

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR VARIATION OF THE CONDITIONS OF LICENCE

REFERENCE: LC2019/030

LICENCE NUMBER: FLL1038

LICENSEE: Little Cashy Pty Ltd and Dunstall Pty Ltd

PREMISES: Landmark@Gateway
Tenancy R08
Gateway Shopping Centre
5, 11 and 15 Yarrowonga Road
YARRAWONGA NT 0830

APPLICANT: Little Cashy Pty Ltd and Dunstall Pty Ltd

NOMINEE/S: Diarmuid Harrington

OBJECTOR/S: Nil

LEGISLATION: Section 32A, Part IV and V of the *Liquor Act*.

HEARD BEFORE: Ms Jodi Truman (Deputy Chairperson)
Mr Kenton Winsley (Health Member)
Ms Christine Hart (Community Member)

DATE OF HEARING: 3 April 2019

DATE OF DECISION: 5 April 2019

Decision

1. For the reasons set out below and in accordance with section 32A(7) of the Liquor Act the Commission has determined to temporarily vary the conditions of the liquor licence for the premises known as Landmark@Gateway by:
 - a. Permitting the premises to trade on Good Friday 2019 only between the hours of 11:00am and 11:00pm or until completion of the Australian Football League (AFL) game scheduled to commence at 7:50pm on Good Friday (whichever is the later).
2. In accordance with section 32A(9) the variation of the condition of licence is to take effect as at Friday 5 April 2019.

Reasons

Background

3. Little Cashy Pty Ltd and Dunstall Pty Ltd (“the applicant”) currently hold a Tavern Liquor Licence authorising the sale of liquor for consumption on or at the licensed premises being Landmark@Gateway. The licensee is the applicant and the nominee under the liquor licence is Diarmuid Harrington.
4. On 25 February 2019 the applicant made application pursuant to section 32A of the Act for a variation to their licence conditions with respect to Good Friday. The application was then referred by the Director-General of Licensing (“the Director-General”) to the Commission on 21 March 2019.
5. The applicant’s current liquor licence prohibits trading on Good Friday. The applicant seeks to trade on Good Friday for 2019 only between the hours of 11.00am to 1.00am the following day.
6. With respect to this applicant, the Commission was informed by the Director-General that a check of the records held at Licensing NT indicated there was no previous adverse history in relation to compliance issues.

Disclosure of influential persons or potential beneficiaries

7. The Commission notes that section 32A(1A) of the Act requires applicants to make 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. As the applicant is in fact 2 companies, the applicant has filed such an affidavit from directors of each of the companies and also via its nominee.
8. The Act prescribes that upon the application being filed, together with the affidavit under section 26A, there must be investigations conducted by the Director-General in relation to the application. The Commission has received no information to indicate there have been any adverse matters discovered as a result of the investigation by the Director-General.

Advertising and Objections

9. The Commission was advised that the Director-General had exercised her discretion under section 32A(2) and not required the applicant to publish a notice of the application due to an assessment of the application and deeming there was insufficient public interest. This was said to be because the application related to a single day of liquor trade.
10. It is noted that section 32A(5) of the Act requires that the Director-General must inform:
 - a. the Chief Executive Officer (“CEO”) of the Department of Health (“DOH”);
 - b. the Commissioner of Police; and

- c. if the application relates to premises within the area of a shire council or a regional council - the Chief Executive Officer (“CEO”) of the council.

11. That occurred with respect to this application. With respect to this application:

- a. The DOH made no adverse comment.
- b. The City of Palmerston stated it had no objections.

12. In relation to the Commissioner of Police, initially there was no response by the time of referral to the Commission on 21 March 2019. This was despite the fact that notice had been given to NT Police on 25 February 2019. On 26 March 2019 NT Police provided the following response:

“Please note that NTPOL do not support this application.

There are only two (2) days per year (Good Friday) and (Christmas) where the general sale of alcohol is not allowed in the Northern Territory by licensed premises, giving the community and first responders some respite from alcohol related incidents. These two days have traditionally and remain excluded in liquor licences as operating days as a general rule.

The application does not provide any exceptional or compelling argument to sway from this position. Based on this, the application is not supported by police. Should this or any like application be approved it is likely that a decision to approve would see the opening of the flood gate with applications from other venues in and around the Northern Territory likely to follow, with the potential for adverse impacts on the community proper.”

