

**NORTHERN TERRITORY LIQUOR COMMISSION**  
**DECISION NOTICE**

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

**LICENCE NUMBER:** 80100141

**LICENSEE:** Delaware North Darwin Casino Pty Ltd

**PREMISES:** Mindil Beach Casino Resort  
3 Gilruth Avenue  
The Gardens, NT 0810

**APPLICANT:** Mindil Beach Casino Resort

**LEGISLATION:** Section 32A of the *Liquor Act 1978*

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

**DATE OF HEARING:** 28 May 2019

**DATE OF DECISION:** 3 June 2019

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**Decision**

1. For the reasons set out below and in accordance with section 32A of the *Liquor Act 1978* (“the Act”), the Commission has determined to approve the temporary variation of conditions of licence as sought by the Applicant.
2. In addition to the trading hours as set out in Licence 89818127, the Mindil Beach Casino Resort is authorised to trade between 04:00 and 08:00 on 2 June 2019 in the premises known as the Sportsbar, subject to the following special conditions:
  - No sales of jugs, pints, cocktails, shots or doubles
  - No sales of liquor at reduced prices
  - Sales will limited to one drink per person
  - Two additional security staff will be on duty
  - If the premises’ capacity is reached, entry will be restricted to “one in one out” by security staff at the entrance to the premises

## **Reasons**

### **Background**

3. The Applicant operates a casino in Darwin with a liquor licence that authorises the sale, supply and consumption of liquor in eighteen designated areas, one of which, the “Sportsbar” is licensed to trade seven days a week between the hours of 10:00 and 04:00 the following day.
4. The Applicant, which identifies itself as the Northern Territory’s premium entertainment venue, seeks to extend this period on a single night by four hours, to accommodate patrons who wish to watch a live telecast of the UEFA Champions League final being played in Madrid, Spain commencing at 4:30 am Central Australian Time on Sunday 2 June 2019. The Applicant estimates that up to 200 patrons will attend.
5. The Applicant states that during the extended trading period:
  - There will be no sales of jugs, pints, cocktails, shots or doubles
  - there will be no sales of liquor at reduced prices
  - sales will limited to one drink per person
  - if the area’s capacity is reached, entry will be restricted to “one in one out” by security staff at the entrance to the Sportsbar
6. The casino operates with a high level of security, and also proposes to provide an additional two security staff at the venue during the extended period of trading. The Applicant employs various measures to minimise alcohol-related harm, including responsible drinking signage, availability of unsalted food, cheaper low alcohol drinks, free water, RSA training for staff and continuous camera surveillance of the entire site.
7. Pursuant to s26A of the Act, an executive officer of the Applicant filed an affidavit in which he affirmed that there were no other persons of influence in relation to the conduct of the business or the proposed licence.
8. Pursuant to s6A of the Act, a s32A applicant is required to satisfy the Commission that the approval of the application meets the public interest and community impact test set out in s 6(2), and to that end the applicant prepared and submitted a statement addressing the relevant elements of the test.
9. The Applicant applied for and was granted a similar variation of its licence on the occasion of a similar event in 2017.
10. The Director-General informed the Commission that there are no adverse compliance issues recorded in relation to the Applicant’s licence.

## **Consultations**

11. Pursuant to s32A(2) of the Act, the Director-General's Delegate did not require the applicant to publish notice of the application.
12. As required by s32A(5) of the Act, the Director-General notified the Department of Health (DOH), Northern Territory Police and the City of Darwin of the application. Although not required to do so, the Director-General also consulted with the Northern Territory Fire and Rescue Service.
13. None of these agencies (or indeed, any other person) objected to the application.

## **Public Hearing**

14. Pursuant to section 50 of the Act, the Director-General of Licensing ("the Director-General") must refer applications under section 32A of the Act to the Commission. The Director-General referred the matter to the Commission on 21 May 2019. On 23 May 2019, Due to the urgency of the matter, the Commission, having determined to abridge time pursuant to s127(1) of the Act, notified the applicant that the public hearing of the application would be held on 28 May 2019, which provided for less than the minimum notice period of seven days mandated by s53(1)(a)(ii).
15. Mr Howe appeared at the hearing on behalf of the Applicant and Ms Chin appeared on behalf of Licensing NT. The Commission is grateful for their assistance.
16. The Commission accepted the tender of the Director-General's brief of evidence, comprising the following:
  - Application for Variation of Conditions of Licence
  - Decision notice of the Director-General of Licensing dated 22 May 2019
  - Section 26A Affidavit of Gary Peter Brown dated 17 April 2019
  - Public Interest Statement and Community Impact Assessment
  - Email communications with Department of Health, NT Police, City of Darwin and NT Fire and Rescue Service
  - Liquor Licence No 80100141 dated 17 April 2019 and Certificates of Declaration
17. No other evidence was tendered.

## **Assessment of the Application**

18. In considering the application, the Commission has had regard to the objects of the Act (s3), the application of the public interest and community impact test (s6), the community impact assessment guidelines issued by the Attorney-General and Minister for Justice on 2 March 2018 pursuant to s6A, and the onus on the applicant to satisfy the Commission that the approval of the application meets the public interest and community impact test (s6B).

19. Based on the evidence presented to this Commission, the Commission finds on balance that there is no evidence to suggest any potential harm or health impact may be caused to people, or any group of people within the local community area, due to the availability and accessibility of liquor as a consequence of the temporary variation sought.

20. The Commission accepts the Applicant's submission that there will be significant interest in this showcase match amongst both local and visiting fans, and is satisfied that the approval of the application meets the public interest and community impact tests.

21. Accordingly the Commission has for the reasons outlined above decided to approve the application.

### **Notice of Rights**

22. Section 120ZA of the Act provides that a reviewable decision is a Commission decision that is specified in the Schedule to the Act. A decision to vary conditions of licence pursuant to s32A of the Act is specified in the Schedule and is a reviewable decision.

23. 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.

24. For the purpose of this decision, and in accordance with section 120ZB(1)(b) and (c) of the Act, the affected person is the Applicant.



Russell Goldflam  
ACTING DEPUTY CHAIRPERSON  
NORTHERN TERRITORY LIQUOR COMMISSION  
3 June 2019

On behalf of Commissioners Goldflam, Reynolds and Cannon