

By email: Hughes, Wilbur Geoffrey  
Sent: Thu 5/07/2018 11:01 AM  
Subject: My input to new L&G Regulations

These comments are from Dr Wilbur Hughes, M.B., B.S., F.R.C.P.A., a retired specialist medical Haematologist, who spent years during training in busy emergency departments where severe intoxication was a regular occurrence in patients.

I did the RSA course out of interest.

#### *Self regulation*

*"This option would place greater responsibility on the NSW liquor industry for the development and oversight of certain aspects of the regulatory framework for the sale and supply of liquor, and the operation of premises on which liquor is sold or supplied".*

- This is an approach which has failed in so many industries, building, council inspections etc
- The problem is that there is a conflict of interest. The industry's aim is to maximise profit. Regulations minimise profit.
- It is an approach to minimise cost to government bodies that must administer regulation.

#### RSA Course:

There is a lot of detail about who must have the certificate, costs etc., but I could find little new detail on the content of the course.

My concerns are below, as the training institution were unswerving in contra opinions to my input.

1. It is impractical to expect young RSA's especially those whose English is not the first language to assess the **degree of intoxication** of clients in a busy bar, by smelling their breath, slurred speech and other indirect methods. Breath smell in a busy hotel bar with spilt drinks, and slurred speech that can occur after 2 standard drinks in some people is simply ridiculous and impractical.
2. More objective tests such as walking in a straight line would give much more accuracy, actual breath testing equipment (with the caveat that alcohol breath levels are inaccurate after very recent alcohol intake, but at least they are a concrete guide). Simple equipment is now readily available even to consumers.
3. The requirement that an intoxicated person must be asked to leave the premises must be qualified. During the RSA course, I was advised that the leave must be **immediate**, despite the fact that I argued against this, as I could not find it in your published regulations.
  - The time schedule, if as indicated in my course, it must be immediate, the patron is liable to become aggressive and **drive off** in an intoxicated state.
  - There must be time to negotiate an alternative means of transport, discussion with friends, perhaps stay at the premises with rooms.
  - Offer of food to delay the absorption of alcohol (I was told this was not allowed in NSW)
  - Call the police to confiscate car keys or deal with the patron in other ways.

4. Surely the end point and most important factor of intoxication is **aggression and unsocial behaviour**. This is easily recognisable. Young RSA's should have the right to immediate police protection or that from security staff. [In my experience, attendance by police in such a situation is not immediate. The RSA should be given the right to contact police by 000 or 112, without fear of reprisal].
5. The requirement that no further alcohol be served to the intoxicated patron must not be left to the RSA alone. Intoxicated patrons can become aggressive on refusal.

Yours sincerely,

Dr Wilbur Hughes

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By email: Hughes, Wilbur Geoffrey

Sent: Mon 9/07/2018 3:58 PM

Subject: My input to new L&G Regulations From Dr Wilbur Hughes

Further to my previous comments:

Clearly the staff did exactly what was taught at least in my RSA course (eLearning). If intoxicated, they must go, regardless of circumstances. There needs to be some serious clarification about making intoxicated clients leave premises in RSA courses.

Could you please indicate what part of the Act under which this restaurant was fined?

I note the following report:

<https://www.smh.com.au/sydney-news/sydney-restaurant-fined-for-dumping-drunk-women-on-street-20180709-p4zqc7.html>

Gangnam Station Korean restaurant in Sussex Street is facing a range of sanctions after the incident, which the Independent Liquor and Gaming Authority described as one of the worst breaches of NSW liquor laws in recent years.