

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR LIQUOR LICENCE

REFERENCE: LC2020/032

APPLICANT: TENNIS NT INCORPORATED

PREMISES: 9 Abala Road
MARRARA NT 0812

LEGISLATION: Part III of the *Liquor Act 1978*

HEARD BEFORE: Mr Richard Coates (Chairperson)
Dr Phillip Carson (Health Member)
Ms Sandra Cannon (Community Member)

DATE OF HEARING: 11 August 2020

DATE OF DECISION: 27 August 2020

Decision

1. For the reasons set out below and in accordance with section 29 of the *Liquor Act 1978* (NT) (“the 1978 Act”) the Northern Territory Liquor Commission (“the Commission”) has determined to issue a licence to Tennis NT Incorporated (“the Applicant”) authorising the sale and consumption of liquor on conditions as set out below at the new premises located at the Darwin International Centre, 9 Abala Road, Marrara (“the Premises), at the following times:

Ground Floor

From 12:00 hours to 24:00 hours seven (7) days a week including all public holidays provided that any trade on Christmas Day or Easter Friday is subject to the conditions prescribed by the Liquor Regulations 2019.

First Floor Function Area

From 12:00 hours to 24:00 hours seven (7) days a week including all public holidays provided that any trade on Christmas Day or Easter Friday is subject to the conditions prescribed by the Liquor Regulations 2019.

CONDITIONS

2. The following conditions apply, in addition to or in substitution for, as the case may be, the standard conditions applicable to an **AUTHORITY – ON LICENCE**:

- a. The “function area” is the first floor of the premises, excluding offices, boardrooms, administration and meeting rooms and stairwells and is not normally open to the general public for purchase of liquor but is ordinarily reserved for those patrons that are attending a prearranged function.
- b. There is no restriction on the type of liquor that may be sold, supplied or consumed in the function area.
- c. The only liquor that may be sold, supplied or consumed in the ground floor area is beer, cider and premixed spirits in open containers or wine in a plastic container.
- d. A maximum of four alcoholic drinks is permitted to be sold to any one customer at any one time in the ground floor area.
- e. No liquor is to be sold, supplied or consumed on the premises while an exclusive junior tennis tournament is in progress.
- f. A reasonable range of non-alcoholic beverages must be available for purchase by patrons during the hours of operation.
- g. Complimentary tap water must be available to patrons during the hours of operation.
- h. The licensee must install and maintain video surveillance equipment in accordance with Regulation 76 of the *Liquor Regulations* 2019 as in force at the time of the issue of this licence, and as subsequently amended from time to time.
- i. Except during special events, liquor may only be sold or supplied from the bars on the ground floor and first floor and such booths within the premises as the Director of Liquor Licensing approves in writing.
- j. Liquor may only be sold, supplied or consumed on the premises when the premises are being used for tennis activities or prearranged functions.
- k. The licensee must comply with the Northern Territory Noise Management Framework Guideline issued by the Northern Territory Environment Protection Authority in September 2018 and as subsequently amended from time to time.
- l. The licensee must within 12 months of the grant of this licence develop and implement an alcohol harm minimisation policy and provide details of that policy to the Director.

m. Special events

- i. A “special event” is a “headline” tennis event or an event featuring entertainment other than tennis at which the licensee intends to sell liquor at a temporary booth or booths in the thoroughfare on the ground floor.
- ii. The licensee must, by prior written notice to the Director, seek the Director’s consent to a special event.
- iii. The notice must be given at least 14 working days before holding the special event, or by such later date as may be permitted by the Director.
- iv. The licensee must not permit the event to proceed if the Director gives the licensee written notice that the Director refuses to consent to the event.
- v. The Director is taken to have consented to a special event if:
 - The licensee has notified the Director of the special event in accordance with the foregoing conditions; and
 - The Director has not, at least 7 days before the special event, notified the licensee that consent to the special event is refused.
- vi. Subject to the *Liquor Act 2019* (“the 2019 Act”) and the powers of the Director, for the purpose of and during the special event, the Director may at his or her discretion add temporary conditions to the licence and issue temporary authorities, including a special event authority.
- vii. If the Director considers that a major event authority is required to permit the function to proceed, the Director shall refer the request for consent to a Member of the Commission, who may at their discretion add temporary conditions to the licence and issue temporary authorities, including a major event authority.

