

Thursday, 20 April 2017

Please quote our reference: 053:AB

Dr Gavin Faunce
Manager, Monitoring & Evaluation
Liquor and Gaming NSW
GPO Box 7060
Sydney NSW 2001
Via email.

Dear Dr Faunce



RE: EVALUATION OF THE EFFECTIVENESS OF INCIDENT REGISTERS

Further to our meeting of Tuesday, 4 April 2017, we thank you for the opportunity to make a submission in relation to incident registers in clubs.

ClubsNSW recognises the usefulness of an incident register as a tool for analysis of patterns of behaviours and assessing the effectiveness of violence minimisation measures. However, it is ClubsNSW's position that the register, in its current format, does not achieve these aims as effectively as it otherwise could and efforts should be made to rectify this.

Clubs which trade after midnight at least one night a week are required to keep a register of incidents occurring after midnight which are related to violent behaviour, people being removed or refused entry to the club and where someone requires medical treatment. By default, most clubs have unrestricted trading hours. Although a number of clubs have opted to reduce their trading hours with the introduction of Risk Based Licensing, a large number of clubs retain unrestricted trading hours and are required to maintain a register.

Clubs are safe, responsible venues and many elect to record more information than is legally required, however, the use of the register is largely seen as a requirement for compliance rather than a tool to analyse incidents in the club. ClubsNSW appreciates the potential usefulness of a tool such as an incident register and suggests a number of improvements that can be made.

Usefulness of Register

The stated aims of the incident register are to help venue operators gain a better understanding of incidents on their premises and to assist the Police and Liquor and Gaming NSW (L&GNSW) with investigations and other compliance activities.

At present, clubs keep an incident register more because it is a compliance requirement, not because it is a useful assessment tool. ClubsNSW believes greater effort should be made to educate and inform venues as to how to better utilise the register to achieve its stated aims and would welcome the opportunity to support L&GNSW in this regard.

Further, ClubsNSW respectfully submits that the current register format is convoluted, with large amounts of information required to be entered across many different pages and with little guidance as to what is appropriate information to be recorded. If the register is to be used to analyse incidents but also to assist police in investigations then the information captured should be of a specific nature and high quality. ClubsNSW recommends that inclusion of a worked example of a best practice incident register would assist clubs in ensuring all the key details of an incident are captured.

Timeframe for Reporting

Incidents must be entered within one hour of them occurring. This is an extremely short time frame, particularly when dealing with a large incident, an incident which may occur during a busy trading period or one that involved the need for medical attention. The club should be encouraged to conduct a thorough review of the incident to ensure the details entered are as correct as possible. ClubsNSW submits that it is extremely unlikely that this cannot be achieved within one hour of the incident occurring.

This, coupled with the sheer amount of information required to be entered, make the register difficult to comprehend and complete in a timely fashion. ClubsNSW recommends that the timeframe should be revised to allow a longer period in which to record the incident.

Online Incident Registers

ClubsNSW strongly supports the adoption of an online incident register tool. With proper functionality, such a program will enable clubs to more easily analyse the data they input should it have the capabilities to do so. The introduction of an online tool that allows clubs to quickly create reports and charts of previous events would assist in reporting and analysing information and would be a positive step forward for the club industry and the wider liquor and hospitality industry.

Burdensome for Smaller Clubs

Approximately 65 per cent of clubs in NSW are 'small clubs'. These clubs have very few gaming machines, low revenue and a small number of paid employees, if any. These clubs are not well resourced, often they have an honorary secretary as opposed to a paid manager to look after club operations and the club itself may only be run by volunteers. Such venues are also generally considered 'low risk' and are unlikely to have an adverse compliance history.

Be that as it may, many such clubs trade past midnight and therefore require an incident register. We submit that these clubs are burdened by the incident register system as the encumbrance of needing to record every incident of the kind required can be overwhelming.

ClubsNSW notes that small bars are generally exempt from a number of the measures introduced to combat alcohol related violence (including incident registers by virtue of their limited trading hours), we submit that small clubs too should be exempt from the incident register requirement. Were they to receive an infringement notice for non-compliance with the incident register rule, it would likely be simply because they hadn't had the resources to record it in a timely fashion and any fines or strikes associated would be a significant hardship to the club.



As an alternative, ClubsNSW recommends L&GNSW consider the feasibility of introducing a streamlined, scaled back incident register for small venues that do not have the resources to effectively maintain the register in its current format.

Compliance Tool versus Enforcement Measure

ClubsNSW is aware of an incident where a Police licensing sergeant used the incident register of a club to retrospectively reprimand them. The incident recorded was of a nature which was not required to be recorded and the club was penalised.

ClubsNSW would be concerned if incident registers were utilised in this manner more broadly. Venues should feel confident that they can record incidents without the risk of being retrospectively punished. Penalising venues in this manner only serves to undermine the credibility of the register and the regulator.

ClubsNSW understands and support the use of the incident register as a tool to measure the effectiveness of venue safety. If you would like any more information please contact Josh Landis, Executive Manager – Public Affairs on 02 9268 3004 or email jlandis@clubsnsw.com.au.

Yours sincerely



Anthony Ball
Chief Executive Officer

