

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR VARIATION OF CONDITIONS OF LICENCE

REFERENCE : LC2018/132

LICENCE NUMBER: 80103004

LICENSEE: Richards Investments Pty Ltd

PREMISES: The Dustbowl
29 Gap Road
ALICE SPRINGS NT 0870

APPLICANT: Peter Richards, Nominee

LEGISLATION: Section 32A, Part V of the *Liquor Act*.

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

DATE OF HEARING: 10 October 2018

DATE OF DECISION: 11 October 2018

Decision

1. For the reasons set out below and in accordance with section 32A(7)(a) of the *Liquor Act*, the Commission has determined to approve the variation to the licensee's licence conditions as sought by the Applicant.

Reasons

Background

1. Richards Investments Pty Ltd ("the licensee") currently holds an On Licence licence ("the licence") authorising the sale of liquor for consumption on or at the licensed premises by patrons of the licensee's ten-pin bowling alley ("the Dustbowl").
2. On 16 August 2018, Peter Richards, nominee and principal of the licensee, made application for approval to temporarily extend the licence's trading hours between 13 October 2018 and 20 October 2018, so as to permit the sale and consumption of liquor between 1200 hours and 23:59 hours on each of these days. (Initially, the applicant sought approval to trade from 1100 hours, but when informed that police did not support liquor being sold before midday, it amended its application to commence trading at 1200 hours.)

3. The variation is sought to enable the licensee to serve liquor to participants in the ten-pin bowling event of the 2018 Alice Springs Masters Games, a well-established popular biennial event patronised by many local community members as well as a large number of interstate visitors.
4. Pursuant to s 6A of the Act, a s 119 applicant is required to satisfy the Commission that the approval of the application meets the public interest and community impact test set out in s 6(2), and to that end the applicant prepared and submitted a detailed and comprehensive statement addressing the relevant elements of the test.

Consultations

5. The Director-General's Delegate did not require the applicant to publish notice of the application pursuant to s 32A(2) of the Act.
6. Pursuant to s32A(5) of the Act, the Director-General notified the following agencies of the application:
 - Chief Executive Officer of the Department of Health (DOH)
 - Commissioner of Police (NT Police)
 - Chief Executive Officer, Alice Springs Town Council (ASTC)
7. With respect to this application:
 - a. The DOH made no adverse comment, but reminded the Applicant of its responsibility with regard to smoking compliance at the venue
 - b. NT Police stated that they supported the application, subject to the reservation set out at paragraph 2 above
 - c. NTFRS stated that it had no concerns with the application
 - d. The Alice Springs Town Council resolved not to object to the application
8. No objections were received to the application.

Public Hearing

9. Pursuant to s 32A(6AA) of the Act, the Director-General of Licensing ("the Director-General") must refer applications for a variation of licence conditions to the Commission, which is required by s 16 of the *Liquor Commission Act* to conduct a public hearing to determine this matter.
10. The Commission accepts the referral of this application, but queries whether it could have been disposed of more expeditiously and inexpensively by way of the simple administrative procedure set out in the "Temporary Variations" condition of the licence. The Commission would welcome clarification from Licensing NT of the status and role of this standard licence condition since 28 February 2018, the date on which significant amendments to the *Liquor Act* enacted by the *Liquor Legislation Amendment (Licensing) Act 2018* came into effect.

11. Mr Richards appeared at the hearing on behalf of the Applicant and Mr Timney appeared on behalf of Licensing NT. The Commission is grateful for their assistance.

Assessment of the Application

12. In considering the application, the Commission has had regard to the objects of the Act (s 3), the application of the public interest and community impact test (s 6), the community impact assessment guidelines issued by the Attorney-General and Minister for Justice on 2 March 2018 pursuant to s 6A, and the onus on the applicant to satisfy the Commission that the approval of the application meets the public interest and community impact test (s 6B).

13. Based on the evidence presented to this Commission, the Commission finds on balance that there is no evidence to suggest any potential harm or health impact may be caused to people, or any group of people within the local community area, due to the availability and accessibility of liquor as a consequence of the variation sought.

14. The Commission finds that the proposed variation will improve the amenity offered to participants in the Alice Springs Masters Games.

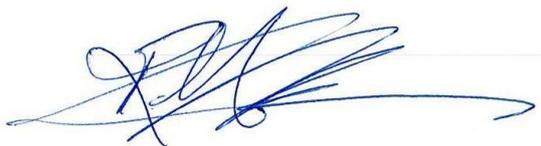
15. The Commission is satisfied that the approval of the amended application for variation meets the public interest and community impact tests and the Commission has for the reasons outlined decided to approve the material alteration to the licensee's licensed premises as sought.

Notice of Rights:

16. 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 section 119(8) of the Act is specified in the Schedule and is a reviewable decision.

17. 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.

18. For the purpose of this decision, and in accordance with section 120ZB(1)(b) and (c) of the Act, the affected person is the Applicant.



RUSSELL GOLDFLAM

Presiding Member
Northern Territory Liquor Commission
11 October 2018

On behalf of Commissioners Goldflam, Reynolds and McFarland