

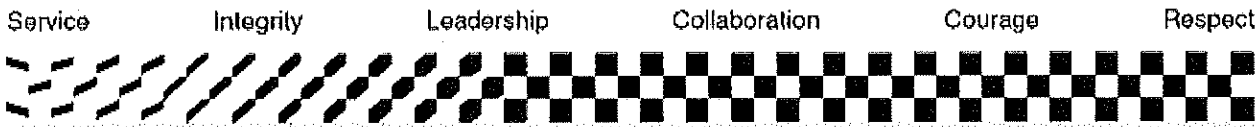
From: Hutchins, Greg (SAPOL)
Sent: Wednesday, 13 July 2022 8:51 AM
To: Nairn, Matthew (SAPOL)
Subject: FW: Application - Service in cans - Adelaide Oval SMA Limited [ME-ME.FID6836089]
Attachments: Submissions and Response to SAPOL (120722).pdf

When you have a minute give us a buzz

Chief Inspector Greg Hutchins APM
Officer in Charge
Licensing Enforcement Branch
Roma Mitchell House
L1, 136 North Terrace
ADELAIDE SA 5000
T 08 218 2601
[REDACTED]
E greg.hutchins@police.sa.gov.au
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SOUTH AUSTRALIA POLICE
SAFER COMMUNITIES



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From: [REDACTED] <[REDACTED]@minterellison.com>
Sent: Wednesday, 13 July 2022 8:09 AM
To: Johns, Ben (AGD) <Ben.Johns2@sa.gov.au>
Cc: Hutchins, Greg (SAPOL) <Greg.Hutchins@police.sa.gov.au>; Thomas, Zoe (AGD) <Zoe.Thomas@sa.gov.au>; AGD:CBS Liquor and Gaming <LiquorAndGaming@sa.gov.au>; Osterstock, Mark (SAPOL) <Mark.Osterstock@police.sa.gov.au>; Nairn, Matthew (SAPOL) <Matthew.Nairn@police.sa.gov.au>; Aiossa, Antonella (AGD) <Antonella.Aiossa@sa.gov.au>; [REDACTED] <[REDACTED]@adelaideoval.com.au>
Subject: [EXTERNAL] Application - Service in cans - Adelaide Oval SMA Limited [ME-ME.FID6836089]

Dear Mr Johns

This application is listed for hearing before the Commissioner on Tuesday, 26 July 2022 at 2:30pm.

Please see attached further submissions on behalf of the applicant, Adelaide Oval SMA Limited.

At the directions hearing on 27 June 2022, SAPOL was ordered to provide any further submissions by 13 July and the applicant was ordered to provide any response by 20 July. We understand each party has now complied with that order.

We therefore respectfully enquire whether the Commissioner would have any availability to hear this matter earlier, potentially in the week commencing, Monday 18 July 2022?

I understand that representatives of the applicant and SAPOL have liaised in that regard, and SAPOL would not object to facilitating this request (Mr Greg Hutchins is copied to this email).

Should you have any queries, please do not hesitate to contact me.

Kind regards

6(1)

Partner

T +61 8 8233 5652 6(1)

6(1) @minterellison.com

MinterEllison 25 Grenfell Street Adelaide SA 5000
minterellison.com Follow us on **LinkedIn** and **Twitter**



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MinterEllison

12 July 2022

By Email: Liquor and Gaming Commissioner
liquorandgaming@sa.gov.au

Liquor and Gaming Commissioner
Consumer and Business Services
95 Grenfell Street
ADELAIDE SA 5000

