

# Northern Territory Licensing Commission

## Reasons for Decision

---

<b>Premises:</b>	Nguiu Club Bathurst Island NT
<b>Licensee:</b>	Nguiu Club Association Inc
<b>Licence Number:</b>	80303731
<b>Hearing:</b>	Complaint pursuant to section 48 of the <i>Liquor Act</i>
<b>Member:</b>	Brenda Monaghan (Presiding) Jill Huck Alan Clough

---

- 1) The Director of Licensing lodged four complaints against the Nguiu Club Association Inc (the Club) on 17 December 2004. The first relates to an incident that occurred on the evening of Thursday 16 September 2004 after the death of a Nguiu teenager earlier that day. The incident involved a number of distressed and intoxicated residents behaving in an unruly and disturbing manner outside the Nguiu Health Centre (the Clinic) and the complaint is that the Club had earlier served liquor to these residents whilst they were intoxicated. Such behaviour, if proved, would be in breach of section 102 of the *Liquor Act*.
- 2) The second complaint relates to an incident on Thursday 14 October 2004 when it is alleged that the Club licensee served liquor to an intoxicated person called Johnny Munkara in breach of section 102 of the *Liquor Act*. The third and fourth complaints- which in essence challenged the fitness of the licensee to hold a licence- were withdrawn during the hearing.
- 3) At the hearing, the Commission heard evidence from two police officers stationed at Nguiu at the relevant times, the nurse/manager of the Clinic and the bistro manager of the Club itself. Statutory declarations from Dr Roberts –Thomson, Nicholas Barclay, Colin Ragg, Beverley Hagston, Gregory Lye, and Johnny Munkara were also tendered in evidence.

### Complaint re Johnny Munkara on 14 October 2004

- 4) This complaint relates to a charge that on 14 October 2004, the Club breached s102 of the Liquor Act by serving Johnny Munkara (Munkara) whilst he was intoxicated. Constables Ragg and Hagston and Chief Licensing Inspector Lye gave evidence. The Commission heard that on 14 October 2004 at approx 7.15pm, police were called to a disturbance in Nguiu Township. They found Munkara who was extremely intoxicated and had been detained by community members after he had attempted to run into scrubland with a rope in his hand. When police arrived, they placed Munkara into protective custody for his own safety. Licensing Inspectors Laverty and Lye were in attendance at the Police Station at this time.
- 5) All parties who gave evidence agreed that Munkara was extremely intoxicated and Senior Inspector Lye considered that he was one of the most intoxicated people he had ever seen. Munkara was very incoherent and had all the physical signs of extreme intoxication being unable to walk or rise to his feet unassisted.
- 6) At around 8pm, Munkara, with some difficulty, provided a breath alcohol specimen with a reading of .195%. He advised the police and inspectors that he had consumed approximately 10 beers at the Club and that he had not consumed liquor elsewhere. He said that he had deliberately drunk on an empty stomach so that he would get drunk faster. He said he did not use marijuana and nor did he drink at any place other than the Club on the day in question. Senior Inspector Lye remembered Munkara saying that he went to the

club with around \$24.00 which was enough to buy approximately seven (7) full strength beers. He later advised that he asked some people for beer tickets.

