



**SOUTH AUSTRALIA POLICE**  
KEEPING SA SAFE

Doc 1

**Licensing Enforcement Branch**

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**NOTICE OF INTERVENTION  
BY COMMISSIONER OF POLICE**

Section 28AA of the Liquor Licensing Act 1997 [the Act]

**Applicant:** Adelaide Oval SMA Limited  
**Reference Number:** VCU8401900  
**Application Type:** Variation of Conditions

**WRITTEN SUBMISSIONS**

**To the Liquor and Gaming Commissioner of South Australia:**

In accordance with Section 28AA (1) of the Act, the Commissioner of Police [Police] hereby gives Notice of Intervention in respect to these proceedings before the licensing authority.

Pursuant to the provisions of Section 28AA (2) (b) of the Act, Police are of the firm view that to grant the application would be contrary to the public interest.

**PUBLIC INTEREST – PUBLIC ORDER AND SAFETY**

In terms of 'public interest', Police note the provisions of Section 4 [Interpretation] of the Act:

***public interest***—the public interest includes, but is not limited to, matters relating to—

- (a) public order and safety; and
- (b) public health (whether generally or in respect of particular groups or communities); and
- (c) the welfare of particular groups or communities.

Police are of the opinion, that should the subject condition be removed, there is a real possibility, that the personal safety, and or, an apprehension of danger to the personal safety of the public, would exist in the event of a public disturbance that results in cans and bottles being thrown in the public areas of the Adelaide Oval, and, by extension, onto the playing arena.

***public order and safety*** includes matters of—

- (a) personal safety and apprehension of danger to personal safety; and
- (b) safety of property and apprehension of danger to safety of property; and
- (c) public order unrelated to matters of public safety; and

(d) public safety unrelated to matters of public order.

Police draw to the Commissioner's attention the following examples of where such activity has occurred in Australia, thereby seriously compromising 'public order and safety':

[www.smh.com.au](http://www.smh.com.au) > Sport > Cricket

### The day Snow stopped play in the Sydney Test

Dec 18, 2010 - "Spectators hurled beer cans and bottles at Snow as he called on them to fight him. One man grabbed Snow by the shirt and tried to drag him over the fence. " As "pandemonium broke loose" the England players sat in the centre of the field, before skipper Ray Illingworth sensationally led them off.

[www.qrl.com.au](http://www.qrl.com.au) > news > 2020/05/20 > 14---cans-rain-... ▼

### 14 - Cans rain down on Lang Park - QRL

May 20, 2020 - That certainly showed back in 1989 when the Lang Park faithful rained cans of XXXX onto the field after Wally Lewis was sin-binned.

The 1988 State of Origin series was a high point for the Queenslanders, who rolled their NSW opponents to claim their first 3-0 series sweep. But it also brought the lowest point in the proud concept's history. The second game at Lang Park was disrupted when the Queensland crowd reacted violently to the sin-binning of their star captain Wally Lewis after 68 minutes. Cans of XXXX beer and rubbish were lobbed on the field as a protest by Maroons fans, forcing players to huddle in the middle of the field to escape the barrage.

### OTHER LIKE VENUES

Notwithstanding the obvious risks to 'public order and safety', Police are particularly concerned that the subject application is utterly inconsistent with the liquor licensing conditions imposed on other like venues in Australia, by their respective State authorities.

Examples of other venues in Australia that require liquor to be sold and supplied in plastic cups are as follows [copies of liquor licences attached]:

- Melbourne Cricket Ground, Victoria
- Sydney Cricket Ground and Sydney Football Stadium, New South Wales
- ANZ Stadium, Sydney Olympic Park, New South Wales

### AUSTRALIAN FOOTBALL LEAGUE REQUIREMENTS

Police also note that the application is equally inconsistent with the Australian Football League [AFL] conditions of entry to an AFL venue <https://www.afl.com.au/tickets/conditions-of-entry>, in particular, conditions 1 and 6:

#### NOTICE TO ALL PATRONS

It is a condition of entry to the Venue .....

1. Not to bring into the Venue:
6. "any alcohol, glass, cans, ....., without the prior written consent of the Australian Football League."

Clearly, the AFL has seen fit to impose such conditions on members of the public, as a condition of entry, with, amongst other things, the issue of 'public order and safety' in mind.

### LICENSING COURT OF SOUTH AUSTRALIA

The Commissioner of Police seeks to [including, yet not limited to], rely on the following sentencing remarks from the Licensing Court of South Australia in support of this intervention:

- Ken Maxwell & Sons Pty Ltd (t/as Maxwell Wines) [2019] SALC 44 dated 25 July 2019
- S8585 Pty Ltd (t/as Mr Beef Hotspot Restaurant) [2019] SALC 39 dated 18 June 2019

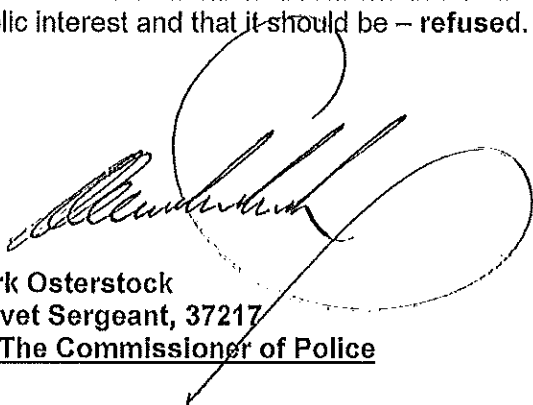
- Feathers Hotel [2019] SALC 33 dated 31 May 2019
- Electric Circus [2018] SALC 121 dated 11 December 2018

A common theme in respect to all these judgements is that the Court, clearly and unequivocally, has amongst other things, had the issue of 'public safety', and the 'potential for public safety to be compromised', a primary consideration in its deliberations.

### CONCLUSION

As has been previously stated, Police are of the opinion, that should the subject condition be removed, there is a real possibility, that the personal safety, and or, an apprehension of danger to the personal safety of the public, would exist in the event of a public disturbance that results in cans and bottles being thrown in the public areas, and, by extension, onto the playing arena.

It is for the aforementioned reasons that Police submit that to grant the application would be contrary to the public interest and that it should be – **refused**.

A large, stylized handwritten signature in black ink, appearing to read 'Mark Osterstock', is written over the typed name and title.

Mark Osterstock  
Brevet Sergeant, 37217  
for The Commissioner of Police

23 July 2020

# **Form 1 – NOTICE OF APPLICATION UNDER LIQUOR LICENSING ACT 1997**

Adelaide Oval SMA Limited has applied to the licensing authority for:

variation to conditions [On Premises]

in respect of premises situated at War Memorial Drive, North Adelaide SA 5006 and known as Adelaide Oval.

The licensee seeks to remove the following condition from the licence:

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

The application has been set down for determination or hearing on 5<sup>th</sup> August 2020.

Any person may make a submission in respect of the application by lodging a notice in the form approved by the Commissioner at least 7 days before the 5<sup>th</sup> August 2020 with:

Liquor and Gambling Commissioner

91 Grenfell Street, Adelaide SA 5000 ([www.cbs.sa.gov.au](http://www.cbs.sa.gov.au)).

A copy of the submission must be served by the person making the submission on the applicant at least 7 days before the date appointed for the hearing or determination of the application at: [matt.omond@adelaideoval.com.au](mailto:matt.omond@adelaideoval.com.au)

If you wish to be provided with a copy of the application summary and certain documents relevant to the application (if applicable) you can request this by emailing [liquorandgaming@sa.gov.au](mailto:liquorandgaming@sa.gov.au) or visit the principal office of the Liquor and Gambling Commissioner, 95 Grenfell Street, Adelaide until 5<sup>th</sup> August 2020.

## On-Premises Licence

Licence No. 32288531

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2020

Licensee SPOTLESS FACILITY SERVICES PTY LTD (ACN:072 293 880)

Address ATTN RISK  
for service 549 ST KILDA ROAD  
of notices MELBOURNE SOUTH 3004

Licensed MCG  
premises JOLIMONT TERRACE/  
address JOLIMONT 3002

Trading as MELBOURNE CRICKET GROUND

### Additional person(s) endorsed on licence

MATTHEW DAVID FORSYTH - approved as nominee, and is liable as if the licensee, until ceasing to manage and control the licensed premises.

### GENERAL INFORMATION

A liquor licence does not override local laws, planning schemes and conditions on planning permits. It is the licensee's responsibility to ensure they comply with these.

