

# Submission to the Northern Territory Liquor Commission

**From:** Pearl Randhay – Bojangles Saloon, Alice Springs

**Subject:** Response to Proposed Licensing Conditions and Stakeholder Correspondence

**Date:** 17 December 2025

**Please note: Due to the commercially confidential information contained in these submissions, we do not consent to them being published.**

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## Summary

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Bojangles Saloon respectfully submits this three-part response to the Northern Territory Liquor Commission's proposed licensing conditions.

While Bojangles fully supports responsible service and public safety, the proposed conditions appear to be based on **inaccurate and unverified information** that misrepresents the venue's operations.

**Part 1 of this submission addresses the practical implications of the proposed licensing conditions, explaining in detail why the suggested restrictions are unworkable, economically unsustainable, and disproportionate to any demonstrated risk. This section also proposes realistic, evidence-based alternatives that would support community safety without unfairly penalising a compliant business.**

**Part 2 of this submission provides a factual response, supported by verified evidence from both the Northern Territory Police and Licensing NT, confirming that Bojangles is not identified as a problematic venue and that no incidents support the allegations made in third-party correspondence. It also outlines the venue's operations, management practices, and its strong community role.**

**Part 3 of this submission sets out a comprehensive overview of Bojangles Saloon's operations, its contribution to the community, and the clear public interest in supporting a compliant, responsible, and community-focused hospitality venue in Alice Springs.**

**This section also addresses the correspondence from Congress and the material published by the Liquor Commission as part of the notice of proposed variation**

Primarily, Bojangles requests that none of the proposed variations to licence conditions be implemented regarding Bojangles.

As secondary observations:

- The proposed conditions should be recognised as being derived from inaccurate information regarding Bojangles;
- Bojangles should be assessed **independently from Rock Bar**, which operates under a separate licence and clientele profile; and
- It should be recognised that **Bojangles Saloon commenced operations under new ownership and management in June 2023** and should therefore be treated as a **new venue** for the purposes of this inquiry. The current operators should not be required to bear the burden of historical issues or compliance concerns associated with previous licensees. Bojangles is a **distinct business entity with new management, systems, and operational standards**, and should be assessed solely on its performance and conduct since its commencement under the present ownership.

## Background observations

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Bojangles Saloon is an established, licensed hospitality venue in the Alice Springs CBD offering both food and beverage service.

The venue operates from **11:00 am**, with **lunch service commencing at 11:30 am**.

From **11:30 am until 2:00 pm**, Bojangles offers **\$15 lunch specials** alongside its **full à la carte menu**, ensuring accessibility and variety for all patrons. The **full menu remains available continuously from 11:30 am until 9:00 pm**, providing uninterrupted food service throughout the day. In addition, **dinner specials are available from 5:00 pm until 9:00 pm** to accommodate evening diners.

Bojangles is **the only venue in Alice Springs that maintains an operational kitchen throughout the entire day**, offering consistent food service without interruption. This continuous operation demonstrates Bojangles' ongoing commitment to responsible hospitality, compliance with licensing obligations, and the provision of genuine meal options to accompany beverage service.

Bojangles employs **Talice Security Services** during evening hours on Thursday, Friday and Saturday, maintains **CCTV coverage**, and ensures all staff hold **current RSA certification**.

In 2024, NT Police publicly corrected and retracted statements that had inaccurately depicted Bojangles, underscoring the need for accuracy in official reporting.

The **Rock Bar**, operating next door, trades primarily between **11:30 am and 5:00 pm** and serves a different customer base. Due to proximity, incidents in the shared area are often **wrongly attributed** to Bojangles.

# PART 1

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## Summary

This section responds specifically to the **proposed licensing conditions** outlined in the Liquor Commission’s *Own Initiative Inquiry – LC OMV 2025-001*.

The inquiry, initiated under **section 113 of the *Liquor Act 2019***, seeks to impose additional licence variations on several venues in Alice Springs.

Bojangles notes that these conditions have been applied **collectively** to multiple licensees and, in some cases, **selectively** to only four venues — namely *Todd Tavern, NT Rock Bar, Uncles Tavern, and Bojangles Saloon* — without clear evidence or due differentiation between venues.

Bojangles further submits that its inclusion within this group is the result of **inaccurate and unsubstantiated third-party information**, particularly from the **Congress** submission, which are based on **hearsay** rather than verified evidence.

Neither Congress nor Yeperenye have produced:

- any record of formal complaints lodged with **Licensing NT**,
- any inspection data or incident logs relating to Bojangles, or
- any independent verification from **NT Police**.

The decision by Congress to correspond directly with the Commission, instead of making a complaint to Licensing NT for formal investigation under statutory procedures, deprived Bojangles of procedural fairness and an opportunity to respond prior to the initiation of this inquiry.

Bojangles Saloon **formally opposes the implementation of all three proposed variations** and respectfully submits that **none of the proposed changes should be imposed**.

The proposed variations are based on inaccurate and unverified information, do not reflect the venue’s actual operations or compliance history, and are disproportionate to any demonstrated risk. As set out below, the proposed conditions would be impractical to implement, economically unsustainable, and would unfairly penalise a compliant and responsibly operated venue.

## **Condition 1 – Why the proposed mid-strength-only 11:30 am–3:00 pm condition should not be imposed on Bojangles**

### *Conclusion*

The lunchtime “full-meal only” condition burdens **responsible, seated patrons, damages tourism and events, distorts competition**, and is **operationally unenforceable**—while leaving problematic

drinkers' behaviour **unchanged**. It is also **not the least-restrictive means** of harm minimisation under the *Liquor Act 2019 (NT)*.

### *What does the Commission's own reasoning shows?*

The Commission's "Reasons" section acknowledges that:

- Anti-social incidents spike near the **Yeperenye Centre** around 3 pm when takeaway stores open
- It *infers* that "the majority" of intoxicated persons have been drinking at **Todd Tavern, NT Rock Bar**, and "earlier in the day, **Bojangles**"
- No quantitative evidence (police reports, RSA data, CCTV analysis, or incident counts by venue) is provided to substantiate that inference
- The Commission itself notes serious incidents occurring **on non-takeaway days** (e.g., the 10 November machete assault when all bottle shops were closed), showing **broader social causes** unrelated to lunchtime on-premises service

In short, the document relies on **anecdotal association, not direct evidence**.

### *Conditions like this have historically been temporary and event-specific, not imposed on compliant lunch trade*

Conditions like this have historically been temporary and event-specific, not imposed on compliant lunch trade where the Commission has limited service to mid-strength before 13:00, it has usually been for short-term, high-risk events (e.g., Henley on Todd; AFL NT game days), with tailored controls and clear risk factors, not for normal weekday lunch across established venues. Using those event precedents to justify a broad weekday lunch restriction on restaurants/pubs is a category error.

### *Evidence of Event-Specific Mid-Strength Restrictions in the Northern Territory*

1. Henley on Todd Regatta (Alice Springs) – Special Event Licence Condition

**Source:** Northern Territory Liquor Commission — *Amended Decision Notice: Henley on Todd Regatta* (August 2019). Available at: [https://agd.nt.gov.au/media/docs/liquor-commission/decisions/2019/Amended-Decision-Notice\\_Henley-on-Todd.pdf](https://agd.nt.gov.au/media/docs/liquor-commission/decisions/2019/Amended-Decision-Notice_Henley-on-Todd.pdf)

**Summary of relevance:**

- a. This condition applied **only for a single-day special event** (Henley on Todd Regatta) with a large, transient crowd, outdoor setting, and known public-safety risk profile.
- b. The Commission imposed **short-term, event-specific restrictions**, including the mid-strength limit before 13:00, as part of a holistic event-management plan involving security, crowd control, and hydration stations.
- c. The measure was **not** intended or used for regular, compliant venues serving food and tourists.

- d. This demonstrates that mid-strength-only time restrictions are a **temporary harm-minimisation tool**, appropriate only for unique high-risk events — not for routine weekday lunch trade in established venues such as Bojangles.
2. AFL Northern Territory Game-Day Restrictions

**Source:** Northern Territory Liquor Commission — *AFL NT Game-Day Liquor Authority Conditions* (multiple years, published on AGD NT decisions page). Available at: <https://agd.nt.gov.au/regulatory-services/liquor-commission/decisions>

**Summary of relevance:**

- a. The Commission used identical wording to the Henley on Todd condition for **high-risk, short-duration sporting events**, not for ongoing trade.
  - b. These event authorities include **crowd-control, security, and time-bounded conditions** and expire automatically at the conclusion of the event.
  - c. They show that the Commission has previously confined such mid-strength restrictions to **context-specific, temporary licences** — never as a **permanent lunchtime condition** for ordinary hospitality venues.
3. Attorney-General’s Department – List of Liquor Commission Decisions

**Source:** Northern Territory Department of the Attorney-General and Justice, *Liquor Commission Decisions Portal* — <https://agd.nt.gov.au/regulatory-services/liquor-commission/decisions>

**Summary of relevance:**

- a. The decision list demonstrates a clear **pattern** of the Commission applying restrictive conditions **only within special or major event permits**, including Henley on Todd, Finke Desert Race, and AFL NT fixtures.
- b. There are **no recorded decisions** imposing identical mid-strength restrictions on **regular weekday lunch trade**.
- c. This evidence supports the argument that the Commission’s proposed lunchtime “full-meal / mid-strength” condition for Bojangles is a **novel and unjustified extension** of a policy mechanism historically reserved for **event-specific, high-risk scenarios**.

