

Submission to the Queensland Law Reform Commission

Non-Fatal Strangulation – Section 315A Review

Submitted by Asset College and the Australian Security Industry Association Limited (ASIAL)

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Part 1: Introduction and General Support for the Proposed Reform Model

Asset College and the Australian Security Industry Association Limited (ASIAL) welcome the opportunity to contribute to the Queensland Law Reform Commission's review of Section 315A of the *Criminal Code*, concerning the offence of non-fatal strangulation. This submission represents the shared position of our two organisations, reflecting the operational realities and public responsibilities of private security officers and crowd controllers working in Queensland.

Asset College is an award-winning Registered Training Organisation (RTO) delivering security industry training nationally, with a strong footprint in Queensland. Our graduates work across sectors including hospitality, events, critical infrastructure, and corporate security, and are often the first point of contact for members of the public in risk situations involving violence or aggressive behaviour.

ASIAL is the peak national body for the Australian security industry, representing over 90% of the sector by revenue. Our members include private security firms, employers, and personnel operating under state and territory legislation. We advocate for high standards of professional conduct, accountability, and safety in the delivery of protective services.

Supporting the QLRC's Objectives

We commend the Queensland Law Reform Commission for its evidence-informed and victim-centred approach to this review. The devastating physical, neurological, and psychological effects of strangulation are well documented. Strong legal responses to coercive and dangerous conduct are essential, particularly in domestic and family violence contexts. We support the reform model's intention to establish a clearer, tiered offence structure that better reflects the severity of conduct and its context - domestic or otherwise.

At the same time, we submit that reform must be carefully designed to ensure that it does not unintentionally criminalise the lawful and reasonable use of physical force by licensed private security officers and crowd controllers. These personnel are frontline responders in situations where violence, aggression, and public safety risks often escalate rapidly and where police support may be delayed or unavailable.

Asset College and ASIAL unequivocally support efforts to improve protections for victim-survivors of violence, including through stronger legal recognition of the dangers posed by non-fatal strangulation. We recognise that this conduct is often used as a form of coercive control and presents serious, sometimes delayed, health consequences. We support the Queensland Law Reform Commission's objective to ensure that the legal response to non-fatal strangulation is clear, effective, and centred on the safety and dignity of victim-survivors.

Part 2: Operational Realities of the Private Security Industry

Private security personnel, including crowd controllers, play a critical frontline role in public safety across a wide range of environments - including licensed venues, retail centres, hospitals, transport hubs, and major events. Their responsibilities often involve managing aggressive or violent behaviour, protecting vulnerable individuals, and intervening in high-risk situations until police or emergency services arrive.

Unlike police or corrective services officers, security officers in Queensland operate under significantly more restrictive regulatory frameworks. In most cases, they do not have access to intermediate and high-level use-of-force options such as batons, oleoresin capsicum (OC) spray, tasers, or firearms. Crowd controllers, in

particular, are prohibited under the *Weapons Act 1990 (Qld)* from possessing weapons or restricted items while on duty.

This limitation creates a capability gap in situations where verbal de-escalation fails, and physical control is necessary to prevent imminent harm. While the use of force by private security personnel is subject to stringent legal tests - including the principles of necessity, reasonableness, and proportionality - it is essential that they retain access to a full continuum of response options, including high-level physical control techniques in exceptional circumstances.

In the absence of alternatives, certain physical control techniques that may incidentally restrict breathing or blood flow can, in limited and time-critical situations, represent the only viable means of stopping a violent assault or preventing serious injury. These techniques are not routinely used, nor are they taught as part of core security training qualifications. In fact, most organisational standard operating procedures (SOPs) explicitly prohibit restraint to the head or neck due to the known risks involved.

Nevertheless, a blanket prohibition or criminalisation of such conduct - without reference to context, intent, and proportionality - would expose security personnel to potential liability for actions taken in good faith to protect the public. It could also discourage necessary interventions in situations where failure to act would result in greater harm.

Community Expectations and Policing Gaps

The general public, venue operators, and government clients alike expect security officers and crowd controllers to actively prevent, manage, and respond to violence and aggression. In practice, they are often the **only personnel present at the onset of an incident** - particularly in entertainment precincts and transport settings during late-night hours or weekends.

Best practice within the industry encourages security personnel to disengage, isolate the threat, and request police attendance wherever possible. However, the reality is that **police response times are often delayed**, and in many cases, officers are not available within the short timeframe (often minutes or less) in which a violent situation can endanger lives.

This crossover in frontline responsibility between police and security officers is particularly pronounced in Queensland, where licensed venues and public spaces rely heavily on private security personnel to ensure safety and order. These workers must be empowered - legally and operationally - to respond proportionately and decisively when required.

Part 3: Use of Force, Lawful Exceptions and Consideration of Consent

Lawful Use of Force and the Importance of Context

The legal framework governing the use of force in Queensland - including common law self-defence, necessity, and duty of care - provides essential safeguards for both the public and those who act to protect them. Private security officers are bound by these same legal standards, and their actions are subject to scrutiny through incident reporting, CCTV review, client contracts, and internal disciplinary processes.

We urge the Queensland Law Reform Commission to ensure that the proposed offences under a revised s 315A of the *Criminal Code* do not inadvertently override or limit the lawful application of force by private security personnel in situations where it is necessary and proportionate.

In particular, we recommend that:

1. Physical control techniques that incidentally restrict airflow or blood circulation - such as temporary head or neck restraint - not be classified as inherently unlawful if they are:
 - Applied without malicious intent,

- Used as a last resort to prevent imminent harm, and
 - Performed within the bounds of lawful self-defence or necessity.
2. The proposed offence structure include a clear distinction between intentional, coercive strangulation and incidental physical contact arising in the course of lawful control or restraint.

