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Law, Justice and Safety
Committee



Australian Security Industry
Association Limited

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SUBMISSION IN RESPONSE TO THE JUSTICE AND SAFETY COMMITTEE INQUIRY INTO ALCOHOL RELATED VIOLENCE, PARLIAMENT OF QUEENSLAND

INTRODUCTION

The Australian Security Industry Association Limited (ASIAL) welcomes the opportunity to provide input to the *Law, Justice and Safety Committee inquiry into alcohol related violence*, following a referral from the Queensland Parliament. As the peak national industry body, ASIAL represents approximately 85% of Australia's private security industry.

Based on responses received from a survey of members, ASIAL's submission is confined to the area of **harm minimisation measures** and the **impact of late opening hours**.

BACKGROUND

In Queensland alone there are approximately 18,000 licensed security personnel employed as security guards or crowd controllers. These security personnel interact with the community on a daily basis, from crowd controllers at licensed premises and retail shopping centres, through to mobile patrols and special events. For the purpose of this submission, comments will be limited to licensed premises.

The issue of violence involving security personnel and patrons in and around licensed premises is an area of concern to the industry. ASIAL in conjunction with Professor Rick Sarre (University of South Australia) and Professor Tim Prenzler (Griffith University) have embarked on a 3-year benchmark study of the security industry in Australia, funded principally by the Australian Research Council (ARC). One of the areas that the study will address is how policies and laws can best be developed to ensure security officer and public safety. The aim of the study is to enhance the safety

of both security operatives and third parties affected by private security work. Assaults by security officers and ineffective patron protection are major problems, but security officers themselves suffer significantly from assaults and are in the top three groups for occupational murder (along with police and taxi drivers). There is virtually no research on this aspect of private policing in Australia at present. Collected data will be used to identify ways in which safety can be enhanced and workplace conflict reduced. Issues around firearms use, training and storage will also be a focus of research attention, as they are typically associated with workplace harm.

Another area of focus is of the legal powers and responsibilities of private personnel, and how those powers can be better legislated. The study will examine the legal powers, protections and immunities of private security providers in the light of possible inadequacies or ambiguities in the law. This research will build on the groundwork recently completed in *The Law of Private Security in Australia* (Sarre and Prenzler 2009), using current case law, a survey of security providers, and other sources such as parliamentary debates and law reform reports, it will suggest ways in which deficiencies in the law (state, territory and federal) should be addressed and improved.

Allied to this issue is the question of whether or not licence holders should be given any powers above those of citizens or agents of property owners. At present, security licences, in most cases, do not grant additional powers. However, one condition of special powers for licence holders might be that they also are given public interest responsibilities. The case for special powers for licence holders who are specifically trained will be explored.

EFFECTIVENESS OF HARM MINIMISATION MEASURES

It is of note that the ability of Security Officers / Crowd Controllers to respond effectively to potential incidents is limited by the lack of legislative support by way of their authority to act. Security officers have no specific powers outside those afforded to any member of the public or authority of any owner or occupier. Security officers within venues manage, in the main, by way of cooperation. The 'Power to Arrest' lay only in such circumstances when an incident is directly observed. (*Crimes Act s458*)

Incidents reported to a Security Officer / Crowd Controller present limited direct intervention, apart from removal of a person from the premises and an 'observe and report' option. The ability to detain a person on 'suspicion' and hold such a person for police attendance does not exist. In areas of a reported assault or suspected assault or drug related situation of possession, supplying or trafficking, Security Officers / Crowd Controllers have no authority to detain. The authority to detain only lies with

police (*Crimes Act s459*). Police presence in general is only incident response with limited proactive patrol presence.

A review of the legislative powers for Security Officers /Crowd Controllers with the intent to increase the effectiveness of Security Management within venues may assist in the reduction and management of aggressive and violent crimes against the person.

