



Queensland

Security Providers Act 1993

Security Providers Regulation 2008

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Security Providers Regulation 2008

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Security Providers Regulation 2008

Part 1 Preliminary

1 Short title

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

2 Commencement

This regulation commences on 1 July 2008.

3 Definitions

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

Part 2 Licences

4 Evidence of identity to accompany particular applications

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

- (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 adviser;
 - (e) a security equipment installer;
 - (f) a security officer.
- (2) The application must be accompanied by—

- (a) if the application is for a licence and the applicant has not, in the last 2 years, given the chief executive 2 recent certified photographs of the applicant—2 recent certified photographs of the applicant; 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.
- (3) The chief executive may require an applicant for renewal of a licence to give the chief executive 2 recent certified photographs of the applicant.
- (4) In this section—

recent certified photograph, of an applicant, means a recent passport-size photograph certified to be a photograph of the applicant by a person who has known the applicant for at least 1 year.

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 carry out functions authorised under the corresponding authority at the event for which the permit is sought; and
- (b) state the period during which the applicant intends that the authorised functions will be carried out at the event.

9 Security firm—licence in more than 1 name

If an applicant for a security firm licence proposes to carry on business under more than 1 name, the chief executive must state on the licence the registered or held 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 notice of any change in the licensee's particulars within 7 days after the change.

Maximum penalty—10 penalty units.

- (2) In this section—

particulars means—

- (a) for an individual—
 - (i) the individual's name; or
 - (ii) if the individual is carrying on the business of a security firm—the name under which the individual carries on business; or
 - (iii) the individual's postal address; or
 - (iv) the individual's residential address; or
 - (v) if the individual is carrying on the business of a security firm—each place of business of the individual; or
 - (vi) a charge against, or conviction of, the individual for a disqualifying offence; or
 - (vii) if the individual is carrying on the business of a security firm—when the individual's current membership of an approved security industry association ends; or
- (b) for a corporation—

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

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

membership lapses or is suspended, terminated or cancelled

Part 2A Security industry associations

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

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

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

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

Part 3 Registers

Division 1 Register to be kept by chief executive

13 Register of security providers

- (1) The chief executive must keep a register of security providers.
- (2) The chief executive must note in the register—
 - (a) the name of each person who holds a licence for carrying out the functions of 1 or more of the following—
 - (i) a bodyguard;
 - (ii) a crowd controller;
 - (iii) a private investigator;
 - (iv) a security adviser;
 - (v) a security equipment installer;

- (vi) a security officer; and
 - (b) the name, registered or held 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 register is to be kept in the form and in the way decided by the chief executive.
- (4) A person may inspect the register—
 - (a) at any office of the department when it is open to the public; or
 - (b) at any other place or in any other way decided by the chief executive.
- (5) A person may obtain a copy of an entry in the register from the chief executive—
 - (a) at any office of the department when it is open to the public; or
 - (b) at any other place or in any other way decided by the chief executive.
- (6) The chief executive must notify each decision made under subsection (4)(b) or (5)(b) on the department's website.

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 be written in ink and be easily legible.

Note—

Under the *Acts Interpretation Act 1954*, schedule 1, writing includes any mode of representing or reproducing words in a visible form.

- (4) The register must state the following in relation to each crowd controller—
- (a) the crowd controller's full name and licence number;
 - (b) if the services of the crowd controller are supplied by a security firm—the security firm's name and address;
 - (c) the number of the identification that must be worn by the crowd controller under section 25;
 - (d) the date and time when the crowd controller starts each period of duty at the public place;
 - (e) the date and time when the crowd controller finishes each period of duty at the public place;
 - (f) if the crowd controller is a restricted licensee and is to carry out the functions of a crowd controller under appropriate direct supervision—the name of the crowd controller who—
 - (i) holds an unrestricted licence for carrying out crowd controller functions; and
 - (ii) is to directly supervise the crowd controller for the purpose of giving the appropriate direct supervision;
 - (g) the information mentioned in subsection (5) about each incident at the public place—
 - (i) involving the crowd controller and in which a person is injured; or
 - (ii) requiring a person to be removed from the public place by the crowd controller.
- (5) For subsection (4)(g) the information is as follows—
- (a) the date and time the incident happened;

- (b) a description of the location at the public place where the incident happened;
 - (c) a description of each person involved in the incident and, if known, the person's name;
 - (d) details of the incident, including, for example, information about whether a person was removed from the premises because of the incident;
 - (e) details of injuries suffered by persons involved in the incident;
 - (f) details of action taken by the crowd controller or member of staff of the public place in response to the incident.
- (6) The liquor licensee must ensure—
- (a) the particulars mentioned in subsection (4)(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 (4)(e) are noted in the register, and the register is signed by the crowd controller, immediately after the crowd controller finishes the period of duty; and
 - (c) the information mentioned in subsection (4)(g) is noted in the register as soon as practicable after the incident.

