

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Alice Springs Golf Club
Licensee:	Alice Springs Golf Club Inc
Licence Number:	81402352
Nominee:	Nr Nathan McGregor
Proceeding:	Complaint Pursuant to Section 48(2) of the <i>Liquor Act</i>
Heard Before:	Ms Brenda Monaghan (Presiding) Mrs Jane Large Ms Helen Kilgariff
Date of Hearing:	24 August 2006
Date of Decision:	25 August 2006
Appearances:	Senior Inspector Wayne Sanderson Mr Nathan McGregor, Nominee Mr Kyle Pearson, Bar Manager

1. In May 2006 a complaint was lodged with the Director of Licensing alleging that on 15 April 2006 the Alice Springs Golf Club (the Club) served takeaway alcohol to a non-member in breach of their licence conditions and Section 110 of the *Liquor Act*. It was further alleged that the Club sold this takeaway alcohol outside licensed hours.
2. The basic facts were that on the night in question a Licensing Inspector witnessed three (3) females leaving the Club with a brown paper bag which contained four (4) bottles of wine. The purchaser admitted that she had bought the wine from the Club after 21:00 hours. She also admitted that she was not a Club member and that she had not been asked or questioned by Club staff as regards her membership status.
3. It appears from other evidence that a bar staff member had erroneously advised this purchaser that she could be supplied with takeaway alcohol after 21:00 hours. As a result, the sale actually took place around 21:10 hours with another bar staff member acknowledging that this was in breach of the licence conditions but allowing the sale to continue because of the earlier misinformation provided.
4. At the hearing on 24 August 2006 the Club was represented by Mr Nathan McGregor, the Club Manager and Nominee and Mr Kyle Pearson, Bar Manager. The breaches were admitted.
5. Neither Mr Pearson nor Mr McGregor were at the Golf Club on the night in question and they took no issue with the summary of facts submitted by the Director of Licensing. In fact, Mr McGregor only took over Club Management on 29 May 2006.
6. It appears that the two bar staff involved in the breaches are no longer employed by the Club.
7. In mitigation, Mr McGregor gave details of the steps Club Management has taken since the breaches to increase staff awareness of licence conditions and to prevent further breaches. These steps include:

- A requirement that all staff employed by the Club must attend a Responsible Service of Alcohol Course;
 - The erection of signage warning that takeaway is only to be sold to financial members;
 - Staff training to ensure that all staff are aware of licence conditions and in particular trading hours and service of takeaway to financial members only.
 - Preparation of an Operations Manual for staff reference.
8. As regards penalty, Mr McGregor asked that the Commission take into account the financial impact of a suspension on the Club's limited resources.
 9. Mr Sanderson on behalf of the Director of Licensing made submissions on penalty. He referred to the earlier published decision of Casuarina All Sports Club dated 25 August 2005 and submitted that the appropriate penalty in the matter before the Commission would be three (3) days suspension with two (2) day suspended.
 10. When considering penalty the Commission acknowledges that this is the first appearance of the Club before the Commission on a complaint. The Commission also takes into account the full admission of the breaches and the positive steps the Club has taken to prevent a reoccurrence.
 11. The circumstances of the Casuarina All Sports Club decision differed from those before the Commission at this hearing. In the earlier decision there were two breaches of licence conditions (sale of takeaway to a non-member) three (3) days apart. Between the first and second incidents Casuarina All Sports Club was spoken to by Licensing Inspectors advising of the first breach. Despite this, the second breach occurred.
 12. In the current matter before the Commission the two (2) breaches arose out of one incident involving a single staff member.
 13. Taking all the above into account the Commission consider that a penalty should be imposed of two (2) days suspension of the takeaway component of the Club's liquor licence. The first day of the suspension shall be served on Saturday 9 September 2006.
 14. The second day of suspension will be suspended for twelve (12) months from the date of this decision. If there are no further proven breaches of a similar or more serious nature within the twelve (12) month period, then the suspended suspension will lapse.
 15. The Commission recommends that the Club Management takes the following steps:
 - Provide the details of this decision to all members to advise them of the consequence of licence breaches and the fact that further breaches will be dealt with more severely by the Commission;
 - Ensure the Club members are fully aware of relevant licence conditions so that they refrain from placing undue pressure on staff to grant favours and support the Management in protecting the liquor licence in the future.

Brenda Monaghan
Presiding Member

25 August 2006