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**NORTHERN TERRITORY LICENSING COMMISSION**

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Darwin NT 0801

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Darwin NT 0800

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Mr Craig McPharlin  
Nominee  
Discovery  
89 Mitchell Street  
DARWIN NT 0800

**Exhibit**  
**Discovery**  
**18 October 2007**  
**Darwin**

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Dear Mr McPharlin

**Re: Camera Surveillance Requirements at Licensed Premises**

Your premises are potentially affected by the Commission's decision of 16 September 2003 to require certain premises to meet Camera Surveillance Requirements (the Requirements). These Requirements are set out in the attached document. The Commission intends to issue Section 33(1) notices to the premises meeting the description set out in Clause 2(a) of the Requirements within the near future. Section 33(1) of the *Liquor Act* provides that "Subject to this section, the Commission may, from time to time by notice in writing, vary the conditions of the licence held by a licensee."

The purpose of this letter is to provide you with an opportunity to address the threshold issue of whether your premises fulfil the criteria set out in Clause 2(a) of the Requirements. Relevantly, these are that:

2(a) *These requirements apply to:*

- (i) *Late night trading venues (those parts of premises licensed to trade after 2.00am); and*
- (ii) *Venues that are licensed to trade to 2am, have live entertainment and are located in a late night entertainment district*

*unless the venue has been granted an exemption by the Commission or 2(c) applies.*

(c) *Unless specified in the conditions of a premises' liquor licence, these requirements do not apply to the following venues or parts of venues:*

- (i) *Casinos;*
- (ii) *Wayside Inns;*
- (iii) *Licensed Restaurants*



Could you please advise the Commission in writing, at your earliest opportunity, if you do not believe your premises meet the criteria in Clause 2(a), including whether you consider the premises may be exempt under Clause 2(c).

If we do not hear from you within fourteen (14) days of the date of this letter, we will assume that your premises fulfil the criteria set out in Clause 2(a) and a Section 33(1) Notice will be issued forthwith notifying you of a change to your licence conditions and of your rights to seek a hearing regarding the change.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'P. Allen', written over the typed name.

PETER R. ALLEN  
Chairman

28 November 2003

## **CAMERA SURVEILLANCE REQUIREMENTS AT LICENSED PREMISES**

These requirements are applicable where the Licensing Commission (the Commission) determines that in-house camera surveillance is to be part of the licensing conditions for a licensee.

This document outlines the minimum standards that are required, with an emphasis on outcomes.

A breach or failure to comply with these requirements will be a breach of the conditions of the licensee's liquor licence.

### **1. Objectives**

- (a) To promote and protect the safety and well being of patrons and members of the public on and around licensed premises;
- (b) To facilitate the good management and conduct of licensed premises; and
- (c) To assist the oversight and enforcement of licence conditions and liquor regulation, by the Commission, the Director of Licensing (the Director) and the Police.

### **2. Premises affected**

- (a) These requirements apply to:
  - (i) Late night trading venues (those parts of premises licensed to trade after 2.00am); and
  - (ii) Venues that are licensed to trade to 2am, have live entertainment and are located in a late night entertainment district

unless the venue has been granted an exemption by the Commission or 2(c) applies.
- (b) The requirements may also be imposed on premises where:
  - (i) The venue has been found guilty of breaches of licence conditions including complaints of a serious nature from Police, Licensing Inspectors or members of the public; or
  - (ii) In such other circumstances as the Commission may determine in-house camera surveillance is necessary.

## CAMERA SURVEILLANCE REQUIREMENTS AT LICENSED PREMISES

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- (c) Unless specified in the conditions of a premises' liquor licence, these requirements do not apply to the following venues or parts of venues:
  - (i) Casinos;
  - (ii) Wayside Inns;
  - (iii) Licensed Restaurants;
- (d) Licensees may apply to the Commission to be exempted from the camera surveillance requirements through a variation to their license conditions. In order to gain such an exemption the licensee would need to demonstrate that there are special circumstances and that the public interest will not be adversely affected.

### **3. Requirements of system**

- (a) All images must be of sufficient clarity to distinguish between individual persons.
- (b) The system engaged must operate at not less than 3 frames per second per camera.
- (c) The images produced by all cameras must be recorded. The system of recording should allow for immediate viewing or replay of earlier events and be capable of producing clear copies of recordings for use by the Commission, the Director, a Licensing Inspector and/or a member of the Police.
- (d) Cameras must be positioned to comprehensively cover:
  - (i) The internal access/egress of each entrance to the applicable licensed premises used during the normal operation of the venue;
  - (ii) The external vicinity of each entrance/exit to the applicable licensed premises to a radius of 10 metres or such other distance as approved by the Commission;
  - (iii) Bar service areas; and
  - (iv) Other areas as directed by the Commission.

