

**NORTHERN TERRITORY LIQUOR COMMISSION**  
**DECISION NOTICE**

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**MATTER:** APPLICATION FOR A LICENCE AND AUTHORITIES

**REFERENCE:** LC2020/025

**APPLICANT:** Jiggers & Tins Pty Ltd

**PREMISES:** Hanky Panky Lounge  
3/32 Mitchell Street  
DARWIN NT 0801

**LEGISLATION:** Section 47 and 52 of the *Liquor Act 2019*

**HEARD BEFORE:** Mr Richard Coates (Chairperson)  
Mr Bernard Dwyer (Health Member)  
Mr Christine hart (Community Member)

**DATE OF HEARING:** 21 July 2021

**DATE OF DECISION:** 21 July 2021

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**DECISION**

1. For the reasons set out below and in accordance with section 48 of the *Liquor Act 2019* (NT) (the Act) the Northern Territory Liquor Commission (the Commission) has determined to issue a licence to Jiggers & Tins Pty Ltd (the Applicant).
2. The licence will be issued with a small bar authority and late night authority permitting the licensee to sell liquor to patrons on or in the premises between the hours of 12:00 hours to 02:00 hours on the conditions set out in divisions 10 and 17 of the Liquor Regulations 2019 (the Regulations).
3. In accordance with section 85 of the Act, the term of the licence will be for 10 years from the date of issue of the licence.
4. The licence will be issued immediately following the publication of this decision notice however the licensee shall not commence trading until such time as it provides documentary proof to the satisfaction of the Director of Liquor Licensing (the Director) that it has obtained all the necessary planning and safety approvals in relation to the use of the premises as a small bar.

## **REASONS**

### **BACKGROUND THE APPLICATION**

5. An application was lodged by Ms Anneliese Grazioli on behalf of Jiggers & Tins Pty Ltd (the Applicant) seeking a new liquor licence with a Small Bar authority and Late Night authority. Payment of the application fee was made at the time of lodgement.
6. The Applicant is seeking a licence with proposed trading hours of:
  - 12:00 hours to 02:00 hours 7 days a week
  - All other trading conditions as per the Liquor Act and Liquor Regulations.
7. The Applicant is Jiggers & Tins Pty Ltd. This company is registered with ASIC where Anneliese Grazioli is listed as the Director. This company has 100 shares where Grazioli & Co Pty Ltd own 51 shares and Beer & Skittles Pty Ltd own 49 shares.
8. Grazioli & Co Pty Ltd is a company registered with ASIC where Anneliese Grazioli is listed as the Director and Secretary. The company has 1000 shares wholly owned by Anneliese Grazioli.
9. Beer & Skittles Pty Ltd is a company registered with ASIC where David Robinson is listed as the Director. This company has 100 shares wholly owned by KDNT Enterprises Pty Ltd.
10. The name of the proposed premises is Hanky Panky Lounge. This business name is registered with ASIC in the Applicant's name.
11. In relation to Anneliese Grazioli she has provided the following probity documents:
  - Copy of photo identification by way of NT Drivers Licence
  - Copy of National Police Certificate based on name and fingerprint check
  - Copy of RSA Certificate
  - References
  - A copy of her resume is included on page 8 of the Community Impact Assessment
12. In relation to David Robinson, he is known to the Director of Liquor Licensing (the Director) through his ownership and links to liquor licences relating to The Coffee Club (Waterfront) licence number 80518140, Hot Tamale liquor licence number 80518538 and Snapper Rocks licence number FLL1029. As such he is not required to provide any further probity documentation in this application.
13. In relation to the company KDNT Enterprises Pty Ltd, it is known to the Director as being the licensee for The Coffee Club (Waterfront), liquor licence 80518140.
14. Anneliese Grazioli is proposed to be the nominee.

