

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR A LICENCE

REFERENCE: LC2020/022

PREMISES: **Haileybury Rendall School**
Lot 6057 Berrimah Road
BERRIMAH NT 0828

APPLICANT: Sodexo Australia Pty Limited

NOMINEE: Ms Catherine Pickett

OBJECTOR/S: Nil

LEGISLATION: Part 3 and 4 of the *Liquor Act 2019*

HEARD BEFORE: Ms Jodi Truman (Deputy Chairperson)
Mr Bernard Dwyer (Health Member)
Ms Sandra Cannon (Community Member)

DATE OF HEARING: 21 May and 4 June 2020

DATE OF DECISION: 10 June 2020

Decision

1. For the reasons set out below and in accordance with section 48 of the *Liquor Act 2019* (“the Act”) the Commission has determined to issue a licence to Sodexo Australia Proprietary Limited (“the Applicant”).
2. The licence will be issued with a catering authority attached to the licence authorising the sale, supply or service of liquor to patrons for consumption, in conjunction with food being catered by the licensee, on or in the premises with the consent of the owner or occupier of the premises in the following areas known as the:
 - a. Dumabudla Centre;
 - b. Mayuma Room; and
 - c. Dance and Drama Studio.
3. In addition to the catering conditions set out in Division 5 of the *Liquor Regulations 2019* (“the Regulations”), the licence shall be subject to the following specific conditions that:
 - a. Liquor shall not be sold, supplied or served on Good Friday, Christmas Day or New Year’s Day.

- b. The licensee shall be limited to a maximum total number of ten (10) events each calendar year with the licensee to inform the Director of Liquor Licensing (“the Director”) of the date of the event fourteen (14) days prior to the event occurring.
 - c. During school term periods, the hours of operation of the catering authority licence for any relevant event shall be:
 - i. Monday to Friday 1700 hours to 2400 hours;
 - ii. Saturday and Sunday 1130 hours to 2400 hours.
 - d. During school holiday periods, the hours of operation of the catering authority licence for any relevant event shall be:
 - i. Monday to Sunday 1130 hours to 2400 hours.
 - e. During each and every event, there shall be:
 - i. no more than 2 drinks per person per transaction;
 - ii. no double or shooters are to be provided;
 - iii. liquor to be served in open containers only; and
 - iv. no liquor is to be taken away from the premises.
 - f. The liquor to be sold, served or supplied shall be:
 - i. light, mid and full strength beer;
 - ii. cider;
 - iii. wine (including sparkling); and
 - iv. pre-mixed spirits.
 - g. During each and every event, there shall be no persons under the age of eighteen (18) years admitted to the licensed premises.
4. In accordance with section 85 of the Act, the term of the licence will be from the date of the issue of the licence until 30 June 2022.
5. The licence will be issued immediately following the publication of this decision notice.

Reasons

Background

6. On 5 November 2019, an application was lodged via the Territory Business Centre by Sodexo Australia Pty Limited (the “Applicant”) for a Liquor Licence with a Catering Authority on behalf of Haileybury Rendall School, located at Lot 6057 Berrimah Road, Berrimah, NT 0828 (“the premises”).

