

DECISION NOTICE

MATTER: VARIATION OF THE CONDITIONS OF LICENCES

LICENSEES	LICENCE NUMBERS
Australian Leisure and Hospitality Group Pty Ltd (Airport Tavern)	80100307
Australian Leisure and Hospitality Group Pty Ltd (Bell Bar & Bistro)	80319095
Australian Leisure and Hospitality Group Pty Ltd (Palmerston Tavern)	80303220
Australian Leisure and Hospitality Group Pty Ltd (The Parap Tavern)	80315250
Sea Dragon (NT) Pty Ltd (Wharf one Food & Wine)	80818245
The Darwin Sailing Club Incorporated (Darwin Sailing Club)	81401392
Dinah Beach Cruising Yacht Association Incorporated (Dinah Beach Cruising Yacht Association)	81404283
Hibiscus Tavern Pty Ltd (Hibiscus Tavern)	80303086
Trojanmede Pty Ltd (Beachfront Hotel)	80315200
Casuarina All Sports Club Incorporated (Casuarina All Sports Club)	81415370
Katherine Country Club Incorporated (Katherine Country Club)	81401075
Cazalys Palmerston Club Incorporated (Cazalys Palmerston Club)	81416400
Palmerston Golf & Country Club Incorporated (Palmerston Golf & Country Club)	81403928
Tennant Creek Memorial Club Incorporated (Tennant Creek Memorial Club)	81402774
Amigos Mexican Cantina Pty Ltd (Hot Tamale)	80518538
BevCo SBB Pty Ltd (Stokes Beach House (aka Snapper Rocks Bar Kitchen))	FLL1029
Pint Club Incorporated (PINT Club)	81401481
Tracy Village Social and Sports Club Incorporated (Tracy Village Social and Sports Club)	81401508

LICENSEES	LICENCE NUMBERS
Aspen Living Villages Pty Ltd (Darwin Free Spirit Resort)	80316501
J AN R Jenkins Pty Ltd (Tennant Creek Hotel)	80102044
Chateau Wood Pty Ltd (Knotts Crossing Resort)	80305034
OMAD (NT) Pty Ltd (Coolalinga Tavern)	FLL1048
Humpty Doo & Rural Area Golf Club Incorporated (Humpty Doo & Rural Area Golf Club)	81416621
Club Eastside Incorporated (Club Eastside)	81402530
Stamen Investments Pty Ltd (Rum Jungle Tavern)	80317827
Crocosaurus Cove Pty Ltd (The Tap on Mitchell)	80818038
Crocosaurus Cove Pty Ltd (Crocosaurus Cove)	80817924
Salsa Holdings (NT) Pty Ltd (The Cavenagh)	80101040
AFS Realty & Business Brokers Pty Ltd (Wisdom Bar and Café)	80317565
Diplomat Trading (Aust) Pty Ltd AFT Diplomat Trading (Aust) Unit Trust	80305040
Littly Cashy Pty Ltd and Dunstall Pty Ltd (Landmark@Gateway)	FLL1038
AVC Operations Pty Ltd (Shenannigans)	80315480
AVC Operations Pty Ltd (Smith Street Social)	80318838
Tropic Holdings Pty Ltd (Monsoons)	80315790
Dom's Bar & Lounge Pty Ltd (Dom's Bar and Lounge)	FLL1063

LEGISLATION: Section 113, *Liquor Act 2019*

COMMISSION MEMBERS: Coates, Dwyer, Cannon

INTRODUCTION

1. In 2018, the Commission exercised its powers under section 33 of the *Liquor Act 1978* and temporarily varied the conditions of licence of specific licensees by extending trading hours for the New Year's Eve festive period.
2. On 1 October 2019, the *Liquor Act 2019* (the Act) and *Liquor Regulations 2019* commenced operation and include a number of significant changes implementing more than 70 recommendations of the Alcohol Policies and Legislation Review Final Report (the Riley Review).
3. One of the significant changes which is of benefit to licensees, is that the regulations provide for an automatic extension of trading hours on New Years' Day and for an automatic extension of trading hours on Christmas Day for a restaurant authority, subject to a licensee giving the Director of Liquor Licensing (the Director) written notice of its trading intentions by 3 December each year.
4. Unfortunately the new regulations will only apply once existing licences have been converted to the new licence authorities provided for under section 47 of the Act.
5. As a consequence, on 18 October 2019, the Commission of its own motion determined to apply its power under section 113 of the Act to propose an extension of trading hours for the Christmas and New Year's Eve festive period.
6. A list of licensee data, which included the normal trading hours was compiled by the Liquor Licensing Unit and provided to the Board and Commission Support Services Unit.
7. Having regard to the list and the new extended trading hours provided for in the *Liquor Regulations 2019* in respect of Christmas Day and New Year's Day, licensees who had trading times until at least 24:00 hours but no later than 04:00 hours as well as licensees who operate a restaurant, were identified for the purpose of offering an extension of trading hours.

