

Introduction

This document has been prepared by the Office of Commissioner for Licensing for the information of licensees who engage crowd controllers or staff to act in a security role. It is intended that the information contained be used to assist licensees and their staff 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 licensee and crowd controllers

The Crowd Controllers Act 1999 requires persons who work as crowd controllers at licensed premises to have gained prescribed competencies requirements (training). The Act applies to those persons whose principal role on the premises is as a crowd controller. The Act also requires a person employing a crowd controller to ensure that the person being employed has the necessary training.

Young persons and Appearing to be drunk

- Persons under the age of 18 shall not possess or consume liquor on a licensed 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 in night-clubs and busy premises 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

Licensees to prevent offences

- A licensee can be charged if that licensee knows that an offence is being committed on the premises and does not take reasonable action to prevent the offence occurring.

Penalty up to \$1000 and a conviction

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

Removal of persons from licensed premises

- A person must leave licensed premises when required to do so by a licensee, a person acting on behalf of the licensee or a Police Officer.

Penalty up to \$1000 and a conviction

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

If a person refuses to leave licensed 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 licensed 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 licensee 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 licensed premises.

In addition a person who reasonably believes that another person has stolen property from the licensed premises may arrest that person.

Licensees are reminded that the licensed 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 licensed 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 bar-rooms on licensed premises

- Persons under the age of 18 years shall not enter a part of a licensed premises contrary to a designation imposed by the Commissioner for Licensing.

Usually the areas in licensed premises used for entertainment will be designated by the

Commissioner for Licensing as “prohibited” to persons under the age of 18.

Where the Commissioner has designated an area as “restricted” young persons are permitted to enter that area with a parent or guardian or for the purpose of having a meal. Guardian means legal guardian, not, for example, an 18 year old male accompanied by his 16 year old girlfriend.

It is essential that crowd controllers are aware of the areas of the premises which may have been designated as “restricted” or “prohibited”.

Crowd controllers should be aware of the conditions of the Out-of-hours permit; for example liquor not to be removed from premises during permit hours or no young persons permitted to enter or remain on the premises.

Proof of Age

The most reliable forms of identification to establish the age of a patron are as follows:- Photographic drivers licence, fire arms licence, passport and Keypass card.

College cards and University cards are not reliable as proof of age.

The onus is on the patron to satisfy the licensee 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 licensed premises

- Section 93 of the Liquor & Accommodation Act enables the licensee or a person acting on behalf of the licensee to prohibit entry or require a person to leave licensed premises.

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

Licensees 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.

Licensees and crowd controllers should take steps to discourage people from removing open containers of liquor from the licensed 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. 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 Licensees and their Crowd Controllers

OFFICE OF THE
COMMISSIONER FOR LICENSING

March 2001

