



Queensland Government

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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 licence 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.



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Licence No: 3320817



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Department of Justice and Attorney-General

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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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- (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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(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.

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- (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 licence 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.

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) against the *Police Service Administration Act 1990*, section 10.19(b), (c), (d), (e) or (f); and
- (b) includes an act or omission committed outside Queensland that would be a disqualifying offence if committed in Queensland.

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

Section 26

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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 functions of only some of the types of security provider applied for; or
 - (ii) imposing a condition on the licence; or
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(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
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