Reasons

Application

3. On 14 March 2019, an application for grant of licence was lodged with the Territory Business Centre (TBC) by Thomas Richardson, De Silva Hebron on behalf of the Applicant.
4. The TBC, in error, on-forwarded the application to an incorrect email address. It was not until the Applicant queried the application status on 29 April 2019 that it was discovered that the application had in fact been received by the then Director-General of Licensing. The application was located and assessed and the Applicant was informed of outstanding documents and requirements on 7 March 2019. Those included the need to clarify its policy of liquor consumption by adults during junior sporting events, initial deficiencies with the section 26A affidavit and

the need for further documentation to satisfy probity requirements. It was not until the end of June 2020 that the Applicant had provided all the requisite information.

5. On 14 July 2020, the Director of Liquor Licensing (“Director”) referred the application to the Commission for consideration and determination.
6. The Director provided the Commission with a brief of evidence (“the brief”) including:
 - Memorandum from the Director setting out the circumstances of the application;
 - Application for the grant of a liquor licence and evidence of payment of \$200 fee on 19 March 2019;
 - Correspondence between applicant and Licensing NT;
 - Affidavits of Sam Russell Gibson dated 1 February 2019 and 6 December 2019;
 - Business Name Extract dated 25 January 2019;
 - Certificate of Incorporation on Change of Name to Tennis NT Incorporated;
 - ASIC Certificate of Registration of Association dated 31 August 2017;
 - Submission and Supporting Statement of Applicant dated 14 March 2019 including community impact statement assessment and responses to public interest criteria;
 - Tennis NT Incorporated Constitution adopted 20 November 2016;
 - Crown Lease documents;
 - Proposed site plans and occupancy permit;
 - Copies of NT News notices dated 14 and 17 August 2019 and evidence of display of “Green Sign”;
 - Objection by Mr Brendan Lawson dated 15 August 2019;
 - Response to objection by Applicant dated 24 September 2019;
 - Correspondence between Licensing NT and Department of Health (“DOH”); NT Police, NT Fire and Rescue Service (“NTFRS”) and City of Darwin;
 - Identification and probity documents in respect of Kate Lee;
 - References in respect of Alecia Boyle, Matthew Campbell and David De Silva;
 - Identification, probity documents and evidence of RSA Certificate in respect of Sam Gibson;
 - Independent Audit Report for period ended 30 June 2019.

Consultation

7. As required by section 27 of the 1978 Act, notices of the application were published in the NT News and displayed on site. One objection was received, from Mr Brendan Lawson.
8. Also in accordance with section 27, notification was given to the Chief Executive Officer of the Department of Health (“DOH”), the Commissioner of Police and the City of Darwin. The Northern Territory Fire and Rescue Service (“NTFRS”) was also notified.

9. The Director informed the Commission that:

- DOH responded, making no adverse comment;
- NT Police advised that it had no objections;
- The City of Darwin did not provide a response;
- NTFRS indicated that it supported the application and provided maximum patron number approvals.

The objector

10. Mr Lawson is a resident of the Northlakes Estate, situated approximately 500 metres south-east of the proposed premises.

11. Mr Lawson gave as reason for his objection:

“Residents of Sunningdale Court Marrara have suffered adverse impacts from outdoor concerts conducted at the PINT Club Marrara as well as the use of the Marrara Cricket ground for unrelated events like the Careflight ball which was the subject of complaints in August 2017 and which still remains to be addressed by Licensing NT some 2 ½ years on from when the problem first occurred. The obligations for noise management are dealt with under the Liquor Act.

