

### **Security Providers Act 1993**

#### **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 the schedule; or
- iv. against the *Police Service Administration Act 1990*, section 10.19(b), (c), (d), (e) or (f).

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

### **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 1999*, section 666(1) 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

(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.

(1A) 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.

(2) 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.

(3) The charging of a licensee, or another person required to be an appropriate person for the grant of the licence, with a disqualifying offence is a ground for suspending, or refusing to renew, the licence concerned until the end of the proceeding for the charge.

(4) 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
- (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 inform the licensee of the decision by written notice.
- (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.

## Section 26

### Section 26 Review by QCAT of particular decision of chief executive

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

- (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 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.

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  - (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.



## Former bouncer regrets alleged assault

A FORMER bouncer who allegedly assaulted a partygoer in Flinders St East on New Year's Eve says he is sorry for his actions and claims the incident has ruined his career in the security industry.

Andrew Max Wilson, 25, has indicated he will plead guilty to the charge of assault occasioning bodily harm, following an altercation with a pub patron outside the Exchange Hotel about 2.45am on January 1.

He will appear in Townsville Magistrates Court on April 16.

Mr Wilson, who had been a bouncer for four years, claims he kicked a man in his 30s in the chest, after the man had been refused entry into the hotel a number of times.

Mr Wilson said the man was not allowed to enter the pub because he was wearing steel-cap boots.

Mr Wilson said the man had then threatened him. In retaliation, Mr Wilson kicked out at the patron, making contact with his groin.

After a brief struggle, Mr Wilson said he kicked the man again, this time in the chest.

The fight ended after more bouncers arrived at the scene.

Mr Wilson is currently unemployed and seeking a position with the Australian Defence Force. He had deferred studies in nursing five years ago due to ill health.

He apologised for his actions.

"I reacted badly to what was most likely an empty threat," Mr Wilson

said. "I have ruined my security career and possibly my further medical career.

"I regret my actions as they have reflected badly on my employer and my colleagues.

"Who and what I am, are the triumphs and frustrations of finding my taste of heaven, but through circumstance and my own actions threaten that promise and my future."

Mr Wilson said in his short career as a bouncer on Flinders St East, he had to deal with extreme acts of violence and drug abuse, with little to no resources.



Wilson

"Working on the front door I have been yelled at, sworn at, propositioned, threatened, spat on, slapped and punched," he said.

"I have had chains, knives, badges pulled on me, even money, drugs and favours offered as bribes."

He said he knew he was in the wrong when he assaulted the patron. "I've seen a lot of bad things on the street. I've done a lot of bad things on the street," Mr Wilson said. "This is just one of those situations where common sense says I was in the right, but on paper I know I'm guilty.

"It is not the thing to do."



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- (b) 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
- (c) against a provision of the Criminal Code mentioned in the schedule 1; or
- (d) against the *Police Service Administration Act 1990*, section 10.19(b), (c), (d), (e) or (f).

## **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 or a licence—
  - (a) the licence was obtained on the basis of 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) the licensee has been convicted of an offence against the *Industrial Relations Act 1999*, section 666(1)<sub>3</sub> relating to the under payment of award wages;
  - (e) the licensee has contravened an order of the industrial commission or of the Industrial Magistrates Court to pay wages;
  - (f) 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) 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.
- (3) The charging of a licensee, or another person required to be an appropriate person for the grant of the licence, with a disqualifying offence is a ground for suspending, or refusing to renew, the licence concerned until the end of the proceeding for the charge.
- (4) 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.

## **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
- (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 inform the licensee of the decision by written notice.
- (4) If the chief executive decides to cancel, suspend or refuse to renew or the licence, the notice must state—
- (a) the reasons for the decision; and
  - (b) that the licensee may appeal against the decision within 28 days to a Magistrates Court.
- (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.

### **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.



AO3 CHECKLIST

|   | Yes                                       | No |
|---|---|----|
| Meets Eligibility Requirements                        | <input checked="" type="checkbox"/>       |    |
| Meets Suitability Requirements                        | <input checked="" type="checkbox"/>       |    |
| Surrender Subordinate Licence                         | Cert. No: _____                           |    |
| Refund for Common Renewal                             | C/R Date: _____                           |    |
| Lodgement Unit Number                                 | LU No: _____                              |    |
| *If Lodgement Unit Number unknown how many months?    | _____                                     |    |
| Refund Amount   | \$ _____                                  |    |
| Refusal Recommendation/ Special Consideration Reason: | _____<br>_____<br>_____<br>_____<br>_____ |    |

