

COMMISSIONER'S BRIEFING PAPER

SUBJECT: Adelaide Oval Stadium Management Authority - Variation to Liquor Licensing Conditions – Updated CBP

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.

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.

Licensing Enforcement Branch (LEB) Prosecution intervened opposing the application on public safety grounds with the matter set for a Hearing before the Liquor and Gambling Commissioner on 26 July 2022.

This CBP consolidates and updates the CBP dated 21 June 2022 and advises that SAPOL has withdrawn the intervention based on an amended application.

RELEVANT POINTS:

- 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 Super loop 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 (This option is not currently viable as the manufacturers have not supported)
 - If the applicant is granted there is a public safety risk and or an apprehension of danger to public safety
- Following a Directions Hearing on 27 June 2022, the Police Association of South Australia (PASA) drafted and sent a letter the Minister of Police opposing the application citing public safety issues to police, emergency services and the public. LEB Prosecution engaged with PASA on 31 May seeking PASA's view on the application.
 - On 12 July 2022 Minter Ellison submitted a four page response which is summarised:
 - Aluminium cups present no greater risk as a projectile than water bottle, soft drink bottles
 - Cans are already served in corporate, dining, reception and function areas
 - Adelaide oval generally enjoys very good crowd behaviour and maintains a significant security presence in conjunction with real time CCTV monitoring, attendance of SAPOL and responsible service of alcohol procedures
 - AOSMA would never place its liquor licence at risk and will not jeopardise its regulatory compliance record
 - The examples of prior incidents are 51 and 33 years ago
 - Adelaide Oval is the currently the only major stadium in Australia that has not been granted approval for the use of cans (other than corporate areas)
 - The service of cans at the MCG and Marvel Stadium has been well received
 - Draft top cans are not facilitated and will not be in the foreseeable future
 - AOSMA are considering the use of cans for soft drinks
 - Willing to commit to a six month 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, allocated seating, ticketing, knowledge of who is on site, communications and overall administration, management and security arrangements combined with a strong working relationship with SAPOL.
 - Of note, on 13 July 2022 the Liquor and Gambling Commissioner approved the use of cans for the Spin Off music event with 23,000 at the Wayville Showgrounds on 22 July 2022. This is similar to the use of cans at Adelaide 500 and the after race concert.
 - In discussion with AC OSS, OC Eastern District and OC LEB further considered the merits of the application and a meeting was held on 18 July with AOSMA and Minter Ellison to discuss SAPOL's concerns. The meeting was fruitful and the AOSMA have made a number of changes to the application.
 - OC LEB and OC ED support SAPOL withdrawing the intervention on the following basis:
 - Adelaide Oval is a world class venue with a world class reputation
 - AOSMA – would never jeopardise public safety
 - Adelaide Oval is currently the only major stadium in Australia that has not been granted approval for use of cans (other than corporate areas)¹
 - Cans are already served in corporate, dining, reception and function areas

¹ Page 3 Minter Ellison Response to Intervention and Submissions dated 12 July 2022

- Cans are already allowed at Adelaide 500 and after concert, Fringe events, SANFL, Royal Show and music festivals
- AOSMA's likely move to utilising cans for soft drinks
- AOSMA have agreed to a twelve month trial with a review at the end of the trial period, or earlier if an incident occurs
- AOSMA have committed to:
 - Warning patrons against using cans as a projectile and that it can be a criminal offence
 - Warning that anyone that using a can as a projectile will attract a ban from Adelaide Oval up to two years
 - Imposing a ban of up to two years for anyone caught throwing a can
- AOSMA have committed to engaging with SAPOL at the completion of each day of major events
- AOSMA will employ staff dedicated to rapid collection of empty containers to minimise cans being deposited on the ground.

Additional Information

- AOSMA has no intention to cease service of alcohol in cups and will continue the practice due to extensive, high-cost and well-ingrained reticulation infrastructure systems and for commercial reasons. Service of alcohol in cans represents only one service option which AOSMA intend to utilise.
- AOSMA has the ability to immediately stop serving alcohol in cans if required and exclusively serve alcohol on tap.
- AOSMA's alcohol management plan for Adelaide Oval currently contains a response mechanism for AOSMA to determine to reduce service of alcohol in a '4 – 2 – 0' manner (i.e. reducing maximum alcohol sales per transaction to two
- If the Liquor and Gambling Commissioner supports the application AOSMA and SAPOL will liaise in respect of a joint media release. SAPOL's comments would be along the lines of police expectations and a zero tolerance approach to can throwing and positive action will be taken (final comments to be determined).
- SAPOL's initial intervention was appropriate, which then allowed for further discussion with AOSMA and some AOSMA concessions.
- Considering all factors, OC LEB and OC ED support the withdrawal of the intervention and Minter Ellison have been advised. It must be noted that the Liquor and Gambling Commissioner may still wish to hold a Hearing despite what's been agreed.
- OC LEB will communicate the outcome to PASA.

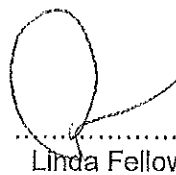
RECOMMENDATIONS:

- That the Commissioner notes the contents of this briefing paper.

Noted

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Supported/Not Supported


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Linda Fellows
Assistant Commissioner
Operations Support Service
25 July 2022

Approved/Not Approved

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Grant Stevens
Commissioner
July 2022

