

## Delegate of the Director of Liquor Licensing

### Decision Notice

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**MATTER:** Contravention of Section 299 the *Liquor Act 2019*

**LICENSEE:** ROBJO NT Pty Ltd

**VENUE:** The NT Rock Bar

**LEGISLATION:** Section 299 of the *Liquor Act 2019*

**DECISION OF:** Delegate of the Director of Liquor Licensing – Bernard Kulda

**DATE OF DECISION:** 30 January 2023

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#### BACKGROUND

1. ROBJO NT Pty Ltd (previously The NT Rock Bar Pty Ltd) is the Licensee for liquor licence number 80818127, trading as The NT Rock Bar (the Rock Bar), situated at 2/78 Todd Street, Alice Springs, NT 0870. The current nominee is Robert Cowan.
2. On 16 December 2022, a complaint pursuant to section 160 of the *Liquor Act 2019* (the Act), was accepted against the Licensee by Delegate of the Director of Liquor Licensing, Bernard Kulda.
3. Notice of the complaint was delivered to the Licensee and Nominee later that day providing it 14 days to respond.

#### Particulars of Complaint

4. It is alleged that the Licensee allowed a person under the age of 18 years to enter Rock Bar's licensed area at approximately 00:38 hours on the morning of 6 November 2022. CCTV footage obtained from the Rock Bar shows the child remained in the premises for approximately 70 minutes and consumed liquor provided to her from other patrons.
5. The Rock Bar's liquor licence contains a special condition prohibiting people under 18 years of age from entering or remaining within the Rock Bar's licensed area after 22:15 hours as per Section 299 of the Act.

#### Licensee response to Complaint

6. On 16 December 2022, Mr Robert Cowan, Nominee of the Rock Bar, submitted a response to the complaint. Mr Cowan states:
  - a) The Licensee would not be contesting the allegation.
  - b) That he is very disappointed that the two experienced crowd controllers stationed at the Rock Bar's entry did not check the identification of the child or her companion.

- c) The Rock Bar pays between \$3000 and \$4000 a week to a security provider to provide crowd controllers. Their main responsibilities are to check prospective patron's ID and to monitor intoxication levels of patrons.
- d) Given the significant and ongoing anti-social behaviour in the Alice Springs town centre, Rock Bar management are constantly instructing the crowd controllers to be highly vigilant in screening prospective patrons to the venue.
- e) Prior to this incident (15 July 2022), the Rock Bar had reduced patron numbers to better manage the venue and implemented a lock out well before their 02:00 hours closing time.

### **Investigation of complaint**

- 7. SCO Wade received an email from a member of the public advising that a child was seen inside the Rock Bar on the morning of 6 November 2022. The email also contained a picture of the child and that her date of birth is 20 May 2005. SCO Wade requested and received CCTV footage from the Licensee. Upon review it was determined that the child entered with another female at 00:38.30 and exited with the same female at 01:49.43 (times displayed on CCTV footage). Two crowd controllers stationed at the door did not check the two female's identification prior to their entry.
- 8. During the approximately 70 minutes the child was in the venue, neither house staff nor crowd controllers undertaking their duties checked her identification. This was despite both cohorts being in close proximity to the child throughout her time in the Rock Bar. At one point, the child was standing at the main bar when another patron purchased drinks and passed one to her. The serving staff member did not intervene and check the child for identification.
- 9. Nominee Cowan's written response of 16 December 2022, on behalf of the Licensee, advised that after watching the CCTV the Licensee would not be contesting the allegation.

### **Analysis of the evidence**

- 10. There is sufficient evidence to uphold the allegation that Licensee ROBJO NT Pty Ltd contravened Section 299 of the Act following their staff's failure to refuse entry to a child the after 22:15 hours on 6 November 2022.
- 11. In making this determination I have relied on the following facts:
  - a. The Director of Liquor Licensing, pursuant to Section 298(1)(a) of the Act, declared the Rock Bar's licensed area to be off limits to people under the age of 18 years from 22:15 hours. This declaration was included as a special condition in the Rock Bar's liquor licence issued on 11 October 2022. Failure to adhere to this is a breach of Section 299 of the Act.
  - b. CCTV footage of 6 November 2022 recorded a child entering the licensed area of the Rock Bar after 22:15 hours following two attending crowd controllers failing to check the child for identification. Admittance of the child is in contravention of section 299 of the Act.
  - c. In their response to the notice of complaint, the Licensee did not dispute the allegation nor contest the complaint.

## Compliance history of the licensee

12. On 28 February 2019, the Licensee of the Rock Bar contravened Sections 102 and 121 of the *Liquor Act 1978*. The Director of Liquor Licensing imposed a monetary penalty of \$1590 on 1 November 2019.
13. On 7 December 2019, the Licensee of the Rock Bar contravened Sections 141 and 285 of the *Liquor Act 2019*. The NT Liquor Commission issued an infringement notice for \$1600 on 7 July 2020.
14. On 28 August 2021 NT Police Commander Craig LAIDER, exercised his powers pursuant to Section 258 of the *Liquor Act 2019*, and issued a 48 hour licence suspension to the Rock Bar for the hours between 11:30am 28 August 2021 and 11:30am on 30 August 2021.
15. On 15 July 2022 NT Police Commander Craig LAIDLER, exercised his powers pursuant to Section 258 of the *Liquor Act 2019*, and issued a 48 hour licence suspension to the Rock Bar for the hours between 11:00am on 15 July 2022 and 11am 17 July 2022.
16. On 14 July 2022, the Licensee of the Rock Bar contravened Sections 141 and 285 of the *Liquor Act 2019*. A Delegate of the Director of Liquor Licensing issued a monetary penalty of \$1296 (8 penalty units) on 2 November 2022.

## DECISION

17. In respect to the allegation that the Licensee breached Section 299(2) of the *Liquor Act 2019*, I find that following the evidence provided above the allegation is sustained.
18. I have determined to issue an infringement notice of three penalty units, pursuant to section 163(1)(d) of the *Liquor Act 2019*.

## REVIEW OF DECISION

19. Section 27(1) of the *Liquor Act 2019* provides that an affected person for a delegate decision may apply to the Director for a review of the decision.
20. Section 27(2) of the *Liquor Act 2019* sets out the procedures for applying for a review of a delegate decision. Such application must be made within 28 days after written notice of the delegate decision is given to the affected person unless the Director extends the time allowed for making an application.
21. The affected person in this matter is the Licensee of The NT Rock Bar, ROBJO NT Pty Ltd.



**Bernard Kulda**  
Delegate of the Director of Liquor Licensing