In its consideration of a Planning Application for the Warren Park development in April 2018, the Development Consent Authority considered the concern of neighbours in relation to the potential for noise generated from activities other than the playing of Rugby League. The Authority chose to rely upon guidelines under other legislation, such as the NTEPA’s Noise Management Framework Guidelines, to manage noise should any impacts arise as a result of future activities conducted at the venue.”

12. He submitted that the Commission should impose a number of restrictive conditions on any licence that was granted including:

“Place a condition of the Liquor Licence requiring the Licensee to comply with the NTEPA Noise Management Guidelines for events (particularly outdoor music concerts conducted under facility hire arrangements) and other activities consistent with contemporary best practice in all other jurisdictions”.

The licensee’s record of compliance

13. The Director informed the Commission that the Applicant has not held any previous full liquor licence and that special liquor licences have been held for small events such as award nights, corporate functions and tennis competitions. No negative compliance history is recorded for any of the events held.

14. Prior to sending out hearing notices, a Commission Support Services Officer contacted the Applicant's solicitor and reminded him that section 53(1)(a)(ii) of the 1978 Act required the Commission to provide "copies of all documents relating to the hearing that have been lodged with the Director-General" to the objector. The solicitor then sought permission to uplift certain documents which contained potentially sensitive financial records together with other probity documents containing personal information. Permission was granted on the understanding that the Applicant would tender those documents during the course of the hearing.
15. Hearing notices were sent to both the Applicant and Mr Lawson on 21 July 2020 advising that the matter would be heard on 11 August 2020 at 10:00am. Mr Lawson subsequently advised that he would not be attending the hearing but would rely on his written objection.

The Hearing

16. On 11 August 2019, the application proceeded as a public hearing. Mr Richardson appeared on behalf of the Applicant with the applicant's manager, Mr Sam Gibson. Mr Jeff Verinder appeared for the Director. The Commission thanks them all for their attendance and assistance.
17. The Director's Referral Brief, with redactions, was tendered in evidence as Exhibit 1 in the hearing. Unfortunately the Applicant's solicitor neglected to tender those documents he had previously uplifted from the brief and the Commission failed to bring that omission to his attention during the course of the hearing. Consequently when it became clear that there were gaps with the probity documentation, the Applicant's solicitor was contacted and sought and was granted leave to file that further documentation on 17 August 2020.

The applicable law

18. This application for a liquor licence was lodged in March 2019, prior to the coming into force on 1 October 2019 of the 2019 Act. Regulation 129(1) provides that in these circumstances, unless the Applicant notifies the Director that it wishes to have the application determined under the 2019 Act, the application is to proceed and be determined under the 1978 Act. The applicant made no such notification, and accordingly, the application proceeded and is being determined under the 1978 Act. Further, the Applicant did not lodge written notice with the Director of the authorities sought to have issued in conjunction with the licence, as mandated by Regulation 129(2).
19. As this application is being determined under the 1978 Act, the Commission is not empowered to issue an authority or authorities in conjunction with this licence, and it is unnecessary for the Commission to express a determinative view as to which authority or authorities it considers should be issued when the licence is converted and an authority or authorities are issued by the Director pursuant to section 324 of the 2019 Act.

20. During the course of the hearing both the Applicant and Mr Verinder on behalf of the Director submitted that a special venture authority (as prescribed by Division 19 of the Liquor Regulations 2019) would be an appropriate framework for the terms of the licence being sought. However, as the Commission pointed out to the parties, Regulation 93 restricts the sale of liquor to only those “customers of the licensee’s services who have booked those service in advance”. The Applicant readily conceded that many of its patrons would not have booked any services in advance but just come along to the centre to watch some friends play tennis and enjoy a drink during and perhaps after the game. As the Commission has previously pointed out, most recently in the Warren Park Stadium¹ and Sitzler Netball Centre² applications, the current range of authorities set out in the Regulations is deficient and a further class of licence is required to cover those community sporting clubs that provide services to non-members such as the opportunity to hire a tennis court or the opportunity to view a sporting event.

