

NORTHERN TERRITORY LIQUOR COMMISSION

REASONS FOR DECISION

MATTER:	DISCIPLINARY ACTION PURSUANT TO THE LIQUOR ACT
REFERENCE:	LC2022/030
LICENCE NUMBER:	81403051
LICENSEE:	Jabiru Golf Club Inc.
PREMISES:	Jabiru Golf Club 384 Jabiru Drive JABIRU NT 0886
LEGISLATION:	Part 7 Division 4 of the <i>Liquor Act 2019</i>
HEARD BEFORE:	Mr Russell Goldflam (Acting Deputy Chairman) Mr Bernard Dwyer (Health Member) Ms Christine Hart (Community Member)
DATE OF HEARING:	28 June 2022, 14 July 2022
DATE OF DECISION:	14 July 2022

DECISION

1. On 14 July 2022, the Northern Territory Liquor Commission (**the Commission**) completed the hearing of a complaint made by a delegate of the Director of Liquor Licensing (**the Director**) pursuant to section 160 of the *Liquor Act 2019* (**the Act**) against Jabiru Golf Club Inc. (**the licensee**), the holder of Liquor Licence 81403051 (**the licence**) over the premises of the Jabiru Golf Club in Jabiru (**the premises**).
2. On 15 July 2022, the Commission gave a decision notice to the parties in the following terms:¹
 - a. The Commission finds that on 3 December 2021, on five occasions (at 7:38 pm, 9:49 pm, 10:42 pm, 10:47 pm and 11:00 pm), an employee of the licensee intentionally sold or otherwise supplied liquor to another person and the other person was on or in the licensed premises and was intoxicated, and the employee was reckless in relation to those circumstances, in contravention of section 285 of the Act. The Commission is satisfied that pursuant to section 82(1) of the Act,

¹ Due to a slip, the decision notice erroneously stated that the date of the contraventions referred to at subparagraphs (a), (b) and (c) below was 2 December 2022. That error is now corrected.

by engaging in this conduct prohibited by the Act, the licensee contravened an implied condition of the licence, and that accordingly a ground for complaint pursuant to section 160(1)(a) of the Act exists.

- b. The Commission finds that on 3 December 2021, on ten occasions between 7:38 pm and 11:39 pm, the licensee and the licensee's employees failed to exclude and remove from the premises a person who was violent, quarrelsome, disorderly or incapable of controlling their behaviour, in contravention of section 141 of the Act. The Commission is satisfied that pursuant to section 82(1) of the Act, by breaching this duty imposed by the Act, the licensee contravened an implied condition of the licence, and that accordingly a ground for complaint pursuant to section 160(1)(a) of the Act exists.
- c. The Commission is further satisfied that on 3 December 2021, the licensed premises were used in a way that caused disorderly conduct on or in the premises or in the vicinity of the premises, and that accordingly a ground for complaint pursuant to section 160(1)(m) of the Act exists.
- d. The Commission is satisfied that pursuant to section 165(1) of the Act, grounds for taking disciplinary action exist, and that the disciplinary actions the Commission has decided to take are appropriate to those grounds.
- e. Pursuant to section 165(2) of the Act, the Commission takes the following disciplinary actions against the licensee:
 - i. The Commission varies the conditions of the licence, effective immediately, by:
 - (i) deleting the Special Condition headed "Trading hours" and inserting the following condition under that heading:

Trading hours for consumption on the premises shall be between 10:00 and 22:00 every day
 - (ii) deleting the Special Condition headed "Takeaway Hours to Financial Members Only" and inserting the following condition under that heading:

Liquor shall only be sold for consumption away from the premises to financial members only during the following hours:

 - i. Between the hours of 10:00 and 22:00 every day;
 - ii. No trading on Good Friday or Christmas Day
 - ii. The Commission imposes the following additional conditions on the licence, effective immediately:
 - (i) Every Thursday and Friday from 17:00 to 20:00 an employee of the licensee must be on duty and be predominantly engaged in screening patrons entering the premises. From 20:00 until the close of trading this person is to be on duty undertaking proactive

walk-throughs in all licensed areas of the club to monitor compliance with the Act.

(ii) Every Thursday and Friday from 21:00 the licensee is only permitted to sell one alcoholic drink per person per transaction, and the liquor must be served in a container not exceeding 375 mls in volume.

iii. The Commission suspends the licence for a period of 14 days commencing at 10:00 on 15 August 2022.

iv. The Commission directs the licensee to take the following actions:

(i) The licensee must submit its Staff Induction Manual to the Director by close of business on 28 July 2022 and comply with any directions by the Director to amend the Manual.

