



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
13th Assembly

Petition

Registration No.	Petition 28
Title	Excessive noise from the PINT Club
Presented on	Tuesday 30 October 2018
Presented by	Member for Sanderson (Mrs Kate Worden MLA)
Referred to	Attorney-General and Minister for Justice and to the Social Policy Scrutiny Committee for consideration to debate
Assembly debate	If the Committee recommends the Petition be debated it will appear on the Notice Paper
Date referred	30 October 2018
Response due	19 March 2019
Response received	29/11/18
Response presented	29/11/18

Petition

The Northlake Estate neighbourhood has been subjected to excessive noise from the PINT Club. We request the Minister responsible to take appropriate action.

Response

The PINT Club Incorporated (the PINT Club) holds a liquor licence and operates premises at Marrara pursuant to the Liquor Act (the Act). The PINT Club is in the vicinity of Northlakes Estate, residents of which are the petitioners.

It is understood that at least some of the petitioners have brought concerns relating to the operation of the PINT Club to the attention of Northern Territory Police, the Department of Infrastructure, Planning and Logistics (DIPL), the Northern Territory Fire and Rescue Service (NTFRS), the Northern Territory Environment Protection Authority (NTEPA) and the Ombudsman NT.

Complaints relating to the operation of licenced premises in the Northern Territory are ordinarily dealt with pursuant to Part VII of the Act. I am advised that since June 2017, various concerns in relation to the operation of the PINT Club have been brought to the attention of the Director-General of Licensing (the Director-General), an independent statutory officer who has engaged with the licensee in accordance with the Compliance and Enforcement Policy applicable to the operations of Licensing NT, and has also accepted several complaints pursuant to section 68(3)(a) of the Act.

The grounds for a complaint or disciplinary action are specified in section 67(3) of the Act, with the process for lodgement, investigation and determination of complaints provided in section 68 of the Act.

The petition read on 30 October 2018 references *inter alia*, the petitioners' feelings of discomfort and intimidation in relation to participating in formal proceedings stating that they '... feel confronted by a process that requires us to swear to a formal complaint in order for our legitimate complaints to be considered by Licensing NT and find the prospect of having to participate in public legal proceedings very intimidating. ...'

A complainant for the purpose of the Act is the liquor inspector who, having undertaken preliminary inquiries to ensure that a matter complained of is not frivolous, vexatious or without grounds, has lodged a complaint with the Director-General in accordance with the requirements of section 68(2) of the Act.

Statements, documents and other material provided by informants and other witnesses will form part of the brief of evidence to be considered by the Director-General when determining the complaint in accordance with section 68(5) of the Act. Following investigation, the Director-General must dismiss the complaint (section 68(5)(a) refers) or take one of the following actions:

- give the licensee a formal warning;
- issue an infringement notice;
- enter into an enforceable undertaking with the licensee; or
- refer the complaint to the Liquor Commission (the Commission) for disciplinary action to be taken against the licensee.

Referral to the Commission is one of the options available to the Director-General, and only if she is satisfied that disciplinary action is warranted.

Should any or all of the matters relating to the operation of the PINT Club be referred to the Commission to take disciplinary action, the Commission may inform itself as to any matter it sees fit and may require witnesses to attend the hearing and provide information. However, that is a matter for the Commission to independently determine.

Hearings conducted by the Commission are open to the public and any person may attend to observe proceedings. However, only those persons who, have standing under section 52 of the Act are entitled to participate in proceedings. That being the case, the petitioners are not required to attend Commission hearings unless they are required by the Commission.

The petitioners indicate that the noise from the PINT Club has adversely impacted on their lives. The petition notes an expectation that information provided to investigators '... would be believed by the Investigating Officers of Licensing NT and could be taken into account by the Liquor Commission in hearing the complaint. ...'

Information provided to investigators by witnesses is taken into account by the decision maker in determining a complaint. However, investigators are bound to obtain and present all material evidence or information relevant to the complaint, not just that of complainants, to ensure integrity, impartiality and transparency in investigative processes.

The complaints accepted pursuant to section 68(3)(a) of the Act which relate to operation of the PINT Club are currently being considered by the Director-General.

In addition to the processes outlined under the Act which provide for action to be taken against licensees, residents may also pursue complaints under the Summary Offences Act which permits police members to issue directions as to the noise and also provides for various offences relating to causing or failing to stop undue noise.

The petitioners' concerns are noted. The matters of concern are presently being considered by the Director-General pursuant to the Act.

Advice as to the progress or determination of complaints will be provided to affected persons in due course