**TYPE OF LICENCE** This licence is an on-premises licence authorising the licensee to supply liquor on those areas of the MCG detailed on the approved plans of the licensed premises for consumption on the licensed premises during the trading hours specified below.

### SPECIAL CONDITIONS

#### 1. PUBLIC AREAS

The following special conditions apply to the public beverage outlets servicing the public areas of the MCG, encompassing the internal concourses, standing bays and seating bowl.

#### LIQUOR TYPE, VOLUME AND MAXIMUM NUMBER OF CONTAINERS PER TRANSACTION

Beer: 4 x 425ml plastic cups per transaction.  
Wine: 4 x 225ml plastic cups per transaction.  
Cider: 2 x 425ml plastic cups per transaction.  
Spirits: 2 x 425ml plastic cups per transaction.

#### SUPPLY/SERVICE OF LIQUOR

Liquor supplied from the public beverage outlets shall not exceed four (4) containers, of which a maximum of two (2) may be pre-mixed spirits or cider, per customer per transaction.

Only low alcohol beer, spirits (at or below 3.5% alcohol by volume) and cider (at or below 5% alcohol by volume) shall be supplied at International one day cricket (50 over) matches and sporting events on 26 December.

#### HOURS OF OPERATION

##### Event Days:

On event days the supply of liquor may commence from the time the gates open but not before 9am, with the exception of a corporate/members function in the public area which may commence no earlier than 7am.

Service of liquor shall cease 15 minutes before the scheduled end of the event other than Grand Final Day which shall be 30 minutes after the end of the event.

No supply of liquor on Good Friday and ANZAC Day prior to 12 noon.

##### Non-Event Days/Functions:

On non-event days and non-event related functions, liquor may be supplied no earlier than 7am (other than Good Friday and ANZAC Day which is 12 noon) and not beyond 1am the following day.

#### 2. PUBLIC BARS

The following special conditions apply to the public bars which have an internal space featuring the provision of food and controlled access/egress. These conditions apply to the Paddock Cafe, Barassi Cafe, Outer Bar, Lock-Up Bar, Cricketers Bar, Olympic Stand Level 2 Atrium, Ponsford Stand Level 2 Atrium and Founders Bar.

**LIQUOR TYPE, VOLUME AND MAXIMUM NUMBER OF CONTAINERS PER TRANSACTION**

All liquor may be served in glass for consumption in the internal space of the designated bar, and shall not exceed the following volumes and maximum containers per transaction:

Beer: 4 x 576ml containers per transaction.  
Wine: 4 x 225ml containers per transaction.  
Cider: 2 x 576ml containers per transaction.  
Spirits: 2 x 425ml containers per transaction.

**SUPPLY/SERVICE OF LIQUOR**

Liquor supplied from the public beverage outlets shall not exceed four (4) containers, of which a maximum of two (2) may be pre-mixed spirits or cider, per customer per transaction.

Only low alcohol beer, spirits (at or below 3.5% alcohol by volume) and cider (at or below 5% alcohol by volume) shall be supplied at international one day cricket (50 over) matches and sporting events on 26 December.

**HOURS OF OPERATION**

Event Days: On event days the supply of liquor may commence from the time the gates open but not before 9am, with the exception of a corporate/members function in the public area which may commence no earlier than 7am.

Service of liquor shall cease 15 minutes before the scheduled end of the event other than Grand Final Day which shall be 30 minutes after the end of the event.

No supply of liquor on Good Friday and ANZAC Day prior to 12 noon.

**Non-Event Days/Functions:**

On non-event days and non-event related functions, liquor may be supplied no earlier than 7am (other than Good Friday and ANZAC Day which is 12 noon) and not beyond 1am the following day.

**3. ALL OTHER AREAS NOT BEING THE PUBLIC AREAS - CORPORATE AND MEMBERS**

The following special conditions apply to all corporate and members dining, function, bar areas and pre-booked functions on the arena.

**SUPPLY/SERVICE OF LIQUOR**

- All beverages may be served in glass for consumption within the designated dining area, function area, or bar area.
- The supply of liquor at the arena is limited to pre-booked functions held only on non-match days.
- The number of patrons attending a pre-booked function at the arena where liquor is supplied must not exceed 1000 patrons.
- The licensee must adhere to the most recent Alcohol Management Plan endorsed by the Victorian Commission for Gambling and Liquor Regulation (the endorsed plan) and advise the Commission in writing of any operational change made to the endorsed plan.

**HOURS OF OPERATION**

The supply of liquor may commence no earlier than 7am (other than Good Friday and ANZAC Day which is 12 noon) and not beyond 1am the following day.

**4. ADDITIONAL CONDITIONS**

- (a) The licensed area and conditions under this licence relate to the Melbourne Cricket Ground (as detailed in the plan).
- (b) Liquor shall only be served in plastic containers for consumption in the public area on an event day.
- (c) The public area may be used for members and corporate functions - subject to the licensee limiting access to only members or corporate patrons with tickets to the corporate event.
- (d) The number of patrons permitted in the Frank Grey Smith room shall not exceed 680 at any one time.

**APPROVALS/CONSENTS** Section 120 Unaccompanied persons under the age of 18 years are permitted to enter and remain on the licensed premises and approved premises at any time.

## On-premises Liquor Licence

**CURRENT**

### **SYDNEY CRICKET AND SPORTS GROUND TRUST STEPHEN ROBERT SAUNDERS**

**No. LIQO600702585**

START: 13/02/1985      »      EXPIRY: N/A

### About

#### ADDRESS

Sydney Cricket Ground & Sydney Football Stadium Driver Ave,  
MOORE PARK, NSW 2021

[View on map](#)

#### CONDITIONS

Exception 180 does not apply to the licensed cafe located at Ground Floor, Rugby Australia Building, Cnr Moore Park Rd and Driver Ave, MOORE PARK NSW 2021. This area of the licensed premises must operate as a restaurant and the sale and supply of liquor must be ancillary to the provision of food.

START: 25/10/2017      »      END: N/A

The manager who has been appointed in relation to the licensed cafe located at Ground Floor, Rugby Australia Building, Cnr Moore Park Rd and Driver Ave, MOORE PARK NSW 2021 is Andrew Fuse. The licensee must notify Liquor & Gaming NSW in writing of any change of manager for this area of the licensed premises.

START: 25/10/2017      »      END: N/A

Consumption on premises Good Friday 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) Christmas Day 12:00 noon back 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)

December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later Note: Trading is also allowed at other times on Good Friday and Christmas Day if authorised by an extended trading authorisation. Liquor can only be served with or ancillary to a meal in a dining area after 5:00 AM on Good Friday and Christmas Day.

START:           »       END:  
28/10/2009           N/A

Trial locations: (outlets) • Bradman stand: L4 – East bar & L1 – Bradman public bar • O'Reilly stand: L3 – Middle bar, L2 – 4 Pines bar & L1 – Tunnel bar • Victor Trumper stand: L3 – Bay 314 & 317 bars & L1 – Bay 12, 15 & 18 bars • Churchill stand: L5 – Church L5 bar, L4 – Church L4 bar & L1 – Bay 28 bar • Brewongle stand: L5 – Brew L5 bar, L4 – Brew L4 bar & L1 – Bay 31 bar • Ladies stand: L2 – Ladies L2 bar & L1 – Ladies L1 bar 1. The following beverages permitted to be in cans during the trial period are: - • RTD's Bundaberg Rum and Cola (mid strength) ABV 3.5%. • Jim Beam and Cola (mid strength) ABV 3.5%. • Canadian Club (mid strength) 3.5%. • Great Northern Super Crisp (mid strength) ABV 3.5%. • Strongbow Cider (mid strength) ABV 3.5%. • Victoria Bitter (full strength) ABV 4.9% 2. All drinks are 375ml wide mouth cans and are 1 standard drink apart from VB which is 1.4 standard drinks. 3. All canned product must be opened before being served to customers ("cracked and served"). 4. Licensed uniformed security is to be position at seating bays to monitor customer behaviour.