The consequence of failing to make this distinction may be the criminalisation of security personnel acting in good faith to protect the public in volatile situations, which would have significant implications for workforce confidence, recruitment, retention, and public safety outcomes.

Consent in the Security Context

The Consultation Paper raises the important issue of consent and whether it should be an element of or defence to the offence of non-fatal strangulation. While this is relevant in certain contexts such as consensual sexual activity or contact sports, we submit that consent is not a relevant legal concept in the operational duties of security officers.

However, the broader discussion around consent highlights the need for any organisation that permits high-level physical control techniques to implement clear protocols for their use - including informed participation in training by personnel. Where such techniques are considered appropriate as part of an organisation's high-force response strategy (particularly in the absence of access to other intermediate weapons), it is essential that consent to train and demonstrate competence in these techniques be part of internal governance and workplace safety obligations.

This is not a matter for legislative prescription under s 315A, but we acknowledge that the QLRC's consideration of consent may inform broader workplace practices across multiple sectors. In this context, our position is that:

- Use of techniques involving restricted respiration or blood flow must never be permitted unless the personnel involved are specifically trained, competent, and acting within a clearly defined operational framework.
- In the security industry, the issue is not about consent of the subject, but the lawful authority and justification of the responder's actions under Queensland law.

Part 4: Definition of Prohibited Conduct, Training Considerations, and Professional Standards

Definition of Prohibited Conduct – Avoiding Overreach

We recognise that the Queensland Law Reform Commission is considering how best to define the physical acts that may constitute an offence under a revised s 315A. The Consultation Paper refers to possible inclusions such as pressure to the neck, blocking the mouth or nose, and pressure to the chest or respiratory system.

While we understand the rationale for a broad definition to ensure harmful conduct is captured, we urge caution against drafting that could inadvertently criminalise brief, incidental or proportionate physical contact made during lawful restraint.

It is common in security and emergency response scenarios for control techniques to involve some level of upper body contact - for example, during a team hold to prevent someone from self-harming or harming others, or while breaking up a violent altercation in a confined space. Some of these actions may involve unintentional or fleeting contact with the head, neck or upper chest.

We therefore submit that:

- The revised offence provisions should clearly differentiate between:
 - *Deliberate, sustained conduct intended to impair respiration or circulation*, and
 - *Momentary, incidental or proportionate physical restraint* used for a lawful and defensive purpose.
- The term “unlawful conduct” should be defined or interpreted in a way that explicitly excludes actions taken in self-defence, under necessity, or as part of a lawful duty of care - whether by police, emergency services, or licensed private security personnel.

This distinction is vital to avoid a chilling effect on necessary protective interventions by trained personnel who are already constrained in their response options and highly accountable for their actions.

Training Considerations

We acknowledge that training requirements and course content are not within the immediate scope of this legislative review. However, it is relevant to note that:

- Most nationally accredited security training programs do not teach any head or neck restraint techniques.
- The majority of security organisations in Queensland prohibit their use via internal policies and SOPs, citing safety risks, legal exposure, and reputational concerns.

Nonetheless, in rare, high-risk situations where no other defensive tools are lawfully available and where the risk to public safety is imminent, it may be necessary for a security officer to apply a higher level of physical control. In such cases, techniques that involve restricted airflow or blood flow must only be used by individuals who have been specifically trained and assessed as competent to do so.

We do not propose that this review recommend mandatory training or specific use-of-force techniques. However, we strongly recommend that the final report acknowledge:

- The inherent risks associated with any technique that affects the respiratory or circulatory system.
- The importance of such techniques only being used by personnel who are suitably trained, supervised, and operating within a lawful and clearly defined framework.

Professional Conduct and Accountability

The private security industry in Queensland is regulated under the *Security Providers Act 1993 (Qld)* and subject to licensing, suitability checks, and complaint mechanisms. Additionally, industry bodies such as ASIAL promote professional standards through codes of conduct, mandatory reporting protocols, and ethical guidance.

Security personnel are trained to avoid unnecessary use of force and to prioritise de-escalation wherever possible. However, public and client expectations demand that they intervene in dangerous situations, often in the absence of immediate police support. It is critical that the legal framework allows for necessary and lawful action to be taken, rather than placing frontline workers at risk of prosecution for reasonable decisions made under pressure.

Part 5: Conclusion and Recommendations

Asset College and ASIAL reiterate our support for the Queensland Law Reform Commission’s objectives in reviewing s 315A of the *Criminal Code*. The offence of non-fatal strangulation must be framed in a way that appropriately recognises the seriousness of this conduct, particularly in domestic and coercive settings, while

also preserving lawful exceptions and avoiding unintended consequences for those operating in high-risk occupational roles.

Private security personnel in Queensland are routinely exposed to occupational violence and aggression. In fulfilling their duties to protect people, property, and public safety - often without access to defensive weapons or police backup - they must be legally permitted to take reasonable and proportionate action to prevent harm.

It is essential that any reform to the Criminal Code:

- Protects the public from harmful and coercive conduct, particularly in domestic and family violence contexts;
- Recognises the professional, regulated, and accountable role of private security officers and crowd controllers in maintaining safety across Queensland communities;
- Preserves the lawful use of force in situations involving self-defence, necessity, or duty of care, including the temporary use of control techniques that may incidentally restrict breathing or circulation;
- Distinguishes clearly between malicious or abusive acts and legitimate, defensive interventions made by trained personnel in high-risk situations;
- Acknowledges that any technique involving restriction of breathing or blood flow must be treated with caution, and should only be applied by individuals with appropriate training, operational authority, and oversight.

We appreciate the Commission's commitment to reform that is evidence-based, practical, and protective of Queenslanders. We hope this submission provides a constructive perspective on the operational needs and legal responsibilities of the private security industry.

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