence means criminal intelligence within the meaning of schedule 2, repealed definition *criminal intelligence*.

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repealed, in relation to a provision of this Act, means the provision as in force immediately before the commencement.

Division 7 Transitional, declaratory and validating provisions for Justice and Other Legislation Amendment Act 2026

72 Definitions for division

In this division—

amended section 20 means section 20 as amended by the *Justice and Other Legislation Amendment Act 2026*.

itemised licence means a licence mentioned in the repealed regulation, schedule, for which an application for renewal could have been made.

relevant fee, for an application for renewal of a relevant licence, means the fee set, under section 54(2)(c), for the renewal of the licence.

relevant licence means—

(a) an itemised licence; or

(b) an unrestricted licence.

relevant period, for an application for renewal of a relevant licence, means—

(a) if the relevant licence is an itemised licence—the period starting on 3 December 2003 and ending on 30 June 2008, both days inclusive; or

(b) if the relevant licence is an unrestricted licence—the period starting on 1 July 2008 and ending immediately before the commencement of the *Justice and Other Legislation Amendment Act 2026*.

repealed regulation means the repealed *Security Providers Regulation 1995* as in force from time to time during the

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relevant period for an application for renewal of an itemised licence.

73 Relevant licence renewal applications made during relevant period for applications

(1) This section applies to an application for renewal of a relevant licence made, or purportedly made, during the relevant period for the application.

(2) The payment of the relevant fee for the application is taken to have been, and to have always been, a requirement for the renewal of the licence.

(3) Anything done during or after the relevant period in relation to the relevant fee for the application is taken to have been, and to have always been, as valid as it would have been if the payment of the relevant fee for the application were a requirement for the renewal of the licence.

Examples of a thing that may be done in relation to a relevant fee for an application—

- demand for payment of the relevant fee
- payment of the relevant fee

74 Unrestricted licence renewal applications not decided before commencement

(1) This section applies to an application for renewal of an unrestricted licence made but not decided before the commencement.

(2) Amended section 20, other than amended section 20(2), applies to the application as if a reference in amended section 20(4)(c) to the fee under subsection (2) were a reference to the fee set under section 54(2)(c) for the renewal of the licence.

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75 Particular proceedings not decided before commencement

(1) This section applies to a proceeding in relation to an application for renewal of an unrestricted licence if the proceeding had not been decided before the commencement.

(2) The payment of the relevant fee for the application is taken to have been, and to have always been, a requirement for the renewal of the licence.

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Schedule 1 Disqualifying offence provisions under the Criminal Code

schedule 2, definition *disqualifying offence*

Part 1 Existing provisions

1 chapter 9 (Breaches of the peace)

2 chapter 9A (Consorting)

3 chapter 16 (Offences relating to the administration of justice)

4 chapter 20 (Miscellaneous offences against public authority)

5 chapter 22 (Offences against morality)

6 chapter 28 (Homicide—suicide—concealment of birth)

7 chapter 28A (Unlawful striking causing death)

8 chapter 29 (Offences endangering life or health)

9 chapter 29A (Coercive control)

10 chapter 30 (Assaults)

11 chapter 32 (Rape and sexual assaults)

12 chapter 33 (Offences against liberty)

13 chapter 33A (Unlawful stalking, intimidation, harassment or abuse)

14 chapter 36 (Stealing)

15 chapter 37 (Offences analogous to stealing)

16 chapter 38 (Stealing with violence—extortion by threats)

17 chapter 39 (Burglary—Housebreaking—and like offences)

18 chapter 40 (Other fraudulent practices)

19 chapter 41 (Receiving property stolen or fraudulently obtained and like offences)

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20 chapter 42A (Secret commissions)

21 chapter 46 (Offences)

22 chapter 49 (Punishment of forgery and like offences)

23 chapter 52 (Personation)

24 chapter 56 (Conspiracy)

Part 2 Provisions repealed by Criminal Law Amendment Act 1997

1 section 343A (Assaults occasioning bodily harm)

2 section 344 (Aggravated assaults)

Schedule 2 Dictionary

section 3

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

(a) is a security provider of the same type as the supervised security provider; and

(b) holds an unrestricted licence for carrying out the functions.

appropriate licence means—

(a) for a security provider other than a security officer—a class 1 or class 2 unrestricted licence authorising the licensee to carry out the functions of the types of security provider stated in the licence; or

(b) for a security provider who is a security officer—

(i) a class 1 unrestricted licence authorising the licensee to carry out the category of functions of a security officer stated in the licence; or

(ii) a class 1 restricted licence authorising the licensee to carry out the category of functions of a security officer stated in the licence, under appropriate direct supervision; or

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

approved security industry association means a security industry association approved under section 25B(a) whose approval under that section has not been withdrawn by the chief executive under section 25B(b).

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

arrangement includes scheme, agreement, understanding, promise or undertaking (express or implied).

authorised functions means functions authorised under a corresponding authority.

bodyguard see section 4A.

cash in transit category, of functions of a security officer, means the carrying out of the activities of personally guarding, patrolling or watching another person's cash or other valuables while they are in transit or being stored in connection with their transit.

category, of functions of a security officer, means—

(a) cash in transit category; or

(b) dog patrol category; or

(c) monitoring category; or

(d) unarmed category.

