



A/Superintendent Jennifer Scholz
Commander, Ashfield Local Area Command
NSW Police
14 Victoria Street
ASHFIELD NSW 2131

The Person Apparently in Charge
Queen KTV – Ashfield
Level 1
283-285 Liverpool Road
ASHFIELD NSW 2131

The Directors
MY FANTASY Pty Limited
Business Owner, Queen KTV – Ashfield
c/o JDK Legal
Level 5, 1 Castlereagh Street
SYDNEY NSW 2000

The Directors
Bade Pty Limited
Premises Owner, Queen KTV – Ashfield
Level 10, 10-14 Spring Street
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Dear Sir/Madam

**Decision on Application for Long Term Closure Order
under section 84 of the *Liquor Act 2007*
Queen KTV, Ashfield (Liquor No. LIQO660011559)**

SUMMARY OF DECISION

1. The Authority orders, pursuant to section 84(1) of the *Liquor Act 2007*, that the licensed premises currently trading as "Queen KTV – Ashfield", located at Level 1, 283-285 Liverpool Road, Ashfield NSW 2131 be closed for a period of **six months from 9:00pm on Friday 15 April 2016.**

INTRODUCTION

2. On the afternoon of 18 February 2016, the Independent Liquor and Gaming Authority (Authority) received an application dated 5 February 2016 (Application) from Acting Superintendent Jennifer Scholz (Applicant), Commander of the Ashfield Local Area Command (LAC) of the NSW Police Force (Police) in her capacity as a delegate of the NSW Commissioner of Police.
3. The Application is made under section 84 of the *Liquor Act 2007* (Act) and seeks the issue of a Long Term Closure Order in relation to the licensed premises currently trading

as "Queen KTV – Ashfield", located at Level 1, 283-285 Liverpool Road, Ashfield (Premises).

4. The licensed business on the Premises operates pursuant to an on-premises liquor licence, number LIQO660011559. The designated primary purpose of the licensed business that is recorded on the licence is "karaoke venue".
5. The *OneGov* record of the liquor licence for the Premises current as of 22 January 2016 indicates that the licensed business is authorised to sell or supply liquor for consumption on the Premises during the following hours:

Monday	10:00am – 12:00 midnight
Tuesday	10:00am – 12:00 midnight
Wednesday	10:00am – 12:00 midnight
Thursday	10:00am – 12:00 midnight
Friday	10:00am – 2:00am
Saturday	10:00am – 2:00am
Sunday	10:00am – 12:00 midnight.
6. That is, the licence has the benefit of an extended trading authorisation within the meaning of section 49 of the Act.
7. The Applicant advises that an investigation is underway and that a separate but related disciplinary complaint has been made to the Authority by Acting Superintendent Scholz under Part 9 of the Act (Complaint) against the licensee of the Premises, Ms Kathy Sun (Licensee) and Ms Dania Xiao, who is the close associate of the Licensee and the business manager of the Premises (Business Manager).
8. The Authority notes that it received this disciplinary Complaint from Police on the date of receiving this Application.
9. The Applicant submits that the information provided in this Application demonstrates that the manner in which the licensed business has been operated has progressively deteriorated due to a "lack of supervision and control" over the Premises by the Licensee, Business Manager and staff.
10. Briefly, the Applicant alleges that the following contraventions of licensing legislation have occurred "on or near" the Premises under the current management of the licensed business:
 - a) Multiple breaches of licence conditions
 - b) Numerous incidents involving the detection of prohibited drugs and suspected overdoses from prohibited drugs on or near the Premises
 - c) Permitting intoxication of patrons (including minors) on the Premises
 - d) Demonstrated reluctance of the management of the Premises to introduce strategies to respond to identified risks to patron, community and Police safety.
11. In an apparent reference to the requirements of section 84(2)(c) of the Act, the Applicant submits, on the basis of the evidence and other material provided with the Application, that there are reasonable grounds for believing that a number of serious offences under the Act have occurred in relation to the Premises and that there is a threat to public health or safety; a risk of substantial damage to property; and a risk of serious offences (having a maximum penalty of not less than two years' imprisonment) being committed at the Premises and that a Long Term Closure Order is necessary to prevent or reduce the risk of significant threat to the public interest.

12. The Applicant submits that in order to address the relevant risk to the public interest and the "immediate threat to public health and safety", the Authority should issue an order that the Premises be closed for a period of six (6) months or until certain conditions are met.
13. The Applicant submits that the conditions for reopening the Premises within the proposed six-month closure period "may include, however are not limited to" the following:
 1. *Clarification or determination of the status of the provisional approval of the transfer of the licence to the current Licensee, Kathy Sun being finalised and/or a new licensee being unconditionally approved by the Authority.*
 2. *The disciplinary complaint made pursuant to Part 9, section 139 of the Act against the current Licensee, Kathy Sun being determined by the Authority.*
 3. *The development consent issue with Ashfield Council being resolved.*
 4. *The Licensee amends the Plan of Management for the Premises to include the following:*
 - a. *The Licensee or their employee must notify the Officer in Charge of Ashfield Police Station within half an hour if any item suspected of being a prohibited drug is located on the Premises. The Licensee must obey all reasonable requests of Police in relation to the notification.*
 - b. *Liquor is not to be removed from the karaoke rooms by patrons.*
 - c. *Entertainment provided on the Premises is limited to karaoke only.*
 - d. *Sale and supply of liquor in the licensed premises shall cease at least thirty (30) minutes before the end of trading hours; all liquor to be removed from public access when the Premises is not authorised to sell or supply liquor for consumption on the licensed premises; and the Licensee is to ensure that all patrons are removed from the Premises within thirty (30) minutes of the expiration of the hours of trade.*
 - e. *The sale, supply and consumption of alcohol on the Premises is regulated as follows:*
The sale, supply and consumption of full bottles of spirits is prohibited. The sale and supply of spirits is only permitted in standard 30mL nips. Management shall not permit bringing your own (BYO) alcohol nor shall they store or hold alcohol for patrons on the Premises. Patrons order drinks from their karaoke room using an intercom connected to the bar area. Bar staff then deliver the drinks to the karaoke room and monitor patrons for signs of intoxication. Liquor is not to be sold or supplied to patrons in the waiting area. No more than one drink containing liquor per person per transaction.
 - f. *Signage shall be displayed at entrances, exits and in the reception area stating "NO ALCOHOL IS TO BE BROUGHT ONTO THE PREMISES". The wording is to be not less than 50 millimetres in height and in clear bold print.*
 - g. *The Licensee must maintain a register, in the form approved by the Secretary [of the Department of Justice], in which the Licensee is to record the details of any incident referred to in section 56 (or the regulations made under that section) that occurs during the standard trading period and any action taken in response to any such incident.*
 - h. *The Approved Manager to be present when the Licensee is absent.*
 - i. *The licensee must ensure that a record for karaoke room hire, times, and the service of alcohol to the karaoke rooms is kept and maintained and made available to Police and Special Inspectors upon request for inspection.*
 - j. *A copy of the Plan of Management must be available to staff at all times when the Premises is authorised to be open and the Plan of Management must be produced to Police or Special Inspectors immediately upon demand.*

NOTICE OF APPLICATION

14. The Authority gave preliminary consideration to this matter at its meeting of 24 February 2016 when it determined to give notice of the Application and provide the respondent Licensee and any other interested parties with only the *redacted* version of the Application Material.

15. On Friday 26 February 2016, the Authority sent via *Express Post* to the address of the licensed business a copy of a Notice of the Application (Notice). The Notice enclosed a copy of the Application and a *redacted* version of the supporting material provided to the Authority by the Applicant (redacting those documents that the Applicant has provided to the Authority on a confidential basis, by reason that they are classified as sensitive law enforcement material including confidential intelligence holdings which should not be released or disclosed to the Licensee and/or made publicly available).
16. The Notice informed the Licensee that by reason of the gravity of the allegations contained in the Application, the Authority was considering ordering the closure of the Premises for a period of six (6) months, or until such time as certain conditions (including, but not limited to, the conditions specified on pages 28 and 29 of the Application Letter) have been met.
17. The Licensee was invited to make written submissions to the Authority in response to the Application by no later than 4:00pm on Friday 11 March 2016.
18. While not expressly required by the Act to do so, the Authority also sent, out of an abundance of caution, copies of the Notice and the redacted version of the supporting material to the current corporate business owner of the licensed business conducted on the Premises, MY FANTASY Pty Limited (Business Owner) and the current owner of the freehold in the building in which the Premises is located, Bade Pty Limited (Premises Owner).
19. The Business Owner and Premises Owner were advised that they could, if they wished to do so, make written submissions to the Authority in response to the Application by no later than 4:00pm on Friday 11 March 2016.

MATERIAL BEFORE THE AUTHORITY

20. The material provided by the Applicant in support of the Application comprises the following:
 - a) Cover letter to the Application addressed to the Chief Executive of the Authority, signed by Detective Superintendent Murray Reynolds, Commander of the NSW Police Drug and Alcohol Command dated 12 February 2016 (Cover Letter).
 - b) Further letter in relation to the Application from Senior Constable Thomas Melia of the Crime Management Unit of Ashfield LAC dated 28 January 2016 (Further Letter).
 - c) Statutory declaration by Acting Superintendent Scholz dated 22 January 2016 (Applicant Declaration).
 - d) The 29-page Application submission letter signed by Acting Superintendent Scholz dated 5 February 2016 (Application Letter).
 - e) Annexures 1 through 56 to the Application Letter comprising evidence or material provided by the Applicant and referred to in support of the Application. [collectively, the Application Material].

COVER LETTER TO THE APPLICATION DATED 12 FEBRUARY 2016

21. Briefly, the Applicant's Cover Letter alleges that "serious breaches of the Act" including:
 - a) Failure to comply with licence conditions
 - b) Permitting intoxication on the Premises
 - c) Incidents involving the detection of prohibited drugs and suspected overdoses from prohibited drugs, have occurred and are likely to occur on the Premises and that

closure of the Premises is necessary to prevent or reduce the significant threat or risk to the public interest. [The Authority notes that the Cover Letter does not specify the sections of the Act that are concerned with the alleged serious breaches.]

22. The Cover Letter contends that there is a "demonstrated reluctance" on the part of management of the licensed business on the Premises to introduce strategies to respond to identified risks to patron, community and Police safety and that the Licensee and Business Manager have shown a "blatant disregard" for the requirements of section 3(2) of the Act.
23. The Cover Letter submits that the evidence provided with the Application is sufficient to reassure the Authority that the overall social impact of closing the licensed premises until better management practices are implemented will not be detrimental to the local and broader community.
24. The Cover Letter contends that the alleged harms relating to serious intoxication and drug use within this venue can be directly attributed to the "lack of appropriate management" at the Premises and represent a genuine risk to public health and an ongoing risk of serious offences, some of which are currently under investigation.

FURTHER LETTER IN RELATION TO THE APPLICATION DATED 28 JANUARY 2016

25. By way of background, this Further Letter, written by the case manager/contact officer for this Application, Senior Constable Melia, states that Ms Kathy Sun became the Licensee in respect of the Premises on 7 July 2014.
26. Police allege that since that time, they have identified "numerous breaches" of the Act committed in relation to the licensed business conducted on the Premises.
27. This letter alleges that "following a rapid increase in the number of adverse incidents and serious licensing issues" detected by Ashfield LAC towards the end of November 2015, Police made an application for a Short Term Closure Order pursuant to section 82 of the Act. The Short Term Closure Order was issued [by Deputy Registrar Evans at Parramatta Local Court] on the evening of Friday 15 January 2016 and remained in force until 9:55pm on Monday 18 January 2016.
28. The Further Letter submits that due to the "systematic problems" identified in relation to the venue following the Short Term Closure Order, Police were advised by staff working within the (then) Office of Liquor, Gaming and Racing (OLGR) – now Liquor and Gaming NSW (LGNSW) – to consider making an application to the Authority for a Long Term Closure Order pursuant to section 84 of the Act.
29. Police submit that a "lack of control of the licensed premises" and "inadequate supervision" by the Licensee and staff have led to all of the issues that gave rise to the Short Term Closure Order. Police are not satisfied that the Licensee and Business Manager of the Premises have the ability to operate the liquor licence at the venue "in a way that suits the public interest".
30. Police state that they are of the "strong belief" that the issues raised in this Application require the implementation of policy and procedures which would impose "significant change" to the business's liquor licensing practices. Police submit that the implementation of such processes to achieve compliance with legislation and better business practices are "not foreseeable in the short term".

31. The Further Letter also provides brief notes in support of the Application from the Crime Manager of Ashfield LAC, the Commander of Ashfield LAC and the South West Metropolitan Region Licensing Coordinator.

STATUTORY DECLARATION BY THE APPLICANT DATED 22 JANUARY 2016

32. The Applicant Declaration, signed by the Applicant and dated 22 January 2016, declares that the Applicant is the Commander of Ashfield LAC and is authorised to make an application to the Authority as a delegate of the NSW Commissioner of Police.
33. The Applicant further declares that Police have commenced an investigation and are drafting a complaint under Part 9 of the Act [against the Licensee, Ms Kathy Sun and the Business Manager, Ms Dania Xiao].
34. The Applicant declares, on the basis of the information provided in the Application, that there are reasonable grounds for believing that a number of serious offences under the Act have occurred and that there is a threat to public health or safety; a risk of substantial damage to property; and a risk of serious offences (having a maximum penalty of not less than two years' imprisonment) being committed at the Premises and that a Long Term Closure Order is necessary to prevent or reduce the risk of significant threat to the public interest.

APPLICATION LETTER DATED 5 FEBRUARY 2016

35. The Application Letter is the primary document setting out the Applicant's case. It provides a brief description of the physical layout of the Premises and notes that the Premises operates pursuant to an on-premises liquor licence number LIQO660011559, with a designated sub-type of "karaoke venue". The letter notes that the licensed business is authorised to engage in licensed trading from 10:00am to 12:00 midnight on Sunday through Thursday and from 10:00am to 2:00am on Fridays and Saturdays.
36. The Applicant identifies the Business Owner as a company, MY FANTASY Pty Limited, ACN 167 340 347. The Applicant states that checks of ASIC [Australian Securities and Investments Commission] business records conducted by Police on 19 January 2016 indicate that the directors of that company are Mr Zhenrong Huang and Ms Dania Xiao. Ms Xiao is also the nominated secretary of the business, as of 6 January 2016.
37. The Applicant identifies the Premises Owner as another company, Bade Pty Limited, ACN 001 226 464.
38. By way of background, the Applicant notes that on 3 July 2014, Hatzis Cusack Lawyers made an application for the provisional transfer of liquor licence LIQO660011559 (Transfer Application) from the previous licensee, Mr Ying Hong Li, to the current licensee, Ms Kathy Sun.
39. The Applicant submits that Police received the Transfer Application and commenced conducting probity checks on the proposed licensee. An extensive investigation and review was completed by Police, who determined that the proposed transferee of the licence (Kathy Sun) was not a "fit and proper person" to be the licensee. This submission was forwarded to the Authority on 4 September 2014.
40. The Applicant submits that on 11 November 2014, a delegate of the (now) Secretary of the Department of Justice working within the (then) Office of Liquor, Gaming and Racing sent a submission to the Authority objecting to the application to transfer the licence to Ms Sun.

41. However, according to Authority records, no email or correspondence regarding the above submissions was forwarded to Ms Sun for a response. The Applicant contends that no determination to confirm the Transfer Application was ever made by the Authority and that the Licensee, Ms Sun, remains *provisionally approved* by the Authority since provisional approval was determined by the Authority on 7 July 2014.
42. The Applicant then refers to certain background information and associated supporting material and submits that these are considered sensitive law enforcement material, which includes confidential intelligence holdings (Confidential Material).
43. The Applicant submits that the Confidential Material should not be released or disclosed to the Licensee and/or made publicly available.
44. The Authority notes that it has not needed to consider the Confidential Material when determining this Application. The Confidential Material is not disclosed in this decision letter. That is, the Authority has determined to issue the Long Term Closure Order on the basis of the evidence or material that was disclosed to the Respondents.

Police Business Inspections of the Premises since Ms Sun became Licensee

45. The Applicant states that Police attended the Premises to conduct business inspections of the Queen KTV business on numerous occasions between 7 July 2014 (when Ms Sun became the Licensee) and 16 July 2015.
46. The Applicant provides several reports, sourced from the NSW Police Computerised Operational Policing System (COPS Reports). COPS Reports typically provide a contemporaneous narrative of events or information provided to Police officers that is recorded in the COPS database. What follows is a summary only of the COPS Reports provided by the Applicant for the purposes of this decision and which have been released to the Respondents:
47. **COPS Report number E57230587 – 10:46pm on Sunday 27 July 2014.** Whilst conducting a walkthrough of the Premises, Police observed that the emergency lights were not illuminated at the main entrance. Police also observed the Business Manager, Ms Dania Xiao and another employee were not wearing their name badges or uniform in accordance with a condition on the liquor licence [the Authority notes that this is an apparent reference to Condition "3080" on the licence, which provides that "All staff working at the Premises shall wear name tags and/or uniforms identifying themselves to patrons and authorities that they are working at the Premises"]. A conversation with the Business Manager revealed that the Licensee had not visited the Premises for the past two months. A verbal warning was given to the Business Manager and staff for not wearing name badges.
48. **COPS Report number E55105814 – 3:00am on Tuesday 29 July 2014.** Whilst conducting a walkthrough of the Premises, Police identified the following regulatory issues:
 - a) No staff members were wearing name badges or identification
 - b) There was no signage on the entry to the "Bar" room
 - c) The "exit" light at the upstairs entry foyer was not operational
 - d) The front door to the Premises was locked while the Premises was trading and patrons were still in attendance
 - e) There was no signage at the front door relating to the details of the Licensee
 - f) Persons were exiting through the rear "emergency exit".

49. The Business Manager was informed of all of these issues identified by Police and given a verbal warning. Police also observed that two of the private karaoke rooms (room "777" and the "VIP" room) had half-finished, open bottles of *Corona* beer and *Hennessy* whisky on the tables. Police believe that the Queen KTV karaoke bar was trading outside of its authorised licensed trading hours by serving alcohol after midnight on a "Tuesday night" [by which the Authority understands the Applicant to mean Tuesday morning that follows Monday evening trade]. No actual service of alcohol to a person was witnessed by Police.
50. **COPS Report number E271296893 – 11:26pm on Friday 22 August 2014.** Whilst conducting a walkthrough of the Premises, Police observed that the bar in the main VIP room on the right was unattended by staff members, while customers were inside.
51. Upon approaching the Premises and prior to entering, Police observed a male employee coming out of the entrance. The male employee spotted Police waiting outside and ran back upstairs into the Premises. Police contend that as they walked towards the entrance of the Premises, Mr Sy Duc Nguyen exited the Premises, avoiding Police. Police spoke to a male, Mr Bill Luu, whom Police believe has associations with Mr Sy Duc Nguyen. Mr Bill Luu claimed he was a customer, which Police "highly doubted" by reason that his age and attire did not match the young, well-dressed customers of the business. During the Police intervention, Police state that Mr Bill Luu continuously loitered in the hallway and reception area, suggesting to Police that he was not a customer.
52. Police then spoke to the Business Manager, Ms Dania Xiao, whom Police report "continuously gave false information to Police" regarding the presence of "promotion" girls in the venue. Initially the Business Manager informed Police that the females in the karaoke rooms were customers. However, when Police demanded a record of payment from these women, the Business Manager began to hesitate and failed to provide any record of payment. The Business Manager is then recorded to have stated that they were "promotion" girls from an external agency and that they do not require responsible service of alcohol (RSA) certification by reason that they do not serve alcohol. The Business Manager is reported to have informed Police that the business closes at 2:00am.
53. Police record an observation in this COPS Report that the use of the female "promotion" girls does not comply with RSA requirements. Police record their opinion that the female "promotion" girls are actually a service provided by the business, upon payment by the customers, whose job is to drink and serve/pour alcohol to patrons.
54. Police record that they are "unsure" what the term "promotion" girl implies and believe that the hostesses, who do not have RSA certification, are "encouraging patrons to drink more alcohol".
55. **COPS Report number E187633498 – 10:00pm on Friday 29 August 2014.** Police report that whilst conducting a walkthrough of the Premises, Police observed that there were no staff members attending the VIP lounge area. A customer was seen behind the bar. Police also observed 10 female workers in the back room, none of whom had an RSA Certificate. The Business Manager, Ms Dania Xiao, stated that the female workers were not employees of the licensed premises, but were employees from an external agency. Police note that the female workers are paid by Queen KTV, and observe in this COPS Report that this raises a question as to whether those workers are required to have an RSA Certificate to perform that work on licensed premises. Police note that pursuant to section 4 of the Act, "employ" includes "engage under a contract for services".

56. **COPS Report number E57544582 – 11:34pm on Monday 8 September 2014.** Whilst conducting a walkthrough of the Premises, Police observed that the "VIP" main room had customers, but was unattended by any staff members. Staff members including the Business Manager, Ms Dania Xiao, had no knowledge of how much alcohol the customers had consumed. One male was removed from the Premises by Police due to being "well intoxicated". Police observed that the staff members "had no intentions" of removing the intoxicated male, who still had access to two bottles of whisky.
57. Police also discovered a room with about 10 female workers waiting for clients in one of the karaoke rooms. When asked, the females introduced themselves as being "friends", however they did not know each other's names and there was no evidence to indicate that they had paid to use the karaoke facility. None of these women had an RSA Certificate. Police also believe that there are two males working in the Premises, whom staff members claim are not employees.
58. Mr Bill Luu was observed to be on the Premises again on this occasion. Mr Luu stated that he was a customer; however Police observed Mr Luu take directions from Coco Wang (who is employed by the business). Mr Luu was seen to enter a room and soon after, about 20 Asian males walked past Police and exited the venue, including Mr Luu.
59. **COPS Report number E55837376 – 11:56pm on Monday 15 September 2014.** Whilst conducting a walkthrough of the Premises, Police noticed a room occupied by about 10 males and 10 females, with each female seated beside a male. These females were the same female workers who had been seen by Police on numerous previous business inspections. When questioned, the Business Manager stated that the females were regular customers who are not employed by the business. During this conversation, Mr Sy Duc Nguyen approached Police, introducing himself as the husband of Ms Coco Wang, and continued to ask Police questions and challenge Police powers. Mr Nguyen then started filming Police on his mobile phone, asking Police for their names and numbers. Police contend that this "confirmed" that Mr Nguyen, who was once referred to as a "friend", was in fact a "strong associate" of the business.
60. All of the female workers failed to provide Police with identification and RSA certification. Police note that the same 10 female workers who were all in one room on standby for customers introduced themselves as friends, but they did not know each other's names and they did not pay the venue money to book a room using the karaoke facilities. Police determined that the business was still employing workers with no RSA Certificates. Police issued a verbal warning to the Business Manager.
61. **COPS Report number E56124564 – 11:07pm on Tuesday 30 September 2014.** Police report that as they entered the Premises for the purpose of conducting a business inspection, they were followed by Mr Sy Duc Nguyen and four males of Asian appearance. Upon entry, Police could see people "scuffling around". Of the two private karaoke rooms that were occupied, the first had three males and one female worker; while the second room had four males and three female workers. The bar in the main room was unattended, with customers "rushing out of the room" as Police arrived. Police note in the COPS Report that the Business Manager had been informed on numerous occasions that the main room must be supervised to prevent customers from obtaining their own drinks. All of the female workers on the Premises at this time excluding Ms Dania Xiao and Ms Coco Wang failed to provide RSA certification to Police. Police issued a verbal warning to the Business Manager.
62. **COPS Report number E108891302 – 12:28am on Sunday 12 October 2014.** Police report that whilst conducting a walkthrough of the Premises, Police inspected the lounge area and five karaoke rooms that were occupied. The lounge area contained about 10

males of Asian appearance playing cards. The first room contained a group of young Korean males. Police observed one of the males to be smoking. Police took the details of this individual. The Business Manager stated that she was unaware of the patron smoking on the Premises. Police observe that smoke could be smelt throughout the Premises. Police enquired about the status of the fire alarms. The Business Manager was unable to show Police the control panel or if the fire alarms were in fact operational. A number of females were observed on the Premises; however it was unknown if they were working at the venue. Police observed a total of about 30 persons on the Premises on this occasion.