*Inconsistency with past NT and national precedent*

Context	Measure	Applicability	Relevance
<b>Henley on Todd Festival (2019)</b>	Temporary mid-strength-only before 13 : 00	One-day event	Targeted, time-limited — not comparable to daily lunch trade.
<b>AFL NT game-day variations</b>	Mid-strength limits at oval venues	Event-specific	Applied to crowds > 1000; based on police incident data.
<b>Barkly Region Review (2021)</b>	Proposed on-premises BDR scanning	Abandoned due to cost & impracticality	Shows Commission’s own caution about blanket on-premises restrictions without feasibility proof.
<b>Queensland Safe Night Precincts (2017-)</b>	ID-scanner bans after midnight	Late-night only	Even Queensland confined it to <b>after-midnight high-risk</b> trade.

No jurisdiction imposes a **weekday-lunch mid-strength rule** on compliant restaurants or pubs.

*The proposal is not the least-restrictive way to achieve the Act’s purpose*

As stated in the purposes of the *Liquor Act 2019 (NT)*, the Commission should seek to minimise harm **while also recognising the public’s interest in the lawful sale, service, and consumption of liquor.**

The proposed lunchtime condition does not prohibit full-strength alcohol outright but makes it available **only with the purchase of a “full meal.”** In practice, this denies service to responsible adults who wish to have a single beer, spirit, wine, or cocktail without eating—something that is entirely normal and lawful in a pub environment. Bojangles operates as a **licensed hospitality venue**, not a restaurant-only establishment, and its clientele includes **tourists, shift workers, and local tradespeople** who often come for social drinks or light refreshment after early shifts or on their day off work.

A measure that effectively punishes this ordinary and responsible behaviour **does not target the real source of harm.**

### *Evidence of broader causes acknowledged by the Commission itself*

- **Heat & environment:** Yeperenye Centre is “the only air-conditioned public space ... with a takeaway liquor outlet,” drawing large crowds regardless of pub activity
- **Weapon incidents & violence** occurred even when takeaway outlets were closed
- **Todd Tavern** is open at 10 am and identified as far heavier-patronised; yet identical restrictions are proposed for Bojangles without separate evidence

Therefore, the rule **does not address root causes (heat, homelessness, takeaway clustering, security personnel failure)**, making it arbitrary toward Bojangles.

### *Practical unworkability of a “full meal” rule at lunch*

The rule hinges on an inherently vague term.

The proposed condition relies on “**full meal**” as defined in **reg 3, Liquor Regulations 2019 (NT)**: “a meal expected to be served at a restaurant that is eaten when seated at a table or bar.”

The NT definition gives **no size, component, utensil, or caloric test**; the Commission would be asking staff to adjudicate “is this a full meal?” hundreds of times each week — a recipe for conflict, inconsistency, and appeals.

### *It forces staff to police “adequacy” instead of intoxication*

At Bojangles, lunch trade also includes **single-drink patrons** (workers, tourists) and **shared food** (tapas/platters). With this rule, staff must decide whether a shared dish or light item **qualifies** before serving a full-strength standard drink, displacing the RSA focus (“is this person approaching intoxication?”) with a **food-policing** role that has little to do with harm.

### *The rule collides with how Bojangles’ day runs*

The Notice claims that Bojangles is “heavily patronised by 70–80 Aboriginal drinkers” between 10:00 am and 13:00 pm, and that the venue “clears the morning cohort by 13:00.”

This statement is **factually incorrect and operationally impossible**. Bojangles opens at **11:00 am**, with lawful full strength alcohol service commencing at **11:30 am** under *Regulation 110 of the Liquor Regulations 2019 (NT)*. Between 11:30 am and 1:00 pm, the venue runs **full lunch service** and could not physically serve or manage 70–80 people drinking at once while simultaneously preparing and delivering meals.

To serve that number of patrons safely and efficiently, Bojangles would require at least **five bar and bistro staff plus two crowd controllers**, yet our current staffing level during weekday lunch is **one bar staff, one bistro staff, and one chef**, appropriate for the actual average of **20–30 patrons**. This

factual error undermines the Commission’s assumption that Bojangles experiences large, unmanaged crowds before lunch.

Moreover, the Commission’s own Notice identifies that **the Todd Tavern, NT Rock Bar, and Gap View Hotel** are the **most heavily patronised daytime venues**, not Bojangles.

To suggest that Bojangles hosts 70–80 people in a 90-minute window while running concurrent lunch service is **logistically and operationally implausible**.

This demonstrates that the proposed “meal-only” restriction is based on **inaccurate assumptions** about Bojangles’ scale, operations, and clientele, and therefore is not reasonable and proportional — it is not the **least-restrictive means** of achieving harm minimisation, and it unfairly burdens a compliant business operating squarely in the public interest.

### *The timing of the problem does not align with Bojangles’ operations*

The Notice itself acknowledges that the most heavily patronised daytime venues are **the Todd Tavern, The NT Rock Bar, and the Gap View Hotel**, with The NT Rock Bar operating from **11:30 am until around 3:00 pm**, and being “heavily patronised by predominantly Aboriginal drinkers” during that period

This timing directly coincides with when **anti-social behaviour on Todd Street typically begins** — after **The Rock Bar opens at 11:30 am** — and when it **subsides in the late afternoon**, around **3:00–5:00 pm**, once the venue closes or quiets down.

By contrast, Bojangles’ service begins **at 11:30 am**, and continues through dinner until 10:00 pm without the influx or turnover patterns that cause the issues described in the Notice.

In other words, the **problem period begins and ends with the trading hours of The Rock Bar**, not Bojangles. The proposed “full meal” restriction therefore targets a venue and time period **after the peak-risk window has already passed**, while leaving the actual high-risk trigger point — when other venues open for daytime trade — unaddressed.

This is a clear misalignment between **the Commission’s stated objective (reducing Todd Street anti-social behaviour)** and **the operational reality** of when and where that behaviour originates.

Effective harm minimisation requires targeting **the source and timing of the risk**, not compliant venues that are already operating responsibly during low-risk hours.

### *Why a lunchtime “full-meal only” rule would burden everyday patrons & tourists (not problematic drinkers)*

#### *(a) Problematic drinkers adapt; the beverage strength is not the driver*

A mid-strength-only window does not stop problematic drinkers; they will still consume to achieve the same blood-alcohol level. It merely inconveniences compliant, moderate patrons.

*(b) The Commission’s own findings prove this point*

Paragraph 44 of the Commission’s Notice records that **The NT Rock Bar already sells mid-strength beer and cider as its most popular product**, yet it remains “heavily patronised by predominantly Aboriginal drinkers” and is explicitly cited as one of the “*three most problematic venues*” contributing to anti-social behaviour.

This is clear, on-the-record evidence that **mid-strength availability does not solve the problem**.

If patrons who already drink mid-strength are still leaving intoxicated enough to cause disturbances, restricting Bojangles’ full-strength service with meals will **not alter the behaviour of that same cohort**.

The condition targets the wrong variable — the ABV of the drink — instead of addressing intoxication management and RSA enforcement.

*(c) Who actually loses access: every day shift workers and hospitality staff*

Alice Springs’ workforce includes large numbers of **shift workers** — hospital, police, security, transport, and hospital and hospitality employees — whose “weekends” often fall on **Wednesday, Thursday or Friday**.

These workers are among the few locals able to socialise responsibly at lunchtime on their days off. For them, the proposed restriction removes the ordinary ability to enjoy a full-strength beer, glass of wine, spirits or cocktail without lunch, effectively labelling them as potential problem drinkers.

Tourism NT and ABS employment data show that **around 24% of the Alice Springs workforce** are in hospitality, healthcare, or service sectors with non-standard rosters. (Tourism NT, *Tourism Satellite Account, 2023*; ABS Catalogue 6291.0.55.003.)

The rule therefore punishes a significant, law-abiding segment of the resident community.

*(d) We host mid-week lunch functions that order share platters, not “full meals”*

Our weekday daytime functions (many on **Wed/Thu/Fri**) routinely choose **share platters + social drinks**. Forcing each guest to purchase a “**full meal**” to access a glass of wine, spirit, cocktail or a full-strength beer would deter corporate/event bookings or trigger refusals at service—despite these being **low-risk, seated groups**.

*(e) Shift workers and tradies are a big part of our lunch trade—and they often don’t want a “full meal”*

In Alice Springs’ climate, **early starts** are a recommended heat-mitigation practice (NT WorkSafe **Working in heat** guidance) and heatwaves are frequent; recent reporting notes prolonged periods **>35–40 °C**. That drives workdays earlier and shortens midday appetites.

<https://worksafe.nt.gov.au/forms-and-resources/bulletins/working-in-heat?utm>

A large slice of our daytime clientele are **tradies/shift workers** who finish around noon, have eaten breakfast at 6–7 am, and dine early in the evening. Many will stop for **social drinks** at lunch. The rule **forces** them to buy a full meal to have one beer/wine/cocktail/spirit —or go elsewhere.

*(f) The proposed condition compels us to copy an unworkable model that has already failed*

The Commission’s own findings confirm that **The NT Rock Bar** operates a **mid-strength-only model**, with its “most popular product” being mid-strength beer and cider. Yet, despite this, the Commission identifies that venue as **one of the three most problematic premises** in the CBD and a major contributor to antisocial behaviour.