Coverage of dance-floors, passageways and stairwells is desirable.

- (e) In the normal course of operation, lighting of entrance and exit areas is to be of a standard of not less than 200 lux. Cameras should be of sufficient quality to cope with varying conditions.
- (f) The time and date of recording must be readily ascertainable, accurately recorded and displayed on the recording.



- (g) It is preferable that the system be automated, including having automated commencement and completion times.
- (h) The venue must display clearly visible signs, in a format approved by the Director, advising that the premises are subject to camera surveillance. These signs are to be posted at all relevant entrances to the premises and at relevant vantage points within the premises.
- (i) The costs of instalment of camera surveillance equipment to meet these requirements shall be borne by the licensee.

#### **4. Timing for Installation of an In-house Camera Surveillance System**

Where a licensee is directed by the Commission to maintain an in-house camera surveillance system and the venue does not, at the time of such a direction, meet the requirements set out here in, the licensee shall be exempt from complying with these requirements for the following periods of time:

- (a) Where there is a current liquor licence for the venue, but no surveillance system has been installed - 3 months;
- (b) Where there is a current liquor licence for the venue, there is a surveillance system in place that does not meet the standards required under these regulations, and the system can be upgraded - 6 months;
- (c) If there is a surveillance system in place that cannot be upgraded to a standard satisfactory to the Commission, and a new system will need to be installed - 12 months;
- (d) Where the application is for a new liquor licence – until the commencement of trading; and
- (e) Where a licensee is directed by the Commission to install additional cameras pursuant to Clause 3(d)(iv), the timing of the installation will be at the discretion of the Commission.

#### **5. Integrity of Recordings**

- (a) It is a licensee's responsibility to ensure the adequate security and integrity of recordings. Tampering with recorded material will be a breach of the conditions of a venue's liquor licence.
- (b) The timing of recording equipment should be checked and adjusted once a month against the recorded telephone time service. This will ensure accuracy and consistency of the time recorded. A record is to be kept in the incident book of the time of the check, the nature of any variation and the name of the person who adjusted the time to reflect the corrected time.

- (c) There must be continuous recording of the areas being monitored by each camera irrespective of any playing back, reviewing or copying that may be occurring.
- (d) In the event of a power failure, the recording system should preferably be capable of continuing for at least 15 minutes.

**6. Operation of the system**

- (a) The licensee is to nominate him/herself, the nominee or the duty manager to be responsible for the effective operation of the camera surveillance equipment for each relevant night of operation.
- (b) The minimum hours of operation for camera surveillance will be from 8pm to one hour after closing on the relevant night(s) of trading.

**7. Storage**

The storage of recorded images should meet the following minimum requirements:

- (a) Images must be kept by the venue and stored for a minimum period of 14 days. If a member of the Police, the Director or a Licensing Inspector takes a copy of a period of surveillance footage, then all original footage recorded by all cameras on the premises on that night is to be held, unless advised otherwise, for 2 months;
- (b) Videotapes, where used, are not to be re-used indefinitely. Tapes are to be replaced before there is any discernible reduction in the quality of the recording or after a maximum of 25 recordings, whichever occurs first. Tapes are to be erased before disposal;
- (c) The method of storing recorded images must be secure and provide a high level of privacy for patrons and staff. Aside from the access provisions contained in Clause 8 (below), only the licensee, nominee or duty manager of the venue may have unsupervised physical access to the recordings;
- (d) A page numbered incident book approved by the Director must be maintained. This is to record the date, start and finishing times of recordings and the details of any incident that may have been recorded. The incident book will also note occasions when the recordings have been viewed or copied as provided for under Clause 8. Where the surveillance system operates videotapes, the time and date that a tape has been changed must also be recorded; and
- (e) The rules relating to the secure storage of images should be written and clearly displayed at the storage site. Staff should understand the

potentially sensitive nature of the recordings and the consequences for misuse or unauthorised disclosure of recordings.

**8. Access to recordings of surveillance**

- (a) Unsupervised access to recordings is strictly limited to a licensee, nominee or duty manager of the premises, a member of the Commission, the Director, a Licensing Inspector or a member of the Police in the performance of his or her duties and for a purpose related to, and consistent with, the objectives of these Requirements.
- (b) Where requested by a member of the Commission, the Director, an Inspector or a member of the Police in the performance of his or her duties and for a purpose related to, and consistent with, the objectives of these Requirements, a copy of a recording must be provided. Where an original recording is requested, this recording must be provided for such time as is reasonable for that person to make a copy of the recording and return it to the venue. Police may also seize and retain a recording under a search warrant properly issued by a Court with the jurisdiction in the Northern Territory.
- (c) Any viewing of a recording by a person other than the licensee, nominee or duty manager of the venue, or provision of a copy of a recording must be noted in the logbook. The entry must include the date and time of access, the name of the person accessing the recording, and the reason and authority under which the access has been allowed.



