

NORTHERN TERRITORY LICENSING COMMISSION

DECISION

PREMISES:	DISCOVERY
LICENSEE:	Rediscover Pty Ltd
LICENCE NUMBER:	80316240
COMPLAINTS:	Complaint Pursuant to Section 48(2) of the <i>Liquor Act</i> – Breach of Licence Conditions
HEARD BEFORE:	Mr Richard O’Sullivan (Chairman) Mr Philip Timney (Legal Member) Mrs Jane Large
DATE OF HEARING:	25 January 2011
APPEARANCES:	Mr John Lawrence for the Licensee Mr Tom Anderson for the Director of Licensing

BACKGROUND

- 1) At a meeting convened on 14 September 2010, the Commission determined to conduct a Hearing in respect of four complaints lodged by Licensing Inspectors against Rediscover Pty Ltd, the Licensee of premises known as Discovery Nightclub and The Lost Arc. The Hearing was originally scheduled to be heard on 18 October 2010. At the request of Counsel for the Licensee that Hearing date was vacated and the matter was rescheduled to commence on 25 January 2011.
- 2) At the commencement of the Hearing the Chairman made the following statement on behalf of himself and presiding Commissioners:

“Due to conjecture and a sizeable degree of misinformation about the nature and potential outcomes from the complaints laid before the Licensing Commission by Licensing Inspectors of the Department of Justice, Commission members have determined to make a statement clarifying its role and the process relating to this hearing.

The Commission in this proceeding will be considering four (4) complaints from Licensing Inspectors, lodged with the Director of Licensing and alleging a series of breaches by the Licensee, Rediscover, Pty Ltd, trading as Discovery.

The Director of Licensing has accepted these complaints and put them before the Licensing Commission. If not found frivolous or vexatious, the Commission is bound to conduct a hearing into these complaints.

The Commission is now conducting a hearing accordingly. In all, the four (4) complaints involve ten (10) alleged breaches by the Licensee of its liquor licence and the Liquor Act.

The complaints allege the following breaches over a period of time from June to September 2010:

- *Approved guidelines for strip and lingerie shows*
- *Fire precautions*
- *Late trading premises in relation to adequate security*
- *Late trading premises in relation to "lockout"*
- *Sale for consumption on the premises*
- *Fire precautions (further count)*
- *Premises to be kept in good repair*
- *Camera surveillance requirement*
- *ID scanning requirements*
- *Contravened the ID scanning requirements of the Liquor Licence*

For those present, the Commission wishes to clarify that the complaint into alleged breaches of "approved guidelines for strip and lingerie shows" is only one of the ten (10) matters under consideration at this Hearing.

The Commission would also like to advise the conduct of "wet t-shirt" competitions does not in itself contravene these guidelines or the liquor licence held by Rediscover Pty Ltd. The specifics of the complaint refer to "partial nudity" of patrons and alleges this is the Licence breach."

- 3) Mr Anderson, Counsel for the Director of Licensing, advised the Commission that he was seeking an adjournment of the Hearing until 23 February 2011 for the purpose of allowing the parties to continue negotiations in respect of the resolution of at least some of the alleged breaches. Mr Lawrence, counsel for the Licensee confirmed that the application for adjournment was by consent of both parties.
- 4) Mr Anderson noted that 23 February had already been set aside for a Hearing in respect of a further complaint against Rediscover Pty Ltd and that it would be convenient for that complaint and the complaints currently before the Commission to be heard on the same date. Mr Anderson advised the Commission that the further complaint concerned allegations of a minor being on the Discovery premises in the evening and early hours of 6 and 7 July 2010. Mr Anderson advised the complaint alleges that the minor in question was in the Discovery Nightclub on two separate occasions on what is known as TOT night and participated in the wet t-shirt competition on the night and early hours in question.

- 5) On the basis of the consent of the parties, the Commission determined to grant the adjournment and to reconvene the Hearing at 9.30 am on 23 February 2010. The complaints the subject of the adjourned Hearing will be heard in conjunction with the complaint in respect of the alleged incident on 6 and 7 July 2010. On the recommendation of Counsel, the Commission determined to set aside two days for the Hearing, being 23 and 25 February 2011.

Richard O'Sullivan
CHAIRMAN

25 January 2011