

Decision Notification

Application Details

Application no.	215592
Licence No.	57104148
Licence Class	On Premises
Premises Name	MANIAX Adelaide
Premises Address	33-34 Port Road THEBARTON SA 5022
Licensee	Maniax Adelaide Pty Ltd
Application Type	Variation to Conditions (Upgrade)

Outcome

Decision	Refused
Effective Date	10 Aug 2022

Reasons for Decision

In reaching my determination, I have had regard to the objects of the *Liquor Licensing Act 1997*.

Maniax Adelaide Pty. Ltd. has sought to remove the following condition from its on premises licence “Liquor shall only be sold or supplied to persons who are not involved in axe throwing or have completed their involvement in axe throwing”.

The Commissioner of Police lodged an intervention against the application on public interest grounds and in particular, public order and safety. Police are of the opinion that there would be a risk to the personal safety of members of the public or an apprehension of danger if the condition were removed from the licence.

The Commissioner of Police referred to other Maniax venues across Australia which were subject to a similar conditions limiting the consumption of liquor to persons not involved in axe throwing.

The Applicant advised that the basis for its application was to create uniformity for its venues across the country, and ideally to permit customers to consume liquor prior to, and during the course of axe throwing, rather than waiting until the completion of the activity.

I refer to my order B227795 dated 15 July 2020 which provides a description of the business conducted under the licence as well as the reasons for granting the licence with particular conditions imposed. I have since attended the premises together with a police representative in order to gain a better understanding of the operation of the business in light of the current application.

The applicant has provided some material in support of its application including a survey of staff and customers, as well as a letter from Queensland police. The police comments refer to the venue’s strict alcohol policy for participants, however does not elaborate on the restrictions of such policy, nor is it clear that the police are supportive of an unrestricted liquor licence for a venue of this nature. For these reasons I cannot put too much weight on the submissions of Queensland Police.

I have considered the survey material provided by the Applicant. In respect of the staff survey, I refer only to the responses from the 9 staff members at the Adelaide venue. The survey shows that some (5) staff experience patrons often, or regularly requesting liquor during their sessions. However, the other (4) staff members indicated they explain

the licence conditions to patrons at the commencement of their axe throwing session, and find that patrons do not then request liquor during the course of the session.

I found the results of the customer survey to be very important in the consideration of this application, particularly in the context of public interest. The Applicant's survey of 564 customers across Sydney, Melbourne, Adelaide and Perth, shows overwhelming support for the Applicant's proposal, with only 10% of respondents, answering 'no' to the question "Where currently you can't have any, would you like to be able to have a limited amount of alcoholic drinks during your axe-throwing session".

Whilst I do not want to rely entirely on the survey results, and the majority of Adelaide patrons do support the proposal, I note that of the 57 patrons who do not support the proposal, 25 are located in Adelaide and I cannot ignore the safety concerns raised by many of those patrons, including the following:

".....honestly it's not that hard to refrain from alcohol and drugs for a session time. People react to different amounts of alcohol in different ways I am in agreement with zero consumption until completed, especially novices and first time participants"

"It doesn't feel responsible to be drinking while axe throwing. I'm not sure I would be comfortable participating knowing that anyone else is"

I have given due consideration to the material provided by the Applicant and Police. I accept the Applicant's submission that the premises has operated safely and without incident since its inception, however, during that time, the licence as originally granted has not permitted the consumption of liquor until the completion of any axe throwing session. I share the public safety concerns raised by the police and a number of patrons, and have not been persuaded by the Applicant that it is in the public interest to permit the variation of condition as sought.

Accordingly the application is refused.

Under Delegation from the Liquor and Gambling Commissioner



Vicki Brunello
Hearings Delegate
10 Aug 2022