

Re: Three Strikes Disciplinary Scheme Review

- **Do you think the Three Strikes Disciplinary Scheme is an appropriate policy response to address specific Liquor Act offences by licensed premises?**

The Three Strikes Policy unfairly targets the Licensee rather than the person who is responsible for the breach. All staff employed by licensed premises must have completed a recognised RSA and RCG to commence work. Staff should be fully aware of their obligations under the act and should be held accountable for their breaches. This could be similar to the Licensees-three strikes and you can no longer be employed in the hospitality industry and the same fines should stand.

- **Has the scheme encouraged licensees to act in a more responsible manner?**

It would be fair to say that licensees are very aware of their responsibilities and most employees and patrons are aware that they will not be held accountable for breaches. The fines and penalties are only targeted at the licensee. Patrons can also be more troublesome because they know that nothing can really happen to them. The licensee is forced to adopt a “Nanny State” mentality and be constantly policing the minefield of rules and regulations they are forced to operate under. Licensees are not given any additional training to learn how to be policemen and their rights in general. So, untrained people are acting as unpaid agents for OLGR. If for any reason the licensee fails to do this correctly they are penalised by fully trained law enforcement officers, given huge fines and possible penalties from their lending bodies.

- **Has the scheme encouraged specific venue practices and behaviour aimed at minimising the risk of incurring strikes?**

Licensees are going to implement practises that minimise poor behaviour regardless of strikes because the fines are so heavy and could in some instances force a struggling business into receivership. Most venue owners want their premises to be a safe inviting place for patrons to come enjoy themselves safely and go home. I have heard of small country pubs being fined \$110,000 for supplying alcohol to staff members after midnight and undercover officers using tactics that can only be described as entrapment to fine

licensees or their staff. If a licensee is not on the premises and staff have been told that this sort of practise is not responsible, the licensee should not be held accountable.

- **What financial and other business impacts, if any, has the scheme had on owners and operators of licensed premises?**

I ensure all staff are aware of any new legislation, however it is difficult to know how staff are behaving when the licensee is not there. It all comes down to how much you trust your staff.

- **Has the introduction of the scheme resulted in negative or unexpected consequences?**

Any patrons giving trouble are now automatically given a three month suspension rather than possibly giving them a few warnings.

- **Do you have any comment on the implementation and operation of the scheme?**

I cannot see that there has been any implementation other than the licensee acting as the Police and then being fined if they somehow get things wrong.

- **Do you have any suggestions for future policy directions for the scheme?**

If licensees are expected to continue to be law enforcement officers and be fined when they fail to carry out their duties, further training needs to be given to them prior to becoming licensees. Also all staff responsible for breeches should be held accountable for their actions. It should really be the same as WHS laws. Everyone is responsible under the act. Patrons themselves need to be more accountable and fined more heavily so there are repercussions for their behaviour as well.