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

(a) a charge on an arrest;

(b) a notice to appear served under the *Police Powers and Responsibilities Act 2000*, section 382;

(c) a complaint under the *Justices Act 1886*;

(d) a charge by a court under the *Justices Act 1886*, section 42(1A) or another provision of an Act;

(e) an indictment.

class 1 licence means—

(a) an unrestricted licence for carrying out the functions of 1 or more of the following—

(i) a bodyguard;

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(ii) a crowd controller;

(iii) a private investigator;

(iv) a security officer;

(v) a security firm supplying security firm services of a person mentioned in any of subparagraphs (i) to (iv) who holds a class 1 unrestricted licence; or

(b) a restricted licence for carrying out 1, or more than 1, of the functions of a bodyguard, crowd controller, private investigator or security officer.

class 2 licence means—

(a) an unrestricted licence for carrying out the functions of 1 or more of the following—

(i) a security adviser;

(ii) a security equipment installer;

(iii) a security firm supplying security firm services of a person mentioned in subparagraph (i) or (ii) who holds a class 2 unrestricted licence; or

(b) a restricted licence for carrying out the functions of either or both a security adviser or security equipment installer.

Commissioner means the Commissioner of the Police Service.

condition means a statutory condition or an imposed condition.

control order see the *Penalties and Sentences Act 1992*, section 161N.

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

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

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(a) a bodyguard;

(b) a crowd controller;

(c) a security officer;

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

criminal history, of a person, means—

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

(b) every charge made against the person for an offence, in Queensland or elsewhere, whether before or after the commencement of this definition.

criminal intelligence see the Criminal Code, section 86(3).

crowd controller see section 5.

disqualifying offence—

(a) means an offence—

(i) under the *Weapons Act 1990* that is punishable by imprisonment for 1 year or more, even if a fine may be imposed in addition or as an alternative; or

(ii) under the *Drugs Misuse Act 1986* that is punishable by imprisonment for 1 year or more, even if a fine may be imposed in addition or as an alternative; or

(iii) against a provision of the Criminal Code mentioned in schedule 1; or

(iv) that is—

(A) a prescribed offence within the meaning of the *Penalties and Sentences Act 1992*, section 161N; and

(B) committed with a serious organised crime circumstance of aggravation within the

meaning of the *Penalties and Sentences Act 1992*, section 161Q; or

(v) against the *Police Service Administration Act 1990*, section 10.19(a), (b), (c), (d) or (e); or

(vi) against a provision of the Criminal Code of the Commonwealth, part 5.3, or a law of a State, or an overseas country, that relates to terrorism; or

(vii) against the *Domestic and Family Violence Protection Act 2012*, section 179A; and

(b) includes an act or omission committed outside Queensland that would be a disqualifying offence if committed in Queensland.

dog patrol category, of functions of a security officer, means the carrying out of the activities of personally guarding, patrolling or watching another person's property with a dog.

fingerprint means an image or impression of friction ridge detail from the palmar surface of a person's hand and includes a digital image of the friction ridge detail from the palmar surface of the person's hand.

functions, of a security provider—

(a) means the carrying out of the activities mentioned in a following provision—

(i) for a bodyguard—section 4A;

(ii) for a crowd controller—section 5;

(iii) for a private investigator—section 6;

(iv) for a security adviser—section 6A;

(v) for a security equipment installer—section 6B;

(vi) for a security firm—section 8; or

(b) for a security officer, means 1 or more categories of functions of a security officer.

imposed condition see section 15(1).

licence means a licence issued under part 2.

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licensed premises means licensed premises within the meaning of the *Liquor Act 1992*.

monitoring category, of functions of a security officer, means the carrying out of the activities mentioned in section 7(1)(b).

obstruct includes hinder, resist and attempt to obstruct.

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

private investigator see section 6.

public place includes—

(a) licensed premises; and

(b) an entertainment venue to which the public are admitted, whether or not for consideration.

QCAT information notice means a notice complying with the QCAT Act, section 157(2).

registered corresponding control order see the *Penalties and Sentences Act 1992*, section 161N.

relevant control order, in relation to a licence, means a control order or registered corresponding control order that restricts the person to whom the order applies from carrying on a business, engaging in an occupation or performing an activity that requires the licence.

relevant offence means a disqualifying offence committed by a person when the person was an adult and within the previous 5 years.

relevant person see section 7A.

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

reward means reward under an arrangement.

security adviser see section 6A.

security equipment see section 8A.

security equipment installer see section 6B.

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security firm has the meaning given by section 8.

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

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

security industry association means an association that represents the interests of security providers.

security officer has the meaning given by section 7.

security provider has the meaning given by section 4.

State includes Territory.

statutory condition, of a licence, means a condition to which the licence is subject under section 14B(1) or (2).

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

unarmed category, of functions of a security officer, means the carrying out of the activities of personally guarding, patrolling or watching another person's property—

(a) other than as mentioned in section 7(1)(b); and

(b) without a weapon within the meaning of the *Weapons Act 1990*.

unrestricted licence means a licence for carrying out, other than under appropriate direct supervision—

(a) for a security provider other than a security officer—the functions of each type of security provider stated in the licence; or

(b) for a security officer—the category of functions of a security officer stated in the licence.

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