



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2020-194

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	31
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [EPSDFOI](#)
To: [CMTEDD FOI](#)
Cc: [Kuffner, Jane](#)
Subject: Full Transfer - Freedom of Information Request - RAMP Assembly Pub Liquor Licence Application
Date: Tuesday, 6 October 2020 12:43:17 PM

OFFICIAL

Good afternoon team

As discussed please see the below access application relating to a liquor licence application document.


Please confirm if the transfer is accepted in full.

Thank you

Angelina Aloisi | Freedom of Information and Records Officer
Environment, Planning and Sustainable Development Directorate | ACT Government
Phone: 02 6207 7912 | Email: Angelina.Aloisi@act.gov.au
Level 5, 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au
| www.planning.act.gov.au
Please consider the environment before printing this email

This email, and any attachments, may contain confidential information. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

-----Original Message-----

From: 
Sent: Thursday, 1 October 2020 2:20 PM
To: EPSDFOI <EPSDFOI@act.gov.au>
Subject: Freedom of Information Request

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madame,

I recently met with the Commissioner for Fair Trading to discuss the liquor licensing of the "Assembly Pub" in Lonsdale Street Braddon. In the course of discussion I requested a copy of the RAMP for the Assembly liquor license and was advised that I should lodge an FOI request.

The Assembly Pub was given a development approval (DA201834318) in late 2018. An Associated liquor license was applied for and subsequently approved by the Commissioner for Fair Trading. As part of the license application the applicant provided a RAMP and this is the document I am seeking under ACT Freedom of Information Legislation. I require this document as a key piece of evidence in a dispute with the ACT Government.

Thank you for your assistance in this matter.

Regards





ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2020-194



Dear 

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 6 October 2020, in which you sought access to:

- The Risk Assessment Management Plan (RAMP) for the public bar known as “Assembly” at 11 Lonsdale Street Braddon.

Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 3 November 2020 however, following on from third party consultations, the due date is now 24 November 2020.

Decision on access

Searches were completed for relevant documents and one document, being the RAMP, was identified that falls within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of the document that falls within the scope of your request and the access decision for that document.

I have decided to grant partial access to the RAMP. I have decided to refuse access to some of the information contained in the document as I consider it to be information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act;
- the content of the document that falls within the scope of your request;
- the *Human Rights Act 2004*;

Exemption claimed

My reasons for deciding not to grant full access to the identified document are as follows:

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the document found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within the document is within the ‘public interest’.

Factors favouring disclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (xiii) *contribute to the administration of justice generally, including procedural fairness.*

Having considered the factors identified as relevant in this matter, I consider that release of information contained in these documents may contribute to the administration of justice generally by allowing you to have a record of the documents associated with your access request.

Factors favouring nondisclosure in the public interest:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (ii) *prejudice the protection of an individual’s right to privacy or any other right under the Human Rights Act 2004;*
 - (iii) *prejudice security, law enforcement or public safety.*

In considering the factors favouring non-disclosure, I am satisfied that the protection of an individual's right to privacy, especially in the course of their employment or administering an establishment, is a significant factor as the parties involved have provided their personal information for the purposes of complying with legislated compliance which, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter. These individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Additionally, releasing the number of security guards on duty and the security camera plan would be reasonably expected to compromise public safety and security.

Having applied the test outlined in section 17 of the Act and deciding that release of personal and security information contained in the document is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Charges

Processing charges are not applicable for this request because the number of pages to be released to you is below the charging threshold of 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published on the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2020>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Philip Dachs
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
18 November 2020



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
The Risk Assessment Management Plan (RAMP) for the public bar known as "Assembly" at 11 Lonsdale Street Braddon.	CMTEDDFOI 2020-194

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-12	"Assembly" Risk Assessment Management Plan (RAMP)		Partial release	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(iii)	Yes
Total No of Docs						
1						

Risk Assessment Management Plan (RAMP)

RAMP Type *

Liquor licence

Application type *

New

Licence class *

On

Subclass *

Bar/Tavern

Particulars of licence/permit

Licensee *

[Redacted]

Trading name *

Assembly

Premises address line 1 *

11 Lonsdale St

Suburb *

BRADDON

State

ACT

Postcode *

2612

Premises phone number *

Schedule 2.2(a)(ii)

Email *

[Redacted]@assemblycbr.com.au

Details of person completing RAMP

Title

Mr

Given name *

[Redacted]

Family name *

[Redacted]

Phone number

Schedule 2.2(a)(ii)

Email *

[Redacted]@assemblycbr.com.au

Relationship to licence *

Licensee

Premises information

The licenced or permitted times proposed for the premises to supply liquor to the public: *