By imposing an identical mid-strength restriction on Bojangles, the Commission is effectively **forcing us to replicate the same trading model that has already been proven ineffective**. This is irrational and unsupported by evidence.

If mid-strength consumption were the solution, The Rock Bar should now be a model of compliance and community harmony — but the Commission’s own investigation shows the opposite. It therefore follows that **product strength is not the causal factor** and imposing this model on other licensees is neither fair nor evidence based.

*(g) Bojangles represents true hospitality; The Rock Bar does not*

Bojangles is one of the most recognisable hospitality venues in the Northern Territory, combining a full kitchen, bar, restaurant dining, entertainment, and tourism appeal.

We are part of the legitimate hospitality sector that employs chefs, experienced bartenders, floor staff, cleaners, and musicians — not a narrow alcohol-only operation.

It is therefore unjust and inconsistent for the Commission to treat Bojangles as equivalent to The Rock Bar, a premises that sells exclusively alcohol, and does not provide food service at lunch or dinner.

The Commission’s own description shows The Rock Bar **does not represent the hospitality industry**; it represents a limited, high-risk, alcohol-only model — one that Bojangles should not be compelled to mimic.

*(h) Economic consequences for Bojangles*

Bojangles stocks approximately **135 different types of alcoholic beverages**, including beers, wines, spirits, liqueurs, and cocktails, carefully selected to serve both local patrons and tourists seeking a complete dining experience. The products start at the price of [REDACTED] standard drink and go up [REDACTED] for one standard drink.

Out of these, only **two products** are mid-strength.

Under the proposed condition:

- a. For three of our busiest daytime trading sessions each week (Wednesday, Thursday, Friday 11:30–15:00), we would effectively be **restricted from selling 132 of our 135 products** unless a customer orders a “full meal.”
- b. This would eliminate most beverage sales to patrons ordering lighter lunch options (such as tapas, salads, or shared platters) — products that are central to our midday menu.
- c. The result would be an estimated **█% reduction in lunch revenue**, affecting staff hours, and kitchen operation viability.
- d. Given that the rule does **not apply to certain other venues** (for example, those opening after 3:00 pm or located outside the CBD such as Alice Springs Brewing Co), this creates a **significant competitive disadvantage** and distorts the hospitality market.

This level of economic disruption cannot be justified when the policy goal — reducing antisocial behaviour — has not been shown to be linked to Bojangles’ operations or full-strength alcohol sales.

*(i) Unworkable and unenforceable in practice at Bojangles*

The proposed “full-meal” condition is not only disproportionate — it is **operationally unworkable** in a real-world hospitality setting.

The Commission’s Notice provides no guidance on how staff are expected to verify, monitor, or record the link between a “full meal” and the service of full-strength alcohol.

*(j) Impracticality in shared and group settings*

In a large, open-plan venue like Bojangles, customers frequently:

- **Dine in groups** where two or three people share one or more dishes;
- **Order food and drinks separately** at the bar or counter;
- **Join friends** already seated; or
- **Attend in tour groups** where food and drink orders are placed collectively or in staggered rounds.

Under the proposed rule, this creates **impossible enforcement scenarios**:

**Example 1:**

Two patrons order one “full meal” and two drinks. One person consumes the meal, the other doesn’t. How is staff expected to police who is “entitled” to the full-strength drink? If the second person takes a sip of the drink paid for by the first, is that a breach?

**Example 2:**

A tour group of 15 arrives. Five order full meals, ten order light snacks and drinks. Under the proposed rule, staff must monitor and record who is eating what, and ensure only those with full meals receive full-strength products. In a busy service environment, such micro-management is **impossible without extra staff**, significantly increasing costs and compliance risk.

**Example 3:**

A couple orders two drinks while waiting for their food to arrive. Technically, until the meal is on the table, staff would have to **refuse full-strength service**, even though the meal has been ordered. If food is delayed, Bojangles could technically be in breach.

**Example 4:**

A guest who finishes their meal and orders a second drink might move to another table or stand to chat. Under strict interpretation, staff would have to decide whether that person is still “consuming a full meal” and whether further service is permitted.

These scenarios are not hypothetical — they occur daily at Bojangles.

*(k) Increased compliance risk for staff and licensees*

The rule would transform routine lunch service into a **high-risk compliance trap**. Even with perfect RSA training, staff cannot reasonably monitor every table or distinguish between customers who have ordered, shared, or finished meals.

This introduces:

- A **constant risk of technical breach** for unintentional service errors.
- **Unjust liability** for Bojangles and staff acting in good faith; and
- **Financial strain**, as maintaining extra RSA monitors or floor staff during a low-volume lunch period is not economically viable.

As Bojangles’ lunchtime trade is modest compared to evening service, the venue cannot justify employing additional compliance staff for this specific 3½-hour window.

Imposing a condition that requires staff-to-patron surveillance levels more typical of high-volume nightclubs is **disproportionate and unrealistic** for a licensed restaurant-pub.

*(l) No clear enforcement mechanism*

The condition also fails the basic test of regulatory clarity. It does not define:

- Who determines whether a meal is “sufficient”;
- How compliance officers will assess whether a drink was linked to a meal;
- What constitutes a “shared” or “partially eaten” meal; or
- How staff can demonstrate that service was lawful if patrons share or swap drinks.

This ambiguity will create **inconsistent enforcement** and expose compliant licensee such as Bojangles to avoidable breaches.

The proposed “full-meal” rule would not improve compliance — it would **make compliance impossible** for a venue like Bojangles.

It places staff in an untenable position, exposes Bojangles to breach risk for normal service patterns, and undermines the Act’s principle of **proportionate, evidence-based regulation**.

*(m) Impact on tourism, The possible Ghan partnership, and group hospitality*

The Commission’s Notice asserts that the proposed “full-meal” restriction “*will not inconvenience people who wish to have a glass of wine or a beer with their lunch, including tourists.*”

This statement is inaccurate and disconnected from how Alice Springs tourism and hospitality operate.

**Bojangles is a key tourism venue in the CBD**, regularly hosting tour groups, local walking tours, and travel itineraries that include a short stop for lunch or refreshments between **11:30 am and 1:30 pm**. These groups typically spend **30–60 minutes** on site — long enough for a drink, or shared platters, but not for a multi-course “full meal” as defined under Regulation 3 of the *Liquor Regulations 2019 (NT)*.

Under the proposed condition, those guests could not be served full-strength beers wine, spirits, or cocktails unless each person ordered a full plated meal. In practice, this would:

- **Prevent responsible adult tourists** from enjoying a single drink as part of a short stopover;
- **Discourage tour operators** from including Bojangles in itineraries, as the condition would disrupt scheduling and guest experience;
- **Undermine possible partnerships with major tourism operators**, including *The Ghan* and *AAT Kings*.

Bojangles is currently in **active discussions with** [REDACTED]

Tour operator [REDACTED] guests typically **bring their own food** (as part of their on-board package) but **purchase drinks from the venue**, making Bojangles a convenient and safe refreshment location for hundreds of national and international travellers each week. If the proposed “full-meal” restriction is imposed, Bojangles would be **unable to serve these guests full-strength beverages**, effectively making such stopovers **commercially unviable**.

The result would be the loss of possible valuable tourism partnerships that benefits not only Bojangles but also **the broader Alice Springs CBD economy**, including nearby cafés, souvenir shops, and transport providers.

**This reduce responsible tourism trade** within the CBD and **shift economic benefit to outer areas**, contradicting both:

- The *Liquor Act 2019 (NT)*'s **objective** of supporting the lawful sale and service of liquor, and
- The **Territory's tourism and economic diversification goals**.

The proposed mid-strength and “full-meal” restriction is incompatible with Alice Springs’ tourism structure specifically for a venue such as Bojangles. It would:

- Disrupt established tour itineraries and planned walking tours;
- Eliminate possible Bojangles’ partnership with [REDACTED]
- Displace trade to less-restricted venues outside the CBD; and
- Undermine the local visitor economy built around safe, responsible hospitality.

In short, the restriction would **not minimise harm** — it would simply **minimise tourism**.

*(n) Competitive distortion and displacement to Alice Springs Brewing Co*

The proposed lunchtime condition would not achieve its stated aim of reducing alcohol-related harm. Instead, it would **displace responsible Bojangles patrons to less-restricted venues** while unfairly penalising compliant operators like Bojangles.

*(o) Real competitive impact on Bojangles and market distortion*

If Bojangles cannot serve full-strength alcohol except with a “full meal,” many of its ordinary patrons—**workers finishing early shifts, hospitality staff, emergency services staff on rostered days off, and tourists**—will simply take their business elsewhere. The most likely beneficiary is **Alice Springs Brewing Co (ASBC)**, located at **39 Palm Circuit, Ross NT 0873**, approximately **3 km** from Bojangles at **80 Todd Street**—a short drive. ASBC’s staff member has indicated an intention to **commence lunch service next year**, precisely when these new restrictions are due to take effect.

That would grant ASBC a **competitive advantage**: it would be able to serve the same customers full-strength drinks at lunchtime without the “full-meal” limitation. Meanwhile, Bojangles would be forced either to refuse responsible, paying customers or to rely increasingly on the small number of higher-risk patrons who remain.

Such an outcome is the opposite of harm minimisation. The Commission would effectively be **pushing responsible consumers out of the CBD** and leaving compliant venues to rely on the very cohort the condition seeks to deter.