START:           »       END:  
2/07/2020           N/A

The licensee must ensure that the sale or supply of liquor in bottles or cans is restricted to the following types of areas during any sporting or entertainment event: (a) private and corporate boxes physically delineated (by railings or glass or other barriers) from areas open to, or used by, the public; and (b) areas used as Members' Reserves, restaurants, Trust and corporate entertainment areas, not physically accessible to the public, and separated (by substantial physical barriers) from areas open to, or used by, the public. (c) The licensee must ensure that: - areas where the sale or supply of liquor in cans or bottles is allowed do not provide unrestricted access to any public grandstand seating area, or public areas; and (d) appropriate measures are in place at all times to prevent the taking of bottles and cans from the areas designated. Where functions, occasions or events are attended by a combination of adults and persons under 18 years of age, the licensee must take all reasonable steps to ensure liquor is not sold or supplied to persons under 18 years of age (either by the serving staff or the patrons attending). This condition is subject to condition 3220 – which is imposed on a trial basis for the period between 1 July-30 September 2020.

START:           »       END:  
2/07/2020           N/A

The premises is to be operated at all times in accordance with the Plan of Management dated 12 November 2019 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer,



council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.

START:       »      END:  
2/07/2020       N/A

The licensee shall ensure there is an appropriate queuing and checking system maintained at each public entrance to the premises to prevent the entry of intoxicated persons and persons in possession of liquor. The queuing and checking system adopted at each public entrance to prevent the entry of persons in possession of liquor shall include reasonable and appropriate detection measures, such as searches of patrons' bags and belongings, where there is a reasonable expectation that the person entering is carrying or is in possession of liquor.

START:       »      END:  
1/07/2008       N/A

If the Trust enters into an agreement relating to the management of any aspect of the sale or supply of liquor on the premises or the engagement or training of staff on behalf of the Trust, the licensee shall ensure that a copy of the licence, including these conditions, is supplied to the relevant positions who are party to the agreement. The licensee shall also ensure that those persons are required to comply with applicable conditions.

START:       »      END:  
1/07/2008       N/A

**PRIVATE BOXES AND CORPORATE HOSPITALITY AREAS:** The licensee shall ensure that a permanent record is maintained which records the details of persons and companies that contract with the Trust for the hiring or use of private areas or corporate boxes. The licensee shall ensure that a copy of the conditions applicable to the licence is supplied to any person or company that contracts with the Trust for the hiring or use of private areas or corporate boxes on the premises. The licensee shall ensure that liquor is served and consumed responsibly in the private areas and corporate boxes. The licensee shall ensure that the conduct of patrons utilising the private areas and corporate boxes of the premises, including their liquor consumption, is appropriately and adequately monitored to ensure that liquor is consumed responsibly and that liquor is not supplied to or consumed by minors. The licensee shall prevent intoxicated patrons being served further liquor by removing the person's access to liquor, or by other reasonable means. The licensee and managers shall seek the assistance of the police if necessary. The licensee shall ensure intoxicated patrons are removed from the premises and that patrons supplying liquor to minors are reported to the police. The licensee shall ensure that the liquor service to the private and corporate areas is not provided outside of the duration of the function, occasion or event and that staff cease the supply of further liquor to any private or corporate area where further supply of liquor would be inconsistent with responsible serving and responsible drinking. The licensee shall implement measures to ensure that the supply of further liquor to any private or corporate area ceases where the licensee or manager reasonably believes that the patrons in those areas have access to sufficient liquor for the remainder of a function, occasion or event. The licensee shall ensure that all persons are removed from the private and corporate areas within ninety (90) minutes of the function,

occasion or event ceasing. The licensee shall implement reasonable and adequate measures to ensure that once the liquor service to the private and corporate areas has ceased, liquor is not removed from the premises by patrons. The licensee shall establish a system for providing credits or refunds in respect of the liquor purchased by persons and companies utilising the private areas or corporate boxes, but not consumed at a function, occasion or event.

START:       »      END:  
1/07/2008       N/A

**SIGNAGE AND DISPLAY OF NOTICES:** The licensee shall ensure the display of appropriate signage at each public entrance to the premises which alerts members of the public to the following: a) they are entering licensed premises; b) intoxicated persons will not be permitted entry; c) persons in possession of liquor will not be permitted entry; d) checking procedures will apply to prevent people entering with liquor; e) intoxicated persons will be removed from the premises; f) it is an offence for minors to purchase and consume liquor; g) it is an offence to purchase liquor for (or supply liquor to) minors; h) persons supplying liquor to minors will be reported to the police; and i) penalties apply under the Liquor Act 2007. The licensee shall ensure, through appropriate signage in the private areas and corporate boxes (or other means) that users of the private areas and corporate boxes are made aware of the responsible serving and responsible drinking requirements and the House Policy adopted on the premises. The licensee shall ensure that the conditions applicable to the Members' Reserve (including any requirements of the Trust) are displayed in prominent positions at entrances to the Members' Reserve area.

START:       »      END:  
1/07/2008       N/A

Sections 22(1) and (2) of the Liquor Act (relating to the primary purpose of the business or activity carried out on the premises) do not apply to the premises to which this licence relates.

START:       »      END:  
1/07/2008       N/A

Liquor may only be sold or supplied for consumption on the premises at functions, occasions and events approved in advance by the Trust, except as otherwise permitted by the conditions which apply to the Members' Reserve (Condition 3110). The licensee shall ensure that liquor is not brought onto or taken away from the premises by the public or members of the Trust. The exceptions to this are reasonable amounts of liquor, appropriately identified and documented by the licensee, as being donated for the purpose of lawful charitable fundraising activities and liquor of a particular type or vintage used solely for promotional or celebratory purposes or provided by sponsors to hirers of the Trust venues for sporting events or specific functions.

START:       »      END:  
5/07/2010       N/A

The licensee must comply with any reasonable direction(s) of the Commander concerning the manner of operation of the licence or the conduct of any proposed

function, occasion or event as may be issued to the licensee in writing by the Commander from time to time. Directions may relate to, but are not restricted to, intoxication and the responsible service of liquor, and standards to be observed on the premises for the purpose of preventing the misuse and abuse of liquor. Where practicable, directions regarding the opening or closing of liquor outlets at events will be made after consultation with the licensee or the licensee's representative.

START:       »      END:  
5/07/2010       N/A

The sale or supply of liquor must only be permitted at a sporting event on the premises (regardless of the size of the event) following written notification, prior to the event, to the Commander as to the nature and time of the event. The notification to the Commander must be made by the licensee at least fourteen (14) days before the event or, where the circumstances warrant it, as soon as practicable before the event. In addition to the notification of sporting events required above, the licensee must notify all functions, occasions and events where the licensee believes on reasonable grounds that one thousand (1,000) or more people are expected to attend the function, occasion or event. The sale or supply of liquor must only be permitted (at the function, occasion or event) following written notification to the Commander at least fourteen (14) days before the function, occasion or event or, where the circumstances warrant it, as soon as practicable before the function, occasion or event. Where the duration of any function, occasion or event on the premises will extend beyond 12:00 AM (midnight) on any day, the sale or supply of liquor must only be permitted (at the function, occasion or event) in accordance with the conditions relating to trading hours and following the same written notifications to the Commander as required above. This condition applies regardless of the size or scale of the function, occasion or event. For the purpose of these conditions, 'outlet' includes any area of the premises used as a private box, corporate box or corporate entertainment area.

START:       »      END:  
5/07/2010       N/A

**REGISTER OF FUNCTIONS, OCCASIONS AND EVENTS:** The licensee must ensure that a record is kept on the premises, in written or electronic form, containing the following information which is to be entered on the record in respect of any function, occasion or event to be held on the premises prior to the conduct of the function, occasion or event: a) the name and contact details of the hirer or contractor seeking the approval of the function, occasion or event; b) details of the function, occasion or event (including the date, the duration and the areas of the premises to be used for the function, occasion or event); c) the location of each liquor outlet on the premises authorised for the sale or supply of liquor at the function, occasion or event; d) proposed opening and closing times of each liquor outlet; and e) any other details required by the Commander to be entered on the record (and as notified in writing to the licensee by the Commander).

START:       »      END:  
5/07/2010       N/A

The licensee must maintain reasonable and appropriate control over, and supervision of, managers to ensure the licence is operated responsibly and in

accordance with the Liquor Act 2007 and the conditions imposed on the licence. Managers must at all times while on duty be identifiable by a distinct uniform or other appropriate means to allow easy identification of managers and distinction from other employees of the Trust. The licensee must take all reasonable steps to ensure that managers and staff are aware of, receive adequate training in, and carry out, their liquor service responsibilities in accordance with the Liquor Act 2007 and the conditions imposed on the licence. Operating Procedures Manual - The licensee shall maintain an Operating Procedures Manual for the purpose of staff training and for ensuring that managers and staff are aware of, and carry out their responsibilities. The Operating Procedures Manual must be issued to all managers and must include material describing the procedures to be adopted on the premises so as to ensure compliance with the Liquor Act 2007 and the conditions imposed on the licence.

