

## Delegate of the Director of Liquor Licensing

### Decision Notice

---

<b>MATTER:</b>	Contravention of the <i>Liquor Act 2019</i>
<b>LICENSEE:</b>	Corroboree Park Nominees Pty Ltd
<b>VENUE:</b>	Corroboree Park Tavern
<b>LEGISLATION:</b>	Section 130 of the <i>Liquor Act 2019</i>
<b>DECISION OF:</b>	Delegate of the Director of Liquor Licensing
<b>DATE OF DECISION:</b>	2 September 2023

---

#### BACKGROUND

1. Corroboree Park Nominees Pty Ltd is the licensee for Liquor Licence 80304179, trading as Corroboree Park Tavern (the premises) situated at Lot 3095 Arnhem Highway, Marrakai NT 0822.
2. The Nominee is Mr Peter Shappert.
3. On 3 July 2023, NT Police advised Licensing NT, 1 July 2023 at 1:07 pm, an off-duty police officer attended Corroboree Park Tavern bottle shop to purchase liquor. The female employee initially asked the off-duty police officer for identification, he stated he did not have any and without encouragement, the employee proceeded to enter his full name and date of birth details into the Banned Drinkers Register (BDR). The off-duty police officer purchased 1 x 6 pack of Great Northern Originals (375ml cans).
4. On 16 August 2023, a complaint was formally lodged and accepted whereby the licensee was formally advised and given the opportunity to provide a response.

#### PARTICULARS OF COMPLAINT

Allegation: Section 130 - Operating identification system

5. On 1 July 2023, it is alleged that the licensee or a licensee's employees contravened section 130(2)(a)(b) of the *Liquor Act 2019* (the Act) on one (1) occasion by selling liquor to an individual and failed to use an approved form of identification of the individual when operating the identification system (referred to as the Banned Drinker Register).
6. Details of Offence: On 1 July 2023, at about 1:00 pm, an off duty police officer attended the premises, purchased a 600 ml bottle of Sprite and a souvenir item. At about 1:05 pm, he entered the takeaway bottle shop and removed 1 x 6 pack of Great Northern Originals (375 ml cans) from the fridge. A female employee asked the off duty police officer if he had any identification, he replied, "I don't have any ID", she replied, words to the effect of "I can do it this way". The employee asked the off duty police for his full name and date of birth, he provided his details in full and she appeared to be inputting the details into the BDR. The employee stated "all good" and proceeded to conduct the transaction via EFTPOS totalling \$24.00.

## Licensee's response to complaint

7. On 23 August 2023, Mr Shappert on behalf of the licensee submitted a response to the complaint. In summary, Mr Peter Shappert makes the following submissions:
8. As a Director of the licensee of the business that is his livelihood and supports up to thirty employees, he takes legislative obligations seriously.
9. Staff are made aware of the legislative requirements when selling alcohol both on and off premise and he will continue to reinforce the legislative requirements with staff and conduct random checks on any newly employed staff.
10. Further, Mr Shappert will look to implement a visual aid (signage) on the point of sale register reminding staff of their BDR obligations before a takeaway transaction is finalised to ensure there is no repeat of this breach of rule.

## Investigation of Complaint

11. Licensing NT Senior Compliance Officer Jeff Paull commenced an investigation into the complaint noting the obligations of the licensee pursuant to the Act.
12. The evidence for the complaint was based on the following documentation:
  - a. Email received from NT Police dated 3 July 2023 advising Licensing NT that on 1 July 2023 at 1:07 pm, an off-duty police officer attended the premises to purchase liquor. The employee asked the off-duty police officer for identification, he stated he did not have any, and the employee enter his full name and date of birth details into the Banned Drinkers Register (BDR). The off-duty police officer purchased 1 x 6 pack of Great Northern Originals (375ml cans).
  - b. Statutory Declaration dated 3 July 2023 (signed) from the police officer attesting he attended the premises on 1 July 2023 at 1:07 pm, purchased liquor (1 x 6 pack of Great Northern Originals) and failed to handover an approved form of identification. (As part of police officer's statement, he supplied a customer copy receipt and MasterCard account transaction dated 1 July 2023).
  - c. Customer copy receipt titled Commonwealth Bank EFTPOS, Corroboree Park Nomi Marrakai NT dated 1 July 2023 01:07 pm totalling \$24.00.
  - d. MasterCard (credit card) transaction titled Corroboree Park Nomi Marrakai, dated 1 July 2023, 01:37 pm (Syd/Melb time) totalling \$24.00.
  - e. Tax Invoice 133978 titled Corroboree Park Tavern - dated 1 July 2023 01:07:16 pm totalling \$24.00, describing the sale of 6 x Great Northern Original Beers.
  - f. CCTV footage summary dated 1 July 2023 - 13:02 to 13:04 hours, depicting the off duty police officer on the premises, in possession of a 600 ml bottle of Sprite and a souvenir item.

## Analysis of Evidence

### Allegation

13. There is sufficient evidence to support that the licensee contravened section 130 of the Act on one (1) occasions on 1 July 2023 at 1:07 pm by selling liquor to an individual and failing to use an approved form of identification of the individual when operating the identification system (referred to as the Banned Drinker Register).
14. In making this determination, the following facts have been relied on:
  - (i) Corroboree Park Nominees Pty Ltd is the licensee for liquor licence 80304179, trading as Corroboree Park Tavern.

- (ii) NT Police Officer's signed statutory declaration attesting he attended the premises on 1 July 2023 at 1:07 pm, purchased liquor (1 x 6 pack of Great Northern Originals) and failed to handover an approved form of identification.
- (iii) Customer copy receipt supporting the police officer's statement he purchased liquor from the premises on 1 July 2023 at 1:07 pm totalling \$24.00
- (iv) MasterCard (credit card) transaction, supporting the police officer's statement he purchased liquor from the premises on 1 July 2023 at 1:07 pm totalling \$24.00
- (v) Corroboree Park Tavern - Tax invoice confirming the sale of 6 x Great Northern Original Beers totalling \$24.00, whereby supporting the police officer's statement.
- (vi) CCTV footage of 1 July 2023 at 13:02:43 depicting the off-duty police officer entering the front of the premises and in possession of a 600 ml bottle of Sprite and a souvenir item whereby, validating his statement.
- (vii) In the licensee's response he was unable to disprove the allegation or provide a reasonable excuse for the offence and further made admissions stating, he will ensure there is not a repeat of the breach of rule.

### **Compliance history of the Licensee**

15. To date, the Licensee has not been subject to any disciplinary action.

### **DECISION**

16. In respect to the allegation, that being a breach of section 130 of the *Liquor Act 2019*, I have determined, pursuant to section 163(1)(d) of the *Liquor Act 2019*, to issue the licensee an infringement notice in relation to the complaint.

### **REVIEW OF DECISION**

17. 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.

18. 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.

19. The affected person in this matter is Corroboree Park Nominees Pty Ltd being the licensee of Corroboree Park Tavern.



Bernard Kulda  
Delegate of the Director of Liquor Licensing

Date: 2 September 2023