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Mr Craig McPharlin  
Nominee  
Discovery  
89 Mitchell Street  
DARWIN NT 0800

Email: [licensingcommission@nt.gov.au](mailto:licensingcommission@nt.gov.au)

Dear Mr McPharlin

**Re: Liquor Licence Conditions Variation**

Section 33(1) of the *Liquor Act* provides that "Subject to this section, the Commission may, from time to time by notice in writing, vary the conditions of the licence held by a licensee."

The Commission has decided to add the following condition to your liquor licence:

**Camera Surveillance Requirement:**

**The licensee shall comply with such requirements for and in relation to camera surveillance as the Commission shall at any time notify to the licensee in writing as being thereafter applicable to the licensed premises.**

The current version of the Camera Surveillance Requirements At Licensed Premises (the Requirements) is attached to this letter. These Requirements will be applicable until you are notified of any changes.

The Commission's decision to add this condition to your licence is based on its assessment that your premises fall into one, or both, of the categories listed in Clause 2(a) of the Requirements.

Pursuant to Section 33(2) of the *Liquor Act*, you may seek a hearing with the Commission into the conditions of your licence. Should you wish to seek a hearing, your request in writing must be received at this office within 28 days of your receipt of this notice.

Pursuant to Section 33(5) of the *Liquor Act*, if you do not seek a hearing, the variation of the conditions shall have effect immediately upon the expiry of the 28 days. You should note that, although there may be a delay in the re-writing and re-issuing of the licence document to incorporate the changes, the new condition will automatically become part of your licence conditions.





Clause 4 of the Requirements sets out time-lines for compliance with the Requirements. These timelines will commence upon the expiry of the 28 day period if a hearing has not been sought.

If you are unsure of which timeline applies to your premises or require any other information, please contact Senior Licensing Inspector Leanne Hulm on 8999 1324 or e:mail, [leanne.hulm@nt.gov.au](mailto:leanne.hulm@nt.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jill Huck', followed by a horizontal line.

JILL HUCK  
Acting Chairperson

9 January 2004




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**RACING, GAMING AND LICENSING**


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<i>Postal Address:</i>	<i>Office Address:</i>	<i>Facsimile:</i>	(08) 8999 1888
Director of Licensing	Level 1, Enterprise House	<i>Telephone:</i>	(08) 8999 1336
GPO Box 1154	Cnr Woods and Knuckey Streets		
DARWIN NT 0801	Darwin NT 0800		

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Our Ref: LIC2002/124

Rediscover Pty Ltd  
Licensee  
Discovery  
GPO Box 4620  
DARWIN NT 0801

Dear Sir,

**RE: REVISION OF CAMERA SURVEILLANCE REQUIREMENTS.**

The Licensing Commission has previously determined that in-house camera surveillance is to be part of the licensing conditions of a number of licensed premises. The Camera Surveillance Requirements at Licensed Premises document outlines the minimum standards currently required of those premises.

As determined by the Licensing Commission, a working party was formed in January 2006 to assess the current standard and recommend revised standards and guidelines. The working party was comprised of representatives from the Licensing Commission, Australian Hotels Association, NT Police and Racing, Gaming and Licensing as well as surveillance specialists from Skycity Casino. In early September 2006, the working party presented a revised requirements standard to the Licensing Commission and recommended that it be approved.

The new standard, titled the 'Northern Territory Licensing Commission Camera Surveillance Requirements and Guidelines', was approved by the Licensing Commission on 13 September 2006. A copy of this new standard is provided with this letter.

The new standard provides for the mandatory preparation by Licensees, and approval by the Director of Licensing, of a camera surveillance plan. Each surveillance plan will be tailored to suit the individual premises and will contain technical and procedural detail relevant to that particular premises. A detailed schematic diagram of the floor layout of the premises will form part of the surveillance plan and will specify the coverage provided by the surveillance cameras. An example of such a plan is attached to this letter.

The working party agreed that the timeframe for preparation of camera surveillance plans and upgrading of camera surveillance systems to meet the revised standard will need to vary, depending upon the length of time since any previous major upgrades occurred at a particular venue. A major upgrade would generally have involved replacement of the recording equipment (such as the digital video recorder). Replacement or installation of several cameras would not, by itself, constitute a major upgrade.



Venues which have recently conducted a major upgrade (within the preceding 12 months) will be given more time to prepare, and have approved, their camera surveillance plan and to upgrade their system to be compliant with the revised standard. The length of time required will be decided by consultation between the Director of Licensing and the Licensees, with factors such as the cost of further upgrades and the quality and life expectancy of existing equipment to be taken into account. If agreement cannot be reached on a suitable timeframe for a particular venue, then the matter will be referred to the Licensing Commission.