Dear Commissioner

Adelaide Oval – Response to Intervention and Submissions

1. Adelaide Oval SMA Limited (**AOSMA**) has applied for a variation of a condition to Liquor Licence 57102633 (**Licence**), in accordance with section 70 of the *Liquor Licensing Act 1997*, to facilitate service of alcohol in cans (with a 6 month trial period) (**Application**).
2. It is important to note that no submission has been received from either the public or Adelaide City Council in respect to the Application. In addition, Adelaide City Council has confirmed by email dated 21 June 2022 (copy **enclosed**) that AOSMA will not require any development approval or variation to an existing approval, and may proceed without the need for any further consent/approval from Council.
3. A Notice of Intervention dated 16 June 2022 has been lodged by South Australian Police, and SAPOL has provided a letter from the Police Association of South Australia dated 6 July 2022 (**Notice**).
4. SAPOL have intervened on the basis of being concerned about public interest, arising from a threat to public safety that would exist in the event of a public disturbance occurring at Adelaide Oval that results in cans being thrown in public areas and the playing arena.
5. AOSMA acknowledges the importance of maintaining public safety at all times, and the implementation of appropriate measures where necessary to protect against threats to public safety. We respond to the matters contained in the Notice and provide additional submissions as follows.

Historic and isolated incidents

6. The Notice refers to two examples where behavioural concerns have occurred in Australia, one being an incident at the Sydney Cricket Ground in 1971 and the other an incident at Lang Park (now Suncorp Stadium) in Brisbane, in 1989.
7. These are historical incidents occurring 51 and 33 years ago. It is respectfully difficult to see the relevance of these isolated incidents, other than that concerns with respect to safety have historically existed due to isolated incidents. No further information or context has been provided regarding the control measures employed in relation to those incidents at the time (which we suggest are likely to be nothing similar to today's standards).

8. In the 1970's and 1980's, the alcohol/venue management plans, framework and arrangements were significantly different to present day Adelaide Oval. AOSMA is confident that its current safety, service and monitoring arrangements are sufficient to effectively manage any concerns or risks that may arise. This is discussed further below.

Appropriate measures

9. AOSMA is of the view that aluminium cans present no greater risk of use as a projectile than that currently existing from water bottles, soft drink bottles, and plastic cups. In fact, plastic cups can present a more likely used projectile given the spray effect from throwing a cup. This view is reinforced by the successful trials of service in cans at other major sporting grounds in Australia (discussed further below).
10. AOSMA already serves alcohol in cans in its corporate, dining, reception and function areas, including open corporate boxes which are located in 4 locations within the members and general admission areas. AOSMA has not experienced any incidents of concern.
11. Adelaide Oval generally enjoys very good crowd behaviour for a venue of this capacity and event type. However, to prevent and manage behavioural incidents, AOSMA currently maintains a significant presence of security personnel, in conjunction with real time CCTV monitoring, attendance of SAPOL on gamedays, as well as usual responsible service of alcohol procedures.
12. AOSMA and SAPOL already work together to ensure that incidents are minimised, and when they do occur, are managed appropriately. As has always been the case, in the event any issues of crowd safety or behaviour arise, AOSMA takes immediate and proactive steps to ensure they are effectively managed. On this basis, AOSMA is confident that its current security arrangements and approach to responsible service of alcohol are sufficient to manage any concerns that may arise from implementation of this application.
13. However, AOSMA are proposing an initial 6 month trial period in order to address any issues that may arise before the variation becomes permanent. This will ensure that the service in cans can be monitored to ensure it is undertaken in a responsible manner, and any incidents arising are addressed quickly by AOSMA, SAPOL and the Commissioner.
14. Within the initial six-month trial period, AOSMA (and SAPOL) will continue to monitor all behavioural and safety risks and incidents, particularly any associated with the service of alcohol in cans. AOSMA will consult with CBS and SAPOL, who are welcome to raise concerns with AOSMA at any time during the trial. If raised, AOSMA commits to addressing those concerns in co-operation with SAPOL proactively and in a timely manner.
15. We emphasise that AOSMA never intends to place its liquor licence at risk, and will not jeopardise its regulatory compliance record. The security arrangements, and responsible service of alcohol framework, ensure that Adelaide Oval is a suitable and controlled environment for service in cans.
16. We reiterate the below benefits arising from service in cans (which may not have been fully addressed by SAPOL in their intervention and which clearly demonstrates there are in fact benefits from service of alcohol in cans both with respect to responsible service and crowd management):
 - a. The service of alcohol in cans provides an improved ability to ensure responsible service and consumption of alcohol. Cans have a smaller volume than the current plastic cups, resulting in a reduced quantity of alcohol supplied (and consumed) upon each purchase.
 - b. The smaller volume of liquid provided will also lead those patrons who are wanting to consume a large quantity of alcohol to more frequent attendance at service points, which provides a greater opportunity for AOSMA staff and security to identify and manage patrons who present a potential concern.
 - c. In addition, cans have a reduced ability for quick consumption given their narrower outlet.

