

NORTHERN TERRITORY LIQUOR COMMISSION

DECISION NOTICE

MATTER: APPLICATION FOR A LICENCE

REFERENCE: LC2019/127

PREMISES: **Sitzler Netball Centre**
235 Abala Road
MARRARA NT 0812

APPLICANT: **Netball NT Incorporated**

NOMINEE: Michalis Mouzourakis

LEGISLATION: Part III of the *Liquor Act 1978*

HEARD BEFORE: Mr Russell Goldflam (Acting Deputy Chairman)
Ms Elizabeth Stephenson (Health Member)
Ms Amy Corcoran (Community Member)

DATE OF HEARING: 12 December 2019

DATE OF DECISION: 6 January 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 Netball NT Incorporated (“the applicant”) authorising the sale of liquor and consumption on conditions as set out below in the area of the Sitzler Netball Centre, Marrara Sporting Precinct, Marrara, delineated in red on the floor plan set out at page 183 of Exhibit One admitted at the hearing of the application (“the premises”), at the following times:
 - a. From 12:00 hours to 23:59 hours Monday to Friday; and
 - b. From 10:00 hours to 23:59 hours Saturday and Sunday.

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** licence:

- a. This licence does not authorise the sale of liquor on or from any part of the licensed premises by any person other than the Licensee, an employee of the Licensee, the Licence Nominee, or an employee of the Licence Nominee unless the prior approval in writing of the Director of Liquor Licensing (“Director”) has been obtained by the Licensee.
- b. The only liquor to be sold shall be light and mid-strength beer, cider, mid-strength pre-mixed spirits or wine (including sparkling wine).
- c. Liquor must be served in opened plastic or metal containers.
- d. A maximum of four alcoholic drinks is permitted to be sold to any one customer at any one time.
- e. No liquor is to be sold or consumed on the premises while junior netball matches are 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. A full meal (namely, a meal expected to be served at a restaurant that is eaten when seated at a table or bar) must be available for purchase by patrons at least 5 days a week during the following times:
 - i. From 12:00 hours to 14:00 hours;
 - ii. From 18:00 hours to 20:00 hours.
- i. A light meal must be available for purchase by patrons on any days a full meal is not provided during the same hours as in the previous condition.
- j. 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.
- k. Special events
 - i. The Licensee must, by prior written notice to the Director, seek the Director’s consent to a special event for which it is proposed to hire out the premises to a third party.
 - ii. The notice must be given at least 21 days before holding the special event, or by such later date as may be permitted by the Director.
 - iii. 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.
 - iv. The Director is taken to have consented to a special event if:
 1. The Licensee has notified the Director of the special event in accordance with the foregoing conditions; and
 2. The Director has not, at least 14 days before the special event, notified the Licensee that consent to the special event is refused.

- v. 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.¹
- vi. 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.²

REASONS

THE APPLICABLE LAW

3. This is an application for a liquor licence commenced in February 2018, prior to the coming into force on 1 October 2019 of the *Liquor Act 2019* (“the 2019 Act”). Regulation 129 of the *Liquor Regulations 2019* (“the Regulations”) 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.
4. As also required by Regulation 129, the applicant notified the Director the authority it seeks to have issued in conjunction with the licence, namely a public bar authority. In the view of the Commission, a public bar authority is not particularly suitable for this licence. The applicant is an association incorporated under the *Associations Act 2003* and accordingly either a club authority or a community club authority could potentially be issued in conjunction with the licence. However, in various respects, the licence is not particularly suited for either of those authorities. Regrettably, none of the other available authorities appears to be particularly suitable either.
5. 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 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. The Commission notes, however, that it has incorporated into the licence conditions adapted both from the prescribed conditions for public bar authorities set out in Regulations 76 and 77 of the *Liquor Regulations 2019*; and from the prescribed conditions for community club authorities set out in Regulations 46 and 47.

¹ On 28 October 2019, the Commission delegated its powers to issue a special event authority and to fix associated licence conditions to the Director (see s47(1)(r) and s48 of the *Liquor Act 2019* (NT)).

² On 28 October 2019, the Commission delegated its powers to issue a major event authority and to fix associated licence conditions to a Member of the Commission (see s47(1)(o) and s48 of the *Liquor Act 2019* (NT)).