*(p) Practical effect in Alice Springs*

This will unfairly handicap one operator over another, without clear evidence of differential risk, are inconsistent with those statutory objectives. A measure that shifts customers to a less-restricted competitor, while leaving overall alcohol consumption unchanged, fails that test.

In the local context, the proposed condition would:

- Divert responsible patrons from Bojangles to **Alice Springs Brewing Co**, only 3 km away.
- Leave Bojangles disproportionately dependent on a smaller, higher-risk group to sustain revenue.
- Undermine investment and employment in the Todd Street precinct, reducing the diversity of responsible daytime hospitality options.

This mirrors what happened in Sydney’s lockout zone: good operators lost business while drinking simply migrated elsewhere.

## **Condition 2: Why the proposed On-Premises Identification System should not be imposed on Bojangles**

### *Conclusion*

The screening system otherwise appears to be very poorly conceived and designed, given the:

- proven effectiveness of Bojangles’ existing entry controls,
- safety risks to staff,
- unfair requirement to enforce other venues’ bans,
- technical vulnerabilities,
- disruption to legitimate customers and tourism trade,
- duplication of existing BDR systems,
- economic burden,
- seemingly limited practical benefits obtained for materially high costs, and
- inconsistency with both NT and national licensing standards.

**Bojangles respectfully submits that Condition 2 should be withdrawn in its entirety.** If the Commission wishes to address problem with patron management in the precinct, Bojangles supports

a **collaborative, RSA-based approach** involving Licensing NT and NT Police — not a technologically burdensome system that penalises responsible operators and deters ordinary visitors.

### *Overview*

Under this proposal, each affected licensee must:

1. Establish and operate an **electronic or manual ID-screening system** to determine whether any person entering the venue is:
  - Subject to a **Banned Drinker Order, bail condition, or court/exclusion order** under NT law; or
  - The subject of a **“banning decision”** made by another nominated licensee.
2. **Maintain and share** a register (including names, photos, and banning periods) of persons refused entry.
3. **Refuse entry** to anyone who:
  - Fails or refuses to present valid ID,
  - Is identified by the system as banned, or
  - Is intoxicated or disorderly.
  - Display clear signage stating that ID presentation and screening are conditions of entry.
  - Apply screening to all patrons **before 15:00 on Wednesdays, Thursdays, and Fridays**.

The Commission would also require a **minimum 48-hour banning decision** for any patron refused entry or removed under these provisions.

### *Concerns*

A fundamental concern with Condition 2 is whether it represents an effective expansion of the existing Banned Drinker Register (BDR), without clarity as to its legal basis, technological feasibility, or proportionality. It is unclear whether the necessary technology even exists for licensees to create, maintain, share, and access a real-time database capable of recording and retrieving information across multiple premises whenever a patron’s identification is scanned. Even if such technology were theoretically available, it is not evident that it would be practically achievable, cost-effective, or reasonable for individual licensees to implement and operate.

The proposed condition also appears to create a presumption that a person who does not wish to undergo screening is to be treated as if they have committed an offence, resulting in an effective ban from all licensed premises for at least 48 hours. This would inevitably capture genuine cases of patrons who simply choose not to participate in screening and just leave the premises. For example, does a tourist who has no ID or who finds a ‘screening’ to enter a premises without even intending to consume alcohol absurd such that they have no wish to enter thereby commit an offence of failing or refusing to undergo a screening? It is unclear how a licensee is expected to record or manage individuals who decline to be screened but leave immediately without identifying

themselves. The proposal raises the question of whether merely declining to be screened constitutes a “refusal” triggering a multi-venue exclusion, and if so, how such a restriction could be fairly or lawfully enforced.

There are also significant privacy and data protection implications. The proposal would require licensees to store and potentially share sensitive personal information relating not only to individuals on the BDR, but also those who refuse to be scanned, those deemed too intoxicated to be admitted, and those ejected within the previous 48 hours. While identifying patrons on the BDR may be justifiable, extending mandatory data capture to these additional categories is difficult to justify. Responsible service of alcohol obligations already empower licensees to refuse entry or service to intoxicated persons without the need for a technological solution. Mandating the storage and sharing of such information exposes licensees to unnecessary privacy risks and potential breaches, without a clear corresponding public safety benefit.

Further uncertainty arises as to the scope of the condition. It is unclear whether it applies to individuals who have no intention of consuming alcohol, children (who will almost certainly not have identification), other patrons without identification, or tourists who may be unaware of the requirement. The proposal appears to apply indiscriminately to anyone entering the premises, rather than being limited to those seeking to purchase or consume alcohol. This lack of differentiation further undermines the reasonableness and proportionality of the condition.

Finally, the condition appears to impose obligations on licensees that extend beyond their lawful role. Licensees and their staff are not police officers and have limited capacity to manage the conduct of individuals before arriving at, or after leaving, the premises. Their obligations are appropriately governed by existing Responsible Service of Alcohol requirements, which already address intoxication, refusal of service, and patron management. Introducing additional measures that are complex, difficult to implement, and legally uncertain risks duplicating existing obligations without improving outcomes, while imposing substantial operational and compliance burdens on compliant venues.

*Safety risk to staff increases — the proposed system is stricter, riskier, and inappropriate for daytime trade*

Bojangles already operates a **controlled entry and ID system** during its **late-night trading hours on Friday and Saturday evenings from 9:00 pm onwards**.

This existing system is designed for **venue safety and RSA compliance**, not enforcement of legal bans.

It allows staff to verify age and manage patron flow, using visual ID checks supported by **three to five licensed crowd controllers** and **four bar staff**.

Two security guards are stationed at the entrance for **refusals and de-escalation**, and others monitors the internal floor.

This structure reflects recognised hospitality safety standards, and it works effectively.

The Commission’s **proposed on-premises identification system**, however, is **fundamentally different and significantly more dangerous** to implement at Bojangles.

Unlike the commercial ID checks currently used by Bojangles, this system would require staff to access and act upon **sensitive law-enforcement information** — including details of persons subject to *Banned Drinker Orders, bail conditions, or “banning decisions” imposed by other licensees.*

That means door staff would no longer simply check identification; they would be required to:

- Inform a person that they appear on a shared “banning register”;
- Enforce that ban on behalf of multiple other venues; and
- Justify the refusal based on a record the patron cannot verify or appeal.

This transforms hospitality workers into **quasi-enforcement officers** — a role for which they are neither trained nor equipped.

### *Increased risk of confrontation and assault*

Refusal of entry or service is the most common trigger for verbal abuse and physical assault in licensed venues. When refusals are linked to disputed or sensitive information — such as being “on a list” — the **likelihood of aggression escalates.**

The NT Police *Liquor Enforcement Division Briefing (2021)* also notes that “electronic ID refusal systems increase the risk of confrontations when individuals dispute the basis of denial.”

Bojangles’ experience already confirms this risk:

1. When intoxicated or banned individuals are refused entry on behavioural grounds, staff occasionally face verbal hostility.
2. A technology-driven refusal referencing an undisclosed “banning register” would exacerbate that hostility — especially towards young or female employees rostered at the door.

### *Resource and safety implications*

To operate such a system safely, Bojangles would require **two licensed crowd controllers on duty** during every affected daytime session (Wednesday–Friday 11:30–15:00). One guard would be needed to operate the scanner and one to provide immediate backup for conflict situations. This requirement mirrors NT Police and WorkSafe guidance that “no staff member should conduct entry refusals or physical removals alone” (*NT WorkSafe, 2022*).

However, Bojangles’ average **lunchtime patronage of 20–30 people** does not justify this level of security staffing.

Employing two licensed guards for three weekday lunch shifts would cost \$██████████ per week (≈\$██████████ annually at the current rate) — a disproportionate expense for a low-risk daytime environment.

For a venue with modest daytime patronage, this is **financially unsustainable.** No evidence shows that similar systems in comparable settings have achieved measurable reductions in harm.

### *Unfair obligation to enforce other venues' bans*

The condition compels Bojangles to “maintain and share a register of persons subject to a banning decision made by the licensee or any other nominated licensee.”

This means:

- a decision by another venue automatically binds Bojangles;
- Bojangles has **no right to review, verify, or appeal** that ban;
- inconsistent standards may apply; and
- a single staff member elsewhere could effectively determine who we may lawfully admit.

This exposes Bojangles to **liability and reputational damage** for errors it did not make. There is no uniform appeals process or cross-venue verification mechanism.

### *Technology failures create unavoidable legal breaches*

Under the proposed rule, Bojangles must scan or check every entrant before 15:00 — including diners, tourists, families including children, regulars, and people who have no intention of drinking.

If the device, app, Wi-Fi, or network fails:

- staff must still refuse entry;
- legitimate patrons are turned away;
- lunch trade is lost; and
- the venue remains technically **liable for non-compliance**.

**Frequent system outages and wrongful refusals** will lead to compliance disputes and business loss. Hospitality venues should not be legally penalised for technical malfunctions beyond their control.

### *Severe disruption to ordinary lunch and tourism trade*

Between 11:00 and 15:00, Bojangles serves:

- tourists,
- locals
- workers on meal breaks,
- families, and
- interstate travellers.

None expect nightclub-style ID screening at lunchtime.

Mandatory scanning will:

- increase entry wait times;

- deter walk-in customers;
- discourage tour groups (particularly elderly or international travellers without photo ID);
- create negative reviews; and
- harm the reputation of Alice Springs as a welcoming tourist destination.