- 7) Munkara made a statutory declaration the following day when he had sobered up. In it he confirmed most of the statements he had made to police and inspectors the night before. As Munkara did not appear at the hearing to give evidence, the contents of his statutory declaration are of some importance. This is especially so as we are reluctant to place much weight on the statements made by Munkara to police and inspectors on the night in question, as he was obviously very intoxicated at that time. Further, the statutory declaration is the only evidence before us that Munkara was at the Club the previous night, that he drank about ten (10) beers while he was there, that he drank nowhere else and smoked no marijuana.
- 8) It is noteworthy that both Constable Ragg and Chief Inspector Lye were surprised that Mr Munkara's BAL was only 0.195% as they would have anticipated a higher reading. In fact, Mr Lye was amazed at the level of intoxication exhibited by Munkara and queried the veracity of his statement that he had only consumed 10 beers.
- 9) The Commission is of the view that it is not beyond the realms of plausibility that ten (10) full strength beers on an empty stomach would produce the reading given. The metabolic rate of absorption of alcohol differs from person to person and this may have been a factor. We simply do not know.
- 10) Further, there may be a number of explanations for the presentation of extreme intoxication exhibited by Munkara at the Police Station after being placed in protective custody. They include the following:
  - a) He might well have consumed more than ten (10) beers at the Club.
  - b) Despite his denial, he might have consumed further alcohol of some kind after leaving the Club at 6.30pm and before being placed in protective custody at around 7.15pm. (It is to be noted that the police and Licensing Inspectors comment on him smelling strongly of "alcohol" rather than specifically "beer".)
  - c) Despite his denial, he might have consumed beer at the Club and other prescribed or illicit drugs elsewhere. We feel bound to treat these denials with some caution as it may well be that a resident in a restricted area would be reluctant to tell the police and licensing inspectors of any consumption of illicit liquor. It would also be understandable if they failed to disclose their use of other illicit substances such as cannabis. Clear evidence was given to the Commission at the hearing of the presence of both illicit liquor and cannabis at Nguiu but Constable Ragg himself admitted that residents might have a reluctance to speak to him about such issues; or
  - d) There may have been another explanation for his apparent intoxication eg a medical condition.
- 11) Any of the above scenarios to explain why Munkara appeared so intoxicated is possible on the evidence before us and as Mr Munkara did not appear as a witness, we cannot question him on the contents of his written statement or assess his credibility and recall.
- 12) What evidence do we have about what was happening at the Club on the night in question? Senior Licensing Inspector Lye and Inspector Laverty were there having a social drink and chatting to some health workers and other residents. Mr Lye confirmed that they arrived at about 4.30pm and left at around 7pm. He noted that there was quite a large crowd of some 200 people at the Club, that there was a fairly strong presence of security and four to six local residents in orange uniforms picking up empty glasses. Whilst he emphasised that he was there simply for a social drink and not a formal inspection, Mr Lye made no comment regarding any concerns he had about the management of the Club on that night nor about observing intoxicated patrons.

- 13) Robyn Deans, the Bistro Manager at the Club, tendered the Incident Book for the Club that showed 3 patrons were removed from the premises for smoking marijuana and one for throwing a glass. Munkara's name was not in the book.
- 14) s102 of the Liquor Act states:

**102. Liquor not to be sold to intoxicated person**

A licensee or a person employed by a licensee shall not sell or supply liquor to a person unless the person to whom it is sold or supplied is not intoxicated at the time (the onus of proof of which lies with the defendant).

In the Milner Road Foodtown decision (19 December 2003), the Commission considered this section and stated as follows: "1. The Commission's role in complaints against licensees by police was considered by the Supreme Court of the Northern Territory in *O'Neill Hotel Management Services P/L v NT Liquor Commission* [1999] NTSC 124 in which Thomas J confirmed that

*The Commission does not make a finding of criminal guilt. However, the Commission can find a section of the Act has been breached in order to consider regulatory action under the Act or in relation to (a condition of the licence)*

*2. The Commission's approach to complaints of breach of s.102 of the Liquor Act has been documented in several of its earlier decisions in the following manner:*

*Once there is a case to answer in relation to a breach of Section 102, which is to say, once a sale or supply is demonstrated, together (we would add) with any reasonable ground to suspect that the recipient may have been other than not intoxicated, an onus of proof shifts to the licensee, who must prove that the customer was not intoxicated, or alternatively must sufficiently undermine the evidence of the sale or supply having occurred. the Commission concedes, however, that as a matter of law the reverse onus is able to be discharged on the balance of probabilities.*

*3. The charge which is colloquially described as "serving intox" could therefore be referred to more accurately as serving a person who was other than non-intoxicated."*

- 15) On the balance of probabilities, there is evidence of the sale of liquor having been made to Mr Munkara while he was at the Club. In his statutory declaration, Mr Munkara admits to drinking 10 beers in the Club on that night and it is reasonable to assume that he bought at least some of his own drinks personally rather than through others.
- 16) Assuming he purchased some of his own drinks, was Mr Munkara "other than non-intoxicated" on any of those occasions of purchase? In *Milner Road Foodtown*, the Commission stated:

*The three main alternative concepts of intoxication would seem to be, in simplified summary:*

- a) materially affected by liquor;*
- b) inability to act in an unaffected normal fashion; or*
- c) visible impairment of faculties*

*The need with the first two approaches to still have to determine a contextual meaning for "affected" or "unaffected" would seem to lead inexorably to the third approach as being more immediately practical, and more susceptible to the usual evidentiary case. The Commission has historically equated intoxication to the*

*showing of visible indicators of impairment of bodily faculties as a probable consequence of, or in conjunction with, the consumption of liquor.”*