START:           »       END:  
5/07/2010           N/A

**TRADING HOURS - FUNCTIONS, OCCASIONS AND EVENTS:** Liquor may be sold or supplied on the premises for the duration of any function, occasion or event approved by the Trust (or delegate) in advance of the function, occasion or event, the relevant details of which have been entered in the record of Functions, Occasions and Events. The licensee and managers, in ensuring that the sale or supply of liquor does not continue beyond the duration of any function, occasion or event, must close the relevant liquor outlet(s) for at least sixty (60) minutes between the end of one (1) function, occasion or event and the commencement of a subsequent function, occasion or event. The licensee and managers must also utilise that time to ensure that all patrons are cleared from the relevant areas. If the local consent authority has imposed requirements on the conduct of operation of functions, occasions or events on the premises that have the effect of limiting the duration of those functions, occasions or events, the sale or supply of liquor is accordingly limited to the requirements of the local consent authority. In respect of a function, occasion or event on the premises that has a duration beyond 12:00 AM (midnight) on any day, liquor must not be sold or supplied on the premises unless the requirements of condition 3030 have been complied with and the licensee has put appropriate and reasonable measures in place to prevent undue disturbance to the quiet and good order of the neighbourhood. Small Functions, Occasions and Events [less than one thousand (1,000) people] Liquor must be sold or supplied in the areas authorised for the function, occasion or event for thirty (30) minutes before the commencement of the principal purpose of the function, occasion or event until thirty (30) minutes after the completion of the principal purpose of the function, occasion or event. Large Scale Functions, Occasions or Events [one thousand (1,000) or more people] Liquor must be sold or supplied in the areas authorised for the function, occasion or event for ninety (90) minutes before the commencement of the principal purpose of the function, occasion or event until sixty (60) minutes after the completion of the principal purpose of the function, occasion or event.

START:           »       END:  
5/07/2010           N/A

The licensee must take all reasonable steps to ensure that liquor is not sold or supplied to minors, or purchased for or consumed by minors on the premises. The

licensee must ensure that, for sporting and similar large events, there are designated alcohol-free areas on the premises so that patrons and, in particular, families with children have, where practicable, a reasonable opportunity to be seated away from drinkers. The licensee must ensure that an appropriate queuing system is maintained at all liquor outlets to ensure patrons purchasing liquor are able to be appropriately assessed by the licensee, manager, bar or security staff so that: (a) intoxicated patrons are not served liquor; (b) younger patrons are asked for documentary proof of age, and refused service of liquor if they do not have the required proof of age; and (c) underage people are not served liquor. Liquor may only be sold or supplied in the premises in a liquor outlet or area for which a manager has been appointed. The licensee must not, nor permit managers and staff to, consume liquor on the premises while engaged in the sale or supply of liquor (including during any meal or other break). The licensee must ensure that the following liquor serving practices are implemented by managers and serving staff: (d) no more than four (4) drinks are sold or supplied from a bar outlet to one (1) person in any one transaction, that person being restricted to one transaction in any visit to the relevant liquor outlet; (e) sales of straight spirits are limited to single shot measures, or less, per serve. Sales of ready to drink (RTD) mixed drinks are limited to an alcohol content representing 1.0 standard drinks or less per serve for all areas on event days; The licensee must ensure that practices and procedures are in place to ensure that the free movement of patrons in the vicinity of bars is not impeded by patrons consuming liquor while standing.

START:           »       END:  
5/07/2010           N/A

Where a function, occasion or event (regardless of its size or scale) is to be conducted on the premises that has a particular appeal to minors so that it could be reasonably expected that a large or significant number of minors will be present, liquor must not be sold or supplied at the function, occasion or event unless: (a) the licensee has notified the Commander of the nature and time of the function, occasion or event at least fourteen (14) days (or, where the circumstances warrant it, as soon as practicable) before the function, occasion or event); and (b) the licensee has appropriate and suitable measures in place to ensure that the sale or supply of liquor is restricted to the adults present. The licensee must take all reasonable steps to ensure that any patron found supplying liquor to a minor is immediately reported to the NSW Police Force, and that all appropriate steps are taken to ensure that further liquor is not supplied to the minor. The licensee must ensure that appropriate resources are provided and that practices are in place at all times for staff to effectively monitor the behaviour of patrons and to report (to the licensee or manager as appropriate) any instances of intoxication, sale or supply of liquor to persons under 18 years of age, consumption of liquor by persons under 18 years of age and misbehaviour or violent or disorderly conduct by patrons. The licensee must respond promptly and reasonably to complaints and concerns raised by staff in relation to intoxication, sale or supply of liquor to minors and misbehaviour or violent or disorderly conduct by patrons. The licensee must: (c) set up and maintain a system for the permanent written or electronic recording of all incidents of any such occurrence reported by managers, staff, security, members of the NSW Police Force, inspectors and patrons; (d) take necessary and reasonable steps arising from the complaints and concerns to ensure the safety of patrons, the public

and staff; and (e) facilitate the proper investigation of the complaints and concerns raised.

START:           »     END:  
5/07/2010           N/A

MEMBERS' RESERVE Liquor may be sold or supplied in the Members' Reserve at any time, subject to the consent and any requirements of the local consent authority, and provided such sale or supply is strictly limited to a member of a class of membership of the Trust as defined under the Sydney Cricket and Sports Ground Act 1978 (and by-laws pursuant to that Act), to bona fide guests of those members, and to persons who hold other valid Trust authorisation entitling them to enter the Members' Reserve. The area of the Members' Reserve must be defined by the Trust, and the Trust must keep a permanent record of the defined area. The defined area must be advised in writing by the licensee to the Authority and the Commander. Any change(s) to the defined area must be advised in writing to the Authority and the Commander at least fourteen (14) days prior to the change(s) being effective. The licensee must ensure that practices and procedures are in place, while the Members' Reserve is open, so that only members, bona fide guests and other duly authorised persons are permitted in Members' Reserve areas.

START:           »     END:  
5/07/2010           N/A

OTHER CONDITIONS - KEEPING OF REGISTERS The licensee must ensure that the registers required by these conditions are available for inspection on the premises at all reasonable times and upon reasonable notice from an inspector or member of the NSW Police Force. The registers must be accessible for inspection at any time that a function, occasion or event is being held on the premises and at other reasonable times. The licensee must ensure that any record made in a register required by these conditions is retained for a period of five (5) years after the making of the record.

START:           »     END:  
5/07/2010           N/A

The licensee must ensure that adequate security measures are in place to ensure compliance with directions and ensure the safety of police, inspectors, staff and patrons in circumstances where directions are given. The licensee must ensure that sufficient numbers of licensed security personnel employed by the Trust are deployed at the licensed premises to: (a) detect intoxicated persons and prevent their entry to the premises; (b) prevent people removed from the premises re-entering the premises; (c) ensure the supervision of patrons and activities on the premises; and (d) ensure the orderly departure of patrons from the premises. The licensee must keep and maintain an incident register to record the circumstances of any incidents requiring the licensee, managers, security staff or police to remove a person from the premises pursuant to the requirements of the Liquor Act 2007 and the conditions imposed on the licence. The register must also have recorded in it the names and physical description of persons removed and the reasons for the person's removal. The licensee must undertake to utilise the number of police officers recommended by the Commander under the 'user pays' system. Any recommendation by the Commander will be made after consultation with the

licensee or the licensee's representative. The licensee (or a suitably senior delegate of the licensee) must be an active member of the local Police Liquor Consultative Committee (or its equivalent), and provide regular reports to the Trust on the activities of the Committee. The licensee must comply with all reasonable directions of the Commander concerning the conduct of the licence, the prevention of intoxication and the prevention of the sale or supply of liquor to minors.