(ii) The licensee must develop a Risk Management Strategy and submit it to the Director by close of business on 14 October 2022 or such further time as the Director allows, and comply with any directions by the Director to amend the Strategy.

3. The Commission notified the parties that it would issue a statement of reasons for this decision. These are the reasons.

REASONS

BACKGROUND

4. Jabiru, which is surrounded by the Kakadu National Park, was established in 1982 as a township to house uranium miners. In 2021, mining operations ceased and the town was handed over to its traditional owners, the Mirarr people, a significant milestone in the town's ongoing transition from a company mining town to a regional tourism and services hub. Although its population is less than 1,000, Jabiru boasts a nine hole golf course, run by the licensee. The licensee, which was first granted a liquor licence in 1990, operates a bar and restaurant for tourists, visiting workers and residents of Jabiru and nearby communities. It also operates the only takeaway liquor outlet in the district. Mr Peter Keepence has been the licence nominee and manager since about 2016.

5. In January 2021, Jabiru police initiated a complaint to the Director that the licensee had sold takeaway liquor to an intoxicated man, who had then driven his vehicle home. This was one of four separate occasions on which police had raised concerns regarding the operation of the licence in the eight months to January 2021, although the only such occasion which culminated in a formal complaint. The complaint was investigated and upheld by Mr Bernard Kulda, a Delegate of the Director, who on 16 July 2021 entered into an enforceable undertaking with the licensee.²

6. Less than five months later, on 3 December 2021, the incidents that are the subject of the current complaint occurred. As will be detailed below, on the evening of that day the

² Delegate of the Director of Liquor Licensing, *Decision Notice: Contravention of Liquor Act 2019*, 21 May 2021

licensee supplied liquor to a number of intoxicated patrons. Three of those patrons, contract workers who had come to Jabiru to work on an infrastructure project (**the three contractors**), drank on the premises for over six hours, before leaving at 11:43 pm in an obviously intoxicated state and driving away. Two minutes later the car they were driving crashed, killing one of the passengers.

7. One week later, on 10 December 2022, Senior Compliance Officer Steven Holehouse conducted a covert inspection of the premises between 1630 and 1800. Later on the same day, Mr Holehouse, together with Senior Compliance Officer David Neall, re-attended the premises, identified themselves to Mr Keepence, and conducted a further inspection between 1920 and 2300. As will be detailed below, on that occasion serious continuing concerns regarding the licensee's operations were identified.
8. The following week, on 16 December 2022, Mr Kulda, Mr Neall and Mr Holehouse from the office of the Director met with Mr Keepence and four members of the licensee's Management Committee, immediately following which the licensee voluntarily suspended its business of selling liquor for consumption on the premises until 5 January 2022. During this period the licensee instituted various measures to address the concerns that had been brought to its attention by the office of the Director.
9. On 3 March 2022, having completed an investigation of the conduct of the licensee on 3 December 2021 by reviewing CCTV footage and transactional records supplied by the licensee at the request of compliance officers, Mr Neall made a complaint against the licensee pursuant to section 160 of the Act. The complaint alleged fifteen breaches of the Act as summarised at paragraphs 2.a) and 2.b) above.
10. The licensee provided a response to the complaint by email on 16 March 2022. The licensee did not dispute any of the allegations, a position it consistently maintained up to and throughout the course of the hearing.
11. On 23 May 2022, the Director referred the complaint to the Commission, which fixed the complaint for hearing on 28 June 2022, and notified the parties accordingly.

THE HEARING

12. The matter commenced as a public hearing on 28 June 2022. Mr Kulda and Mr Neall appeared on behalf of the Director. Mr Keepence appeared on behalf of the licensee via Microsoft Teams from the licensee's premises in Jabiru. As the licensee was unrepresented, the hearing was conducted with a minimum of formality.
13. Mr Keepence confirmed that the licensee did not intend to contest the complaint. Accordingly, the hearing proceeded by a recital by Mr Kulda of the breaches summarised at paragraphs 2.a) and 2.b) above. The licensee admitted all of the alleged breaches.
14. At the invitation of the Commission, Mr Kulda then sought to tender the 209 page brief of evidence provided by the Director to the Commission on 23 May 2022. The Commission had sent the brief to Mr Keepence by email on 14 June 2022 with the notice it sent to Mr Keepence of the hearing. However, Mr Keepence did not bring the brief of evidence with him to the hearing, had not read it, and did not recall having received it. The hearing was briefly adjourned to provide Mr Keepence an opportunity to locate and retrieve the brief, and to remind himself of its contents. He was unable to do so.

