

**Review “The Law of Private Security in Australia” 2ed Sarre & Prenzler.
By Christopher Ryan, Silk Chambers**

“Security is like love; like ice cream; like peace; like praise – one can never get enough of it”
– English v Rogers [2005] NSWCA 327, quoting the District Court Judgment.

In the 1970’s police would come upon private security assessing the secured state of premises, and working as shop security for the bigger retailers and mall owners. The quaintly titled “mercantile agent” served court process and filmed injury litigants. We all “rubbed along” together. “Bunny hopping” a security car out of an embarrassing jam (for the male security officer, with a woman in the car who was not in a security firm uniform) comes to mind as tangible police/security industry goodwill. Burgeoning of work for private security in the past c.25 years has occurred to cover most major gatherings, including the ACT Rugby 2009 grandfinal and post match melee; security of sensitive public installations; and the most contentious – club and pub security.

Private practice lawyers most often become involved in matters arising from the latter. Chapters on security staff suing the employer or venue occupier for injuries sustained, security staff being prosecuted, employers being prosecuted (OH&S security breaches), patrons suing security staff and the employer of said staff, clients of security providers suing the provider, employees suing the employer for breach of security, tenants suing for lack of security, are all very well covered by this book. Extensive case references embrace Australia, UK, US, Canadian and NZ authority. Legislation references are thorough.

Acknowledgements, and further reading references are generous.

Of surprise are the very full and useful chapters on privacy protection and accessing private information, covering legislation and common law based remedies. The purpose is to inform the security industry of what it can and can’t do with its surveillance capacity. Private practice lawyers will be greatly assisted by this work on this opaque subject. Government and corporate sector lawyers providing advice to clients and security firms will likewise benefit.

In introduction and opening chapters the work covers private security in the wider context of the law. It looks at and to the present and future juxtaposition of the public and private security sectors. As the text points out the future is a growing private sector. No liberal democracy can afford the massive expense of public security at the opportunity cost of environment, education, health, and welfare and housing expenditure.

A future edition might contain references in accountability material to common law or industrial court/commission action against the individual security worker for behaviour leading to discipline. If the guard is delinquent (eg, playing with a mobile phone whilst posted outside a bank, the bank being robbed during such distraction) the relevant industrial instrument (collective agreement or AWA) might provide a remedy (eg fine/enforced leave without pay/demotion) short of dismissal. Public security staff work within elaborate legislation based disciplinary codes; private staff discipline is less certain. A 1980’s film (“The Toecutters”, one of Ed Devereaux’s best performances) showed the company CEO giving an order “on the run” that 2 delinquent guards be put back on night duty. Sufficient for our brave new world of private security regulation?!

Will the various courts and tribunals give weight to the reasonably arguable discretionary operational decisions made by private security staff? Courts currently give some weight and respect to such decisions in tort and crime cases involving police as variously defendants, informants and/or witnesses.

Future editions may expand the current small number of paragraphs in this 2ed on the immediate above 2 topics.

An excellent first point of reference work, for which the profession can be thankful.