



SECURITY GUARDS AND BOUNCERS

Powers of Security Guards and Bouncers

Security guards and bouncers are not above the law. They must follow the law like everyone else. They must respect other people's legal rights. You must also respect the rights of security guards and bouncers. No one should feel unsafe at work.

Can they kick me out of somewhere?

If you are not following the rules of a place you are at, a security guard or bouncer can ask you to leave or not allow you to enter. For example, it might be a rule of a venue that you wear shoes or that you cannot enter if you are too drunk. They are not allowed to refuse you entry or ask you to leave because of your gender, race, physical abilities, religion or sexuality.

If you refuse to leave or try to enter when they've said that you can't, security guards and bouncers can use reasonable force to stop you getting onto property or to get you to leave property. They are only allowed to use force against you if they are on duty, it is reasonable in the circumstances and they genuinely believed it was necessary. They are not allowed to continue to use force against you if you've already left the premises.

If you are asked to leave by a security guard but don't leave immediately, you can be charged by police for trespassing. You can be fined if you are trespassing and refuse to give the security guard your name and address.

Can they search me?

Security guards (and staff at entrances of music and sporting events) can only search your bag or pockets if you agree. If you do not want them to search your bag or pockets, then you can say no. They are not allowed to force you to surrender your bag or search you. However, it may be a condition of entry that bags be searched on entry or exit. This means that if you refuse you can be refused entry. They are not allowed to confiscate property. However, if the police are called they may search you or your property.

Can they arrest me?

Security guards and bouncers do not have the powers of the police, but they are able to arrest people in certain situations. This is called a 'citizens arrest'.

If the security guard or bouncer catches you in the act of committing, or having just committed an offence like theft, property damage or assault (among others) they are able to arrest you and detain you until the police arrive. They can't do this if they just suspect that you have committed an offence. If they detain you or stop you from leaving when they shouldn't have then this could be unlawful detention and you should get legal advice.



Can they ban me from a shopping centre?

Shopping centres can give out 'banning notices' or a 'termination of licence'. A manager of a shop or shopping centre can ban someone for all kinds of reasons, including if they believe someone has been rude or disruptive. However, they are not allowed to discriminate against people based on certain characteristics, including age or cultural background. If you are banned from a shopping centre and continue to enter the shopping centre then you can be charged with trespass.

Can I make a complaint about a security guard or a bouncer?

You can make a complaint to their employer or you can make a complaint to the police. Try to remember the security number on their badge and the company they work for. If you've been injured by a security guard or bouncer, take a photo of your injuries to keep in case you want to take further action. Call the free Legal Help Line on 1300 366 424 to get legal advice.

Police Security Officers

Police Security Officers (PSOs) are not police officers, but they look similar to police and are managed by SAPOL.

They are often hired to protect government buildings, vehicles, officials and certain places.



What powers do they have?

PSOs have more power than other security guards. They are allowed to give reasonable directions (tell you what to do and what not to do) to maintain or restore security or safety. If you are in or about to enter a protected place (a government building), they can order you to provide your name and address, evidence of your identity and your reason for being there.

If they have reasonable grounds to suspect that you have a dangerous object or substance on you they can order you to give it to them or show them that object or substance, and submit to being searched. If you refuse to be searched then they are allowed to use force against you if it is reasonably necessary. If you think you have been treated badly, call the Legal Help Line on 1300 366 424.

Contact us!

Would you like more information, resources, or a free visit to your school, organisation or group?

Email: cle@lsc.sa.gov.au

To apply for legal aid online, visit: www.lsc.sa.gov.au

Acknowledgments:

The Legal Services Commission gratefully acknowledges the assistance of the National Children's and Youth Legal Centre in allowing the Legal Services Commission of South Australia to use and adapt existing content.



Call our free Legal Help Line:

1300 366 424

Disclaimer: The material in this factsheet is a general guide only. It is not legal advice. For legal advice about your own particular situation we encourage you to call the Free Legal Helpline on 1300 366 424. The legal information was correct at the time of publishing, however may change without notice.