



MEDIA RELEASE

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THREE SYDNEY LICENSED RESTAURANTS INCUR STRIKES FOR BREACHING TRADING HOURS

Three licensed Sydney restaurants have been fined \$1,100 each and named on the Three Strikes public register for operating outside their authorised trading hours.

The venues, Sam & Terry Café in Pitt Street, Hanabi Restaurant in Liverpool Street, and The Broadway Café at Chippendale, have been issued with first 'strikes' under the Three Strikes disciplinary scheme.

At 2am on Saturday, August 11, 2012, licensing police attended Sam & Terry Café to find the venue fully trading with patrons drinking alcohol, three hours after its approved 11pm closing time.

At 10.45pm on April 6, 2012, licensing police visited Hanabi Restaurant and observed alcohol being consumed on most tables after the approved 10pm closing time for Good Friday.

At 12.45am on Saturday, June 2, 2012, licensing officers attended The Broadway Café and found over 40 customers on site including a number being served alcohol after its approved midnight closing time.

The three breaches bring to 12 the number of NSW licensed venues that have now incurred strikes for breaching their trading hours.

OLGR Director of Compliance Paul Newson said it was illegal for licensees to operate outside their approved trading hours with serious penalties applying.

Licensees are also required by law to keep a register containing copies of responsible service of alcohol (RSA) certificates of staff involved in the sale or service of alcohol, as well as those of security staff.

"While most licensees do the right thing, these breaches should serve as a warning to all licensees to be vigilant in abiding by their approved licence conditions," Mr Newson said.

"It is illegal for alcohol to be sold, supplied or consumed inside a licensed venue outside of approved trading hours, with court imposed penalties of up to \$11,000 and 12 months imprisonment applying.

“Approved trading hours are in place to protect the amenity of local communities and help guard against alcohol-related harm. A range of potential issues can arise when licensed venues flout the law by breaching their trading hours.

“Problems can result from excessive drinking over extended periods, neighbourhood disturbance, as well as associated problems such as alcohol-related anti-social behaviour, violence, street offences and, an increased risk of drink driving.

“Licensees need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of alcohol on their premises.”

Under the Three Strikes disciplinary scheme, ‘strikes’ are incurred for a range of serious offences under the Liquor Act when a licensee or approved manager is convicted in court; pays a penalty notice to the State Debt Recovery Office; or is issued with an enforcement order by the State Debt Recovery Office for failing to pay a penalty notice.

A first strike is automatically incurred upon conviction or payment of a penalty notice for a single offence and is active for three years from the date of the offence.

A first strike may result in the imposition of specific licence conditions by the Director General of NSW Trade & Investment, of which OLGR is a division.

A second and third strike can be incurred upon conviction or payment of a penalty notice for further offences committed within three years.

A second strike may result in the imposition of additional more onerous conditions by the Director-General including prohibiting the sale or supply of liquor at the venue after 11pm or prohibiting specific types of drinks such as shots.

A third strike can result in the imposition of licence conditions, licence suspension for up to 12 months, licence cancellation and a moratorium on a new liquor licence being granted for the same business operators at the venue for up to 12 months, and/or disqualification of a licensee for any period of time.

For registered clubs, a third strike can result in imposition of licence conditions, disqualification of a club secretary, dismissal of any or all of the club directors, and/or the appointment of an administrator to manage the club.

Thirty three NSW licensed venues have now incurred a first strike with the public register of strikes available for viewing on the OLGR website at http://www.olgr.nsw.gov.au/liquor_3_strikes_register.asp