Mr Keepence did not provide an explanation for his failure to access the brief and familiarise himself with its contents prior to the hearing. The Commission finds that Mr Keepence failed to take reasonable steps to prepare for the hearing.

15. In the view of the Commission, in these circumstances it would have been unfair to Mr Keepence to receive the brief into evidence, and accordingly the Commission considered that it had no alternative but to adjourn the hearing to the next convenient date, 14 July 2022. Mr Keepence apologised to the Commission for the inconvenience this caused.
16. The Commission noted that when determining what disciplinary action to take, it would take into account the conduct of the licensee in admitting the matters the subject of the complaint, and saving the time and cost of a protracted disputed hearing. On the other hand, the Commission also takes into account the licensee's failure to take reasonable steps to prepare for the hearing, as set out above, which added to the time and cost required to complete these proceedings.
17. On resumption of the hearing on 14 July 2022, the brief was tendered without objection and admitted into evidence. No other documentary evidence was tendered, but Mr Kulda, Mr Neall and Mr Keepence all provided detailed and helpful information in response to questions from the Commission. The Commission thanks them for their attendance and assistance.

THE FACTS

18. Having considered the material and information it has received, the Commission makes the following findings of fact, all of which were put to and admitted by the licensee at the hearing.
19. On 3 December 2021, there were four staff on duty at the premises. The three contractors entered the premises at 17:32. Two of them did not sign in or use the Covid QR Code. They walked straight to the bar and ordered drinks. At one point the deceased walked from the bar carrying four drinks.
20. The sign in book was a mess. Dates were out of order. It did not contain sufficient information of guests to enable them to be identified for close contact tracing.
21. The three contractors were in the pool table area. They were unsteady on their feet and were seriously affected by liquor. The deceased lost his balance a number of times walking backwards. One of the contractors was walking around the pool table with his shirt off. They remained on the premises drinking until 23:43. When they walked out of the front door of the premises all were unsteady on their feet. One of them grabbed a palm, swung on it and fell onto the grass.
22. At 23:45 one of the three contractors was killed as a result of a crash in a car being driven by another of the contractors. On being breathalysed by police, the driver's blood alcohol concentration was 0.18%, and the blood alcohol concentration of the surviving passenger was 0.167%.

23. Police spoke to a highly intoxicated female at the scene of the crash. She was on the Banned Drinkers Register. She told police that she had been drinking at the premises that night and claimed that she had been served liquor by staff of the club.
24. The Commission finds proven the following particular facts relied on by the Director in support of the five allegations of contraventions of section 285 of the Act on 3 December 2021:
- a. At 19:38 an employee of the licensee sold liquor to an intoxicated male patron (**P1**) at the bar of the premises.
 - b. At 21:49 an employee of the licensee sold liquor to another intoxicated male patron (**P2**) at the bar of the premises.
 - c. At 22:42 an employee of the licensee sold liquor to another intoxicated male patron (**P3**) at the bar of the premises.
 - d. At 22:47 an employee of the licensee sold liquor to another intoxicated male patron (**P4**) at the bar of the premises.
 - e. At 23:00 an employee of the licensee sold liquor to another intoxicated male patron (**P5**) at the bar of the premises.
25. The Commission finds proven the following particular facts relied on by the Director in support of the 10 allegations of contraventions of section 141 of the Act on 3 December 2021:
- a. While on the premises, P1 exhibited apparent difficulty moving around, and held on to furniture to maintain his balance. The licensee and the licensee's employees did not remove P1.
 - b. While on the premises, P2 appeared to fall asleep on multiple occasions while seated in the al fresco area, including at 20:16 and at 23:39. The licensee and the licensee's employees did not remove P2.
 - c. At 20:50 another male patron (**P6**) vomited while seated in the alfresco area. At 21:08 P6 fell asleep at a table not far from where an employee of the licensee was seated. The licensee and the licensee's employees did not remove P6.
 - d. At 22:22 another male patron (**P7**) fell over a chair in the alfresco area and struggled to return to his feet without assistance. The licensee and the licensee's employees did not remove P7.
 - e. At 22:54 a female patron (**P8**) on the premises fell over chairs in the al fresco area in front of an employee of the licensee, and struggled to return to her feet for some time. The licensee and the licensee's employees did not remove P8.
 - f. At 22:53 P4 tackled two other patrons to the ground near the pool table on the premises. At 23:00 P4 lifted his singlet, exposing his stomach, and grabbed his groin, next to the pool table. At 23:09 P4 removed his singlet and proceeded to

dance and play pool, remaining topless for two minutes. The licensee and the licensee's employees did not intervene or remove P4.