START:           »       END:  
5/07/2010           N/A

Sale on other premises authorisation A separate Plan of Management is to be prepared for any major non-private event where the patron capacity exceeds 500 guests. Where the patron capacity of any non-private event exceeds 500, the licensee must advise the relevant Police Area Command no later than 30 days prior to the event taking place. Where the patron capacity of any non-private event exceeds 1,000, the licensee must advise the relevant Police Area Command no later than 42 days prior to the event taking place. For any major event the licensee must: a) Prepare a separate comprehensive Plan of Management, Site Plan, Security Management Plan, Safety Plan and Alcohol Management Plan in consultation with the Police Area Command that has jurisdiction over the area where the event will be held and, b) Provide a copy of the Plan of Management, Security Management Plan, Safety Plan, Alcohol Management Plan and Local Licensing Agreements (where applicable) to the Police Area Commander.

START:           »       END:  
28/04/2020           N/A

Sale on other premises authorisation Where the patron capacity of any given function/event exceeds 300 patrons, the licensee must give written notice to the relevant Police Area Commander (Police) of the event no later than 30 days prior to the event. The written notice must include: i. address of the premises where the function is to be held, and ii. name of the occupier of those premises, and iii. nature of the function, and iv. number of persons for whom the catering services are to be provided at the function, v. date on which and the hours during which the function is to be held, and vi. a comprehensive Plan for – a) Management b) Security and c) Safety

START:           »       END:  
28/04/2020           N/A

Sale on other premises authorisation The licensee must employ a fully licensed security guard at the ratio of 1:100 whenever the patron capacity of any given function/event exceeds 300.

START:           »       END:  
28/04/2020           N/A

Sale on other premises authorisation The licensee must not exercise the sale on other premises authorisation at locations/venues where there is already a current and valid liquor licence in force.

START:           »       END:  
28/04/2020           N/A

Sale on other premises authorisation No drinks designed to be consumed rapidly, for example 'shots', 'shooters', 'slammers', 'bombs' are to be sold or supplied at the premises.

|            |   |      |
|------------|---|------|
| START:     | » | END: |
| 28/04/2020 |   | N/A  |

Printed on : 22/07/2020



## On-premises Liquor Licence

**CURRENT**

### **ANZ STADIUM SUSAN MARGARET MAX**

**No. LIQO624007366**

START: 19/02/1999    »    EXPIRY:  
N/A

### About

#### ADDRESS

Olympic Blvd, SYDNEY OLYMPIC PARK, NSW 2127

[View on map](#)

#### CONDITIONS

NOTIFICATION OF A MANAGER: Notification received on 28 SEP 2004 that the following persons have been appointed managers from 27 SEP 2004: a) Kristen NOCK b) Wendy FRIZELLE Notification received on 29 NOV 2010 that Tim BRADY, Shane WARMAN and Nicole COLLINS have been appointed managers from 29 NOV 2010. Notification received on 21 MAR 2011 that Catherine MCKEOWN and Wayne FORREST have been appointed managers from 21 MAR 2011. Notification received on 29 MAR 2012 that Amanda CARBERY, John DEANE, John HUTCHINSON, Michael Profilio, Greg SLEIGH and Susan MAX have been appointed managers from 01 JUL 2010. Notification received on 6 FEB 2013 that David GRESELIN, Kate HOARE, Rachel JENNINGS, and Laura HARRIS have been appointed managers from 6 FEB 2013. Notification received on 10 JAN 2014 that Andreas BREITFUSS has been appointed as a manager from 7 JAN 2014. Notification received on 20 MAY 2015 that Sachin NAGLE, Luke JONES, Karlo HIZON, Rachel MORRIS, Cassandra TABIOS have been appointed as a manager from 12 MAY 2015. Notification received on 25 AUGUST 2017 that Jonathan Coates, Louise Mayhew, Elis De Souza, Nicole Guyer, Evita Burns (nee Yee) have been appointed as managers from 8 JUNE 2017.

START: 15/12/2017    »    END:  
N/A

[Feedback](#)

The licence shall issue to Stadium Australia Management Limited (ACN 059 692 253) ('SAM') as beneficial owner and shall be held by a person nominated by SAM as nominee licensee. The nominee licensee ('licensee') may be an employee of SAM or of Ogden IFC (Sydney) Pty Limited (ACN 072 500 764) ('Ogden') as agent of SAM for the purpose of operating Stadium Australia. At the date of grant of the licence the nominee licensee is Ian Raymond BRIGHAM.

START:           »       END:  
1/07/2008           N/A

The licensed premises are the premises delineated as such on the plans lodged with and approved by the Liquor Administration Board ('LAB') at the time of issue of the licence being the whole of the land on which Stadium Australia is constructed and which is the subject of the lease from the Olympic Co-ordination Authority ('OCA').

START:           »       END:  
1/07/2008           N/A

The plans lodged with and approved by the LAB shall show the boundaries of the licensed premises and shall separately designate areas of the licensed premises set aside for the use of Stadium Australia Club Members ('members areas'). The plans shall also be clearly marked, when lodged, to identify the version of the plans.

START:           »       END:  
1/07/2008           N/A

Where boundaries of members areas are physically defined on the premises by moveable barriers instead of fixed structures the licensee must ensure signs are affixed to those barriers which clearly distinguish members areas from non-member areas. The licensee shall ensure that moveable barriers are constantly supervised while the licensed premises are open to non-members to ensure unauthorised persons do not gain access to members areas.

START:           »       END:  
1/07/2008           N/A

A copy of the plans lodged with and approved by the LAB shall be provided to the Local Area Commander of the Police Service ('Commander') and to the Director of Liquor and Gaming ('Director') and a fourth copy shall be maintained on the premises to be available at all times for inspection whenever the licence is being exercised.

START:           »       END:  
1/07/2008           N/A

Trading is permitted under the licence seven (7) days a week (Including restricted trading days) during the following times: a) at any time in those parts of the licensed premises designated for the use of Stadium Australia Club Members and their respective bona fide guests while those parts are being used by members; and b) in any other part of the licensed premises, from no earlier than ninety (90) minutes before commencement of any function, occasion or event until no later than sixty (60) minutes after completion of a function, occasion or event held on the licensed premises provided that trading is not permitted beyond 03:00 am on any day in

these parts of the licensed premises unless at least fourteen (14) days written notification of intention to trade beyond 03:00 am has been given to the Director and to the Commander.

START:           »       END:  
1/07/2008               N/A

**ALCOHOL MANAGEMENT PLAN** Prior to commencement of trading under the licence the licensee shall prepare or cause to be prepared an Alcohol Management Plan for the licence and the licensed premises. A copy of this Alcohol Management Plan shall be provided to the Director for approval prior to commencement of trading. A copy of the Plan approved by the Director shall also be provided to the Commander. Liquor shall not be sold or supplied on the premises unless an Alcohol Management Plan approved by the Director is in place. At least one (1) copy of the Alcohol Management Plan shall be maintained on the licensed premises. The Alcohol Management Plan must be available at all times whenever the licence is being exercised, for inspection by the Director, the Commander and persons involved in the sale or supply of alcohol on the licensed premises. The Alcohol Management Plan must be continually updated by additions that do not diminish from these conditions as approved and must reflect legislative requirements and recommendations of the Office of Liquor, Gaming and Racing, the industry and the Authority. The Plan shall also be amended from time to time in accordance with written requirements of the Director and the Commander. All amendments to the Alcohol Management Plan shall be notified to the Director and the Commander promptly upon an amendment being made for approval by the Director. Liquor shall be sold and supplied at the licensed premises in accordance with these conditions and the Alcohol Management Plan, as amended from time to time. In the event of any inconsistency between these conditions and the Alcohol Management Plan, as amended from time to time, these conditions shall prevail to the extent of the inconsistency.

START:           »       END:  
1/07/2008               N/A

**APPOINTMENT OF MANAGER** The licensee shall appoint or cause to be appointed an appropriate number of managers and supervisors to control, manage and supervise the persons involved in the sale and supply of liquor on the licensed premises and to ensure the responsible service and responsible consumption of alcohol on the licensed premises. The licensee shall also ensure that managers, supervisors and other persons involved in the sale and supply of liquor on the licensed premises shall have successfully completed a responsible service of alcohol course approved by the LAB, have received a copy of the Alcohol Management Plan and a copy of these conditions and otherwise are suitably trained to carry out their respective duties in accordance with the Plan and the conditions of the licence. The licensee shall comply with all reasonable requests by the Director and the Commander as to the appropriate number of managers required to control and supervise the sale and supply of liquor on the licensed premises. A person may only be appointed to the position of manager if: a) the licensee is satisfied that the person is a suitable person to supervise liquor operations on the licensed premises; b) the person has successfully completed a responsible service of alcohol course; c) the person has consented to his or her appointment as manager; d) the licensee has

made a copy of these conditions and the Alcohol Management Plan available to the person and the person has signed a statement indicating the person's agreement to comply with the conditions and the Plan; and e) the licensee has notified the Director of the name and relevant details of the person (in a form approved by the Director so as to enable the Director to identify the person), along with evidence of the person's consent and agreement to comply with the conditions and the Plan. The appointment of a manager is not in force until the licensee has given the Director the required notice of the appointment.

