

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Discovery
Licensee:	Rediscover Pty Ltd
Licence Number:	80316240
Complaints:	Complaint Pursuant to Section 48(2) of the <i>Liquor Act</i> lodged by the Northern Territory Police
Heard Before:	Mr Richard O'Sullivan (Chairman) Mr John Brears Mrs Veronica McClintic
Date of Hearing:	30 July 2007 and 24 August 2007
Appearances:	Ms Alison Worsnop for Northern Territory Police Mr Peter Boyle for Director of Licensing Mr Russel Temple for Licensee Mr Mark Johnson for Northern Territory Police (24 August 2007)

- 1) Complaints were lodged by Police as follows:
 - a) Breach of Condition 1 of the Liquor Licence of the licensed premises – “Failure to Comply”;
 - b) Breach of Section 102 of the *Liquor Act* – “Liquor not to be sold to intoxicated persons”;
 - c) Breach of Section 105 of the *Liquor Act* – “Permitting riotous conduct on or at licensed premises”; and
 - d) Inadequate Camera Surveillance Systems operating at the licensed premises.
- 2) Ms Alison Worsnop, Counsel on behalf of Northern Territory Police advised at the Directions Hearing of 30 July 2007 that the complaints (4) would be withdrawn if Rediscover Pty Ltd met a number of conditions largely relating to meeting camera surveillance system requirements.
- 3) Mr Temple advised the hearing that Rediscover Pty Ltd would initiate voluntary measures relating to 3.00am patron lockout, ie no new patrons to enter the premises after 3.00am.
- 4) The Commission determined that the Directions Hearing be adjourned to a future date of 23 August 2007.
- 5) Correspondence of 15 August 2007 tendered to the resumed Directions Hearing by Mr Russell Temple, on behalf of Rediscover Pty Ltd made application for Discovery for its licence to be permanently varied. The variation would prohibit admission to Discovery from 3.00am on all trading nights.
- 6) Northern Territory Police are of the view that a lockout at 3.00am will empower them to move people on who may be loitering outside the licensed premises at these early hours. Mr Johnson advised Police would withdraw their complaints if the varied licence conditions were to apply and noting that the Director of Licensing was pursuing complaint action in relation to camera surveillance requirements.
- 7) It was tendered by the Director of Licensing (Exhibit 3) and agreed to by Mr Temple that the lockout condition exclude the provision for pass-outs to read:

“The Licensee shall enforce a ‘lockout’ of patrons from both Discovery and the Lost Arc from 03:00 hours on any night the premises operates past 03:00 hours. The lockout means that no new patrons are allowed to enter the premises after 03:00 hours and those persons who leave the premises after 03:00 hours shall not be allowed to re-enter the premises”.

- 8) Further that Condition 8 be amended to exclude pass-outs after 3.00am:

“The Licensee may issue ‘pass-outs’ valid for a period of twenty (20) minutes. The Licensee has discretion to extend this period where he is of the opinion that extraordinary circumstances apply. Records pertaining to the exercise of the Licensee’s discretion shall be maintained and be available for inspection. Any pass-outs issued shall not be valid after 03:00 hours on any night the premises trades past 03:00 hours”.

Decision

- 9) The Commission concurred with parties over the inclusion of new licence conditions for Discovery and the Lost Arc as per Paragraphs 7 and 8 as agreed to or supported by all parties at the hearing.

Richard O’Sullivan
Chairman

3 September 2007