- g. At 22:53 P3 jumped on top of three patrons who were lying on the ground near the pool table. The licensee and the licensee's employees did not remove P3.
- h. At 22:53 P5 wrestled with two other patrons on the ground next to the pool table. At 22:55 P5 lifted his shirt exposing his stomach in front of an employee of the licensee. The licensee and the licensee's employees did not remove P5.
- i. At 23:25 two other male patrons (**P9** and **P10**) on the premises entered into an altercation with each other. Two employees of the licensee attempted to separate the patrons, but did not remove P9 or P10 from the premises.

26. It is unnecessary for the Commission to make findings as to which if any of the patrons identified as P1 to P10 above included the three contractors, and the Commission makes no such findings.

27. The Commission also received evidence regarding the licensee's conduct on 10 December 2022, one week after the date of the conduct the subject of the complaint. In the view of the Commission, this evidence is significant, as it goes to the issue of whether the conduct of the licensee on 3 December 2021 was an isolated event or part of a pattern of operation.

28. The Commission finds that on 3 December 2021:

- a. Between 16:30 and 18:00, there were two staff on duty at the premises. There were 14 patrons present at 17:45, increasing to 25 by 18:00, with more patrons arriving.
- b. By 18:00 patrons were up to 6 deep at the take away service area, and up to 10 deep at the bar area.
- c. By 19:20 there were three staff on duty, including Mr Keepence, and approximately 75 patrons on the premises.
- d. There were at most times insufficient staff to interact with and assess patrons except when patrons approached a service area. At other times when the bar area was clear, staff stood around and did not take the initiative to walk through the premises and engage with patrons.
- e. Correct sign-in procedures were not generally being adhered to by staff, and there were insufficient staff to enable this to occur.
- f. Staff were not observed to check the Banned Drinkers Register.
- g. Some patrons entered the premises by a rear door, out of view of staff, and some persons entered and remained in the rear al fresco area, which was accessible to the public, without entering the premises. Some of these persons were given drinks by patrons who had been served with liquor inside the premises. The CCTV from the al fresco area was not in operation.

- h. Some committee members were present at the premises for social purposes, but none of them approached the two Senior Compliance Officers, who were clearly identifiable by their Licensing NT shirts.
- i. When Senior Compliance Officers spoke with staff regarding two patrons who were showing signs of intoxication, staff provided the patrons with water but took no other action.
- j. After last drinks had been called at 22:17, the sale of liquor continued for 37 further minutes, with one patron being supplied with multiple drinks.

29. The Commission considers that for the purpose of determining what disciplinary action to take, it should have regard to the measures taken by the licensee since the meeting referred to on 16 December 2021 at paragraph 8 above. On the basis of information provided at the hearing by Mr Keepence, the Commission finds that:

- a. The licensee has erected a temporary fence to prevent persons from entering the al fresco area from the rear of the premises without being screened, monitored or noticed by staff. The licensee has acquired materials for the construction of a permanent fence and made arrangements for the construction to be undertaken.
- b. The licensee has recruited and trained an assistant manager and other bar staff to replace several staff who resigned in December 2021. On busy nights the licensee now has five staff on duty, including the manager or assistant manager, and there are always at least two staff on duty when the premises are trading.
- c. The licensee has prepared and is using a staff induction manual.
- d. The licensee has adopted the practice of having a staff member stationed at the entrance of the premises to screen patrons on entry.
- e. The licensee has installed new CCTV monitors in the bar service area that now provide real-time vision of the al fresco area to bar staff.
- f. The licensee has replaced the sign-in book with an electronic swipe machine to which all patrons are directed on entry to the premises.
- g. The licensee has ceased the sale of Victoria Bitter on the premises.
- h. After 21:00 the licensee only permits the sale of one alcoholic drink per person per transaction for consumption on the premises.
- i. The licensee is currently operating with the following reduced trading hours:
 - Mondays: closed
 - Tuesdays: 16:00 to 19:00
 - Wednesdays: 16:00 to 20:30 (or later, if there is sufficient demand)
 - Thursdays: 16:00 to 22:00
 - Fridays: 16:00 to 22:00
 - Saturdays: 14:00 to 19:00 (or later, if there is a private function)

- Sundays: 12:00 to 18:00

j. The licensee has joined Hospitality NT.

k. The licensee has purchased a speed oven, which will enable it to offer and serve a broader range of better quality food.