There is no evidence that Bojangles' **lunchtime patrons** contribute to the anti-social behaviour cited in the Notice. The measure therefore **targets the wrong cohort**.

### *Inconsistent with national practice*

No other Australian jurisdiction mandates ID scanning for **daytime restaurant or pub trade**.

### *Legal and regulatory concerns*

Unlike Bojangles' existing evening ID system — which simply confirms age and identity — the proposed condition requires staff to access and act on **personal legal data** not held or verified by Licensing NT at the point of entry.

This exposes staff and management to:

1. Liability privacy legislation regarding the capture, storage and use of personal information;
2. Occupational-safety risks under the *Work Health and Safety (National Uniform Legislation) Act 2011 (NT)*; and
3. Complaints to the NT Ombudsman or Privacy Commissioner for wrongful exclusion or data misuse.

This level of enforcement responsibility is **beyond the lawful and practical scope** of a hospitality business. It should remain the role of **Licensing NT and NT Police**, not restaurant and pub staff.

### **Unequal economic and operational impact across venues**

The proposed on-premises identification and banning-register system would impose materially different burdens on the venues named in the Notice.

While this measure may be operationally and financially feasible for high-volume, alcohol-centric premises such as **The NT Rock Bar, Todd Tavern, and Gap View Hotel**, it would be unworkable and disproportionate for Bojangles, which operates under a fundamentally different business model.

Each of the above venues currently engages a minimum of **two licensed security guards** during daytime operations because their levels of daytime patronage and alcohol consumption require that level of supervision. Those establishments operate as high-volume drinking venues where food service is minimal or incidental, and where compliance costs can be absorbed through beverage sales and turnover. Their core daytime business model is beverage-led, not hospitality- or food-led.

By contrast, **Bojangles** operates as a full-service restaurant and tourism venue, employing a **Head Chef, Sous Chef, and qualified kitchen team**, together with professionally trained bar and floor staff. Its business model is built around restaurant-quality food, crafted cocktails, and premium beverages

in a safe, seated environment. This model aligns directly with the objective of promoting food-led, responsible hospitality.

Requiring Bojangles to implement a daytime ID-scanning and banning-register system would necessitate the engagement of **two licensed security officers** during each affected period (Wednesday–Friday, 11:30 am – 3:00 pm) to operate the system safely and manage any refusals. That would add approximately \$ [REDACTED] **per year** in staffing costs — a figure entirely disproportionate to the venue’s **average lunchtime trade of 20–30 seated patrons**.

Moreover, the Commission’s own findings identify **The NT Rock Bar** as one of the “most problematic venues” in the CBD, despite already operating under **mid-strength-only self-imposed restrains** and without any substantive food service. That model has failed to prevent antisocial behaviour, yet it appears to have informed the proposed compliance framework. It would be irrational and unfair to impose additional costs and obligations on Bojangles — a compliant, food-led venue — while modelling regulation on venues whose trading practices have demonstrably not reduced harm.

In practical terms, the proposal would:

1. **Favour** high-volume, alcohol-centric venues that can absorb compliance costs through scale; and
2. **Penalise** full-service, food-focused operators such as Bojangles, which already invest heavily in professional staffing, food service, and responsible alcohol management.

The outcome would be a **regulatory imbalance** that discourages the very type of hospitality venue the Liquor Act seeks to promote.

The proposed condition would instead undermine that balance, **placing compliant, high-quality venues at a competitive disadvantage** while rewarding lower-cost, high-risk operators.

### **Condition 3 – Why the proposed condition “The licensee must take reasonable steps to prevent undue offence, annoyance, disturbance, noise, or inconvenience ... and to ensure public order and safety” should not be imposed on Bojangles**

#### *Conclusion*

The proposed “Practices Relating to Disturbances” condition is:

- **Inconsistent** with the *Liquor Act 2019 (NT)* and beyond the Commission’s powers;
- **Contradictory** to the *Private Security Act 1995 (NT)*;
- **Unsafe**, as evidenced by serious injuries and fatalities when guards operate outside licensed areas; and

- **Unnecessary**, given Bojangles’ proven compliance and absence of disturbance complaints.

**Bojangles respectfully submits that Condition 3 should be withdrawn in its entirety.**

### Overview

The proposed condition states: “The licensee must take reasonable steps to prevent undue offence, annoyance, disturbance, noise or inconvenience ... and to ensure public order and safety.”

Bojangles supports community safety and has an excellent compliance history. However, this proposed condition extends the licensee’s obligations **beyond the boundaries of the licensed premises**—into public areas such as Todd Mall—where the licensee and its security officers have **no lawful authority** under the *Liquor Act 2019 (NT)* or the *Private Security Act 1995 (NT)*.

### *Conflict with the Private Security Act 1995 (NT)*

Section 14(2) of the *Private Security Act* prohibits licensed crowd controllers from performing duties “in any place other than the premises specified in the licence or contract.” Security staff engaged by Bojangles therefore **cannot lawfully operate on public footpaths or roadways**.

Directing them to intervene outside would:

1. Breach the *Private Security Act 1995 (NT)* and expose the security staff to criminal charges;
2. Expose the venue to potential liability under the *Work Health and Safety (National Uniform Legislation) Act 2011 (NT)*; and
3. Contradict NT WorkSafe’s guidance that “venue staff and crowd controllers should not attempt to control persons in public or council-controlled areas.”

### *Real-World Consequences: Staff and Security Injuries*

A stark example in Alice Springs occurred in May 2025 when a 24-year-old Warlpiri man, Kumanjayi White, died after being restrained by Northern Territory Police officers following an altercation that began with a confrontation involving a supermarket security guard at the Coles supermarket in the town centre. After police intervened and physically restrained the man in the aisle, he stopped breathing and was later pronounced deceased at Alice Springs Hospital, prompting an ongoing coronial investigation and community outcry. This tragic event highlights the risks and complexities when situations extend beyond the scope of a security guard’s role, and underscores why it is unreasonable and unsafe to require private security personnel or staff to intervene in potentially violent or life-threatening incidents outside their immediate area of responsibility.

Incidents across Australia demonstrate the **serious risks** faced by security personnel when they are drawn into public-space enforcement:

- **Fatal assault – Sydney (2024):** A security guard was killed outside a licensed venue in Sutherland after intervening in a fight on the street.

- **Multiple assaults – NSW & QLD:** Government data record numerous cases of guards assaulted on footpaths after refusing entry or ejecting patrons, including incidents causing fractures and hospitalisation.
- **Hospitalisation – Regional QLD:** A guard suffered serious injuries outside a pub when attacked by an intoxicated patron.
- **International example – London (UK):** Following assaults by nightclub security staff outside a venue, authorities suspended the licence and ruled that responsibility for street-level disorder rested with police, not licensees.

These events illustrate that extending enforcement beyond venue boundaries **places staff in physical danger** and **creates liability without legal protection**—precisely what this condition would do at Bojangles.

### *Practical and Safety Implications for Bojangles*

Bojangles is near **Todd Mall**, a public thoroughfare under Council control. If the proposed clause were applied, staff or guards confronting individuals outside could:

- Be assaulted or injured;
- Breach the *Private Security Act*; or
- Face civil or criminal consequences for unlawful restraint or assault.

The venue already meets all practical disturbance-prevention standards through:

- RSA-trained staff on every shift;
- CCTV coverage of all entries;
- Immediate cooperation with NT Police; and
- A record of zero disturbance complaints in Licensing NT compliance reports.

Practically, if the effect of this condition is to seek to prosecute licensees when an incident occurs away from their premises, it is not clear how causation will be proven and what evidence will be provided in support.

## PART 2

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### Direct Meeting with the Liquor Commission Panel

Prior to the informal meeting with the Commission, I obtained access in **June** to the correspondence issued by **Central Australian Aboriginal Congress (Congress)**. This document had been widely distributed among various recipients and subsequently shared more broadly. Upon reviewing its contents, it became evident that the letter contained **inaccurate and misleading assertions** relating to Bojangles' operations.

In good faith, I sought to address these inaccuracies directly with Congress before the Commission's inquiry commenced. On several occasions, I attempted to engage with Congress representatives to provide **documented evidence** demonstrating that the incidents described in their letter were **not attributable to Bojangles**, but were in fact related to **Rock Bar**, a separate neighbouring licensee.

