



Our Ref: DOC23/042782

Mr Geoffrey Fong Manager Candy's Nightclub (trading as Maali Sydney) [REDACTED]	13 Company Pty Ltd Corporate Licensee Candy's Nightclub (trading as Maali Sydney) [REDACTED]
NEROTUA PTY LTD Premises Owner Candy's Nightclub (trading as Maali Sydney) [REDACTED]	D/Superintendent Jonathan Beard Kings Cross Police Area Command [REDACTED]

24 February 2023

Dear Proper Officer of the Corporate Licensee,

**Notice of Short Term Closure Order under section 82 of the *Liquor Act 2007*  
Candy's Nightclub [trading as Maali Sydney] (Premises) LIQO624006680**

**SUMMARY OF DECISION**

1. Pursuant to section 82(1) of the *Liquor Act 2007* (**the Act**), the Independent Liquor & Gaming Authority (**Authority**) orders that the licensed premises currently trading as the "Maali Sydney" located at 22 Bayswater Road, Potts Point NSW (**Premises**) close for a period of 58 hours from **9:00 pm on Friday 24 February 2023 until 7:00 am on Monday 27 February 2023.**

**INTRODUCTION**

2. At 6:34 pm on Wednesday 22 February 2023, the Authority received an application (**Application**) from D/Supt Jonathan Beard of the Kings Cross Police Area Command in his capacity as a delegate of the Commissioner of the New South Wales Police Force (**Police**). The Application was made under section 82 of the Act and seeks the issue of a Short Term Closure Order in relation to the Premises, pursuant to subsection (3)(a)– circumstances in which there may be a significant threat to public health or safety.

**NOTICE OF APPLICATION**

3. At 8:12 pm on Thursday 23 February 2023, a copy of a Notice of Application for Short Term Closure Order (**Notice**) was emailed to Mr Geoffrey Fong (**the Approved Manager** of the Premises), 13 Company Pty Ltd (**the Licensee** of the Premises), NEROTUA PTY LTD (**the Premises Owner**) and sent to the email addresses [REDACTED]. The Application material was included with the Notice.
4. At approximately 8:30 pm Thursday 23 February 2023, hard copy of a Notice of Application for Short Term Closure Order (**Notice**) was served to the Approved Manager, Mr Geoffrey Fong, by Senior Constable Flook at the Kings Cross Police Area Command. The Application material was included with the Notice.

5. The Licensee was invited to provide the Authority with any written submissions or evidence in response to the Application by no later than 12pm on Friday 24 February 2023.

## **SUBMISSIONS IN RESPONSE TO THE APPLICATION**

6. At 11:52 am today (24 February 2023), the Authority received an email from [REDACTED] requesting a further hour to provide a response, which was granted.
7. At 12:30 pm, [REDACTED] emailed the Authority requesting that the 'document' be re-sent as they stated they were having issues opening it.
8. At 12:58 pm, the Authority re-sent [REDACTED] the notice document.
9. At 1:01 pm today (24 February 2023), a submission was received from the Licensee.
10. The Authority does not accept that the licensee was not served with documents in support of the application. Per paragraph [4] above, personal service of the documents was carried out in addition to digital service via email to [REDACTED], [REDACTED] and [REDACTED].
11. The Authority notes that the Licensee objects to the short-term closure order.
12. The Authority also notes the Licensee's comments in respect of the police reports provided as part of the Application, including that:
  - The venue has been in operation for several months with a tight security roster in excess of what is required by its development approval
  - The incident on 19 February 2023 is (in the Licensee's views) an isolated issue and that the safety and security of its patrons is the highest priority
  - The short-term closure order would be detrimental to the reputation of the business and to its employees
  - The venue has in the past cancelled events in circumstances where the Police have not wanted them to proceed
13. The Authority notes that the Licensee's submission does not mitigate the risks and concerns held by police to an acceptable level.

## **REASONS FOR DECISION**

14. The Authority is satisfied, on the material before it and on the balance of probabilities, that serious breaches of the Act, including breaches under section 11(2) of the Act have occurred, on the premises and that the closure of the premises is necessary to prevent or reduce a significant threat or risk to the public interest.
15. The Authority has taken into consideration the police reports provided as part of the Application and has formed the view that there is a substantial risk to public health and safety. This is on the grounds that:
  - CCTV footage of the venue on Sunday 18 February 2023 depicts a violent brawl breaking out amongst patrons within the venue; and
  - Police reported that liquor licence conditions relating to crime scene preservation and the need to directly contact police in the aftermath of an incident were not abided by; and

- Police reported that requirements under section 116E of the Act for patron photo IDs to be scanned were not fully complied with; and
- Police reported the outcome of administrative and operational licensing audits of the Premises on 17 October 2022 and 22 October 2022 which identified a number of alleged breaches of the venue's liquor licence.

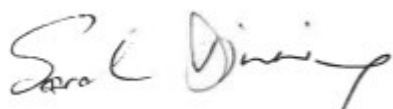
16. In the Authority's view, the Licensee's response does not sufficiently address the concerns raised by the police in their Statement of Particulars. The response does not give the Authority confidence that the Licensee is able to appropriately prevent or reduce any potential threats to public health or safety.
17. On this basis, the Authority is satisfied that it is necessary to close the Premises for a period of 58 hours this weekend to prevent or reduce a significant threat or risk to the public interest, being a risk to public health and safety- at the Premises.

## ORDER

18. Pursuant to section 82(1) of the Act, the Authority orders that the licensed premises currently trading as "Maali Sydney" located at 22 Bayswater Road, Potts Point NSW, close for a period of 58 hours from **9:00pm on Friday, 24 February 2023**, until **7:00am on Monday, 27 February 2023**.
19. The Authority notes that section 82(6) of the Act provides that failure to comply with an order made under this section may expose the licensee to a maximum penalty of 50 penalty units, 6 months' imprisonment, or both.

**TIME OF ORDER: FRIDAY 24 FEBRUARY 2023**

Yours faithfully



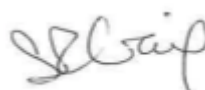
**Member**

For and on behalf of the **Independent  
Liquor & Gaming Authority**



**Member**

For and on behalf of the **Independent  
Liquor & Gaming Authority**



**Member**

For and on behalf of the **Independent  
Liquor & Gaming Authority**