7. On 14 November 2019, the Applicant requested confirmation of receipt of the application from Licensing NT. The application had not been received by that date and was allocated to another Senior Licensing Officer for action. Due to the timing of the receipt of the application, advertising of the application was not able to progress heading into the Christmas and New Year period. As a result, the application was thereafter published in the NT News on Saturday 22 and Wednesday 26 February 2020. The required "green sign" was also displayed at the premises. There were no objections received following publication.
8. The Applicant has provided a copy of the Certificate of Registration of a Company for Dactyl Pty Ltd, which lists the history of a company name change to Sodexo Remote Sites Australia Pty Limited on 8 April 2008. A copy of the Company's ASIC Current & Historical Extract for Sodexo Remote Sites Australia Pty Limited was provided together with a copy of the Company's ASIC Current & Historical Extract for Sodexo Australia Pty Limited. The Applicant has also provided a copy of the Financial Report for the first-half of 2018.
9. The application sought what is known under the *Liquor Regulations 2019* as a "Catering Authority" licence for the proposed licensed areas identified above. The hours of trade requested were 11:30 hours to 24:00 hours, 7 days a week excluding Good Friday, Christmas Day and New Year's Day. The liquor to be included was proposed as "light, mid and full strength beer, cider, wine and pre-mixed spirits in conjunction with food".
10. The Applicant enclosed supporting documentation with their application and requested that probity requirements of the Directors, Secretaries and Executive Officers be waived due to Sodexo Remote Sites Australia Pty Ltd (Sodexo Remote Sites) being a subsidiary of Sodexo Australia Pty Ltd. The Applicant further requested that Licensing NT consider probity in line with Sodexo Remote Site liquor licences (80816700 and CSL1018).
11. Liquor licence number 80816700 is the licence for The Granites Social Club located at Granites Goldmine, Tanami Highway, via Alice Springs NT 0872. As such the applicant has previously provided probity documents to the satisfaction of the Director of Liquor Licensing ("the Director"). They have therefore not been required to re-produce the same probity documents in this application. The Commission is satisfied the applicant has met the probity requirements under section 54 of the Act.
12. On 22 April 2020 pursuant to section 59 of the Act the Director referred this application to the Commission to be determined by way of a public hearing. Notice was given to the Applicant that the matter would be listed for a public hearing on 21 May 2020. Delay has occurred due to the complications caused by the coronavirus.
13. In terms of the application before the Commission, it is noted that the Applicant provided the following documents in support of their application:
 - a. Affidavit and Declaration of Associates pursuant to section 54 of the Act;
 - b. Community Impact Assessment ("CIA") pursuant to section 51 of the Act;
 - c. Public Interest and Community Impact Assessment summary pursuant to sections 49 to 52 of the Act.
 - d. Various policies, registrations and plans.

14. 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 is not appropriate. No such submission was made to the Commission to this effect.
15. The public hearing commenced at 10.00am on 21 May 2020. At that time it was clear that a representative from Haileybury Rendall School would be required in order to answer several questions that the Commission had with respect to the application. As a result, the matter was stood down to enable such arrangements to be made. The hearing recommenced at 11.00am. Mr Marcus Nadenbousch, solicitor, appeared for the applicant together with Ms Sandra Ronan, Licensing and Compliance officer for the applicant and Mrs Kerry Glass, Deputy Principal of Haileybury Rendall School. Mrs Tania Chin was also in attendance to provide information and assistance to the Commission on behalf of the Director.
16. Unfortunately the link with Deputy Principal Glass was not suitable. As a result the hearing was abandoned and re-listed for 10.00am on 4 June 2020. On 4 June 2020 the hearing commenced at 10.00am with Deputy Principal Glass present in the hearing room and all other necessary links were able to be established. The Commission again thanks all persons for their patience with the technology. It made a difficult application easier with all persons working hard to use the technology, or at least work around it, effectively.

Disclosure of persons of influence and potential beneficiaries

17. The Commission notes that section 54 of the Act requires Applicants to make an affidavit disclosing each person who, if the licence is issued, may:
 - a. Be able to influence the applicant; or
 - b. Expect a direct or indirect benefit from the applicant.
18. The applicant is a corporation and therefore the Act requires under section 54(2) that the affidavit must be made by:
 - a. The principal executive officer of the body corporate; or
 - b. If that officer does not have knowledge of the relevant facts – another person who has knowledge of the relevant facts and is authorised by the body corporate to make the affidavit.
19. Mr Keith Weston (“Mr Weston”) is a Director of the Applicant and has sworn the affidavit. The Commission was informed that the applicant does not have a Secretary or Executive Officer, only Directors. Therefore Mr Weston is the appropriate person to provide this affidavit. The Commission is satisfied that this criterion has been met.