#### Specifically:

- I contacted **Dr. John Boffa**, who initially indicated he would return my call but did not do so despite subsequent follow-up attempts.
- I subsequently contacted **Ms. Marah Prior**, the author of the Congress letter, who declined to meet, citing time constraints and an inability to review the evidence offered.
- Following these unsuccessful attempts, I formally wrote to **Ms. Donna Ah Chee**, Chief Executive Officer of Congress, requesting a meeting to present the evidence in person. The purpose of these requests was to present clear, evidence-based information and ensure that the allegations contained in Congress's correspondence were properly understood and verified before being relied upon in any official capacity.
- The following excerpt from my email to **Ms. Natasha Perkins**, Executive Officer, sent prior to the formal response, outlines the nature of that request:

*Good morning Natasha,*

*Thank you kindly for your time over the phone.*

*Could you please kindly ask Ms Ah Chee to give us 15 minutes of her time. My husband and I have been operating Bojangles for the past two years with zero breaches. We have been referred to as one of the most responsible operators in Alice Springs by the Director of Liquor Licensing.*

*We have evidence that includes video footage from our cameras overlooking Todd Street leading up to Gregory Terrace, among others. We have been victims of the same ongoing issues for the past two years that have made it harder for our business to operate in an environment where responsible service of alcohol has been non-existent, contributing to anti-social behaviour and jeopardising public safety. Rock Bar has been solely selling alcohol from*

*11:30 am until 5 pm. They do not represent hospitality or contribute positively to the community. Their licence was altered more than four years ago by NT Liquor Licensing, removing the food requirement and allowing them to trade solely as an alcohol venue. This has affected our lunch trade, tourist trade, after-work hours, and dinner trade.*

*We have raised these concerns with NT Liquor Licensing over the past two years with no support. Our business model, clientele, and reputation are distinct from Rock Bar's. Our claims are supported by clear and verifiable evidence.*

*Last year we were similarly affected when NT Police closed both Bojangles and Rock Bar for 48 hours. Once evidence was provided, it was determined that Bojangles was not responsible, and a public retraction and correction were issued on the NT Police website and in the NT News. Despite this, due to our proximity, we continue to suffer reputational harm through no fault of our own.*

*I have attempted to contact Dr. John Boffa and Ms. Marah Prior to show Congress the evidence and ensure that any future correspondence is evidence-based. Dr. Boffa indicated he would return my call but did not. Ms. Prior stated she was unavailable to meet.*

*We are humbly requesting 15 minutes of Ms. Ah Chee's time to present the factual position and supporting evidence to ensure that our small business is not unfairly targeted, and that the real cause of the problem is properly addressed.*

- On **13 August**, I received a written response from **Ms. Natasha Perkins**, Executive Officer, stating:

***Good Afternoon Pearl,***

*We hereby acknowledge receipt of your email and request for a meeting with Congress' CEO.*

*Whilst your position and concerns have been made clear, we hereby decline your request for a meeting with the CEO or other members of the Executive Team as Bojangles' business is a matter for consideration by the panel of the NT Liquor Commission rather than Congress in its capacity as a health service provider.*

This correspondence confirms that, despite multiple **good-faith efforts** to resolve the matter cooperatively and provide clarifying evidence, Congress **declined to engage or review the material**. As a result, Bojangles had **no alternative but to present the factual record directly to the Northern Territory Liquor Commission** as part of these proceedings.

During this inquiry, my husband and I also requested a **commercial-in-confidence meeting** with the Chairperson, **Mr. Russell Goldflam**, and the panel members of the Liquor Commission. At that meeting, we personally explained and submitted evidence demonstrating that Bojangles is experiencing the **same anti-social behaviour issues** as other businesses in the Todd Street precinct due to the way **Rock Bar** is currently being operated.

We provided the respected panel with **video footage** documenting these issues via USB, and uploaded materials to a Google Drive link provided by **Mr. Pasang Lama**, Liquor Commission Support Officer. During that session, Mr. Goldflam acknowledged to the panel, *"I have been to the Rock Bar and the Todd Tavern – I can confirm this is not the same business model,"* clearly recognising the distinction between Bojangles and Rock Bar.

Mr. Goldflam also inquired about our opening hours. We confirmed that Bojangles opens at **11:00 am**, but he advised that **Rock Bar's owner, Joe George**, had stated that Bojangles opens at 10:00 am and serves full strength beer from 10 am. We clarified that **no venue in Alice Springs can legally serve full-strength alcohol before 11:30 am**, in accordance with local liquor restrictions.

Mr. Goldflam further questioned why Bojangles allegedly removes Indigenous patrons at 2:00 pm, as he was informed by Rock Bar. We explained that this claim was **false**. The Commission has since alleged that Bojangles removes Indigenous patrons at **1:00 pm**. However, during the initial inquiry, the period identified for review was **between 3:00 pm and approximately 5:00 pm**, and Bojangles provided comprehensive CCTV footage from 2 pm, covering that timeframe in good faith.

Should the Commission have initially specified that **1:00 pm** was the period of concern, Bojangles would have readily furnished **additional footage from 1:00 pm and earlier** to ensure full and transparent disclosure. The venue has at all times acted cooperatively and in accordance with procedural fairness principles, providing all evidence requested within the parameters originally established by the Commission. Bojangles does **not remove people based on identity**—rather, we enforce **strict RSA practices and Hygiene standards**. Patrons typically leave of their own accord once they have reached their service limits. We explained that our RSA standards are rigorous: no individual is served more than **two or three schooners during the early hours if they are not ordering a meal**, and if a group requests a jug of beer, **every person sharing the jug is assessed individually by the bartender** before service is approved.

This meeting provided the Commission with direct clarification and documented evidence that many of the behavioural concerns attributed to Bojangles are in fact associated with Rock Bar. We also informed Mr. Goldflam and the panel that **Rock Bar has not had an operational kitchen since 2020**, and that this appears to place them **in breach of their liquor licence conditions**. It also reinforced our ongoing commitment to operating in strict compliance with RSA obligations and to maintaining a safe, well-managed venue for all patrons. We further clarified to the Commission and the panel that the individuals exhibiting problematic or antisocial behaviour in the Todd Street precinct are **attracted by Rock Bar's operations**, not Bojangles. These individuals typically congregate due to Rock Bar and any subsequent issues in the surrounding area are therefore unrelated to Bojangles or its clientele.

## **Clarification from NT Police Regarding Misattributed Information**

Bojangles has received written confirmation from NT Police that they **did not provide nor author** the information used in the Commission's draft materials.

In an email sent to the undersigned, NT Police confirmed:

"I was not involved in the information collection process or drafting of the document as it was authored by the Liquor Commission. I have spoken to Commander Gray-Spence who provided me with a Police intelligence report focusing on 'Anti-social behaviour in the Alice Springs CBD'. There is no reference to the word 'problematic' contained in the report. I am unable to confirm where this reference (within the report) originated from. As always, I

continue to be available to discuss any concerns and look forward to working with you collaboratively to address any issues as they arise.”

**Key points:**

1. The term “*problematic*” used by the Commission was **not derived from NT Police materials**.
2. The Liquor Commission’s draft therefore relies on **unverified or misattributed content**.
3. NT Police maintain a **cooperative and constructive relationship** with Bojangles and have not identified the venue as problematic.

Any proposed conditions or findings relying on this misattributed language should be **withdrawn**.

## **Confirmation from Licensing NT Regarding Venue Conduct**

In preparing this submission, I sought information from **Licensing NT** specifically regarding Bojangles’ operational conduct and compliance history, as another licensed premises, NT Rock Bar, operates immediately adjacent to Bojangles. It was necessary to establish a clear distinction between the two venues. An email response from Licensing NT informed:

“In general terms, there has been **no known incidents** that have been observed by inspectors during their compliance visits.”

“There is one incident where a male had fallen asleep outside the premises and inspectors had difficulty waking him. He had **not been in the premises**, nor had he attempted to enter the premises. An off-duty crowd controller who works at the premises took the male to the sobering up shelter himself.”

“The incidents observed in the vicinity of the premises appear to involve people who have been **refused entry** to premises or have had **no involvement** with the licensed premises at all.”

“Once a person leaves licensed premises the licensee and their personnel have **no powers under the Liquor Act 2019** to intercede in an incident that may arise outside of the premises.”

“Licensing NT conducts daily inspections throughout the week... If any issues are identified, they are raised with the licensee at the time. **There are no investigations or disciplinary actions** being undertaken against this licensee at this time.”

**Key implications:**

- Licensing NT confirms that Bojangles has **no record of aggressive or violent patron behaviour**.
- Inspectors have **not observed disturbances** involving Bojangles patrons.
- Licensing NT confirms Bojangles is **not under investigation** and is **not considered a problematic venue**.

- The only recorded incident involved an individual who had **no connection to Bojangles** and was voluntarily assisted by our staff.

This official response directly contradicts the claims made in the Congress letter and invalidates the basis for restrictive new conditions.

## Operational Context and Daytime Security Considerations

Bojangles operates as a **community-focused hospitality venue** that serves as a gathering point for locals and visitors alike. We are not simply a pub — we are a **service provider that contributes to the social and economic wellbeing** of Alice Springs by offering a safe, comfortable environment where people can share a meal, have a drink, and connect with others.

During the daytime, Bojangles functions primarily as a **casual pub and dining venue**. The atmosphere is relaxed and inclusive, with a clientele that includes residents, workers, tourists, and families. Our patrons attend for lunch, drink, or social interaction — not high-volume drinking.

Because of this, there has been **no pattern of behaviour or risk** that would justify employing licensed crowd controllers during daytime trading hours. Licensing NT’s own inspection reports confirm that **no issues involving Bojangles patrons have been observed** during the day.

From a business standpoint, mandating daytime security would impose an **unreasonable and unsustainable financial burden**. Our typical daytime sales between 11 am and 3 pm from Wednesday to Friday average around \$██████████, while employing two licensed crowd controller costs \$██████████ **per shift**. This level of expense is disproportionate to the scale of trade and unnecessary given the low-risk nature of daytime operations.

Bojangles manages its venue responsibly through **active staff supervision, strict RSA practices, and a hands-on management approach**. All staff are trained to recognise early signs of intoxication, to refuse service when appropriate, and to de-escalate any emerging issue professionally.