- 17) We have no evidence before us of any actual incident of purchase by Munkara at the Club nor of his behaviour or perceived level of intoxication whilst he was there. There seems to be little doubt however, that Mr Munkara was visibly very intoxicated 45 minutes after leaving the Club.
- 18) Evidence from Constable Ragg confirms that soon after 7.15pm, Munkara was unable to stand without assistance, smelled strongly of liquor and had bloodshot eyes. His breath test reading at around 8pm was .195. Further, there is Munkara’s evidence that he did not drink liquor at any other place except the Club on the day in question (although, we treat this denial with some caution for reasons stated earlier.).
- 19) Weighing up this evidence, we are satisfied that a prima facie case against the licensee is made out. We were satisfied that sale or supply is demonstrated, together with a reasonable ground to suspect that the recipient may have been other than not intoxicated at the time of the sale. This triggers the licensee’s onus to demonstrate the probability that Mr Munkara was not intoxicated or alternatively to sufficiently undermine the evidence of the sale or supply having occurred.
- 20) Has the licensee discharged this onus? A review of the evidence shows:
  - a) There is evidence placing Munkara at the Club from 4pm to around 6.30pm. (see his statutory declaration made 15 October 2004).
  - b) There is evidence that Munkara was drinking at the Club and that he drank about 10 beers (see his statutory declaration made 15 October 2004.) This statement is generally supported by Munkara’s comment to Mr Lye that he had \$24 in his pocket on arrival at the Club (ie enough to buy 7 or 8 beers) and that he asked some people for beer tickets.
  - c) There is no direct evidence that Munkara went up to the bar and bought any or all of the drinks himself. He says in his statement. *“I drank about 10 beers, I spent most of the time drinking outside of the Club building in the garden area, I spent a lot of time walking around drinking.”* It appears reasonable to assume however that he purchased some of those beers himself directly from the bar staff.
  - d) There is no direct evidence before us as to the level of intoxication exhibited by Munkara whilst he was at the Club-and more particularly whilst he was being served beer by bar staff. Assuming he was visibly intoxicated towards the end of his stay at the Club, did he purchase the final beers himself with money or beer tickets-or did others purchase them for him? The statutory declaration does not sufficiently assist us. It says *“I drank 10 beers.”* It does not say *“I went to the bar and purchased 10 beers.”* If others purchased his beer for him, did the bar staff know that he was to be the recipient and that he was intoxicated? We have no evidence before us to reach that conclusion.
  - e) There is no evidence of Munkara’s movements after leaving the Club at about 6.30pm apart from the comment in his declaration that he had a problem with his girlfriend. He denied drinking anywhere else than at the Club on the night in question. He also denied smoking marijuana but this denial must be treated with some caution, as he may not have admitted such things to a police officer or licensing inspector.
  - f) There is general evidence from several witnesses including police and health workers that illicit liquor is available within the Nguiu community and thus it is possible that Munkara might have consumed liquor both at the Club and elsewhere.
  - g) There is evidence that Munkara appeared heavily intoxicated shortly after 7.15pm when he was placed in protective custody and he appeared perhaps even more heavily intoxicated at about 8pm when the breath test was administered. We note that despite his intoxication at 7.15pm, he was able to run away from police and others into

scrubland. He was unable to stand or walk unaided by around 8pm and was described by Inspector Lye as perhaps the most intoxicated person he had encountered.

- 21) Where does the state of the evidence leave the Commission? The onus is on the licensee to demonstrate the probability that Mr Munkara was not intoxicated when the relevant purchase/s were made or alternatively to sufficiently undermine the evidence of the sale or supply having occurred.
- 22) Counsel for the Club, Mr Morris submits that we do not have sufficient evidence to find the charge proven on the balance of probabilities and that the Club has discharged their onus. Most significantly, he submits that we have no idea whether Munkara obtained his own drinks from the Bar whilst in an intoxicated state. Even if he was intoxicated, it might be that others collected drinks for him. We accept Mr Morris' submissions on this point and feel unable to conclude on the balance of probabilities on the evidence before us that the licensee served Munkara whilst he was intoxicated. He may well have done but we simply do not have the necessary evidence to reach such a conclusion. The complaint is therefore dismissed.