ASSESSMENT OF THE APPLICATION

21. The Applicant is the peak body of tennis in the NT and operates as a not for profit Member Association of Tennis Australia. It is Tennis NT’s role to coordinate, manage and promote the sport of tennis in the NT and in doing so, support and service its members. The core business of Tennis NT is to ensure that NT residents are able to have fun playing tennis for life under the motto “more people playing tennis for longer”.

22. The Premises are an important fixture for the sport of tennis in the Northern Territory (NT) and the Applicant hopes they will give the NT the ability to cater to a range of events to further the sport of tennis and offer unique premises for other types of entertainment.

23. The Applicant proposed to operate the Premises in a similar manner to the other sporting grounds in the immediate area with primary use by members of the public booking out courts for play. Special events, highly publicised tennis games and other types of entertainment are also expected to be conducted from time to time. The Applicant was keen to secure the option of using the ground floor as a venue for a variety of special entertainment events including top class tennis matches. These would usually be categorised as fund raising events that would attract a larger number of patrons to the premises than was usual and require further points for the sale of liquor. Rather than having to apply for a special event authority for each of these events it was content for a condition to be included in the licence, similar to that which had been imposed in the Warren Park Rugby League Stadium licence, requiring it to provide advance notice and obtain permission from the Director prior to holding a special event.

24. There will not be large number of spectators attending the Premises in its day to day operation.

¹ Decision Notice of ARLC NT Limited dated 20 January 2020

² Decision Notice of Netball NT Incorporated dated 6 January 2020

25. It is proposed that alcohol will be available to social players and spectators either during or after their games and will be available during special events held at the Premises.
26. As the new Darwin International Tennis Centre was the recipient of a significant investment of community funds, the Commission was keen to know what if any policies the Applicant had put in place to minimise the harm caused by alcohol and other unhealthy behaviour particularly in relation to its junior members. Mr Gibson confirmed that the club was a member of the Good Sports organisation at the basic Level 1, but did not have any specific policies that targeted junior players as is the case with a number of other sporting clubs in the Northern Territory.
27. The Applicant submitted that the “culture of tennis” does not have an emphasis on unsafe drinking and that as tennis is a highly competitive sport that requires a significant level of athleticism, it is not expected that players utilising the facility will be in a position to consume alcohol in an unsafe manner. While the Commission agrees that there are significant differences between the cultures surrounding the various sporting codes, agencies such as Good Sports have identified the positive health and behavioural benefits that can be achieved by sporting clubs promoting positive harm reduction policies in relation to alcohol and drug consumption. We believe that the Applicant would benefit from a more detailed consideration of the assistance that can be obtained from Good Sports in developing an appropriate alcohol harm minimisation policy.

The applicant’s premises

28. The Premises are a modern, purpose-built tennis complex within the Marrara Sporting Precinct, a large sporting precinct. The Premises is close to the Henry Wrigley Drive entrance to the Airport precinct and the Darwin Golf Club. The residential suburbs of Jingili, Millner, Moil, Anula and Malak are on the opposite side of McMillans Road from the Marrara Sporting Precinct.
29. The Premises are surrounded by a secure fence-line that separates the administration building and the courts from the carpark and surrounding sporting grounds. Access to the Premises is through a main gate which will be locked during off-hours and monitored by CCTV cameras. There is a large number of carparks at the Premises and low risk of pedestrian traffic.
30. The Premises are equipped with appropriate facilities for the preparation, sale and service of canteen food. Tennis Australia will be handling the food service at the venue.
31. The proposed main point of sale of alcohol will be the Ground Floor Canteen, which also offers a limited food service. Liquor will also be supplied from a servery on the first floor functions area. In addition, the Applicant will supply liquor from “pop-up” booths during special events at other locations on the proposed premises.