We are also a **highly popular and respected dinner and a late-night venue**, contributing positively to the local hospitality and tourism scene. The consistent patronage we enjoy reflects community trust and responsible operation.

Accordingly, any requirement to employ security personnel during daytime hours would be **neither evidence-based nor proportionate**. Bojangles remains willing to adjust its practices if Licensing NT identifies genuine ongoing concerns — however, no such evidence exists currently.

## Correction of Factual Inaccuracies

Incorrect Claim	Accurate Information
Bojangles opens at 10:00 am	Opens at <b>11:00 am</b>
Lunch starts at 1:30 pm	Lunch begins at <b>11:30 am</b>
No visible security presence	<b>Evening security provided</b> ; not required during day due to low-risk trade

Incorrect Claim	Accurate Information
"Problematic venue"	No such reference in NT Police or Licensing reports
Aggressive patron behaviour or incidents	None observed by Licensing NT
Unsafe environment near Headspace linked to Bojangles	Daytime disturbances correlate with Rock Bar operations

## Proportionality, Fairness, and Competitive Equity

Bojangles supports the Commission’s harm-minimisation objectives but stresses that **any regulatory decision must be grounded in verified evidence.**

Both NT Police and Licensing NT have confirmed there are **no factual grounds** to treat Bojangles as problematic or non-compliant.

Imposing restrictive conditions would therefore be **unfair, discriminatory, and anti-competitive,** penalising a compliant venue for issues unrelated to its operations.

## Part 3

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### Bojangles' Commitment to Community, Compliance, and the Principles of the Riley Review

#### *Conclusion*

Since reopening under new ownership in **June 2023**, **Bojangles Saloon** has become a positive and stabilising force in the Alice Springs hospitality landscape. The venue operates on the principles of **responsible service, proactive harm minimisation, and community partnership**. It stands as a model of **modern, responsible hospitality** in Alice Springs — compliant, community-minded, and aligned with every principle of the **Liquor Act 2019 (NT)** and the **Riley Review (2017 Alcohol Policies and Legislation Review Final Report)**.

It is submitted that any proposed conditions applied to Bojangles should reflect its **proven compliance record**, its **ongoing contribution to harm minimisation**, and its **positive role in the Alice Springs community**. To impose restrictions based on unsubstantiated association or generalised assumptions would be inconsistent with both the **objects of the Act** and the **principles of fairness and proportionality** that underpin effective liquor regulation in the Northern Territory.

The three proposed licence condition variations do not offer any additional benefit regarding Bojangles, as the problems that the Liquor Commission seeks to address are being addressed by Bojangles through the sound way that it conducts its operations.

#### *Commitment to Responsible and Safe Operations*

Bojangles operates with a full suite of responsible service practices that align with both the **Liquor Act 2019 (NT)** and the **Riley Review's emphasis on evidence-based regulation and community safety**. These include:

- Employment of **licensed security personnel from Talice Security Services** on key trading nights;
- **Comprehensive CCTV coverage** of all licensed areas, entrances, and high-traffic zones;
- Strict **RSA compliance**, including regular refresher training and incident log reviews;
- Voluntary cooperation with **NT Police and Licensing NT** in all inspection and reporting matters; and
- A **zero-tolerance policy** toward intoxication, disorderly conduct, or secondary supply.

These measures are not reactive but embedded in the venue's daily operations. They demonstrate Bojangles' proactive approach to preventing harm, protecting patrons, and supporting a safe

entertainment environment — exactly as envisioned in the Riley Review’s recommendations for responsible venue management.

### *Distinction from the Broader Cohort*

Bojangles rejects the implication that it forms part of a problematic “cohort” of licensed premises. The venue’s record since reopening under new ownership clearly demonstrates that it does **not contribute to the anti-social behaviour or alcohol-related harm** that the current inquiry seeks to address.

- The venue’s **inspection records** show no pattern of violence, breaches, or alcohol-related harm.
- **NT Police and Licensing NT** have confirmed in writing that Bojangles is not identified as a problematic venue.
- The venue’s **management and compliance standards** exceed those of comparable venues, and its clientele is diverse, mature, and community based.

Bojangles should therefore be assessed **individually and on its proven performance**, rather than grouped with unrelated operators whose trading practices and incident profiles differ significantly.

### *Cultural and Community Contribution*

Beyond compliance, Bojangles contributes meaningfully to the social and cultural life of Alice Springs. Since June 2023, the venue has hosted a growing calendar of community-oriented and cultural events, including:

- **Charity nights** supporting local causes and not-for-profit groups;
- **Live music performances** showcasing Central Australian artists and Indigenous musicians;
- **Local business and tourism collaborations**, providing a space for community gatherings; and
- The introduction of the **“Bike Ride Thru” event with Red Centre NATS**, which has already become a popular annual tradition and draws visitors from across the Territory.

Through these initiatives, Bojangles promotes **community cohesion, economic participation, and safe entertainment** — all outcomes directly aligned with the Riley Review’s call for “a balanced, responsible, and community-integrated liquor system.”

## **Bojangles’ Commitment to Compliance, Community, and the Objectives of the Liquor Act 2019 (NT)**

Since reopening under new ownership in **June 2023**, **Bojangles Saloon** has consistently demonstrated that it is a **responsible, compliant, and community-oriented venue**. Its operations uphold the framework for harm minimisation, public safety, and balanced community benefit under the **Liquor Act 2019 (NT)**.

### *Compliance with the Liquor Act 2019 (NT)*

Bojangles’ operations directly align with the **primary objects** of the Liquor Act 2019 (NT), including:

1. **Minimising the harm** associated with the consumption of liquor (s.3(a));
2. **Ensuring public order and safety** in and around licensed premises (s.3(b));
3. **Regulating the sale and supply of liquor in a way that contributes to the responsible development of the industry** (s.3(c)); and
4. **Facilitating diversity and cultural vibrancy within the hospitality sector** (s.3(e)).

In practical terms, Bojangles achieves these legislative objectives through:

- **Employment of licensed security personnel** from Talice Security Services on key trading nights, ensuring a professional security presence both inside and around the venue;
- A comprehensive **CCTV surveillance system** covering all public areas and entrances;
- Strict adherence to **Responsible Service of Alcohol (RSA)** obligations, including refresher training;
- A proactive relationship with **Licensing NT and NT Police**, marked by cooperation, transparency, and a record free from any significant compliance breaches; and
- Responsible operational practices such as denying service to intoxicated patrons, managing patron flow, and closing entry points in accordance with license conditions.

These measures illustrate that Bojangles is not merely compliant — it is **exemplary in upholding the law’s intent** to protect public safety while allowing the hospitality sector to flourish responsibly.

### *Distinction from the Broader Cohort*

It is critical that Bojangles not be grouped into a general “cohort” of venues subject to blanket conditions. Since its change of ownership in 2023, Bojangles has **no record of anti-social behaviour, regulatory breaches, or police incidents** that would justify restrictive measures.

Both **Licensing NT** and **NT Police** have confirmed that Bojangles is **not identified as a problematic venue**. The venue’s culture is defined by professionalism, mature clientele, and a strong local reputation.

In this regard, Bojangles meets — and exceeds — the performance standards envisioned under **section 49 of the Liquor Act**, which requires licensees to manage premises responsibly and maintain a safe environment for patrons and the public.

## Concerns Regarding the Congress Letter within the Context of the Section 113 Inquiry

Bojangles fully supports the Commission’s objective of reducing alcohol-related harm and maintaining public safety. However, it is critical that findings made within a section 113 process are based on **verified, factual, and procedurally sound evidence**.

### *Purpose and Scope of a Section 113 Inquiry*

The Commission may inquire into matters relating to the sale and supply of liquor **on its own initiative**, but such an inquiry should be conducted in accordance with the **objects of the Act** and principles of **transparency, procedural fairness, and evidence-based decision-making**.

The Commission is not seeking to vary Bojangles’ liquor licence conditions because of demonstrable and ongoing breaches recorded by Licensing or incidents recorded by the Police. Instead, it is seeking to vary Bojangles’ liquor licence conditions because of advocacy from a couple of parties, and such advocacy either doesn’t point the finger at Bojangles (Yeperenye) or doesn’t appear to have any strong factual basis for Bojangles being a problem (Congress).

Bojangles submits that these procedural safeguards are not met where the inquiry relies on **unverified third-party allegations** such as those contained in the **Congress letter dated 30 May 2025**.

### *Lack of Verified Evidence*

The Congress correspondence attributes anti-social behaviour near the Headspace premises to patrons of “The Rock Bar and Bojangles.” No verified evidence supports this claim.

- **NT Police correspondence** confirms that Bojangles **is not identified as a problematic venue**.
- **Licensing NT operational records** show **no compliance breaches or warnings** under current ownership since June 2023.

### *Procedural Irregularity and Failure to Use the Statutory Complaint Pathway*

Concerns regarding a licensee’s conduct should be referred to **Licensing NT** for assessment and investigation under the Liquor Act before escalation to the Commission.

Congress did **not** follow this statutory process and instead addressed its correspondence directly to the Commission. This bypass deprived Bojangles of the opportunity to respond or provide evidence through the proper administrative channel, thereby compromising **procedural fairness**. Congress’s untested assertions now appear to be treated as fact in the Commission’s inquiry.

