

Submission to the Office of Liquor, Gaming and Racing

Review of the Three Strikes Disciplinary Scheme

On behalf of Scubar Down Under Australia I would like to take this opportunity to give feedback to OLGR regarding the three strikes disciplinary scheme.

We understand that the scheme was designed to target repeat offenders & rogue operators, however the way in which the scheme works is unfair and the consequences disproportionate and misdirected.

We agree that individuals who are repeatedly associated with violent behaviour and refuse to abide by the law should be held accountable, however the extreme consequences of the three strikes scheme are not placing that accountability on the individuals. **It is not holding those who are committing offences accountable for their own actions.** Instead punishment is attributed to the venue where the incident takes place, no matter what the circumstances are.

If a strike is incurred the business may need to make significant changes to the way they operate. This can have extreme financial consequences and also impact on the level of service a venue can provide its patrons. On the other hand the individuals involved in the incidents suffer no such consequence. They are still permitted to consume alcohol in licensed venues in NSW with no restrictions, curfews or drink limits. **The laws are all wrong. Instead of holding people accountable for their own antisocial behaviours, these laws effectively absolve individuals of any responsibility while holding venue operators responsible to an impossible extent.**

In a media release from the Hon. George Souris M.P it was noted that 'Following extensive consultation and revision of the original draft Bill, we are confident that we have struck the right balance with this policy to ensure it targets rogue operators and does not adversely impact on responsible licensees...The strict new scheme targets those licensee's wilfully or knowingly committing serious offences'. We do not agree that this is the case; responsible venue licensees have been harshly affected by this policy because of the unpredictable actions of guests. It would be very rare for these incidents to be occurring wilfully or knowingly to the licensee. **The consequences are so severe that if multiple strikes are incurred, owners can suffer serious financial losses, pressure from lenders, potentially end up with a worthless asset and lose their livelihood.**

The Hon. George Souris M.P continued "The Three Strikes and You're Out policy is all about protecting local communities from incidents of unacceptable alcohol-related behaviour'. Unfortunately this scheme isn't a long term or fair solution to the problem as it is lacking some key elements. **How does this scheme effectively educate the community and actually prevent individuals from participating in anti social behaviour?** Why should venues owners cop the brunt of the punishment if all reasonable steps have been taken to prevent an offence? He also went on to say "It's part of new individual personal responsibility laws and increased police powers to protect local communities from irresponsible behaviour by lawless individuals' however the scheme does not direct the punishment at these individuals at all.

As a venue manager I find the current system very frustrating. I have always considered myself to be a responsible licensee, and have not ever taken my responsibilities lightly. However I am sure the majority of operators will agree with me when I say our industry has been let down by the NSW government. Venue managers have been left to pick up the slack as the government fails to educate consumers. As a comparison, the Roads and Maritime Services educates to drivers to be responsible on the roads, drivers are made aware of road rules and laws through advertising and regular policing, drivers are required to pass a test before being allowed on the road unsupervised and lose demerit points, hit with fines and face the possibility of loss of license for not abiding by the law. **The hospitality industry has no such support, there is no such course as responsible consumption of alcohol & advertising campaigns are weak and ineffective.** Venue managers have begrudgingly accepted that it is their role to enforce and educate, but it should not be this way.

Venue managers have become the messenger of the law. Responsible venue managers are spending their entire night reciting the Liquor Act, refusing guests at the door & unintentionally offending patrons who don't understand the laws. Publicans and managers are no longer able to focus on providing great hospitality to their guests; they are swamped with compliance, over regulation and over policing. **This takes its toll on our business,** we regularly upset our guests or spoil their nights, they think we are rude or on a power trip, they tell us how unnecessary it is, how unhappy they are, that they will never be back to our establishment and many won't be. We know we are doing what the law requires of us, they don't.

We are committed to working with police and the OLGR to ensure our guests & staff can enjoy themselves & work in a safe environment. We are proactive in the responsible service of alcohol to our guests & we operate our business in accordance with the Liquor Act. We are professional and responsible operators, however so much of what this policy hinges on is out of our control. We are very disappointed and very concerned that this policy could devastate our business and that we could be left with nothing.

AHA president Scott Leach spoke about equal responsibility and we agree 'Our entire industry has accepted the stringent regulatory requirements related to the responsible service of alcohol. Now it is time for the community to do the same with responsible consumption. We need to engender a sense of consumer responsibility'. We couldn't agree me.

For further information please contact

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