32. During the course of the hearing, the Applicant's representatives were questioned about why they had, for the first floor function area, also included all the administration offices and meeting rooms as part of the licensed footprint. The Commission was not persuaded that it was appropriate to extend the licensed area to encompass those areas where members of the public would not ordinarily be expected to congregate so they will be excluded from the licensed footprint.
33. In accordance with s 28(2)(a) of the 1978 Act, the Commission assesses the premises as suitable for the supply and consumption of liquor in the manner set out in the application.

The applicant

34. The Applicant has been an incorporated association registered since 1980. The applicant complies with s 25(1) of the 1978 Act, which requires that a body corporate shall not hold a licence unless it is a corporation.
35. The Applicant has provided extensive documentation regarding its operations, activities, financial circumstances and plans.
36. In accordance with s 28(2)(c) of the 1978 Act, the Commission assesses the applicant as having a satisfactory business reputation and as being financially stable.
37. In accordance with s 28(2)(e) of the 1978 Act, the Commission assesses the Applicant to be a fit and proper person to hold a liquor licence.

The applicant's secretary and executive officers

38. The Commission notes that Mr David De Silva is the President of the association, that Ms Kate Lee is Vice-President and that the general committee is comprised of 4 other members.
39. Having been provided with appropriate evidence regarding their reputation, character and work history, the Commission assesses the general reputation and character of the Applicant's executive officers to be satisfactory, in accordance with s 28(2)(c) of the 1978 Act.
40. The Commission assesses the general reputation and character of the applicant's executive officers, Mr De Silva and Ms Lee to be satisfactory, in accordance with s 28(2)(c) of the 1978 Act.

The licensee's associates

41. The section 26A affidavits tendered in support of the application refer to Tennis Australia Limited as the governing body for the sport of tennis in Australia but declares the association is not involved in the day-to-day operation of the Applicant.

The nominated manager

42. The Applicant has nominated Mr Sam Gibson as the manager of the licence. In accordance with section 28(2)(h) of the 1978 Act, the Commission assesses Mr Gibson, who holds current RSA certification and has provided appropriate documentation of his reputation, character and work history, to be a fit and proper person to manage the licence.

The objection

43. The Commission has had regard to the objection lodged by Mr Lawson and to the detailed response that was filed by the Applicant. Whilst it is clear that Mr Lawson's residence is significantly further from the Darwin International Tennis Centre than the PINT Club which has been the source of much concern for the residents of Sunningdale Court in the Marrara Estate, he makes a valid point in relation to the uncertainty that arises in attempting to enforce compliance with section 93 of the 2019 Act which provides:

Undue and unreasonable noise

A licensee must not cause or permit its employees or patrons to cause undue and unreasonable noise on or in the licensed premises that affects the amenity of the neighbourhood.

44. If the Applicant was proposing to limit its activities solely to tennis matches then the Commission would accept that the risk of these premises causing undue noise disturbance to surrounding residential communities would be minimal. However, the Applicant wishes to retain the option of temporarily converting the open air court area for use as a live entertainment venue. On that basis, the Commission considers that it is in both the interest of the Applicant and local residents that there be definite guidelines in relation to the level of noise that will be permitted during these functions. Accordingly, it will be a condition of licence that the Licensee comply with the NTEPA Noise Management Guidelines for such events.

Public Interest and Community Impact Test

45. The Commission is required to consider each of the fifteen objectives in section 6(2) of the 1978 Act:

(a) Harm or ill-health caused to people, or a group of people, by the consumption of liquor is to be minimised.

Noting that the Applicant's commitment is to primarily promote the sport of tennis through court hire, professional training and tournaments, the Commission considers that the grant of a licence authorising liquor to be sold for consumption at the premises on the conditions it has decided to impose (including those limiting the quantities and type of liquor and type of container which may be sold) will not raise a substantial risk of causing harm or ill-health to people or a group of people by the consumption of liquor.

(b) Liquor is to be sold, or sold and consumed, on licensed premises in a responsible manner.