### *Mischaracterisation of Bojangles' Security Responsibilities*

The Congress letter further claims an absence of security presence during certain incidents. Bojangles reiterates that its **licensed crowd controllers**, provided by **Talice Security Services**, or staff members are legally authorised to operate **only within the licensed perimeter** of Bojangles in accordance with the **Private Security Act 1995 (NT)**. Any incidents occurring on public land, Todd Mall, or the Yeperenye Shopping Centre are the jurisdiction of **NT Police** and **Council security**, not private licensee staff.

Expecting Bojangles' guards to intervene in public-space incidents would require them to act **beyond their statutory authority**, which would be unlawful.

### *Failure to Distinguish Between Separate Venues*

Congress's letter conflates **Bojangles Saloon** and **The Rock Bar**, suggesting a joint contribution to anti-social behaviour. These venues are **independently owned and operated**, with distinct clientele, management practices, and compliance histories. Since June 2023, Bojangles has maintained a **zero-breach record** and has implemented advanced safety protocols that materially differentiate it from other operators. Treating Bojangles as part of a generic "cohort" disregards its **actual risk profile**, and is contrary to an evidence-based approach.

### *Public Release and Reputational Harm*

The publication of the Congress letter as part of the section 113 materials has created a **misleading public perception** that Bojangles is linked to unsafe behaviour in Todd Street. This has caused reputational damage to a compliant business that actively supports community events, local employment, and tourism. Reliance on such unverified material in a section 113 context risks undermining public confidence in the inquiry's fairness and objectivity.

## **Procedural Fairness and Apprehended Bias**

Bojangles Saloon raises serious concerns regarding **procedural fairness** and **apprehended bias** in the conduct of this current section 113 inquiry.

This inquiry is presided over by the same **Chairperson** who, in a previous decision of the **Northern Territory Civil and Administrative Tribunal (NTCAT)** — [*Bojangles Pty Ltd v Director of Liquor Licensing (2022) NTCAT 5*] — upheld the earlier refusal of Bojangles' licence application. That decision, now publicly available on **AustLII**, involved findings that Bojangles considers having been **unduly adverse and unsupported by the evidence presented at the time**.

While Bojangles has accepted the 2022 decision, it is relevant that the same decision-maker now leads this inquiry into Bojangles' existing licence. Given the prior adverse findings and commentary made about Bojangles in that matter, there exists a **reasonable apprehension that the Chairperson has formed a fixed view about Bojangles' operations and character**.

In the circumstances, Bojangles holds genuine concern that this current process **lacks the appearance of impartiality** required by law.

### *Principles of Apprehended Bias*

Bojangles submits that, when the same Chairperson who previously made adverse determinations now conducts an inquiry grounded in allegations like those earlier considered, a **reasonable apprehension of bias** arises.

### *Pattern of Pre-Judgment*

Bojangles is concerned that the Chairperson has already formed a negative view of the venue's operations, given that:

- the current inquiry reproduces language and assumptions from prior proceedings, and
- the Commission has declined to correct factual errors in the *Notice of Proposed Variation* despite verified contrary evidence from **Licensing NT** and **NT Police**.

Taken together, these circumstances create a perception that **the outcome of this inquiry may already be predetermined** and that the process has become **a formality rather than a genuine reconsideration of facts**.

### *Natural Justice*

Bojangles respectfully asserts that the continuation of this inquiry under the same Chairperson who previously made adverse findings **undermines public confidence in the impartiality of the process**

### *Request for Fair Process*

Bojangles respectfully requests that:

1. The Commission acknowledge the need for **independent and impartial consideration** of all material relating to Bojangles; and
2. Any final decision be determined strictly on **verified evidence**, free from historical prejudice or prior assumptions, consistent with the principles of **procedural fairness and natural justice**.

# Supporting Evidence of Compliance and Community Value

## *Operational Records – Licensing NT*

An official **Operational Record from Licensing NT** confirms that Bojangles has **no record of compliance breaches, infringements, or warnings** since new ownership commenced in **June 2023**. This directly contradicts any suggestion that the venue is a source of risk or non-compliance.

## *Confirmation from NT Police*

An **email from NT Police** confirms that Bojangles is **not identified as a problematic venue** and that the reference to “problematic” in earlier materials did **not originate from police intelligence reports**. This independently verifies that Bojangles should not be associated with the alleged “cohort” of concern.

## *Security Statement – Talice Security Services*

A **letter from Mr. Thomas Turnbull**, owner of **Talice Security Services**, confirms that his licensed crowd controllers have **not observed any anti-social behaviour linked to Bojangles patrons** either at or near the **Yeperenye Shopping Centre**.

Mr. Turnbull further clarifies that Talice Security guards operate **strictly within the licensed perimeter** of Bojangles and are **not authorised or required to intervene** in incidents occurring outside that area — consistent with the **Private Security Act 1995 (NT)**.

## *Sales Data – Lunch Service (Wednesday to Friday, 11 am–3 pm)*

Sales reports from the **Bojangles point-of-sale system** demonstrate steady patronage during lunchtime hours, with a significant proportion of sales relating to **meals, non-alcoholic beverages, and light refreshments**.

This confirms that Bojangles operates as a genuine food-and-beverage venue, not a high-risk drinking outlet, and that patrons consume responsibly.

### **Bojangles Sales Summary (11:00 AM – 3:00 PM, Sep–Dec 2025)**

<b>Date</b>	<b>Time Window</b>	<b>Units</b>	<b>Gross (\$)</b>	<b>Nett (\$)</b>
3 Sep 2025	1100–1500	█	█	█
4 Sep 2025	1100–1500	█	█	█
5 Sep 2025	1100–1500	█		

11 Sep 2025 1100–1500	[REDACTED]		
12 Sep 2025 1100–1500	[REDACTED]		
17 Sep 2025 1100–1500	[REDACTED]		
18 Sep 2025 1100–1500	[REDACTED]		
19 Sep 2025 1100–1500	[REDACTED]		
24 Sep 2025 1100–1500	[REDACTED]		
25 Sep 2025 1100–1500	[REDACTED]		
26 Sep 2025 1100–1500	[REDACTED]		
1 Oct 2025 1100–1500	[REDACTED]		
2 Oct 2025 1100–1500	[REDACTED]	[REDACTED]	
3 Oct 2025 1100–1500	[REDACTED]		
8 Oct 2025 1100–1500	[REDACTED]		
9 Oct 2025 11:00–1500	[REDACTED]		
10 Oct 2025 1100–1500	[REDACTED]		
15 Oct 2025 1100-1500	[REDACTED]		
16 Oct 2025. 1100 – 1500	110	1,088.18.	920.18
17 Oct 2025 11:00 – 15:00.	348	5,204.40	2,865.45
22 Oct 2025 1100 – 1500	[REDACTED]	[REDACTED]	
23 Oct 2025 1100 – 1500	[REDACTED]	[REDACTED]	
24 Oct 2025 1100 – 1500	[REDACTED]	[REDACTED]	
29 Oct 2025 1100 – 1500	[REDACTED]	[REDACTED]	
30 Oct 2025 1100 – 1500	[REDACTED]	[REDACTED]	
31 Oct 2025 1100 – 1500	[REDACTED]	[REDACTED]	
5 Nov 2025 1100 – 1500	[REDACTED]	[REDACTED]	[REDACTED]
6 Nov 2025 1100 – 1500	[REDACTED]	[REDACTED]	
7 Nov 2025 1100 – 1500	[REDACTED]	[REDACTED]	[REDACTED]
12 Nov 2025 1100 – 1500	[REDACTED]	[REDACTED]	[REDACTED]
13 Nov 2025 1100 – 1500	356	5,204.31	2,624.45
14 Nov 2025 1100 – 1500	[REDACTED]	[REDACTED]	[REDACTED]
19 Nov 2025 1100 – 1500	[REDACTED]	[REDACTED]	[REDACTED]
20 Nov 2025 1100 – 1500	[REDACTED]	[REDACTED]	

21 Nov 2025	1100 – 1500	164	[REDACTED]
26 Nov 2025	1100 – 1500	93	[REDACTED] [REDACTED]
27 Nov 2025	1100 – 1500	112	[REDACTED] [REDACTED]
28 Nov 2025	1100 – 1500	161	[REDACTED] [REDACTED]
3 Dec 2025	1100 – 1500	103	[REDACTED] [REDACTED]
4 Dec 2025	1100 – 1500	130	[REDACTED] [REDACTED]
5 Dec 2025	1100 – 1500	200	[REDACTED] [REDACTED]
10 Dec 2025	1100 – 1500	128	[REDACTED]
11 Dec 2025	1100 – 1500	147	[REDACTED] [REDACTED]
12 Dec 2025	1100 – 1500	143	[REDACTED] [REDACTED]

Lunch-time sales peaked on two specific dates—**17 October (\$ [REDACTED])** and **13 November (\$ [REDACTED])**—both of which coincided with pre-arranged lunch-time events hosted at Bojangles Saloon. These figures reflect event-driven trading rather than ordinary lunch service and should not be relied upon as indicative of typical daily sales patterns.

*Full Menu and Specials*

Bojangles offers a comprehensive **food menu**, including **lunch specials** and **weekly dinner specials**, demonstrating continuous food service throughout the day in accordance with responsible service principles and the **Liquor Act 2019 (NT)**.

*Community Support Petition*

A community petition opposing the proposed changes has been signed by **over 200 patrons and local residents**, most of whom are long-term visitors to Bojangles.

Respondents consistently note that they have **not observed anti-social behaviour** at Bojangles, and that the venue contributes positively to the community.