Results of any investigation

20. Section 58 of the Act enables the Director to conduct an investigation into an application as considered appropriate by the Director. The Commission has received no information to indicate there have been any adverse matters discovered as a result of any investigation by the Director. The Commission notes there is no previous adverse history on the applicant or associated persons for the liquor licence held over the Granites Goldmine; however it is also noted that it appears there have been no compliance activity checks conducted at those premises.

Advertising and Objections

21. As noted earlier, the application was published in the NT News on Saturday 22 and Wednesday 26 February 2020 and the applicant displayed the required "green sign" at the premises. No objections were received from the public in the objection period.
22. It is noted that section 56(4) of the Act requires that the Director must inform:
 - a. the Chief Executive Officer ("CEO") of the Agency administering the *Public and Environmental Health Act 2011*;
 - b. the Commissioner of Police; and
 - c. if the application relates to premises within a local government area – the chief executive officer ("CEO") of the local council.
23. The Commission notes that the Director also forwarded a copy of the application to the Northern Territory Fire and Emergency Services ("NTFRS") for comment.
24. With respect to this application:
 - a. The DOH made no adverse comment;
 - b. The NT Police had no objections;
 - c. The City of Darwin did not provide a response; and
 - d. The NTFRS stated they supported the application "at this time" but noted an inspection of the premises would occur when it was safe to do so following the limited of exposure to COVID-19.
25. As a result there are no objections to this application.

Suitability of the premises to be licensed

26. The premises are in fact a school from Transition to Year 12. It is located approximately 20 minutes from the Darwin CBD and is in a predominantly industrial area. The school has been in existence at its location since 1968, although it has only been operated by Haileybury Rendall since 2018.
27. The application does not seek that the entire premises be licensed, but only the areas known as the:
 - a. Staff Common Room;
 - b. Dumabudla Centre;
 - c. Mayuma Room; and
 - d. Dance and Drama Studio.

28. The applicant states that these are “restricted places” where only certain events can take place. The applicant has entered into a services agreement with Haileybury Rendall School for the provision of catering services which it is proposed will include alcohol. There has been no issue raised in relation to the construction and furnishing of the premises, or the facilities or services of the premises.

Financial stability, reputation and character

29. As earlier noted the Applicant provided supporting documentation regarding its operations, activities, financial circumstances and plans and requested that further probity requirements be waived. Within the referral to the Commission the Director noted that the Applicant had “previously provided the required probity documents to the satisfaction of the Director” and therefore were “not required to re-produce the same probity documents in this application”. The Director informed the Commission he considered that these matters had been adequately addressed. As a result, pursuant to section 59(3)(g)(i) the Commission is satisfied on the material before it of the financial stability and business reputation of the body corporate.

30. The Act goes on however at section 59(3)(g)(ii) to require an assessment of the general reputation and character of the secretary and executive officers of the body corporate. In this regard the Commission has been provided with a National Police Certificate for Mr Mark Chalmers (“Mr Chalmers”) that certifies no disclosable court outcomes or outstanding matters for Mr Chalmers. The applicant does not have a Secretary or Executive Officer, only Directors and the Applicant advised that Mr Chalmers’ criminal history was provided to the Commission as it is their practice from other liquor licence applications in Australia to provide the histories for the Directors located in Australia. Having had this explanation provided, the Commission is satisfied in relation to this criterion.

Fit and proper person

31. Section 59(3)(i) of the Act provides the Commission is also required to consider whether the applicant, including the nominee designated by the applicant, is a fit and proper person to hold a licence. In this regard, a number of probity documents were provided in relation to the proposed nominee, Ms Catherine Pickett (“Ms Pickett”) and also Mrs Catherine Mumford (“Mrs Mumford”). After inquiry, the Commission was informed that Mrs Mumford is the correct name for the identified nominee and that in fact “Pickett” is the maiden name for Mrs Mumford who was married on 4 May 2017, but who has not changed all her personal identification documents in that time. Having considered the material, the Commission is satisfied that Mrs Mumford is a fit and proper person to hold a licence and to be the nominee.

