

NORTHERN TERRITORY LIQUOR COMMISSION

DECISION NOTICE

MATTER: APPLICATION FOR VARIATION OF CONDITIONS OF A LICENCE

LICENCE NUMBER: 81403978

REFERENCE: LC2019/050

PREMISES: **Alice Springs Shooting Complex**
NT Portion 2423, Butler Road
ALICE SPRINGS NT 0870

APPLICANT: **Alice Springs Shooting Complex Inc.**

LEGISLATION: Section 32A(1) of the *Liquor Act*

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

DATE OF HEARING: 28 May 2019

DATE OF DECISION: 30 May 2019

DECISION

1. For the reasons set out below and in accordance with section 32A of the *Liquor Act 1978* (NT) ("the Act") the Commission has determined to approve an application to vary conditions of a liquor licence at the Alice Springs Shooting Complex ("premises") held by the Alice Springs Shooting Complex Inc. ("the Applicant").

REASONS

BACKGROUND

2. The applicant operates a liquor licence at the premises with authority to trade as an incorporated club. The trading hours on Fridays are from 18:00 hours to 24:00 hours. The licence conditions include authority for the licensee to supply liquor on the premises at private functions such as a wedding.
3. The applicant seeks to host a wedding at the premises commencing at 13:00 on Friday 28 June 2019, and seeks an extension of trading hours on that date to permit it to trade from 12:00 hours.

4. The applicant lodged a completed Application with Licensing NT on 22 February 2019. On 22 April 2019, following consultation, together with an assessment by Licensing NT of the application, a Delegate of the Director-General of Licensing (“the Director-General”) referred the application to the Commission for hearing pursuant to sections 32A(6AA) and 50(b) of the Act.
5. The Director-General, in the exercise of her discretion pursuant to section 32A(2) of the Act, did not require the applicant to publish notice of the application.
6. No objections to the application were lodged.
7. The Director-General informed the Chief Executive Officer (“CEO”) of the Department of Health (“DOH”), the Commissioner of Police and the Chief Executive Officer of the Alice Springs Town Council of the application.
8. The Commission notes that the following responses were received:
 - a. The Department of Health made “no adverse comment”.
 - b. The NT Police advised that they had no objections.
 - c. NT Fire and Rescue Service advised they had no concerns with the application.
 - d. The Alice Springs Town Council considered the application and had no objections.
9. The Director-General provided the Commission with a brief of evidence (“the brief”) including:
 - Application for a variation of conditions of liquor licence dated 22 February 2019
 - The applicant's existing liquor licence number 81403978 issued on 20 September 2016
 - Affidavit for the purposes of s26A of the Act deposed by Brian Joseph Knappstein, the applicant's principal executive officer, dated 26 February 2019
 - Community Impact and Public Interest Assessment statement in compliance with s6 and s6A of the Act
 - Correspondence between Licensing NT and the Department of Health, NT Police, NT Fire and Rescue Service and the Alice Springs Town Council.

HEARING

10. On 13 May 2019, the Commission notified the applicant that the application would be heard at a public hearing on 28 May 2019. On 28 May 2019 Mr Knappstein and Ms Krikke appeared on behalf of the applicant, and Ms Chin appeared for Licensing NT. The Commission thanks them all for their attendance and assistance.
11. The brief was tendered and admitted into evidence without objection. No further evidence was adduced.

ASSESSMENT OF THE APPLICATION

12. The Commission notes that, as permitted by the “Club Condition” of the applicant’s licence, the usual restrictions on the sale and supply of liquor to members and guests of the applicant club do not apply when, as in the circumstances of this application, the licensee hires the premises on a commercial basis for a function at which attendance is by personal invitation and does not involve door sales.

13. Section 6B of the Act provides that the Applicant bears the onus of satisfying the Commission that the approval of the application meets the public interest and community impact test set out in s6 of the Act. In considering and determining this application, the Commission has had regard to the objects of the Act and applied the public interest and community impact test by reference to the community impact assessment guidelines published by the Minister on 6 March 2018 pursuant to s6A of the Act. The guidelines are detailed and specific, but also state 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.

14. The Commission is informed and accepts that the applicant has no adverse compliance issues under the Act. The premises are situated on a relatively isolated site several kilometres from Alice Springs, with no immediate residential neighbours. The application is for a temporary variation to extend trading on a single day by six hours for a private function, which is expected to be convivial but not riotous or disorderly. Having regard to these matters, the Commission assesses the impact on the community of the proposed variation as low.

15. The Commission is satisfied that the Applicant has met the public interest and community impact test, and that, having regard to the objects of the Act as set out in section 3 of the Act, the conditions of the licence should be varied in the terms of the application.

16. The application to vary the conditions of the applicant's licence is granted.

NOTICE OF RIGHTS

17. 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 issue a licence pursuant to section 32A of the Act is specified in the Schedule and is a reviewable decision.

18. 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.

19. 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

30 May 2019

On behalf of Commissioners, Goldflam, Reynolds and Cannon