

NORTHERN TERRITORY LICENSING COMMISSION

REASONS FOR DECISION

PREMISES:	DISCOVERY
LICENSEE:	Rediscover Pty Ltd
LICENCE NUMBER:	80316240
COMPLAINTS:	Various Complaints pursuant to s48(2) of the <i>Liquor Act</i> lodged by the Director of Licensing and Northern Territory Police
HEARD BEFORE:	Mr John Flynn Mrs Veronica McClintic Ms Brenda Monaghan
DATE OF HEARING:	6 July 2006
APPEARANCES:	Mr G Tribe for Director of Licensing and NT Police Mr Russell Temple for Licensee

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1. This complaint hearing involves various complaints relating to incidents that occurred on the licensed premises on 26 July 2005, 2 August 2005 and 31 January 2006. One complaint regarding the presence of a mobile bar was withdrawn and the licensee admitted the remaining breaches. The substance of those breaches relates to the unacceptable behaviour of some staff and patrons at the "Tequila on Tuesday Beach Party" (also known as "Tits Out Tuesday") events staged at Lost Arc. The behaviour allowed and encouraged on premises was clearly in breach of the Stripshow Guidelines and the Code of Practice for Responsible Promotion of Alcohol. It included lewd behaviour by staff and patrons- with patrons actively encouraged with free drink offers to partially disrobe. These antics took place within partial viewing of passers-by on the street. At the hearing, the content of the brief was admitted into evidence and its contents form the basis of our decision making.
 2. The episodes as outlined in the brief can only be described as unsavoury and sleazy and the sort of behaviour that this Commission wants to actively discourage.

3. We have no clear precedent to follow on the question of penalty. In mitigation, we have taken into account the previous clean record of the licensee in question and also the fact that they have openly admitted the breaches and appear to have made a very active attempt over the past few months to ensure that these breaches were not repeated. Mr Tribe on behalf of the Director of Licensing has confirmed that their investigations support a conclusion that the licensee has not allowed the behaviour to continue.
4. The penalty that we have imposed, although suspended, will hopefully act as a real deterrent to prevent any further breaches of the *Liquor Act* or licence conditions by the licensee. One reason for this is that we are aware that should there be a further breach, the suspended penalty that we impose will come into force, and this will have a significant financial impact on the licensee. Further, if there is a similar breach in the future, the Commission may consider revisiting the current licence conditions, so as to vary or restrict the types of entertainment that will be allowed at these premises. Finally, if there is a further breach, it will attract a more substantial penalty than what we intend to impose today.
5. We now turn to the admitted breaches before us and impose a joint penalty being a three (3) day suspension of the licence, that suspension period to be suspended for a period of twelve months. The 3 day suspension will only come into force if there is a proven breach of any similar or more serious nature relating to an incident that occurs after today's date.

Brenda Monaghan
Legal Member
17 July 2006