13. As a result of that response, correspondence was sent from the Deputy Chairperson on 29 March 2019, as follows:

“The Commission has received your response to this application and thanks you for the same. It is noted however that your response is not a formal objection. Please advise as to whether NT Police intend to provide a formal objection as a matter of urgency.

In addition, the Commission asks that NT Police provide their advice as to how this response fits with the recommendations made within the Riley review which specifically refer to Good Friday becoming a “restricted day”, further noting that such recommendation has been marked by Government as “supported in principle”.

In order for the Commission to properly consider the response of NT Police these matters must be addressed.”

14. Despite having earlier referred the Commission to the “opening of the flood gate” and “giving the community and first responders some respite from alcohol related incidents”, on 1 April 2019 the following response was provided by NT Police:

“The point raised by Deputy Chairperson of the Liquor Commission in relation to Riley Review has been highlighted to the responsible Commander and the Superintendents. NT Police has reviewed its earlier position.

NT Police support the Riley Review recommendation which is trading from 10am to 10pm as a restricted day of trading. However, any request contrary to Riley Review recommendation is not supported.

Please note that NT Police will not make any formal objection.”

15. It is clear there is no objection by NT Police and no intention to make an objection. It is also clear that despite the earlier references, NT Police now “support” the proposal providing it is in accordance with the Riley Review. The response by NT Police is noted by the Commission.

Public Hearing

16. Pursuant to section 50 of the Act, the Director-General of Licensing (“the Director-General”) must refer *inter alia* applications under section 32A of the Act to the Commission. Therefore this application must be heard and determined by this Commission.
17. Pursuant to section 53 of the Act, the Chairperson of the Commission must fix the time and place for hearing and give notice to the relevant parties not less than 7 days before the hearing date. As stated earlier, this application was referred to the Commission on 21 March 2019. The hearing was fixed for 11.00am on 3 April 2019 and notice was given to the applicant.
18. Pursuant to section 53 of the Act; the Commission is not bound by the rules of evidence and may inform itself in the manner it considers appropriate and conduct the hearing, or part of the hearing, by use of telephone or online facilities. A hearing must also be conducted in public unless the Commission considers that a public hearing is likely to cause undue hardship to a person. No such submission has been made to this Commission and there is no evidence to suggest any such hardship.
19. Mr Thomas Richardson of De Silva Hebron appeared on behalf of the applicant. It is noted that both Messrs Justin and Michael Coleman were also present before the Commission. Mr Jeff Verinder as representative for the Director-General of Licensing was also present to provide information and assistance to the Commission during the course of the hearing.

Assessment of the Application

20. As earlier noted, there were no objections to this application. Despite there being no objections made to the application lodged by the Applicant, the Act clearly provides that the Director-General of Licensing must refer these types of applications to the Commission for decision. In addition, section 6B of the Act makes clear that it is the Applicant who bears the onus of satisfying the

Commission that the approval of the application meets the public interest and community impact test.

21. As is clear from section 6(1) of the Act; when considering or determining an application under the Act in respect of licensed premises, this Commission **must** apply the public interest and community impact test as relevant to the application. Section 6(2) of the Act provides that:

“For subsection (1), the public interest and community impact test requires consideration of the following objectives:

- a. harm or ill-health caused to people, or a group of people, by the consumption of liquor is to be minimised;
- b. liquor is to be sold, or sold and consumed, on licensed premises 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;
- d. the safety, health and welfare of persons who use licensed premises must not be put at risk;
- e. noise emanations from licensed premises must not be excessive;
- 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;
- 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; and
 - ii. provisions of or under the Planning Act;
- 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;
- i. the use of credit in the sale of liquor must be controlled;
- j. practices which encourage irresponsible drinking must be prohibited;
- 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;
- 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;
- 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;
- n. it may be necessary or desirable to prohibit or limit promotional activities in which drinks are offered free or at reduced prices;
- 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.”

22. In addition, pursuant to section 6(3), the Commission must:

- a. consider the potential impact on the community in the area that would be affected by the outcome of the decision to grant or refuse an application or the changing of conditions of a licence and, in doing so, must have regard to:
 - 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; and
 - ii. the cultural, recreational, employment or tourism impacts; and
 - iii. the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises; and
 - iv. the density of existing liquor licences within the community area; and
 - 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; and
 - vi. any other prescribed matter; and

b. apply the community impact assessment guidelines.”

23. On 6 March 2018, pursuant to section 6A of the Act, the Minister by Gazette notice published community impact assessment guidelines for determining whether or not an application being considered or determined under section 6(1) satisfies the public interest and community impact test. Relevantly those guidelines are stated to

“... set out those matters that will be considered by the Commission when assessing the community impact of the application against the criteria set out in section 6A(1) of the Liquor Act”.