8. Written notice of the proposed variation and reasons for the proposed variation were emailed to eligible licensees on 25 and 28 October 2019, pursuant to section 113(2) of the Act and licensees were invited to submit a response within 28 days of the notice.
9. The Commission acknowledges that there is no impediment to other licensees pursuing an application for a variation of licence by lodging an application for a special event authority with the Director and the matter being determined under Commission delegation.
10. The notices sent to licensees, in accordance with the requirements of section 113 (2) of the Act, included the proposed variation of trading hours in the following circumstances:

Christmas Day

- Where a licensed premise is authorised to operate as a restaurant, the hours permitted for trade on Christmas Day, 25 December 2019 are proposed to be varied to permit trade from 11:00 hours to 21:00 hours if the liquor is served, sold or supplied only to patrons purchasing full meals during those hours.

New Year's Day

- Where a licensed premise other than a restaurant is authorised to trade 24:00 hours: but not later: the hours permitted for trade are proposed to be varied to extend the closing time to 02:00 hours on 1 January 2020. It is proposed that the licence be subject to the following late trading requirements:
 - ❖ an appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director.
 - ❖ snack foods at all times.
 - ❖ complimentary 'tap' water.
 - ❖ no complimentary drinks after 24:00 hours.

- Where a licensed premise is authorised to trade to a time not later than 02:00 hours: the hours permitted for trade are proposed to be varied to extend the closing time by an extra hour, therefore varying the licence to trade no later than 03:00 hours on 1 January 2020.

It is proposed that the licence be subject to the following late trading requirements:

- ❖ an appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director.
- ❖ snack foods at all times.
- ❖ complimentary 'tap' water.
- ❖ no complimentary drinks after 24:00 hours.

- Where a licensed premise is authorised to trade to a time not later than 04:00 hours: the hours permitted for trade are proposed to be varied to extend the closing time by an extra hour, therefore varying the licence to trade no later than 05:00 hours on 1 January 2020.

It is proposed that the licence be subject to the following late trading requirements:

- ❖ lock-out of patrons from 03:00 hours
- ❖ an appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director.
- ❖ snack foods at all times.
- ❖ complimentary 'tap' water.
- ❖ CCTV to the satisfaction of the Director.
- ❖ no complimentary drinks after 24:00 hours.

11. The Commission did not require Licensing NT to conduct normal stakeholder consultation through the Department of Health, Northern Territory Police, Fire and Emergency Services, Northern Territory Fire and Rescue Service or shire/regional councils due to the extended trading hours already being provided for in the *Liquor Regulations 2019*.

ASSESSMENT OF THE MATTER

12. Section 113(3) of the Act provides:

The Commission may vary the conditions of the licence or authority as proposed in the notice or in another way the Commission considers appropriate after considering:

- a) Any response of the licensee submitted within the 28-day period; and*
- b) The results of any hearing; and*
- c) The public interest and community impact requirements.*

13. The majority of responses from licensees were required by 25 November 2019. As the proposal notice mandated a response within 28 days, no follow-up action was taken by Licensing NT and it was assumed that licensees who did not respond did not wish to take advantage of the proposed variations.

14. Having considered licensee's responses, the Commission has determined to vary the proposed conditions of the licences in the way suggested by some licensees. Namely to allow those licensees who are currently only permitted to trade until 23:00 hours on New Year's Eve (which currently falls on a Tuesday) to also take advantage of the offer of trading until 02:00 hours. Otherwise the extended trading hours will be as proposed in the notice to licensees.

REASONS FOR DECISION

15. In reaching this decision the Commission has had regard to the fact that there is an expectation on the part of the community that additional trading hours will be available on New Year's Eve and New Year's Day for New Year's Eve functions.

16. The Commission has also had regard to the Alcohol Policies and Legislative Review Final Report, particularly Recommendation 2.5.2 which states:

"An automatic extension of the standard trading hours for consumption on-premises, or trading hours authorised by an extended trading authority, will apply on New Year's Eve for an additional three hours of trade, but in any event not past 4am."

17. The Commission was comforted by the advice from Licensing NT that licensees who extended trading hours last year held successful functions without incident or complaint.


18. If the Commission had not taken the initiative of proceeding by way of section 113 notices, all of these matters would have had to proceed by formal application for a special event authority which would have resulted in expense and inconvenience to licensees as well as Licensing NT which would have had to urgently process all these special event authority applications.

19. In all the circumstances, the Commission considers it to be in the public interest that these temporary variations to conditions of licence be made in accordance with Schedule (attached).

20. The variations will take effect on the date on which the licensees receive this Decision Notice.

NOTICE OF RIGHTS

21. Section 31 of the Act provides that any decision of the Commission decision for which a decision notice is required under the Act is reviewable by the Northern Territory Civil and Administrative Tribunal (NTCAT).



Richard Coates
Chairperson
Northern Territory Liquor Commission
29 November 2019

SCHEDULE

Trading for Christmas Day

Where a licensed premise is authorised to operate as a restaurant, the hours permitted for trade on Christmas Day, 25 December 2019 are varied to permit trade from 11:00 hours to 21:00 hours if the liquor is served, sold or supplied only to patrons purchasing full meals during those hours.