63. **COPS Report number E56778268 – 11:30pm on Saturday 8 November 2014.** Police report that on this occasion, Police from Ashfield LAC, authorised persons from NSW Health, Ashfield Council and the NSW Fire Brigade attended the Premises for the purpose of conducting a licensed premises inspection/audit.
64. Police entered via the front and rear access points, at which time an alleged customer, Eric Chun Keung Tsang and two employees, Wen Zhao and Renze Wang, were standing at the doorway at the rear of the Premises. Upon seeing Police, one of the three persons dropped one small re-sealable plastic bag containing what Police believed to be cocaine on the floor. The three persons were searched; however no items of interest were located. All three persons were cautioned and questioned separately. No admissions were made. The exhibit was seized and later weighed, returning a reading of 0.50 grams. No fingerprints were found on the drug bag. The COPS Report notes that the substance is currently being analysed.
65. During the incident, Police asked an alleged customer, Wei Chen, to produce identification, at which time he walked behind the bar at reception and produced identification from within a handbag that was on the counter. Mr Chen denied being an employee at the Premises, however could not explain why he was freely able to walk behind the counter.
66. Police then asked the Business Manager to produce a list of employees at the Premises, at which time she opened the second drawer behind the front reception desk. While the drawer was open, Police sighted several packets of branded cigarettes (as opposed to the plain packaged cigarettes sold within Australia) and a single crushed packet of plain packaged *Winfield Blue* cigarettes. Police asked the Business Manager why the *Winfield* packet was in the drawer, at which time she said, "I have never seen that before". Officers became suspicious and inside the packet, located an amount of a substance suspected of being methylamphetamine wrapped in plastic. This item was seized by Police and later weighed, returning a reading of 2.0 grams.
67. The Business Manager and Mr Chen were cautioned and questioned in relation to this item; however no admissions were made. The item was fingerprinted and no fingerprints were found. The COPS Report notes that the substance is currently being analysed.
68. Police also attempted to seize CCTV footage from the Premises; however the person in charge of the licensed premises at the time could not provide any.
69. **COPS Report number E199423797 – Saturday-Sunday 8-9 November 2014.** Police further report with regard to the above business inspection that Police started to enter the karaoke rooms, where they observed patrons smoking in each of the four rooms that were occupied. Licensing officers approached the manager on duty, Ms Dania Xiao, who was seated behind the reception desk. Police note that at this time, Ms Xiao was wearing a name tag.

70. Police enquired with Ms Xiao as to which females in each karaoke room were employees. Police state that Ms Xiao "emphatically denied" that any of the females in the room were working and that only three people were working at the time – herself, Anqi Li and Wen Zhao.
71. Police enquired about who was responsible for pouring drinks in the four karaoke rooms, as Police clearly identified open bottles of *Hennessy* (VSOP cognac) and *Chivas Regal* (aged 12 years blended Scotch whisky) in all of the karaoke rooms, as well as open bottles of beer. Ms Xiao stated that "customers pour their own drinks" and that, with regard to compliance with RSA requirements, staff observe patrons through the CCTV cameras. Police noted that the computer monitor was approximately 30 centimetres by 30 centimetres, which was divided into about 16 smaller squares, one for each camera. Police observe in this COPS Report that they found it difficult to believe that RSA could be monitored through CCTV.
72. Police report in relation to the males in the "VIP" area that in response to further enquiries as to who was responsible for pouring their drinks, the Business Manager once again informed Police that the patrons served themselves. Police noted that the bar in the "VIP" area had three under counter bar fridges that were stocked with beer and other alcoholic beverages. Police note in the COPS Report that they have "serious concerns" regarding RSA and the current practices in place for the monitoring of alcohol consumption at the Premises.
73. Police further observe in this COPS Report that there were no signs displaying the prescribed particulars of the Licensee or the licensed premises type, and no signs relating to the sale/supply/obtaining of alcohol for persons under the age of 18 years. Police also searched for signs requesting patrons to leave the area quickly and quietly. The first sign sighted by Police was located behind the counter of the reception area.
74. The COPS Report notes that the Ashfield Licensing Officer involved in the audit issued the Licensee with infringement notices for:
- a) failing to comply with conditions of the licence, namely failing to produce CCTV footage
 - b) staff not wearing name badges and/or uniforms
 - c) no signage advising patrons to leave the Premises quietly and not cause any disturbance to neighbours.
75. The COPS Report records that Compliance Notices (written warnings) were also issued to the Licensee in relation to the venue not displaying prescribed particulars.
76. **COPS Report number E56266470 – 11:30pm on Saturday 10 January 2015.** Police report that they attempted to enter the Premises at this time, but the entrance door was locked. The lights inside the stairwell were well lit and Police saw numerous cars parked outside the Premises, which Police believed were owned by customers of Queen KTV. Police observe in this Report that the business is known to be busy on weekends, especially on Friday and Saturday nights when it is licensed to trade until 2:00am. Police believed that the management of the Premises were locking the main entrance to inhibit or prevent Police from conducting business inspections during the timeframe of 11:30pm to 2:00am, which Police submit is a timeframe that the karaoke business is "known to be at full capacity".
77. **COPS Report number E57274273 – 12:10am on Sunday 18 January 2015.** Police report that upon entering the Premises for a business inspection, Police noticed a number of people "scurrying throughout" the Premises. Police report that it is unclear

whether these people were staff or customers, but that these people appeared to be attempting to either evade Police or conceal liquor related offences within the Premises. Inside the karaoke rooms, Police noticed the smell of cigarettes in the air and unclean dishes and drinks were left on the chairs. Police also noticed that there were a disproportionately large number of females in the rooms, compared with males. These females claimed to be customers but Police suspected they were working at the Premises.

78. **COPS Report number E59909084 – 12:20am on Saturday 28 March 2015.** Police report attending the Premises for a business inspection. The door at the ground floor entrance was shut and locked. Police looked inside and noticed that the lights were on. Police knocked on the door multiple times. About three minutes later, the security guard ran down the stairs, giving Police access to the Premises. The security guard stated that it may have been the customers who shut the door.
79. Police were able to see familiar persons who work at the Premises walking inside the bar and reception areas without name tags. When Police asked where their name tags were, the two males replied, "I'm not working, I'm playing here". Police were unable to distinguish whether they were at the Premises as customers or as employees.
80. Police conducted a walkthrough of the Premises, noticing female workers gathered in one room awaiting selection by the customers. More female workers were in another room sitting next to male customers. Police also observed Coco Wang and Peter Gao on the Premises.
81. Police record in this COPS Report that they believe that the door located on the ground floor is shut and locked on purpose as a way to deceive Police into thinking that the Premises is closed and to avoid a Police presence, especially on Friday and Saturday nights. Police state that they have previously made "numerous attempts" to enter the Premises, but these have all failed due to the front door being locked at 12:00 midnight.
82. Police report that during the inspection Police encountered a group of young people who had entered the Premises. The Business Manager, staff and security guard all failed to stop the young persons to check their identification. Police checked their identification and all of the young persons were "just over 18 years old".
83. **COPS Report number E58060519 – 2:55am on Saturday 9 May 2015.** Police report that during a night patrol, Police sighted a motor vehicle with registration BMC72R parked on Liverpool Road right outside the Premises. Police conducted a vehicle check which returned a result of "cancelled registration". Shortly after this, three persons of Asian appearance exited the Premises and walked towards the vehicle. One of the persons was obviously well affected by alcohol as she was unsteady on her feet and her body was "swinging non-stop". One of the males placed her in the rear seat of the vehicle.
84. Police approached the vehicle and informed the driver that the registration was cancelled and that the driver is no longer allowed to operate the vehicle. All three persons admitted that they had consumed alcohol at Queen KTV.
85. Police report that they found it difficult to understand the intoxicated female's slurred speech. The female did not have any personal belongings and was not wearing shoes. Police could smell very strong alcohol on her breath and her eyes were bloodshot. Police escorted the female to her home address without any further incident.

86. **COPS Report number E60238889 – 2:17am on Saturday 23 May 2015.** Police report attending the Premises for a business inspection, but Police were unable to enter the licensed premises as the ground floor entrance was locked. Police knocked on the door for approximately 10 minutes and a male came downstairs and opened the door. Police walked upstairs and noticed that the business was still trading, with numerous young Asian males and females who all seemed to know each other present. During the walkthrough, Police located a lit cigarette on the floor right in front of the reception area. The Business Manager claimed to have no knowledge about the cigarette.
87. **COPS Report number E59375239 – 12:45am on Thursday 16 July 2015.** Police report that a male attended the Premises on Wednesday 15 July 2015, where he consumed an unknown number of alcoholic drinks and became heavily intoxicated. At about 12:45am on Thursday 16 July 2015, the male, along with two other male friends, exited the Premises and began walking in a westerly direction along Liverpool Road, Ashfield. Police noticed the male as he was visibly intoxicated and had to be aided by his two friends. The male continued west along Liverpool Road before turning right into Chessell Lane, Ashfield. The male walked several metres into the lane, then stopped and began urinating against the wall on nearby shops and on the paved pathway of the lane.
88. Police stopped their vehicle and observed the male urinating in public. Police called out to the male, who finished urinating before turning to Police and yelling abuse towards Police. Police exited their vehicle and approached the male, who was obviously heavily intoxicated. Police spoke to the male and his friends, all of whom apologised for the male's behaviour. Upon request, the male provided Police with his NSW driver's licence. The male was issued with a Criminal Infringement Notice number 4926072773 for the offence of "offensive behaviour".

Applicant Submissions on the Above COPS Reports

89. The Applicant contends that the Licensee, Ms Kathy Sun, has not been observed on the licensed premises during any of the above listed business inspections. It is "apparent" to Police that the Licensee has had limited involvement with the operation of the business since becoming licensee.
90. The Applicant contends that records from the Department of Immigration and Border Security revealed that the Licensee has travelled overseas for a longer period than six weeks whilst being licensee contrary to section 92 of the Act, departing from Sydney on 5 December 2014 and returning on 21 January 2015. The Applicant submits that Police spoke to the Licensee recently, who stated that she did not obtain approval from the Authority to allow another person to have personal supervision and management of the conduct of the business under the licence for a longer continuous period than six weeks. Police are continuing their investigation into this matter.
91. The Applicant submits that the above business inspections "portray a continued lack of cooperation" by the Business Manager and staff to impose procedures or a management plan in relation to the responsible service of alcohol.
92. In addition to the women observed within the Premises who appear to be working at the Premises, the Applicant submits that Police conducted a Google search of "Queen KTV" and noted job advertisements for the business listed on 13 October 2014 and 30 December 2015 respectively seeking female "service attendants" or "waitresses" whose functions would include "drinking alcohol, playing games and singing with customers". The Applicant states that the mobile phone number that is published in this advertisement belongs to the Business Manager, Ms Dania Xiao. Police have spoken to Ms Dania Xiao using this phone number.

93. The Applicant further notes that a document entitled *Queen Karaoke Bar Rules 2014* was completed in April 2014 by the former licensee, Mr Ying Hong Li after OLGR issued a Notice to him under section 102A of the Act and proposed the imposition of a new licence condition under section 54 of the Act.
94. The Applicant submits that it is apparent from the above mentioned advertisements dated 13 October 2014 and 30 December 2015 that this practice of using "promotion" girls at the Premises appears to be current.

Short Term Closure Order – 15 January 2016

95. The Applicant submits that, following a "rapid increase in the number of adverse incidents and serious licensing issues" detected by Ashfield LAC towards the end of November 2015 at Queen KTV, Police made an application for a Short Term Closure Order pursuant to section 82 of the Act. This Order number 1/2016 was made and issued by Deputy Registrar Evans of Parramatta Local Court on the evening of Friday 15 January 2016 and remained in force until 9:55pm on Monday 18 January 2016.
96. The Applicant submits that this application was based upon a number of adverse incidents that have been recorded in the NSW Police COPS database. Following is a brief summary of those COPS Reports:
97. **COPS Report number E60301169 – 12:30am on Saturday 28 November 2015.** Police report attending the Premises to conduct a business inspection, where they observed a large group of Pacific Islander males with a few Middle Eastern males and females in the main function room. Police observed two DJs, 12 empty vodka bottles and other assorted alcoholic drinks, and a patron smoking in the main function room. Police also observed cigarette butts across several tables. Police spoke to a security guard, who stated that he had been called to the location by management and that he in turn had called a further two guards due to the number and size of the male patrons in attendance.

Applicant Submissions on COPS Report number E60301169

98. The Applicant contends that the Premises, which holds a licence category sub-type of "karaoke venue", was operating as a nightclub, in contravention of section 9(1) of the Act. The Applicant contends that the risk to the public interest involves a threat to public health and safety, including the "large quantity of empty glass receptacles" observed in the "night club area" function room and smoking within the licensed premises contrary to the *Smoke-free Environment Act 2000*.
99. **COPS Report number E60205843 – 12:30am on Sunday 29 November 2015.** Police report attending the Premises for a business inspection, where they observed approximately 40 to 60 persons of Middle Eastern appearance engaged in a party. Police identified a number of patrons with no shirts on. Some patrons were "heavily affected" by an intoxicating substance, displaying signs of alcohol or drug use. Police observed only one security guard at the time.
100. At 2:20am, Police located a female unconscious on the footpath outside the Premises. An ambulance was summoned, whereby she was conveyed to Royal Prince Alfred Hospital. Police spoke to the female's friends who stated that the female was on the licensed premises and had consumed GHB (gamma hydroxybutyrate). Police note that GHB is a drug commonly found in the dance music scene which is sometimes referred to as "liquid ecstasy" due to its "stimulating, euphoric and supposed aphrodisiac qualities".

101. Police observed vomit in several places at the front entrance and staircase leading up to the venue. No manager or staff members were inside the foyer area. Upon entering the main function room, Police observed a patron standing behind the main bar area. He was removed from the area and spoken to by Police. While he was not observed to serve alcohol, he was clearing behind the bar and stopped his actions upon seeing Police. The room was filled with people and Police suspected the Premises to be over the authorised maximum patron capacity. When questioned, the Business Manager "had no idea" how many people were present at the Premises.
102. Police report, without providing any further detail, that there was "numerous evidence of persons smoking throughout the licensed premises [sic]". Police report that a group of persons on the Premises "had no respect for law enforcement and mocked Police attendance". Police instigated a slow closure by turning off the music to encourage the group to leave. Police then counted the number of people exiting the Premises and recorded over 160 people leave the Premises. This did not include staff working at the location or people of Korean descent who were occupying two smaller karaoke rooms. Police note that a number of people left prior to a log commencing and estimate that over 200 people were on the Premises at that time.

Applicant Submissions on COPS Report number E60205843

103. The Applicant contends that there was no evidence of a management security plan for the licensed business to ensure the safety of patrons. The security guards were "overwhelmed" and were not able to exercise any control or prevent ingress to or egress from the venue. A number of people were observed to be heavily affected by alcohol or drugs upon leaving the Premises, with several people vomiting in the gutters outside on Liverpool Road, Ashfield. The Applicant contends that this public street in the heart of the central commercial district of Ashfield is a main thoroughfare through inner western Sydney.
104. The Applicant submits that the fact that a female was located unconscious outside the Premises on the footpath of a very busy public street, whereby her friends stated that she had consumed GHB whilst on the licensed premises, indicates a "serious risk to public safety".
105. The Applicant contends that security staff at the Premises were "seemingly overwhelmed" by the number of intoxicated and/or drug affected patrons, and that "having no control over the Premises, including ingress/egress of the Premises, indicates a serious risk to public safety". The Applicant submits that there is no procedure or in-house policy to manage issues "at the door", which the Applicant contends "has a significant risk to safety at the entry/exit point".
106. The Applicant submits that Police spoke with the staff and on-site manager and identified that the Premises was not operating in accordance with its *Plan of Management* and in breach of its licence conditions. According to the *Plan of Management*, Council development consent permits a maximum of 100 patrons on the Premises at any given time. The *Plan of Management* also states that tickets will be issued at the door or otherwise numbers are to be recorded in each room to ensure that the number of patrons at the Premises does not exceed 100. The COPS Report notes that the Business Manager was warned that the licensed premises is to ensure compliance with the conditions of the licence.
107. **COPS Report number E60685141 – 1:30am on Saturday 19 December 2015.** Police report that plainclothes officers observed a group of about 20 people standing on the footpath around the entrance to the Premises, and a further group of males with no shirts

standing at the front of a car parked on Liverpool Road, Ashfield. These males could clearly be seen to be cutting up white powder, suspected of being cocaine, on a make-up mirror on the bonnet of the car, and at least one male was bending over and appeared to be inhaling the white powder suspected of being a prohibited drug. Police note that Liverpool Road, Ashfield is a busy public thoroughfare with both vehicle and pedestrian traffic flow.

108. Police approached the males, but were unable to identify which of the males were responsible for cutting or snorting the suspected cocaine. One of the males on the footpath stated that this group were all there at an upstairs function room on the Premises for a private 21st birthday party.
109. Police walked inside the Premises where the private party was taking place and police observed DJs operating. Police estimate that there were approximately 100 persons in this room.
110. Police report observing that the majority of people were "intoxicated or under the influence of drugs". Police heard males call out "Get rid of the stuff" as they entered the room. Several tables were set up inside the room and numerous empty plastic re-sealable bags, plastic straws and remnants of white powder could be seen on the tables.
111. Police report observing that on some tables, smudges could be seen on the glass top where white powder was brushed or swept onto the floor. On a table at the rear right side of the room near the DJ stage, Police located a white plastic water bottle containing two small re-sealable plastic bags. Within the bags was a white powder suspected of being cocaine. The suspected drugs were seized and further Police were called to assist.
112. An officer observed two patrons walk out of the Premises who appeared underage. A police officer asked the males for their identification. The males stated they did not have it and that they were underage. These males stated that security did not check their identification. Police report that these minors "appeared to be affected by intoxicating liquor".
113. Police report that they commenced requesting people to leave, whereby several people on the Premises were argumentative but most cooperated and left the Premises without incident. Several intoxicated people were observed by Police to be vomiting out the front of the venue after being evicted, and were assisted by Police to get into taxis.
114. After clearing the venue, Police searched the karaoke rooms. Police observed white powder suspected to be cocaine found on the tabletops, inside plastic straws and on plates. Empty plastic bags and syringes (believed by Police to contain GHB) were observed to be on the floor.
115. Police observed that a re-sealable plastic bag containing a capsule with a brown powder was found on one chair, and a bag with three capsules was found behind a speaker. Police observed numerous unopened bottles of alcohol, empty glass bottles and glasses spread across the tables, as well as cigarette butts on the tables and the floor.
116. Three male patrons were observed by Police in a "Staff Only" room at the rear of the Premises. One of these males was semi-conscious and so severely affected by drugs that an ambulance was called. This male was unable to walk unassisted, and was at times very still, followed by bouts of aggression whereupon he had to be restrained. Police report that this male was so affected by drugs that he was not able to speak, and was vomiting on the floor. These males admitted to Police that they had used GHB. The

male who appeared to be suffering from an overdose was treated by ambulance officers and then conveyed to Royal Prince Alfred Hospital.

117. Police report that after this male was conveyed to hospital, the rear staff room was searched. Further empty plastic bags containing white powder were located on the Premises, along with another bag containing a crystal substance believed to be "ice" (methylamphetamine).

Applicant Submissions on COPS Report number E60685141

118. The Applicant states in the Application Letter that the Business Manager and security guards denied observing any drug use inside the venue. The Applicant submits that the venue did not have any procedures to manage the responsible service of alcohol or any intervention program to deal with intoxicated individuals. The CCTV recording was seized and displays drug consumption occurring throughout the night and in the presence of staff and security with no intervention.
119. The Applicant contends that the following breaches were identified on this occasion:
- a) Trade contrary to the authorisation provided by the licence – section 9(1) of the Act: Premises operating as nightclub, not a karaoke venue
 - b) Breach of licence condition contrary to section 11(2) of the Act: *Plan of Management* – Security did not, as required by the *Plan*, ensure that patrons behave in an orderly manner whilst on the Premises and when leaving the immediate vicinity of the Premises, including patrons consuming prohibited drugs suspected of being cocaine at the front of the Premises. Management and staff of the venue are permitting intoxication with no enforcement of a patron code of conduct, including patrons having unfettered access to alcohol and serving themselves
 - c) Breach licence condition contrary to section 11(2) of the Act: *Plan of Management* – Security did not, as required by the *Plan*, remove patrons showing unacceptable and illegal behaviour
 - d) Breach licence condition contrary to section 11(2) of the Act: Service of unopened bottles of alcohol on the Premises.
120. The Applicant submits that Police have cause to believe that there is a significant risk to the public interest with regard to the threat to public health or the safety of individuals who attend the licensed premises, as well as more broadly to the wider community given the location of the Premises.
121. The Applicant contends that the impact upon the broader community is evidenced by the number of patrons present on the Premises; more than 20 males who were observed standing outside the entrance to the venue consuming what Police suspect was a prohibited drug; and the large number of heavily intoxicated patrons.
122. The Applicant contends that patrons being allowed to access the bar area indicates that staff and security personnel are not enforcing RSA policies; nor are they ensuring that patrons are complying with a code of conduct. Evidence from CCTV footage includes one male patron behind the bar serving spirits to other patrons without any intervention by management or security staff. The Applicant contends that the male patron is also observed to consume the same spirits he is serving straight from the bottle of alcohol, which is unhygienic and poses a health risk to other patrons.
123. Police report that the CCTV footage for this inspection of the Premises on 19 December 2015 shows a male patron supplying suspected prohibited drugs to other

patrons in front of security and staff. The Applicant contends that staff may be complicit in the consumption of suspected prohibited drugs (GHB) on the Premises as the patron supplied the drug to a staff member at the bar and the staff member consumed the drug in front of security. In a separate room, another patron consumed drugs (cocaine) in front of staff.

