

# Northern Territory Licensing Commission

## Outline of Decision

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<b>Premises:</b>	Jabiru Sports and Social Club
<b>Licensee:</b>	Jabiru Sports and Social Club Inc
<b>Licence Number:</b>	81401108
<b>Nominee:</b>	Rodney Tregonning
<b>Proceeding:</b>	Complaint pursuant to Section 48(2) of the <i>Liquor Act</i> , alleging breach of s121, serve intoxicated person/s and other particulars regarding the conduct of the business
<b>Complainant:</b>	A/Senior Sergeant Jeffrey Iddon Officer in Charge, Jabiru Police Station
<b>Heard Before:</b>	Mr Peter Allen (Chairman) Ms Jill Huck Mr Paul Costigan
<b>Date of Hearing:</b>	11 March 2003
<b>Date of Decision:</b>	12 March 2003
<b>Appearances:</b>	A/Senior Sergeant Jeffrey Iddon Mr Rodney Tregonning for the Licensee

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1. This "outline of decision" is provided for the early information of the parties. The Commission's formal written decision with reasons will be published in due course. The date of effect of any orders, directions or licence conditions referred to in this outline of decision shall be calculated from the date of publication of the Commission's formal decision with reasons.
2. The Commission finds that as admitted by the nominee, intoxicated persons were permitted to remain on the licensed premises, a breach of s.121 of the *Liquor Act*. The section requires the licensee or persons employed by the licensee to remove or exclude intoxicated persons from the premises.
3. Material considered during the hearing indicates the licensee may be in breach of Condition 7 of the licensee, "Premises to be kept in good repair".
4. As penalty for the breach of s.121 (failure to remove or exclude intoxicated persons) the Commission will suspend the licence for two days.
5. In order to recognise the licensee's acknowledgment of various shortcomings and the submissions of the complainant that no actual suspension need apply at this time, the two day period of suspension will be deferred for a period of six months from the date of the Commission's formal written decision.
6. The period of suspension shall itself stand suspended in the manner of a "good behaviour bond" and shall take only take effect if another complaint relating to the operation and management of the Jabiru Sports and Social Club made against this licensee within six months from the date of the Commission's published decision with reasons is then upheld or found proven, whether by this Commission or by a Court of Summary Jurisdiction.

7. If at the end of the period of six months the licensee shall not have been found to be in breach of any relevant Act or the conditions of the liquor licence and if no such complaint shall then be outstanding, the two day's suspension hereby imposed shall not thereafter be notified as having to be served.
8. If however a complaint is made within six months and is subsequently upheld (whether within the period of six months or at any time thereafter) then in addition to whatever penalty may be imposed in relation to such new matter the licensee may also be notified of the two specific days of suspension to be served as a result of this present proceeding.
9. In order to thoroughly address matters pertinent to the proper conduct of the licensed premises, the licensee is directed to lodge a satisfactory Management Plan with the Commission no later than 30 days following the publication of the Commission's formal written decision.
10. The Management Plan is to include:
  - Details of strategies for removing or excluding intoxicated persons from the premises,
  - A statement of the committee's directions to the nominee regarding the conduct of the business at the premises,
  - A statement of the nominee's directions to staff members regarding the implementation of the Committee's directives,
  - A statement of specific rules for the behaviour of persons at the premises and copies of any signage erected or to be erected at the premises to inform patrons of such rules and expected standards of behaviour,
  - A security plan that details arrangements to be made and specific instructions to be given by the nominee on those occasions when larger attendance than usual can reasonably be expected at the premises, such occasions to include but not be limited to pay days and "royalty days".
  - A detailed outline of the training program conducted or to be conducted by the nominee or another competent person for all staff involved in the service of liquor, and,
  - A copy of the information package provided or to be provided to potential or new members regarding the standards of behaviour required by the licensee.
11. In the event the Management Plan is not submitted as directed within thirty-days of the publication of the Commission's formal written decision, or the plan submitted is found by the Commission to be unsatisfactory, the Commission may suspend the licence or a part of the licence pending the submission of a satisfactory management plan, or vary the conditions of the licence to the extent considered appropriate in the circumstances.
12. A copy of the approved Management Plan will be provided to the Officer-In-Charge at the Jabiru Police Station. The original of the plan will be filed with the Director of Licensing.
13. As indicated earlier in this outline of decision, the Commission has formed an initial opinion that the licensee may be in breach of Condition 7 of the licence.
14. Condition 7 states:

*The Licensed Premises and all plant, machinery, equipment, fittings, furniture, furnishings and any other item used in connection therewith shall be kept in good order and repair and the premises and its immediate environs shall be maintained in a neat and tidy appearance.*
15. In order to properly assess the extent to which this condition is complied with, the Director of Licensing is directed to conduct an inspection of the premises and to provide a report to the Commission. The report is to tabulate any and all items that require repair or such other

work as may be required to ensure the whole of the premises is fully compliant with Condition 7 and that the standard of such compliance is consistent across the full extent of the premises. The report should specify expected completion dates for each of the items listed.

16. The licensee is advised that the Commission may itself visit the premises for the purposes of assessing progress made towards compliance with Condition 7.
17. The Director's report arising from his inspections is to be provided to the Chairman no later than thirty days following the publication of the Commission's formal written decision and reasons.
18. The Commission recently announced that it will conduct a review of premises licensed as Clubs. The licensee is advised that it may be in its interests to ensure it complies with all relevant statutory and regulatory requirements. Compliance should specifically include all documents and reports that require lodgement with the Registrar of Associations.

Peter R Allen