

**Fellows, Linda (SAPOL)**

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**From:** Fellows, Linda (SAPOL)  
**Sent:** Tuesday, 21 June 2022 11:45 AM  
**To:** SAPOL:Staff Officers  
**Subject:** Adelaide Oval - Liquor Licence variation.  
**Attachments:** CBP - Adelaide Oval Stadium Management Authority - Variation of Conditions.docx

For info of DCOP/COP.

As mentioned at ELT yesterday.

We remain opposed on public safety grounds however will push for a 12 month review period (to allow for crickets season) with conditions if the Commission is minded to allow it.

## COMMISSIONER'S BRIEFING PAPER

**SUBJECT:** Adelaide Oval Stadium Management Authority - Variation to Liquor Licensing Conditions.

### BACKGROUND:

The Adelaide Oval Stadium Management Authority Limited (AOSMA), has applied to the Liquor and Gambling Commissioner to vary an existing liquor licensing condition to allow for the use of aluminium cans.

This CBP provides details of the current application and reasons for and against the use of aluminium cans.

### RELEVANT POINTS:

#### Previous Application

- In 2020, the applicant made a similar application, the effect of which was to seek the re-introduction of aluminium cans. The application was opposed by SAPOL and the Adelaide City Council (ACC). The ACC were of the view it was not in community interest and will present a risk to public health and safety.
- The Licensing Authority accepted that there may be an increased risk to public safety if liquor is served in cans or glassware at large sporting events. The application was not granted as the applicant had not put in place any measures to mitigate that risk.
- A common theme in respect to remarks of the Licensing Court is that it clearly and unequivocally, places amongst other things, the issue of public safety and the potential for public safety to be compromised as a primary consideration.

#### Current Application

- On 22 May 2022, Minter Ellison acting for AOSMA, as licensee of On Premises licence 57102633 (Liquor Licence) for Adelaide Oval made an application to the Liquor and Gambling Commissioner requesting a variation to an existing licence condition.

- The AOSMA applied to vary the Existing Condition from:

*Liquor shall only be sold or supplied in plastic cups, except in corporate facilities, dining rooms, or at functions and receptions. (**Existing Condition**).*

to

*Liquor shall only be sold or supplied in plastic cups or aluminium cans, except in corporate facilities, dining rooms, or at functions and receptions. (**Proposed Condition**)*

- The basis of AOSMA's application is:
  - Review conducted after six months of operation
  - Environmental benefit
  - Consistent with the South Australia Government policy of phasing out single-use plastics

- Reduced service of alcohol by volume
  - More frequent attendance at service points allowing for staff and security to monitor
  - Reduced ability for quick consumption given their narrower outlet
  - Aluminium cans present not greater risk than water bottles, soft drink bottles and plastic cups
  - Security will closely monitor patron behaviour
  - There are numerous venues in both South Australia and interstate that already allow service of cans, including Superloop Adelaide 500, Royal Adelaide Show, Fringe events, SANFL and various music festivals and no precedent risk created
- Following discussions with the OC Eastern District, on 16 June 2022, LEB Prosecution lodged a formal Notice of Intervention with the Liquor and Gambling Commissioner opposing the application for variation. The basis of the Notice of Intervention is:
    - Cans can be used as a missile
    - Alternatives exist:
      - Environmentally friendly biodegradable plastic cups
      - Cans where the entire lid is removed reducing it to an open drink container which greatly reduces the ability to use the can as a projectile
    - If the applicant is granted there is a public safety risk and or an apprehension of danger to public safety
- A Directions Hearing has been set on Monday 27 June at 11am, with the applicant's representative.
  - Once the Liquor and Gambling Commissioner has determined the application, SAPOL, if dissatisfied with the determination, has the legislative authority to seek a review of before the Liquor Licensing Court.
  - Eastern District Superintendent Matt Nairn (Nairn) advised that discussions were held in the past 18 months with the AOSMA regarding the possibility of trialling an open – top aluminium can, which greatly reduced the likelihood of the can being thrown as a projectile. Nairn does not support the use of a normal ring-pull aluminium cans which can be thrown as a weight projectile when full of liquor. Nairn does support the use of open top cans as a trial.
  - It is acknowledged that the Adelaide Oval has vastly improved features when compared to the oval of the 80s and 90s. Particularly, in regard to CCTV, allocate seating, ticketing, knowledge of who is on site, communications and overall administration, management and security arrangements.
  - A similar trial is currently underway at the Melbourne Cricket Ground which involves the sale and supply of cans in restricted areas. VICPOL have significant concerns that aluminium cans can be used as a missile with an increased risk of injury, particularly during summer sports where the discharge of missiles still continue as targeted assaults and unintentional injuries from Mexican waves where items are thrown into the air with reckless abandonment.
  - If the Liquor and Gambling Commissioner supports a trial, any trial period must incorporate the cricket season due to the hot weather and longer hours of patrons drinking.

## **RECOMMENDATIONS:**

- That the contents of this briefing paper are noted.

Contact: Greg Hutchins  
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Ref:  
Date: 21/06/2022

Supported/Not Supported

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Linda Fellows  
Assistant Commissioner  
Operations Support Service  
June2022

Approved/Not Approved

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Grant Stevens  
Commissioner  
June 2022