BACKGROUND

6. The applicant is the peak body for the administration of netball in the Northern Territory. Netball is one of the Territory's most popular participation sports, with some 4000 registered local players, nearly half of whom live in Darwin or Palmerston. The applicant occupies and manages the recently constructed Sitzler Netball Centre in Darwin, which was opened in January 2019. The Centre is predominantly designed and used for netball, but it is a multi-purpose facility which the applicant proposes to hire out from time to time for other sporting, cultural, recreational, educational and commercial events.
7. The applicant seeks a liquor licence over the whole of the Centre.
8. An affiliated member of the applicant Association, the Darwin Netball Association Incorporated, has previously sold liquor at the premises pursuant to a Continuing Special Licence to Sell Liquor. The most recently issued such licence expired on 7 August 2019.
9. The applicant initially lodged an incomplete application with Licensing NT on 18 January 2019, and lodged further material in support of its application on various occasions up until October 2019. Following community notification and consultation, and an assessment by Licensing NT of the application, on 8 November 2019 the Director referred the application to the Commission for hearing pursuant to sections 28(1) and 50(a) of the 1978 Act.
10. The Director informed the Commission that there is no previous adverse history of compliance with the Act by the applicant or associated persons.

THE BRIEF OF EVIDENCE

11. The Director provided the Commission with a brief of evidence ("the brief") including:
 - Application for a liquor licence dated 9 February 2019
 - Continuing Special Licence No 650/CSL issued 8 August 2018
 - Applicant's Business Plan
 - Applicant's Certificate of Incorporation, 17 November 2018
 - Affidavit for purposes of s26A of the Act deposed by Ian Harkness ("Mr Harkness") dated 22 October 2019
 - Applicant's Constitution, approved 20 September 2015
 - Applicant's 2018 and 2019 financial statements and reports
 - Documents certifying identity, managerial capacity, character and RSA qualifications of Mr Ian Harkness
 - Documents certifying identity, managerial capacity, character and RSA qualifications of Michalis (Michael) Mouzourakis ("Mr Mouzourakis")
 - Community Impact Assessment
 - Public Interest Assessment
 - Applicant's Strategic Plan: 2016 – 2020
 - Plan of proposed licensed area
 - Lease Agreement between Northern Territory Government ("the Territory") and applicant for the premises, 1 January 2019 – 31 December 2023

- Lease agreement between the applicant and Mr Mouzourakis, 1 January 2019 – 31 December 2019
- Certificate of registration of food business to Mouza’s Canteen, 21 October 2019
- Public notices of application for grant of a liquor licence, dated 10 and 13 April 2019
- Correspondence between Licensing NT and: Department of Health (“DOH”); NT Police; NT Fire and Rescue Service (“NTFRS”); and City of Darwin.

ADVERTISING AND NOTIFICATION

12. Details of the application were advertised in the NT News on 10 and 13 April 2019. In addition, signage notifying the application was displayed at the proposed premises for a period of 30 days. The objection period expired on 13 May 2019.
13. No objections to the application were lodged.
14. The Director-General informed the DOH, NT Police, NTFRS and the City of Palmerston of the application.
15. The Commission notes that the following responses were received:
 - a. The DOH made no adverse comment, but reminded the applicant of the applicable smoking compliance requirements.
 - b. The NT Police advised that they had no objections.
 - c. The NTFRS advised it had no objection to the application, but reminded the applicant that liquor should be stored in a secure area not visible to the public.
 - d. The City of Darwin advised that it considered that there were no grounds for objection.

HEARING

16. The hearing was conducted in public on 12 December 2019. On behalf of the applicant Mr Harkness and Mr Mouzourakis attended. Ms Tania Chin appeared for the Director. The Commission thanks them for their attendance and assistance. The Commission read the brief, which was tendered as the sole exhibit in the proceedings.

ASSESSMENT OF THE APPLICATION

17. The Commission has considered the application, the materials tendered in support of the application, the section 26A affidavit of Mr Harkness and the results of the investigations conducted by the Director in relation to the application. The Commission has applied the public interest and community impact test. Having done so, the Commission has determined to grant the application and issue a liquor licence to the applicant, as detailed below.