START:           »       END:  
1/07/2008           N/A

On receipt of the information from the licensee referred to in Condition No (360)(e), the Director may make appropriate inquiries as necessary to be satisfied that a person appointed as a manager is a fit and proper person to be a manager of a liquor sales area or areas on the licensed premises. The Director, in establishing whether a person is suitable to be appointed as a manager, shall have regard to these conditions, harm minimisation principles and the responsible service of liquor. Where the Director is not satisfied as a result of his or her inquiries that a person appointed as a manager is a fit and proper person to be a manager on the licensed premises, the Director may issue directions to the licensee requiring the removal of the person in his or her capacity as manager. The licensee shall not appoint a person or continue any such appointment as a manager if the Director has notified the licensee that the Director is not satisfied the person is a fit and proper person to be a manager. The licensee shall comply with any reasonable direction issued by the Director concerning the appointment and removal of managers.

START:           »       END:  
1/07/2008           N/A

The licensee shall take all reasonable steps to ensure that a person appointed as a manager is responsible to the licensee for the liquor sales area or areas he or she is assigned to (at the time he or she is on duty) for the control and supervision of the liquor and related operations of the licence. The licensee shall maintain reasonable and appropriate control over, and supervision of, managers and all persons involved in the sale and supply of liquor on the licensed premises to ensure the licence is operated responsibly and in accordance with the Liquor Act 1982, these conditions and the Alcohol Management Plan. The licensee shall take all reasonable steps to ensure that managers and supervisors must at all times while on duty be identified by a distinct uniform or other appropriate means to allow easy identification and distinction from other persons at the licensed premises. Managers must also while on duty wear visible personal identification in the form of a photo-identification card, carrying as a minimum the manager's name and position. The details of the uniform (or other distinguishable system adopted) and the form of the photo identification card shall be notified to the Director and the Commander as soon as is practicable. Subsequent changed to the uniform and photo identification card shall be similarly notified when changes are made. The licensee shall take all reasonable steps to ensure that managers and persons involved in the sale and supply of liquor on the licensed premises are aware of , receive adequate training in, and carry out, their liquor service responsibilities in accordance with the Liquor Act, these conditions and the Alcohol Management Plan.

START: » END:  
1/07/2008 N/A

**RESPONSIBLE SERVICE AND HARM MINIMISATION** The licensee shall take all reasonable steps and shall have procedures in place, including the responsible service of liquor, to prevent intoxication and disorderly, anti-social or violent behaviour on the licensed premises. The licensee shall take all reasonable steps to ensure that liquor is not sold or supplied to minors, or purchased for or consumed by minors on the licensed premises. The licensee shall ensure that an appropriate queuing system is maintained at liquor sales areas to ensure patrons purchasing liquor are able to be appropriately assessed by the licensee, manager, bar or security staff so that: a) intoxicated patrons are not served liquor; b) younger patrons are asked for documentary proof of age, and refused service of liquor if they do not have the required proof of age; and c) underage people are not served liquor. The licensee shall ensure that the following liquor serving practices are implemented by managers and serving staff: a) no more than four (4) drinks are sold or supplied from a bar outlet to one (1) person at any one (1) time; b) sales of spirits are limited to single shot measures, or less, per serve; c) low-alcohol beer and non-alcoholic beverages are available at all times that full strength beverages are sold or supplied at any liquor sales area on the premises, and prices charged for low-alcohol adequately reflect the lesser taxes that apply to low-alcohol beer as compared to full-strength beer; d) food is available from food outlets on the licensed premises in close proximity to all areas where liquor is sold or supplied; and e) chilled drinking water shall be available free of charge or for a reasonable cost at all times liquor is being sold. The licensee shall not, nor permit managers and staff to, consume liquor in the licensed premises while engaged in the sale or supply of liquor (including during any meal or other break.

START: » END:  
1/07/2008 N/A

The licensee shall ensure that, for sporting and similarly large events, there are designated and suitably sign-posted alcohol-free areas on the licensed premises so that patrons and, in particular, families with children, have a reasonable opportunity to be seated away from liquor sales areas and persons consuming liquor.

START: » END:  
1/07/2008 N/A

The licensee shall ensure that the sale or supply of liquor in bottles or cans (including plastic bottles) is restricted to the following types of areas during any sporting or entertainment event: a) corporate hospitality areas (including corporate suites and boxes) and other private areas physically delineated by railings or glass or other barriers) from areas open to, or used by, the public; and b) areas used as members areas, restaurants and corporate hospitality areas, not physically accessible to the public, and separated (by substantial physical barriers) from areas open to, or used by, the public. The licensee shall ensure that: a) areas where the sale or supply of liquor in cans or bottles is allowed do not provide unrestricted access to any public grandstand seating area, or public areas; and b) appropriate measures are in place at all times to prevent the taking of bottles and cans from the areas designated.

START:       »      END:  
1/07/2008       N/A

Where SAM changes the nominated licensee, the new licensee nominated shall complete the approved responsible service of alcohol course prior to exercising responsibilities and functions as the licensee. The licensee, managers and persons involved in the sale and supply of liquor shall comply with all reasonable directions of the Director and the Commander concerning the manner of operation of the licence. Directions may relate to, but are not restricted to, intoxication and the responsible service of liquor, the sale or supply of liquor to minors and standards to be observed on the licensed premises for the purpose of preventing the misuse and abuse of liquor. The licensee shall take all reasonable steps to ensure that any patron found supplying liquor to a minor is immediately reported to the Police Service, and that all appropriate steps are taken to ensure that further liquor is not supplied to the minor. The licensee shall ensure that appropriate resources are provided and that practices are in place at all times for managers, supervisors and persons involved in the sale and supply of liquor to effectively monitor the behaviour of patrons and to report (to the licensee or manager as appropriate) any instances of intoxication, sale or supply of liquor to minors, consumption of liquor by minors and misbehaviour or violent or disorderly conduct by patrons. The licensee shall ensure that sufficient numbers of customer safety personnel (licensed security personnel) are deployed at the licensed premises to: a) detect intoxicated persons, prevent their entry to the premises or remove them from the premises; b) prevent people removed from the premises re-entering the premises; c) ensure the supervision of patrons and activities on the premises; and d) ensure the orderly departure of patrons from the premises.

START:       »      END:  
1/07/2008       N/A

The licensee or manager shall respond promptly and reasonably to complaints and concerns raised by persons referred to in condition (39) in relation to intoxication, sale or supply of liquor to minors and misbehaviour or violent or disorderly conduct by patrons. The licensee shall: a) set up and maintain a system for the permanent written or electronic recording of all incidents of any such occurrences reported by managers, supervisors, staff, security, members of the Police Service, special inspectors and patrons; b) take necessary and reasonable steps arising from the complaints and concerns to ensure the safety of patrons, the public and staff; and c) facilitate the proper investigation of the complaints and concerns raised.

START:       »      END:  
1/07/2008       N/A

Where a member of the Police Service or a special inspector employed by the Department of Gaming and Racing directs the licensee, manager, supervisor or person involved in the sale or supply of liquor to cease selling or supplying liquor to any person(s) on the licensed premises (because of the person's intoxication, anti-social behaviour or on other reasonable grounds), the licensee, manager or person (as appropriate) shall immediately comply with the direction. The licensee shall ensure that adequate security measures are in place to ensure compliance with directions and ensure the safety of Police, special inspectors, staff and patrons in

circumstances where directions are given. The licensee shall keep and maintain an incident register to record the circumstances of any incidents requiring the licensee, managers, security staff or police to remove a person from the licensed premises pursuant to the requirements of the Liquor Act 1982, these conditions and the Alcohol Management Plan. The register shall also have recorded in it the names and physical description of persons removed and the reasons for the person's removal. The licensee (or a suitable senior delegate of the licensee) shall be an active member of the local Police Liquor Consultative Committee (or its equivalent), and provide regular reports to SAM on the activities of the Committee.