15. The application was accompanied by;
- Affidavit in accordance with Section 54 of the Act
  - Declaration of Associates
  - Financial Report
  - Combined Community Impact Assessment and Public Interest Test
  - CIA Summary Form
  - Agreement to Lease
  - CCTV plan

## **PUBLICATION AND CONSULTATION**

16. The application was published by way of two notices in the NT News on the 5 June 2021 and 9 June 2021. The application was also published on the Director of Liquor Licensing's applications webpage during the course of the advertising period. A green advertising sign was erected at the premises for the course of the advertising period.
17. As a result of the publication of the application, no objections were received.
18. In accordance with the Act, the following were notified of the application:
- The Chief Executive Officer of the Department of Health
  - The Commissioner of Police
  - CEO, City of Darwin
19. Being a new liquor licence application the NT Fire & Rescue Service was also notified.
20. The Department of Health replied via email dated 7 June 2021 stating it had no adverse comments.
21. The NT Police replied via email dated 21 June 2021 stating it had no objection.
22. The City of Darwin did not make any response.
23. The NT Fire & Rescue Service replied via email dated 9 July 2021 indicating that it will conduct fire inspections after the Applicant has completed renovations and will provide comment then.

## **COMPLIANCE HISTORY**

24. The applicant has never held a licence before although Mr David Robinson who is connected with the applicant is involved with a number of other companies that have operated liquor licences in the Northern Territory without any adverse compliance issues.

## THE REFERRAL

25. On 14 July 2021, pursuant to section 59 of the Act, the Director referred this application to the Commission. On 16 July 2021 the Applicant was notified that the matter was listed for public hearing on 21 July 2021.

## THE HEARING

26. Pursuant to section 23 of the Act, the Commission is not bound by the rules of evidence and may inform itself in any manner it considers appropriate. Section 21(2) provides that a hearing must be conducted in public unless the Commission is of the opinion it is not appropriate. No submissions were made to the Commission to this effect.
27. On 21 July 2021, the application proceeded as a public hearing, Ms Grazioli together with Mr David Robinson and Ms Kellie Robinson appeared on behalf of the Applicant. Mr Verinder appeared to represent the Director. The Commission thanks them all for their attendance and assistance.
28. The Director's referral brief was tendered into evidence, as was a letter from Darwin Council indicating that it had no objection to the application. The applicant also tendered a letter from Westpac Bank stating that it was prepared to provide funding to the proposed business.
29. Ms Grazioli gave evidence about her plans for the business and impressed the Commission with her knowledge of and experience in the hospitality industry in the Northern Territory. Despite her relative youth, she has held positions of significant responsibility within the industry. There were also a number of character references and testimonials attached to the application, which attested to Ms Grazioli's good character and positive achievements within the local business community.
30. The applicant confirmed that the proposed premises are what was once the public bar in Darwin's Sheraton Hotel. Although it has not operated as licensed premises for a long time, it was purpose built as a bar and much of the essential infrastructure is still in place. The bar will operate with minimal impact on the Mitchell Street Streetscape and patrons will also be able to enter the premises from within the Double Tree Hilton Hotel as well the "hidden doorway" on Mitchell Street. The bar is named after a cocktail of the same name that was created by a female bartender at the famous Savoy Hotel at the turn of the 20th century. It will be decorated in the art deco style of that period with high quality furnishings and fittings. The Applicant intends to offer a range of premium wines and quality cocktails and is confident that the prices at which liquor will be sold will not promote irresponsible drinking. The application stressed the positive tourism benefits that would flow from the establishment a bar of this nature in this part of the CBD.
31. The Commission has previously raised concerns with some applicants over their unrealistic assessment of the capital investment necessary to establish an "upmarket" bar in Darwin. This applicant told the Commission it estimated that it will spend approximately \$400,000 in fit out and other upfront costs to establish what promises to be a unique addition to Darwin's night venues.

## **ASSESSMENT OF THE APPLICATION**

32. In accordance with section 59 of the Act, the Commission has considered:
- a. The applicant's affidavit required by section 54;
  - b. The suitability of the premises to be licensed, having regard to any law of the Territory regulating the sale, supply, service or consumption of liquor or the location, construction or facilities of those premises;
  - c. The financial stability and business reputation of the applicant body corporate;
  - d. The general reputation and character of the Secretary and Executive Officers of the applicant body corporate;
  - e. Whether the applicant is a fit and proper person to hold a licence; and
  - f. Whether the nominees designated by the applicant are fit and proper persons to hold a licence.
33. In accordance with section 49 of the Act, the Commission has also considered whether issuing the licence is in the public interest, and whether the licence will have a significant adverse impact on the community.