124. Further, Police report that a patron was observed to be seriously affected by drugs (GHB) on the Premises, whereby he was vomiting in front of security and staff. There was no intervention by staff or the management to address this. At the end of the night, the same individual needed assistance to be carried out of the Premises by Police due to his drug affected/intoxicated state.
125. The Applicant contends that a white powder suspected of being cocaine residue was found in the rooms of the Premises and unopened bottles of beer were left in an unsupervised room for patrons to consume (20 on one occasion and 12 on another).
126. The Applicant submits that the failure of staff and security to monitor, supervise and implement any management plan to curb or stop these activities and the consumption of alcohol within the Premises poses a "significant risk" to the public interest in relation to public health and safety.
127. **COPS Report number E60472651 – 3:00am on Sunday 27 December 2015.** Police report attending the Premises for a business inspection, noting that the closing time for this licensed premises is 2:00am.
128. Police spoke to three females and a male near the venue who stated that they had been at Queen KTV. Police observed that the front door area was very dark and the internal hallway lights appeared to be off. The front entrance door of the Premises was locked and unable to be opened by Police. Police suspected that the management or staff of the licensed venue had intentionally obstructed the entry of Police.
129. Police believed that the venue was closed for the evening, so they walked back to where the three females and males were standing, when Police noticed a group of about 10 to 15 males and females of Middle Eastern and Asian appearance exit the venue. Police observed the Business Manager, Ms Dania Xiao come downstairs and outside. The Business Manager sighted Police, then quickly walked back inside the Premises and started running up the stairs. She left the door open, and Police followed her inside.
130. Police had to run to keep up with her, and once Police arrived upstairs they saw the Business Manager quickly open the door to each room and say something, and then move quickly to the next room and say something. Police were not close enough to the Business Manager to hear what was said; however from the reactions of other people around her moving quickly, Police assumed she was warning each room that Police had arrived. Police observed three or four patrons run out the back door. The actions of the Business Manager appeared to hinder Police and Police observe that this conduct is "consistent with the lack of cooperation exhibited by the Business Manager on previous business inspections".
131. Police observed six males in one of the karaoke rooms. One of these males, who claimed he was a minor of the age of 16, was observed by Police to swipe white powder suspected to be a prohibited drug (cocaine) off the table.
132. Two other minors were identified inside the room to be the age of 17. All identification and details of the minors were obtained. The other males in this group were aged 18 and 19.

133. Police observe that "all individuals were affected by intoxicating liquor or some [other] substance". Police also observed bottles of *Hennessey* cognac on the tables, which Police observe to be "inconsistent with the principles of responsible service of alcohol".
134. A total of three minors were identified by Police within the licensed premises. When spoken to by Police, each of the underage males stated that their identification was never checked by security or staff upon arriving at the Premises.
135. Police identified white powder residue that they suspected of being cocaine on tabletops within the venue, as well as a clear re-sealable plastic bag containing a clear yellow and brown substance believed to be amphetamine.
136. Whilst Police cleared the Premises, Police observed several open bottles of alcohol on the karaoke tables, as well as "many shots of alcohol" on the tables and jugs of whisky with fresh ice in them, suggesting that alcohol was served after 2:00am.
137. Police could also smell cigarette smoke and observed cigarette butts on the tables and on the floor and tables. Police observed vomit on the floor of some of the karaoke rooms. Police report that they did not see any security guards during this inspection.

Applicant Submissions on COPS Report number E60472651

138. In the Application Letter, the Applicant contends that the following breaches were identified on this occasion:
 - a) Breach of licence condition, in that liquor was sold to a room of patrons on the Premises where minors were present and where no responsible adult was present – three juveniles and three over 18 year olds aged 18, 18 and 19. [The Authority notes that this is an apparent reference to Condition "3050" on the licence for the Premises, which provides that:

No liquor shall be sold, supplied or consumed in any karaoke room in which a minor is present, unless the minor is accompanied and in the presence of a responsible adult as defined under the Liquor Act 2007. For the purpose of implementing this condition, the Licensee shall adopt reasonable processes to monitor the admission of minors into the licensed premises, and to ascertain if they are accompanied by a responsible adult. Those processes should include, but are not to be limited to requiring production of evidence of age sufficient to comply with the Liquor Regulation, in appropriate circumstances.]
 - b) Breach of licence condition, in that, contrary to the *Plan of Management*, three intoxicated minors were detected within the "777" room of the Premises and liquor was left on the table in front of minors by staff (indicating supply and/or secondary supply).
 - c) Breach of licence condition, in that three or four male Asian patrons were seen to exit the Premises through a rear fire escape. [The Authority notes that this is an apparent reference to Condition "3090" on the licence for the Premises, which provides that "Patrons are only permitted to enter/exit the Premises via the main entrance from Liverpool Road other than in the case of emergency".]
 - d) One minor was observed wiping a suspected prohibited drug, cocaine, onto the floor which suggests his direct involvement in the possession of prohibited substances on the Premises. There were also bottles of *Hennessey* cognac (700mL) in the room with the minors. The Applicant alleges that this conduct poses a significant threat to the public interest in relation to a threat to public health and safety. Police are still investigating an incident relating to the sale and/or consumption of alcohol by minors.

- e) Security staff finished their shifts at 2:00am however there were still patrons on the Premises at 3:00am drinking alcohol. Used cigarettes were also found inside the karaoke rooms.
139. The Applicant contends that the Business Manager, Ms Dania Xiao, was observed running into the Premises when she saw Police approach and was seen systematically going to each room, presumably to alert the occupants of those rooms.
140. The Applicant contends that there is no evidence of any plan or procedure to manage compliance with the conditions of the licence and the Applicant contends that it appeared that the Business Manager was "assisting or potentially being complicit in the consumption of prohibited drugs".
141. The Applicant submits that a video of the Premises was taken to obtain evidence of the licensing breaches and illegal activities and that further investigations by Police are concurrently occurring with regard to the minors observed on the Premises.
142. **COPS Report number E61810987 – 10:20pm on Monday 28 December 2015.** Police attended the Premises for a business inspection and observed that the Business Manager was not wearing her name badge as a requirement in accordance with the conditions on the licence.
143. **COPS Report number E59004030 – 11:11pm on Saturday 2 January 2016.** Police report attending the Premises for a business inspection and observed the three smoke detectors located in the main VIP room to be covered tightly with multiple layers of clear plastic wrap. Police observed an ashtray in the reception area and at the rear of the Premises. Police observed numerous cigarette butts and ash located on the floor of room "999" which is situated on the far left of the Premises. Several ashtrays were found in the rear cleaning room. Police also located five "pieces of white solid powder substances" suspected of being "a piece from a tablet" on the ground near the sofa.
144. Police cautioned and interviewed the Business Manager, who stated that she had no knowledge of the smoke detectors being wrapped in clear plastic. The Business Manager also denied any knowledge of the cigarette butts and the white powder.

Applicant Submissions on COPS Report number E59004030

145. In the Application Letter, the Applicant contends that the fact that Police continue to locate prohibited substances within the licensed premises poses a "significant risk" to the public interest in relation to health and safety. The concerns are exacerbated with the "lack of acknowledgement or cooperation by the Manager" as to the management of the Premises. The Applicant submits that management are not enforcing any procedure to ensure compliance with legislation or regulatory controls to manage alcohol or drug related crime.
146. **COPS Report number E59303909 – 11:25pm on Friday 8 January 2016.** Police report that the "Manager/Licensee" [the Authority notes that this is an apparent reference to the Licensee, Ms Kathy Sun] was working at the venue and was not wearing a name badge when Police attended the Premises. The Licensee stated to Police that she was not aware that she was required to wear a name badge.
147. Police identified the following breaches on this occasion:
- a) Breach of liquor licence condition, in that the Licensee was not wearing a name badge.

- b) Breach of liquor licence condition/*Plan of Management: No House Policy*.
[The Authority notes that Condition number "3020" on the licence provides that:
The Premises are to be operated in accordance with the Plan of Management filed with the application or any modified Plan of Management subsequently approved by Ashfield City Council and the Police.
The Authority further notes that paragraph 7.3(b)(ii) of the 2011 *Plan of Management* for the Premises states that:
The Premises will implement a "House Policy" regarding the responsible service of liquor at the Premises, a copy of which will be provided to all staff on commencing employment at the Premises.]

148. **COPS Report number E59871032 – 10:30pm on Saturday 9 January 2016.** Police report observing the following regulatory issues while conducting a business inspection on this occasion:
- a) Sale of liquor contrary to authorisation (liquor not being supplied ancillary to karaoke entertainment)
 - b) Obstructions to fire exits, egress paths inside the Premises and lack of safety concerning signage
 - c) Cigarette butts observed in the toilets and karaoke rooms.
149. **COPS Report number E59782411 – 2:00am on Sunday 10 January 2016.** Police report observing a male slumped over in the gutter of Liverpool Road, Ashfield. The male was vomiting in the street and swaying from side to side. The male smelt of intoxicating liquor and was slurring his words. The male had bloodshot glassy eyes and was unsteady on his feet when Police requested he move from the gutter. The male stated to Police that he had consumed around five beers at the Queen Karaoke Room. He also stated that he had been served alcohol by staff at the Premises and that he had vomited once. Police then asked a nearby security guard what time the Premises closed, to which the guard replied, "I am not sure, maybe 3:00am or 4:00am".
150. Police conducted a walkthrough of the Premises and observed five staff members, one of whom was not wearing a name badge. When questioned about this, the staff member explained that her badge pin had just broken. Police observed that the Business Manager, Dania Xiao, was working at the venue.
151. Police observed that the "VIP" room contained about 20 patrons singing karaoke. In Room "999", which had no patrons, Police located a half used cigarette on the floor next to the lounge. Police also located a small *Dettol* bottle of hand sanitizer containing a droplet of clear runny fluid suspected of being the prohibited drug, GHB.
152. Police then searched the "VIP Lounge" room which also had no patrons. Upon searching the room, Police located a small clear re-sealable zip locked bag containing a white powder which Police suspected of being the prohibited drug, cocaine.
153. Police questioned the Business Manager in relation to the suspected prohibited drugs found on the Premises. The Business Manager denied all knowledge and responsibility.

Applicant Submissions on COPS Report number E59782411

154. The Applicant contends in the Application Letter that the suspected cocaine and GHB located in the Premises suggests continued drug consumption in the licensed premises and gives rise to a "significant risk to public health and safety which is contrary to the public interest". The fact that a patron was observed slumped over in a gutter on a major

road vomiting, poses a significant risk to the public interest pertinent to public health and safety.

Applicant Further Submissions in relation to the Short Term Closure Order

155. The Applicant submits that Police made arrangements for the Licensee (Kathy Sun) and Business Manager (Dania Xiao) to attend Burwood Police Station on Thursday 14 January 2016 to participate in an ERISP interview regarding licensing issues which have been occurring since 28 November 2015. The Applicant submits that a few minutes prior to the arranged meeting time, the Licensee contacted Ashfield Police Station and cancelled the appointment. Police spoke to Grant Cusack from Hatzis Cusack Lawyers, who advised that his client would not be participating in the interview.
156. The Applicant contends that in endeavouring to manage the licensing and criminal conduct from this venue, there has been a "distinct lack of acknowledgement or cooperation" by the Licensee, Business Manager, staff and security.
157. The Applicant contends that checks of Ashfield Municipal Council (Council) records reveal that there is no development consent for the Premises to trade. The Applicant submits that the development application made to Council for use of the Premises was rejected on 11 December 2012 for the following reasons:
 - a) Condition A(4) of the development consent has not been complied with as the applicant has not contacted Ashfield Police for additional security measures to be implemented on the Premises
 - b) Condition H(5) of the development consent has not been complied with as the management are not maintaining an unfettered control over the operation of the business and the patrons attending the Premises
 - c) There have been six recorded incidents by Ashfield Police of drunken behaviour from patrons who have consumed alcohol at the Premises and therefore the continuation of the use [of the Premises] is not in the public interest.
158. The Applicant submits that Police have identified 14 breaches of the Act which have occurred on the Premises between 28 November 2015 and 9 January 2016, with "no prospect of any indications for improvement" on the licensed premises. The Applicant submits that further breaches are expected to be identified whilst the matter is still being investigated.
159. The Applicant contends that, following the detection of breaches on eight separate occasions, it appears that staff and the Licensee are not complying with their licence conditions and are permitting illegal activities on the licensed venue. These breaches suggest that the Licensee and staff are "not supervising the service of alcohol responsibly and/or taking steps to ensure the safety of their patrons is paramount". The behaviour of patrons including their level of intoxication and the lack of management action are of significant concern to Police.
160. The Applicant submits that Police have become increasingly aware of a pattern of drug use occurring at the Premises since late November 2015, suggesting that the consumption of drugs is a "systematic activity which occurs at the Premises without any intervention by management or staff". This poses a significant risk to the health and safety of patrons attending the licensed premises with an expectation of consuming prohibited substances.
161. The Applicant submits that the Licensee and Business Manager have an obligation to ensure compliance with the licensing legislation through the enforcement of RSA

procedures, patron intervention and engagement procedures and setting a code of conduct for patrons. The Applicant submits that Police have no faith in the Licensee and/or Business Manager to provide instructions to staff in relation to the responsible service of alcohol or compliance with the liquor legislation.

162. The Applicant submits that the "frequency and consistency of the serious breaches" of the Act indicate that further breaches are reasonably likely to continue to occur. The Licensee and staff members have been given "numerous opportunities" to rectify or modify the way they operate the licensed premises and have failed to take any action. The Applicant submits that Police have given recommendations and guidance on each occasion that Police have attended the licensed premises.
163. The Applicant submits that, due to the number of persons having to be treated and taken to hospital via ambulance from the Premises, the continued operation of the licensed premises may ultimately result in serious injury and/or possible death.
164. The Applicant notes that an application for a Short Term Closure Order was made by Acting Superintendent Scholz and Chief Inspector O'Rourke to Deputy Registrar Evans at Parramatta Local Court at 9:55pm on 15 January 2016. Deputy Registrar Evans subsequently granted the order pursuant to section 82 of the Act (Order number 1/2016), as he was satisfied that a serious breach of the Act was likely to occur on the Premises and that the closure of the Premises was necessary to prevent or reduce a significant threat or risk to the public interest. The order stipulated that the Premises was to close for a period of 72 hours from 9:55pm on 15 January 2016 until 9:55pm on 18 January 2016.
165. At 11:45pm on Friday 15 January 2016, Police attached to Ashfield LAC attended the Premises and served the Short Term Closure Order upon the Business Manager, Ms Dania Xiao. The Order and related documents were handed to Ms Xiao, who signed numerous receipts for them. All patrons in attendance were then ordered to leave the Premises and did so without incident.
166. Whilst at the Premises, Chief Inspector O'Rourke also spoke by telephone with the Licensee, Ms Kathy Sun, and explained the Order to her. Ms Xiao and Ms Sun both acknowledged that they understood the terms of the Order and the serious consequences that would follow should it be breached.

Summary of Applicant's Case for Long Term Closure Order under Section 84

167. The Applicant contends that at 10:00am on Tuesday 19 January 2016, Police met with the Licensee (Ms Kathy Sun) and Business Manager (Ms Dania Xiao) of the Premises to discuss the issues associated with the venue and to discuss what their plans were for the future to ensure that further breaches are not committed and that there is no risk to the public safety.
168. During the course of the meeting, it was established that the Licensee, Ms Sun, owns 49 per cent of the business and that a person she knows only as "Aunty" has the majority of the share in the business, with 51 per cent.
169. The Licensee stated that "Aunty" is the mother of the former director, Chao (Peter) Gao, who operates *Muse Karaoke* in Sydney. Police were advised that the Licensee only knew Mr Gao for a short period of time prior to becoming a business partner.

170. Ms Sun further advised Police that Mr Gao left as a director of MY FANTASY Pty Limited about a year prior to this meeting. Police were also advised that the Licensee had no previous experience in the liquor industry prior to becoming the Licensee of the venue.
171. Police raised concerns with the Licensee about the ownership and operations of the venue in circumstances where the director running the licensed venue is a minority shareholder and does not know the full name of the majority shareholder. It was also established that "Aunty" was not aware of the Short Term Closure Order.
172. The Licensee stated that she was intending to fly to China the following day (20 January 2016) to stay with her mother in China for three months. Throughout the meeting, the Licensee reiterated her intention to depart from Australia, leaving the Business Manager, Ms Dania Xiao, in charge.
173. The Applicant contends that Police have previously told both the Licensee and the Business Manager that they do not believe that Ms Xiao is a fit and proper person to manage the venue or to act as the licensee in Ms Sun's absence. Police have noted that Ms Xiao was present at the Premises on occasions when "drugs were openly being used by patrons within the venue, intoxication was rife and the liquor licence was not complied with".
174. The Applicant further contends that during this 19 January 2016 meeting, Police asked the Licensee what she believed to be the concerns that Police had with the venue. She stated, "Drugs, intoxication, minors and supervision".
175. Police then asked the Licensee to explain her understanding of the liquor licence for the Premises. The Licensee stated that her staff were required to wear name tags and that intoxication was not permitted. Police enquired about the *Plan of Management* condition [the Authority understands this to be an apparent reference to Condition "3020" on the licence for the Premises] and she stated that she did not understand it.
176. The Applicant submits that the Licensee has been the *provisionally approved licensee* of the Premises since 7 July 2014 and "has not got any understanding of the requirements of her liquor licence".
177. The Applicant contends that during this 19 January 2016 meeting Police asked the Licensee what she had done since the Short Term Closure Order was issued. She stated that she prepared a 3-page *Management Plan* document with Ms Xiao, with the intention that this document would replace the existing 10-page *Plan of Management* document. Within the revised *Plan* document, the Licensee states that all staff must read and understand all of the conditions on the liquor licence. Police raised this as an issue as the Licensee herself does not know the licence conditions.
178. The Applicant contends that the Business Manager, Ms Xiao, stated during this meeting that she had read the conditions on the licence. It became apparent to Police that she had read the licence when the Licensee first became licensee and had not read it since. Ms Xiao stated to Police that the venue had been "focussing on serving patrons and watching their behaviour and were not paying attention to the liquor licence conditions".
179. The Applicant submits that Police records indicate that the Licensee and Business Manager were well aware of the liquor licence conditions as they had previously been issued with Penalty Notices, Compliance Notices and warnings as outlined in the venue's compliance history above.

180. The Applicant contends that Ms Xiao stated to Police that the venue has girls on site who are not employees, but get a commission at the end of the night based on the amount of liquor sold. Police have raised concerns over this due to the Licensee stating that she was trying to prevent intoxication and be responsible, but she had people within the venue who had a personal financial interest in patrons spending and consuming large amounts of liquor. When this was raised during the meeting, Ms Xiao stated that the commission was also based on food. When Police noted that the venue has low to no food sales, Ms Xiao stated that the venue provides "free food". The Applicant contends that Police tried to clarify this statement, which indicated that the "promotion" girls could receive a commission based on the distribution of free food. Ms Xiao could not answer or clarify this during the meeting.
181. The Applicant submits that all of the issues with the venue identified by Police are due to lack of control of the licensed premises by the Licensee and the staff. The lack of control and inadequate supervision has led to all of the issues giving rise to the Short Term Closure Order.
182. The Applicant submits that Police are not satisfied that the Licensee and Business Manager have the ability to operate the liquor licence for the venue in a way that suits the public interest. Police believe that the Licensee, Ms Kathy Sun, is not a fit and proper person to be the Licensee. Police are also of the opinion that the Business Manager, Ms Dania Xiao, and any other staff member of the licensed premises, could not be considered a fit and proper person to be the Licensee.
183. The Applicant submits that Police are of the "strong belief" that the issues raised in this Application require the implementation of policy and procedures which would impose significant change in the business's liquor licensing practices. The Applicant submits that the implementation of processes to achieve compliance with legislation and better business practices are "not foreseeable in the short term".
184. The Applicant contends that the lack of measures put in place by the Licensee to ensure compliance with the legislation demonstrates a "failure to observe fundamental licence obligations" and an "inability to implement adequate management and compliance practices".
185. The Applicant submits that the measures sought in this Application are required to address the ongoing risk to the public interest and public health and safety. The Applicant concludes with a submission that:
...based on the venue's history of serious offences, in a relatively short period of time, the fundamental failures around management and compliance, and the real and immediate threat to public interest and public health and safety, it is submitted that the likelihood of future contraventions remains extreme and the only appropriate action is to require the venue to close until a more comprehensive disciplinary investigation can be completed or until such time as there are significant material changes to the business model and operation of the Karaoke venue.
186. The Applicant contends that on 4 February 2016, Police contacted the Authority to confirm that Kathy Sun remains only a *provisionally approved licensee*. The Applicant submits that the *confirmation* of Kathy Sun as the licensee by the Authority is yet to be determined.

Outcomes Sought by the Applicant

187. To address the risk to the public interest and immediate threat to public health and safety, the Applicant seeks an order that the Premises be closed for a period of six months or until certain conditions are met.
188. The Applicant submits that the conditions for reopening of the venue within that six month period may include, however are not limited to, the following matters occurring:
1. *Clarification or determination of the status of the provisional approval of the transfer of the licence to the current Licensee, Kathy Sun being finalised and/or a new licensee being unconditionally approved by the Authority.*
 2. *The disciplinary complaint made pursuant to Part 9, section 139 of the Act against the current licensee Kathy Sun being determined by the Authority.*
 3. *The development consent issue with Ashfield Council being resolved.*
 4. *The Licensee amends the Plan of Management for the Premises to include the following:*
 - a. *The Licensee or their employee must notify the Officer in Charge of Ashfield Police Station within half an hour of any item suspected of being a prohibited drug is located on the Premises. The Licensee must obey all reasonable requests of Police in relation to the notification.*
 - b. *Liquor is not to be removed from the karaoke rooms by patrons.*
 - c. *Entertainment provided on the Premises is limited to karaoke only.*
 - d. *Sale and supply of liquor in the licensed premises shall cease at least thirty (30) minutes before the end of trading hours; all liquor to be removed from public access when the Premises is not authorised to sell or supply liquor for consumption on the licensed premises; and the Licensee is to ensure that all patrons are removed from the Premises within thirty (30) minutes of the expiration of the hours of trade.*
 - e. *The sale, supply and consumption of alcohol on the Premises is regulated as follows:*
The sale, supply and consumption of full-bottled spirits is prohibited. The sale and supply of spirits is only permitted in standard 30mL nips. Management shall not permit (BYO) bring your own alcohol nor shall they store or hold alcohol for patrons on the Premises. Patrons order drinks from their karaoke room using an intercom connected to the bar area. Bar staff then deliver the drinks to the karaoke room and monitor patrons for signs of intoxication. Liquor is not to be sold or supplied to patrons in the waiting area. No more than one drink containing liquor per person per transaction.
 - f. *Signage shall be displayed at entrances, exits and in the reception area stating "NO ALCOHOL IS TO BE BROUGHT ONTO THE PREMISES". The wording is to be not less than 50 millimetres in height and in clear bold print.*
 - g. *The Licensee must maintain a register, in the form approved by the Secretary, in which the Licensee is to record the details of any incident referred to in section 56 (or the regulations made under that section) that occurs during the standard trading period and any action taken in response to any such incident.*
 - h. *Approved Manager to be present when the Licensee is absent.*
 - i. *The licensee must ensure a record for karaoke room hire, times, and the service of alcohol to the karaoke rooms is kept and maintained and made available to Police and Special Inspectors upon request for inspection.*
 - j. *A copy of the Plan of Management must be available to staff at all times when the Premises is authorised to be open and the Plan of Management must be produced to Police or Special Inspectors immediately upon demand.*

ANNEXURES 1 TO 56 TO THE APPLICATION

189. Accompanying the Application Letter were 56 Annexures provided by the Applicant in support of the Application. Some of these Annexures have been provided by the Applicant to the Authority on a confidential basis, by reason that they are classified as sensitive law enforcement material including confidential intelligence holdings which should not be released or disclosed to the Licensee and/or made publicly available.

