

LICENSING, REGULATION AND ALCOHOL STRATEGY

Code of Practice for Crowd Controllers

Objectives

- To promote and foster amongst persons involved in the Crowd Controller sector of the security industry the highest standards of efficiency, service, equipment and ethical behaviour.
- To give an undertaking to the general public that the regulation of Crowd Controllers is in keeping with the principles of public health and safety.
- To set general standards for service and quality of employees operating in the Crowd Controller sector of the industry. The standard described in the code is the minimum standard.

Part A

Overview of the Legislative Framework and Various Obligations of a Crowd Controller

1. Definition of a Crowd Controller

For the purposes of the *Private Security Act*, a Crowd Controller is a person who

- in respect of licensed premises within the meaning of the *Liquor Act*,
- at a place of entertainment, a place to which the public has access,
- or a public or private event or function,

as part of his/her duties, performs the function of –

- controlling or monitoring the behaviour of the persons;
- screening persons seeking entry; or
- removing persons because of their behaviour,

or any other function prescribed under the *Act*.

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2. Legislation

2.1 Licensing

All persons unless exempted from the application of the *Act* must be licensed to carry out the functions of a Crowd Controller. The maximum penalty is 100 penalty units. The *Penalty Units Act* prescribes the monetary value of a penalty unit, its indexation and change of value by regulation. As at 1 July 2009, a penalty unit means \$130.

Under the *Act*, the grounds for suspension or cancellation of a licence or refusal to renew a licence include where –

- the licensee contravenes a condition of the licence;
- the licensee has contravened the *Private Security Act*; or
- the licensee is no longer an appropriate person to be granted a licence.

Licensed Crowd Controllers should note –

- a) that it is a condition of all licences issued by the Licensing Commission to Crowd Controllers that they must comply with any Code of Practice approved by the Minister;
- b) that should a licensed Crowd Controller be found guilty of an offence listed as a “Disqualifying Offence” in the Regulations (as set out in Appendix 1 to this Code) the Licensing Commission will act to cancel the Crowd Controller’s licence;
- c) that should a licensed Crowd Controller be found guilty of offending against a provision of –
 - i. the *Misuse of Drugs Act* in respect of the drugs listed in Schedules 1 and 2 of that *Act* (as set out in Appendix 2 to this Code);
 - ii. the *Firearms Act* (as set out in Appendix 3 to this Code); or
 - iii. any *Act* passed by the Legislative Assembly in substitution for those *Acts*,

the Licensing Commission will conduct an inquiry into whether the person continues to be an appropriate person to hold a licence.

Licensed Crowd Controllers are strongly advised to take note of what these offences are and must avoid contravening these provisions.

2.2 Other Legislation Affecting Crowd Controllers in the Performance of Their Duties

All Crowd Controllers should be aware of other legislation affecting their duties, being the:

- a) *Liquor Act*: sections 19, 48, 49, 72, 102, 104, 105, 106A, 106B, 106BA, 109, 118, 121 and 122, which refer to binding obligations of employees under that *Act* (as set out in Appendix 4 to this Code);

- b) *Summary Offences Act*: sections 47 and 56(1)(d) (as set out in Appendix 6 to this Code);
- c) *Trespass Act*: sections 7 and 8 (as set out in Appendix 5 to this Code); and
- d) *Criminal Code*: section 27 (as set out in Appendix 7 to this Code);

and the common law principles relating to the application of force.

Part B

Professional Standards and Conduct

A Crowd Controller may be subject to disciplinary action if he or she is found to have contravened the provisions listed in this Part.

As an overriding guiding principle, Crowd Controllers shall always conduct all aspects of their employment in a responsible and professional manner and encourage responsible behaviour of patrons so that all guests and patrons can enjoy the facilities, services and social aspects of the venue they are attending.

Crowd Controllers shall:

- 3.1 Not consume alcohol whilst on duty and not commence duty if they have consumed alcohol in the period leading up to their commencing duty which would adversely affect the adequate performance of their duties.
- 3.2 Not consume drugs specified in Schedule 1 of the *Misuse of Drugs Act*. Crowd controllers shall not consume drugs listed in Schedule 2 of that *Act* whilst on duty or in the period leading up to commencing duty which would adversely affect the adequate performance of their duties.
- 3.3 Bring to the attention of their employer any incident where physical force was used by or against the Crowd Controller and which is therefore an incident which should be recorded within an incident register, and provide to their employer the information prescribed by regulation 8 of the Private Security (Crowd Controllers) Regulations, being –
 - a) their name
 - b) the licence number assigned to the Crowd Controller by the Licensing Commission
 - c) the security number assigned to and worn by the Crowd Controller when the incident occurred
 - d) the details in relation to the incident including but not limited to the date and time of the incident, the names of any witnesses and an outline of what occurred and why.