7am to

Days and times proposed for the premises to be open to the public: *

Same time for all days

Monday

Opening time *

Closing time *

Tuesday

Opening time *

Closing time *

Wednesday

Opening time *

Closing time *

Thursday

Opening time *

Closing time *

Friday

Opening time *

Closing time *

Saturday

Opening time *

Closing time *

Sunday

Opening time *

Closing time *

Premises safety

Compliance with the occupancy loading

The number of people in each public area at the premises will be counted, monitored and managed in the following manner: *

- Prominently displaying occupancy loading signage at or near the main entrance to the public area**
- Staff or security will count the number of patrons upon entry or exit of the premises**

Evacuation plan

An Emergency evacuation plan must be in place to ensure that people in each public area at the premises can be evacuated safely. *

- Describe emergency evacuation plan**
- Attach emergency evacuation plan**

Attach emergency evacuation plan *

File: Scan 5.jpeg

The following staff members at the premises are trained to implement the emergency evacuation procedures: *

- All staff members at the premises will be trained to implement the emergency evacuation procedures**
- Day to day control person**

Emergency exits

Number of exits from the premises *

3

The emergency exits of the premises must remain unimpeded at all times. This will be ensured by: *

- Staff regularly checking exits for objects stored in egress and removing them immediately**
- Displaying signage**

General and fire safety

The following general and fire safety procedures are in place for the premises: *

- Spills will be identified and cleaned immediately to avoid injury**
- Emergency exit lights will be maintained to ensure they illuminate during an emergency**
- Emergency evacuation plan in place for premises**
- Fire equipment will be kept on premises (e.g. extinguisher, hose, blanket)**

Premises lighting

Taking into consideration employee and patron safety during opening hours, the premises will be lit by: *

Fluorescent lighting

Downlights

Incandescent lighting

Street lights

Flood lights

Other

Describe *

Festoon
Pendant
Track

Responsible Service of Alcohol (RSA)

The kinds of liquor to be supplied at the premises

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Low-strength beer | <input checked="" type="checkbox"/> Mid-strength beer | <input checked="" type="checkbox"/> Full-strength beer |
| <input checked="" type="checkbox"/> Wine | <input checked="" type="checkbox"/> Spirits | <input checked="" type="checkbox"/> Cocktails |
| <input checked="" type="checkbox"/> Liqueurs | | |

Responsible service of liquor

The licensee/permit holder will ensure responsible service of liquor at the premises by: *

- Ensuring staff who serve liquor at the premises (and crowd controllers) undertake an ACT approved RSA training course
- Keeping a copy of the ACT approved RSA certificate
- Ensuring employees provide responsible service of liquor at the premises through adequate training
- Not providing liquor to persons who are intoxicated
- Checking identification and not providing liquor to persons who are under the age of 18 years
- Not supplying liquor in containers larger than 570ml if the liquor is intended to be consumed directly from the container
- Not promoting the sale of liquor for consumption at the premises at reduced prices, for more than 2 hours prior to midnight

Adults only areas

Has the Commissioner determined any adults-only areas for the premises? *

- Yes No

Children and young people are not to be within a designated adults-only area except in accordance with the *Liquor Act 2010*. This will be ensured by:

- Checking identification on entry
- Displaying 'adults only area' signage as required by the *Liquor Regulation 2010*

If children and/or young people are identified in a designated adults-only area in contravention of the *Liquor Act 2010* they will be dealt with and removed from the adults-only areas in the following manner: *

- Approached by staff who will try to locate parent or guardian
- Police will be contacted
- Incident will be recorded in liquor incident register
- Escorted from area by staff or security if required

Water availability

Licensee/Permit holder will make water available for consumption free of charge. *

Describe locations on premises where water is available and how the water is dispensed. *

Free water will be offered over both bars and at a specified water station area near the dining area.

Food Availability

Food will be available for purchase from the premises. *

Describe the types of food available

Attach menu

Describe *

The menu at assembly will be extensive. We will offer small, medium and large plates. A small sample of items is listed below:

Small:

Oysters
Kingfish Ceviche
Fried Chicken Ribs
Chips
Fatheads and Dips

Medium:

Burgers
Schnitzel
Parmigiana
Steaks

Large:

Full Rotisserie Chicken
Lamb Shoulder
Rump Cap
Vegan Board
Roast Veggie board

Late Night:

Rotisserie Meats and Fatheads (Kebabs Essentially)

Outside of normal meal hours, will food be available for purchase in sufficient quantity and quality to meet demand?

Yes

No

To provide food at the premises, you must obtain an [ACT Food Business Registration](#).

Please visit the [ACT Health website](#) or contact ACT Health - Health Protection Service on (02) 6205 1700 for further information.

