

The Oaks Hotel

January 2016

Dear Sir/Madam,

Three Strikes Disciplinary Scheme Review Submission

This is a submission on behalf of *The Oaks Hotel*, Neutral Bay, with the purpose of raising a number of concerns we have with the current Three Strikes Disciplinary Scheme.

Firstly, we would like to raise the issue of an individual's disposition to violence. Under the scheme, by placing such severe penalties on the venue itself, the government has essentially declared anti-social behaviour and violence the fault of the hotel industry when in fact it is a community responsibility.

Secondly, without a fair appeals process the scheme discriminates against venues with a large capacity as this is not taken into account at the time of conviction. It is inevitable that a venue with a larger capacity will record more incidents than a venue with significantly less patronage. However, on any given occasion you can enter our hotel and witness families with kids and mothers' groups all enjoying a safe and peaceful social drink.

In terms of conviction, the fact that a first strike is automatic has many venues walking on egg shells. The ramifications of receiving a strike are far greater than the legislation first intended and of course this has created nervousness amongst the hospitality community. Not to mention the governing body ALEC that has been formed and instructed to look for infringements, even though some venues may be a family-run and well managed venue for the community of all ages – such as ours.

As a personal example – being on level 2 of the schedule, we have additional license conditions requirements and in particular the condition that prevents us from using glass vessels after midnight. If any glassware is found to be on the floor of our venue after this time we would be issued with an infringement notice and a strike would be incurred. Given how easily it might be for our staff to simply miss a glass hidden in a pot plant or bathroom, and the potential catastrophic effects of a strike, we have made the decision to reduce our trading hours to minimise the potential risk. This in turn has impacted the hours available to staff and our profits have decreased by 20-25 per cent.

Added to this are the damaging effects the reduced trading hours has had on our public opinion. Very few of our customers understand why we are closing early and end up deciding to head elsewhere.

Furthermore, receiving a strike allows the financial institutions an opportunity to foreclose on loans or increase interest rates to recover any investment they have immediately. Coupled with the increased license fees of over \$5,000 a year, a strike can be financially crippling to an owner who may not have even committed the offence.

It is our recommendation that the first strike should in fact be the hardest strike to incur as the ramifications are far too great for a first or minor offence. Upon conviction of an offence there needs to be a fair and reasonable process by which an owner or operator can appeal the issuing of a strike – it should not be automatic.

We have lost sight of the original intention of the scheme and believe the system has failed us as responsible operators.

Regards,

The Oaks Hotel