190. A brief summary of the non-confidential Annexures provided with the Application is as follows:
191. Annexure 1 to the Application Letter – copy of the licence record for the Premises retrieved from the NSW Police Alcohol Related Crime Information Exchange database, printed on 21 January 2016.
192. Annexure 2 to the Application Letter – proposed floor plan of the Premises prepared by *H3 Architects Sydney* dated 24 November 2010, including the proposed locations of 16 CCTV cameras.
193. Annexure 3 to the Application Letter – copy of the 2011 *Plan of Management* for the Premises. This document provides that the mission statement of the Queen KTV licensed business is as follows:

...to provide a licensed light entertainment facility, being a karaoke lounge, that ensures the comfort and safety of patrons and surrounding neighbours. Any sale of liquor will be subject to the relevant liquor licence being in place. As required, light meals of a nature and quantity consistent with the responsible sale, supply and service of alcohol will be available to be ordered whenever liquor is consumed.
194. The *Plan of Management* states, *inter alia*, that the development consent for the Premises prescribes a maximum patron capacity of 100 persons at any time; that persons who appear intoxicated will be refused entry; and that the proposed hours of operation of the Premises are to be limited to 10:00am until 1:00am on Sunday through Thursday and 10:00am until 4:00am on Friday and Saturday. The *Plan of Management* also contains provisions in relation to the liquor licence and alcohol consumption; hours of operation; trading frequency; transport and parking arrangements; security personnel and staff training; responsible service of alcohol measures; CCTV system; complaint resolution; the Premises' Incident Register; the Liquor Accord; and consultation with Ashfield Council and Ashfield Police in relation to the *Plan of Management*.
195. Attached to the Plan of Management is the "House Policy" for Fusion KTV (now known as Queen KTV), which outlines the policies and procedures in place at the Premises to ensure the responsible service of alcohol, prevent underage drinking and prevent disruptive or anti-social behaviour.
196. Annexure 4 to the Application Letter – copy of the Community Impact Statement filed by *Grant Cusack and Associates* on behalf of Jia Jing Shi in respect of an application for an on-premises licence in relation to a karaoke venue with an extended trading authorisation for the Premises, dated 14 June 2011.
197. Annexure 5 to the Application Letter – Refusal of Development Application number 10.2009.031.4 seeking permanent use of the first floor of the premises located at 283-285 Liverpool Road, Ashfield as a karaoke lounge, determined by Ashfield Council on 11 December 2012.
198. Annexure 6 to the Application Letter – including material submitted confidentially by NSW Police. Annexure 6 contains the following documents:
 - a) Annexure 6(a) to the Application Letter – document submitted confidentially by NSW Police.
 - b) Annexure 6(b) to the Application Letter – document submitted confidentially by NSW Police.
 - c) Annexure 6(c) to the Application Letter – document submitted confidentially by NSW Police.

- d) Annexure 6(d) to the Application Letter – document submitted confidentially by NSW Police.
 - e) Annexure 6(e) to the Application Letter – document submitted confidentially by NSW Police.
 - f) Annexure 6(f) to the Application Letter – document submitted confidentially by NSW Police.
 - g) Annexure 6(g) to the Application Letter – document submitted confidentially by NSW Police.
 - h) Annexure 6(h) to the Application Letter – document submitted confidentially by NSW Police.
 - i) Annexure 6(i) to the Application Letter – non-confidential submission from the (then) Office of Liquor, Gaming and Racing dated 30 October 2014 objecting to the Transfer Application seeking to transfer the licence from Mr Ying Hong Li to Ms Kathy Sun.
199. Annexure 7 to the Application Letter – document submitted confidentially by NSW Police.
200. Annexure 8 to the Application Letter – NSW Police COPS Reports for event numbers E57230587, E55105814, E271296893, E187633498, E57544582, E55837376, E56124564, E108891302, E56778268, E199423797, E56266470, E57274273, E59909084, E58060519, E60238889 and E59375239 in relation to breaches of licensing legislation detected at the Premises between 27 July 2014 and 16 July 2015.
201. Annexure 9 to the Application Letter – Printouts of job advertisements for "promotion girls" published on the websites backpackers.com.tv on 13 October 2014 and gumtree.com on 30 December 2015, including an English translation prepared by Constable Bi Liu of NSW Police dated 19 January 2016. The stated responsibilities of the role include "ensuring the customers are having a good time by keeping the party atmosphere alive, keeping rooms clean and tidy and promoting food and drinks" and "drinking alcohol, play games and singing with customers".
202. Annexure 10 to the Application Letter – NSW Police COPS printout of the Business Manager, Ms Dania Xiao's contact details, specifying a mobile phone number that Police contend is a phone number used by Dania Xiao on the basis of prior Police calls to that mobile phone number.
203. Annexure 11 to the Application Letter – Police Statement by Senior Constable Matthew Spooner dated 21 January 2016 in relation to the conduct of a joint Police, Council, NSW Health and Fire Safety Compliance licensing operation on 9 November 2014 specifically targeting two karaoke venues in Ashfield, VIP Karaoke Bar and Queen KTV. [The Authority notes that this Statement relates to the events described in COPS Report numbers E199423797 and E56778268.]
204. Annexure 12 to the Application Letter – Development consent number 10.2009.031.1 issued by Ashfield Council to Tsang & Lee Architects Pty Limited on 12 May 2009 approving the use of the first floor of the Premises as a "place of assembly (social gatherings and presentation room) during the day and a karaoke lounge in the evening and at night", subject to a number of conditions pertaining to, *inter alia*, the operation and management of the Premises; construction; inspections; security; noise emissions; fire safety requirements and signage.
205. Annexure 13 to the Application Letter – Development consent number 10.2009.031.2 issued by Ashfield Council to Mr Ying Hong Li (the former licensee of the Premises) on 12 May 2009 approving the use of the first floor of the Premises as a "place of assembly

(social gatherings and presentation room) during the day and a karaoke lounge in the evening and at night", subject to a number of conditions pertaining to, *inter alia*, the operation and management of the Premises; construction; inspections; security; noise emissions; fire safety requirements and signage.

206. Annexure 14 to the Application Letter – Development consent number 10.2009.031.3 issued by Ashfield Council to Mr Ying Hong Li (the former licensee of the Premises) dated 13 April 2011, being a modification pursuant to section 96(2) of the *Environmental Planning and Assessment Act 1979* of development consent number 10.2009.031. This document records the amendment of the description of the approved use of the Premises for the purpose of "a karaoke lounge day and night", subject to a number of conditions pertaining to, *inter alia*, the operation of a *Plan of Management*; security; waste management; service of alcoholic beverages; and victim support.
207. Annexure 15 to the Application Letter – Development consent number 10.2009.031.4 issued by Ashfield Council to New Face Entertainment Pty Limited (the business owner of the Fusion KTV business formerly operating on the Premises) dated 11 December 2012, being a refusal of Development Application number 10.2009.031.4 seeking approval for the "permanent use of the first floor of the premises as a karaoke lounge". This development application was **refused** by reason that:
 - a) Condition A(4) of the development consent had not been complied with as the applicant had not contacted Ashfield Police for additional security measures to be implemented on the Premises
 - b) Condition H(5) of the development consent had not been complied with as the management were not maintaining an "unfettered control" over the operation of the business and the patrons attending the Premises
 - c) There had been six (6) recorded incidents by Ashfield Police of drunken behaviour from patrons who had consumed alcohol at the Premises. Council was satisfied that the continuation of the use of the Premises was not in the public interest.
208. Annexure 16 to the Application Letter – Photographs taken by Senior Constable Spooner during an investigation into the Premises conducted on 9 November 2014 [the Authority notes that these photographs relate to the events described in COPS Report numbers E199423797 and E56778268]. These photographs feature the interior and exterior of the Premises; signage on display at the Premises; the Premises' menu; unopened packs of cigarettes found on the Premises; cigarette butts left in glasses at the venue; prohibited drugs (being cocaine and methamphetamine) found on the Premises; and photographs of management staff and employees of the Premises and their identification.
209. Annexure 17 to the Application Letter – NSW Police Certificate of Presumptive Analysis in relation to COPS Report number E56778268 prepared by Senior Constable Matthew Jones of the Presumptive Drug Testing Team within the Forensic Services Group, dated 13 November 2014. This Certificate provides an indication of the prohibited drugs found on the Premises during the inspection on 9 November 2014, with Exhibit Number X0001117014 stated to contain 0.86 grams of methamphetamine and Exhibit Number X0001117015 stated to contain 0.40 grams of cocaine.
210. Annexure 18 to the Application Letter – Audio-visual DVD of ERISP interview with the Licensee, Kathy Sun and Business Manager, Dania Xiao at Burwood Police Station on 5 February 2015. The Applicant advises that a transcript of this record of interview has been requested.
211. Annexure 19 to the Application Letter – list of ERISP adoption questions (such as "Have you made these answers of your own free will?") completed by independent officer

Sergeant Brennan and Ms Kathy Sun's answers to the adoption questions in respect of the interview between Ashfield Police and the Licensee, Ms Kathy Sun held at Burwood Police Station on 5 February 2015.

212. Annexure 20 to the Application Letter – copies of three NSW Police Penalty Notices issued by Senior Constable Spooner to the Licensee, Ms Kathy Sun, in respect of breaches of licensing legislation detected on Sunday 9 November 2014, as follows:
 - a) Penalty Notice number 4924047022 in relation to *licensee fail to comply with condition of licence – CCTV condition* (\$1,100)
 - b) Penalty Notice number 4924047031 in relation to *licensee fail to comply with condition – staff not wearing name tags/uniform* (\$1,100)
 - c) Penalty Notice number 4924047040 in relation to *licensee fail to comply with condition of licence – not display prescribed notice* (\$1,100).

213. Annexure 21 to the Application Letter – copies of two NSW Police Compliance Notices issued by Senior Constable Spooner to the Licensee in respect of breaches of licensing legislation detected on Sunday 9 November 2014, as follows:
 - a) Compliance Notice number 141293 in relation to *licensee not display prescribed notice in licensed premises*. The Notice advises that the above must be complied with by 1 March 2015
 - b) Compliance Notice number 141292 in relation to *licensee not display sign with prescribed particulars*. The Notice advises that the above must be complied with by 1 March 2015.

214. Annexure 22 to the Application Letter – Notice to Produce pursuant to section 21 of the *Gaming and Liquor Administration Act 2007* issued to the Licensee by Senior Constable Spooner, requesting copies of all employment records for all current employees of the Queen KTV business; the current RSA Register and the approved *Plan of Management* for the Premises. Police requested the Licensee to furnish those documents by 12:00 midday on 8 December 2014.

215. Attached to the Notice to Produce is a copy of the documents that were provided by the Licensee, which comprise:
 - a) Table entitled "Queen Employees", which lists the name, address, date of birth and mobile number of four employees of the business – Anqi Li, Wen Zhao, Dania Xiao and Mohammad Mardan
 - b) Document entitled "RSA & Liquor License [*sic*] Conditions Outline", which contains staff guidelines concerning, *inter alia*, checking patron identification; responsible service of alcohol requirements; CCTV, the drug policy at the Premises; and transport arrangements
 - c) Photocopies of the RSA Competency Cards of employees Anqi Li, Wen Zhao, Dania Xiao and Mohammad Mardan.

216. Annexure 23 to the Application Letter – Notice to Produce pursuant to section 21 of the *Gaming and Liquor Administration Act 2007* issued to the Licensee by Senior Constable Spooner on 9 November 2014, requesting CCTV footage for the period from the time the Premises opened for trade on Saturday 8 November 2014 until 1:00am on Sunday 9 November 2014. Police requested the Licensee to provide that CCTV footage by 12:00 midday on 11 November 2014. [The Applicant notes that this CCTV footage was not provided by the Licensee.]

217. Annexure 24 to the Application Letter – Notice to Show Cause under section 102A of the Act and notice of a proposed licence condition under section 54 of the *Liquor Act 2007* issued by Mr Anthony Keon, A/Director Compliance of the (then) Office of Liquor,

Gaming and Racing to Mr Ying Hong Li, the former licensee of the Fusion KTV business formerly operating on the Premises, dated 26 March 2014. The Show Cause Notice raises concerns with the document entitled "Queen Karaoke Bar Rules 2014", which contains procedures for staff including:

- a) "Your first drink is with your client and then you must drink at least one time with every other customer in the room"
- b) "Make the customers drink more"
- c) "Always refill cups with alcohol when they are empty".

218. OLGR gave notice of an intention to issue the following direction under section 102A of the Act:

The licensee must not carry on, or permit on the licensed premises any activity which involves provided written or verbal instructions to staff which require staff to:

- a. *"make customers drink more"; or*
- b. *"always refill cups with alcohol when empty"; or*
- c. *"drink at least one time with every customer in the room"; or*
- d. *follow any similar instructions to encourage patrons to consume alcohol or which require staff to consume alcohol.*

219. OLGR also proposed to impose the following new condition on the licence for the Premises under section 54 of the Act:

The licensee must ensure that staff involved in the sale, supply, or service of alcohol on the licensed premises do not consume alcohol whilst on duty.

220. Mr Li was requested to make submissions in response to the proposed action under sections 54 and 102A of the Act by 4:00pm on Wednesday 9 April 2014.

221. Annexure 25 to the Application Letter – NSW Police COPS Reports numbers E60301169, E60205843, E60685141, E60472651, E61810987, E59004030, E59303909, E59871032 and E59782411 (discussed in detail above).

222. Annexure 26 to the Application Letter – Police Statement by Constable Joseph Haklany of the Ashfield Proactive Crime Team dated 12 January 2016 recording his account of observations made of the Premises and immediate surrounds during a business inspection on 19 December 2015. [The Authority notes that this inspection on 19 December 2015 relates to the events described in COPS Report number E60685141.]

223. In his Statement, Constable Haklany notes that he observed that most of the patrons at the venue were intoxicated by alcohol and/or prohibited drugs. He also observed patrons at the venue using prohibited drugs and a highly drug intoxicated patron needed to be conveyed by ambulance to hospital. Prohibited drugs and drug paraphernalia were detected on the Premises. Constable Haklany also observed patrons smoking cigarettes inside the venue.

224. At a further inspection of the Premises on 2 January 2016 [the Authority notes that this inspection on 2 January 2016 relates to the events described in COPS Report number E59004030], Constable Haklany observed breaches of licence conditions in relation to patrons being permitted to smoke cigarettes inside the Premises. Constable Haklany observed that the smoke detectors inside the Premises were covered by clear plastic wrap.

225. Attached to this Statement by Constable Haklany are a floor plan of the Premises; a test record in relation to the fire detection system at the Premises conducted by Skips Fire Service NSW Pty Limited on 24 September 2015; and several photographs depicting the smoke detectors at the Premises covered by clear plastic wrap.
226. Annexure 27 to the Application Letter – Police Statement by Constable Keelin Woulfe of the Ashfield Proactive Crime Team dated 21 December 2015 recording her account of observations made of the Premises and immediate surrounds on 19 December 2015 with regard to prohibited drug use on the Premises, alcohol and/or drug intoxicated patrons on the Premises, breaches of licence conditions requiring security staff to check patron identification, and patrons smoking cigarettes inside the Premises. [The Authority notes that this inspection on 19 December 2015 relates to the events described in COPS Report number E60685141.]
227. Annexure 28 to the Application Letter – Police Statement by Sergeant Melanie Leaity of Ashfield LAC dated 2 January 2016 recording her account of observations made of the Premises and immediate surrounds on 19 December 2015 with regard to prohibited drug use on the Premises, alcohol and/or drug intoxicated patrons on the Premises, breaches of licence conditions requiring security staff to check patron identification, and patrons smoking cigarettes inside the Premises. [The Authority notes that this inspection on 19 December 2015 relates to the events described in COPS Report number E60685141.]
228. This Statement by Sergeant Leaity also records her account of observations made of the Premises and immediate surrounds on 27 December 2015 with regard to the presence of minors on the Premises contrary to a licence condition, the detection of prohibited drugs on the Premises, the service of alcohol outside of authorised trading hours, and patrons smoking cigarettes inside the Premises. [The Authority notes that this inspection on 27 December 2015 relates to the events described in COPS Report number E60472651.]
229. Annexure 29 to the Application Letter – Police Statement by Constable Andrew Couch of Ashfield LAC dated 12 January 2016 recording his account of observations made of the Premises and immediate surrounds on 19 December 2015 with regard to the presence of intoxicated persons on the Premises and the detection of prohibited drugs on the Premises. [The Authority notes that this inspection on 19 December 2015 relates to the events described in COPS Report number E60685141.]
230. Annexure 30 to the Application Letter – Police Statement by Senior Constable Bao Tran of Ashfield LAC dated 10 January 2016 recording his account of observations made of the Premises and immediate surrounds on 19 December 2015 with regard to the presence of intoxicated persons on the Premises (including a highly drug affected patron who needed to be conveyed to hospital), the detection of prohibited drugs on the Premises and patrons smoking cigarettes inside the Premises. [The Authority notes that this inspection on 19 December 2015 relates to the events described in COPS Report number E60685141.]
231. Annexure 31 to the Application Letter – Police Statement by Constable Jamie Thompson of Ashfield LAC dated 11 January 2016 recording his account of observations made of the Premises and immediate surrounds on 19 December 2015 with regard to prohibited drug use on the Premises, alcohol and/or drug intoxicated patrons on the Premises, and evidence of patrons and/or staff smoking cigarettes inside the Premises. [The Authority notes that this inspection on 19 December 2015 relates to the events described in COPS Report number E60685141.]

232. This Statement by Constable Thompson also records his account of observations made of the Premises and immediate surrounds on 27 December 2015 with regard to the presence of minors on the Premises contrary to a licence condition and the service of alcohol outside of authorised trading hours. [The Authority notes that this inspection on 27 December 2015 relates to the events described in COPS Report number E60472651.]
233. Annexure 32 to the Application Letter – Police Statement by Constable Alexei Baskakov of Ashfield LAC dated 31 December 2015 recording his account of observations made of the Premises and immediate surrounds on 19 December 2015 with regard to prohibited drug use on the Premises and alcohol and/or drug intoxicated patrons on the Premises. [The Authority notes that this inspection on 19 December 2015 relates to the events described in COPS Report number E60685141.]
234. Annexure 33 to the Application Letter – Police Statement by Constable Brett Ackling of Ashfield LAC dated 9 January 2016 recording his account of observations made of the Premises and immediate surrounds on 19 December 2015 with regard to prohibited drug use on the Premises and alcohol and/or drug intoxicated patrons on the Premises. [The Authority notes that this inspection on 19 December 2015 relates to the events described in COPS Report number E60685141.]
235. Annexure 34 to the Application Letter – Incident Register for the Premises containing details of incidents from 10 August 2012 to 19 December 2015.
236. Annexure 35 to the Application Letter – Police Statement by Constable Bi Liu of Ashfield LAC dated 12 January 2016 recording his account of an attempt to download CCTV footage from a surveillance console in operation at the Premises for the period from 8:30pm on 18 December 2015 to 3:30am on 19 December 2015. Constable Liu noticed that the data from certain channels of the CCTV footage were corrupted and/or unable to be backed up.
237. Annexure 36 to the Application Letter – CCTV Log completed by Senior Constable Melia on 13 January 2016 briefly summarising the events that occurred on the Premises from 8:18pm on 18 December 2015 to 3:05am on 19 December 2015, as evident from the CCTV footage extracted by Constable Liu on 12 January 2016.
238. Annexure 37 to the Application Letter – Still photographs taken by Senior Constable Lisa Latu of Ashfield Police, captured from CCTV footage of the Premises for 18 to 19 December 2015 [the Authority notes that this inspection on 19 December 2015 relates to the events described in COPS Report number E60685141]. These photographs depict numerous contraventions of licensing legislation at the Premises including a staff member placing unopened bottles of beer in unattended private rooms; a shirtless patron drinking from spirit bottles whilst serving other patrons with no intervention from staff; a patron leaving the Premises with a glass containing alcohol; patrons smoking inside a karaoke room; patrons snorting cocaine in the "VIP" room in full view of a staff member; staff members consuming shots with no intervention from nearby security staff; the shirtless patron mixing drinks with a suspected prohibited drug (GHB) and serving other patrons with the mixed GHB drinks; the shirtless patron suffering from a suspected overdose and vomiting in the foyer; another patron passing out on the lounge in the "VIP" room and being unable to stand up straight unassisted; and two male persons entering the Premises via the rear fire stairwell.
239. Annexure 38 to the Application Letter – Notice to Produce pursuant to section 21 of the *Gaming and Liquor Administration Act 2007* issued to the Licensee by Constable Timothy Stirton on 24 December 2015, requesting copies of the following:

- a) CCTV footage from 7:00pm on 18 December 2015 to 3:05am on 19 December 2015
 - b) The Incident Register for the Premises
 - c) Staff Roster Sheet for the Premises for 18 to 19 December 2015
 - d) Liquor sales/transactions for 18 to 19 December 2015
 - e) Food sales and other transactions/payments made on 18 to 19 December 2015
 - f) Private function booking records for 18 to 19 December 2015.
240. Police requested the Licensee to provide the above information and/or records by 15 January 2016.
241. Annexure 39 to the Application Letter – Police Statement by Constable Andrew Couch of Ashfield LAC dated 9 January 2016 recording his account of observations made of the Premises and immediate surrounds during a business inspection on 27 December 2015 [the Authority notes that this inspection on 27 December 2015 relates to the events described in COPS Report number E60472651].
242. On that occasion, Constable Couch observed four persons outside the Premises, who stated that they had been inside the venue. However, the lights in the stairway of the Premises were off and the front entrance door was locked. Constable Couch then observed the Business Manager, Dania Xiao, who was standing at the entrance to the Premises, run inside. Constable Couch followed her into the Premises, whereupon he observed patrons leaving the private rooms through the rear fire escape exit.
243. Constable Couch then conducted a walkthrough of the Premises and the private karaoke rooms, where he observed opened and unopened bottles of *Hennessy* cognac; empty beer bottles; a yellow crystal substance in a clear re-sealable plastic bag; white powder residue suspected of being cocaine; cigarette ash on the ground; and vomit on the floor. Constable Couch also interviewed two young patrons who stated that they were underage and that security staff had not checked their identification.
244. Attached to this Statement by Constable Couch are copies of pages 32 and 33 of his Official Police Notebook number F602707 recording his observations of the Premises at the time of this inspection and 27 photographs of the items located within the Premises taken by Constable Couch.
245. Annexure 40 to the Application Letter – Police Statement by Constable Troy Delany of Ashfield LAC dated 10 January 2016 recording his account of observations made of the Premises and immediate surrounds on 27 December 2015 with regard to the presence of minors on the Premises contrary to a licence condition, breaches of licence conditions requiring security staff to check patron identification, the detection of prohibited drugs on the Premises and the service of alcohol outside of authorised trading hours. [The Authority notes that this inspection on 27 December 2015 relates to the events described in COPS Report number E60472651.]
246. Annexure 41 to the Application Letter – Police Statement by Senior Constable Erin Cunningham of Ashfield LAC dated 10 January 2016 recording her account of observations made of the Premises and immediate surrounds on 27 December 2015 with regard to the presence of minors on the Premises contrary to a licence condition, breaches of licence conditions requiring security staff to check patron identification, patrons smoking on the Premises, and the service of alcohol outside of authorised trading hours. [The Authority notes that this inspection on 27 December 2015 relates to the events described in COPS Report number E60472651.]