Licence #	Licensee:	Name of Premises
80100307	Australian Leisure and Hospitality Group Pty Ltd	Airport Tavern
80319095	Australian Leisure and Hospitality Group Pty Ltd	Bell Bar & Bistro
80303220	Australian Leisure and Hospitality Group Pty Ltd	Palmerston Tavern
80315250	Australian Leisure and Hospitality Group Pty Ltd	The Parap Tavern
80818245	Sea Dragon (NT) Pty Ltd	Wharf one Food & Wine
80305034	Chateau Wood Pty Ltd	Knotts Crossing Resort

Trading for New Year's Day

1. Where a licensed premise is authorised to trade to a time not later than 24:00 hours: the hours permitted for trade are varied to extend the closing time to 02:00 hours on 1 January 2020. The licence is subject to the following late trading requirements:
 - ❖ an appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director.
 - ❖ snack foods at all times.
 - ❖ complimentary 'tap' water.
 - ❖ no complimentary drinks after 24:00 hours.

Licence Number	Licensee	Name of Premises
81401392	The Darwin Sailing Club Incorporated	Darwin Sailing Club
81404283	Dinah Beach Cruising Yacht Association Incorporated	Dinah Beach Cruising Yacht Association
80303086	Hibiscus Tavern Pty Ltd	Hibiscus Tavern
80315200	Trojanmede Pty Ltd	Beachfront Hotel
81415370	Casuarina All Sports Club Incorporated	Casuarina All Sports Club
81401075	Katherine Country Club Incorporated	Katherine Country Club
81416400	Cazalys Palmerston Club Incorporated	Cazalys Palmerston
81403928	Palmerston Golf & Country Club Incorporated	Palmerston Golf & Country Club
81402774	Tennant Creek Memorial Club Incorporated	Tennant Creek Memorial Club
80518538	Amigos Mexican Cantina Pty Ltd	Hot Tamale
FLL1029	BevCo SBB Pty Ltd	Stokes Beach House aka Snapper Ricks Bar Kitchen
81401481	Pint Club Incorporated	PINT Club
81401508	Tracy Village Social and Sports Club Incorporated	Tracy Village Social and Sports Club
80316501	Aspen Living Villages Pty Ltd	Darwin Free Spirit Resort
80102044	J AN R Jenkins Pty Ltd	Tennant Creek Hotel
80305034	Chateau Wood Pty Ltd	Knotts Crossing Resort

FLL1048	OMAD (NT) Pty Ltd	Coolalinga Village Tavern
81416621	Humpty Doo & Rural Area Golf Club Incorporated	Humpty Doo & Rural Area Golf Club
81402530	Club Eastside Incorporated	Club Eastside
80317827	Stamen Investments Pty Ltd	Rum Jungle Tavern
FLL1063	Dom's Bar & Lounge Pty Ltd	Dom's Bar & Lounge

2. Where a licensed premise is authorised to trade to a time not later than 02:00 hours: the hours permitted for trade are varied to extend the closing time by an extra hour, therefore varying the licensee to **trade no later than 03:00 hours on 1 January 2020**. The licence is subject to the following late trading requirements:

- ❖ an appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director.
- ❖ snack foods at all times.
- ❖ complimentary 'tap' water.
- ❖ no complimentary drinks after 24:00 hours.

Licence #	Licensee:	Name of Premises
80818038	Crocosaurus Cove Pty Ltd	The Tap on Mitchell
80817924	Crocosaurus Cove Pty Ltd	Crocosaurus Cove
80818245	Sea Dragon (NT) Pty Ltd	Wharf One Food & Wine
80101040	Salsa Holdings (NT) Pty Ltd	The Cavenagh
80317565	AFS Realty & Business Brokers Pty Ltd	Wisdom Bar & Café
80305040	Diplomat Trading (Aust) Pty Ltd AFT Diplomat Trading (Aust) Unit Trust	Uncles Tavern Corner

80315480	AVC Operations Pty Ltd	Shenannigans Irish Pub
80318838	AVC Operations Pty Ltd	Smith Street Social

3. Where a licensed premise is authorised to trade to a time not later than 04:00 hours: the hours permitted for trade are varied to extend the closing time by an extra hour, therefore varying the licensee to **trade no later than 05:00 hours on 1 January 2020**. The licence is subject to the following late trading requirements:

- ❖ lock-out of patrons from 03:00 hours
- ❖ an appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director.
- ❖ snack foods at all times.
- ❖ complimentary 'tap' water.
- ❖ CCTV to the satisfaction of the Director.
- ❖ no complimentary drinks after 24:00 hours.

Licence #	Licensee:	Name of Premises
FLL1038	Littly Cashy Pty Ltd and Dunstall Pty Ltd	Landmark@Gateway
80315790	Tropic Holdings Pty Ltd	Monsoons