



Speech by

## John-Paul Langbroek

**MEMBER FOR SURFERS PARADISE**

Hansard Wednesday, 14 March 2007

---

### **SECURITY PROVIDERS AMENDMENT BILL**

**Mr LANGBROEK** (Surfers Paradise—Lib) (3.34 pm): I am pleased to contribute to debate on the Security Providers Amendment Bill before the parliament. I note the extensive speech by the shadow minister, the member for Clayfield. This bill is of particular interest and relevance to me as the member for Surfers Paradise, an electorate in which the implications of this legislation materialise on a nightly basis in our famous party precinct. Indeed, the primary impetus for the review of the current act was a series of incidents that occurred across the state, many in my electorate, involving security providers—in most instances nightclub bouncers and crowd controllers and nightclub patrons—situations which were no doubt exacerbated by the stupefying and sometimes stupidifying effects of liquor.

The purpose of the amendments is to ensure that the Security Providers Act 1993 is relevant to the current state of the security industry. The most important function of the bill, however, is to effect changes that will enhance the reputability of the security industry in Queensland by ridding it of the rogue element which undermines the entire industry. The proposed legislation achieves this in a number of ways. By expanding the licensing scheme to cover currently unregulated areas of the security providers industry, the bill endeavours to broaden the definition of security providers so as to ensure maximum stakeholder and consumer protection as well as providing a framework for best practices in the security industry. Similarly, enhancing the licensing requirements and ongoing conditions that must be satisfied before a person can obtain a licence in Queensland, along with implementing more stringent probity checks, will significantly enhance the likelihood of netting rogue operators before they assume the role of authority. Collectively, the amendments before the chamber today will have an immense and positive effect on the security industry in Queensland.

This legislation will affect in excess of 15,000 people currently employed in the security industry. The largest sector of these—combined security officers and crowd controllers—comprises those referred to as bouncers. Bouncers play a very important role in upholding peace and order and effecting adherence to Liquor Licensing and the Liquor Act 1992 in their duties, which include the checking of IDs and ejecting patrons who behave contrary to the objective of the Liquor Act. This component of the industry is the one most people in my electorate and wider south-east Queensland associate with the security industry and the one with which this legislation is principally concerned with.

In a broader sense, however, security providers increasingly play an important role in the day-to-day carrying out of enhanced national security measures and counter-terrorism initiatives by the very nature of their employment, which can involve protecting critical and/or vulnerable infrastructure. The significance of these duties should not be overlooked when considering this bill. As the Council of Australian Governments concluded, the national security industry has a key role to play in counter-terrorism activities at a time when security is paramount. Furthermore, COAG has noted that if a terrorist attack or other large-scale emergency occurred in many cases security providers will actually be the first to respond to such an incident. As such, it is of absolute importance that our security guards, crowd controllers and other safety officers are qualified, honest people who are well trained and well versed in best practice in the security industry. Thankfully in Australia we have not had a situation where this has been necessary, but the heightened focus on personal and national security and the consequent ramifications on the security

industry illustrate the value of our security personnel in Queensland and across Australia. It also highlights the need for state statutes to reflect the varying roles of security operators in Queensland as well as ensure our legislation parallels other jurisdictions and conforms to the national security agenda as outlined in the COAG meeting.

I want to turn my focus back to the more commonplace function of this legislation. As I have mentioned, security guards and crowd controllers, known as bouncers, make up a significant part of the security providers industry in Queensland. This is the case particularly in the south-east population hubs and on the Gold Coast, which is the renowned party capital of Australia. Unfortunately, bouncers have been subject to some damning press recently in the wake of a series of incidents that not only highlight the need for these legislative changes but also necessitate them. The perils and failings of security providers in upholding their primary aim—to protect people and property—was tragically illustrated in January 2004 when legendary Australian cricketer David Hookes passed away following an altercation outside a nightclub with a crowd controller. Whilst this incident occurred in Victoria, sadly it is indicative of episodes that are not infrequent in our state. Just last month a young man celebrating his 21st birthday at a nightclub in Surfers Paradise was allegedly struck by a bouncer, causing him to fall down a two-metre flight of stairs and hit his head on the pavement.

For more than a week Sam Page, a rising surfing star, lay in the Gold Coast Hospital in a coma suffering a fractured skull and bleeding to the brain as a result of the blow. I am happy to report that Sam is now on the road to recovery. Last week he returned to Snapper Rocks to watch some of his idols compete in the Quicksilver Pro and spoke of his ambition to one day join the world championship tour. Sam knows that he was lucky to survive. The sad fact is that many before him have not, including Hookes. Others have escaped death but remain permanently scarred.

The *Gold Coast Bulletin* in its editorial dated 14 September 2005 hit the nail on the head when it stated—

No bouncer anywhere should take the Hookes verdict as a licence to go beyond what is legal in crowd control ... That has to be noted, particularly on the Gold Coast where the fact we have not had a similar hotel or nightclub fatality has been more of a matter of luck than good management.

The newspaper was referring to the decision of the Victorian court to acquit the security guard who threw the fatal punch of the charge of manslaughter. Of course, since then there have been similar incidents, including one resulting in the fatality of a Gold Coast man in Brisbane last year.