THE APPLICANT'S PREMISES

18. The premises are a modern, purpose-built netball centre including both indoor and outdoor playing areas. The premises, located within the Marrara Sporting Precinct, comprise 10 outdoor courts and an indoor stadium containing 4 netball courts, including a show court with capacity to seat 2,000 spectators. The premises include the largest capacity indoor stadium in the Northern Territory. The premises are situated in a large sporting precinct, at some distance from residential areas. The premises are equipped with appropriate facilities for the preparation, service, sale and service of food and beverages, including liquor. There are extensive public parking facilities.
19. In accordance with section 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

20. The applicant is managed by a Board of Directors, whose members are elected by affiliated Northern Territory netball associations. The Board of Directors employs Mr Harkness as its Executive Officer. The Commission finds that the applicant is a body corporate³ and a corporation⁴, and that Mr Harkness is its principal executive officer.
21. Accordingly, the Commission finds that the applicant complies with section 25(1) of the 1978 Act, which requires that a body corporate shall not hold a licence unless it is a corporation.
22. The applicant has provided extensive documentation regarding its operations, activities, financial circumstances and plans.
23. The Commission notes that the applicant participates in the Australian Drug Foundation's Good Sports Program and has adopted a detailed Alcohol Management Policy,⁵ which in the view of the Commission is commendable.
24. In accordance with section 28(2)(c) of the 1978 Act, the Commission assesses the applicant as having a satisfactory business reputation and as being financially stable. In accordance with section 28(2)(e) of the 1978 Act, the Commission assesses the applicant to be a fit and proper person to hold a licence.

THE APPLICANT IS NOT "A FEDERATION OF CLUBS"

25. Section 28(d) of the 1978 Act applies if the applicant is "a federation of clubs". If section 28(d) applies, the Commission is required to assess the business reputation and financial stability of each constituent club, as well as the general reputation of the secretary and executive officers of each constituent club. The Commission has not been provided with sufficient information to undertake such an assessment.

³ Section 12, *Associations Act 2003* (NT)

⁴ Section 57A, *Corporations Act 2001* (Cth)

⁵ Accessed at <https://nt.netball.com.au/sites/nt/files/2019-12/20190617-Alcohol-Management-Policy.pdf>

26. Neither the expression “federation of clubs”, the term “federation” or the term “club” is defined in the 1978 Act. The applicant has various categories of members, including “Member Associations” (of which there are currently five: the Alice Springs Netball Association, the Darwin Netball Association, the Gove Netball Association, the Katherine Netball Association and the Palmerston Netball Association) and Individual Members. There is no membership category for “Club Members”.
27. The Commission considers that the ordinary meaning of “club” in the context of sport is a group of people who form a team that participates in a sporting competition. The Nightcliff Netball Club (Darwin) and the Federal Netball Club (Alice Springs) are examples of clubs. In the view of the Commission, the applicant’s Member Associations are not clubs, the applicant is not a federation of clubs, and section 28(d) of the 1978 Act is not engaged for the purpose of assessing this application.

THE SECTION 26A AFFIDAVIT

28. Section 26A of the 1978 Act requires applicants to depose an affidavit disclosing whether certain persons may be able to influence the applicant, or expect a benefit from the applicant, if the licence is granted. Mr Harkness, as the applicant’s principal executive officer, affirms in his affidavit deposed on 27 August 2019 that the only such persons other than himself are the Territory, seven named members of the applicant’s Board of Directors, and Mr Mouzourakis.
29. Section 26A(3)(c) of the Act provides that not only must the deponent of the s26A affidavit provide the name of each natural person he discloses, but also their address and date of birth. In that regard, the affidavit is deficient, although it appears that this deficiency was not brought to the attention of Mr Harkness either before or during the hearing.
30. However, other documents in the brief include the address and date of birth of Mr Mouzourakis. Moreover, section 26A(4) of the 1978 Act provides an exception to the requirement to disclose persons who may be able to influence any decision made by the applicant in relation to the sale of liquor: body corporate applicants are not required to disclose executive officers of the body corporate carrying out their body corporate duties. Therefore, in the view of the Commission, even though Mr Harkness disclosed the names of the members of the applicant’s Board of Directors, he was not required to do so.
31. Accordingly, the Commission considers that any breach by the applicant of section 26A(3)(c) was insubstantial.

THE APPLICANT’S EXECUTIVE OFFICER

32. Having been provided with appropriate evidence regarding his reputation, character and work history, the Commission assesses the general reputation and character of the applicant’s executive officer, Mr Harkness, to be satisfactory, in accordance with s28(2)(c) of the 1978 Act.

33. Section 28(2)(c) also requires the Commission to assess the reputation and character of the secretary of an applicant who is a body corporate. However, curiously, the applicant's Constitution does not establish the office of Secretary, so no such assessment is possible.