### **Complaint Regarding Incident on 16 September 2004**

- 23) The complainant called three witnesses to give evidence about the events that unfolded on the night of Thursday 16 September 2004 following the death of a teenager from the Nguiu community. Nicholas Barclay, the nurse manager of the Clinic, provided the most complete description of that night. Mr Barclay has been a continuous resident on Nguiu Island since November 1993 and still resides there.
- 24) His evidence was that in the middle of the afternoon of 16 September 2004, the staff of the Clinic were advised of the death of a young man who appeared to have hanged himself at the sewerage plant near Wurankuwu (Ranku). Mr Barclay travelled with the resident Doctor and a health worker by ambulance to Ranku arriving at approx 3pm. On the way, they met two of the deceased's uncles namely Louis Tipungwuti and Pedro Tipiloura who were travelling back from Ranku to Nguiu by motor vehicle. The uncles were very distressed at the death of their nephew but appeared to be sober.
- 25) After liaising with police at Ranku, Mr Barclay and his co-workers took the deceased's body by ambulance back to Nguiu. Police told them that the cause of death would be the subject of a coroner's inquiry and that they must not let anyone interfere with the body. The Clinic staff returned to Nguiu with the body because they knew that the Coroner's plane would depart from Nguiu.
- 26) As a long term resident, Mr Barclay had witnessed Tiwi people grieving many, many times and he understood that they demonstrate their grief "*in a very powerful way*". Mr Barclay gave evidence that following a suicide or unsuspecting death, the body would normally be placed on a stretcher outside the Clinic and community members would be allowed to touch the body and to openly grieve. He understood from police however, that on this occasion he could only let the residents view the body bag but not touch. For this reason, Mr Barclay stated in evidence that he knew that returning with the body to Nguiu would be particularly hard.
- 27) The ambulance carrying the deceased arrived back at Nguiu after 6pm. A crowd of people had gathered around the Clinic. Most were women and children who were crying and calling out in what appeared to Mr Barclay to be normal grieving behaviour. With the aid of a community member, Mr Barclay explained to the residents why they could not touch the body and they seemed to accept his reasoning. At that stage, the assembled crowd did not appear to be under the influence of alcohol.
- 28) Mr Barclay recalls that shortly after 7pm, about 30 more people arrived in small groups. They were coming from the direction of both a number of residences and the Club. Many of them appeared to be intoxicated and smelled of beer and as a result Mr Barclay assumed that they had come from the Club after closing time. Many of these residents appeared

distressed and angry and were loud and aggressive in their behaviour. The anger within the crowd intensified when it was explained that no one could not touch the body and they began pushing and shoving, hitting the ambulance, banging the windows and screaming. Mr Barclay also noticed that the two uncles that he had met earlier on the road were now intoxicated.

- 29) At around 7.30pm, the police - who had now returned from Ranku - were made aware of the problem with the crowd at the Clinic. Constable Ragg (who has seven years experience as a Police Officer but had recently arrived on the Tiwi Islands) and Constable Hagston (who has three years experience including some months experience at Nguiu) immediately attended at the Clinic. Both gave evidence. Whilst the officers' evidence regarding estimated crowd numbers differed, it is fair to say that there was a crowd of between 40 to 70 people with a minimum of 15 to 20 of those people being intoxicated. Like Mr Barclay, the police officers assumed that the intoxicated persons had come straight from the Club after closing time.
- 30) Constable Ragg had never seen Tiwi people grieving before, but stated in evidence that he considered that their behaviour in hitting the top of the ambulance with clinched fists was '*more a funeral type thing*'. He did not consider that they were purposely trying to damage the ambulance but when it was dented, the decision was made to remove it. The tenor of the overall evidence was that the crowd was uncontrolled, distressed and angry and the situation was volatile. Once the ambulance was removed from the scene, the crowd slowly disbursed. The scene was slightly calmer by the time a smaller crowd reformed at 8.30pm when the Coroner's plane departed.
- 31) There appears to be no doubt from the evidence before us that a number of residents in the crowd after 7pm on 16 September were intoxicated to varying degrees. The questions for the Commission are whether there is sufficient evidence to find on the balance of probabilities that those residents became intoxicated from liquor purchased at the Club and that they were intoxicated at the time they purchased the liquor.
- 32) Ideally, when making a finding that a licensee has served an intoxicated patron, there will be eyewitness evidence of the person being served liquor. There is no such evidence here. What we have is the circumstantial evidence of a number of intoxicated individuals arriving at the Clinic from the general direction of the Club soon after closing time.
- 33) There are other factors to take into account in deciding whether there is sufficient evidence before us to find on the balance on probabilities that the Club was responsible for serving intoxicated patrons. The first factor is that apart from the deceased's two uncles, none of the other intoxicated residents causing a disturbance on the night in question were identified. Further, there is no evidence to support a conclusion that the two uncles- who were identified as being sober mid- afternoon but intoxicated by 7.30pm - had even attended the Club when they returned from Ranku. They may have done but they may, for example, have consumed illicit liquor elsewhere.
- 34) A further matter to be taken into account is that the only evidence we have of patron behaviour at the Club on the night in question seems to indicate that the patrons were generally well behaved. Further, there is no evidence of a large number of patrons who were intoxicated. The Bistro Manager, Robyn Deans gave evidence that she was in attendance at the premises throughout the evening. Her memory is that there were only a hundred or so patrons in attendance and that it was a quiet evening. She was made aware that there had been a death of a community member and she remembers seeing some people crying but she denies any indications that a large number of people were becoming intoxicated. She considered that people were coming and going from the Club as usual.
- 35) Ms Deans tendered the Club Incident Book for the night in question. It showed 8 breaches of Club rules that resulted in patrons being banned for short periods. 5 patrons were banned for 1 day for having an extra beer in front of them, 2 were banned for one week for throwing cups and one received a one-week ban for fighting. Ms Deans commented that to have 5 bans in an evening for the "extra beer" rule was unusual because patrons know that