## **THE APPLICANT**

34. The Commission finds that the applicant complies with section 53(1) of the Act, which requires that a body corporate shall not hold a licence unless it is a corporation.
35. The applicant has provided appropriate documentation regarding its operations, activities, financial circumstances and plans.
36. Section 54 of the Act requires applicants to depose an affidavit disclosing whether certain persons may be able to influence the applicant, or expect a benefit from the applicant, if the licence is granted. The Commission is satisfied that the applicant has complied with the disclosure requirements of section 54.

## **THE SUITABILITY OF THE APPLICANTS PREMISES**

37. The premises have been operated as licensed premises over many years in the past. If this was a proposal to re-establish an old style public bar at this site then the Commission may have had some concern that this could have an adverse impact on some of the clientele of the Salvation Army hostel on the other side of Mitchell Street. However having regard to the secluded nature of the premises and the price point at which liquor will be sold the Commission is satisfied that this bar will not be attractive to the hostels residents.
38. Having inspected the detailed plans for the works that were included in the brief, the Commission assesses the premises to be suitable for the supply and consumption of liquor in the manner set out in the application.

39. The Commission notes that pursuant to section 91 of the Act, the Licensee will be required to comply with the requirements of the *Fire and Emergency Act 1996* and the associated regulations, including those that prescribe fire safety standards.

### **THE FINANCIAL STABILITY, GENERAL REPUTATION AND CHARACTER OF THE BODY CORPORATE**

40. The Commission notes that the applicant has only recently been incorporated, and is therefore yet to establish a business reputation in its own right. However the Commission finds that the applicant's principals both have a good general business reputation, are of good character, and are financially stable.
41. The Commission assesses the applicant to be a fit and proper person to hold a licence.
42. The Commission notes that Ms Grazioli holds current RSA certification and on the basis of her past history within the hospitality industry assesses her to be a fit and proper person to be a licence nominee.

### **WHETHER ISSUING THE LICENCE IS IN THE PUBLIC INTEREST**

43. To determine whether the issue of the licence is in the public interest, the Commission is required to consider how the issue of the licence would advance the following objectives set out in section 49(2) of the Act:
- (a) Minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
  - (b) Ensuring liquor is sold, supplied, served and consumed on or in licensed premises in a responsible manner;
  - (c) Safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises;
  - (d) Protecting the safety, health and welfare of people who use licensed premises;
  - (e) Increasing cultural, recreational, employment or tourism benefits for the local community area;
  - (f) Promoting compliance with this Act and other relevant laws of the Territory;
  - (g) Ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business;
  - (h) Preventing the giving of credit in sales of liquor to people;
  - (i) Preventing practices that encourage irresponsible drinking;
  - (j) Reducing or limiting increases in anti-social behaviour.
44. Having considered each of these objectives, and having regard to the secluded nature of these premises, the recreational and tourism benefits of this upmarket small bar the Commission is satisfied that it is in the public interest to issue the licence and authorities sought.

**WHETHER THE ISSUE OF THE LICENCE WILL HAVE A SIGNIFICANT ADVERSE IMPACT ON THE COMMUNITY**

45. To determine whether it is satisfied that the issue of the licence will not have a significant adverse impact on the community, the Commission must have consider the following matters set out at section 49(3) of the Act:

- (a) The risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
- (b) The geographic area that would be affected;
- (c) The risk of harm from the excessive or inappropriate consumption of liquor;
- (d) The people or community who would be affected;
- (e) The effect on culture, recreation, employment and tourism;
- (f) The effect on social amenities and public health;
- (g) The ratio of existing liquor licences and authorities in the community to the population of the community;
- (h) The effect of the volume of liquor sales on the community;
- (i) The community impact assessment guidelines issued under section 50;

46. Regulation 123 of the Regulations provides that the community impact assessment guidelines published under section 6A of the *Liquor Act 1978* and in force immediately before the commencement of the Act are taken to be community impact assessment guidelines issued under section 50, which are as follows:

Criteria	Matters to be considered
The potential harm or health impact that may be caused to people, or any group of people within the local community area, due to the availability and accessibility of an additional liquor outlet.	<p>Are there any 'at-risk' groups or sub-communities within the locality? This may include –</p> <ul style="list-style-type: none"> <li>• children and young people;</li> <li>• Aboriginal people normally resident within the locality and those Aboriginal people that might be likely to travel to the locality from a dry community;</li> <li>• migrant groups from non-English speaking countries;</li> <li>• people in low socio-economic areas; and/or</li> <li>• communities that experience high tourist/visitor numbers.</li> </ul>

	<p>Are there any community buildings, facilities and areas within the locality? Such facilities would include:</p> <ul style="list-style-type: none"> <li>• schools and educational institutions;</li> <li>• hospitals, drug and alcohol treatment centres;</li> <li>• accommodation or refuges for young or disadvantaged people;</li> <li>• child care centres;</li> <li>• recreational areas;</li> <li>• dry areas; and</li> <li>• any other area where young people may congregate or be attracted to.</li> </ul> <p>What policies and procedures will the applicant implement to minimise any potential harm or health impacts to these 'at-risk' groups or sub-communities?</p>
<p>Information about the location and area in which the premises is proposed to be so as to assess any social impact on the community. This includes information about the density of licensed premises within the community area.</p>	<p>This may include crimes statistics, social profile information and the location of existing licensed premises. This could also include traffic and pedestrian impact and any plans developed to address these potential issues.</p>
<p>Volume</p>	<p>This may include projected sales volumes and marketing analysis, liquor type and customer demographic (where applicable this should be provided for both on and off premises sales).</p> <p>The Commission will consider information available to it about the current alcohol consumption rates for the community area.</p>
<p>Any cultural, recreational, employment or tourism benefits for the local community area.</p>	<p>Will the proposed licensed premises provide economic benefits, cultural, recreational or tourism benefits or any additional employment opportunities and to what level?</p>
<p>Why the grant of a relevant application is in the public interest and how the additional liquor outlet will benefit the local and broader community.</p>	<ul style="list-style-type: none"> <li>• What additional services will be provided other than simply an additional outlet for the sale of liquor – this may include accommodation or dining?</li> <li>• Will the proposed licensed premises provide additional choices of service or products that are no available in the area?</li> </ul>

	<ul style="list-style-type: none"> <li>• Will the proposed premises provide liquor in a manner known to be safe and to minimise adverse impacts?</li> <li>• Will it use existing premises improve or add to existing premises or is it a new premises?</li> </ul>
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47. The applicant bears the onus of satisfying the Commission of the relevant matters. Even if there are no objections, the applicant must still satisfy this Commission of those matters.

48. As can be seen from the above, there are numerous matters the Commission must consider and the applicant must address (and satisfy the Commission of) under the public interest and community impact test and guidelines. The guidelines do state however that:

...the Commission has the authority to consider a broad range of issues specific to each application and flexibility exists to assess each individual application on its merits”.

49. In addition, section 50(4) provides that the guidelines “may have general, limited or varied application”. Although there are many matters for the Commission to consider, like any application, some of the matters are more relevant to this application than others.

50. In considering these issues, it is also important to keep in mind that the onus is on the applicant: section 50(3) states that the “mere addition of a new licence or licensed premises in a community is not taken to be a benefit to the community”.

51. Having regard to the secluded nature of these premises, within what is one of Darwin’s leading hotels, the Commission considers that the issue of the licence and authorities is likely to enhance the amenity of this area and that it will not have any significant adverse impact on the community.

**THE TERM OF THE LICENCE**

52. The applicant has a lease over the premises with options that provides for a term of 10 years. The applicant when asked by the Commission suggested a term of licence of 10 years, which the Commission accepts is resonable. The licence is therefore granted for a period of 10 years. This does not prevent the applicant from applying for a further licence at the experation of that term.

53. The applicant was advised at the conclusion of the hearing that the licence and authorities had been granted.

## NOTICE OF RIGHTS

54. Section 31(1) read with section 60(3) of the Act provide that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal (**NTCAT**). Section 94(3) of the *NTCAT Act* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.
55. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the applicant and Director.



Richard Coates

CHAIRPERSON  
NORTHERN TERRITORY LIQUOR COMMISSION  
6 August 2021

On behalf of Commissioners Coates, Dwyer and Hart