30. The Commission also heard from Mr Keepence about arrangements the licensee has put in place for its takeaway trade, which are in some significant respects more restrictive than those authorised by the licence conditions. However, the breaches the subject of these proceedings all arose in relation to the sale and service of liquor for consumption on the premises, and apart from fixing standard trading hours across the licence, the Commission is not satisfied that a variation of the licensee's takeaway conditions is appropriate in relation to the grounds of this complaint.

THE LAW

31. Section 5 of the Act provides:

A person is taken to be *intoxicated* if:

- (a) the person's speech, balance, coordination or behaviour appears to be noticeably impaired; and
- (b) it is reasonable in the circumstances to believe the impairment results from the person's consumption or use of liquor or a drug.

32. Section 141(1) of the Act relevantly provides:

A licensee and the licensee's employees must exclude and remove from the licensed premises any person who is violent, quarrelsome, disorderly or incapable of controlling the person's behaviour...

33. Section 285(1) of the Act relevantly provides:

A person commits an offence if:

- (a) The person is a licensee or a licensee's employee; and
- (b) The person intentionally sells or otherwise supplies liquor to another person; and
- (c) The other person is on or in the licensee's premises and is intoxicated, and the person is reckless in relation to those circumstances.

34. Section 82(1) of the Act provides:

Any provision of this Act or the regulations that imposes a duty on a licensee or prohibits conduct by a licensee is taken to be a condition of the licence.

35. Section 160(1) of the Act provides that a person may make a complaint against a licensee on various grounds, relevantly including:

- (a) the licensee contravened a condition of the licence or authority;
- (m) the licensed premises were used in a way that caused... disorderly conduct on or in the premises.

CONSIDERATION

36. In upholding the complaint as set out at paragraph 2.a) to 2.c) above, the Commission has applied the above-mentioned statutory provisions to the facts it has found as set out at paragraphs 24 and 25 above.

37. The Commission considers that in imposing disciplinary action, it should apply the principles of proportionality, parity and deterrence.

38. In considering what disciplinary action to impose, the Commission has had regard to all of the findings of fact set out above. In addition, the Commission accepts information from the Director that following its breach in January 2021, the licensee complied with the enforceable undertaking referred to at paragraph 5 above; and that Mr Keepence, who repeatedly expressed his remorse to the Commission for the licensee's conduct in breaching its licence conditions, which he unequivocally admitted, has been very helpful and co-operative in the Director's investigation of the complaint.

39. Nevertheless, having regard to the tragic sequel to the licensee's conduct on 3 December 2021, its occurrence only shortly after a similar breach for which the licensee had been the subject of a complaint, and the continuing failure of the licensee to rectify its operations until the intervention of the Director's officers, in the view of the Commission stern disciplinary action is required. Application of the principle of proportionality requires that the disciplinary action taken be proportional to the seriousness of the misconduct.

40. The misconduct was very serious, and gave rise to a high and readily foreseeable risk of ensuing alcohol-related harm. The Commission does not suggest that the licensee caused the death that occurred on 3 December 2021, or that the licensee owed a duty of care to the deceased after he exited the premises.³ However, in this case, the licensee's contravention of the Act and breach of its licence conditions fell seriously short of the standards of conduct imposed by parliament on liquor licensees. The obvious purpose of section 141 and section 285 of the Act is to promote the first limb of the primary purpose of the Act set out at section 3(1), namely to "minimise the harm associated with the consumption of liquor".