The Commission considers that, if granted a licence on the above-mentioned conditions, the Applicant is likely to sell liquor in a responsible manner, and that its patrons would generally consume it in a responsible manner.

(c) Public order and safety must not be jeopardised, particularly where circumstances or events are expected to attract large numbers of persons to licensed premises or an area adjacent to those premises.

The Commission has imposed conditions calculated to ensure that if major special events are held, appropriate temporary conditions will be imposed. The Commission notes that the Applicant intends to engage security staff in accordance with industry standard regulations, as the occasion requires. The Commission considers that public order and safety are unlikely to be jeopardised by the operation of the licence subject to the conditions imposed in a modern, purpose-built sporting complex located in a large sporting precinct.

(d) The safety, health and welfare of persons who use licensed premises must not be put at risk;

The Commission does not consider that persons using the licensed premises would be exposed to a significant risk of harm. The Applicant has installed a CCTV system to continuously monitor the Premises.

(e) Noise emanations from licensed premises must not be excessive

As has been noted above the primary issue raised by the sole objector is noise. It is the Commission's view that requiring the Applicant to comply with the NTEPA Noise Management Guidelines would satisfy this objective.

(f) Business conducted at licensed premises must not cause undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the neighbourhood of the premises or who are making their way to or from, or using the services of, a place of public worship, hospital or school.

The proposed Premises are located within a designated sporting precinct, and supported by extensive public parking and transport facilities and services. The Commission is satisfied that this objective is met by the Applicant.

(g) A licensee must comply with provisions of this Act and any other law in force in the Territory which regulate in any manner the sale or consumption of liquor or the location, construction or facilities of licensed premises, including:

- (i) *by-laws made under the Local Government Act 2008; and*
- (ii) *provisions of or under the Planning Act 1999.*

The Commission is satisfied that the Applicant is duly authorised to occupy the premises in accordance with its lease from the Territory, that the Applicant has obtained the requisite approvals from the Development Consent Authority, and that none of the regulatory agencies that have been consulted about the application have raised concerns that have not been addressed.

(h) Each person involved in the business conducted at licensed premises must receive suitable training relevant to the person's role in the conduct of the business.

The Commission accepts that the Applicant is committed to ensuring that staff it employs to sell or supply liquor will be appropriately trained and supervised.

(i) The use of credit in the sale of liquor must be controlled.

This issue is addressed to the satisfaction of the Commission by the standard condition in licences headed “**Credit**”. No issues have been raised with the Commission that lead it to be concerned in relation to this objective.

(j) Practices which encourage irresponsible drinking must be prohibited.

Although the Commission does not consider that the Applicant is likely to encourage irresponsible drinking it was concerned over what seemed to be a dismissive attitude to suggestions by Licensing Officers and the Commission that it consider developing appropriate policies to discourage irresponsible drinking. One of the reasons why Governments have been prepared to contribute increasing amounts of taxpayer funds to sporting clubs is because of the positive role they can play in reducing alcohol and drug misuse. The Commission is of the view that Tennis NT should also be making a contribution in that regard. Accordingly, it will be a condition of this licence that within 12 months, the Licensee develop and implement an alcohol harm minimisation policy, and provide details of that policy to the Director.

(k) It may be necessary or desirable to limit any of the following:

- (i) the kinds of liquor that may be sold;*
- (ii) the manner in which liquor may be sold;*
- (iii) the containers, or number or types of containers, in which liquor may be sold;*
- (iv) the days on which and the times at which liquor may be sold.*

The Commission considers that this objective can be achieved by the conditions it has imposed.

(l) It may be necessary or desirable to prohibit persons or limit the number of persons who may be on licensed premises, on any particular part of licensed premises or in an adjacent area subject to the control of the licensee.

The capacity of the Premises will be fixed by NTFRS in accordance with the condition of the licence headed “**Fire Precautions**”.

(m) It may be necessary or desirable to prohibit or limit the entertainment, or the kind of entertainment, which may be provided on licensed premises or in an adjacent area under the control of the licensee.

