

## Security Industry Amendment (Patron Protection) Bill 2007

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

#### Overview of Bill

The object of this Bill is to amend the *Security Industry Act 1997* to introduce a number of new measures designed to enhance the safety of patrons while in licensed venues and to reduce the number of violent incidents in or around licensed venues. In particular, the Bill:

- (a) provides for the random alcohol and drug testing of bouncers (which includes persons acting as venue or crowd controllers) while on duty and enables the Commissioner of Police to revoke a bouncer's security industry licence if the bouncer fails a breath test or drug test, and
- (b) prevents an applicant from being licensed as a bouncer if the applicant fails to provide a statement by a medical practitioner certifying that the applicant is physically and psychologically fit to carry on work as a bouncer, and
- (c) strengthens the requirements in relation to the wearing of security industry licences by licensees generally.

#### Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act 3 months after the date of assent (unless it is commenced sooner by proclamation).

**Clause 3** is a formal provision that gives effect to the amendments to the *Security Industry Act 1997* set out in Schedule 1.

#### Schedule 1 Amendments

**Schedule 1 [1]** requires the Commissioner of Police to refuse an application for a licence that would authorise a person to act as a bouncer if the person has not provided a statement by a medical practitioner certifying that the person is both physically and psychologically fit to do that type of work. In obtaining such a statement, the applicant will be required to disclose to the medical practitioner any relevant medical, psychiatric or psychological condition.

**Schedule 1 [2]** enables the Commissioner, in determining whether an applicant is a fit and proper person to be licensed, to have regard to information about the applicant obtained by the Commissioner in accordance with an information sharing arrangement under the *Fair Trading Act 1987* (which relates to such matters as consumer complaints and probity assessments).

**Schedule 1 [3]** specifies the size of the letters and figures that must appear on a security industry licence.

**Schedule 1 [4]** specifies additional grounds for revoking a bouncer's security industry licence.

**Schedule 1 [5]** inserts new provisions dealing with the random drug and alcohol testing, by police officers, of bouncers and other crowd controllers while on duty. The refusal or failure to undergo a drug or alcohol test, or the returning of a positive test, are grounds for revoking the person's licence.

**Schedule 1 [6]–[11]** make a number of changes to the existing requirements in relation to the wearing of security industry licences by licensees. A licence must be worn at chest level and be clearly readable at all times. In the case of bouncers and other crowd controllers, a licence must be fixed to the licensee's clothing.

**Schedule 1 [12]** enables regulations of a savings and transitional nature to be made as a consequence of the enactment of the proposed Act.