³ "[O]utside exceptional cases,... persons in the position of the Proprietor and the Licensee, while bound by important statutory duties in relation to the service of alcohol and the conduct of the premises in which it is served, owe no general duty of care at common law to customers which requires them to monitor and minimise the service of alcohol or to protect customers from the consequences of the alcohol they choose to consume." *C.A.L No. 14 Pty Ltd v Motor Accidents Insurance Board*; *C.A.L No 14. Pty Ltd v Scott* [2009] HCA 47; 239 CLR 390 at [52] per Gummow, Heydon and Crennan JJ

41. The Commission was not referred to and is unaware of any previous liquor licensing decisions comparable to the current matter, and accordingly considers that the principle of parity has only limited application in the circumstances of this case.
42. In the view of the Commission both general and specific deterrence are engaged. In taking this disciplinary action, the Commission sends a message to Northern Territory liquor licensees that if they engage in irresponsible or unsafe practices in breach of their licence conditions, they face the very real prospect of losing their licence either temporarily or permanently.
43. The Commission remains concerned that the governing committee of the licensee may not fully appreciate the gravity of its failure to take all reasonable steps to ensure that it complied with its obligations under the Act. The licensee is not a commercial enterprise, and its committee members are community-minded volunteers. That however does not absolve them from responsibility for the operation of the licence held in the name of the Jabiru Golf Club Inc. The Commission notes that despite commitments to Licensing NT made in 2021 on behalf of the licensee to improve its trading practices, those commitments were not followed up with effective action. The Commission notes that when Licensing NT officers attended the premises a week after the fatal car crash, none of the committee members present took the opportunity to engage with the compliance officers. The Commission notes that no committee member took the opportunity to attend the hearing of the complaint, or to make submissions to the Commission.
44. Although Mr Keepence has been commendably contrite and co-operative, the Commission is concerned, as stated at paragraph 14 above, that he failed to take reasonable steps to prepare for the hearing, a failure that in the view of the Commission is consistent with Mr Keepence's unsatisfactory record to date in performing a job that the Commission acknowledges is extremely difficult, apparently with only limited support and supervision from his employer.
45. The Director's decision of 21 May 2021 upholding a complaint against the licensee should have been a wake-up call to the licensee's management committee and to its manager. Regrettably, however, the serious issues identified in that decision were not effectively addressed. Accordingly, the Commission has now given serious consideration to disqualifying the licensee from holding a liquor licence. Ultimately it has determined not to do so, for two reasons. Firstly, since January 2021 the licensee has taken significant steps to address the issues and improve its practices. Secondly, the Commission accepts that as the only takeaway liquor outlet and one of the few licensed venues in the district, the licensee makes a significant contribution to the amenity of the Jabiru community. Were the licensee to be disqualified, it is doubtful that the club would continue to be viable.
46. On behalf of the Director, Mr Kulda submitted that a condition be imposed prohibiting the sale of full-strength alcohol after 21:00. The Commission has not taken that step, as it would preclude patrons drinking wine with a meal from being able to buy a glass of wine after 21:00. The remaining variations to conditions set out at paragraphs 2.e.i) and 2.e.i(ii) above are consistent with the Director's submissions and, to a large extent, with changes to trading practices already adopted by the licensee. In the view of the Commission, in all the circumstances of this matter it is appropriate to vary the conditions rather than rely on the licensee to voluntarily maintain the measures it has recently taken.

47. The Commission has varied the licensee's trading hours by bringing forward closing times from the currently authorised 22:00 on Mondays, 23:00 on Tuesdays to Thursdays and 23:59 on Fridays and Saturdays, to 22:00 every day of the week. The Commission notes that four of the five instances on which it has found that the licensee sold liquor to an intoxicated person on 3 December 2021 were after (in three instances) or shortly before (in one instance) 22:00. The licensee is currently ceasing trade every day at or before 22:00. The permitted trading periods are well in excess of those within which the licensee has currently elected to trade. Regulation 21 of the *Liquor Regulations* allows a licensee to voluntarily reduce its hours of operation by giving notice to the Director, on receipt of which the new trading hours of operation become conditions of the authority. That may in turn result in a reduction of the applicable licence fee. It is up to the licensee whether to take up this option.
48. The Director submitted that the Commission suspend the licence for a period from trading for consumption on the premises, but that takeaway trade be permitted to continue. The Commission disagrees. The bulk of the licensee's liquor sales are from takeaway trading. To exempt that part of the licensee's business from licence suspension would substantially dilute the financial impact of the suspension on the licensee. The full suspension will also impact the local community. The Commission intends that a message be sent to the Jabiru community that the licensee, which after all is an entity owned and run by that community, must change its practices.
49. The Commission has also directed the licensee to lodge its Staff Induction Manual and a Risk Management Strategy with the Director. These measures are intended to mitigate the risk that the recent steps taken by the licensee to improve its practices are not sustained and continued.



RUSSELL GOLDFLAM
Acting Deputy Chairperson
Northern Territory Liquor Commission

On behalf of Commissioners Goldflam, Dwyer and Hart
26 July 2022