THE NOMINATED MANAGER

34. The applicant has contracted with Mr Mouzourakis trading as Mouza's Canteen to occupy and use the premises to conduct his business of preparing, selling and serving food and beverages. Mr Mouzourakis trains and employs staff at the premises for that purpose. The applicant has nominated Mr Mouzourakis to be its manager of the licensed premises. In accordance with section 28(2)(h) of the 1978 Act, the Commission assesses Mr Mouzourakis, 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.

35. The Commission does not consider it to be appropriate to assess the fitness and propriety of any other associate of the applicant.

THE USE OF THE PREMISES BY THIRD PARTIES

36. Since the premises were opened in January 2019, the applicant has hired them out to a variety of third parties, and seeks to continue and indeed grow that business. This aspect of the application has raised some novel issues for the Commission.

37. As noted above, the applicant has contracted Mr Mouzourakis to supply food and beverages, including liquor, at the premises, and, in the event that the premises are hired out for an event at which liquor is sold and consumed, the applicant and Mr Mouzourakis plan to propose as a condition of the hire that the sale and service of liquor will be conducted by Mouza's Canteen.

38. The Commission notes that in the event a third party wished to apply for its own liquor licence for a special event, it may be necessary to arrange for the applicant's licence to be temporarily suspended during the period of the special event. However, no provisions in the 2019 Act have been identified to the Commission that appear to facilitate or permit a temporary licence suspension of this nature.

39. For this reason, the Commission considers that the arrangement described at paragraph 37 above may be preferable to one under which a third party would supply liquor under its own licence issued in conjunction with a special event authority.

40. The applicant has negotiated a lease over the premises for a term of five years. A term of the lease is that the landlord (the Territory) is entitled to resume the use of the premises for the purpose of a "Special Event". The lease provides that in the case of a Special Event, the Territory or, with the consent of the Territory, a third party, shall have "Unconstrained Pourage Rights", which are defined as:

Unlimited access to and use of the bar area and facilities within the [premises], if any, by the Territory or a third party, with the Territory or the third party having the right to dictate the products to be sold and the prices at which those products will be sold.

41. The Commission observes that notwithstanding this term of the lease, the pourage rights of the Territory or a third party would still be subject to the 2019 Act, and considers that if the premises are resumed by the Territory for a Special Event at which liquor is to be supplied, as with the circumstances discussed at paragraphs 36 to 38 above, it would be preferable for the liquor to be supplied using the applicant's licence.
42. Accordingly, the Commission has drafted the condition set out at paragraph 2(k) above ("the special events condition") so as to facilitate, within the terms of the applicant's licence, arrangements for the supply of liquor for special events being presented by third parties, whether they be parties to which the applicant hires out the premises, or parties in temporary occupation pursuant to the Territory's right to resume the premises.
43. In drafting the special events condition, the Commission has had regard to the following considerations:
- a. The scheme of the 2019 Act and the Regulations.
 - b. The statutory provisions that have the potential to impede the grant of an application by a third party for a licence to supply liquor at a special event at the premises.
 - c. The possibility that the proper management of some special events may call for the imposition of special conditions on the supply and consumption of liquor.
 - d. The willingness and capacity of the applicant and its nominated manager to supply liquor at special events.
 - e. The desirability of designing a condition that is tailored to the needs and resources of the licensee, the third party, Licensing NT and the community at large.

TRADING HOURS

44. The Commission notes that although the licence authorises the sale of liquor between midday (or, on weekends, 10 am) and 2359 hours each day, in fact the applicant does not intend to supply liquor at times other than in conjunction with scheduled netball activities at the premises, or when a special event is in progress. During the hearing, the applicant indicated that, although it had initially applied for authority to trade until 0100 hours on weekends, it would be willing to cease trading at midnight. Noting this indication and that if the applicant were to sell liquor after midnight, it would in due course become subject to the conditions set out at Division 10 of the Regulations, the Commission has determined not to authorise liquor trading past midnight.

SERVICE OF FOOD

45. As set out at paragraph 2(h) above, a condition of the licence will be that a full meal must be available at specified periods. That condition is derived from Regulation 77 of the *Liquor Regulations 2019*, which will perforce apply if, as the applicant has requested, it is in due course issued with a public bar authority when the licence is converted pursuant to section 324 of the 2019 Act.
46. During mealtimes Mouza's Canteen prepares and serves hot food on the premises such as lasagna and yiros. These meals are served in takeaway containers, and are typically eaten by spectators watching a game of netball, or by players after a game. In the view of the Commission, such a meal constitutes a "full meal" as defined in Regulation 3 of

the Regulations, because although it is not likely to be eaten by customers of the Canteen seated at a table or bar, it is *the type of meal* expected to be served at a restaurant for consumption when seated at a table or bar.

