

Licensed Premises & Security Guards in NSW

What is a license premise?

Licensed premises include bars, clubs, hotels, karaoke venues, nightclubs, pubs, restaurants, sporting facilities, and taverns. They can also include art galleries, cafés, catering halls, cinemas, function centres, live music venues, motels, producers or wholesalers, theatres, and tourist facilities.

Can a licensed premise ask for my ID?

If staff reasonably suspect you are under 18 years old, they must refuse you entry unless you can show photo ID showing that you are 18 years of age or older.

Acceptable forms of photo ID are:

- a driver licence or digital driver licence
- a photo card or digital photo card
- RTA or other Government issued proof of age card
- Australian or foreign passport
- A Keypass identity card or digital ID issued by the Post Office

What if I use a fake ID?

If you are under 18 years old and use a fake ID to enter, remain in or obtain liquor from a licensed premises, you can be fined by police up to \$220 or by a court up to \$2,200.

Can a licensed premises scan my photo ID?

Yes. Licensed premises can scan your ID. The scanner can record your name, date of birth, address, photo on your photo ID, and they can take a photo of you.

The licensed premises must take reasonable steps to protect your information and to destroy or de-identify the information once it is no longer needed.

Can I be refused entry or turned out of licensed premises?

Yes. You can be refused entry or turned out of licensed premises if:

- you are intoxicated, violent, quarrelsome or disorderly
- you are under 18 years old
- you are smoking in a smoke-free area
- you have or are using prohibited drugs

A person is intoxicated if their speech, balance, co-ordination, or behaviour is noticeably affected, and it is reasonable in the circumstances to believe that is the result of the consumption of alcohol.

What if I do not leave after being refused entry or turned out?

You may be fined by police up to \$550 or a by a court up to \$5,500.

If you go on to conduct yourself in an offensive manner, you could be fined by police up to \$250 or by a court up to \$1,100.

When can I re-enter a licensed premises after being refused entry or turned out?

You must not re-enter or attempt to re-enter within 24 hours of being refused entry or turned out. However, even after 24 hours you can still be refused admission or turned out.

If you re-enter or attempt to re-enter after being refused entry or turned out, you may be fined by police up to \$550 or by a court up to \$5,500.

What should I do if I am refused entry or turned out?

You should leave and you must not, without reasonable excuse, remain or re-enter within 50 metres of the licensed premises within six hours of being refused entry or turned out. If you do, you could be fined up by police up to \$550 or by a court up to \$5,500.

You have a reasonable excuse for remaining in or re-entering the 50 metre vicinity within six hours if you:

- reasonably fear for your safety
- need to obtain transport
- reside within the 50 metre vicinity

Can I be physically removed from a licensed premises?

Yes. Licensed premises staff can use such reasonable degree of force as may be necessary to remove you from a licensed premises.

This is force that is reasonable in the circumstances or force that is reasonably necessary.

If you resist being removed, the force used to remove you can be increased in proportion to your resistance.

Can I be banned from a licensed premises?

Yes. If you have repeatedly been intoxicated, violent, quarrelsome or disorderly on or in the immediate vicinity of a licensed premises, the licensee, the police and certain other people can apply for an order banning you from a licensed premises for between 48 hours and 12 months.

If you are convicted of an offence punishable by six months imprisonment or more, the court can make a place restriction order prohibiting you from frequenting or visiting a specified place or district for up to 12 months.

If you don't comply with a banning order, you may be fined by police up to \$550 or by a court up to \$5,500.

If you contravene a place restriction order without reasonable excuse, you may be fined by a court up to \$1,100, imprisoned for up to six months, or both.

Can a security guard arrest me?

Yes. Any person, including a security guard, can arrest you if you are committing or have just committed an offence. This is called a 'citizen's arrest'. Security guards do not have any more power than ordinary citizens when performing a citizen's arrest.

If a citizen's arrest is carried out, you must be taken before a court as soon as reasonably practicable. However, it is more likely that the police will be called and that their powers will be exercised.

Security guards cannot search you unless you consent.

Can I ask to see a security guard's licence?

Yes. You can ask a security guard to show you their license. If they do not show you, they may be fined by police up to \$550 or by a court up to \$5,500.

Security guards must wear their licence so that it is clearly visible on their outer clothing. If they do not, they may be fined by police up to \$550 or by a court up to \$5,500.

Can I request CCTV footage from a licensed premises?

You may wish to obtain CCTV footage from a licensed premises if you have been involved in an incident and wish to obtain evidence of what happened. While licenced premises have no obligation to provide CCTV footage to you, they may agree to do so on request. Alternatively, they may agree not to destroy CCTV footage in anticipation of it being required by police or a party to proceedings.

See Redfern Legal Centre, 'Template Letters: Retaining CCTV Footage Held by Police or a Private Business'.

<https://rlc.org.au/resources/legal-self-help/template-letters-retaining-cctv-footage-held-police-or-private-business>

Can I make a complaint about a security guard?

Yes. If you consider that a security guard has acted outside their limited powers or acted unreasonably, you can make a report of non-compliance to the Security Licensing and Enforcement Directorate.

In the report you should include the time, date and location of the event you are reporting, the identity or description of the people involved, and any other information that may be relevant. You should also include any images, photographs and video footage relevant to the event you are reporting along with the time and date they were created or accessed.

https://www.police.nsw.gov.au/online_services/sled/sled_home_custom_links/about_sled/report

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This factsheet is not a substitute for legal advice. If you have a problem, please contact Redfern Legal Centre at www.rlc.org.au/contact or phone 02 9698 7277.