The problem with our security industry—and this problem is by no means unique to Queensland—is that for too long the industry has gone largely unregulated bar the minimal licensing requirements. In fact, it has been noted by the government's own review of the current legislation that, of all the states and territories, Queensland has some of the least stringent criteria for registering security personnel. In fact, the public benefit test report on proposals to reform security industry licensing in Queensland even insinuated that Queensland had become an easy avenue by which people could gain employment in the security industry nationally through the Commonwealth's Mutual Recognition Act 1992. It is hoped that these amendments will rectify this issue and set the industry on the right path to restoring public confidence in our security personnel.

The failing of this Labor government to adequately regulate the security industry in Queensland is evident in the government's own Office of Fair Trading statistics that point to a number of criminal elements in the security industry in its current state. From June 2005 to November 2006, the Office of Fair Trading conducted checks of 249 security providers across Queensland involving nearly 850 employees. The results found that an alarming 30 per cent of the checks resulted in the investigation of businesses or individuals and, in some cases, further legal action was taken.

In Queensland, we have the situation of some people acting in positions of authority as security guards and crowd controllers being found to have been previously charged with murder, manslaughter or serious assault. How is it that these people received licences in Queensland? Indeed, some of the feedback that the Office of Fair Trading received during the consultation process indicated that many industry insiders and stakeholders themselves are advocating ongoing anger management training, particularly for crowd controllers or bouncers. The industry, consumers and the government have long recognised the problems in Queensland's security industry. Why does it often take a tragedy or unfavourable media coverage to bring about change?

I would like to draw attention to the lengthy delay in effecting pertinent changes to security industry legislation. The Security Providers Act, enacted in 1993, is grossly out of date and irrelevant to the contemporary security industry. The consultation process on the review of the act commenced in 2002. The review was announced in 2004 and the consultation paper was released in 2005. Only now, in 2007, are we seeing any action being taken. There was a similar delay of years in enacting changes to the transport legislation, which were finally passed by this parliament last week. We have a reactive government that does not appear to be concerned about averting problems before they occur. Prevention is always better than cure.

Nevertheless, I am pleased that there is now an air of change in the security industry. The amendments that are currently before parliament are timely, given revelations last year by a Queensland police detective that bikie gangs had infiltrated the security industry, particularly in and around the Gold Coast party precinct. This is of immense concern to me, because that same policeman, Detective Inspector John Hartwell of the Criminal Investigation Bureau in my electorate of Surfers Paradise, has also indicated that the bikies controlling the nightclubs are also very likely tied up with the manufacture and distribution of illegal drugs. I am hopeful that, by enacting this legislation, we will rid the security business of the rogue elements that tarnish the entire industry.

In introducing this bill, the minister for fair trading has taken a streetsweeper to the security industry. This bill cleans up what has regrettably become a mucky and murky industry. This legislation will not only benefit the nightclub patrons and other persons affected by the security industry, it will have a constructive outcome for the industry itself. It will mean that the reputations of those bouncers, crowd controllers and security guards who uphold the principles of promoting public safety and the security of premises are not tainted by a few savoury characters. When it comes to standards of security in Queensland, this legislation will lift the bar.

One of the key changes that this bill makes is a substantial increase in the penalties that individuals and corporations will be liable for if they are found to be in breach of the legislation. Currently, the maximum penalty for carrying out the functions of a security provider, or representing to or being willing to carry out the function of a security provider without a licence, is a fine of \$7,500 for an individual and a fine of \$37,500 for a corporation. Obviously, such penalties are ineffective as a deterrent because there are operators out there who are prepared to take such a risk. This legislation boosts these penalties significantly and, in particular, it clamps down on serial offenders, with penalties of up to \$375,000 or 18 months imprisonment for a third offence. Hopefully, these ramped-up penalties will serve as a deterrent to those who are tempted to flout the law.

Of course, this amendment will only prevent people from operating unlicensed if the rules are imposed and policed. There is no point in having a tough penalty regime if the laws are not enforced. I note the comments of the previous speaker, the member for Bundaberg, in regard to that issue. I call upon the minister to ensure that these laws will be strictly enforced. I also ask the minister to consider drug testing for security providers, as has been the practice in Western Australia since 2000. Drug testing would further ensure that the bad apples are thrown out before they are let loose on our streets.

Finally, although this bill will improve the safety of public spaces and restore some integrity to the security industry in Queensland, I would like to note that this legislation is not a comprehensive solution to some of the problems that we face with regard to improving security and public safety. As the honourable minister stated, there are more than twice as many security providers in Queensland as there are police. There is no question that the private security industry has an important role to play in protecting persons and places. This heightened responsibility presents significant opportunities and challenges for the security providers industry and the state government through the Office of Fair Trading. It is intended that this bill will mitigate some of the challenges that we face currently. However, I would like to express the view that this bill should not be a bandaid solution. These amendments will improve public safety only if they are incorporated with other such measures.

In my electorate of Surfers Paradise, those extra measures mean providing more resources and police officers to effectively patrol the party precinct. I would also like to see city surveillance enhanced with more CCTV cameras around the trouble spots on the Gold Coast. The bill receives my support.