

Introduction

This document has been prepared by the Commissioner for Licensing for the information of permit holders who engage crowd controllers or staff to act in a security role at premises specified in a Special Permit. It is intended that the information contained be used to assist permit holders and their assistants to understand the law relevant to security work.

It provides an outline of various sections of the Liquor and Accommodation Act 1990, Police Offences Act 1935, Tasmanian Criminal Code 1924 and the Police Regulations Act 1898 relevant to the permit holder and crowd controllers

Proposed legislation will require crowd controllers who work in licensed premises to be qualified. A condition could also be placed on a Special Permit that only qualified crowd controllers be employed.

Young persons and Appearing to be drunk

- Persons under the age of 18 shall not possess or consume liquor on a Special Permit premises.

Penalty up to \$1000 and a conviction

- Liquor is not to be sold or supplied to a person who appears to be drunk.

Penalty up to \$1000 and a conviction

Crowd controllers at permit functions/events can play an important role in identifying patrons who appear to be drunk. It is important for crowd controllers to work in conjunction with bar serving staff in identifying patrons who have had enough to drink.

- It is an offence for a patron to supply liquor to a person who is under the age of 18 years or a person who appears to be drunk.

Penalty up to \$1000 and a conviction

Permit holders to prevent offences

To assist the permit holder, crowd controllers should monitor the behaviour and actions of patrons and report any unusual activities to the permit holder.

Removal of persons from Special Permit premises

- A person must leave Special Permit premises when required to do so.

Penalty up to \$1000 and a conviction

A person required to leave Special Permit premises shall not re-enter or attempt to re-enter the premises within a 24 hour period.

If a person refuses to leave Special Permit premises when required or returns within 24 hours the Police may arrest that person without warrant.

- Section 41 of the Tasmanian Criminal Code 1924 enables security to remove persons from Special Permit premises using only sufficient force that is not intended or likely to cause death or grievous bodily harm.
- Section 46 of that Code enables crowd controllers to use only reasonable force, not excessive force to defend themselves.

If required at a later date the onus is on the crowd controllers to prove that any force used was reasonable and not excessive.

Assist Police

- Section 37 of the Police Regulation Act 1898 requires adult males to come to the assistance of the Police if required to do so. Therefore if Police request the assistance of crowd controllers it must be provided.

Persons failing to give such assistance may be charged.

The usual rule of thumb is that the responsibilities of a permit holder and crowd controllers end at the footpath. However Section 55 of the Police Offences Act 1935 permits a person who witnesses a person seriously assaulting another person or seriously damaging property to arrest that person, whether it occurs inside or outside the premises. In addition a person who reasonably believes that another person has stolen property from the Special Permit premises may arrest that person.

Permit holders are reminded that the Special Permit premises should not be conducted in a manner that will lead to undue annoyance, disturbance or disorderly conduct in the neighbourhood of the premises.

Crowd controllers can only request disruptive persons to leave the vicinity of the Special Permit premises but cannot remove such persons from the locality. Only Police officers can move on a person in a public street or public place.

Restrictions on entry to Special Permit premises

- Persons under the age of 18 years shall not enter Special Permit premises contrary to a condition imposed by the Commissioner for Licensing.

Normally persons under the age of 18 years are not restricted from attending functions or events authorized by a Special Permit. However, Special Permits for functions/events featuring live music catering for the 18 to 25 age group are often issued with a condition not permitting the entry of persons under the age of 18 years.

Special Permits to be displayed

- The holder of a Special Permit must display the permit in a conspicuous position on the permit premises during the times liquor is authorized for sale.

In addition crowd controllers should be aware of the conditions of the Special Permit; for example liquor not to be removed from the permit premises and restrictions on the type of liquor and how it can be sold and supplied.

Proof of Age

Any person wishing to enter a 'permitted' premises must satisfy the permit holder or a representative that he or she is at least 18 years of age. The only documents suitable as "proof of age" are drivers/learners licences, passport, gun licence or a proof of age card. **College cards and University cards are not reliable as proof of age.**

The onus is on the patron to satisfy the permit holder or staff that he/she is at least 18 years of age.

It is essential that crowd controllers operate in a well lit area as it is very difficult to detect forged computer generated proof of age cards without quality lighting.

Prohibit entry or remove persons from Special Permit premises

- Section 93 of the Liquor & Accommodation Act enables the permit holder or a person acting on behalf of that holder to prohibit entry or require a person to leave the Special Permit premises.

Caution should be exercised not to refuse entry on the grounds of race or gender.

Permit holders must not prevent access to on duty Police Officers or Authorized Officers appointed by the Commissioner for Licensing.

Liquor in public places

- Section 25 of the Police Offences Act 1935 makes it an offence to possess an open container of liquor or consume liquor in a public place or public street.

Permit holders and crowd controllers should take steps to discourage people from removing open containers of liquor from the Special Permit premises.

Make off without payment

- Section 38 (A) of the Police Offences Act permits the arrest without warrant of any person who attempts to make off without payment. This section is to cover the situation where a person makes off without payment for services such as restaurant meals etc. It is not intended to cover theft of property.



Office of the
Commissioner for Licensing
P O Box 972
LAUNCESTON

Ph: 6336 2261
6233 6415

Launceston
Hobart

Crowd Control

Information for
Permit holders and
their Crowd
Controllers

OFFICE OF THE
COMMISSIONER FOR LICENSING

November 1998