

# NORTHERN TERRITORY LIQUOR COMMISSION

## DECISION NOTICE

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**MATTER:** APPLICATION FOR VARIATION OF CONDITIONS OF A LICENCE

**LICENCE NUMBER:** 81403978

**REFERENCE:** LC2019/067

**PREMISES:** **Alice Springs Shooting Complex Inc.**  
NT Portion 2423, Butler Road  
ALICE SPRINGS NT 0870

**APPLICANT:** **Alice Springs Shooting Club Inc.**

**LEGISLATION:** Section 32A(1) of the *Liquor Act*

**HEARD BEFORE:** Mr Russell Goldflam (Acting Deputy Chairman)  
Ms Pauline Reynolds (Health Member)  
Ms Sandra Cannon (Community Member)

**DATE OF HEARING:** 28 May 2019

**DATE OF DECISION:** 2 June 2019

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### **DECISION**

1. For the reasons set out below and in accordance with section 32A of the *Liquor Act 1978* (NT) ("the Act") the Northern Territory Liquor Commission ("the Commission") has determined to approve an application to vary conditions of a liquor licence at the Alice Springs Shooting Complex ("the premises") held by the Alice Springs Shooting Complex Inc ("the Applicant") as follows.
2. The licence is varied to authorise the sale, supply and consumption of liquor on the premises on Tuesday 11 June 2019 between 14:00 hours and 23:59 hours, subject to the following conditions:
  - Security officers to be provided as per industry standards (two officers for the first one hundred patrons, and one security officer for each additional one hundred patrons).
  - A courtesy bus be provided to return patrons to town after the event.

## **REASONS**

### **BACKGROUND**

3. The applicant operates a liquor licence at the premises with authority to trade as an incorporated club. The licence does not authorise trading on Tuesdays. The licence conditions include authority for the licensee to supply liquor on the premises at private functions.
4. The applicant seeks to host a private function, namely the thirtieth anniversary celebration function of a local business, at the premises on 11 June 2019 between 14:00 hours and 23:59 hours. An estimated 120 to 140 invited guests will attend.
5. The applicant lodged a completed application with Licensing NT on 6 May 2019. On 24 May 2019, following consultation, together with an assessment by Licensing NT of the application, a Delegate of the Director-General of Licensing ("the Director-General") referred the application to the Commission for hearing pursuant to sections 32A(6AA) and 50(b) of the Act.
6. The Director-General, in the exercise of her discretion pursuant to section 32A(2) of the Act, did not require the applicant to publish notice of the application.
7. No objections to the application were lodged.
8. The Director-General informed the Department of Health ("DOH"), Northern Territory Police, the Alice Springs Town Council ("ASTC") and the Northern Territory Fire and Rescue Service ("NTFRS") of the application.
9. The Commission notes that the following responses were received:
  - a. The Department of Health made "no adverse comment".
  - b. The NT Police advised that they had no objections, subject to compliance with industry standard security. Police also requested that the applicant use responsible drinking messaging during the event.
  - c. NT Fire and Rescue Service advised they supported the application.
  - d. The ASTC considered the application and had no objections.
10. The Director-General informed the Commission that the applicant has no adverse compliance history in relation to its licence.
11. The Director-General provided the Commission with a brief of evidence ("the brief") including:
  - Application for a variation of conditions of liquor licence dated 6 May 2019
  - RSA Certificate for the licence nominee, Brian Knappstein
  - Affidavit for the purposes of s26A of the Act deposed by Brian Joseph Knappstein, the applicant's principal executive officer, dated 26 February 2019
  - Community Impact and Public Interest Assessment statement in compliance with s6 and s6A of the Act

- Correspondence between Licensing NT and the Department of Health, NT Police, NT Fire and Rescue Service and the Alice Springs Town Council
- The applicant's liquor licence number 81403978

## **HEARING**

12. The Commission had previously notified the applicant that an unrelated application by the applicant would be heard at a public hearing on 28 May 2019. For the convenience of the parties, and having regard to the uncontentious nature of the matter, the Commission decided to abridge time pursuant to s127(1) of the Act, and notified the applicant that the hearing of the instant application would also be held on 28 May 2019, which provided for less than the minimum notice period of seven days mandated by s53(1)(a)(ii).
13. On 28 May 2019 Mr Knappstein and Ms Krikke appeared on behalf of the applicant, and Ms Chin appeared for Licensing NT. The Commission thanks them for their attendance and assistance.
14. The brief was tendered and admitted into evidence without objection. No further evidence was adduced.

## **ASSESSMENT OF THE APPLICATION**

15. The Commission notes that, as permitted by the "Club Condition" of the applicant's licence, the usual restrictions on the sale and supply of liquor to members and guests of the applicant club do not apply when, as in the circumstances of this application, the licensee hires the premises on a commercial basis for a function at which attendance is by personal invitation and does not involve door sales.
16. Section 6B of the Act provides that the Applicant bears the onus of satisfying the Commission that the approval of the application meets the public interest and community impact test set out in s6 of the Act. In considering and determining this application, the Commission has had regard to the objects of the Act and applied the public interest and community impact test by reference to the community impact assessment guidelines published by the Minister on 6 March 2018 pursuant to s6A of the Act. The guidelines are detailed and specific, but also state 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.
17. The Commission accepts that the applicant has no adverse compliance issues under the Act. The premises are situated on a relatively isolated site several kilometres from Alice Springs, with no immediate residential neighbours. The application is for a temporary variation to extend trading on a single day for a private function, which is expected to be convivial but not riotous or disorderly. Having regard to these matters, the Commission assesses the impact on the community of the proposed variation as low.
18. The Commission is satisfied that the Applicant has met the public interest and community impact test, and that, having regard to the objects of the Act as set out in section 3 of the Act, the conditions of the licence should be varied in the terms of the application.

19. The application to vary the conditions of the applicant's licence is granted.

**NOTICE OF RIGHTS**

20. 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 issue a licence pursuant to section 32A of the Act is specified in the Schedule and is a reviewable decision.

21. 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.

22. 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  
ACTING DEPUTY CHAIRPERSON  
NORTHERN TERRITORY LIQUOR COMMISSION

2 June 2019

On behalf of Commissioners, Goldflam, Reynolds and Cannon