PUBLIC INTEREST AND COMMUNITY IMPACT

32. Although no objections were made to this application, section 49 of the Act makes clear that the Commission may only issue a licence or an authority if satisfied that:

- a. The applicant is a fit and proper person; and
- b. Issuing the licence or authority is in the public interest; and
- c. The licence or authority will not have a significant adverse impact on the community.

33. The Commission has already addressed the evidence and found the applicant to be a fit and proper person and now turns to consider the question of whether issuing the licence or authority is in the public interest. In this regard the Commission must consider section 49(2) and how the licence or authority “would advance the following objectives:
- a. minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
 - b. ensuring liquor is to be 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 the practices that encourage irresponsible drinking;
 - j. reducing or limiting increases in anti-social behaviour.”
34. In determining whether there would be a “significant adverse impact on the community” section 49(3) of the Act requires the Commission “must consider the following:
- 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;
 - j. any other matter prescribed by regulation”.

35. The Commission notes there are no such “other” matters prescribed by regulation.
36. It is important to recall at all times that the Act makes clear under section 51 that it is the applicant who 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.
37. In relation to the issue of the community impact assessment guidelines issued under section 50, it is noted that regulation 123 of the *Liquor Regulations 2019* (“the Regulations”) provide that the community impact assessment guidelines published under section 6A of the *Liquor Act 1978* and in force immediately before the commencement of the 2019 Act are taken to be community impact assessment guidelines issued under section 50.
38. Those matters therefore remain as follows:

Criteria	Matters to be considered
<p>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>	<p>Are there any ‘at-risk’ groups or sub-communities within the locality? This may include –</p> <ul style="list-style-type: none"> • children and young people; • Aboriginal people normally resident within the locality and those Aboriginal people that might be likely to travel to the locality from a dry community; • migrant groups from non-English speaking countries; • people in low socio-economic areas; and/or • communities that experience high tourist/visitor numbers.
	<p>Are there any community building, facilities and areas within the locality? Such facilities would include:</p> <ul style="list-style-type: none"> • schools and educational institutions; • hospitals, drug and alcohol treatment centres; • accommodation or refuges for young or disadvantaged people; • child care centres;

	<ul style="list-style-type: none"> • recreational areas; • dry areas; and • any other area where young people may congregate or be attracted to. <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.</p> <p>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"> • What additional services will be provided other than simply an additional outlet for the sale of liquor – this may include accommodation or dining? • Will the proposed licensed premises provide additional choices of service or products that are no available in the area? • Will the proposed premises provide liquor in a manner known to be safe and to minimise adverse impacts?

	<ul style="list-style-type: none"> • Will it use existing premises improve or add to existing premises or is it a new premises?
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39. As can be seen from the above, there are a large number of matters that this Commission must consider and that the Applicant must address (and satisfy the Commission of) under the public interest and community impact test and guidelines. The guidelines do make clear 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”.

40. 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 highly relevant to this application whilst others are not as significant.

41. In considering these issues, it is also important that it be kept in mind that section 50(3) makes clear that the “mere addition of a new licence or licensed premises in a community if not taken to be a benefit to the community”.

42. In relation to the public interest and community impact assessment, the applicant made the following written submissions:

- a. “We have considered the impact the proposed the Catering Authority is likely to have on the local community. We have identified "at risk" groups, namely young people, and have put in place precautions and security measures to ensure the safety of juveniles. We have also identified measures to reduce the likelihood of harm or ill-health occurring from the consumption of liquor.
- b. “Haileybury Rendall School is located in a predominantly industrial area. Located within close proximity is Milkwood Steiner School, Darwin Presbyterian Church and commercial businesses like Action Sheetmetal and Austec Irrigation. Apart from Milkwood Steiner School, we did not consider it necessary to consult other stakeholders or people that live or work in the vicinity of the proposed licensed area for the following reasons
 - i. Functions will be carried out in restricted licensed areas of the school;
 - ii. Only approved guests of the facility will be able to enter the licensed premises; and
 - iii. The licensed premises will not be open to the general public.