PUBLIC INTEREST AND COMMUNITY IMPACT

The public interest and community impact test

47. The Commission is required to consider each of the fifteen objectives in section 6(2) of the 1978 Act. In doing so, the Commission has had particular regard to the licensee's public interest and community impact statement.

48. The Commission now turns to consider each of the section 6(2) objectives:

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

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, and the provision of food) 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 licensee 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 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.

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

The stadium is not acoustically designed as a concert venue. No noise complaints have been received to date arising from the special events that have been undertaken, including a Chinese Cultural Show which included the use of a sound

system. If a special event is planned that raises a risk of causing excessive noise, the Commission expects that the Director will impose appropriate conditions to mitigate that risk, having regard to the *Northern Territory Noise Management Framework Guideline* published by the Northern Territory Environmental Protection Authority.

Taking into account the location, design and use of the premises, the Commission does not consider that the noise emanating from them is likely to be excessive, or that it is necessary to impose a special noise condition.

- (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 Commission considers that the location and use of the premises is such as to effectively mitigate this risk.

- (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 and the Darwin Netball Association have a good history of compliance with the relevant liquor laws, and that the applicant is duly authorised to occupy the premises in accordance with its lease from the Territory.

- (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 is satisfied that the applicant, and in particular its nominated manager, Mr Mouzoulakis, will appropriately manage and supervise service staff.

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

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.*

No issues have been raised with the Commission that lead it to be concerned in relation to this objective. The Commission notes that the applicant's Alcohol Management Policy prohibits members, players and officials from participating in or encouraging excessive or rapid consumption of alcohol, including drinking competitions. Among other similar measures, the Policy prohibits the applicant from conducting "all you can drink" functions.

- (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 imposition of 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.*

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

- (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. The applicant's Alcohol Management Policy incorporates various measures that effectively address this issue.

- (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

49. In considering the impact of the decision on the local community, the Commission must have regard to five matters set out at section 6(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.*

The Commission does not consider that there is a significant risk of harm caused by excessive or inappropriate consumption of liquor from spectators at netball games, or participants in other netball-related activities. 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 issue of the licence will have a marginally beneficial recreational impact: some netballers' family members may be more likely to attend matches if liquor is available, and some adult netballers may be encouraged to join their local competition in the knowledge that liquor is available for consumption after the game.

The use of the premises for special events potentially provides a significant revenue stream for the applicant, which in turn will enhance the applicant's capacity to extend and enhance its services to the netball community.

The Commission acknowledges the important role the applicant plays in enhancing health, recreation and community well-being, as the peak body for the administration of the Territory's most popular participatory sporting code for young women and girls.

(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 issue of a liquor licence to the applicant will have a modestly positive social impact on the amenity of the Sitzler Netball Centre. Although the Commission is concerned about the negative impact of the consumption and promotion of alcohol at sporting events with a high level of participation by children and young people, the Commission commends the applicant for adopting an Alcohol Management Policy which includes a commitment to both pursue non-alcohol sponsorship and revenue sources, and not to advertise, promote or have alcohol served or consumed at junior events or activities.

(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.

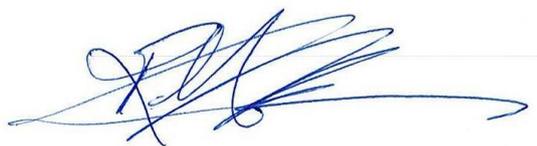
(vi) any other prescribed matter;

No such matters have been prescribed.

50. Section 6(3)(b) requires that the Commission also apply the community impact assessment guidelines. The Commission has done so.
51. Having regard to the Objects as set out in section 3 of the 1978 Act, and the foregoing, the Commission is satisfied that approval of the application meets the public interest and community impact test. The onus is on the applicant to so satisfy the Commission, and the applicant has discharged that onus.
52. 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

53. Section 120ZA of the 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.
54. 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.
55. For the purpose of this decision, and in accordance with section 120ZB(1)(b) and (c) of the 1978 Act, the affected person is the applicant.



RUSSELL GOLDFLAM
ACTING DEPUTY CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
6 January 2020
On behalf of Commissioners, Goldflam, Corcoran and Stephenson