

NORTHERN TERRITORY LICENSING COMMISSION

REASONS FOR DECISION

PREMISES:	GILLEN CLUB
LICENSEE:	Gillen Club Inc
LICENCE NUMBER:	81402891
NOMINEE:	Geoffrey John Booth
PROCEEDING:	Complaint Pursuant to Section 48(2) of the <i>Liquor Act</i>
HEARD BEFORE:	Ms Brenda Monaghan (Presiding Member) Mrs Jane Large Ms Helen Kilgariff
DATE OF HEARING:	14 June 2006
DATE OF DECISION:	14 June 2006
APPEARANCES:	Senior Inspector Wayne Sanderson Mr Michael Deane on behalf of the Licensee Mr Geoffrey Booth, Nominee

1. This is a complaint pursuant to Section 48(2) of the *Liquor Act* against the Gillen Club for breaches of Section 110 of the *Liquor Act*.
2. The particulars of the breach are that the Club failed to maintain its Visitor's Book, principally by failing to ensure that visitors were properly signed in by a financial member.
3. A two (2) week "snapshot" for the period 8 – 15 February 2006 showed that nine (9) of 288 sign-ins in the Visitor's Book were incomplete. Mr Deane, on behalf of the Club admitted the breach. Mr Deane has confirmed that this "snapshot" is reflective of the manner in which the Visitor's Book was being maintained at that time.
4. Concerns regarding the Visitor's Book and non compliance with licence conditions amongst all Club was brought to the attention of the Club by a letter dated 17 October 2005 from Racing, Gaming & Licensing (RGL). That letter clearly warned that non compliance with licence conditions would lead to a complaint being lodged with the Commission and the imposition of penalties.

5. A routine inspection on 3 December 2005 showed that the problems with the Visitor's Book remained an issue. On 5 December 2005 Mr Wayne Sanderson from RGL attended on the Manager, Mr Booth and addressed these concerns with him in person.
6. A further compliance check in February 2006 confirmed that the non compliance with Visitor's Book requirements remained an issue and resulted in this complaint being lodged.
7. For his part, Mr Booth took some steps to address this issue by discussions with staff and an internal memo dated 7 December 2005, in which he reminded all staff of the requirements relating to the proper maintenance of the Visitor's Book.
8. Again by memo dated 16 February 2006, Mr Booth called staff to a meeting to discuss this issue with them.
9. Following the lodging of this complaint, the Club has taken strong measures to ensure 100% compliance on this issue. We are advised by Mr Deane that the reception desk is now manned at all times and that gaming staff assist if required. The persons responsible for front desk duties are senior employees or members who have the best knowledge of the current membership of some 5,000.
10. Mr Booth monitors the Visitor's Book on a daily basis to ensure compliance and a quarterly newsletter to members is used as a vehicle to ensure that the rules of the Club are known. Finally, a website which will include membership requirements is currently being finalised.
11. Mr Sanderson confirmed recent inspections of the Visitor's Book showed a high level of compliance as a result of the Club's initiatives.
12. We accept that the Gillen Club is a thriving establishment that plays an important role in the Alice Springs community. We note that it has a good name and that it has never before appeared before the Commission for any breach.
13. Had the Club immediately responded to the warnings given by RGL regarding their non compliance on this issue, we would have considered that a reprimand was the appropriate penalty. This did not happen and we cannot disregard the fact that despite a letter and a personal visit from a Licensing Inspector, the Club continued to display a rather cavalier attitude towards the signing-in requirements for visitors for some months.
14. For this reason we consider that a suspended suspension is the appropriate penalty for a first breach. We impose a one (1) day suspended suspension for twelve (12) months on the basis that the suspension will only be imposed if there is a proven breach of a licence condition or the *Liquor Act* during that period. Any such suspension will be served on a Tuesday.

15. We recommend to the Club Management that the contents of this decision be made known to their members.

Brenda Monaghan
Presiding Member