



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Disclosure Log Publication Coversheet

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

Application Details	
Ref. No.	CMTEDDFOI 2024-016
Date of Application	16 January 2024
Date of Decision	18 March 2024
Processing time (in working days)	43
Fees	N/A
Decision on Access	Partial Release
Information Requested (summary)	Risk Assessment Management Plan (RAMP) for Cube Nightclub
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

From: no-reply@act.gov.au
To: [CMTEDD FOI](#)
Subject: Freedom of Information request
Date: Tuesday, 16 January 2024 3:57:03 PM

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. [Learn why this is important](#)

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field): The Risk Assessment Management Plan (RAMP) that was in place as at 3 September 2022 at Cube Nightclub Canberra, 33 Petrie Plaza, Canberra ACT 2601, operated by Cube Club Pty Ltd (ACN 654 734 611).

I do not want to access the following documents in relation to my request::

Thank you.
Freedom of Information Coordinator



FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

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 16 January 2024.

Specifically, you have sought access to the following information:

- *“The Risk Assessment Management Plan (RAMP) that was in place as at 3 September 2022 at Cube Nightclub Canberra, 33 Petrie Plaza, Canberra ACT 2601, operated by Cube Club Pty Ltd (ACN 654 734 611).”*

Authority

I am an Information Officer appointed by the CMTEDD Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application within 30 days.

As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the Act.

Therefore, a decision is due by **19 March 2024**.

Decision on access

Searches of CMTEDD records have identified one (1) document within the scope of your request.

I have decided to grant **partial access** to this one (1) document.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of the document that falls within the scope of your request and the access decision for each of those documents.

Release of documents

The information being released to you is provided at **Attachment B**.

Statement of Reasons

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- The ACT Ombudsman Freedom of Information Guidelines
- *The Liquor Act 2010*
- *The Human Rights Act 2016*

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in **Schedule 2** of the Act.

Exemptions claimed

Schedule 1 of the Act: Information taken to be contrary to the public interest.

There were no schedule 1 factors identified.

Public Interest Test

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest 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.

Schedule 2 of the Act: Factors to be considered when deciding the public interest.

Taking into consideration the information contained in the documents 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 these documents is within the ‘public interest’.

Factors favouring disclosure (Schedule 2, section 2.1 of the Act)

- *Section 2.1(a)(xi) - reveal environmental or health risks or measures relating to public health and safety.*

Disclosure of the information could reasonably be expected reveal environmental or health risks or measures relating to public health and safety. I find that the document that you have requested relates to risk assessment and management of risk that may impact on public safety.

The document within scope relates to legislative compliance with the *Liquor Act 2010* of a commercial venue located in the Territory.

I am satisfied that this factor favouring disclosure carries some weight. However, these factors are to be balanced against the factors favouring nondisclosure.

Factors favouring non-disclosure (Schedule 2, Section 2.2 of the Act)

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2016.*
- *Section 2.2(a)(iii) - prejudice security, law enforcement or public safety.*

I have found that disclosure of some of the information contained in the identified document could reasonably be expected to prejudice an individual's right to privacy and disclosure of the information could be prejudicial to security and public safety.

Under section 90A of the Liquor Act 2010:

"The commissioner must not make a risk-assessment management plan, or an approved risk-assessment management plan, for licensed premises or permitted premises available to anyone, other than the licensee or permit-holder, unless required to do so by this Act or another law in force in the Territory."

Having reviewed the information, I consider that the protection of an individual's right to privacy, is a significant factor. I note that during third party consultation, there was an objection to releasing some personal information in the attached document. Accordingly, I have made redactions to personal information to ensure compliance with the Act, the *Liquor Act 2010*, as well as section 12 (s12) of the *Human Rights Act 2016* (HR Act).

Under s12 of the HR Act, individuals have the right to not have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with or reputation unlawfully attacked. I believe releasing personal details in this instance could lead to an interference with these individuals' privacy.

A factor favouring nondisclosure under s 2.2(a)(iii) is that disclosure could reasonably be expected to prejudice security, law enforcement or public safety. The attached document contains information that I find may be prejudicial to the security of a third-party business if released. Therefore, I have given this factor moderate weight and decided not to release parts of the document where I find that there may be a risk to public safety, due to very specific information provided in that document.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents 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 released to you is below the charging threshold of 50.