24. Those matters are identified 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

	<p>young or disadvantaged people;</p> <ul style="list-style-type: none"> • child care centres; • 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

	<p>or dining?</p> <ul style="list-style-type: none"> • 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? • Will it use existing premises improve or add to existing premises or is it a new premises?
--	---

25. 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 new 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”.

26. With respect to this application, the Commission considers it relevant to note that this is not an application for a new licence. This is an application to vary conditions of an existing licence. It is however an application that involves varying the conditions of licence to enable the premises to trade on Good Friday. This is a day that the applicant is not currently permitted to trade under in relation to its licence which was only issued to the applicant in June 2018, less than 12 months ago.

27. It is also with respect to premises that have also been operating for less than 12 months. Although the premises are operated by persons who have a strong successful history in Darwin for operating licensed premises, this is a significant change and one which the Commission considers requires strong evidence to support such a variation.

28. In relation to the variation, the applicant highlighted the following matters which the Commission summarises as follows:

- a. Good Friday is a traditional “*Christian*” holiday which traditionally meant businesses around Australia were closed “*so that people could spend the day at home with their families. However, in the modern day, there is less of an emphasis on cooking at home and many people may not have sufficient space to be able to host their families and friends. The shift from home-based hosting has increased the demand for food service venues on public holidays as they remove the complexity and stress associated with hosting an event*”. As a result, “*...it is expected that many residents of the Palmerston Community will utilise the venue as a place to share with family and friends*”.

- b. There are a number of "Fly-in-fly-out" ("FIFO") workers and those who have moved to the Territory seeking employment opportunities. These workers are often living by themselves or sharing accommodation with others in a similar situation. ... it is likely that they will not have anywhere to go during public holidays such as Easter and Christmas".
 - c. "Australia is a multi-cultural nation filled with many different races, nationalities and belief structures. Due to the nation-wide public holiday combined with the restriction on trading, many business owners in the Northern Territory are unable to economically justify opening their business for the entire Easter Period. Historically this has created an immense demand for the citizens of Darwin, irrespective of their beliefs, to take advantage of the public holiday and attend venues for entertainment, socialising, and food and alcohol. The Licensees have had prior experience operating a licensed venue in the Darwin CBD on Good Friday. The venue reported that at the conclusion of service on Good Friday, it had been the biggest day for food service all year". And the applicant believes "that a similar experience will occur for the Palmerston Community if trading on Good Friday is permitted".
 - d. There are AFL, NRL and horse racing sporting events taking place on Good Friday, resulting in "a high demand for attending and watching televised sport during the Public Holiday". The applicant highlights that the premises "has been specifically outfitted to provide sufficient televised coverage of national sporting events and the outside area at the venue has the largest outdoor television screen of any tavern in Australia. This venue has been set up to provide a full entertainment experience to patrons, with a strong emphasis on food, beverages and sporting entertainment. With televised coverage of all three different sports varying across different channels, many people around Darwin may not have access to".
 - e. The only other business open in the Gateway Centre will be the cinema resulting in there being "no businesses open for residents of the community to enjoy on the public holiday". The applicant wishes to "meet this demand".
 - f. The applicant submits that it proposes to use this application "as a response to a demand by the community and a chance to gather feedback for the operation of licensed venues in the Northern Territory".
29. The applicant also provided written submissions addressing the public interest and community impact test and also the community impact assessment guidelines. The Commission accepts that the applicant via its association with Messrs Justin and Michael Coleman has a strong history of being able to operate licensed premises in an appropriate manner and in accordance with the terms of its licence. As was submitted by Mr Richardson on behalf of the applicant "there is no evidence to suggest that the applicant would conduct itself any differently to that which it does on any other day under its licence".