START:           »       END:  
1/07/2008               N/A

**SIGNAGE AND DISPLAY OF NOTICES** The licensee shall ensure the display of appropriate signage at each public entrance to the licensed premises which alerts members of the public to the following: a) they are entering licensed premises; b) intoxicated persons will not be permitted entry; c) persons in possession of liquor will not be permitted entry; d) checking procedures will apply to prevent people entering with liquor; e) intoxicated persons will be removed from the premises; f) it is an offence for minors to purchase and consume liquor; g) it is an offence to purchase liquor for (or supply liquor to) minors; h) persons supplying liquor to minors will be reported to the police; and i) penalties apply under the Liquor Act (with applicable penalties). The licensee shall ensure there is on prominent display in each public area and members area where liquor is sold or supplied, a sign which lists the acceptable proof of age documents, as well as the required notice about the offence of selling and supplying liquor to a minor.

START:           »       END:  
1/07/2008               N/A

**CORPORATE SUITES, CORPORATE HOSPITALITY AREAS (INCLUDING BOXES) AND OTHER PRIVATE AREAS** The licensee shall ensure that a permanent record is maintained which records the details of persons and companies that contract with SAM for the hiring or use of corporate suites, corporate hospitality areas or other private areas. The licensee shall ensure that a copy of the conditions applicable to the licence is supplied to any person or company that contracts with SAM for the hiring or use of corporate suites, corporate hospitality areas or private areas. The licensee shall ensure that liquor is served and consumed responsibly in the corporate suites, corporate hospitality areas and private areas. The licensee shall ensure that the conduct of patrons utilising the corporate suites, corporate hospitality areas and private areas, including their liquor consumption, is appropriately and adequately monitored by approved managers and staff to ensure that liquor is consumed responsibly and that liquor is not supplied to or consumed by minors. The licensee shall prevent intoxicated patrons being served further liquor by removing the persons' access to liquor, or by other reasonable means. The licensee and managers shall seek the assistance of the police if necessary. The licensee shall ensure intoxicated patrons are removed from the licensed premises and that patrons supplying liquor to minors are reported to the police. The licensee shall implement reasonable and adequate measures to ensure that once the liquor service to the corporate suites, corporate hospitality areas and private areas has ceased, liquor is not removed from the premises by patrons.

START:       »       END:  
1/07/2008       N/A

NOISE CONTROL Management of noise emitted from the licensed premises shall be undertaken in accordance with these conditions and with the noise conditions imposed by the development consent for the premises No S38/2/96 issued by the Minister for Urban Affairs and Planning dated 8 August 1996, as amended from time to time.

START:       »       END:  
1/07/2008       N/A

Consumption on premises - Catering Service, Other Public Entertainment Venue & Sport Facility. Good Friday Normal trading Christmas Day Normal trading December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later

START:       »       END:  
1/07/2008       N/A

Sections 22(1) and (2) of the Liquor Act (relating to the primary purpose of the business or activity carried out on the premises) do not apply to the premises to which this licence relates.

START:       »       END:  
1/07/2008       N/A

The extension of the licensed boundaries to include the 'Red Zone', as approved on 11 June 2009, applies only on such days and for such times and only to those parts of the 'Red Zone' as agreed with the Sydney Olympic Park Authority and is subject to the agreement of the licensee and the NSW Police Force in relation to the applicable alcohol management plan for the relevant part(s) of the 'Red Zone'. The Sydney Olympic Park Authority and the NSW Police Force must be notified at least 14 days before each occasion that the 'Red Zone' is to be utilised, unless otherwise agreed.

START:       »       END:  
24/07/2009       N/A

Printed on : 22/07/2020



*Ken Maxwell & Sons Pty Ltd (t/as Maxwell Wines)* [2019] SALC 44

**LICENSING COURT OF SOUTH AUSTRALIA**

**KEN MAXWELL & SONS PTY LTD (T/AS MAXWELL WINES)**

**JURISDICTION:** S 120 Disciplinary Action

**FILE NO:** 5037 of 2018

**HEARING DATE:** 25 July 2019

**JUDGMENT OF:** His Honour Judge BP Gilchrist

**DELIVERED ON:** 25 July 2019

**REPRESENTATION:**

Counsel:

Applicant: Sergeant R Handley

Respondent: Mr I Rice

Solicitors:

Applicant: Commissioner of Police

Respondent: Griffins Lawyers

- 1 This is an application for disciplinary action taken against Ken Maxwell & Sons Pty Ltd, trading as Maxwell Wines.
- 2 Maxwell Wines is a prominent winery in the McLaren Vale wine region. In 2018, it obtained a limited licence to enable it to conduct a licensed function as part of its participation in a wine festival in the region, known as the 'Spring Affair'. The licensed area covered a large outdoor area and included a temporary bar.
- 3 The disciplinary action arises out of events in the late afternoon of 30 September 2018. At about 4.00 pm that day a large number of patrons attended the licensed area. Many of these patrons had attended other licensed functions earlier in the day at other licensed premises. Although the number of patrons who attended was within the respondent's expectations, the levels of intoxication of a number of the patrons was higher than anticipated. The police accept that the situation in which the respondent found itself was difficult to manage.
- 4 The respondent was rightly concerned that selling wine by the bottle, which was permitted under the conditions of the limited licence, might exacerbate the levels of intoxication and might result in already inebriated patrons consuming more wine. It resolved to manage the situation by ceasing the sale of wine by the bottle and limiting sales to wine by the glass. The intent was that this would place some limits on the consumption of wine generally and would limit the possibility of inebriated patrons consuming more wine.
- 5 Although this measure was effective, it created other difficulties in that it resulted in overcrowding at the temporary bar, which in turn had the potential to compromise public safety.
- 6 The respondent concedes that viewed objectively, it failed to effectively manage the function and that it is properly the subject of disciplinary action.
- 7 There are, however, significant matters in mitigation. As was acknowledged, this was a difficult situation to manage. With the benefit of hindsight it is now clear that the situation could have been better managed, but it would be unfair to be too critical of the respondent as to the way it conducted itself. Moreover, there is no suggestion that patron safety was actually compromised. In these circumstances the breach must be seen as being at the lower end of the scale of seriousness.
- 8 It is also notable that the respondent has displayed a genuine commitment to ensure that something like this does not happen again. It has agreed that in connection with any limited licences that it might seek in the future in

connection with this event it will acquiesce in the imposition of the following conditions:

- Security shall be provided in the ratio of 1 guard per 100 patrons;
- Capacity of the event shall be limited to 950 patrons;
- Sales of wine shall be permitted by way of glass only for the last hour of Sessions 1 and 2 and for the entirety of Session 3;
- Sales of alcohol to cease 15 minutes prior to end of each session; and
- Defined queuing areas for patrons entering and exiting the bar area to be provided.

9 These are significant matters. As this Court noted in *Feathers Hotel*:

...a licensee that not only takes positive remedial action in the face of a breach, but also agrees to submit to more onerous conditions of its licence to reinforce its commitment to ensure that such breaches will not occur again, is to be given considerable credit. It enables the Court to approach the issue of sanction from the premise that the respondent fully understands and accepts its shortcomings and it has a genuine commitment to ensure that future breaches will not occur.<sup>1</sup>

10 In all the circumstances I agree with the joint submission by the police and the respondent's counsel that a reprimand is the appropriate sanction. I so order.

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<sup>1</sup> [2019] SALC 33 at [8].

*S 8585 Pty Ltd t/as Mr Beef Hotspot Restaurant [2019] SALC 39*

**LICENSING COURT OF SOUTH AUSTRALIA**

**S 858 PTY LTD T/AS MR BEEF HOTSPOT RESTAURANT**

**JURISDICTION:** S 120 Disciplinary Action

**FILE NO:** 1673 of 2019

**HEARING DATE:** 18 June 2019

**JUDGMENT OF:** His Honour Judge BP Gilchrist

**DELIVERED ON:** 18 June 2019

**REPRESENTATION:**

Counsel:

Applicant: Brevet Sergeant M Osterstock

Respondent: No Appearance

Solicitors:

Applicant: Commissioner of Police

Respondent: N/A

- 1 This is an application for disciplinary action taken against S 858 Pty Ltd, trading as Mr Beef Hotpot Restaurant, which trades under a restaurant licence in Gouger Street, Adelaide.
- 2 This matter was first before the Court on 7 May 2019 at which time it was adjourned to today's date. The respondent was present on that occasion. It was advised that the matter would be adjourned until today and that a Mandarin interpreter would be present in Court to assist.
- 3 The Clerk has called the matter on and the respondent is not present. In the circumstances I am disposed to deal with it.
- 4 I rely on the particulars complained of in the complaint. Police attended the premises at about 7.40 pm on Wednesday 7 April 2019 when the premises were open and trading. Police noted that the emergency exit was not clear. The emergency sign was not illuminated. The fire extinguisher was blocked and there was no responsible person on the premises.
- 5 Although there were not any actual safety issues these matters collectively could have compromised the safety of patrons at the premises. In the circumstances and in the absence of any explanation I impose a fine of \$1,000.

