

Information Notice

Application Type: Variation of Licence

Trading Name: Torres Straits Hotel

Address of the Premises: 118 Douglas Street, Thursday Island

Date of the Decision: 28 September 2021

Applicable Legislation: Section 111 (*Liquor Act 1992*)

Brief Summary of the Reasons for the Decision

On 28 September 2021, as the delegate of Commissioner for Liquor and Gaming, I conducted a review of the application for a variation of licence lodged by the applicant on 4 February 2020. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a variation of licence under the *Liquor Act 1992* (Liquor Act).
2. The Office of Liquor and Gaming Regulation's (OLGR) Compliance Division, who are responsible for ensuring compliance of premises under the provisions of the Liquor Act, offered no objection to the application.
3. No objections were raised by the Community Justice Group (CJG).
4. No objections were lodged by Queensland Police Service (QPS), other than in relation to the removal of the courtesy bus condition. This was due to perceived amenity and safety concerns related to the subsequent exacerbation of patron congregation expected to occur if the condition were removed. The evidence suggests these concerns relate to historical issues, as there has been no demand for the courtesy bus service since the premises re-opened following the extended COVID lockdown in 2020. Instead, the venue's patrons have been utilising the island's taxi services without any evidence of issues occurring.
5. No objections were lodged by the local authority, other than in relation to the removal of the condition relating to the sale of takeaway liquor in glass containers to those patrons on traversing on foot. Given no grounds or reasoning for their objection was provided, little weight can be afforded to their objection.
6. No community objections were received as a result of advertising the application.
7. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance should be substantiated.

8. Human rights are not limited by my decision to approve the applications.

I have considered the relevant matters outlined in section 111 of the Liquor Act.

I took into account the objections received from the QPS, which outlined the following concerns:

9. The Thursday Island police would have issues and objections to the removal of the courtesy bus condition given the history of patrons and the late closure / trading hours of this venue.
10. There have been historical issues with the taxi companies not servicing venues after 10:00pm.
11. QPS believe any licensed venue holding an event or having a particular number of patrons should be required to provide transportation home for their patrons.
12. The operation of the courtesy bus creates a congregation point and attracts unwanted anti-social behaviour and alike, with alcohol contributing to the cause of these public nuisance offences and assaults. The longer people congregate, the more chance there is of anti-social and other issues arising.
13. Police have on numerous occasions provided persons transport home to simply move people on from the town centre and to create distance between rivalling persons. The courtesy bus has always remained the number one method to ensure safety to intoxicated persons attempting to return home and avoid altercations with others around them, separating groups quickly.

In response to the partial police and local authority objections received, I am satisfied the granting of the variation of conditions would not necessarily have an adverse effect on the amenity of the locality as:

14. No objections were received from the CJG or OLGR Compliance.
15. No objections were received in response to the advertising of the application.
16. Recent evidence suggests the local taxi services provide an effective means of dispersing patrons in lieu of the courtesy bus operating, with no adverse amenity or public order issues identified since the advent of COVID-19.
17. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance should be substantiated.

After considering all of the relevant factors and information, both positive and negative, and the aforementioned findings on material questions of fact, I decided to grant the application for variation of licence, removing the following conditions:

LL98623/6 - The sale or supply of liquor for off premises consumption is restricted to beer and pre-mixed spirits and must not exceed 11.25 litres (equivalent to 30 x 375ml

cans) of any combination of liquor, per sale or supply. This condition does not apply to the sale and supply of liquor from a drive-in bottle shop to a person in a vehicle.

LL87623/7 - The sale or supply of liquor in a glass container, for off premises consumption, is prohibited during any trading period from 6pm until the end of the trading period. This condition does not apply to the sale and supply of liquor from a drive-in bottle shop to a person in a vehicle.

LL87623/15 - The licensee must provide a courtesy bus at the end of the trading period of Thursday, Friday and Saturday to transport patrons from the premises. This condition does not apply in circumstances authorized by the duty officer of the Queensland Police Service, Thursday Island.

Delegate of the Commissioner for Liquor and Gaming

28/09/2021