the penalty is a one-day ban. Her recollection however was that the night was a relatively quiet one.

- 36) Ms Deans states that whilst she was in her office at closing time (ie 7pm) and thus did not see people leaving, she did have a good opportunity to assess the scene when she was behind the Bar from 6pm to 6.30 p.m. She saw no persons obviously intoxicated.
- 37) The evidence of all witnesses supports a finding that there are at least small quantities of illicit liquor available within the Nguiu community at any time. Constable Ragg's evidence was that three planes arrive at Nguiu each weekday and one or two arrive on the weekends. Further, chartered planes arrive from time to time. Constable Ragg's evidence was that every 3 or 4 days, the police would meet the incoming plane and make a seizure, which normally consists of a bottle of Bundaberg Rum or some beer. The police do not however, meet the majority of planes and the evidence of empty alcohol containers at the dump or in the bush supports the view that there is a small quantity at least of illicit liquor that is available within the community. Constable Hagston also acknowledged that some late night callouts involving intoxicated persons involved illicit liquor.
- 38) There were also considerable concerns expressed by the Police and Mr Barclay regarding the level of consumption of marijuana within the Nguiu Community. The Club's bistro manager, Ms Deans gave evidence of the fact that a certain group of patrons left the club on a nightly basis to use cannabis before returning to drink and socialise. Both Police Officers and Mr Barclay gave evidence that the combination of cannabis and alcohol consumption tends to cause aggression in the short term and psychotic or suicidal behaviour in some circumstances.
- 39) The evidence of Mr Barclay supports a view that the use of cannabis is wide spread within the community and within all age groups with the exception of younger children. The impact of cannabis on crowd behaviour on the night in question is unknown but may well have been a factor. Mr Barclay also made the comment that it was only after the Clinic incident on 16 September that he became aware of rumours within the community that the deceased may have died from foul play rather than suicide. He queried whether this issue had also contributed to the volatile behaviour of certain members in the crowd on that night.
- 40) The argument that the residents became intoxicated at the Club is based on the premise that the Club is the sole or main supplier of liquor to Nguiu residents and that the arrival of intoxicated people at the Clinic shortly after closing time is sufficient to support a finding of a breach of s102 of the Liquor Act. The difficulty with such an argument is :
  - a) The only evidence we have of trade at the Club on the night in question suggests that all was quiet and that Club staff and security did not have any problems with or awareness of intoxicated patrons on the premises;
  - b) There is no direct or indirect evidence of any actual sale to an intoxicated person at the Club on the night in question; and
  - c) Whilst there may be a strong suspicion that some of those unidentified, intoxicated persons misbehaving outside the Clinic had earlier attended at the Club, there is no direct evidence that this is so.
- 41) Further, after hearing the evidence of various witnesses, it is clear that the unacceptable crowd behaviour generally on the night in question was not just caused by the beer consumed at the Club. There could well have been a number of factors contributing to the behaviour including the following:
  - a) There is evidence that illicit liquor supplies are available within the community and whilst this evidence does not support a finding that large groups have ever become intoxicated on illicit liquor, it may well have been consumed by some members of the crowd;