Maximum penalty—20 penalty units.

- (7) 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 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 be written in ink and be easily legible.

Note—

Under the *Acts Interpretation Act 1954*, schedule 1, writing includes any mode of representing or reproducing words in a visible form.

- (5) The register must state the following in relation to each crowd controller—
 - (a) the crowd controller's full name and licence number;
 - (b) the number of the identification that must be worn by the crowd controller under section 25;
 - (c) the date and time when the crowd controller starts each period of duty at the public place;
 - (d) the date and time when the crowd controller finishes each period of duty at the public place;
 - (e) if the crowd controller is a restricted licensee and is to carry out the functions of a crowd controller under

appropriate direct supervision—the name of the person who—

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

Maximum penalty—20 penalty units.

- (7) 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.

25A Exemption for particular interstate security firm from holding licence—Act, s 54(2)(a)

- (1) This section applies to a security firm that—
 - (a) engages in the business of supplying monitoring services—
 - (i) to a person's property in Queensland; and
 - (ii) from a place located in another State; and
 - (b) holds a relevant corresponding authority; and
 - (c) does not supply any other security firm services in Queensland.
- (2) Despite section 9 of the Act, the firm need not hold the appropriate licence for supplying monitoring services.
- (3) In this section—

monitoring services means the security firm services of a security officer carrying out the activities mentioned in section 7(1)(b) of the Act.

relevant corresponding authority means an authority, however described, issued under the law of another State that allows the holder of the authority to supply or carry out monitoring services in the other State.

25B Exemption for particular security officer from holding licence—Act, s 54(2)(a)

- (1) This section applies to a security officer who—
 - (a) carries out monitoring activities—
 - (i) for a person's property in Queensland; and
 - (ii) from a place located in another State; and
 - (b) holds a relevant corresponding authority; and
 - (c) does not carry out any other functions of a security officer in Queensland.

- (2) Despite section 9 of the Act, the security officer need not hold the appropriate licence for carrying out monitoring activities.

- (3) In this section—

monitoring activities means the activities mentioned in section 7(1)(b) of the Act.

relevant corresponding authority means an authority, however described, issued under the law of another State that allows the holder of the authority to carry out monitoring activities in the other State.

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.

27A Rounding of amounts expressed as numbers of fee units

- (1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.
- (2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded—
- (a) if the result is not more than \$100—to the nearest multiple of 5 cents (rounding one-half upwards); or
 - (b) if the result is more than \$100 but not more than \$1,000—to the nearest multiple of 10 cents (rounding one-half upwards); or
 - (c) if the result is more than \$1,000 but not more than \$5,000—to the nearest dollar (rounding one-half upwards); or

- (d) if the result is more than \$5,000 but not more than \$100,000—to the nearest multiple of 10 dollars (rounding one-half upwards).

Example—

If a fee were 35 fee units and the value of a fee unit were \$1.015, the number of dollars obtained by multiplying 35 by \$1.015 would be \$35.525. Because \$35.525 is halfway between \$35.50 and \$35.55, it is rounded upwards, so the amount of the fee would be \$35.55.

28 Partial refund of fees

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

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

Part 6 Repeal and transitional provisions

29 Repeal

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

30 Application for licence or renewal before commencement

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

Schedule 1A Requirements for approval of security industry associations

sections 12A and 12B

Part 1 Preliminary

1 Definitions for sch 1A

In this schedule—

accountant means—

- (a) a member of CPA Australia who is entitled to use the letters ‘CPA’ or ‘FCPA’; or
- (b) a member of The Institute of Chartered Accountants in Australia who is entitled to use the letters ‘CA’ or ‘FCA’; or
- (c) a member of the Institute of Public Accountants who is entitled to use the words ‘MIPA’ or ‘FIPA’.

association means—

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

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

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

declaration of financial viability, for an association, means—

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

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

management committee means—

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

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

Part 2 **General requirements for approval**

2 **Approval application to be in writing**

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

3 Incorporation

The association must be incorporated.