247. Annexure 42 to the Application Letter – Police Statement by Sergeant Michael Anthony Tory dated 11 January 2016 recording his account of observations made of the Premises and immediate surrounds on 28 December 2015 [the Authority notes that this inspection on 28 December 2015 relates to the events described in COPS Report number E61810987].
248. Sergeant Tory attended the Premises for an inspection, whereupon he observed that a sign containing the name and prescribed details of the licensed premises was not affixed to the front of the licensed premises as required under section 95(1) of the Act. The sign containing the prescribed details of the licensed premises was instead located on an internal door on level 1 of the Premises. Sergeant Tory also observed that the Business Manager, Dania Xiao, and two other employees working on that night were not wearing a name tag or uniform which identified them as staff members, contrary to a condition on the licence [Condition "3080"].
249. Attached to this Statement by Sergeant Tory are a copy of the *OneGov* licence record for the Premises as at 11 January 2016; a copy of pages 39 to 46 of Sergeant Tory's Official Police Notebook number F600590 recording an interview between Sergeant Tory and the Business Manager, Dania Xiao, conducted at 10:30pm on 28 December 2015; and four photographs taken by Sergeant Tory depicting the signage on display at the Premises.
250. Annexure 43 to the Application Letter – Police Statement by Constable Ho Lee of Ashfield LAC dated 13 January 2016 recording his account of observations made of the Premises and immediate surrounds during a business inspection on 2 January 2016 [the Authority notes that this inspection on 2 January 2016 relates to the events described in COPS Report number E59004030].
251. On that occasion, Constable Lee observed a young Asian female suspected to be under the influence of a prohibited drug asleep on the seats in private karaoke room number "666". Constable Lee asked the female to leave the licensed premises. The female complied with this request. However she did not pay for staying and using the facilities at the venue, nor did the Business Manager, Dania Xiao, ask for payment.
252. Constable Lee then observed a number of women sitting in private karaoke room "777" who claimed to be friends but did not know each other's names. In room "999", Constable Lee observed a cigarette lighter on the table, cigarette ash on the floor and an "unknown solid piece of white powder" suspected of being a prohibited drug. Constable Lee also observed that the three smoke detectors on the ceiling of that room were covered by clear plastic wrap.
253. Constable Lee then had a conversation with the Business Manager, who denied any knowledge of the suspected prohibited drug, cigarette lighter and cigarette ash located in that room. The Business Manager also stated that she did not know who had covered the smoke detectors with clear plastic wrap. Constable Lee directed the Business Manager to remove the clear wrap from the smoke detectors. As the clear wrap was being removed by a male staff member, Constable Lee observed that the smoke detector had been covered with multiple layers of clear plastic wrap.
254. Annexure 44 to the Application Letter – Police Statement by Constable Anthony Cincotta of Ashfield LAC dated 9 January 2016 recording his account of observations made of the Premises and immediate surrounds during a business inspection on 2 January 2016 with regard to the presence on the Premises of a woman suspected of being under the influence of a prohibited drug, the detection on the Premises of a cigarette lighter, cigarette ash and an unknown solid white powder suspected of being a prohibited drug,

and the covering of some of the smoke detectors in the Premises with clear plastic wrap. [The Authority notes that this inspection on 2 January 2016 relates to the events described in COPS Report number E59004030.]

255. Attached to this Statement by Constable Cincotta are a hand drawn diagram of the layout of the Premises; a copy of pages 8 to 10 of Constable Cincotta's Official Police Notebook number F597720; and 10 photographs taken by Constable Cincotta of the Premises and the items located within the Premises.
256. Annexure 45 to the Application Letter – Police Statement by Sergeant Katie Gittoes of Ashfield LAC dated 11 January 2016 recording her account of observations made of the Premises and immediate surrounds during a business inspection on 2 January 2016 with regard to the presence on the Premises of a woman suspected of being under the influence of a prohibited drug, the detection on the Premises of a cigarette lighter, cigarette ash and "small white rocks" suspected of being a prohibited drug, and the covering of some of the smoke detectors in the Premises with clear plastic wrap. [The Authority notes that this inspection on 2 January 2016 relates to the events described in COPS Report number E59004030.]
257. Annexure 46 to the Application Letter – Police Statement by Constable Ho Lee of Ashfield LAC dated 13 January 2016 recording his account of observations made of the Premises and immediate surrounds during a business inspection on 10 January 2016 [the Authority notes that this inspection on 10 January 2016 relates to the events described in COPS Report number E59782411].
258. On that occasion, Constable Lee observed an Asian male who appeared to be heavily intoxicated vomiting on the footpath in front of the Premises. The footpath immediately outside the Premises was littered with about 100 cigarette butts left by patrons of Queen KTV. Inside the Premises, Constable observed an Asian male who appeared to be heavily intoxicated sleeping in the middle of the sofa in the "VIP" room.
259. Constable Lee observed the same four females whom he had seen sitting about a metre apart in room "777" of the Premises during a business inspection on 2 January 2016 [COPS Report number E59004030], walking down the stairs and exiting the Premises. In room "999" of the Premises, Police located a cigarette lighter and a small *Dettol* hand sanitizer bottle containing an unknown clear liquid substance suspected of being the prohibited drug GHB. Police also located a small clear re-sealable plastic bag containing white powder in the "VIP Lounge". These items were seized as Police exhibits. Constable Lee conducted an interview with the Business Manager, Dania Xiao.
260. Annexure 47 to the Application Letter – Police Statement by Constable Nickala Edey of Ashfield LAC dated 11 January 2016 recording her account of observations made of the Premises and immediate surrounds during a business inspection on 10 January 2016 with regard to the presence of intoxicated persons on the Premises, and the detection on the Premises of used cigarettes and suspected prohibited drugs. [The Authority notes that this inspection on 10 January 2016 relates to the events described in COPS Report number E59782411.]
261. Attached to this Statement by Constable Edey are six photographs of the Premises and items located within the Premises and a copy of pages 38 to 48 of Constable Edey's Official Police Notebook number F597718.
262. Annexure 48 to the Application Letter – Copy of pages 74 through 77 of Senior Constable Lisa Latu's Official Police Notebook number F59841, recording the details of a telephone conversation between Senior Constable Latu and the Licensee, Ms Kathy Sun

that took place on 14 January 2016. During this conversation, Ms Sun advised Senior Constable Latu that she would not be able to attend a pre-arranged meeting with Ashfield Police scheduled to take place at Burwood Police Station at 10:00am on 14 January 2016.

263. Annexure 49 to the Application Letter – Application for Short Term Closure Order under section 82 of the *Liquor Act 2007* in relation to the Premises made by Acting Superintendent Jennifer Scholz, dated 15 January 2016. The Short Term Closure Application seeks that the Premises be closed for a period of 72 hours from 8:00pm on Friday 15 January 2016 to 8:00pm on Monday 18 January 2016.
264. Annexure 50 to the Application Letter – Notice of Urgent Short Term Closure Order issued by Deputy Registrar Rory Evans of Parramatta Local Court under section 82 of the *Liquor Act 2007* ordering the Premises to close for a period of 72 hours from 9:55pm on Friday 15 January 2016 to 9:55pm on Monday 18 January 2016. The Deputy Registrar was satisfied that a serious breach of the *Liquor Act 2007* had occurred, or was likely to occur, on the Premises, being a breach of sections 9(1), 73 and/or 74 of the Act and that the closure of the Premises was necessary to prevent or reduce a significant threat or risk to the public interest.
265. Annexure 51 to the Application Letter – Document prepared by Senior Constable Melia entitled "Infringement Notice Table – Queen KTV", outlining the licensing breaches identified at the Premises since 28 November 2015. The Table also contains details of any Penalty Notices issued by NSW Police in respect of those breaches.
266. Annexure 52 to the Application Letter – NSW Police COPS Report for Event number E261685494, which contains details of a record of interview conducted between Ashfield Police, the Licensee (Kathy Sun) and Business Manager (Dania Xiao) at 10:00am on 19 January 2016.
267. Annexure 53 to the Application Letter – Document entitled "Queen KTV – Management Plan" provided by the Licensee at the above meeting held at Ashfield Police Station on 19 January 2016. Briefly, this document contains provisions in relation to, *inter alia*, licensed trading hours; staff guidelines with respect to the responsible service of alcohol; alcohol service and promotion; guidelines in relation to drug consumption and drug intoxication; and security.
268. Annexure 54 to the Application Letter – ASIC records for the corporate Business Owner, MY FANTASY Pty Limited (ACN 167 340 347).
269. Annexure 55 to the Application Letter – NSW Police *iAsk* checks of the immigration status and international movements of Kathy Sun from 5 December 2014 to 5 January 2016.
270. Annexure 56 to the Application Letter – Police Statement by Chief Inspector Jennifer Scholz of Ashfield LAC dated 22 December 2015 recording her account of observations made of the Premises and immediate surrounds during a business inspection on 19 December 2015 with regard to prohibited drug use on the Premises, alcohol and/or drug intoxicated patrons on the Premises, breaches of licence conditions requiring security staff to check patron identification, and patrons smoking cigarettes inside the Premises. [The Authority notes that this inspection on 19 December 2015 relates to the events described in COPS Report number E60685141.]
271. Attached to this Statement by Chief Inspector Scholz are eight photographs of the Premises and items located within the Premises.

SUBMISSIONS IN RESPONSE TO THE NOTICE OF APPLICATION

272. The Premises Owner had not made any submission to the Authority in relation to this matter by 4:00pm on 11 March 2016, being the deadline for submissions prescribed in the Notice.

Letter from the Business Owner to the Authority dated 16 March 2016

273. However, on the afternoon of 16 March 2016, Mr Kim Stapleton of the law firm JDK Legal, who acts for the Business Manager (Dania Xiao) and corporate Business Owner (MY FANTASY Pty Limited), advised the Authority that the first time his clients became aware of the existence of the Application and the separate Part 9 Complaint was on 13 March 2016, upon receiving an email from the Premises Owner's real estate agent.

274. Mr Stapleton requested that the Authority provide the Business Manager and Business Owner with copies of the Application Material and Complaint Material and a short opportunity of three business days following receipt and consideration of that material within which to provide a response addressing what period of time is required by the Business Owner to make submissions on the Application and the Complaint and whether any further particulars will be sought in relation to the Complaint.

275. Australia Post records confirm that Australia Post attempted to deliver the Notices addressed to the Business Owner and the Licensee to the Premises on 27 February 2016, but were unable to access the Premises. Australia Post confirms delivery of the Notice addressed to the Premises Owner on 27 February 2016.

Letter from the Authority to the Business Owner dated 17 March 2016

276. On 17 March 2016, the Authority's General Counsel emailed Mr Stapleton, copying in the Applicant, requesting that the Licensee and Business Manager provide statutory declarations confirming that they and no staff member or contractor of the Queen KTV licensed business received any notice of any attempt by Australia Post to deliver mail to the Premises on or after 29 February 2016 and explaining how and when they became aware of the Authority's communications in relation to the business (the Notice of the Application and the Show Cause Notice with regard to the separate Part 9 Complaint). The Business Owner and Licensee were also requested to explain whether, and if not, why the Premises is configured in a manner whereby mail may not be readily delivered to the Premises by Australia Post during business hours.

277. General Counsel advised that, on the proviso that the Licensee and Business Manager are able to provide these statutory declarations with their response to the Long Term Closure Application, the timetables specified in the Notice of the Application and the Show Cause Notices in relation to the Complaint are extended in respect of the Licensee, Business Manager and Business Owner as if the relevant dates run from **17 March 2016**, rather than from the date of those letters (26 February 2016). The timetables remain unchanged with respect to the Premises Owner by reason that the Premises Owner received the Authority's *Express Post* correspondence on time.

278. The Authority provided electronic copies of the entire (redacted) Application Material and Complaint Material to the Business Owner's solicitors on the afternoon of 17 March 2016 and noted that although JDK Legal act for the Business Owner, they should also ensure that the Licensee is also provided with this material.

Submission from the Business Owner to the Authority dated 1 April 2016

279. On 1 April 2016, Mr Stapleton provided only a brief one-page letter on behalf of the Business Manager (Dania Xiao) and corporate Business Owner (MY FANTASY Pty Limited) in response to the Long Term Closure Application and the separate but related Part 9 Complaint against the Licensee and Business Manager.

280. The full text of that letter states as follows:

We refer to your email of 17 March 2016.

Subsequent to receipt of that communication, and by reason of the gravity of the matters raised in the long-term closure application and the disciplinary proceedings, our client has now reached agreement for the sale of the business to an arms-length purchaser. By "arms-length" we mean, neither the licensee, Ms Sun, nor the business manager, Ms Xiao, nor the current lessee/business owner, will have any further involvement with the business after completion of the sale.

It is anticipated that contracts will be exchanged by Tuesday, 5 April 2016, with settlement due 14 days thereafter.

Settlement will be subject to the Authority being satisfied with the probity of the purchaser and its nominee, and, consequently, the Authority granting approval to the provisional transfer of the licence. That application for transfer of licence will be lodged with the Authority within 3 business days of exchange of contracts.

In the above circumstances we request that the Authority postpone making a determination in respect of the long-term closure application until the licence transfer application is assessed by the Authority.

281. The Authority's General Counsel forwarded a copy of the Business Owner's submission to the Applicant for its information on 1 April 2016.

282. In an email dated 2 April 2016, the Authority's General Counsel advised Mr Stapleton that the Authority had considered the Business Owner's submission and that the Authority would be determining the merits of the Long Term Closure Application at its next board meeting on 13 April 2016. JDK Legal were advised that as briefing papers are usually required to be provided to the Authority Board Members one week prior to a meeting, any late submissions received by the Authority after 5 April 2016 might not be read.

Submission from the Business Owner to the Authority dated 13 April 2016

283. At 8:46am on 13 April 2016, Mr Stapleton provided a brief one-page letter to the Authority on behalf of the corporate business owner (MY FANTASY Pty Limited) in relation to the previously foreshadowed sale of the Queen KTV licensed business.

284. The full text of that letter states as follows:

We refer to my email to you of 1 April 2016.

In that correspondence I indicated that our client was in the process of selling the business.

We inform the Authority that while contracts have not as yet been exchanged, it is anticipated that an exchange will be effected within the next 5 business days.

We enclose for the Authority's information, a copy of the proposed contract for sale of the business.

We are instructed to request that the Authority have regard to the fact that the sale of the business appears imminent when determining what action (if any) it should take in respect of the long-term closure order.

Should the Authority require any further information, please do not hesitate to contact the writer directly.

285. Attached to the letter from Mr Stapleton is a draft agreement for the sale of the Queen KTV licensed business from MY FANTASY Pty Limited, ACN 167 340 347 (Vendor) to Redkuan Pty Limited, ACN 610 951 936 (Purchaser), with Mr Albert Bi acting as a guarantor (Guarantor).
286. The "completion date" is specified to be 42 days after the date of the agreement. The "date of completion" is the date the agreement is completed. "Completion" is specified to be the completion of the sale and purchase in accordance with the agreement. The "sunset date" is 84 days after the date of the agreement.
287. Following is a brief *summary* of the relevant clauses contained in the agreement:
- a) **Clause 2.1:** The Vendor sells and the Purchaser purchases the business for the price of \$153,000.00.
 - b) **Clause 2.4:** On completion, the Vendor will sell and the Purchaser will purchase all good and saleable stock in trade at its wholesale value determined in accordance with clause 2.4 of the agreement.
 - c) **Clause 3.2:** Completion of the agreement is conditional upon:
 - i. The grant of an application to the Authority for a provisional transfer of the licence to the Purchaser or the Purchaser's nominee, thereby enabling the Purchaser to exercise the licence
 - ii. The obtaining of all consents necessary to allow the transfer of the lease to the purchaser
 - iii. There not being more than one strike against the licence, within the meaning of the "Three Strikes Legislation" contained in Part 9A of the Act.
 - d) **Clause 4.1:** The Vendor agrees to remain in possession of the Premises and business and to operate the business as a going concern in a manner consistent with its operation of the business prior to the date of the agreement until the completion date.
 - e) **Clause 4.2:** The Vendor agrees to give up possession of the Premises and the business and the Purchaser agrees to take possession of the Premises and the business on the completion date in accordance with the agreement.
 - f) **Clause 5.3:** If the transfer application is not granted by the Authority due to objection to the transferee, the Purchaser shall immediately nominate a new transferee acceptable to the Authority and the provisions of clause 5.2 shall apply in relation to the new transferee.
 - g) **Clause 5.5,** the sale hereby made and completion of it is not subject to the grant of the transfer application and if for any reason other than that the subject of clause 5.5, the transfer application is not granted on the completion date the Purchaser must proceed to complete the purchase and file with the Authority an application for the transfer of the licence as owner in possession to a qualified transferee within 7 days of the completion date.
 - h) **Clause 5.5:** The Purchaser is not obliged to complete the sale hereby made prior to the grant of the transfer application in accordance with clauses 5.1 to 5.3 if the Authority is not ready to consider or grant the transfer application or declines to do so for a reason that concerns the Vendor or the operation of the licence by the Vendor. In these circumstances the Vendor shall be allowed a reasonable time to secure the grant of the transfer application.
 - i) **Clause 8.1:** The Vendor discloses to the Purchaser that:
 - i. NSW Police have made an application to the Authority for a long term closure order of the Premises
 - ii. NSW Police have commenced complaint proceedings with the Authority in respect of the Licensee and a close associate, Dania Xiao.

- j) **Clause 13:** If the agreement is not completed by the sunset date, then either party not then being in default, may rescind the agreement and thereafter neither party shall have any claim of action against the other excepting for any subsisting breach.
- k) **Clause 16:** The Vendor warrants that:
 - i. Other than as expressly provided in this agreement, on the completion date the business will be free and clear from encumbrances, will not be the subject of any security interests, hire purchase agreement, mortgage, charge, pledge or hiring agreement, will be the property of the Vendor and that no moneys will be owing on that property, provided that any moneys owing by the Vendor for stock will be paid in accordance with the Vendor's normal terms of trade
 - ii. The Vendor will comply with any valid outstanding notice affecting or relating to the business or the Premises issued by any competent authority on or before the date of this agreement which the Vendor is obliged to comply with
 - iii. Concerning the licence:
 - It attaches to the licensed premises
 - It will be current and subsisting at completion
 - It is not liable to cancellation or suspension.
- l) **Clause 18:** The Purchaser acknowledges that it has relied on its own enquiries in entering into this agreement and that the Vendor makes no warranty as to:
 - i. The profits of the business. The Purchaser acknowledges that it has had full access to all of the financial records of the business and has satisfied himself as to the accuracy of those figures
 - ii. Any consent required to operate the business and to the extent to which any consent may be implied the Purchaser has made its own enquiries
 - iii. The conduct of the business by the Vendor
 - iv. Is not responsible or liable for any representations, specifications and promises made of any kind or description other than those expressly made in this agreement.
- m) **Clause 21.2:** This agreement is made and completion of it is conditional upon the transfer of the lease to the Purchaser.
- n) **Clauses 27.1 and 27.2:** In consideration of the Vendor having entered into this contract with the Purchaser at the request of Mr Albert Bi of "S5001", 1 Post Office Lane, Chatswood as evidenced by the execution of this contract by the Guarantor, the Guarantor hereby guarantees to the vendor the due and punctual performance and observance by the Purchaser of all the covenants and conditions on the part of the Purchaser pursuant to this contract to be performed and observed and to the extent (if at all) that this guarantee may be void or unenforceable by reason of the fact that all or any obligations of the Purchaser to the Vendor to perform or observe covenants and conditions as aforesaid may not be or may cease to be enforceable against the Purchaser the Guarantor hereby unconditionally indemnifies the Vendor in respect of any failure of the Purchaser to perform or observe any such covenant or condition and hereby covenants with the Vendor that:
 - i. This guarantee shall be a continuing guarantee (it being the intent of the Vendor and the Guarantor that this guarantee and the obligations of the Guarantor shall be absolute and unconditional in any and all circumstances) and shall be irrevocable and shall remain in full force and effect until the obligations of the Purchaser shall have been fully satisfied
 - ii. This guarantee shall not be considered as wholly or partially discharged by the payment at any time of any moneys on account or by any time credit or any indulgence or concession extended by the Vendor to the Purchaser or the Guarantor or any other person or by any compounding compromise,

release, abandonment, waiver, variation, relinquishment or renewal of any rights of the Vendor against the Purchaser or the Guarantor or any other person or by the neglect or omission of the Vendor to enforce any such rights or by any other dealing, matter or thing whatsoever which but for this paragraph could or might operate to abrogate prejudice or affect this guarantee or by any alteration, modification, variation or addition to this agreement

- iii. This guarantee is in addition to and not in substitution for any rights which the Vendor may have under or by virtue of this contract and may be enforced against the Guarantor without first having recourse to any such rights and without taking any steps or proceedings against the Purchaser
- iv. This guarantee shall not prejudicially affect or be prejudicially affected by any security or guarantee now or hereafter held by the Vendor for any moneys for the time being owing pursuant to this contract, but such security shall be deemed to be collateral and the Guarantor shall not as against the Vendor in any way claim the benefit or seek the transfer of any security or any part thereof.

