

Our Ref: L 171  
Your Ref: CGC 20090296  
482387

3 June 2009

Mr Chris Callen  
Leitch Hassen Dent  
Level 12  
162 Goulburn Street  
SYDNEY 2010  
*By email*  
*cgc@lhd.com.au*

**Application for Review of Decision under section 153 of the *Liquor Act 2007*  
Mansions Hotel, Kings Cross.**

Dear Sir

I refer to the application for review (“**Application**”) made under section 153 of the *Liquor Act 2007* (“**Act**”) regarding a decision of the Director of Liquor and Gaming (“**Director**”) dated 25 March 2009 (“**Decision**”) to impose three new conditions upon licence number LIQH400103719 for the premises known as Mansions Hotel, Kings Cross (“**Hotel**”). A copy of the Decision is annexed.

**Determination**

The Authority convened to review the Application on 28 May 2009. After considering all the material that was before the Director when the Decision was made, the Application, the Director’s submission dated 18 May 2009, the Applicant’s further submissions dated 21 May 2009 and relevant provisions of the Act (including the statutory objects and considerations set out under section 3) the Authority has decided:

1. To **vary** Conditions 1 and 2 of the Decision to provide:

1. From 11.00 pm each Friday and Saturday evening until 6 am the following morning any drink (whether or not it contains liquor) sold or supplied for consumption on the premises must not be served or supplied in a glass or breakable plastic container.
2. From 11.00 pm each Friday and Saturday evening the licensee or person in charge of the premises shall commence removing glass drink containers from patrons and the public areas of the premises as soon as they are emptied and shall ensure that by 11.30 pm and until 6 am the following morning all glass is removed from public areas.

2. To **confirm** Condition 3 of the Decision.

## **Comment**

The Authority notes that during December 2008 the Parliament of New South Wales considered it necessary to impose, under Schedule 4 to the Act, general conditions upon 48 licensed premises (“**Declared Premises**”) that had the highest levels of assault linked to those premises, as recorded in data compiled by the NSW Bureau of Crime Statistics and Research.

Mansions Hotel is not a Declared Premises.

The imposition of general conditions upon Declared Premises does not prevent the Director or the Authority from imposing specific conditions upon either a Declared Premises or a licensed premises that is not a Declared Premises, provided that such conditions are not inconsistent with the Act.

The Authority considers that Schedule 4 to the Act provides a relevant benchmark in cases where the imposition of restrictions upon the service or supply of liquor is warranted as an appropriate harm reduction measure.

Police have submitted evidence to the Director that has satisfied the Authority that numerous assaults have occurred between patrons in the Hotel’s Main Bar, and some assaults taking place in the Gaming Room from 2005-2008. The Authority is satisfied that there have been three (3) assaults at the Hotel since January 2007 where the presence of glass drinking vessels contributed to the seriousness of each incident.

However, the Authority notes that the Hotel has voluntarily implemented the use of polycarbonate drink ware in the Main Bar from 11.00pm on Friday and Saturday evenings. In the circumstances, the Authority has determined that it is reasonable and necessary to impose enforceable restrictions upon the use of glass across the entire premises for all glass vessels (including bottled drinks), on Friday and Saturday evenings, when there is an elevated risk of assaults taking place.

The Authority is satisfied that Condition 3 is a reasonable and necessary measure to impose, in light of the Police evidence that numerous assaults have occurred between intoxicated patrons and between patrons and security staff at the Hotel. While the Authority accepts the Applicant’s submission that many of the submitted Police reports of assault arose from incidents where Hotel staff performed their duty to remove or deny access to intoxicated persons, the implementation of CCTV coverage in the terms imposed by the Decision will best serve the interests of patrons and Hotel staff alike.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Sidoti', with a small flourish at the end.

Chris Sidoti  
**Chairperson**

NSW Office of  
Liquor, Gaming & Racing



Mr Dale Corliss  
Licensee  
Mansions Hotel  
Bayswater Road and Kellet Street  
KINGS CROSS NSW 2011

REGISTERED POST – SENDER TO KEEP  
555041489012

Posted 25/3/09

25 March 2009

Reference: Order to impose conditions on licence SEB X08-3777-10.

Dear Mr Corliss

I refer to correspondence dated 6 February 2009 and discussions concerning proposed conditions that may be imposed on your licence under section 54 of the *Liquor Act 2007*.

I have received your submission dated 9 March 2009 and have reviewed the information provided.

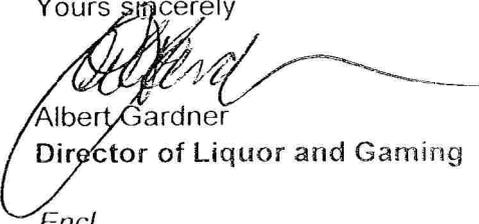
Having regard for this information, and other evidence and submissions before me, I have determined that the public interest is best served by imposing the conditions on your licence as set out in *Schedule 1*.

These conditions will take effect on 10 April 2009. I expect absolute compliance with the conditions and intend to monitor your venue. Note that failure to comply with a licence condition carries a maximum penalty of \$11,000 and/or imprisonment for 12 months.

Should you be aggrieved by this decision, you may seek a review by the Casino, Liquor and Gaming Control Authority by application within 21 days of the date of this notice accompanied by payment of the prescribed fee. Your application should include the grounds of your review together with a copy of this correspondence.

The case officer is Peter Hart, who may be contacted on phone no. (02) 9995 0306.

Yours sincerely

  
Albert Gardner  
Director of Liquor and Gaming

Encl

CC: Local Area Commander

CC: Commander ALEC



X08-3777-10

**Schedule 1**

**Conditions imposed on the licence by the  
Director of Liquor and Gaming under Section 54 of the *Liquor Act 2007***

**Mansions Hotel Lic. No.103719**

**Effective Date: 10 April 2009**

1. From 11.00pm until 6:00am, any drink (whether or not it contains liquor) sold or supplied for consumption on the premises must not be served or supplied in a glass or breakable plastic container.
2. From 10.30pm the licensee shall commence removing all glass drink containers from patrons and the public areas of the premises, so that by 11:00pm no patron has in their possession, or has access to, any glass drink container.
3. An In Venue CCTV system must operate in accordance with the Policies and Standards approved by the Director of Liquor and Gaming (attached). In addition, the system is to capture images of:
  - (a) the external perimeter of the premises, and
  - (b) all entrances and exits regularly used by patrons; and
  - (c) all publicly accessible areas whether indoors or outdoors, excluding toilets and areas generally used by people staying at accommodation in the venue.