The Commission considers that it is neither necessary nor desirable to impose such conditions, while noting that the Director will be authorised to impose appropriate conditions for special events.

(n) It may be necessary or desirable to prohibit or limit promotional activities in which drinks are offered free or at reduced prices.

No issues have been raised with the Commission that lead it to be concerned in relation to this objective, which the Commission considers is unlikely to be of concern for a licensee that predominantly supplies and sells liquor ancillary to a sporting event. The Commission accepts that the applicant intends not to promote the consumption of liquor by offering reduced prices or free drinks.

(o) Any sale of additional liquor due to the grant of a licence or the relaxation of restrictive conditions will not increase anti-social behaviour.

The Commission does not consider that the grant of a liquor licence to the applicant is likely to result in a significant increase in anti-social behavior within the precinct.

The impact on the community

46. In considering the impact of the decision on the local community, as it is required to do, the Commission must have regard to five matters set out at s6(3)(a) of the 1978 Act, and in addition apply the community impact assessment guidelines.

(i) The harm that might be caused (whether to the community as a whole or a group within the community) due to the excessive or inappropriate consumption of liquor.

Having regard to the conditions imposed, the Commission does not consider that there is a significant risk of harm caused by excessive or inappropriate consumption of liquor from spectators, tennis players or persons attending a prearranged function. Although it is difficult to assess the risk of harm associated with future special events, the Commission anticipates that they will be relatively infrequent, and that any risks can be satisfactorily mitigated by the imposition by the Director of appropriate special conditions.

(ii) The cultural, recreational, employment or tourism impacts.

The Commission considers that the new Darwin International Tennis Centre will have a substantial positive impact on recreation and a modest positive impact on employment.

(iii) The social impact in, and the impact on the amenity of, the locality of the premises or proposed premises.

The Commission considers that the Darwin International Tennis Centre development has had a highly positive social impact on Darwin's tennis community.

(iv) The density of existing liquor licences within the community area.

There are several licensed venues within the Marrara Sporting Precinct, but both in general and in the particular case of the applicant, these venues are patronised primarily for the purpose of participating and watching others participate in sport, and the consumption of liquor is an ancillary activity. For this reason, the Commission does not consider that this factor is of great significance in assessing the impact of the licence on the local community.

(v) The volume of alcohol sales within the community area, and any increase in volume within the community area arising from the licence the subject of the application.

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

(vi) any other prescribed matter;

No matters have been prescribed.

47. Section 6(3)(b) requires that the Commission also apply the community impact assessment guidelines. The Commission has done so.

48. Having considered all of these matters, the Commission is satisfied, in accordance with section 6B of the 1978 Act, that the approval of the application meets the public interest and community impact test.

The objects of the Act

49. Finally, section 29(1) provides that after considering the application, the Commission must have regard to the objects of the 1978 Act in deciding whether to approve or refuse the application.
50. Throughout its consideration of this application, the Commission has steadily borne the objects in section 3 of the 1978 Act in mind. The Commission is satisfied that the grant of the application is in accordance with the primary object of the 1978 Act.
51. For these reasons, the Commission has determined that the application should be granted, and that a licence be issued on the terms and conditions set out at the commencement of this Decision Notice.

NOTICE OF RIGHTS

52. Section 120ZA of the 1978 Act provides that a reviewable decision is a Commission decision that is specified in the Schedule to the 1978 Act. A decision to issue a licence pursuant to section 29 of the 1978 Act is specified in the Schedule and is a reviewable decision.
53. Section 120ZC of the 1978 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.
54. For the purpose of this decision, and in accordance with s 120ZB(1)(b) and (c) of the 1978 Act, the affected persons are the applicant and the objector, Mr Brendan Lawson.



Richard Coates

CHAIRPERSON, NORTHERN TERRITORY LIQUOR COMMISSION
27 August 2020

On behalf of Commissioners Coates, Carson and Cannon