- 3.4 Not make or sign any false verbal or written statement in relation to their employment as a Crowd Controller.
- 3.5 Where employed to do so, carefully control and/or monitor the behaviour of patrons so that problems can be detected early and where necessary act swiftly with the aim of protecting the health and safety of all patrons, including those who might need to be removed because of their own behaviour.
- 3.6 Where they hold a “Provisional Licence” and have not undertaken the approved course of training to qualify fully as a Crowd Controller, undertake such training without unnecessary delay.
- 3.7 Irrespective of the type of Crowd Controller’s licence held, undertake any training or development activity required by and paid for by their employer where that activity will improve their performance as a Crowd Controller.
- 3.8 Not threaten any patron with physical violence.
- 3.9 Act responsibly with regards to the *Liquor Act* by abiding by it and regulations made under it and other legislation that directly affects their employment and specifically by –
 - a) refusing entry to licensed premises to intoxicated persons where Crowd Controllers are responsible for screening persons seeking entry;
 - b) bringing to the attention of the licensee under the *Liquor Act*, the manager of the licensed premises and persons responsible for the sale of alcohol, any intoxicated persons who should not be sold or supplied alcohol and any minor seeking to purchase or obtain alcohol illegally;
 - c) where they are responsible for screening persons seeking entry to licensed premises – require “Proof of Age Cards” and/or other forms of identification approved by the Licensing Commission before allowing entry to persons who they suspect, or should suspect, to be minors;
 - d) where they are responsible for screening person seeking entry to licensed premises to which minors are, by the conditions of a licence under the *Liquor Act*, permitted entry – discourage minors from purchasing and/or consuming alcohol by reminding them and/or their parents or guardians of their respective obligations under the *Liquor Act*;
 - e) ensuring that patrons do not remain on licensed premises after the hours during which sale of liquor on the premises is permitted;
 - f) producing their licence at the request of a member of the Police Force or inspectors appointed by or under the *Liquor Act* or the *Private Security Act*;

g) being an employee of a licensee within the meaning of the *Liquor Act* – not permit indecent, violent, quarrelsome or riotous conduct to occur on or at licensed premises.

3.10 Where employed to screen entry to gaming and wagering facilities – shall not allow minors to enter restricted areas.

3.11 Not work illegally, e.g. accept cash-in hand payments without a correctly completed payslip.

3.12 Not carry an offensive weapon on licensed premises.

3.13 Not use undue force in the course of their duties.

3.14 Not participate or encourage others to participate in assault.

3.15 In the course of their duties take action to prevent violence occurring.

3.16 In the course of their duties use mediation, negotiation, communication and conciliation as the primary methods of dealing with clients.

3.17 Advise their employer as soon as is practicable of any changes which would adversely affect their ability to carry out their functions as a Crowd Controller and their responsibility to protect the health and safety of patrons.

3.18 Advise their employer immediately should they be convicted of any disqualifying offence specified in the Private Security (Crowd Controllers) Regulations.

3.19 Wear the appropriate identification on the outside of their clothing so that it is clearly visible whilst performing their duties. This identification is prescribed by regulation 7 of the Private Security (Crowd Controllers) Regulations to be:

- a) a number not less than 4 cm height and 5mm in width,
- b) the word “SECURITY” in letters not less than 5mm in height,
- c) on a badge not less than 6cm in height,
- d) in black lettering on a white background.

Please note:

For the purposes of this Part –

“licensed premises” means premises to which a licence under the *Liquor Act* relates; and

“minor” means a person who has not attained the age of 18 years.

Please note:

Relevant legislation provisions as at the time of the making of this Code are set out in the appendices to the Code, but may be changed by legislative amendment and any such changes may not be included in the copy you are reading.

I have read and understood the above Code of Practice and understand that breaches of the Code of Practice shall be the subject of disciplinary action by the Licensing Commission and that breaches of the *Summary Offences Act, Liquor Act of Criminal Code* shall be prosecuted under those Acts.

Signature

Date

Full name

Signature of Witness

Date

Full name of Witness

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