



BARS TRAINING AUSTRALIA

The Public Safety Professionals



Monthly Newsletter - April 2010

Every few months these industry newsletters are forwarded as a free training and information service to ensure the clients of BARS Training Australia are kept up to date with changes in legislation and industry practice. If you do not wish to receive these newsletters please unsubscribe on the link located at end of this newsletter.

Director's Desk ([profile](#))

You've all heard of the movie, *The Good, The Bad & The Ugly*, well the last 2 months has been the good, the bad and the frustrating. It was *good* to hear that the Townsville Police have finally prosecuted someone for spitting at a crowd controller, the offender receiving a \$1400 fine.

The *bad* is to see how an association's newsletter can result in a number of dismissals throughout Queensland due to a possible misinterpretation of a ruling from the Australian Industrial Relations Commission.

The *frustrating* is trying to get written advice from the regulatory authorities on a number of issues to allow appropriate information that can be relied upon to be published in these newsletters. Both the hospitality and security industries are in desperate need of information that is not being provided on the respective websites. And whilst the authorities will give an unofficial comment, it is sometimes difficult to get them to commit to anything in writing.

Liquor Industry

Report into Alcohol Related Violence

As most of you will be aware the Queensland Government has been undertaking a Parliamentary Inquiry into Alcohol Related Violence and the Chair of the Law, Justice and Safety Committee, Ms Barbara Stone MP, tabled the Committee's final report 2 weeks ago.

A full copy of the report can be downloaded from this ([link](#))

The report has a range of far sweeping recommendations and will no doubt be closely considered by Government prior to implementation. However, given the bi-partisan nature of the committee, many of these recommendations may be considered as almost set in stone. The landscape of the industry will change dramatically over the coming months as these recommended measures move to implementation.

Whilst not a complete summary the list below are a few highlights. With regards to trading hours the following was recommended:

Entertainment Precincts

Sunday to Thursday 10am - 2am
Friday - Saturday 10am - 4am
(2am lockout applies)

Outside Entertainment Precincts

Sunday to Thursday 10am - 2am
Friday - Saturday 10am - 3am
(2am lockout applies)

Other recommendations include:

- 2am lockout apply to all licensed venues.
- Queensland Government ban bottle shops from advertising discounted liquor prices in Queensland.
- Government provide the Office of Liquor and Gaming Regulation with additional resources to allow officers to carry out their enforcement roles.
- Criminal Code be amended so that use of glass as a weapon is an assault be a circumstance of aggravation in assault offences.
- Sentencing ranges for alcohol related offences be increased.
- Government give police and the courts power to ban those committing alcohol-related offences from specified areas.
- Licensees trading after midnight be encouraged to install ID scanning systems at venues. [\(example\)](#)
- Queensland Government mandate a phasing out of regular glass in all venues trading after midnight other than low risk venues, as determined by the Office of Liquor and gaming Regulation.
- All venues be required to make water available to patrons free of charge at all opening times.
- Government regulate to include an RSA Marshall as a condition of license in all late night and large capacity venues.
- Government to ensure that necessary legislative steps are taken to ensure proper regulation of practices such as booze cruises, pub and club tours.
- Parents or guardians of a minor up to age 16 years be liable to be fined for an alcohol-related offence along with the minor.
- Government evaluate delivery of RSA training to security staff and enhance that training along with their other mandatory training requirements.

Again, if you have any queries on this or any other matters, please do not hesitate to call me.

Mandatory training in Responsible Service of Gambling

The Gambling and Other Legislation Amendment Act 2009 provides for mandatory training in responsible service of gambling (RSG) for persons carrying out gaming duties or gaming tasks on licensed premises.

From 1 October 2010 all persons carrying out gaming duties will be required to have a current RSG course certificate. This course is now being offered face to face by BARS Training Australia with an on-line course available over the coming weeks.

Security Industry

As the current President of the National Security Association (Qld) I attend many meetings, one of which are held at Police Headquarters Brisbane and involves the departmental leaders of all stakeholders within the hospitality and security industries. Below is just a summary of some of the issues raised.

Office of Fair Trading

To date, Queensland has 27,137 licensed security providers which has increased 35% since the 1st June 2008. Over the past 12 months or so the Office of Fair Trading have issued 194 show causes to licensees, 133 licenses have been refused and 31 cancelled, mainly due to drug and stealing offences.

Fingerprinting

As a part of the Council of Australian Governments (COAG) recommendations all security providers will be fingerprinted throughout Australia. Funding has been made available to the Queensland police Service to take up this challenge which is due to commence later this year.

This fingerprinting program has been delayed as the Livescan equipment that is to be used is currently only located at watchhouses and concerns and risks having security attend such establishments needed to be addressed.