The risk of undue offence, annoyance, disturbance or inconvenience is minimal as Sodexo will implement measures to reduce the likelihood of harm or ill-health occurring from the consumption of liquor at the licensed premises. Other precautions and security measures will also be implemented to ensure the safety of juveniles.

- c. "Sodexo is a fit and proper licensee operating and continuing to operate Liquor Licences responsibly and without incident in the Northern Territory. Sodexo is a reputable company with extensive experience providing catering services at corporate facilities, including educational institutions, and fully intends to implement its usual practises and procedures at Haileybury Rendall School which have proved successful elsewhere.

Issuing the licence is in the public interest as it will provide parents, teachers and staff working at or visiting the proposed licensed premises the opportunity to socialise and celebrate the pupils and school's academic success in a licensed environment; and

The risk of the character of the local community being impacted by the granting of a liquor licence is minimal given that functions will be carried out on a quarterly basis and that Sodexo will implement measures to reduce the likelihood of harm or ill-health occurring from the consumption of liquor and other precautions and security measures to ensure the safety of juveniles".

43. Before proceeding further with these Reasons, shortly after the commencement of the hearing, the Commission asked the applicant why it should consider granting the applicant a licence that:
 - a. would enable liquor at an event where there would be children present;
 - b. was not in keeping with the concept of changing the drinking culture in the Northern Territory per Recommendation 1.2.1 of the *Alcohol Policies and Legislation Review Final Report* ("the Review");
 - c. was not in keeping with encouraging abstinence among people under 18 (and especially among those under 15) per Recommendation 1.2.1 of the Review; and
 - d. was not in keeping with the hosting, supporting and promoting of alcohol free events per Recommendation 1.2.4 of the Review.
44. The Commission acknowledged that the application was in relation to premises of a non-Government school, however the concept of reducing the risk of harm to children and young persons is particularly important no matter the location and perhaps particularly more so when it is a school (non-Government or otherwise) that is being considered.
45. It was at this point that the applicant advised that despite the application referring to being able to give patrons the opportunity to socialise and celebrate the pupils and school, such occasions would **only** occur when it was an event where no students or persons under the age of eighteen (18) years were present. In fact Deputy Principal Glass informed the Commission that if an event had students in attendance there would be no liquor permitted at the event. Deputy Principal Glass acknowledged that to do so was not in keeping with the business of a school.
46. Deputy Principal Glass further informed the Commission that the purpose of these licensed events were to be for occasions involving fundraisers, parent only invitation events, staff only events and occasions where a group may hire one of the specific licensed areas. Deputy Principal Glass stated that she did not expect the events to be more than approximately eight (8) per year and that the basis for the application was that there was no longer the "special licence" application process that previously existed under the 1978 Liquor Act for specific events as and when they arose.