*Feathers Hotel* [2019] SALC 33

**LICENSING COURT OF SOUTH AUSTRALIA**

FEATHERS HOTEL

**JURISDICTION:** S 120 Disciplinary Action

**FILE NO:** 4210/18 and 270/19

**HEARING DATE:** 31 May 2019

**JUDGMENT OF:** His Honour Judge BP Gilchrist

**DELIVERED ON:** 4 June 2019

**REPRESENTATION:**

Counsel:

Applicant: Brevet Sergeant M Osterstock

Respondent: Mr D Tillett

Solicitors:

Applicant: Commissioner of Police

Respondent: Duncan Basheer Hannon

- 1 This is an application for disciplinary action taken against Feathers Hotel Pty Ltd, trading as the Feathers Hotel, an iconic hotel in Burnside, pursuant to the *Liquor Licensing Act 1997*.
- 2 The hotel has in recent times undergone a major refurbishment. On a number of occasions in 2018, it conducted a monthly event known as 'Take Flight', designed to attract a younger age group. The events were more successful than anticipated. They attracted large crowds such that there were many patrons at the venue.
- 3 Two complaints have been lodged by police, both of which concern incidents when these events were being conducted.
- 4 The first occurred on Saturday 2 June 2018. It is agreed that crowd numbers were not being properly monitored; there were issues about the levels of intoxication of some of the patrons; and there was some anti-social behaviour in the venue's carpark. There was some disagreement about some of the particulars, but importantly, the respondent concedes that the event was not well managed; that intoxicated patrons were permitted entry and some may have been supplied with liquor when in the venue; and that security were not as diligent in monitoring crowd behaviour in and in the vicinity of the venue, as they should have. The respondent accepts that it is properly the subject of disciplinary action in respect of its poor management of the premises in connection with this event.
- 5 The second concerns events of Saturday 1 September 2018. There were many patrons at the venue. Of particular concern was that fact that a large number had formed a queue in a relatively confined area as they sought access to the venue. The respondent again accepts that the venue was not being properly managed and that this could have resulted in patron safety being compromised.
- 6 The respondent enjoys a good record. Subsequent to these incidents it has worked closely with police to address their concerns. It has increased the number of security guards. It has assigned multiple duty managers. It has engaged an additional 'glassy'. It later conducted 'Take Flight' events without incidents. At least for now, it has resolved to not conduct these events.
- 7 Of great significance, it has agreed to the imposition of additional conditions on its licence. There being:

*The licensee will ensure that for all events occurring on Thursday, Friday and Saturday nights, from 9.00 pm until close of trade, when the venue capacity in Areas 5, 6 and 10 exceeds 300 patrons, licensed security personnel will conduct regular patrols in the*

*venue's carparks and will oversee the conduct of patrons entering or leaving the licensed premises, including its carparks.*

*The licensee must take all practicable steps to ensure that any line up or queue in the walkway, between Areas 8, 9 and 10, in the absence of a designated capacity for these areas, is continuously monitored and managed to prevent patron congestion and obstruction.*

- 8 Poor management by a hotel is a serious breach. The hotel licence is the broadest category of licence that the Act provides for. Holders of such licences are expected to set the standard for proper management of licensed premises. This points to a not insubstantial penalty. But a licensee that not only takes positive remedial action in the face of a breach, but also agrees to submit to more onerous conditions of its licence to reinforce its commitment to ensure that such breaches will not occur again, is to be given considerable credit. It enables the Court to approach the issue of sanction from the premise that the respondent fully understands and accepts its shortcomings and it has a genuine commitment to ensure that future breaches will not occur. In the circumstances I issue a much lower penalty than would otherwise be the case.
- 9 Pursuant to s 43 of the Act, I amend the conditions of the respondent's licence to include the agreed conditions. In recognition that time may prove that the wording might require some tweaking, I grant the parties liberty to apply.
- 10 The respondent will be fined \$2,000 which will cover all breaches. That fine is fully suspended for a period of 12 months. If the respondent does not commit a breach of the Act or the conditions of its licence over that period, the payment of that fine is forgiven. If there is however such a breach over that period resulting in disciplinary action, the fine will be payable over and above any other sanction that the Court might impose.



*Electric Circus* [2018] SALC 121

**LICENSING COURT OF SOUTH AUSTRALIA**

**ELECTRIC CIRCUS**

**JURISDICTION:** s 120 Disciplinary Action

**FILE NO:** 3713/2018

**HEARING DATE:** 11 December 2018

**JUDGMENT OF:** His Honour Judge BP Gilchrist

**DELIVERED ON:** 11 December 2018

**REPRESENTATION:**

Counsel:

Applicant: Brevet Sergeant M Osterstock

Respondent: Mr B Allen

Solicitors:

Applicant: Commissioner of Police

Respondent: Wallmans Lawyers

- 1 This is an application for disciplinary action taken against Fourmat Pty Ltd, trading as Electric Circus, which operates under an entertainment venue licence in Hindley Street, Adelaide.
- 2 It concerns allegations that on two occasions, being 1 April 2018 and 29 April 2018, patrons were allowed into the premises at a time when the premises were subject to the Late Night Code of Practice (the Code) and patrons were not wanded when they entered the premises.
- 3 I was advised by counsel for the respondent, that the respondent was unclear as to its obligations in terms of the Code.
- 4 The relevant clause is cl 14, which provides as follows:
  - (1) Between 12.01 am and 3.00 am or closing time (which ever is earlier), the licensee must ensure that suitably trained employees are operating a metal detector to screen customers upon entry onto the licensed premises, to detect persons who may be carrying weapons or other potentially dangerous objects.
  - (2) The metal detector must comply with the standard technical specification approved by the Liquor and Gambling Commissioner and must be kept in good working order at all times.
- 5 The respondent seemed to be under the impression that provided that some patrons were screened with a metal detector the clause had been complied with.
- 6 The Code was made under an Act such that it is a statutory instrument for the purposes of the *Acts Interpretation Act 1915*. By reason of 3A and 14A of that Act, the approach to be taken in construing the Code is as prescribed by s 22, which is as follows:

Subject to subsection (2), where a provision of an Act is reasonably open to more than one construction, a construction that would promote the purpose or object of the Act (whether or not that purpose or object is expressly stated in the Act) must be preferred to a construction that would not promote that purpose or object.
- 7 The purpose of the code is set out in cl 3 of the Code as follows:
  - (a) to minimise the harmful and hazardous use of liquor and promote responsible attitudes in relation to the promotion, sale, supply and consumption of liquor;
  - (b) to minimise offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of licensed premises;

- (c) to prevent offensive behaviour on licensed premises;
  - (d) to protect the safety, health and welfare of staff and customers;
  - (e) to protect the safety, health and welfare of minors on licensed premises;
  - (f) to ensure public order and safety; and
  - (g) to impose special requirements for the sale of liquor for consumption on licensed premises for the purpose of reducing alcohol-related crime and anti-social behaviour.
- 8 Clause 14 is plainly intended to protect the public and in particular to further the aims of (c), (d), (e) and (f). As such, the clause should be given a generous interpretation that fulfils that purpose. Accordingly, and I want to make this loud and clear, I regard the obligation imposed by cl 14 of the Code as requiring that all patrons must be wanded on entry to the licensed premises.
- 9 In the circumstances of this case, what aggravates the matter is that the breach on 29 April 2018, occurred after the respondent had already been informed that the police interpreted the Code as requiring all patrons to be wanded. In those circumstances, a fine is appropriate. I impose a fine of \$500, but I suspend that fine on the ground that for a period of 12 months. If there is no breach of the Act or the conditions of the licence resulting in disciplinary action, then the payment of that fine will be forgiven, but if there is a breach, that fine will be payable over and above any other sanction the court might impose.