- d. The use of cans also allows for a greater all-round patron experience. Cans have less risk of spillage and are easier to transport to and from service points to seated areas. It also allows stadium management to explore further commercial opportunities with service providers who produce in cans only.

Victoria Police and sale in cans at other events

17. The Notice includes a response from Victoria Police in relation to concerns raised about the re-introduction of aluminium cans at Victorian sporting venues.
18. We understand that the service of alcohol in cans at both the MCG and Marvel Stadium has been well received and whilst incidents relating to alcohol have still occurred, these are not attributable to service in cans. One incident is referred to in the Victoria Police comments that has apparently been raised after the event, and with no context. It is entirely unclear whether this isolated incident would have occurred regardless of whether alcohol was served in cans or otherwise.
19. Again, concerns raised by Victoria Police are due to historic incidents and without any regard to current safety and management standards.
20. AOSMA's Security Manager recently attended a stadiums security forum. The sale and distribution of cans was discussed. Adelaide Oval is currently the only major stadium in Australia that has not been granted approval for the use of cans (other than corporate areas). Consensus received from all stadiums since the introduction of cans was that there have been no crowd behaviour issues arising from service in cans.
21. We also note our understanding that other major sporting and cultural events in South Australia facilitate service of alcohol in cans, which events are of longer duration and with substantially greater capacity than those conducted at Adelaide Oval. The potential use of cans as projectiles at those events appear to have been well managed.

Alternatives and Government Support

22. The Notice proposes alternative drink containers, being biodegradable plastic cups, and 'Draft Top' cans. Whilst AOSMA appreciates the suggestions, unfortunately neither is an appropriate alternative at this time.
23. Enquiries have been made of AOSMA's contracted supplier who has advised that 'Draft Top' cans are not facilitated, and will not be in the foreseeable future. We also note that AOSMA is considering the potential for future sale of non-alcoholic (carbonated) soft drinks in cans.
24. In paragraphs [24] and [25] of our initial submission, we noted that the variation proposal enjoys State Government support.
25. AOSMA has recently received a letter from the Hon Susan Close MP, Deputy Premier and Minister for Climate, Environment and Water, on 6 June 2022. Please see that letter **enclosed**.
26. Minister Close is supportive of the variation proposal and its environmental benefits.

Approach to Assessment

27. Examples of prior incidents that have been raised are historic, isolated, with no context of management practices in place at the time, and without regard to current alcohol management standards. Service in cans in public areas has been successfully trialled at other major sporting grounds in Australia, and already occurs in corporate, dining, reception and functions areas (including open boxes) at Adelaide Oval. No concern has been raised by any member of the public or Council in respect to the Application.

28. AOSMA is of the view that service of alcohol in cans presents no higher threat to safety than current practices. However, AOSMA is also willing to commit to the following to ensure the Commissioner can be comfortable that appropriate measures will be in place to protect against any increased threat to public safety arising from this Application:

- a. AOSMA is comfortable that its extensive current alcohol management practices (including presence of security, SAPOL, CCTV monitoring, and responsible service procedures) will ensure that service of alcohol in cans can be effectively managed.
- b. AOSMA is willing to commit to a 6 month trial period.
- c. AOSMA will consult with the Commissioner and SAPOL, who are welcome to raise concerns with AOSMA at any time during the trial. If raised, AOSMA commits to addressing those concerns in co-operation with SAPOL and the Commissioner proactively and in a timely manner.
- d. The trial can of course be reviewed at any time by the Commissioner should he be of the view that is necessary.
- e. AOSMA is comfortable that there are significant benefits to be gained from service of alcohol in cans, including with respect to responsible service and management of crowd behaviour.