A range of harm minimization measures have been implemented or considered to address the incidence of alcohol and drug related violence. According to the responses received from members, the most effective harm minimisation option is the use of crowd controllers and CCTV, followed by safe and adequate transport options and the serving of alcohol in plastic receptacles.

Why the propensity for violence?

When asked why some individuals become violent offenders after consuming alcohol, several respondents indicated that "it was not just about alcohol but a cocktail of other drugs". When in this state, many patrons could not be reasoned with and their aggressive behavior becomes extremely difficult to manage.

Another significant factor cited in contributing to the creation of a more volatile environment is the overcrowding of venues. Unfortunately, some venue managers appear to place maximising revenues before providing a safe environment for patrons.

Other reasons identified included a lack of policing and support; low self-esteem, values, respect, tolerance for others; and that "society and its laws do not make them fear the consequences of their actions".

There is a common belief among some patrons that they can 'get away' with being violent due to a perceived lack of policing. A lack of respect for authority figures is evidenced by the number of individuals who appear to enjoy the challenge of fighting with security personnel when intoxicated.

How can the community help?

In response to how the community can help to reduce the incidence of alcohol related crime, an overwhelming majority of those surveyed indicated that there needed to be a much stronger physical police presence through foot patrols in and around metropolitan and suburban licensed premises. There is a strong feeling that the lack of police has increasingly shifted the enforcement role to crowd controllers, which only fuels the problem.

Another issue raised was that some venue managers override the decisions made by crowd controllers regarding intoxicated patrons. Not only does this undermine the

According to respondents, the impact of the 3am lockout on patrons, venues and other stakeholders has primarily been financial in terms of lost revenue. When patrons leave there is a tendency to congregate outside of the venue, which in turn creates a potential threat to other businesses in the area. Another significant issue that has arisen as a result of the 3am lockout is that many patrons leave venues at a similar time, placing increased pressure on public transport services and taxis, often leading to conflict.

The majority of respondents indicated that changes to trading hours or lockout times per se were not required, rather a change to alcohol serving times. Among the options proposed included the introduction of alcohol free trading periods or limiting the number of drinks per patron; increasing the Police presence after mid-night and requiring more stringent training for those people serving alcohol. Hand-in-hand with late night opening is the need to ensure that the appropriate number of security personnel are always on duty.

The effect of alcohol related violence on security personnel was often unseen but detrimental to their health. Assaults, injuries, and the stress of dealing with intoxicated persons was an issue of considerable concern to many operators. The increasingly violent nature of patrons have led many security operators to question how best to deal with the threat and to ensure that their personnel are trained adequately to defend themselves against aggressive and intoxicated patrons. Much of this violence occurs outside of venues and involves groups of individuals acting in a pack mentality.

When asked how negative impacts on security workers could be reduced, the following ideas were provided:

- Develop a database of habitual offenders and do not allow them to enter the premises.
- Provide a more visible Police presence.
- Encourage greater cooperation between police and the private security industry.
- Ensure more ongoing training and support for security, to ensure staff are appropriately skilled in negotiation and self defence techniques.
- Ensure security staff are fit for work and hold a RSA.

SUMMARY

Private security personnel working in and around licensed premises are increasingly being confronted by violent and intoxicated patrons. Whilst there is no a quick fix to address this problem, it is clear that there is the opportunity for government and law enforcement agencies to work with the industry to effect change. Among the key areas put forward by the industry include:

- Greater and more effective use of crowd controllers and CCTV
- Improved collaboration between private security and police
- Improved liquor licensing, regulation and enforcement
- Increased legislated powers for operational Security Officers / Crowd Controllers.
- Greater availability of safe and adequate transport options
- The establishment of liquor accords and similar partnerships

Representatives of ASIAL are prepared to make themselves available at any time to meet with you to discuss further the contents of this submission further.

If appropriate, ASIAL would be prepared to facilitate a forum of key security industry stakeholders to discuss the issues raised in this submission.

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