

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION TO MAKE A MATERIAL ALTERATION

LICENCE NUMBER: 80102583

REFERENCE: LC2019/082

LICENSEE: Redondo Pty Ltd

PREMISES: Goldfields Hotel
113 Paterson Street
TENNANT CREEK NT 0860

APPLICANT: Redondo Pty Ltd

LEGISLATION: Section 119(2), Parts I, IV and V of the *Liquor Act 1978*.

HEARD BEFORE: Ms Russell Goldflam (Acting Deputy Chairperson)
Ms Pauline Reynolds (Health Member)
Mr Blair McFarland (Community Member)

DATE OF HEARING: 17 June 2019

DATE OF DECISION: 17 June 2019

Decision

1. For the reasons set out below and in accordance with section 119(8) of the *Liquor Act 1978* (the Act), the Commission has determined to approve the material alteration to the licensee's licensed premises as sought by the Applicant.

Reasons

Background

2. Redondo Pty Ltd (the Licensee) holds a liquor licence authorising it to sell and supply liquor as a public hotel at the Goldfield Hotel (the Premises). The licence authorises the sale, supply and consumption of liquor on the premises from three bars located in three discrete areas on the premises.
3. By application dated 30 April 2019, the Licensee applied to extend the licensed premises to incorporate the hotel's carpark (the Carpark) for a black tie event, the Barkly Beef Dinner (the Dinner), from 18:00 hours on 12 July 2019 to 01:00 hours on 13 July 2019. The Dinner is being organised by the Barkly Beef

Committee (the Committee). An alteration to licensed premises which increases the area used for the sale or consumption of liquor is a "material alteration" pursuant to s4 of the *Liquor Act* 1978 (the Act); and, pursuant to s119(1) of the Act requires the approval of the Liquor Commission (the Commission).

4. On 31 May 2019, following consultation, together with an assessment by Licensing NT of the application, a Delegate of the Director-General of Licensing referred the application to the Commission for hearing pursuant to sections 119(6A) and 50(d) of the Act.
5. The Director-General provided the Commission with a brief of evidence (the Brief) including:
 - Application for material variation dated 27 April 2019
 - The Applicant's existing liquor licence number 80102583 effective 1 November 2018
 - Community Impact and Public Interest Assessment statement
 - Affidavit for the purpose of s26A of the Act deposed by Jason Wayne Groves, the applicant's executive officer, on 30 April 2019
 - Diagram of proposed licence area
 - Correspondence between Licensing NT and Barkly Regional Council

Consultation

6. Pursuant to s119(3) of the Act, if the Director-General considers it to be in the public interest, she may require an Applicant for a material alteration to publish notice of the application. In this instance, the Director-General, in the exercise of her discretion, determined not to require the Applicant to publish notice of the application. The Director-General informed the Commission that in exercising her discretion she had regard to the following:
 - The temporary nature of the event
 - Admission to the event is by ticket only, and it is not open to the general public
 - Approximately 300 persons are expected to attend
 - High dress standards will apply
7. As required by s119(5) of the Act, on 22 January 2018, the Director-General notified the Chief Executive Officer of the Barkly Regional Council of the application. The Council responded that it did not object to the application, provided it will be held within a fenced area, allowing access to be monitored.
8. The licensee informed the Commission that:
 - Tennant Creek Police are supportive of the application.
 - The carpark is fenced, and an additional fence will be installed for the Dinner.
 - Access to the carpark during the Dinner will be limited to one entrance/exit point.

- Access will be managed by 5 security staff, in addition to members of the Committee and staff of the licensee.
 - The Licensee will provide two buses to transport guests between the Dinner and their accommodation.
 - The Dinner will be held in conjunction with the Tennant Creek Show Beef Section.
 - Light entertainment will be provided at the Dinner.
 - Management of a neighbouring motel has been consulted about the Dinner, and is supportive of it.
 - The licensee has no history of being subject to noise complaints.
 - Liquor will be supplied in conjunction with a buffet meal.
 - Soft drinks will be available, and free water will be provided.
 - Mid and light strength drinks will be promoted over heavy strength drinks.
 - Entry to the Dinner will be by ticket, and tickets will be pre-sold by the Committee.
 - The Dinner will provide benefits to the local community by including dignitaries who have been invited to attend a prestigious local event; and by employing additional staff, including trainees, to serve guests.
9. In 2010 the Licensee was penalised by way of fines and licence suspension for two periods of one day each arising from breaches of the Act on three separate occasions in 2009. One of the breaches was for failing to remove an intoxicated person from the premises. The other two were for selling takeaway liquor to an intoxicated person.

Hearing

10. On 17 June 2019 the application proceeded as a public hearing. Mr Groves, a nominee of the licence, appeared on behalf of the Applicant, and Ms Chin appeared for Licensing NT. The Commission thanks them both for their attendance and considerable assistance.
11. The brief was tendered and admitted into evidence without objection. It was marked Exhibit One. No further documentary evidence was adduced.

Assessment of the Application

12. In considering the application, the Commission has had regard to the objects of the Act (s3), the application of the public interest and community impact test (s6), the community impact assessment guidelines issued by the Attorney-General and Minister for Justice on 2 March 2018 pursuant to s6A, and the onus on the Applicant to satisfy the Commission that the approval of the application meets the public interest and community impact test (s6B).
13. The Commission, having considered the matters set out at paragraphs 6 and 8 above, assesses the community impact of the proposed alteration as being low.
14. The Commission considers that the Dinner will provide economic and social benefits to Tennant Creek, and is unlikely to result in social harm.

15. Accordingly, the Commission determines that approval of the application satisfies the public interest and community impact test, and accordingly the Commission grants the application.
16. The Commission does not consider that the Licensee's compliance history as set out in paragraph 9 above is a matter that should be accorded significant weight. The breaches referred to and for which the Licensee has been penalised were all committed a decade ago, and do not disclose a continuing course of conduct that raises a concern on the part of the Commission that during the Dinner the Applicant might fail to trade responsibly and appropriately.
17. The Commission determines that the Licensee's licence number 80102583 effective 1 November 2018 be amended by adding a condition authorising the sale, supply and consumption of liquor from 18:00 hours on 12 July 2019 to 01:00 hours on 13 July 2019 in the carpark of the Goldfields Hotel as designated by the area bounded in red and marked "New Area for one night only" on page 34 of Exhibit One tendered at the hearing of the application.

Notice of Rights

18. Section 120ZA of the Act provides that a reviewable decision is a Commission decision that is specified in the Schedule to the Act. A decision to approve a material alteration pursuant to s119(8) of the Act is specified in the Schedule and is a reviewable decision.
19. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision.
20. For the purpose of this decision, and in accordance with section 120ZB(1)(b) and (c) of the Act, the affected persons are the Applicant.



Russell Goldflam

MEMBER, NORTHERN TERRITORY LIQUOR COMMISSION
18 June 2019

On behalf of Commissioners Goldflam, Reynolds and McFarland