

# Northern Territory Licensing Commission

## Decision

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<b>Premises:</b>	Milikapiti Sports & Social Club
<b>Licensee:</b>	Milikapiti Sports & Social Club
<b>Licence Number:</b>	80803649
<b>Proceeding:</b>	Complaint pursuant to Section 48(2) of the <i>Liquor Act</i> arising out of the conduct of the business at the licensed premises
<b>Complainant:</b>	First Class Constable Daniel Breed
<b>Heard Before:</b>	Mr Peter Allen Mr John Withnall Mrs Shirley McKerrow
<b>Date of Hearing:</b>	11 February & 25 March 2002
<b>Date of Decision:</b>	26 March 2002
<b>Appearances:</b>	Mr Lex Silvester for the Licensee, with Mr David Alderman Mr Peter Wilson assisting the Commission

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On the agreed facts and the licensee's submissions the Commission finds contraventions by the licensee of:

(1) Those *Special Conditions* of the licence respectively headed

- *Improper behaviour*;
- *Security*; and
- *Beer Sales*

And a contravention of that condition also headed *Beer Sales* which is within the heading *Trading Hours*; and

(2) Section 121 of the *Liquor Act* (failure to remove numerous intoxicated persons, and failure to exclude or remove quarrelsome persons and disorderly persons).

The failures of compliance in respect of the licence conditions also constitute a contravention of Section 105 of the Act.

The Commission is satisfied that the foregoing contraventions or failures of compliance when considered in the light of previous breaches of the Act and licence conditions are of sufficient gravity to justify the suspension of the licence.

Pursuant to section 66(1)(b) of the *Liquor Act*, Licence No. 80803649 will be suspended for two (2) calendar months. The second half of that suspension will itself be suspended.

The first month's suspension will be effective immediately.

Notification of a date on which the second month's suspension is to take effect will not be given unless and until any further complaint may be upheld in relation to the licensed premises which involves a further contravention of a licence condition or provision of the Act, and which is made or laid within twelve months from 26 March 2002.

What this means is that if no such new complaints arise during the ensuing year and are upheld in relation to the licensed premises, either by the Commission or by any Court, then this matter will then be at an end, without anything further. If however any new complaints arising within the twelve month period should be upheld against the licensee or nominee as constituting a breach of the Act or of any licence condition, then in addition to whatever penalty may be imposed in relation to the further complaint, the Commission may also notify the second month's suspension, or any part thereof, to be served in relation to this present matter.

Upon resumption of trading at the premises the licensed hours shall be between 1630 and 1900 hours, Monday to Friday and between 1600 and 1900 hours on Saturdays. These trading hours represent an additional thirty (30) minutes trading per day.

The sale of liquor for consumption away from the premises, commonly referred to as "take-aways", is strictly limited to Tuesday, Thursday and Saturday and on these days shall remain limited to persons holding a valid permit.

All existing permits are revoked. Bona-fide residents of the Milikapiti community are at liberty to apply for new permits. The Commission will limit its consideration of applications for permits to those applications that have been subject to the recommendations of a "permit committee". Membership of the committee may be determined from time to time by the Commission and shall in the first instance consist of a single named representative from the community government organisation, the Police, the licensee and health and education authorities active in the community. Permits approved upon the recommendations of the permit committee shall be valid to 30 June 2003 unless otherwise revoked by the Commission on its own motion or upon application by the permit committee, the permit holder, the Police or the Director of Licensing.

The premises shall not open following the period of suspension until the Commission is satisfied upon the receipt of a report from the Director of Licensing that the licensee is able to comply with the special conditions of the licence pertaining to security and crowd controllers. The Commission will, and the Director is requested to, give all reasonable effort to assisting the licensee to comply with these special conditions.

The licensee is directed to prohibit security personnel from consuming liquor whilst on duty and is specifically prohibited from paying such personnel for their services by way of credit at the club or the supply of liquor.

The licensee is at liberty to ban persons from the premises and when doing so shall immediately and in writing advise the licensees of all other licensed premises on the Tiwi Islands in order that persons banned from the Club are unable to enter other premises. The Club shall maintain a register of banned persons and shall have the register available for inspection upon demand by a Licensing Inspector or a Police Officer. The Commission will make appropriate variations to the licences of:

- Nguiu Club
- Pirlangimpi Community Club
- Wurankuwu Aboriginal Corporation.

As a consequence the Milikapiti Club shall not admit persons notified as banned by other Clubs on the Islands.

The closure of the Club for funeral, cultural events and other special occasions is a matter for the Club Committee to determine.

The Director of Licensing is requested to report upon the conduct of the business at the premises and any relevant matters pertaining thereto including the issue of permits and the operations of the permit committee. Such report to be available to the Commission by 30 June 2002.

Peter R Allen  
Chairman

26 March 2002