Intoxication

Intoxicated people at the premises will be identified by: *

- The person's speech, balance, coordination or behaviour is noticeably affected and it is reasonable in the circumstances to believe that this is a result of the consumption of liquor.**

Intoxicated people at the premises will be dealt with in the following ways: *

- No further service of alcohol**
- Staff will offer water and food**
- Staff will assist intoxicated person to leave the premises safely/contact transport**
- Contact the police if required**
- Incidents will be recorded in liquor incident register**

Disorderly behaviour

Disorderly people at the premises will be dealt with in the following ways: *

- Approached by staff or security and asked to adjust behaviour**
- Asked to leave premises by staff or security if disorderly behavior continues after initial engagement**
- Contact the police if required**
- Incidents will be recorded in liquor incident register**

Security & surveillance

Security

Will crowd controllers be employed to work at the premises performing security activities? *

- Yes** **No**

Maximum number of crowd controllers that will be employed at the premises at any one time? *

Their responsibilities will be: *

- Checking identification** **Controlling entry and exit to premises**
 Counting occupancy loading **Removing disorderly patrons**
 Ensuring the safety of patrons

Times when crowd controllers are employed at the premises:

Starting time *

End time *

Procedure for ensuring crowd controllers are licensed:

- Licensee/permit holder will keep a record of security guards licences to ensure they remain valid ***
 All security staff working at the premises will complete a sign in register at the commencement of their shift *
 All security staff employed at the premises will hold a current RSA certificate *

Does the licensee/permit holder hold a Security master licence? *

- Yes** **No**

Surveillance

Will electronic video surveillance equipment (CCTV) or other monitoring devices be used at the premises? *

- Yes** **No**

Number of CCTV cameras installed at the premises: *

Describe locations that electronic video surveillance equipment will capture. *

Records will be stored for a minimum of 30 days *

- Yes** **No**

These records can be accessed by: *

- The licensee/permit holder** **Day to day control person**
 All staff employed at premise

These records will be stored and made available to the Commissioner, Investigators or Police in the following manner: *

- CD** **USB**

From: Schedule 2.2(a)(ii)
To: Wytkamp, Melissa
Subject: Fwd: SECURITY
Date: Tuesday, 4 June 2019 10:50:56 AM

FYI

Thanks

----- Forwarded message -----

From: Schedule 2.2(a)(ii) [@assemblycbr.com.au](mailto:Schedule 2.2(a)(ii)@assemblycbr.com.au)>
Date: Tue, 4 Jun 2019 at 10:46 am
Subject: SECURITY
To: Schedule 2.2(a)(ii) [@assemblycbr.com.au](mailto:Schedule 2.2(a)(ii)@assemblycbr.com.au)>

Hey Schedule 2.2(a)(ii),

Security is as follows,

Friday

5pm- Schedule 2.2(a)(iii)
6pm-
7pm-
9pm-

Saturday

6pm- Schedule 2.2(a)(iii)
7pm-
9pm-

Sunday

4pm- Schedule 2.2(a)(iii)
6pm-

Schedule 2.2(a)(ii)

M: Schedule 2.2(a)(ii)
E: Schedule 2.2(a)(ii) [@assemblycbr.com.au](mailto:Schedule 2.2(a)(ii)@assemblycbr.com.au)

[11 Lonsdale Street,](#)
[Braddon, Canberra 2612](#)

www.assemblycbr.com.au

--

Community impact

Public transport

Public transport is available near the premises in the form of: *

Bus, Taxi, or Uber

Will the licensee/permit holder (or staff) make a phone available for patrons to arrange transport if required? *

Yes

No

Noise produced by the premises

Will there be amplified entertainment provided at the premises? *

Yes

No

The licensee/permit holder will mitigate the noise from the premises in line with the noise standards identified in the *Environment Protection Regulation 2005*, by doing the following: *

Closing windows and doors at 10pm

Double glazed windows

Staff will use decibel readers to manage noise levels

Other

Awareness of the acceptable decibel levels for the premises: *

- Civic centre and other major town centres (Belconnen, Gungahlin, Woden and Tuggeranong)**
7am–10pm (8am–10pm Sunday and Public Holidays) = 60dB(A)
10pm–7am (10pm–8am Sunday and Public Holidays) = 50dB(A)

Impact of the premises on the amenity of the surrounding areas

Are there any places of worship, schools, residential areas or hospitals nearby? *

Yes

No

The impact of the premises on the amenity of the surrounding areas will be mitigated by doing the following: *

Ensure all glass or rubbish created by the premises is cleaned up promptly

Other procedures, practices and arrangements

Liquor accords

Is the licensee/permit holder a party to any liquor accords? *

Yes

No

Additional information

Is there any other relevant information for staff and crowd controllers in relation to other identified risks, and the procedures, practices and arrangements at the premises, to ensure harm is minimised and that community safety is maintained? *

Yes

No

Schedule 2.2(a)(iii)