Please contact the writer should you have any queries or wish to discuss.

Yours faithfully
MinterEllison

⁶⁽¹⁾

Partner

Contact: ⁶⁽¹⁾ T: +61 8233 5652
⁶⁽¹⁾ @minterellison.com
OUR REF: 1397988

Copy: sapol.licensingprosecution@police.sa.gov.au

From: [REDACTED]
Sent: Tuesday 21 June 2022 11:27:05 AM
To: [REDACTED]
Cc:
Subject: RE: Application for Variation of Conditions (Upgrade) - Adelaide Oval - axaio [ME-ME.FID6836089]

Hi [REDACTED]

I can confirm that the proposed liquor license variation will not require any development approval or variation to an existing approval. You may proceed without the need for any further consent/approval from Council.

Kind regards,
Kosta

[REDACTED]
Para Planner - Development Assessment
Development Assessment
4th Floor 25 Pirie Street
Adelaide, South Australia, 5000
TEL: +61882037357
F. +61882037575
E. [REDACTED]@cityofadelaide.com.au

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Adelaide



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From: ⁶⁽¹⁾ [REDACTED]@minterellison.com>
Sent: Monday, 20 June 2022 5:39 PM
To: Duty Planner <D.Planner@cityofadelaide.com.au>
Cc: ⁶⁽¹⁾ [REDACTED]@minterellison.com>
Subject: RE: Application for Variation of Conditions (Upgrade) - Adelaide Oval - axalo [ME-ME.FID6836089]

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Dear Sir/Madam

We refer to the below email from Liquor and Gaming, Consumer and Business Services (CBS), on 26 May 2022, regarding a proposed liquor licence variation.

As indicated in the Notice of Application prepared by CBS, Adelaide Oval SMA Limited, as licensee of liquor licence number 57102633, is seeking to vary the current licence condition, being as follows:

Liquor shall only be sold or supplied in plastic cups, except in corporate facilities, dining rooms, or at functions and receptions

to be revised as follows:

Liquor shall only be sold or supplied in plastic cups or aluminium cans, except in corporate facilities, dining rooms, or at functions and receptions

CBS requires Council's confirmation that the proposed licence variation does not require any development approval or variation to a current development approval.

We are of the view that no further approval or variation is required.

Could you please confirm by return email that Council agrees with this position. We will then provide Council's response to CBS.

Kind regards,

⁶⁽¹⁾ [REDACTED]

Lawyer

T +61 8 8233 5573

⁶⁽¹⁾ [REDACTED]@minterellison.com

MinterEllison 25 Grenfell Street Adelaide SA 5000
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From: AGD:CBS Liquor and Gaming <LiquorAndGaming@sa.gov.au>
Sent: Thursday 26 May 2022 09:36 AM
To: ⁶⁽¹⁾ [REDACTED]@minterellison.com>
Cc: 'planning@cityofadelaide.com.au' <planning@cityofadelaide.com.au>
Subject: Application for Variation of Conditions (Upgrade) - Adelaide Oval - axaio

OFFICIAL

Good Morning ⁶⁽¹⁾ [REDACTED] & City of Adelaide Council,

Application Number: 215930

This application is listed for determination on **Monday 27 June 2022**.

Please carefully read and fulfil Part 1 and Part 2 of this email

Part 1: Confirmation of council planning and development approvals required

In order to grant your application, the licensing authority must be satisfied that all relevant planning and development approvals under the Planning, Development and Infrastructure Act 2016 have been obtained. Your application cannot proceed until we receive this confirmation from **City of Adelaide** Council.