LEGISLATION

288. The power pursuant to which the Authority may issue an order for the long term closure of a licensed premises is provided by section 84 of the Act, which states as follows:

84 Order by Authority for long-term closure of licensed premises

- (1) *The Authority may, on the application of the Secretary or the Commissioner of Police, order a licensee to close the licensed premises from a time specified in the order until a later specified time.*
- (2) *The Authority may not make an order under this section unless:*
 - (a) *the licensee or manager of the licensed premises is the subject of an investigation by the Secretary under section 138 or an investigation by the NSW Police Force, or the licensed premises are the subject of a complaint under Division 3, or disciplinary action under Part 9 has been (or is proposed to be) taken by the Authority against the licensee or manager or a close associate of the licensee, and*
 - (b) *the licensee has been given notice of the application for closure of the licensed premises and has been given a reasonable opportunity to make submissions to the Authority in relation to the application, and*
 - (c) *the Authority is satisfied that a serious breach of this Act has occurred, or is likely to occur, on the licensed premises and that the closure of the premises is necessary to prevent or reduce a significant threat or risk to the public interest.*
- (3) *Without limiting the generality of subsection (2), circumstances in which there may be a significant threat or risk to the public interest include circumstances in which there is:*
 - (a) *a threat to public health or safety, or*
 - (b) *a risk of substantial damage to property, or*
 - (c) *a significant threat to the environment, or*
 - (d) *a risk of serious offences (having a maximum penalty of not less than 2 years imprisonment) being committed on the premises.*
- (4) *An order ceases to have effect at the time specified or when a complaint concerning the licensee or manager of the premises is determined under this Act, whichever is the earlier.*
- (5) *An order may not require the closure of premises for a period longer than the period prescribed by the regulations.*
- (6) *An order may require the closure of premises until specified conditions are met but must not require closure for a period longer than that permitted under subsection (5).*
- (7) *A licensee must comply with an order made under this section.*
Maximum penalty: 50 penalty units or imprisonment for 6 months, or both.
- (8) *The regulations may make provision for or with respect to an application for an order under this section, including the procedure to be followed at or in connection with the hearing and determination of any such application.*

289. Relevantly to this Application, section 73 of the Act, which sets out provisions in relation to the prevention of excessive consumption of alcohol on licensed premises, states as follows:

73 Prevention of excessive consumption of alcohol on licensed premises

- (1) A licensee must not permit:
- (a) intoxication, or
 - (b) any indecent, violent or quarrelsome conduct, on the licensed premises.
- Maximum penalty: 100 penalty units.
- (2) A licensee or an employee or agent of a licensee must not, on the licensed premises, sell or supply liquor to an intoxicated person.
- Maximum penalty: 100 penalty units.
- (3) A person (other than a licensee or an employee or agent of a licensee) must not, on licensed premises, supply liquor to an intoxicated person.
- Maximum penalty: 10 penalty units.
- (4) If an intoxicated person is on licensed premises, the licensee is taken to have permitted intoxication on the licensed premises unless the licensee proves:
- (a) that the licensee, and the licensee's employees or agents, took the steps set out in subsection (5), or
 - (a1) that the licensee, and the licensee's employees or agents, took the steps set out in the guidelines under subsection (5A) to prevent intoxication on the licensed premises, or
 - (b) that the intoxicated person did not consume alcohol on the licensed premises.
- (5) For the purposes of subsection (4) (a), the following are the relevant steps:
- (a) asked the intoxicated person to leave the premises,
 - (b) contacted, or attempted to contact, a police officer for assistance in removing the person from the premises,
 - (c) refused to serve the person any alcohol after becoming aware that the person was intoxicated.
- (5A) The Secretary is to issue guidelines relating to the prevention of intoxication on licensed premises. Such guidelines are to be made publicly available in such manner as the Secretary considers appropriate.
- (6) In the application of this section to an on-premises licence that relates to a catering service, a reference to licensed premises does not include private domestic premises except for the purposes of subsection (2).

290. Relevantly to this Application, section 74 of the Act, which sets out provisions in relation to the possession, use or sale of prohibited drugs on licensed premises, states as follows:

74 Sale of stolen goods and possession, use or sale of drugs on licensed premises

- (1) A licensee must not permit the licensed premises to be used for the sale of:
- (a) any goods that the licensee suspects of being stolen, or
 - (b) any substance that the licensee suspects of being a prohibited plant or a prohibited drug.
- Maximum penalty: 50 penalty units.
- (2) A licensee must not permit the possession or use on the licensed premises of any substance that the licensee suspects of being a prohibited plant or a prohibited drug.
- Maximum penalty: 50 penalty units.
- (3) An employee or agent of a licensee or a person (other than the licensee) in charge of licensed premises must not permit the licensed premises to be used for the sale of:
- (a) any goods that the employee, agent or person suspects of being stolen, or
 - (b) any substance that the employee, agent or person suspects of being a prohibited plant or a prohibited drug.
- Maximum penalty: 50 penalty units.
- (4) An employee or agent of a licensee or a person (other than the licensee) in charge of licensed premises must not permit the possession or use on the licensed premises of any substance that the employee, agent or person suspects of being a prohibited plant or a prohibited drug.
- Maximum penalty: 50 penalty units.

- (5) *It is a defence to a prosecution for an offence under this section if it is proved that the goods concerned were not stolen or that the substance concerned was not a prohibited plant or a prohibited drug.*

291. Relevantly to this Application, section 9 of the Act, which sets out the principal offence relating to the sale or supply of liquor contrary to a licence, states as follows:

9 Sale or supply of liquor contrary to licence

- (1) *A licensee or an employee or agent of a licensee must not sell or supply liquor, or cause or permit liquor to be sold or supplied:*
- (a) *in contravention of the conditions to which the licence is subject, or*
 - (b) *otherwise than in accordance with the authority conferred on the licensee by or under this Act.*
- (2) *Without limiting subsection (1), a licensee must not:*
- (a) *keep licensed premises open for the sale or supply of liquor, or*
 - (b) *sell or supply liquor, at a time when the licensee is not authorised under this Act to sell or supply liquor.*
- (3) *A licensee must not sell, or employ or permit another person to sell, liquor on premises other than premises on which the licensee is authorised by the licence or this Act to sell the liquor.*

Maximum penalty: 100 penalty units or imprisonment for 12 months, or both.

292. Relevantly to this Application, section 11 of the Act, which contains general provisions in relation to licence conditions, states as follows:

11 Licence conditions – general provisions

- (1) *A licence is subject to:*
- (a) *such conditions as may be imposed, or are taken to have been imposed, by the Authority or the Secretary (whether at the time the licence is granted or at any later time) under this Act, and*
 - (b) *such conditions as are imposed by this Act or prescribed by the regulations, and*
 - (c) *such other conditions as are authorised to be imposed on the licence under this Act.*
- (1A) *Schedule 4 (Special licence conditions for declared premises) has effect. The regulations may amend that Schedule (including, without limitation, by adding or removing any relevant licence under that Schedule).*
- (2) *A licensee must comply with any conditions to which the licence is subject.*
Maximum penalty: 100 penalty units or imprisonment for 12 months, or both.
- (3) *For the purposes of this Act, a condition to which a licence is subject includes any provision of this Act that imposes a requirement or restriction (other than as an offence) on or in relation to the licence, licensee or licensed premises concerned.*
Note: The times during which licensed premises are authorised to trade is an example of such a requirement.

293. In determining the Application, the Authority has also considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which states as follows:

3 Objects of Act

- (1) *The objects of this Act are as follows:*
- (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community.*
 - (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
 - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
- (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
- (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*

- (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
- (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*

FINDINGS AND REASONS FOR DECISION

294. An application for a long term closure order is an administrative matter, and findings are made to the civil standard of proof. However, in accordance with the principle enunciated by the High Court of Australia in *Briginshaw v Briginshaw* (1938) 60 CLR 336, the seriousness of the allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are matters that are relevant to deciding whether an allegation has been proved on the balance of probabilities.
295. Turning to the requirements of section 84 of the Act, the Authority is satisfied, for the purposes of section 84(1) of the Act and on the basis of the Application Material received by the Authority on 18 February 2016, that an application has been made under section 84 of the Act by a delegate of the NSW Commissioner of Police (Acting Superintendent Jennifer Scholz) to the Authority seeking the closure of the Premises for a period of six (6) months or until certain conditions (including, but not limited to, a number of conditions proposed by the Applicant as specified in pages 28 and 29 of the Application Letter) have been satisfied.
296. With regard to section 84(2)(a) of the Act, the Authority is satisfied, on the basis of the advice provided by the Applicant in the Application Material and in particular the Application Letter to the Authority from the Applicant dated 5 February 2016, that an investigation by NSW Police is currently underway in relation to the current Licensee of the Premises (Ms Kathy Sun) and the current Business Manager of the Premises (Ms Dania Xiao).
297. With regard to section 84(2)(b) of the Act, the Authority is satisfied that the Licensee has been given notice of the Application and has had a reasonable opportunity to make submissions to the Authority in relation to the Application. This finding is made on the basis of the Notice of Application which was sent by the Authority via *Express Post* to the Premises on Friday 26 February 2016, giving the Licensee 14 days from the date of that letter to provide any submissions or evidence in response to the Application. This finding is also made on the basis that the Business Owner was given a further 14 days from 17 March 2016 (when the Business Owner's solicitors were provided with the Application Material). This followed a claim by the Business Owner that the Notice of the Application had not come to its attention until it received advice from the Premises Owner on 13 March 2016.
298. Notwithstanding that no submission or response has been made by the Licensee, in light of the serious nature of the allegations made against the licensed business and the amount of non-confidential material provided by the Applicant and made available to the Licensee and the solicitors for the Business Owner, the Authority is satisfied that the Licensee has had a reasonable period of time to respond to the Application.
299. Although not expressly required by section 84 of the Act, the Authority is further satisfied that the Notice of Application was sent by *Express Post* on 26 February 2016 to the corporate Business Owner, MY FANTASY Pty Limited and the Premises Owner, Bade Pty Limited and they too have had a reasonable opportunity to make submissions in response to the Application.

Serious Breaches of the Act

300. Section 84(2)(c) requires that before making a long term closure order the Authority must be satisfied that a serious breach of the Act has occurred, or is likely to occur, on the relevant licensed premises.
301. Some of the documents comprising the Application Material have been provided to the Authority by the Applicant on a confidential basis, by reason that they are classified as sensitive law enforcement material, including confidential intelligence holdings, which should not be released or disclosed to the Licensee and/or made publicly available.
302. However, as noted above, the Authority has *not* needed to consider and has not looked at the confidential material provided by the Applicant as there is sufficient evidence or material provided by the Applicant on a non-confidential basis to establish that an Order should be issued to close the Premises.
303. The Authority makes the following findings, on the balance of probabilities and exercising due care with regard to the seriousness of the allegations and the consequences of making a closure order, that serious breaches of the following sections of the Act either have occurred, or are likely to occur, on the licensed premises.

Five Breaches of Section 9 of the Liquor Act 2007

304. The Authority is satisfied that on 29 July 2014, the Premises was kept open for the sale or supply of liquor, and liquor was sold or supplied, at a time when the Licensee was not authorised under the Act to sell or supply liquor contrary to sections 9(2)(a) and 9(2)(b) of the Act.
305. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E55105814, which describes observations of the Premises made by Ashfield Police at 3:00am on Tuesday 29 July 2014 (comprising part of Annexure 8 to the Application Letter).
306. The Authority is satisfied that a second breach of sections 9(2)(a) and 9(2)(b) of the Act was detected by NSW Police in relation to the Premises on 9 May 2015.
307. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E58060519, which describes observations of the Premises made by Ashfield Police at 2:55am on Saturday 9 May 2015 (comprising part of Annexure 8 to the Application Letter).
308. The Authority is satisfied that a third breach of sections 9(2)(a) and 9(2)(b) of the Act was detected by NSW Police in relation to the Premises on 23 May 2015.
309. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E60238889, which describes observations of the Premises made by Ashfield Police at 2:17am on Saturday 23 May 2015 (comprising part of Annexure 8 to the Application Letter).
310. The Authority is satisfied that a fourth breach of sections 9(2)(a) and 9(2)(b) of the Act was detected by NSW Police in relation to the Premises on 27 December 2015.
311. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:

- a) NSW Police COPS Report number E60472651, which describes observations of the Premises made by Ashfield Police at 3:00am on Sunday 27 December 2015 (comprising part of Annexure 25 to the Application Letter)
- b) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
- c) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
- d) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 9 January 2016 (Annexure 39 to the Application Letter)
- e) NSW Police Statement by Constable Troy Delany from Ashfield Police dated 10 January 2016 (Annexure 40 to the Application Letter)
- f) NSW Police Statement by Senior Constable Erin Cunningham from Ashfield Police dated 10 January 2016 (Annexure 41 to the Application Letter).

312. The Authority is satisfied that a fifth breach of sections 9(2)(a) and 9(2)(b) of the Act was detected by NSW Police in relation to the Premises on 10 January 2016.

313. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:

- a) NSW Police COPS Report number E59782411, which describes observations of the Premises made by Ashfield Police at 2:00am on Sunday 10 January 2016 (comprising part of Annexure 8 to the Application Letter)
- b) NSW Police Statement by Constable Ho Lee from Ashfield Police dated 13 January 2016 (Annexure 46 to the Application Letter)
- c) NSW Police Statement by Constable Nickala Edye from Ashfield Police dated 11 January 2016 (Annexure 47 to the Application Letter).

Four Breaches of Section 11(2) of the Liquor Act 2007

Four Breaches of Condition "3020"

314. This condition, as recorded on the *OneGov* database record of the liquor licence for the Premises dated 22 February 2016, states:

The premises are to be operated in accordance with the Plan of Management filed with the application or any modified Plan of Management subsequently approved by Ashfield City Council and the Police.

315. The Authority notes that paragraph 1.1 of the *Plan of Management* for the Premises in relation to "Type and number of patrons" states:

The development consent permits a maximum number of 100 patrons at any time.

- (a) *It is anticipated that patrons attending will include those who have pre-booked as well as walk up patrons.*
- (b) *Further, tickets will be issued at the door or otherwise, numbers recorded in each room to ensure that the number of patrons at the premises will not exceed 100.*

316. The Authority notes that paragraph 6.1 of the *Plan of Management* for the Premises in relation to "Security Personnel and Staff" states:

The proposed security measures to comprise of the following:

- *Uniformed licensed security personnel will be employed at the premises in accordance with the conditions of the Council consent.*

- *On those nights that two (2) security officers are required, one of those staff is to be positioned at the entrance to the premises during the hours of operation and until the premises close.*
- *Security personnel will undertake various duties including ensuring that patrons behave in an orderly manner whilst at and when leaving the immediate vicinity of the premises, that conditions of the licence are complied with, that intoxicated persons do not gain access to the premises, that ID is requested when required, that patrons enter and leave only via Liverpool Road, etc.*
- *When security personnel are provided, arrangements will be as follows:*
 - (a) *Any security officer must be in the possession of a current security licence;*
 - (b) *The security officer will be uniformed so as to be clearly identifiable;*
 - (c) *The security officer will be required to conduct himself/herself in accordance with the Industry Code of Practice;*
 - (d) *The security officer will be required to note details of any incidents occurring within the premises or immediately outside the premises;*
 - (e) *The security officer will assist to monitor the occupancy levels and patrol the crowd in a responsible manner;*
 - (f) *The responsible service of alcohol guidelines will be a criteria for admitting, refusing to admit customers and the removal of customers who are intoxicated;*
 - (g) *The security officer will refuse entry to the premises to any person who they detect is intoxicated;*
 - (h) *The security officer will remove any patron who exhibits unacceptable and/or anti-social behaviour;*
 - (i) *Whilst final patrons are being conducted the security officer will collect any rubbish on the footpath immediately outside the premises which may be associated with the premises;*
 - (j) *The security officer and management will be required to cooperate with the Police and Council at all times.*

317. The Authority notes that paragraph 7.3(b)(ii) of the *Plan of Management* for the Premises in relation to "Responsible Service of Alcohol" states:

The premises will implement a "House Policy" regarding the responsible service of liquor at the premises, a copy of which will be provided to all staff on commencing employment at the premises.

318. The Authority notes that paragraph 7.4 of the *Plan of Management* for the Premises in relation to "Prevention of Sale and Supply of Liquor to Minors" states:

All staff will be under strict instructions to ensure that liquor is not sold and supplied to persons under the age of 18 years and that minors do not gain access to liquor by way of secondary sale or by being supplied with it by a person 18 years or over.

319. The Authority notes that paragraph 7.7 of the *Plan of Management* for the Premises in relation to "Prevention of Sale and Supply of Liquor to Minors" states:

Staff will be vigilant in ensuring that alcohol is not supplied to minors and any person suspected of being under the age of 18 years is to be asked to provide proof of age before being supplied with liquor. Accepted forms of identification are:

- (i) *Current driver's licence*
- (ii) *Proof of Age Card; or*
- (iii) *Passport.*

320. The Authority is satisfied that the condition on the licence for the Premises numbered "3020" was breached on 29 November 2015, in contravention of section 11(2) of the Act, when the maximum patron capacity for the Premises was exceeded (contrary to paragraph 1.1 of the *Plan of Management*) and when the business did not engage two licensed uniformed security guards at all times the Premises is trading (contrary to paragraph 6.1 of the *Plan of Management*).

321. The Authority makes these findings on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E60205843, which describes observations of the Premises made by Ashfield Police on Sunday 29 November 2015 (comprising part of Annexure 25 to the Application Letter)
 - b) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter).
322. The Authority is satisfied that a second breach of Condition "3020", in contravention of section 11(2) of the Act, was detected by NSW Police in relation to the Premises on 19 December 2015 with respect to the following:
- a) The maximum patron capacity for the Premises was exceeded (contrary to paragraph 1.1 of the *Plan of Management*)
 - b) Security personnel did not ensure that patrons behave in an orderly manner whilst at and when leaving the immediate vicinity of the premises (contrary to paragraph 6.1 of the *Plan of Management*)
 - c) Security personnel did not remove any patron who exhibits unacceptable and/or anti-social behaviour (contrary to paragraph 6.1(h) of the *Plan of Management*)
 - d) Security personnel did not ask persons suspected of being minors for proof of age before being supplied with liquor (contrary to paragraph 7.7 of the *Plan of Management*).
323. The Authority makes these findings on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E60685141, which describes observations of the Premises made by Ashfield Police on Saturday 19 December 2015 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Constable Joseph Haklany from Ashfield Police dated 12 January 2016 (Annexure 26 to the Application Letter)
 - c) NSW Police Statement by Constable Keelin Woulfe from Ashfield Police dated 21 January 2016 (Annexure 27 to the Application Letter)
 - d) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
 - e) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 12 January 2016 (Annexure 29 to the Application Letter)
 - f) NSW Police Statement by Senior Constable Bao Tran from Ashfield Police dated 10 January 2016 (Annexure 30 to the Application Letter)
 - g) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
 - h) NSW Police Statement by Constable Alexei Baskakov from Ashfield Police dated 31 December 2015 (Annexure 32 to the Application Letter)
 - i) NSW Police Statement by Constable Brett Ackling from Ashfield Police dated 9 January 2016 (Annexure 33 to the Application Letter)
 - j) CCTV Log completed by Senior Constable Melia on 13 January 2016 briefly summarising the events that occurred on the Premises from 8:18pm on 18 December 2015 to 3:05am on 19 December 2015 (Annexure 36 to the Application Letter)
 - k) Still photographs taken by Senior Constable Lisa Latu from Ashfield Police, captured from CCTV footage of the Premises for 18 to 19 December 2015 (Annexure 37 to the Application Letter)

- l) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter)
 - m) NSW Police Statement by Chief Inspector Jennifer Scholz from Ashfield Police dated 22 December 2015 (Annexure 56 to the Application Letter).
324. The Authority is satisfied that a third breach of Condition "3020", in contravention of section 11(2) of the Act, was detected by NSW Police in relation to the Premises on 27 December 2015 when security personnel did not ensure that liquor is not sold and supplied to persons under the age of 18 years and that minors do not gain access to liquor by way of secondary sale or by being supplied with it by a person 18 years or over (contrary to paragraph 7.4 of the *Plan of Management*) and when security personnel did not ask persons suspected of being minors for proof of age before being supplied with liquor (contrary to paragraph 7.7 of the *Plan of Management*).
325. The Authority makes these findings on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E60472651, which describes observations of the Premises made by Ashfield Police on Sunday 27 December 2015 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
 - c) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
 - d) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 9 January 2016 (Annexure 39 to the Application Letter)
 - e) NSW Police Statement by Constable Troy Delany from Ashfield Police dated 10 January 2016 (Annexure 40 to the Application Letter)
 - f) NSW Police Statement by Senior Constable Erin Cunningham from Ashfield Police dated 10 January 2016 (Annexure 41 to the Application Letter)
 - g) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter).
326. The Authority is satisfied that a fourth breach of Condition "3020", contrary to section 11(2) of the Act, was detected by NSW Police in relation to the Premises on 8 January 2016 when the Licensee admitted that she did not know what a "House Policy" was (in contravention of paragraph 7.3(b)(ii) of the *Plan of Management*).
327. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E59303909, which describes observations of the Premises made by Ashfield Police on Friday 8 January 2016 (comprising part of Annexure 25 to the Application Letter)
 - b) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter).

One Breach of Condition "3030"

328. This condition, as recorded on the *OneGov* database record of the liquor licence for the Premises dated 22 February 2016, states:

CCTV System

- (i) CCTV surveillance cameras (with video recording facilities) shall be installed and maintained in the premises with coverage of the foyer, entrances/exits and the karaoke rooms.
- (ii) All video equipment and cameras are to be of a high quality so as to facilitate identification and adjudication of patrons and incidents occurring within the premises.
- (iii) CCTV recording discs or hard drive recording shall be retained for 30 days before being reused, destroyed or deleted. The time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD copy of recorded footage. Copies of discs must be handed to Police Officers or Special Inspectors on request or within a reasonable time.
- (iv) There shall be adequate monitoring of the system by the licensee and his/her staff when the premises are trading to ensure as far as practicable that patrons do not:
 - (a) move the cameras so as not to give adequate coverage of the room or
 - (b) cover or obstruct the cameras so as to prevent surveillance of the room.

329. The Authority is satisfied that a breach of the condition on the licence for the Premises numbered "3030" in relation to the CCTV system for the Queen KTV business was detected by NSW Police on 8 November 2014, contrary to section 11(2) of the Act.

330. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E56778268, which describes observations of the Premises made by Ashfield Police on Saturday 8 November 2014 (comprising part of Annexure 8 to the Application Letter)
 - b) NSW Police COPS Report number E199423797, which describes observations of the Premises made by Ashfield Police on Sunday 9 November 2014 (comprising part of Annexure 8 to the Application Letter)
 - c) NSW Police Statement by Senior Constable Matthew Spooner from Ashfield Police dated 21 January 2016 (Annexure 11 to the Application Letter)
 - d) Photographs taken by Senior Constable Spooner during an investigation into the Premises conducted on 9 November 2014 (Annexure 16 to the Application Letter)
 - e) Penalty Notice number 4924047022 issued to the Licensee by NSW Police in respect of a breach of licence Condition "3030" detected on 9 November 2014 (comprising part of Annexure 20 to the Application Letter)
 - f) Notice to Produce pursuant to section 21 of the *Gaming and Liquor Administration Act 2007* issued to the Licensee by Senior Constable Spooner on 9 November 2014, requesting CCTV footage for the period from the time the Premises opened for trade on Saturday 8 November 2014 until 1:00am on Sunday 9 November 2014 (Annexure 23 to the Application Letter). [The Authority notes that this CCTV footage was not provided by the Licensee.]

Three Breaches of Condition "3050"

331. This condition, as recorded on the OneGov database record of the liquor licence for the Premises dated 22 February 2016, states:

No liquor shall be sold, supplied or consumed in any karaoke room in which a minor is present, unless the minor is accompanied and in the presence of a responsible adult as defined under the Liquor Act 2007. For the purpose of implementing this condition, the Licensee shall adopt reasonable processes to monitor the admission of minors into the licensed premises, and to ascertain if they are accompanied by a responsible adult. Those processes should include, but not to be limited to requiring production of evidence of age sufficient to comply with the Liquor Regulation, in appropriate circumstances.

332. The Authority is satisfied that a breach of the condition on the licence for the Premises numbered "3050" in relation to the presence of unaccompanied minors in a karaoke

room where liquor is sold, supplied or consumed was detected by NSW Police on 28 March 2015, contrary to section 11(2) of the Act.

333. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E59909084, which describes observations of the Premises made by Ashfield Police on Saturday 28 March 2015 (comprising part of Annexure 8 to the Application Letter).
334. The Authority is satisfied that a second breach of licence Condition "3050" was detected by NSW Police on 19 December 2015, contrary to section 11(2) of the Act.
335. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E60685141, which describes observations of the Premises made by Ashfield Police on Saturday 19 December 2015 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Constable Joseph Haklany from Ashfield Police dated 12 January 2016 (Annexure 26 to the Application Letter)
 - c) NSW Police Statement by Constable Keelin Woulfe from Ashfield Police dated 21 January 2016 (Annexure 27 to the Application Letter)
 - d) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
 - e) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 12 January 2016 (Annexure 29 to the Application Letter)
 - f) NSW Police Statement by Senior Constable Bao Tran from Ashfield Police dated 10 January 2016 (Annexure 30 to the Application Letter)
 - g) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
 - h) NSW Police Statement by Constable Alexei Baskakov from Ashfield Police dated 31 December 2015 (Annexure 32 to the Application Letter)
 - i) NSW Police Statement by Constable Brett Ackling from Ashfield Police dated 9 January 2016 (Annexure 33 to the Application Letter)
 - j) CCTV Log completed by Senior Constable Melia on 13 January 2016 briefly summarising the events that occurred on the Premises from 8:18pm on 18 December 2015 to 3:05am on 19 December 2015 (Annexure 36 to the Application Letter)
 - k) Still photographs taken by Senior Constable Lisa Latu from Ashfield Police, captured from CCTV footage of the Premises for 18 to 19 December 2015 (Annexure 37 to the Application Letter)
 - l) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter)
 - m) NSW Police Statement by Chief Inspector Jennifer Scholz from Ashfield Police dated 22 December 2015 (Annexure 56 to the Application Letter).
336. The Authority is satisfied that a third breach of licence Condition "3050" was detected by NSW Police on 27 December 2015, contrary to section 11(2) of the Act.
337. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E60472651, which describes observations of the Premises made by Ashfield Police on Sunday 27 December 2015 (comprising part of Annexure 25 to the Application Letter)

- b) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
- c) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
- d) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 9 January 2016 (Annexure 39 to the Application Letter)
- e) NSW Police Statement by Constable Troy Delany from Ashfield Police dated 10 January 2016 (Annexure 40 to the Application Letter)
- f) NSW Police Statement by Senior Constable Erin Cunningham from Ashfield Police dated 10 January 2016 (Annexure 41 to the Application Letter)
- g) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter).

Eight Breaches of Condition "3080"

338. This condition, as recorded on the *OneGov* database record of the liquor licence for the Premises dated 22 February 2016, states:

All staff working at the premises shall wear name tags and/or uniforms identifying themselves to patrons and authorities that they are working at the premises.

339. The Authority is satisfied that a breach of the condition on the licence for the Premises numbered "3080" requiring that all staff working at the Premises must wear name tags and/or uniforms identifying themselves to patrons and authorities that they are working at the Premises, was detected by NSW Police on Sunday 27 July 2014, contrary to section 11(2) of the Act.
340. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E57230587, which describes observations of the Premises made by Ashfield Police on Sunday 27 July 2014 (comprising part of Annexure 8 to the Application Letter).
341. The Authority is satisfied that a second breach of licence Condition "3080" was detected by NSW Police on Tuesday 29 July 2014, contrary to section 11(2) of the Act.
342. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E55105814, which describes observations of the Premises made by Ashfield Police on Tuesday 29 July 2014 (comprising part of Annexure 8 to the Application Letter).
343. The Authority is satisfied that a third breach of licence Condition "3080" was detected by NSW Police on Saturday 8 November 2014, contrary to section 11(2) of the Act.
344. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E56778268, which describes observations of the Premises made by Ashfield Police on Saturday 8 November 2014 (comprising part of Annexure 8 to the Application Letter).
345. The Authority is satisfied that a fourth breach of licence Condition "3080" was detected by NSW Police on Sunday 9 November 2014, contrary to section 11(2) of the Act.
346. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:

- a) NSW Police COPS Report number E199423797, which describes observations of the Premises made by Ashfield Police on Sunday 9 November 2014 (comprising part of Annexure 8 to the Application Letter)
 - b) NSW Police Statement by Senior Constable Matthew Spooner from Ashfield Police dated 21 January 2016 (Annexure 11 to the Application Letter)
 - c) Photographs taken by Senior Constable Spooner during an investigation into the Premises conducted on 9 November 2014 (Annexure 16 to the Application Letter)
 - d) Penalty Notice number 4924047031 issued to the Licensee by NSW Police in respect of a breach of licence Condition "3080" detected on 9 November 2014 (comprising part of Annexure 20 to the Application Letter).
347. The Authority is satisfied that a fifth breach of licence Condition "3080" was detected by NSW Police on Saturday 19 December 2015, contrary to section 11(2) of the Act.
348. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E60685141, which describes observations of the Premises made by Ashfield Police on Saturday 19 December 2015 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Constable Joseph Haklany from Ashfield Police dated 12 January 2016 (Annexure 26 to the Application Letter)
 - c) NSW Police Statement by Constable Keelin Woulfe from Ashfield Police dated 21 January 2016 (Annexure 27 to the Application Letter)
 - d) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
 - e) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 12 January 2016 (Annexure 29 to the Application Letter)
 - f) NSW Police Statement by Senior Constable Bao Tran from Ashfield Police dated 10 January 2016 (Annexure 30 to the Application Letter)
 - g) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
 - h) NSW Police Statement by Constable Alexei Baskakov from Ashfield Police dated 31 December 2015 (Annexure 32 to the Application Letter)
 - i) NSW Police Statement by Constable Brett Ackling from Ashfield Police dated 9 January 2016 (Annexure 33 to the Application Letter)
 - j) CCTV Log completed by Senior Constable Melia on 13 January 2016 briefly summarising the events that occurred on the Premises from 8:18pm on 18 December 2015 to 3:05am on 19 December 2015 (Annexure 36 to the Application Letter)
 - k) Still photographs taken by Senior Constable Lisa Latu from Ashfield Police, captured from CCTV footage of the Premises for 18 to 19 December 2015 (Annexure 37 to the Application Letter)
 - l) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter)
 - m) NSW Police Statement by Chief Inspector Jennifer Scholz from Ashfield Police dated 22 December 2015 (Annexure 56 to the Application Letter).
349. The Authority is satisfied that a sixth breach of licence Condition "3080" was detected by NSW Police on Monday 28 December 2015, contrary to section 11(2) of the Act.

350. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E61810987, which describes observations of the Premises made by Ashfield Police on Monday 28 December 2015 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Sergeant Michael Anthony Tory from Ashfield Police dated 11 January 2016 (Annexure 42 to the Application Letter)
 - c) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter).
351. The Authority is satisfied that a seventh breach of licence Condition "3080" was detected by NSW Police on Friday 8 January 2016, contrary to section 11(2) of the Act.
352. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E59303909, which describes observations of the Premises made by Ashfield Police on Friday 8 January 2016 (comprising part of Annexure 25 to the Application Letter).
353. The Authority is satisfied that an eighth breach of licence Condition "3080" was detected by NSW Police on Sunday 10 January 2016, contrary to section 11(2) of the Act.
354. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E59782411, which describes observations of the Premises made by Ashfield Police on Sunday 10 January 2016 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Constable Ho Lee from Ashfield Police dated 13 January 2016 (Annexure 46 to the Application Letter)
 - c) NSW Police Statement by Constable Nickala Edye from Ashfield Police dated 11 January 2016 (Annexure 47 to the Application Letter)
 - d) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter).

Three Breaches of Condition "3090"

355. This condition, as recorded on the *OneGov* database record of the liquor licence for the Premises dated 22 February 2016, states:

Patrons are only permitted to enter/exit the premises via the main entrance from Liverpool Road other than in the case of emergency.

356. The Authority is satisfied that a breach of the condition on the licence for the Premises numbered "3090" providing that patrons are only permitted to enter or exit the Premises via the main entrance from Liverpool Road other than in the case of emergency was detected by NSW Police on 29 July 2014, contrary to section 11(2) of the Act.
357. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E55105814, which describes observations of the Premises made by Ashfield Police on Tuesday 29 July 2014 (comprising part of Annexure 8 to the Application Letter).

358. The Authority is satisfied that a second breach of licence Condition "3090" was detected by NSW Police on 19 December 2015, contrary to section 11(2) of the Act.
359. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E60685141, which describes observations of the Premises made by Ashfield Police on Saturday 19 December 2015 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Constable Joseph Haklany from Ashfield Police dated 12 January 2016 (Annexure 26 to the Application Letter)
 - c) NSW Police Statement by Constable Keelin Woulfe from Ashfield Police dated 21 January 2016 (Annexure 27 to the Application Letter)
 - d) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
 - e) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 12 January 2016 (Annexure 29 to the Application Letter)
 - f) NSW Police Statement by Senior Constable Bao Tran from Ashfield Police dated 10 January 2016 (Annexure 30 to the Application Letter)
 - g) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
 - h) NSW Police Statement by Constable Alexei Baskakov from Ashfield Police dated 31 December 2015 (Annexure 32 to the Application Letter)
 - i) NSW Police Statement by Constable Brett Ackling from Ashfield Police dated 9 January 2016 (Annexure 33 to the Application Letter)
 - j) CCTV Log completed by Senior Constable Melia on 13 January 2016 briefly summarising the events that occurred on the Premises from 8:18pm on 18 December 2015 to 3:05am on 19 December 2015 (Annexure 36 to the Application Letter)
 - k) Still photographs taken by Senior Constable Lisa Latu from Ashfield Police, captured from CCTV footage of the Premises for 18 to 19 December 2015 (Annexure 37 to the Application Letter)
 - l) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter)
 - m) NSW Police Statement by Chief Inspector Jennifer Scholz from Ashfield Police dated 22 December 2015 (Annexure 56 to the Application Letter).
360. The Authority is satisfied that a third breach of licence Condition "3090" was detected by NSW Police on 27 December 2015, contrary to section 11(2) of the Act.
361. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E60472651, which describes observations of the Premises made by Ashfield Police on Sunday 27 December 2015 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
 - c) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
 - d) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 9 January 2016 (Annexure 39 to the Application Letter)

- e) NSW Police Statement by Constable Troy Delany from Ashfield Police dated 10 January 2016 (Annexure 40 to the Application Letter)
- f) NSW Police Statement by Senior Constable Erin Cunningham from Ashfield Police dated 10 January 2016 (Annexure 41 to the Application Letter)
- g) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter).

Two Breaches of Condition "4000"

362. This condition, as recorded on the *OneGov* database record of the liquor licence for the Premises dated 22 February 2016, states:

Signage is to be displayed at every entrance/exit to the premises so as to be clearly visible to patrons, advising patrons that they are to leave the area quickly and quietly and not to cause any disturbance to the neighbours.

363. The Authority is satisfied that a breach of the condition on the licence for the Premises numbered "4000" providing that signage is to be displayed at every entrance or exit to the Premises so as to be clearly visible to patrons, advising patrons that they are to leave the area quickly and quietly and not to cause any disturbance to the neighbours, was detected by NSW Police on 29 July 2014, contrary to section 11(2) of the Act.
364. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E55105814, which describes observations of the Premises made by Ashfield Police on Tuesday 29 July 2014 (comprising part of Annexure 8 to the Application Letter).
365. The Authority is satisfied that a second breach of licence Condition "4000" was detected by NSW Police on 8 November 2014, contrary to section 11(2) of the Act.
366. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E56778268, which describes observations of the Premises made by Ashfield Police on Saturday 8 November 2014 (comprising part of Annexure 8 to the Application Letter).

Two Breaches of Condition "4010"

367. This condition, as recorded on the *OneGov* database record of the liquor licence for the Premises dated 22 February 2016, states:

All liquor shall be opened by staff and no liquor shall be sold or supplied under the licence in unopened cans or bottles.

368. The Authority is satisfied that a breach of the condition on the licence for the Premises numbered "4010" providing that all liquor shall be opened by staff and no liquor shall be sold or supplied under the licence in unopened cans or bottles, was detected by NSW Police on 19 December 2015, contrary to section 11(2) of the Act.
369. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E60685141, which describes observations of the Premises made by Ashfield Police on Saturday 19 December 2015 (comprising part of Annexure 25 to the Application Letter)

- b) NSW Police Statement by Constable Joseph Haklany from Ashfield Police dated 12 January 2016 (Annexure 26 to the Application Letter)
- c) NSW Police Statement by Constable Keelin Woulfe from Ashfield Police dated 21 January 2016 (Annexure 27 to the Application Letter)
- d) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
- e) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 12 January 2016 (Annexure 29 to the Application Letter)
- f) NSW Police Statement by Senior Constable Bao Tran from Ashfield Police dated 10 January 2016 (Annexure 30 to the Application Letter)
- g) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
- h) NSW Police Statement by Constable Alexei Baskakov from Ashfield Police dated 31 December 2015 (Annexure 32 to the Application Letter)
- i) NSW Police Statement by Constable Brett Ackling from Ashfield Police dated 9 January 2016 (Annexure 33 to the Application Letter)
- j) CCTV Log completed by Senior Constable Melia on 13 January 2016 briefly summarising the events that occurred on the Premises from 8:18pm on 18 December 2015 to 3:05am on 19 December 2015 (Annexure 36 to the Application Letter)
- k) Still photographs taken by Senior Constable Lisa Latu from Ashfield Police, captured from CCTV footage of the Premises for 18 to 19 December 2015 (Annexure 37 to the Application Letter)
- l) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter)
- m) NSW Police Statement by Chief Inspector Jennifer Scholz from Ashfield Police dated 22 December 2015 (Annexure 56 to the Application Letter).

370. The Authority is satisfied that a second breach of licence Condition "4010" was detected by NSW Police on 27 December 2015, contrary to section 11(2) of the Act.

371. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:

- a) NSW Police COPS Report number E60472651, which describes observations of the Premises made by Ashfield Police on Sunday 27 December 2015 (comprising part of Annexure 25 to the Application Letter)
- b) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
- c) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
- d) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 9 January 2016 (Annexure 39 to the Application Letter)
- e) NSW Police Statement by Constable Troy Delany from Ashfield Police dated 10 January 2016 (Annexure 40 to the Application Letter)
- f) NSW Police Statement by Senior Constable Erin Cunningham from Ashfield Police dated 10 January 2016 (Annexure 41 to the Application Letter)
- g) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter).

One Breach of Condition "13300"

372. This condition, as recorded on the *OneGov* database record of the liquor licence for the Premises dated 22 February 2016, states:

The licensee must ensure that staff involved in the sale, supply or service of alcohol on the licensed premises do not consume alcohol whilst on duty.

373. The Authority is satisfied that a breach of the condition on the licence for the Premises numbered "13300" providing that the Licensee must ensure that staff involved in the sale, supply or service of alcohol on the licensed premises do not consume alcohol whilst on duty, was detected by NSW Police on 19 December 2015, contrary to section 11(2) of the Act.

374. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:

- a) NSW Police COPS Report number E60685141, which describes observations of the Premises made by Ashfield Police on Saturday 19 December 2015 (comprising part of Annexure 25 to the Application Letter)
- b) NSW Police Statement by Constable Joseph Haklany from Ashfield Police dated 12 January 2016 (Annexure 26 to the Application Letter)
- c) NSW Police Statement by Constable Keelin Woulfe from Ashfield Police dated 21 January 2016 (Annexure 27 to the Application Letter)
- d) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
- e) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 12 January 2016 (Annexure 29 to the Application Letter)
- f) NSW Police Statement by Senior Constable Bao Tran from Ashfield Police dated 10 January 2016 (Annexure 30 to the Application Letter)
- g) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
- h) NSW Police Statement by Constable Alexei Baskakov from Ashfield Police dated 31 December 2015 (Annexure 32 to the Application Letter)
- i) NSW Police Statement by Constable Brett Ackling from Ashfield Police dated 9 January 2016 (Annexure 33 to the Application Letter)
- j) CCTV Log completed by Senior Constable Melia on 13 January 2016 briefly summarising the events that occurred on the Premises from 8:18pm on 18 December 2015 to 3:05am on 19 December 2015 (Annexure 36 to the Application Letter)
- k) Still photographs taken by Senior Constable Lisa Latu from Ashfield Police, captured from CCTV footage of the Premises for 18 to 19 December 2015 (Annexure 37 to the Application Letter)
- l) Document entitled "Infringement Notice Table – Queen KTV" prepared by Senior Constable Thomas Melia from Ashfield Police (Annexure 51 to the Application Letter)
- m) NSW Police Statement by Chief Inspector Jennifer Scholz from Ashfield Police dated 22 December 2015 (Annexure 56 to the Application Letter).

Seven Breaches of Section 73(1)(a) of the Liquor Act 2007

375. The Authority is satisfied that on seven (7) separate occasions between September 2014 and January 2016, the Licensee permitted intoxication on the licensed premises, contrary to section 73(1)(a) of the Act.

376. The Authority is satisfied that a breach of section 73(1)(a) of the Act was detected by NSW Police in relation to the Premises on 8 September 2014.
377. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E57544582, which describes observations of the Premises made by Ashfield Police on Monday 8 September 2014 (comprising part of Annexure 8 to the Application Letter).
378. The Authority is satisfied that a second breach of section 73(1)(a) of the Act was detected by NSW Police in relation to the Premises on 9 May 2015.
379. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E58060519, which describes observations of the Premises made by Ashfield Police on Saturday 9 May 2015 (comprising part of Annexure 8 to the Application Letter).
380. The Authority is satisfied that a third breach of section 73(1)(a) of the Act was detected by NSW Police in relation to the Premises on 16 July 2015.
381. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E59375239, which describes observations of the Premises made by Ashfield Police on Thursday 16 July 2015 (comprising part of Annexure 8 to the Application Letter).
382. The Authority is satisfied that a fourth breach of section 73(1)(a) of the Act was detected by NSW Police in relation to the Premises on 29 November 2015.
383. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E60205843, which describes observations of the Premises made by Ashfield Police on Sunday 29 November 2015 (comprising part of Annexure 25 to the Application Letter).
384. The Authority is satisfied that a fifth breach of section 73(1)(a) of the Act was detected by NSW Police in relation to the Premises on 19 December 2015.
385. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E60685141, which describes observations of the Premises made by Ashfield Police on Saturday 19 December 2015 (comprising part of Annexure 25 to the Application Letter);
 - b) NSW Police Statement by Constable Joseph Haklany from Ashfield Police dated 12 January 2016 (Annexure 26 to the Application Letter);
 - c) NSW Police Statement by Constable Keelin Woulfe from Ashfield Police dated 21 January 2016 (Annexure 27 to the Application Letter);
 - d) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter);
 - e) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 12 January 2016 (Annexure 29 to the Application Letter);
 - f) NSW Police Statement by Senior Constable Bao Tran from Ashfield Police dated 10 January 2016 (Annexure 30 to the Application Letter);
 - g) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter);
 - h) NSW Police Statement by Constable Alexei Baskakov from Ashfield Police dated 31 December 2015 (Annexure 32 to the Application Letter);

- i) NSW Police Statement by Constable Brett Ackling from Ashfield Police dated 9 January 2016 (Annexure 33 to the Application Letter);
 - j) CCTV Log completed by Senior Constable Melia on 13 January 2016 briefly summarising the events that occurred on the Premises from 8:18pm on 18 December 2015 to 3:05am on 19 December 2015 (Annexure 36 to the Application Letter);
 - k) Still photographs taken by Senior Constable Lisa Latu from Ashfield Police, captured from CCTV footage of the Premises for 18 to 19 December 2015 (Annexure 37 to the Application Letter); and
 - l) NSW Police Statement by Chief Inspector Jennifer Scholz from Ashfield Police dated 22 December 2015 (Annexure 56 to the Application Letter).
386. The Authority is satisfied that a sixth breach of section 73(1)(a) of the Act was detected by NSW Police in relation to the Premises on 27 December 2015.
387. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E60472651, which describes observations of the Premises made by Ashfield Police on Sunday 27 December 2015 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
 - c) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
 - d) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 9 January 2016 (Annexure 39 to the Application Letter)
 - e) NSW Police Statement by Constable Troy Delany from Ashfield Police dated 10 January 2016 (Annexure 40 to the Application Letter).
388. The Authority is satisfied that a seventh breach of section 73(1)(a) of the Act was detected by NSW Police in relation to the Premises on 10 January 2016.
389. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E59782411, which describes observations of the Premises made by Ashfield Police on Sunday 10 January 2016 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Constable Ho Lee from Ashfield Police dated 13 January 2016 (Annexure 46 to the Application Letter)
 - c) NSW Police Statement by Constable Nickala Edye from Ashfield Police dated 11 January 2016 (Annexure 47 to the Application Letter).
390. The Authority notes, from the evidence or material before it, that the Licensee was neither spoken to by Police nor noted as being present at the Premises on any of the above occasions. However, the Authority is satisfied that the Licensee is vicariously liable for the offence under section 73(1)(a) of permitting intoxication on the licensed premises pursuant to section 149 of the Act.
391. The Authority further notes that there is no evidence or other material before the Authority to indicate that the Licensee or the Licensee's employees or agents took the steps set out in section 73(5) or section 73(5A) in relation to preventing intoxication on the Premises.

Breaches of Section 74(4) of the Liquor Act 2007

392. Section 74(4) states:

- (4) *An employee or agent of a licensee or a person (other than the licensee) in charge of licensed premises must not permit the possession or use on the licensed premises of any substance that the employee, agent or person suspects of being a prohibited plant or a prohibited drug.*

Maximum penalty: 50 penalty units.

393. The Authority has carefully considered the allegations made by the Applicant that the Business Manager, Ms Dania Xiao, in her capacity as an employee or agent of a licensee or a person (other than the licensee) who was in charge of licensed premises, permitted the possession or use on the licensed premises of a substance or substances suspected of being a prohibited drug, contrary to section 74(4) of the Act.
394. The Authority is satisfied that the Licensee was not recorded as present on the Premises on any of these occasions. A persistent feature of the evidence or material provided by Police is that the Licensee is absent from the Premises, which of itself raises serious concerns as to whether the Licensee has managed the risks associated with the operation of a late trading licensed business whose primary purpose is the provision of live entertainment.
395. The Authority notes that the evidence or material before the Authority as to prohibited drugs on the Premises in some cases foreshadows that testing of the substances suspected by Police of being prohibited drugs that were found on the Premises would be conducted, but the outcome of such testing has not been provided in the Application Material.
396. However, giving some weight to the experience of Police in identifying the appearance of substances reasonably suspected to be cocaine, methylamphetamine and GHB and their experience in dealing with persons exhibiting symptoms and behaviours associated with use of those drugs, the Authority is satisfied that the *uncontested* allegations of the detection by Police of substances suspected to be those prohibited drugs and patrons exhibiting symptoms of prohibited drug use (as the case may be) on or near the Premises are established. The question of whether the Applicant has established *permission* of the use or possession of those prohibited drugs is discussed below.
397. The Authority is satisfied that on 8 November 2014, Police detected evidence of possession, on the Premises, of substances suspected to be cocaine and methylamphetamine. The Authority notes that, when questioned, the Business Manager, two employees of the licensed business and an alleged customer who were on the Premises at the time of this incident denied any knowledge of drug possession or use on the Premises. The Authority is satisfied that cocaine was detected at a rear entrance to the Premises but the methylamphetamine was found *inside a desk at reception* – the latter strongly supporting an inference of the permission by staff or agents of the Licensee for prohibited drugs being kept on the Premises.
398. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E56778268, which describes observations of the Premises made by Ashfield Police on Saturday 8 November 2014 (comprising part of Annexure 8 to the Application Letter).