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 and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

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 provided to you, 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
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 the Information Access Team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Katharine Stuart
Information Officer
Chief Minister, Treasury and Economic Development Directorate

18 March 2024



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) that was in place as at 3 September 2022 at Cube Nightclub Canberra, 33 Petrie Plaza, Canberra ACT 2601, operated by Cube Club Pty Ltd (ACN 654 734 611)."

CMTEDDFOI 2024-016

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-10	Access Canberra Document – Liquor – Risk Assessment Management Plan (RAMP) – New Application - Submission	27/01/2022	Partial release	Sch 2 s2.2 (a)(ii); Sch 2 s2.2 (a)(iii)	Yes
Total No of Docs						
1						

Liquor - Risk Assessment Management Plan (RAMP) - New Application - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

27 Jan 2022 12:21:01 PM

Reference code

Access Canberra

GPO Box 158
Canberra ACT 2601

Phone: (02) 6207 3000

Risk Assessment Management Plan (RAMP) - New Application

RAMP Type *

Liquor licence

Licence class *

On

Subclass *

Nightclub

Particulars of licence/permit

Licensee *

CUBE CLUB

Trading name *

CUBE THE NIGHTCLUB

Premises address line 1 *

33 Petrie Plaza

Suburb *

CITY

State

ACT

Postcode *

2601

Premises phone number *

Sch 2.2(a)(ii)

Email *

Sch 2.2(a)(ii)

Details of person completing RAMP

Title

Sch 2

Given name *

Sch 2.2(a)(ii)

Family name *

Sch 2.2(a)(ii)

Phone number

Sch 2.2(a)(ii)

Email *

Sch 2.2(a)(ii)

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

Tuesday

Wednesday

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**

Describe *

* Evacuation Diagrams are displayed in appropriate locations in the venue. The Evacuation Procedures are also located at the bar.

* Key personnel and crowd controller(s) will be provided with training in the use of evacuation plans and procedures for the venue. These plans and procedures have been developed by a qualified evacuation training provider.

* A manager on duty will undertake the role of Fire Warden and collaborate with the security-crowd control manager to oversight the evacuation of people in an emergency. They will be supported by the other crowd controllers and bar personnel. When possible, they will make announcements to patrons in emergency situations. They will be trained in the interpretation and use of:

- * Evacuation diagrams and exit doors,
- * Evacuation Procedures (that are kept at the bar venue)

They will work with crowd controllers to ensure the orderly and safe exit of patrons through the fire exit doors. They will escalate, communicate and collaborate with the ACT Fire Brigade.

* Key personnel will be provided with training and information on the implementation of evacuation plans and procedures for the venue; should an emergency situation arise. These plans have been developed by a suitably qualified evacuation training provider. The training covers the emergency plans and procedures as well as general fire safety procedures.

* All staff receive induction training prior to employment commencement that include the RAMP and the evacuation plans. Personnel will sign an acknowledgment that they have read the induction documents. The induction training includes: Understanding the evacuation diagrams and where they are located.

* A current list of key personnel will be available for AFP/AC at all times

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 *

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: *

- | | | |
|--|---|---|
| <input type="checkbox"/> Fluorescent lighting | <input checked="" type="checkbox"/> Downlights | <input type="checkbox"/> Incandescent lighting |
| <input type="checkbox"/> Street lights | <input type="checkbox"/> Flood lights | <input checked="" type="checkbox"/> Other |

Describe *

LED STRIP LIGHTING
NIGHTCLUB MOVING LIGHTS
BACKLIT LIGHTING THROUGHOUT

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"/> RTD (wine/spirits/mixers etc) | <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
- No more than four drinks will be supplied per person, per transaction

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
- Incidents will be reported in writing to the commissioner within 24 hours after the incident happened
- 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. *

There is a water station at the end of the bar that customers are able to freely use. Staff regularly clean and stock the station if required.
Tap water can also be provided upon request to any patron of the venue

Food Availability

- Food will be available for purchase from the premises. ***

Describe the types of food available

Attach menu

Describe *

Chip Packets and Lollipops

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? *



Sch 2.2(a)(iii)

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 *

Sch 2.2(a)(iii)

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**

I confirm that the security cameras installed at the premises capture images continuously and at a minimum rate of 6 frames per second *

Number of CCTV cameras installed at the premises: *

Describe locations that electronic video surveillance equipment will capture. *

The CCTV cameras are appropriately placed to cover Sch 2.2(a)(iii)

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 within 5 days of the request in the following manner: *

CD **USB** **Other**

Describe *

A Police representative/technician comes to the premises to obtain.

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