OMCG Legislation

The legislation being with Outlaw Motor Cycle Groups has gone through Parliament and has been accented to, proclamation in May 2010. Whilst this legislation has not been released for public comment, I am aware that there may be some issues being raised as to whether this legislation is constitutional.

Regardless, if this legislation makes it an offence for OMCG members to associate then I'm sure that this legislation will impact on security throughout Queensland.

Sub-contractor Issues

Concerns have been raised at Ministerial level that security companies have been sub-contracting jobs only to avoid the responsibilities of an employer. For example, if a contractor sub-contracts to another firm but still takes over full operational control of the job or event the sub-contractor can be put in the difficult position of being told what to do by the contractor whilst having all the responsibility over staffing conditions.

Such an event occurred in Townsville where the sub-contractor's staff were instructed to work additional hours under improper working conditions. The staff sort advice from Industrial relations to be advised that it was the responsibility of their employer (the sub-contractor) and not the contractor who gave those instructions.

Security companies need to show caution before sub-contracting under these circumstances and perhaps should look at a management contract rather than a sub-contract, to ensure that all staff are in fact employed by the contractor calling the shots, not the sub-contractor who may not be able to fulfill their employers responsibilities.

Issue of the Month

It was raised with me recently that the QHA reportedly put an article in their newsletter whereby they stated that due to new Industrial Relations laws, persons under 18 could not serve liquor - this was one interpretation only and caused a bit of confusion and concern to some venues.

Regardless, there was an appeal to the Australian Industrial Relations Commission on the 10th March 2010. The relative clause states:

[19] In light of this, I will order that current clause 15.1 of the Hospitality Modern Award be omitted, and replaced by the following words... "15.1 Junior employees will be paid in accordance with clause 20.5.

Where the law permits, junior employees may be employed as liquor service employees (being persons employed to sell or dispense liquor in bars and / or bottle departments or shops, as well as cellar employees or other places where liquor is sold) and must be paid at the adult rate of pay in clause 20.1 for the classification for the work being performed."

So, we can have employees under the age of 18 years working in our industry under the Liquor Act 1992 as long as we ensure safety at all times, but they must be paid as if they were 18 years of age. Hope that clears that one up

Product of the Month

On-line RSA Program

BARS Training Australia has released a State Government Approved RSA Program on-line. This program has incorporated the best on-line training methods with 17 videos to engage the participant with an interactive learning format to ensure the best educational outcomes are achieved.

We have also made this program more accessible by having a pre-paid payments option. Basically, pre-paid cards can be purchased and stored in your wallet or purse. At your convenience you can take the card out, scratch the card to reveal the key-code, log onto barsonline.com.au and complete your RSA qualification in your own time.



So if you're an employer, why not purchase a number of these cards (discounts apply) and hand them to your staff on commencement of their duties to ensure that this training is available to them and completed within 30 days as required. Remember, if you are currently a crowd controller, this mandatory training requirement will commence on the 1st July 2010 by all reports, so why not do your RSA on-line.

RMLV Reminder

If you were the Nominee at your premises prior to the 1st January 2009, the Liquor Regulations deemed you to be an Approved Manager up to the 30th June 2010. As this date is soon upon us, can I take this opportunity to remind previous Nominees of the obligation set by the OLGR to complete RMLV and RSA training and lodge their forms to become an Approved Manager no later than 30 April 2010. Our next RMLV course on the Gold Coast will be conducted on Wednesday and Thursday the 28th and 29th April 2010 (\$350 all inclusive).

QUEENSLAND 2010 TRAINING CALENDARS

HOSPITALITY INDUSTRY

- Responsible Service of Alcohol (\$70) - ([2010 Calendar](#))
- Responsible Management of Licensed Venues (\$350) – ([2010 Calendar](#))
- Apply First Aid (\$100) - ([2010 Calendar](#))

SECURITY INDUSTRY

- Full Crowd Controllers Course (\$499) - ([2010 Calendar](#))
- Full Security (unarmed) Course (\$499) - ([2010 Calendar](#))
- Apply First Aid ONLY (\$100) - ([2010 Calendar](#))
- Manage conflict ONLY (\$80) - ([2010 Calendar](#))
- Control persons ONLY (\$80) - ([2010 Calendar](#))
- Apply first aid + Manage conflict (\$180) - ([2010 Calendar](#))
- Manage conflict + Control person (\$150) - ([2010 Calendar](#))
- Apply first aid + Manage conflict + Control person (\$240) - ([2010 Calendar](#))

If you have any questions that you need answered don't hesitate to give me a ring.

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