30. It is not however a matter of there being “no evidence” and therefore an application for variation is successful. The Act makes clear that the burden rests upon the applicant to satisfy the Commission that the public interest and community impact test has been satisfied. As earlier noted there are a number of matters to be considered when assessing whether that test has been so satisfied.
31. Throughout the application the applicant refers to wanting to provide a venue for people to enjoy Good Friday “with family and friends”. The Commission does not consider that there has been sufficient evidence provided to it on this occasion to suggest that providing a venue for family and friends to “enjoy Good Friday” requires the premises to be open to 1.00am the following day.
32. When the Commission inquired about the basis for such hours, the applicant provided evidence that it was simply utilising its experience with another venue and undertook some “math”. The Commission does not consider this to be a proper assessment of the public interest and community impact test.
33. The applicant also makes numerous references to bringing the application to respond to “demand”. There is no evidence however that has been provided to the Commission of any such “demand” within the local community. When this was raised with the applicant during the course of the hearing, the applicant advised it was relying upon its experience with a venue in the Darwin CBD on Mitchell Street. The Commission considers there are clear and significant differences between this venue and the Mitchell Street venue which have not been addressed by the applicant.
34. The Commission notes that the applicant provided no evidence to address the Commission on:
 - a. The number of other licensed venues in the area permitted to trade on Good Friday and the impact on the amenity of the local community in terms of the location of these venues and the increased availability of liquor in the local community if the variation were granted, particularly with respect to the hours sought;
 - b. The market that the applicant was actually seeking to provide for. Whilst the application was littered with references to providing for “friends and family” to “celebrate” Good Friday, the applicant also made reference within submissions to providing for the “late night” crowd. It was the impression formed by the Commission that the applicant did not appear to have properly considered who it was proposing to provide for by the variation sought; other than as many hours as possible. The Commission does not consider such an approach to properly address the public interest and community impact test;
 - c. The availability of alcohol support services in the local area. The Commission was required to conduct its own investigations in this regard and was informed that most of the services are weekday, and not generally open on public holidays. The crisis/after hours response are accessed through hospital support systems. Because the applicant

did not appear to have turned its mind to this issue, the applicant also provided no evidence as to how this issue should be addressed by the Commission, if at all.

35. However, as was noted earlier by the Deputy Commissioner to NT Police, the “Alcohol Policies and Legislation Review Final Report” (“the Riley review”) specifically referred to Good Friday and noted relevantly as follows:

“At present there is significant inconsistency in trading days between licences that have been granted for on-premises sales, particularly in respect of the capacity to trade or otherwise on Good Friday and Christmas Day”.

...

“This inconsistency and ambiguity creates difficulties not only around the important matters of compliance and enforcement activity by the licensing authority, but also uncertainty for the public about which licensed premises are open and for what times”.

...

“There is no need for inconsistency or ambiguity in the Northern Territory. The ability to trade on these ‘restricted days’ should be determined by the category of licence held. Each licence category will specify whether it permits trade on the restricted day and within the restricted hours. An extended hours authority ... should not be available on Good Friday or Christmas Day”.

36. After making these comments, the Riley review made recommendation 2.5.1 as follows:

“Standard Days of trade for on-premises licences be Monday to Saturday, with Sundays, Good Friday and Christmas Day defined as Restricted Days to which restricted hours apply (10am to 10pm)”.

37. The Commission notes that the current licence held by the applicant gives authority for sale for consumption “on or at the licensed premises”. The Commission also notes that recommendation 2.5.1 has been supported “in principle” by Government. This is a significant change in circumstances.

38. It is because of this significant change in circumstances that the Commission is prepared on this occasion to *temporarily* vary the conditions of licence to allow the applicant to trade on Good Friday 2019. This is despite the Commission’s concerns previously identified about the applicant’s failure to address certain matters properly in support of its application. It is clear there has been a change in policy and one that has occurred in response to confusion and ambiguity between licences which, as noted, creates difficulties not just in compliance and enforcement but uncertainty for the public.

39. The Commission notes however that the recommendation made in the Riley review is that the hours be 10.00am to 10.00pm. The applicant however is

seeking from 11.00am to 1.00am (the following day). When the Commission discussed these issues with respect to hours, Mr Richardson on behalf of the applicant indicated the applicant would be willing to accede to midnight. Mr Richardson sought to highlight that this would ensure that the last AFL game televised that evening had finished and would enable “crowd dispersal” to occur in a “safe and effective way”.

