



ABN: 98601443814

NSW Office of Liquor Gaming and Racing

Re: Three Strikes Disciplinary Scheme Review 2016

Dear Sir/Madam,

As the owner of Kelly & Co. Hotels, I would like to express my concern over the current Three Strikes Disciplinary Scheme and speak from personal experience as I outline the devastating impacts a strike has had on my business.

Earlier this year, I took over the operation of Kelly's Irish Pub in Mudgee (formally Waratah Hotel) with the knowledge of a strike which was incurred on 2 June 2013 for selling/supplying alcohol outside of authorised hours.

Since taking over the hotel, and the subsequent conditions on the license, I quickly formed the opinion that the Scheme is unjust and unfair.

As it stands, the Scheme has little ability to adapt to change and it is this rigidity that fails the industry. If all owners and operators only ever stayed at the same hotel and never sold the investment then I would be able to concede that the penalties for prescribed offences were fair.

However, based on the stupidity of the management team two prior to my own, I now have an extremely fragile existence and my 20 years of responsible operation are now irrelevant.

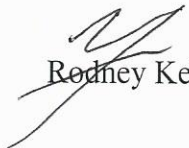
Based on this experience, it is my recommendation that a 'Strike' be incurred by the responsible parties – be it a Licensee or Approved Manager. In my case the offender has been handed a 'get out of goal free card' and the opportunity to move on to another venue without any consequences or responsibility. What is stopping him making the same decision at the new venue?

The impacts of this Strike upon my business have been enormous and unreasonable given that the offending management group is no longer affiliated with the hotel. The stigma attached to the venue and the impact on the hotel's reputation has devastated trade and has concerned the financial institutions. I cannot finance this hotel with a strike – it is as simple as that.

I understand the intention behind the Scheme and I too would like to see these 'rogue' operators removed from the industry. However, the current Three Strikes Disciplinary Scheme only reassures these offenders that they can move on to new venues and start again.

Change needs to happen. Innocent operators who conduct their business in a responsible manner should not be punished for circumstances they had no control over or no affiliation with.

Yours faithfully,



Rodney Kelly

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