Signed: Dallas Clay      2/2/5  
 Date: \_\_\_\_\_

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

section 3

**1**        **Short title**

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

**2**        **Definitions**

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

**3**        **Objectives of code**

This code—

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

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

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

- (a) take reasonable steps to keep order at or about the public place at which the crowd controller is acting as a crowd controller; and
- (b) if the crowd controller is engaged to do so, carefully monitor or control, or monitor and control, the behaviour of patrons at the public place so that problem behaviour can be detected early; and

- (c) if there is problem behaviour at the public place, act swiftly to protect the health and safety of all patrons at the public place, including patrons who may need to be removed because of their problem behaviour; and
- (d) take reasonable steps to prevent violence happening; and
- (e) if practicable, use tact and diplomacy, for example, mediation, conciliatory negotiation or other conciliatory communication, as the first tool to control any conflict; and
- (f) greet visitors to the public place in a friendly and courteous way; and
- (g) use moderate language when dealing with staff associated with the public place or with members of the public; and
- (h) not encourage another person to commit an assault; and
- (i) not solicit, or accept, a bribe; and
- (j) not act in a way that is discreditable to—
  - (i) if the crowd controller is an employee—the crowd controller's employer; or
  - (ii) the security provider industry; and
- (k) act fairly; and
- (l) not abuse the crowd controller's position or authority; and
- (m) not consume alcohol or use illegal drugs while on duty, or be under the influence of alcohol or illegal drugs when reporting for duty; and
- (n) not carry an offensive weapon; and
- (o) not make a false oral or written statement in relation to acting as a crowd controller; and
- (p) not search a person of the opposite sex to the crowd controller; and

- (g) if the crowd controller has a supervisor or is not the person in charge of the activity or event being carried on at the public place—report to, and comply with the lawful directions of, the supervisor or person; and
- (f) keep confidential any security arrangements for the public place and take all reasonable steps to keep informed of any changes to the arrangements; and
- (s) deal with each item seized by the crowd controller under any lawful policy for dealing with items seized at the public place; and
- (t) be aware of—
  - (i) fire or other emergency management equipment at the public place; and
  - (i) fire or other emergency management procedures for the public place; and
  - (iii) if the public place is licensed premises—the procedure for informing the manager of the licensed premises during an emergency of matters relevant to the emergency; and
  - (iv) the procedure for alerting the Queensland Police Service, Queensland Fire and Rescue Service or Queensland Ambulance Service in an emergency; and
- (u) if the duties involve the use of communications equipment, ensure that—
  - (i) the equipment works; and
  - (ii) the crowd controller understands how to use it.

**5 Duty to report details of particular incident**

- (1) This section applies if—
  - (a) a person (the *engager*) engages, directly or indirectly, another person (the *engaged crowd controller*) to carry out, for reward, the functions of a crowd controller at or about a public place; and

[s 12A]

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- (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 state the following—
- (a) the person's name and any other name that the Commissioner believes the person may use or may have used;
  - (b) the person's date and place of birth;
  - (c) a brief description of the nature of the offence giving rise to the conviction or charge to which the change relates.
- (4) The chief executive may confirm the Commissioner's suspicions under subsection (1).
- (5) For a person who does not have a criminal history, there is taken to be a change in the person's criminal history if the person acquires a criminal history.
- (6) In this section—  
*offence* includes alleged offence.

### **12B Commissioner may give investigative information**

- (1) This section applies if the Commissioner reasonably suspects a person is the holder of, or an applicant for, a licence.
- (2) The Commissioner may give the chief executive information about an investigation relating to the possible commission of a

disqualifying offence by the person (*investigative information*).

- (3) The Commissioner must not give investigative information about the person if—
- (a) the Commissioner is reasonably satisfied that giving the information—
    - (i) may prejudice or otherwise hinder an investigation to which the information may be relevant; or
    - (ii) may lead to the identification of an informant; or
    - (iii) may affect the safety of a police officer, complainant or other person; or
  - (b) for an investigation that has been completed—the investigation has not led, and the Commissioner is reasonably satisfied it is unlikely to lead, to a reasonable suspicion that the person committed a disqualifying offence; or
  - (c) for an investigation that has not been completed—the Commissioner is reasonably satisfied the investigation is unlikely to lead to a reasonable suspicion that the person committed a disqualifying offence.

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

- (1) This section applies to the chief executive in considering information about a person obtained under section 12, 12A or 12B.
- (2) Investigative information or information about a conviction of a person may be used only for making a decision as to whether the person is, or continues to be, an appropriate person for the grant of a licence.
- (3) Information about a charge made against the person for a disqualifying offence may be used only for deciding whether to grant a licence to the person, or to suspend, or to refuse to renew, the person's licence.
- (4) Subsections (2) and (3) do not affect sections 14(2) and 21(3).

[s 13]

- (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.
- (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, 12A or 12B as soon as practicable after it is no longer needed for the purpose for which it was requested or given.

**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