47. As indicated during the hearing, the Commission was pleased to receive this evidence and to be informed that what was actually being proposed was far less than appeared from the written application. It was acknowledged by the applicant that what was contained in the application was in fact in error and that the evidence received from Deputy Principal Glass was in fact correct.
48. The applicant highlighted that the premises are just over 5 kilometres from the Darwin Presbyterian Church and whilst the Commission notes that the applicant did not consult with the church, it also notes that the applicant stated the basis for this was:
- “As functions are estimated to be held on a quarterly basis and not on a Sunday when church services are held, we did not consider it necessary to contact Darwin Presbyterian Church to gain their views”.
49. With respect to other schools in the area, the applicant stated it had “contacted Milkwood Steiner School which is 3.2km from Haileybury Rendall School and received an email from the Principal stating that they had no objections to our liquor licence application”. The Commission has considered this email.
50. In relation to the specific areas sought to be licensed, the Commission notes that each of these areas are stand alone buildings on the campus and separate from the boarding area by some reasonable distance. Deputy Principal Glass advised as follows:
- a. Staff Common Room was an area that would provide for events involving staff only and a totally of approximately 50 to 60 persons. She also noted that this area had a kitchen attached.
 - b. Dumabudla Centre was a very large area where school assemblies are in fact usually held and it can hold approximately 700 persons in total. It has a catering kitchen attached and is an area where the school itself had successfully obtained a special licence for an event which took place without any issue.
 - c. Mayuma Room was a large area that could hold approximately 500 persons and is in fact the dining hall area.
 - d. Dance and Drama Studio was an area that could provide for 50 to 60 person events and most likely be the location for small fundraisers. It does not have a kitchen.
51. During the course of the hearing it was confirmed that no matter the specific area which was utilised for the event, there would be no liquor stored on campus at any time and that the applicant was contracted to ensure that all liquor refuse was also to be removed from the premises following the event.
52. Turning to the matters under section 49(2):
- a. minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor is to be minimised:
- Whilst noting this is a school and therefore there are a significant number of “at risk” groups by virtue of children on the premises and a large population being Aboriginal or Torres Strait Islander; the Commission considers that the limited nature of the catering authority licence which is being sought will appropriately

minimise the harm or ill-health caused to people or a group of people by the consumption of liquor.

- b. ensuring liquor is to be sold, supplied, served and consumed, on or in licensed premises in a responsible manner:

Having considered all the material, the Commission considers that the licensee is likely to ensure that any liquor sold, supplied, served and consumed will be 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:

The Commission considers that public order and safety are unlikely to be jeopardised by the operation of the licence subject to the catering authority conditions. The Commission has also noted the policies, code of conduct and risk assessed management plan provided by the applicant and considers public order and safety to have been adequately safeguarded pursuant to that material and particularly in light of the evidence given by Deputy Principal Glass during the course of the hearing.

- d. protecting the safety, health and welfare of people who use licensed premises:

The Commission has consider the several policies developed by the applicant applicable to the premises and considers these to adequately protect the safety, health and welfare of people who are likely to use the licensed premises during its hours of operation.

- e. increasing cultural, recreational, employment or tourism benefits for the local community area:

The applicant has honestly and frankly stated that it is not expected there will be any increases in any such benefits by the granting of such a licence. This is a reasonable and appropriate concession to make in light that this is a catering authority licence only and for the purpose of providing liquor in those limited circumstances.

- f. promoting compliance with this Act and other relevant laws of the Territory:

The Commission is satisfied that the applicant will comply with the Act and any other relevant laws during the period of its licence.

- g. ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business:

The Commission is satisfied that the applicant, and in particular its nominee, will appropriately manage and supervise service staff.

- h. preventing the giving of credit in sales of liquor to people:

No issues have been raised with the Commission that lead it to be concerned in relation to this objective.

- i. preventing the practices that encourage irresponsible drinking:

No issues have been raised with the Commission that lead it to be concerned in relation to this objective. The Commission notes the relevant policies issued by the applicant concerning the service of liquor and in particular that the applicant will enforce the following measures (which will also be included as discretionary conditions in the licence):

- i no more than 2 drinks per person per transaction;
 - ii no double or shooters are to be provided;
 - iii liquor to be served in open containers only; and
 - iv no liquor is to be taken away from the premises.
- j. reducing or limiting increases in anti-social behaviour:

The Commission does not consider that the grant of a catering authority licence to the applicant is likely to result in a significant increase in anti-social behaviour.

53. Turning to the matters under section 49(3):

- 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:

The Commission does not consider that there is a significant risk of undue offence, annoyance, disturbance or inconvenience likely to be caused by the granting of a catering authority licence. This is particularly so given that during functions only approved guests will be able to enter the premises and they will not be open to the general public.