399. The Authority is satisfied that on 29 November 2015, a patron had consumed GHB on the Premises and was detected in the throes of a suspected GHB overdose just outside the Premises.
400. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and NSW Police COPS Report number E60205843, which describes observations of the Premises made by Ashfield Police on Sunday 29 November 2015 (comprising part of Annexure 25 to the Application Letter). The Authority notes that there is no evidence before the Authority as to whether the Business Manager or staff or agents of the Licensee were questioned in relation to this suspected drug overdose, or whether the Business Manager or staff or agents of the Licensee had been present in the same areas as the drug affected patron at the time of this incident.
401. The Authority is satisfied that on 19 December 2015, Police detected evidence of the possession and/or use, in various areas of the Premises, of substances suspected to be cocaine, GHB and methylamphetamine.
402. The Authority notes that the Business Manager and security guards, being employees or agents of the Licensee, again denied any knowledge of drug possession or use inside the licensed premises in relation to this incident.
403. However, the Authority is satisfied that in the bar area of the Premises, a male patron supplied a suspected prohibited drug (shots laced with GHB) to other patrons and this occurred in front of security personnel and staff, and this male patron also supplied a staff member with a suspected prohibited drug (a shot laced with GHB) which the staff member consumed in front of security personnel.
404. The Authority is satisfied that in a separate room on the Premises, on that same date, another patron was detected as consuming substances suspected to be cocaine in front of persons who were likely to be either employees or agents of the Licensee.
405. The Authority is further satisfied that evidence of substances suspected to be cocaine, GHB and methylamphetamine and various paraphernalia associated with the use of those substances were detected in the function room area of the Premises.
406. The Authority makes these findings on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E60685141, which describes observations of the Premises made by Ashfield Police on Saturday 19 December 2015 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Constable Joseph Haklany from Ashfield Police dated 2 January 2016 (Annexure 26 to the Application Letter)
 - c) NSW Police Statement by Constable Keelin Woulfe from Ashfield Police dated 21 January 2016 (Annexure 27 to the Application Letter)
 - d) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
 - e) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 12 January 2016 (Annexure 29 to the Application Letter)
 - f) NSW Police Statement by Senior Constable Bao Tran from Ashfield Police dated 10 January 2016 (Annexure 30 to the Application Letter)
 - g) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
 - h) NSW Police Statement by Constable Alexei Baskakov from Ashfield Police dated 31 December 2015 (Annexure 32 to the Application Letter)

- i) NSW Police Statement by Constable Brett Ackling from Ashfield Police dated 9 January 2016 (Annexure 33 to the Application Letter)
 - j) CCTV Log completed by Senior Constable Melia on 13 January 2016 briefly summarising the events that occurred on the Premises from 8:18pm on 18 December 2015 to 3:05am on 19 December 2015 (Annexure 36 to the Application Letter)
 - k) Still photographs taken by Senior Constable Lisa Latu from Ashfield Police, captured from CCTV footage of the Premises for 18 to 19 December 2015 (Annexure 37 to the Application Letter)
 - l) NSW Police Statement by Chief Inspector Jennifer Scholz from Ashfield Police dated 22 December 2015 (Annexure 56 to the Application Letter).
407. The Authority is satisfied that on 27 December 2015, Police detected evidence of the possession and/or use of substances suspected to be cocaine and methylamphetamine in karaoke rooms on the Premises.
408. The Authority makes this finding on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E60472651, which describes observations of the Premises made by Ashfield Police on Sunday 27 December 2015 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Sergeant Melanie Leaity from Ashfield Police dated 2 January 2016 (Annexure 28 to the Application Letter)
 - c) NSW Police Statement by Constable Jamie Thompson from Ashfield Police dated 11 January 2016 (Annexure 31 to the Application Letter)
 - d) NSW Police Statement by Constable Andrew Couch from Ashfield Police dated 9 January 2016 (Annexure 39 to the Application Letter)
 - e) NSW Police Statement by Constable Troy Delany from Ashfield Police dated 10 January 2016 (Annexure 40 to the Application Letter)
 - f) NSW Police Statement by Senior Constable Erin Cunningham from Ashfield Police dated 10 January 2016 (Annexure 41 to the Application Letter).
409. There is no direct evidence before the Authority as to whether the Business Manager or staff or agents of the Licensee were questioned in relation to the detection of prohibited drugs on this occasion, or whether the Business Manager or staff or agents of the Licensee had been present in the same areas of the Premises as where the drugs located on the Premises had been used on those occasions.
410. The Authority is satisfied that on 2 January 2016, Police detected an unknown white solid powder substance suspected of being a prohibited drug in a karaoke room on the Premises [the Authority notes that Police do not specify what drug they suspect the white solid powder substance of being]. The Authority notes that the Business Manager denied any knowledge of drug possession or use inside the Premises in relation to this incident.
411. The Authority makes these findings on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E59004030, which describes observations of the Premises made by Ashfield Police on Saturday 2 January 2016 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Constable Ho Lee from Ashfield Police dated 13 January 2016 (Annexure 43 to the Application Letter)
 - c) NSW Police Statement by Constable Anthony Cincotta from Ashfield Police dated 9 January 2016 (Annexure 44 to the Application Letter)

- d) NSW Police Statement by Sergeant Katie Gittoes from Ashfield Police dated 11 January 2016 (Annexure 44 to the Application Letter).
412. There is no direct evidence before the Authority as to whether the Business Manager or staff or agents of the Licensee had been present in the same areas of the Premises where the drugs were located on the Premises on this occasion.
413. The Authority is satisfied that on 10 January 2016, Police detected evidence of possession and/or use of substances suspected to be cocaine and GHB in the VIP Lounge area and karaoke room "999" on the Premises. The Authority notes that the Business Manager denied any knowledge of drug possession or use inside the Premises in relation to this incident.
414. The Authority makes these findings on the basis of the Application Letter dated 5 February 2016 and the following evidence or material provided by the Applicant:
- a) NSW Police COPS Report number E59782411, which describes observations of the Premises made by Ashfield Police on Sunday 10 January 2016 (comprising part of Annexure 25 to the Application Letter)
 - b) NSW Police Statement by Constable Ho Lee from Ashfield Police dated 13 January 2016 (Annexure 46 to the Application Letter)
 - c) NSW Police Statement by Constable Nickala Edye from Ashfield Police dated 11 January 2016 (Annexure 47 to the Application Letter).
415. There is no direct evidence that the Business Manager or staff or agents of the Licensee had been present in the same areas of the Premises as where the drugs located on the Premises were used on this occasion.

Has there been, or is there likely to be "permission" by a relevant person of the possession, use or supply of prohibited drugs on the Premises?

416. The Authority notes that in relation to all of the above six occasions, there is no evidence, submissions or other material before the Authority to establish the defence for permitting the possession, use or sale of prohibited drugs on licensed premises that is available under section 74(5) of the Act.
417. For the purposes of this decision, the Authority does not require a conviction to be recorded against the licensee or other relevant person under section 74 of the Act or an admission to such offence by a licensee or another relevant person in order to be satisfied that a closure order is necessary.
418. The purpose of section 84 of the Act is to protect the public interest in respect of the *Liquor Act*. The public interest is informed by relevant offence provisions in the Act and the statutory objects and considerations prescribed by section 3 of that Act. Findings may be made by the Authority, on the civil standard of proof, albeit with due care taken in light of the seriousness of the allegations made.
419. When issuing a closure order, the Authority is exercising a protective, not punitive administrative power. The Authority is not purporting to find, on the criminal standard of proof, that a criminal offence has occurred. It is required to be satisfied, to the civil standard of proof, that a serious breach of the Act either has occurred, or is likely to occur.
420. The allegation of permitting the use or possession of prohibited drugs under section 74(4) of the Act does not only require evidence that the substance in question is found

on the Premises and suspected to be a prohibited drug. The offence is established when a relevant person (an employee or agent of the licensee) *permits* the use, sale or supply of substances suspected to be a prohibited drug on the licensed premises.

421. The Authority notes that the Business Manager, Ms Dania Xiao denies permitting the possession and/or use of substances suspected of being a prohibited drug (alleged to be cocaine, methylamphetamine and/or GHB) on the Premises contrary to section 74(4) of the Act. Other staff or agents, when questioned, have also denied knowledge of the prohibited drugs detected by Police on the Premises or patrons apparently affected by prohibited drugs that have been detected by Police.
422. While the Act does not define what "permission" by a licensee or agent of a licensee entails for the purposes of section 74 of the Act, the following guidance may be obtained from the common law:

*A person cannot permit a thing to be done unless it is done with his or her knowledge (**Somerset v Wade** [1894] 1 QB 574; [1891-4] All ER Rep 1228) but knowledge includes the state of mind of an individual who shuts their eyes to the obvious and allows their servant to do something in the circumstances where a contravention is likely, not caring whether a contravention takes place or not (**Goldsmith v Deakin** (1933) 150 LT 157; [1933] All ER Rep 102; **Prosser v Richings** [1936] 2 All ER 1627; **Churchill v Norris** (1938) 158 LT 255).*

*If the person delegates authority to a servant or agent, then they are liable if the person in charge knows, connives at or wilfully shuts their eyes to the illegal act, or but for gross negligence ought to have known of the illegal act: **Bosley v Davies** (1875) QBD 84; **Redgate v Haynes** (1876) 1 QBD 89; **Emary v Nolloth** [1903] 2 KB 264; [1900-3] All ER Rep 606. In **Allen v Whitehead** [1930] 1 KB 211; [1929] All ER Rep 13, it was held that inasmuch as the knowledge of the manager must be imputed to the employer.*

*In **Adelaide City Corp v Australasian Performing Right Assoc Limited** (1928) 40 CLR 481; 34 ALR 127; 2 ALJR 35, Knox CJ said at 487:*

Indifference or omission is "permission" within the plain meaning of that word where the party charged (1) knows or has reason to anticipate or suspect that the particular act is to be or is likely to be done, (2) has the power to prevent, (3) makes the fault in some duty of control or interference arising out of the circumstances of the case, and (4) thereby failed to prevent it. Knowledge of something likely to be done in the future may suffice, at least if that knowledge rises to the level of "shutting one's eyes to the obvious".

*In **Chappel v A Ross & Sons Pty Limited** [1969] VR 376, Winneke CJ and Smith J said at 382: [Permitting] is not only a right or capacity on the part of the permittor to prevent the contravention, but also a state of mind amounting to consent to, or acquiescence in, the contravention. And consent or acquiescence must include an element of knowledge or foresight. Actual knowledge of the contravention is being or will be committed would plainly be sufficient. Likewise, we think a belief that a contravention is highly likely or probable would suffice. The weight of judicial authority, in our opinion, supports this view. For these reasons, "permission", in our opinion, cannot be equated with a careless or negligent failure to prevent a contravention.*

423. A question of statutory interpretation arises as to whether the words "employee" and "agent" as they appear in subsections 74(3)(b) and 74(4) of the Act simply mean an employee or an agent or whether they should be taken to mean "employee in charge of the licensed premises" or "agent in charge of the licensed premises".
424. While the issue is not without doubt, it is the Authority's previously stated view that an employee or agent does not also have to be in charge of the licensed premises for the offence to be committed.
425. In the Authority's view, the purpose of this provision is to capture the conduct of persons who are not in charge of licensed premises and permit the relevant conduct to occur. The use of "agent" addresses the prospect of an independent contractor, such as a security

guard, engaging in the proscribed conduct while not actually in charge of the licensed premises.

426. The Authority is satisfied, on the balance of probabilities, that the Business Manager, Ms Dania Xiao, or staff or agents of the Licensee, have more likely than not *permitted* (in the relevant sense) the possession and/or use of substances suspected of being a prohibited drug, being cocaine, methylamphetamine, and/or GHB on the Premises contrary to section 74(4) of the Act.
427. Notwithstanding the lack of any admission by Ms Xiao or other staff, the Authority has reached this conclusion on the basis of the ease by which Police were able to detect the presence of substances suspected to be prohibited drugs on the Premises on those occasions, the modest size and patron capacity of the venue, and the presence of the Business Manager on the Premises when Police attended and detected those substances.
428. While the Authority has taken into account that the layout of a karaoke venue (which typically has individual rooms enabling groups to have some privacy) may be a factor that provides some scope for privacy by patrons at various times, the Authority is satisfied, albeit on the basis of circumstantial evidence, that staff or agents of the Licensee have more likely than not been wilfully blind to the possession and/or use of prohibited drugs by patrons on the Premises.
429. On one occasion, a prohibited drug (methylamphetamine) was detected hidden in an empty cigarette packet located in a drawer of the front reception desk utilised by staff of the Premises, on 8 November 2014.
430. There have also been occasions when Police have observed or obtained evidence that staff or agents of the Licensee were in the rooms in which evidence of prohibited drugs was detected, particularly on 19 December 2015 when staff members and security personnel were present in the function room when a patron supplied shots laced with GHB to other patrons, and when a patron in a karaoke room used cocaine in front of a staff member who was present in the room.
431. The absence of the Licensee from the Premises and the apparent laxity and absence of any substantive controls or systems to ensure the supervision of the Premises and compliance with even the most basic licensing requirements provides further support for an inference that patrons were not likely to have been subject to reasonable supervision while on the Premises to address the regulatory risks associated with the operation of this venue, whether in respect of the responsible service of alcohol or the control of prohibited drugs.
432. This permissive environment established from the multiple regulatory failings demonstrated with regard to a range of licensing requirements (not limited to the control of drugs) further supports an inference that Ms Xiao and other staff and agents of the Licensee were more likely than not shutting their eyes to the obvious – that patrons were using or supplying prohibited drugs in the karaoke rooms and in other areas of the Premises with some regularity.

Approach to Reaching Satisfaction as to Serious Breach of the Act

433. In *Elcham & Anor v Commissioner of Police & Ors* [2001] NSWSC 614, an appeal arising from a Short Term Closure Order issued in respect of the former *Embassy* nightclub in Double Bay, his Honour O’Keefe J made the following observations on the use of circumstantial evidence (at paragraph 63):

*Whilst a single act, event or circumstance may not of itself be sufficient to establish some other act, event or circumstance which must accompany the first act, event or circumstance if breach of a relevant law is to be established, the addition of further acts, events or circumstances may provide circumstantial evidence or material that may give rise to proof of knowledge or other relevant state of mind. In **Martin v Osborne** (1936) 55 CLR 367 it was said by Dixon J, with whom Latham CJ agreed, that:*

"If an issue is to be proved by circumstantial evidence, facts subsidiary to or connected with the main fact must be established from which the conclusion follows as a rational inference ... The circumstances which may be taken into account in this process of reasoning include all facts and matters which form constituent parts or ingredients of the transaction itself or explain or make intelligible the course of conduct pursued ... the class of acts and occurrences that may be considered includes circumstances whose relation to the fact in issue consists in the probability or increased probability, judged rationally upon common experience, that they would not be found unless the fact to be proved also existed." (supra at 375);

and:

"The repetition of acts or occurrences is often the very thing which makes it probable that they are accompanied by some further fact. The frequency with which a set of circumstances recurs or the regularity with which a course of conduct is pursued may exclude, as unreasonable, any other explanation or hypothesis than the truth of the fact to be proved." (supra at 276)

Is Closure of the Premises Necessary at this Time?

434. Section 84(2)(c) of the Act requires that the Authority be satisfied that closure of the Premises is necessary to prevent or reduce a significant threat or risk to the public interest.
435. In *Commissioner of Police v Ryan* [2007] NSWCA 196, an appeal against the issue of a Short Term Closure Order under the former *Liquor Act 1982* against the Royal Hotel in Moree, the NSW Supreme Court of Appeal made the following observations on the approach to be taken by a decision maker when discerning whether a closure order is "necessary":

*The terms upon which an order may be made under either ss 104A or 104C [of the former *Liquor Act 1982*] provide a clear indication that closure of the premises must be "necessary" to prevent or reduce a significant threat or risk to the public interest, as defined. In **Elcham v Commissioner of Police** (2001) 53 NSWLR 7, O'Keefe J held that "necessary" was to be understood as engaging a power to make orders which are reasonably required in order to accomplish the specific protective purposes identified: at [47]-[60], adopting a meaning "by reference to concepts of reasonableness, commonsense and appropriateness to the accomplishment of the relevant statutory purpose" (at [56]), as explained in **Pelechowski v Registrar**, Court of Appeal (NSW) (1999) 198 CLR 435 at 452 (Gaudron, Gummow and Callinan JJ), as well as other authorities to similar effect. This approach was not challenged in the present appeal and should be accepted.*

*The relevant purpose is sufficiently described as protective of the public interest or as preventative of harm to the public interest. Effectuating the purpose requires a prediction as to the existence and extent of a relevant threat or risk to the public interest. That evaluation may be based on a satisfaction that a serious breach of the *Liquor Act* has occurred in the past, or that such a breach is likely to occur in the future, on the premises. The threats may involve, but are not limited to, threats to public health, safety or the environment. Relevant risks may include (but are not limited to) the risk of substantial damage to property, or of serious offences being committed on the premises.*

436. The Authority is satisfied that closure of the Premises is necessary to prevent or reduce a significant threat or risk to the public interest, being a threat to public health or safety arising from the failure to observe legislative controls as to the responsible service of alcohol, including basic requirements as to observance of licensed trading hours, controls mandated by licence conditions and the permission of intoxication on licensed premises.

437. In the alternative, the Authority is satisfied that closure of the Premises is necessary to prevent or reduce a significant threat or risk to the public interest, being the permission of the possession and/or use of suspected prohibited drugs on the licensed premises.
438. The Authority notes that the possession and use of prohibited drugs is punishable under section 21 of the *Drug Misuse and Trafficking Act 1985* by a maximum penalty of two years' imprisonment in the case of a summary prosecution, with considerably greater maximum terms of imprisonment available in the case of a prosecution that proceeds by way of indictment.
439. The threat or risk to the public interest is compounded by a manifest lack of supervision demonstrated by the Application Material and a repeated failure by those persons responsible for the conduct of the licensed business, including the Licensee, Business Manager and other staff to ensure compliance with numerous conditions of the licence, or even compliance with such fundamental requirements that the Premises not sell or supply of liquor outside of its licensed trading hours.
440. The Authority is satisfied that the breaches of section 9 and section 73 of the Act that have been established on the material before the Authority constitute serious breaches of the Act, for the purposes of section 84(2)(c).
441. The Authority is satisfied that the breaches of section 11(2) in respect of conditions requiring observance of a *Plan of Management*, and particularly conditions requiring security guards and operational CCTV systems are serious breaches of the Act.
442. Similarly, breaches of conditions requiring that the Licensee or staff of the licensed business do not consume liquor whilst on duty, or that liquor not be served in unopened containers, are serious matters going to the responsible service of alcohol and ensuring that the business operates within the scope of an on-premises licence.
443. While other regulatory controls, such as requirements that staff display name tags, may not be serious breaches if occurring in isolation, the repetition of this conduct, designed to ensure who is actually working for the business and whether they are exercising control over the venue, in this case rises to a serious breach of section 11(2) of the Act.
444. Given the cumulative consideration of the serious breaches, the lack of proper management and supervision and the blatant disregard for compliance with conditions of the licence that have been established by this Application, the preferable order to prevent or reduce the identified threat to the public interest is that the Premises be closed for a period of six months.
445. The Authority has little confidence that the persons associated with this business or the patrons frequenting the Premises will conduct themselves in a manner that does not ensure that the issues of intoxication and prohibited drug use will not re-occur in the short to medium term.
446. In its brief submissions dated 1 April 2016, made after a 14 day extension of time to make submissions (which the Authority notes were not accompanied by the requested explanatory statutory declarations) the Business Owner contends that it is planning to sell the business to an "arm's length" purchaser.
447. In a very late further submission filed on 13 April 2016, being the date that the Authority Board met to consider this matter (and contrary to the Authority's request that submissions be made no later than 5 April 2016) the Business Owner advised that it is in the process of selling the business to Redkuan Pty Limited. The Business Owner states

that while contracts have not yet been exchanged, it is anticipated that an exchange will be effected "within the next 5 business days".

448. Attached to the Business Owner's submission of 13 April 2016 is a draft agreement for the sale of the Queen KTV licensed business from the Vendor, MY FANTASY Pty Limited (ACN 167 340 347) to the Purchaser, Redkuan Pty Limited (ACN 610 951 936), with Mr Albert Bi acting as Guarantor.
449. The Authority has considered the *possibility* of a change of business ownership, noting that no contracts have actually been exchanged. A change of business ownership, were it to occur, would require a searching examination of all natural and corporate persons associated with the Business Owner or the Premises Owner for the Authority to be satisfied that it is in fact an arm's length sale, and if so, that the risk posed by the recent conduct on the Premises has abated.
450. On the material before it, the Business Owner has not provided the Authority with any degree of confidence that the threat or risk to the public interest has been removed or reduced or that a change of ownership will necessarily bring about any change in the method of operation of the business or provide a reason for not issuing a Long Term Closure Order.
451. The power under section 84 of the Act applies in respect of a licensed *premises*. While changes in personnel or business ownership may be relevant to an assessment of the risk of the continued operation of a licensed premises, a potential change in business ownership or licensee will not be conclusive as to whether a threat to the public interest will not be perpetuated by the *culture* of patrons who attend the Premises.
452. The Authority has considered that part of the Application whereby Police suggest that the closure order be made subject to conditions, which, if satisfied, may enable the business to reopen before the 6 months closure period elapses.
453. The conditions were suggested by Police in a somewhat open-ended manner, as a fall-back position to the primary application that the Premises be ordered to close for a period of six months.
454. It is apparent that some considerable further investigation would be required to ascertain the viability of the suggested conditions in their present form. The Authority has received little by way of a substantive response from the Business Owner to the issues raised in the Application, nor has the Business Owner addressed the viability of these suggested conditions.
455. The serious breaches of the Act found by the Authority are such that the Authority is not satisfied that imposing the proposed conditions will ameliorate the threat to the public interest within a reasonable period of time.
456. Even assuming that a sale of the business and transfer of licence will occur at some time in the near future (an outcome which is not assured), it is not apparent from the material before the Authority how a change of business owner or licensee, or satisfaction of the suggested conditions, would ameliorate the significant threat or risk to the public interest driven by the conduct of persons who patronise the Premises, which may well continue to operate as a late trading licensed karaoke venue.
457. On the material before it, the Authority is satisfied that the regulatory response that will best protect the public interest is to close the Premises for a period of six months.

458. Noting that the advertised opening time of the business on the Premises is 9:00pm, the Authority orders that the Premises be closed from 9:00pm on Friday 15 April 2016.

ORDER

459. The Authority orders, pursuant to section 84(1) of the *Liquor Act 2007* that the licensed premises currently trading as "Queen KTV – Ashfield", located at Level 1, 283-285 Liverpool Road, Ashfield NSW 2131 be closed for a period of **six (6) months** from **9:00pm on Friday 15 April 2016**.

460. The Authority requests the Applicant to hand deliver this decision and Order to the Premises, bringing it to the immediate attention of the Licensee or person apparently in charge of the Premises.

Yours faithfully



Micheil Brodie
Chief Executive

15 APR 2016

for and on behalf of the Independent Liquor and Gaming Authority