- b) There is also the evidence from all witnesses-particularly Mr Barclay - of a wide scale use of marijuana by residents of the Nguui Community. Further, there is evidence that the combined use by an individual of alcohol and marijuana can cause more aggressive behaviour in the short term. The combined use of marijuana and alcohol by at least some members of the crowd appears likely and this makes it more difficult for an observer to assess the level of that person's intoxication from alcohol alone;
  - c) Evidence was given that on this particular occasion, community members were not able to mourn the death of one of their members in the normal fashion. They were not allowed to touch the body at all - a restriction that was not usually placed upon them. Whilst that fact alone does not explain the misbehaviour of late arrivals, it is likely to have been another factor to fuel their discontent; and
  - d) There was also a possibility that some of the members of the community had heard rumour that foul play rather than suicide may have caused the death, which would have added another dimension to their distress.
- 42) Taking account of all of the above factors, we feel unable on the balance of probabilities to safely conclude that the Club breached s102 by serving intoxicated patrons on the night in question. The evidence of such sales is circumstantial and there are too many other factors contributing to the volatility of the crowd on that night to make such a finding.
- 43) Whilst we do not consider that there is sufficient evidence to uphold these particular complaints, we are most concerned about the obvious relationship between persons drinking at the Nguui Club and domestic violence, suicide attempts and other callouts attended by Police and Clinic staff. The general tenor of the evidence before us seems to support the conclusion that most of the problems within the community on nights when the Club is open involves a person or persons who have earlier been drinking at the Club and who is intoxicated. Despite the evidence of police that the Club is generally well run and the in-house security is sound, the link between community members drinking there and the subsequent need for the Police or Clinic staff to attend at domestic incidents where alcohol is a factor is very disturbing.
- 44) We see these problems as community problems. The licence contains many conditions to ensure that the Club functions properly. Further, the Club management has implemented several strategies to control binge drinking and to promote responsible drinking. These include limits on the number of drinks a patron can have before them at any one time and the provision of free cold water and free food at each session. The Club also offers low and mid strength beer cheaper than full strength and provides a good level of security. Finally, the Club attempts to provide more subtle measures to control problem drinking such as positioning the television screen at some distance from the Bar and providing pool tables for patron use. One might ask why there is a problem with this Club when quite clearly there are so many measures in place to attempt to change the drinking culture away from binge drinking towards more acceptable social drinking.
- 45) The problems that the residents, police and health clinic staff face on a daily basis are complex and we emphasise that they do not stem from the Club alone. We heard sufficient evidence of illicit drinking and widespread marijuana use to be well aware that the issues are far more complex than that. We cannot ignore however, the evidence of police and health clinic staff clearly linking dramatic increases in the rate of callouts to incidents involving domestic violence and self-harm to nights when the club has been open for trade and where the perpetrators appear intoxicated.
- 46) We see the need to change the ingrained culture of drinking of some residents within the Nguui community away from binge drinking towards acceptable social drinking. Changing community attitudes is a community problem needing community involvement in the solution. We would like to see the Nguui community work with government agencies such as Health and Licensing to find other strategies and measures that will help to resolve the problem drinking. We imagine that the Licensee, the Permit Assessment Committee, the Alcohol and Other Drugs Committee of TILG and other Nguui based community groups will

want to be involved in developing and implementing locally a range of measures to assist the Club in protecting and enhancing the wellbeing and social harmony of the community. As the involvement of the Club is a crucial part of any change, we place some responsibility on them to assist in effecting such change.

- 47) To this end, we formally request a written report from the Licensee within three (3) months of the date of this decision documenting what steps the Licensee has undertaken and intends to undertake to address the problem of binge drinking at the Club and to assist in bringing about a change to social drinking. Whilst we are not making the provision of this report and any subsequent reports a licence condition or a s65 direction, we anticipate that the Club itself will be willing to work with the Commission and others to address these very real problems. It may be that changes to some licence conditions to further address both the speed and quantity of liquor consumption will assist. We are aware, however, that simply relying on licence conditions to change drinking patterns will not bring about the desired change and for this reason, we need the comments and support of the Club and others to effect a meaningful change.
- 48) Upon receipt of the report from the Club, the Commission intends to visit the Club to talk through various strategies and options tried or proposed. These discussions will no doubt involve other groups within the Nguiu Community as is appropriate. Further, should the Club wish to discuss any proposals with the Commission or the Licensing Inspectors over the next three (3) months, we will be open to such discussions.

Brenda Monaghan  
Legal Member

5 September 2005