40. The Commission notes that one of the bases relied upon by the applicant for the variation sought was to be able to televise the AFL games which would be played on Good Friday. The applicant highlighted that the premises had been “set up to provide a full entertainment experience to patrons, with a strong emphasis on food, beverages and sporting entertainment”.
41. The Commission accepts the submission by the applicant that to vary the conditions of licence to certain hours which may mean that the AFL game televised that night does not finish by closing time, would only result in significant disruption and confusion. For these reasons whilst the Commission had considered only permitting a temporary variation in accordance with the Riley recommendation (accepted “in principle” by Government), the Commission proposes to vary the conditions in such a way that enables this potential to be addressed appropriately so as to avoid such disruption.
42. In relation to the submissions made by the applicant concerning patrons being able to disperse in an “orderly” manner, this is the responsibility of the applicant for any period of trade and it is clear that the applicant knows how to achieve this. The Commission is also aware of the 30 minute grace period granted to premises to achieve an “orderly” dispersal. The Commission has confidence, given the submissions made by the applicant as to its good history that the applicant will ensure that patrons will be able to leave the premises in a safe and orderly manner at the conclusion of trade.
43. The Commission notes that following the hearing and after the evidence had closed and the submissions had been made, the applicant via its solicitors sought to provide further evidence and make further submissions via an email sent on the afternoon of 4 April 2018. This is not an appropriate method of providing evidence or submissions to the Commission and should not occur in future.
44. However, due to the matters raised the Commission will address the email provided. The contents of the email will be repeated in full to avoid any miscommunication:

“At the hearing into the application brought by Little Cashy Pty Ltd and Dunstall Pty Ltd which was heard by the Commission yesterday there was discussion about trading on Good Friday and the recommendations contained in the Riley report on this issue.

While we appreciate the decision making power is entirely with the Commission who must act in accordance with the law as it is currently in force we think there is value in the Commission being informed of discussion conducted at a public forum held by the NTG when seeking

comments and feedback on the modernising of the Liquor Act in response to the Riley Report.

Importantly the public forum was held as part of the NTG's desire for the revised legislation "to meet community expectations, give NT regulatory bodies substantive flexible and sensible powers, provide business and community groups with regulatory certainty and achieve long term benefits for the Northern Territory".

The discussion at the public forum held in Darwin resulted in the Post Alcohol Review Implementation Team informing the industry attendees that they intended to recommend following the Riley report by the removal of the Good Friday restriction from all licences in the NT. They also added that they intended to recommend trading hours on Good Friday be between 10am to midnight.

Please bring the above discussion to the attention of the Commission noting that it is not our submission that the discussion is binding upon it. We reiterate that the discussion does not form part of the substantive law in force in the NT.

The above is advanced as part of our client's submission that the restrictions upon trading on Good Friday are being liberalised with the passing of time such that trading and other activity occurring on Good Friday is becoming accepted as the norm and not the exception."

45. Without commenting on the accuracy of the interpretations given by the solicitors for the applicant as to the purpose or otherwise of these public forums, as is recognised in the email, there have been no changes to the law in relation to trade on Good Friday. The forums are for "discussion". What is discussed at such forums is not law. Any "recommendations" made by the Alcohol Review Implementation Team (ARIT) is also not law.
46. What *is* however before the Commission in evidence are the recommendations made under the Riley review and the "Northern Territory Government Response to the Alcohol Policies and Legislation Review Final Report" which states "in principle" support for recommendation 2.5.1.
47. Strictly the Commission could find that because the law has not yet changed there should be no variation to the applicant's licence granted to it less than 12 months ago particularly in light of the issues previously identified with the evidence provided in support. However, the Commission recognises there has been a clear policy change and that this will affect future licences. It is also clear that in terms of the evidence that has been provided to the Commission by the applicant that in terms of the premises providing for "friends and family" to celebrate the day, that this could occur during the hours of 10.00am to 10.00pm that have been published by Government to be given "in principle" support.
48. The applicant has however persuaded this Commission that to limit the closing of trade to 10.00pm is highly likely to mean that the last AFL game being televised on Good Friday will not have been finished and that to require patrons to have to leave the premises at that time is neither reasonable nor sensible.

49. In all of the circumstances, including the:

- a. nature of the application being a temporary variation,
- b. submissions made on behalf of the applicant,
- c. recommendation made under the Riley review, and
- d. written "in principle" support by Government to recommendation 2.5.1,

the Commission is, on balance, satisfied that it is appropriate to vary the conditions of the licence starting from 11.00am (as sought) but ceasing at 11.00pm or until completion of the Australian Football League (AFL) game scheduled to commence at 7:50pm on Good Friday (whichever is the later).

50. Therefore, for the reasons outlined and having regard to the objects of the Act the Commission has decided to vary the conditions of the licence as outlined at the start of this Decision Notice.

Notice of Rights:

51. 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 the conditions of a liquor licence pursuant to section 32A of the Act is specified in the Schedule and is a reviewable decision.

52. 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.

53. 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.



JODI TRUMAN
Deputy Chairperson
Northern Territory Liquor Commission

8 April 2019