4 Annual election of office holders

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

office holder means—

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

5 Financial viability

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

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

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

6 Services to members

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

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

7 Promotion of ethics and conduct

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

Example—

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

8 Code of conduct

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

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

9 Complaint management policy

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

Part 3

Additional requirements for approved security industry associations

Division 1

Compliance audits

10 Compliance with code of conduct

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

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

11 Requirements for conducting compliance audit

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

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

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

Division 2 Information to be given to chief executive

12 Approved security industry association to give chief executive particular information

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

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

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

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

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

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

13 Documents about relevant members

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

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

Schedule 1 Fees

section 27

Fee units**Applications for licences under section 10 of the Act**

- | | | |
|---|--|--------|
| 1 | Application for class 1 licence that is an unrestricted licence, other than a security firm licence— | |
| | (a) for 1 type of security provider— | |
| | • for 1 year | 332.00 |
| | • for 3 years | 657.20 |
| | (b) for more than 1 type of security provider— | |
| | • for 1 year | 409.90 |
| | • for 3 years | 826.30 |
| 2 | Application for class 1 licence that is a restricted licence, for 6 months— | |
| | (a) for 1 type of security provider | 188.70 |
| | (b) for more than 1 type of security provider | 227.70 |
| 3 | Application for class 2 licence, other than a security firm licence— | |
| | (a) for 1 type of security provider— | |
| | • for 1 year | 201.70 |
| | • for 3 years | 390.50 |
| | (b) for more than 1 type of security provider— | |
| | • for 1 year | 240.70 |
| | • for 3 years | 501.10 |
| 4 | Application for security firm licence— | |
| | (a) class 1 licence— | |

	Fee units
• for 1 year	1,647.00
• for 3 years	3,312.00
(b) class 2 licence—	
• for 1 year	988.90
• for 3 years	1,982.00
(c) class 1 licence and class 2 licence—	
• for 1 year	2,104.00
• for 3 years	4,241.00

Particular amendments of licences under section 17 of the Act

5	Amendment of a licence to authorise the carrying out of the functions of an additional type of security provider, for each additional type of security provider—	
(a)	class 1 licence for an individual	83.20
(b)	class 2 licence for an individual	48.75
(c)	security firm licence	247.30
6	Amendment of an imposed condition on a licence, other than an amendment mentioned in item 5	85.85

Renewal of unrestricted licences under section 20 of the Act

7	Renewal of class 1 licence, other than a security firm licence—	
(a)	for 1 type of security provider—	
•	for 1 year	162.70
•	for 3 years	479.90
(b)	for more than 1 type of security provider—	
•	for 1 year	208.20

	Fee units
• for 3 years	616.50
8 Renewal of class 2 licence, other than a security firm licence—	
(a) for 1 type of security provider—	
• for 1 year	98.80
• for 3 years	287.80
(b) for more than 1 type of security provider—	
• for 1 year	126.20
• for 3 years	372.40
9 Renewal of security firm licence—	
(a) class 1 licence—	
• for 1 year	832.80
• for 3 years	2,483.00
(b) class 2 licence—	
• for 1 year	501.10
• for 3 years	1,495.00
(c) class 1 licence and class 2 licence—	
• for 1 year	1,074.00
• for 3 years	3,207.00

Other fees

10 Replacement under section 25 of the Act of—	
(a) class 1 licence or class 2 licence, other than a security firm licence—	
(i) for 1 type of security provider	35.10
(ii) for more than 1 type of security provider	50.05
(b) security firm licence	79.40

	Fee units
11 Taking a relevant person's fingerprints under section 27 of the Act	100.00
12 Application under section 31C of the Act for a temporary permit for carrying out authorised functions of—	
(a) a bodyguard	96.30
(b) a crowd controller	96.30
(c) a security officer	96.30
(d) a security firm	156.20
13 Inspecting the register of security providers under section 13(4)	20.15
14 Copy of an entry in the register of security providers under section 13(5)—	
(a) for a certified copy	35.10
(b) otherwise	20.15

Schedule 2 Dictionary

section 3

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

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

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

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

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

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

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

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

liquor licensee see section 17.

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

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

registered or held business name means a name—

- (a) registered on the register established and maintained under the *Business Names Registration Act 2011* (Cwlth), section 22; or
- (b) held under the *Business Names Registration Act 2011* (Cwlth), section 54; or
- (c) held under the *Business Names Registration (Transitional and Consequential Provisions) Act 2011* (Cwlth), schedule 1, item 5.

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