

Bouncers, Security Guards, and Loss Prevention Officers

<http://youthlaw.asn.au/learn-about-the-law/bouncers-security-guards-and-loss-prevention-officers/>

This fact sheet discusses what bouncers, security guards and loss prevention officers can and cannot do

Disclaimer: The material in this fact sheet is intended as a general guide only. You should not act on the basis of this information in this fact sheet without first getting legal advice about your own particular situation.

Bouncers and Security Guards

When you go to nightclubs, concerts and shopping centres, you are often greeted by bouncers or security guards. Bouncers and security guards patrol the premises and are also responsible for keeping the premises safe. You should understand your basic rights when it comes to clubbing or shopping and how to conduct yourself in the event of conflict.

What are Bouncers and Security Guards?

Bouncers are employed by the owners of the premises to protect patrons, staff and the property of the venue. When facing bouncers, you need to remember that as a patron of the club/pub/concert, they are there to protect you as well as others. Bouncers must wear number identification tags on the job.

Security guards are hired by venues to ensure that the conditions of entry are met by the customers, and to promote the general safety of a venue. They do not have any more power than the ordinary person, and are there on behalf of the owners of the venue to regulate the 'house rules'.

Bouncers' and Security Guards' powers

Bouncers and security guards can ask for your identification to determine your age if there are

conditions for entry at the venue regarding age. In Victoria, legally acceptable photo identification is any of the following:

- Australian Drivers Licence;
- Key Pass Card;
- Proof of Age Card;
- Passport;
- Victorian Learners Permit (Vic learners permits are legally acceptable identification in Victoria however interstate learner's permits are not).

Bouncers and security guards can use reasonable force to eject individuals from the premises to control a situation. This does not mean they can assault you. Their power to use reasonable force does not apply if they are not within the venue or immediate surroundings, or if they are off-duty.

For example: they may hold you by your shoulders as they remove you from the premises, but they cannot hit you or abuse you after you have exited the premises.

Bouncers and security guards have the right to refuse entry according to the rules of the premises ('house rules'). For example: signs of excess intoxication can warrant refusal into the premises. BUT they cannot discriminate against you because of your race, disability, sexual preference, or gender.

Bouncers and security guards can arrest and detain you until the police arrive, in the event of assault and property damage. But they are not the police, and do not have powers that the police have. See below under 'what can't they do'.

Can they do this? Powers they don't have

Bouncers/Security Guards are not the police. Even though they can arrest and detain you, this is what is called 'citizen's arrest', which means that the power they have to arrest and detain are powers that every citizen has in order to detain someone until the police arrive.

Their power to arrest or detain is limited to situations when you've been caught 'red-handed' committing an offence. They do not have the power to ask for your name or address. They cannot search you without your permission. When entering a shop, the security guard may ask to search your bag as a condition of entry. You have the right to refuse search, but this also means that you will be refused entry.

They cannot assault you and should not be using their powers of 'reasonable force' outside the premises or off-duty.

Safety tips for dealing with Bouncers and Security Guards

If approached by a Bouncer/Security Guard, try to stay calm and avoid 'escalating' the situation (making

the situation worse). If ejected from a venue, try to leave in a taxi or travel along main streets in view of witnesses. After being ejected, avoid walking down quiet streets alone.

If a bouncer/security guard is approaching a friend, stay close to them and stay calm. If a friend is ejected from a venue, go with them, make sure they are safe and stay together. Try to stay in sight of video surveillance cameras surrounding the venue. These are compulsory and can be checked by police later.

Try not to drink excessively. Drinking too much can impair your judgement, affect your memory of events if something does happen, or make you an 'easy target'.

What if you have been assaulted

If you've been physically assaulted or verbally abused by a bouncer or security guard:

- Get the Bouncer's/Security Guard's identification number and their name.
- Get the names and contact details of any independent witnesses. Try to do this immediately because people can disperse quickly following an incident.
- Go to the nearest hospital with an Emergency Department to get your injuries assessed, ensure you get any medical treatment you need, and to have your injuries recorded by a professional for evidence. Take photos if the injuries are visible.
- Contact a friend to help you get the information you need, take you to the hospital, to assist you to make notes before you forget and to provide support during the process.
- Contact the police to report the assault.
- Seek advice about your legal options from a Community Legal Centre or Victoria Legal Aid. A lawyer can also assist you with making a statement to police.
- You can seek counselling and other support if you feel the need.
- If you suffered intimidation, verbal abuse and threats, you can also complain to the venue (their employer) and to the Licensing Services Division.

If you've been sexually harassed by a Bouncer or Security Guard (sexual harassment includes any conduct – physical, verbal or written – that is of a sexual nature which may have been unwelcome) try and get the Bouncer's identification number and name. You can complain to their employer and to the Licensing Services Division.

Useful contacts

Complaints Licensing Service Division

Phone: 1300 651 645

Email: licensing@police.vic.gov.au

Web: www.police.vic.gov.au

Legal Help Victoria Legal Aid

Phone: (03) 9269 0234

Web: www.legalaid.vic.gov.au

For free legal advice for people aged under 25, contact:

Youthlaw

Phone: (03) 9611 2412

Email: info@youthlaw.asn.au

Web: www.youthlaw.asn.au

Youthlaw

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