



MEDIA RELEASE

THREE STRIKES FAILURE: INDUSTRY HEAVY HITTERS IMMUNE

5 February 2016: A government program designed to ensure licensed venues across New South Wales comply with liquor regulation is failing to target the industry's worst repeat offenders.

The state's leading alcohol policy coalition says the pubs and clubs three strikes scheme is not having any impact on non-compliant licensed premises because it contains too many loopholes. This has enabled some prominent venues to continue to put at risk the safety of patrons and local communities.

As originally designed, the New South Wales 'Three Strikes' disciplinary scheme is a deterrence system whereby prescribed non-compliance offences, such as allowing intoxication and drug use on premises, were to be met with an escalating series of penalties for licensees.

In its submission to the review of the Three Strikes disciplinary scheme, the NSW and ACT Alcohol Policy Alliance (NAAPA) says while it supports the concept of this legislation, an absence of swift and certain enforcement has meant the scheme has fallen well short of its objectives.

NAAPA spokesperson and community advocate Tony Brown says that the failure to push for strikes against some problematic venues, a lack of transparency, and inconsistency in the scheme's administration has meant it is not serving the public's interest in preventing alcohol-related harm.

"Three strikes and you're out. That's what the scheme promised – a simple and effective tool to ensure that licensees comply with liquor regulations and take seriously their obligations under the law to ensure patrons and the wider community are not put at risk. But that's not what's happening," Mr Brown said.

Mr Brown says there is ample evidence from both the NSW Police Computerised Operational Policing (COPS) data and the New South Wales violent venue lists that some licensees were avoiding automatic strikes, despite clear breaches of the Liquor Act.

In a private citizen submission to the review of the Three Strikes disciplinary scheme, Mr Brown also outlines cases in which strikes have 'disappeared' after proprietors of venues threatened with a strike conviction have simply removed licensees or managers and employed a new person in their place, as well as premises collecting multiple records of offensive conduct without ever incurring a strike.

Mr Brown says the scheme's failure is best exemplified by two high-risk late trading venues.

"The Ivy and Macarthur Tavern stand as a damning indictment of the Three Strikes scheme. Two of the state's most violent premises have both accrued a substantial number of alcohol-related incidents in recent years. Yet, inexplicably neither venue has ever received an 'automatic' first strike," Mr Brown said.

While calling for a strengthening of the manner in which the scheme is enforced and administered NAAPA has called on the New South Wales Government to ensure that the Three Strikes review does not distract from the two-year statutory review of the liquor laws introduced to the Sydney CBD, which is due this month.

Mr Brown is available for interview.

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The NSW and ACT Alcohol Policy Alliance (NAAPA) is an alliance of health and community organisations active across NSW and the ACT that has been formed with the objective of promoting action to reduce alcohol-related harms. The Coalition of NSW and ACT organisations has been formed to lobby and campaign for alcohol policy reform to reduce alcohol-related harms across the two jurisdictions. www.naapa.org.au