Other venues will have a period ranging between three and six months; the exact period (which will not exceed 6 months) to be decided by consultation between the Director of Licensing and the Licensee.

A Licensing Inspector from Racing, Gaming and Licensing will be contacting you soon to discuss the implementation of a camera surveillance plan for your venue.

Please contact Licensing Inspector Graham Tribe on telephone 8999 1336 or email [graham.tribe@nt.gov.au](mailto:graham.tribe@nt.gov.au) if you have any queries in relation to the above.

Yours sincerely



GARY MORIARTY  
Director of Licensing

20 September 2006



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**NORTHERN TERRITORY LICENSING COMMISSION**  
**CAMERA SURVEILLANCE REQUIREMENTS AND GUIDELINES**

**Issued with effect from 13 September 2006**

**1. APPLICATION**

- 1.1. These guidelines apply to all premises licensed to supply liquor that are the subject of a camera surveillance licence condition.

**2. REQUIREMENTS**

- 2.1. The licensee must prepare a camera surveillance plan in accordance with these requirements and the following guidelines and must submit the plan to the Director of Licensing (the Director) for approval. In order to match the plan to the premises, the Director may approve minor inconsistencies between the plan and these requirements and guidelines.
- 2.2. At a minimum, the plan must detail the technical specifications, location, physical and electronic security arrangements for all equipment associated with the camera surveillance system, must identify staff authorised to access, and operate the system, and must describe ongoing maintenance arrangements.
- 2.3. The plan must provide for sufficient cameras with appropriate capabilities to cover:
- 2.3.1. the internal access/egress of each entrance to the premises used during the normal operation of the venue;
  - 2.3.2. the external vicinity of each entrance/exit to the premises to a radius of 10 metres, or as otherwise specified by the Director;
  - 2.3.3. bar service areas; and,
  - 2.3.4. other areas as directed. Coverage of dance-floors, passageways and stairwells is desirable.
- 2.4. The licensee must install, maintain and operate a secure camera surveillance system (the system) compliant with the camera surveillance plan approved by the Director (the approved plan) for the licensed premises and, on completion of installation, must provide to the Director a certificate from an approved source attesting to the system's technical compliance.
- 2.5. Annually, or at such other times required by the Director, the licensee must provide to the Director a current certificate from an approved source attesting to the system's technical compliance with the approved plan.
- 2.6. Signs must be displayed in all areas subject to camera surveillance. Such signs must read: "For the safety and security of patrons and staff this area is under electronic surveillance."
- 2.7. The Director may direct the licensee to adopt, vary, cease or refrain from a practice associated with any aspect of video camera surveillance.

## **CAMERA SURVEILLANCE REQUIREMENTS AND GUIDELINES (Continued)**

### **3. GUIDELINES**

These guidelines are not intended to be absolutely prescriptive, however any departure from them may be of a minor nature only and must be approved by the Director.

- 3.1. The system and its recordings shall be secure from unauthorised access and tampering.
- 3.2. The system should be capable of digital recording. Analogue systems are not encouraged.
- 3.3. All images must be of sufficient size and clarity to clearly identify individuals.
- 3.4. The system must operate at a minimum of 8 frames per second per camera or at such greater speed as to ensure compliance with guideline 3.3.
- 3.5. The system must record the time and date at all times, along with the image. The time and date must be able to be read when the image is played back on a different system.
- 3.6. The images produced by all cameras must be recorded and kept for a minimum of 14 days. The system must allow for immediate viewing or replay of earlier recorded events and be capable of producing clear copies of recordings capable of being played back on a different system.
- 3.7. In the event of a power failure, the recording system must be capable of continuing for at least 15 minutes.
- 3.8. A page numbered log approved by the Director must be used to record the commencement and cessation times of staff responsible for camera surveillance, the date, start and finishing times of surveillance recordings and the details of any incidents. The log must also record occasions when the recordings have been viewed or copied and the identities of those involved.
- 3.9. The licensee shall maintain a register of staff trained and authorised to use the equipment, which shall include each authorised person's name, training details and their position at the premises. This may be incorporated into the same document as described in 3.8 above.

### **4. APPROVED SOURCES**

For the purpose of these requirements and guidelines, the following are approved sources:

- 4.1. Security and Technology Services, 390 Stuart Highway, Winnellie NT 0820
- 4.2. TASS Security, 2/6 Steele Street, Winnellie NT 0820
- 4.3. Tech Chips Business Solutions, 99 Reichhardt Road, Winnellie NT 0820
- 4.4. Commercial Security Specialists, 52B Comport Street, Cairns QLD 4870
- 4.5. Optech Surveillance Solutions, 308A Glen Osmond Road, Fullarton SA 5063
- 4.6. Tyco Safety Products, 137 McCredie Road, Guildford NSW 2161