



Security Providers Association of Australia Limited

Safe Night Out Bill 2014
Submission 024

4 July 2014

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Via email: lacsc@parliament.qld.gov.au

Dear Sir / Madam

Thank you for the opportunity to submit comments in relation to the Committee's consideration of the *Safe Night Out Legislation Amendment Bill 2014*.

The Security Providers Association of Australia Limited (SPAAL), established in 1966, is a National Security Industry Association and an approved security industry association in Queensland, providing industry education, compliance and business services.

SPAAL provides National representation to its members through engagement with Federal & State Governments, Australasian Council of Security Professionals, Standards Australia and the Construction and Property Services Industry Skills Council (CPSISC).

In broad terms our Association support many of the proposed initiatives that form the *Safe Night Out Legislation Amendment Bill 2014*, but would take this opportunity to raised a few concerns on behalf of our Queensland membership.

1. Training

Our Association has been expressing concerns over Queensland's Mandatory training programs since May 2011. In late 2013 the Liquor (Red Tape Reduction) and Other Legislation Amendment Bill was passed, where clause 42 of the Bill inserted two new sections into the Liquor Act 1992 in section 155AD (4A) and 155AD (4B) removing the requirement to have an approved manger present or readily available in low risk premises throughout Queensland.

This amendment meant that over half of all licensed venues in Queensland didn't require an approved manager, and therefore management didn't need to complete the OLGR Responsible Management of Licensed Venues (RMLV) Course.

"Your secure association for the future"

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On the 1st July 2013 further amendments were made removing the ongoing training requirement in Queensland for staff involved with the serve or supply of liquor. Staff only now have to complete a national accreditation in Responsible Service of Alcohol (RSA) once in a life time, instead of completing this course every 3 years. In addition, in late 2013 amendments removed the requirement for licensees throughout Queensland to keep or maintain a Training Register on the venue, which is often required by underwriters in civil cases.

Our Association can only stress that the lack of knowledge relating to responsible service practices is a critical issue for Queensland. The *Safe Night Out Legislation Amendment Bill 2014* contains a large range of legislative responsibility specific to Queensland that national courses in our submission may not cover. Further, the *Safe Night Out Legislation Amendment Bill 2014* proposes to change a large number of core RSA principles, including but not limited to the definition of Undue Intoxication.

At present, over half of all Queensland licensed premises can be managed by a person with nothing more than a certificate in responsible service of alcohol that the *Safe Night Out Legislation Amendment Bill 2014* makes obsolete through comprehensive change.

We recommend that Government consider the following recommendations.

Recommendation 1

Re-introduce the definition of 'Manager' back into the Liquor Act 1992 as a person who is in charge of the licensed premises.

Recommendation 2

Require that all 'Managers' produce a current Responsible Management of Licensed Venues certificate upon requirement of an investigator.

Our Association strongly believes that mandatory training of managers and staff is a necessary building block in minimising the harmful effects of liquor consumption and a major oversight by Government in the *Safe Night Out Legislation Amendment Bill 2014* which must be corrected.

2. New Safety Obligations

Whilst our Association supports the reduction of alcohol related crime, violence and anti-social behavior in and around licensed premises we are concerned about the implications to our member whilst performing crowd controller duties with regards to the obligations in s142ZZB(4) which states:

"If a licensee or permittee knows or has reason to believe that a relevant offence is being, or is about to be, committed in or around the relevant premises, the licensee or permittee must take reasonable steps to stop or prevent the commission of the offence."

Whilst this proposed change places the obligation on the licensee to take reasonable steps to stop or prevent offences in or around the premises, it has come to our attention that many licensees see reasonable steps as placing additional contractual obligations onto our members. Security providers in Queensland have little to no powers to give effect to s142ZZB(4) or control the actions of others around the licensed premises which is our grounds for concerns.

The insurance implications of these sections of the *Safe Night Out Legislation Amendment Bill 2014* are dramatic and may lead to unsustainable rises in insurance risks and even loss of insurance cover for many late night trading premises and security firms throughout Queensland.

Written advice was received from Paul Douglas, Niche Binder Principal for Australis Group Underwriting (02) 9200 4099 that should such proposed changes make it into law in Queensland, insurance will be withdrawn from all clients operating late night trading venues.

3. ID Scanners

We draw the attention of the Committee to the submissions of the Information Commissioner to the 2010 Parliamentary Inquiry where the Information Commissioner stated that before any Government endorsement of ID scanners could be considered, the following 'essential questions' must be answered:

- Where will the transfer of personal information stop? Will it be limited only to the personal information of those who have been found guilty of a crime or misdemeanour in a licensed premise, or will it extend to anyone that has committed a crime or misdemeanour or to anyone the licenses would rather not have in their premises?
- Will patrons be blacklisted for behaviour that is not criminal in nature?
- Who will decide whether a misdemeanour is serious enough to warrant blacklisting?
- How will the identity of the person be confirmed?
- Will the length of the ban be proportionate to the seriousness of the anti-social behaviour?
- Will it be shared only between licensed premises owned by the same legal entity, or between all other licensed premises, regardless of who owns them, including restaurants?
- Will police be able to access the information when investigating the whereabouts of interested persons, establishing alibis in unrelated crimes, including using licensed premises databases of fingerprints as an extension of police records?
- Will it be shared between interstate licensed premises? Internationally?
- What safeguards will surround the sharing?
- What mechanisms will be put in place to ensure the information is accurate and up to date?
- What training will be provided to licensed premise employees to ensure all personal information is handled appropriately?
- To whom can a patron complain if they find themselves unjustly placed on a blacklist, perhaps because someone used a fraudulently obtained government ID which the ID scanner was unable to detect?
- What mechanisms will there be for a person to challenge their placement on a 'ban list'?

Our Association has noted that nothing in this Bill or elsewhere satisfies all or even most of the issues raised by the Information Commissioner and therefore concerns relating to the implementation of ID scanners must be raised.

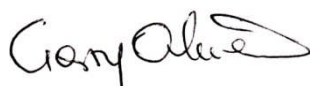
4. Conclusion

As a Security Association we are aware that many of our members are in the front line dealing with violent and anti-social incidents in and around licensed premises. It is certainly the view of our Association that the right, obligations and accountabilities of the industry are currently well out of balance with the rights, obligations and accountabilities on the patron.

The Safe Night Out Strategy places more and more compliance messages on every licensed premises across Queensland, less than 12 months after removing ongoing RSA training for staff that serve or supply liquor to patrons and less than 6 months after reducing the requirements for Responsible Management of Licensed Venues (RMLV) training for over 50% of Queensland licensees.

Our Association does however look forward to working with the implementation committee for the benefit of all Queenslanders.

Yours sincerely,



Garry Oliver
Queensland Director