

Monday 30 November 2015

SIX MONTH SUSPENSION FOR LICENSEE FOR MANAGEMENT FAILURES

The Independent Liquor & Gaming Authority has banned a former licensee from working in any NSW licensed venue for six months after failing to implement adequate venue management procedures resulting in a bar staff member serving an intoxicated patron.

The responsible service of alcohol (RSA) certification of Donald Yung, of Iluka, has been suspended from Tuesday 1 December 2015 to 31 May 2016. Mr Yung was formerly the licensee of the ZooBar Lounge & Nightclub at Lismore trading as Jacks Bar at the Met.

The staff member who served the intoxicated patron, Shea McCaughey, has had his RSA certification suspended for seven days from 30 November until 6 December.

Persons with suspended RSA competency cards cannot work in any licensed premises in NSW while suspended or they can face \$5,500 fines.

The suspensions follow a Police inspection of Jacks Bar at the Met on 31 January 2015 during which an intoxicated man was observed walking past a responsible service of alcohol (RSA) marshal and into the hotel. Police reported the man swayed to the bar and was served two alcoholic drinks and later fell off a stool before leaving.

When interviewed, the man said he had consumed half a 700ml bottle of rum before attending the bar and then another "six or so" rum and cokes at the bar.

Mr McCaughey said the patron spoke clearly when he served him two drinks and was assessed as okay despite having two "wonky" eyes. Police said the man was clearly intoxicated and fumbled with his wallet at the bar.

Police advised that since opening in October 2014, there had been multiple incidents in relation to Jacks Bar at the Met which did not have an alcohol or venue management plan in place and was not a member of Lismore Liquor Accord.

Despite not being in attendance on the night, the Authority found Mr Yung maintained a broad range of responsibilities as licensee for ensuring responsible sale and service of alcohol and appropriate operating and employee standards at the hotel.

Mr Yung failed to undertake reasonable steps to implement a system to prevent alcohol-related harms and as a result contravened his RSA obligations. A six month suspension is appropriate.

Mr McCaughey failed to take reasonable steps to inform himself of the patron's state of intoxication. He assumed door staff had vetted the patron, however, cannot rely on another persons' actions to absolve individual responsibilities. Each RSA employee has an obligation to ensure compliance. A seven day suspension was served after assessing Mr McCaughey's personal circumstances and unlikelihood of reoffending and risking future employment.