- b. the geographic area that would be affected:

As previously noted, the premises are located in a predominantly industrial area and therefore the Commission accepts that the effect on social amenities and public health in the area are likely to be negligible given that location, particularly in light of the policies put in place by the applicant to reduce the same.

- c. the risk of harm from the excessive or inappropriate consumption of liquor:

When the Commission initially received this application it was in fact very concerned by this factor. However, given the clear evidence from Deputy Principal Glass as to the limited nature of the events to be undertaken throughout each year and the limited nature of the persons who will be in attendance, the Commission does not consider that there is a significant risk of harm caused by excessive or inappropriate consumption of liquor likely to be caused by the granting of a catering authority licence.

- d. the people or community who would be affected:

For the reasons highlighted above, the Commission does not consider there is likely to be significant adverse impact on the community by the granting of a catering authority licence to the applicant.

- e. the effect on culture, recreation, employment and tourism:

The Commission does not consider this to be a relevant matter in this application given the nature of the licence sought and the events involved.

- f. the effect on social amenities and public health:

The Commission does not consider there is likely to be significant adverse impact on the social amenities and public health by the granting of a catering authority licence to the applicant. Although the Commission is concerned about the negative impact of the consumption and promotion of alcohol at schools, the Commission considers the policies adopted by the applicant adequately address this issue, particularly in light of the fact that there will be no event where liquor will be served if there are persons under the age of 18 years in attendance or students in attendance.

- g. the ratio of existing liquor licences and authorities in the community to the population of the community:

The Commission does not consider this to be a relevant matter in this application given the nature of the licence sought and the events involved.

- h. the effect of the volume of liquor sales on the community:

Similarly, and for the same reason, the Commission does not consider that this factor is of great significance in the circumstances of this application.

- i. the community impact assessment guidelines issued under section 50:

These have been considered by the Commission in determining this application and referred to earlier these reasons.

54. In relation to the specified areas sought to be included under the licence, the Commission was not persuaded upon the application or the additional evidence provided by Deputy Principal Glass that the Staff Common Room should be one of the areas licensed. Whilst the Commission accepts the evidence that this would only be for staff functions, the Commission considers that given this *is* a school there must be a clear demarcation between when the school is undertaking school related activities and when it is undertaking a function. This should be the same whether it is a function for staff or other persons. As a result the Commission refuses to include that specific area in the licence.

55. Section 85 of the Act now requires the Commission to fix a licence term. The applicant was contacted in relation to this and sought the grant of a licence for "50 years" given that "the site has been a school since 1968". Whilst the Commission understands the math, it does not consider this to be an appropriate basis for the granting of such a term, particularly in light of the fact that the applicant only has a service agreement with the school which currently ends on 30 June 2022. When these matters were raised by the Commission at the hearing, Deputy Principal Glass indicated that she considered such a term to be far more appropriate and would enable checks and balances to be conducted in such a time frame. The applicant therefore conceded this term and as a result the Commission has determined to fix a licence term until 30 June 2022 when the current services agreement held by the applicant also comes to an end.

56. Having regard to the foregoing, the Commission is satisfied that the issuing of the licence as sought is in the public interest and will not have an adverse effect on the community. As a result, the Commission intends to issue the licence with the authorities identified as set out at the commencement of this Decision Notice.

Notice of Rights:

57. Section 31 of the Act provides that any decision of the Commission for which a decision notice is required is reviewable by NTCAT and the following persons (*relevantly*) may apply to NTCAT for a review:

- a. in all cases – the Director;
- b. in the case of a decision regarding an application – the applicant; and
- c. in the case of a submission, complaint or objection that was the subject of a decision – the person who made the submission, complaint or objection.

58. In accordance with the substance of section 31 of the Act any application for review of this decision must be lodged within 28 days of the date of this decision.



JODI TRUMAN
PRESIDING MEMBER
DEPUTY CHAIRPERSON
10 June 2020

On behalf of Commissioners Truman, Dwyer and Cannon