• City of Adelaide Council Directions:

- To confirm if the proposed licence variation is covered by current Adelaide Oval planning and development approvals, or whether any variation to the current DA would be required.

Part 2: Posting your notice of application for the public

On or before **27 May 2022** you must ensure that:

As set out in the *Liquor Licensing Act 1997* and *Regulations*:

1. A Notice of Application in A3 size must be prominently posted on the
 - premises to which the application relates, or;
 - if the premises has not been constructed, on the land on which it is proposed to construct the premises

The Notice of Application is to be clearly visible to, and legible by, persons passing the premises or land.

The advertising schedule has been prepared by Consumer and Business Services as a service to you. It is your responsibility as the applicant to ensure that the content of the advertisement(s) accurately reflect your application.

You are further advised that at least 7 days prior to the listed determination date, you must lodge with this office the following documents:

- Proof of advertising and notification in accordance with the *Liquor Licensing Act 1997* and Regulations:
 - Notice in writing of the date the Notice of Application was displayed
 - Photograph/s showing the displayed Notice of Application. Photograph/s are to be taken from a distance to clearly show the location of the displayed Notice of Application on the premises in relation to the nearest public access point to view the displayed notice (i.e. road or footpath). Photograph/s are to be sharply focused, not blurred or unclear.

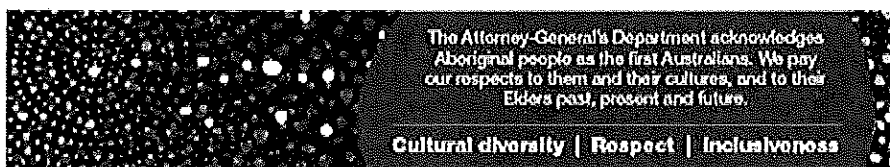
- Any other documents requested by the Liquor and Gambling Commissioner

Please note if these documents are not provided to this office seven days prior to the listed determination date the application will be adjourned.

If your application is routine, it is likely a decision will be made on the determination date and you should be notified within ten business days. More complex applications may take longer to determine. You can check the status of most applications online through [LGO](#) or by emailing liquorandgaming@sa.gov.au.

For any queries relating to this application please contact me on 131 882.

Kind Regards
Antonella | Senior Operations Officer
Liquor & Gambling
Consumer and Business Services
95 Grenfell Street, Adelaide
Phone: 131 882 - menu option 5 | Website: www.cbs.sa.gov.au



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Government
of South Australia

Reference Number: CEW22/00378

BY:

The Hon Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water
Minister for Industry, Innovation and Science
Minister for Defence and Space Industries
Level 13, State Administration Centre
200 Victoria Square, Adelaide SA 5000
Tel (08) 8226 8520
Email: OfficeoftheDeputyPremier@sa.gov.au

⁶⁽¹⁾ [REDACTED]
Chief Executive Officer
Stadium Management Authority
PO Box 900
NORTH ADELAIDE SA 5001

By email:

Dear ⁶⁽¹⁾ [REDACTED]

I write to you regarding the use of plastic cups at Adelaide Oval.

Over the weekend I was pleased to learn the Melbourne Cricket Ground is currently undertaking a trial of serving alcoholic beverages to customers in cans, rather than in plastic cups, in a move to reduce the venue's environmental footprint.

I know Adelaide Oval has been looking at ways to reduce the waste produced on match days and was glad to read the Stadium Management Authority will closely monitor the trial and consider implementing a similar program.

South Australia has always been a national leader in recycling and waste management, which is why I would be very supportive of such a trial being undertaken at our state's iconic sporting stadium.

I understand that Adelaide Oval's beer supplier, Lion, is also supportive of the move and I strongly believe that patrons would be equally as eager to enjoy their beverages straight from the can, and see the venue make an environmentally conscious switch.

Thank you for your consideration of this matter and I would greatly appreciate any updates on Adelaide Oval's plans to reduce waste.

Yours sincerely

A handwritten signature in black ink, appearing to read "Susan Close".

Hon Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water

12/15/2022

