

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION TO MAKE A MATERIAL ALTERATION

REFERENCE: LC2019/094

LIQUOR LICENCE: 81402752

LICENSEE: **Tennant Creek Golf Club Incorporated**

PREMISES: **Tennant Creek Golf Club**
Peko Road
TENNANT CREEK NT 0860

APPLICANT: Tennant Creek Golf Club Incorporated

NOMINEE/S: Peter Reid

OBJECTOR/S: Nil

LEGISLATION: Section 119(2) of the *Liquor Act 1978*

HEARD BEFORE: Mr Richard Coates (Chairperson)
Mrs Elizabeth Stephenson (Health Member)
Ms Amy Corcoran (Community Member)

DATE OF HEARING: 3 July 2019

DATE OF DECISION: 3 July 2019

Decision

1. For the reasons set out below and in accordance with section 119(8) of the *Liquor Act 1978* the Commission has determined to approve the material alteration to the licensee's licensed premises as sought by the Applicant.
2. Accordingly the licenced premises are extended to incorporate the entire golf course between 13:00 hours and 18:00 hours on 20 July 2019 for the annual Chamber of Commerce Golf Day.

Reasons

Background

3. On 21 June 2019, Peter Reid, Nominee for the Tennant Creek Golf Club (the Applicant) applied to the Director-General pursuant to section 119(2) of the Act,

for approval to make a material alteration to the licensed premises for one day only.

4. The substance of the application is to extend the licensed premises to incorporate the entire golf course for an annual fund raising event, on 20 July 2019 between 13:00 hours to 18:00 hours. Light and mid strength beers, small bottles of wine and soft drinks will be available as part of the registration fee, with only one opened drink per person being served at any time on the golf course. All other conditions of the liquor licence will apply to area if approved.
5. In support of this application, the Applicant has provided the following documents;
 - Public Interest Criteria in accordance with Section 6.2 of the Act.
 - Community Impact Assessment in accordance with Section 6A of the Act.
 - Affidavit in accordance with section 26A
 - A map of proposed extended licensed area.

Consultation

6. On 25 June, the Acting Manager – Liquor, Gambling and Racing, determined no public notice of this event was warranted given the temporary nature of the event, being for one afternoon only for a charity event.
7. Pursuant to section 119 (5) of the Act, the Director-General informed the Barkly Regional Council, that an application has been lodged.
8. On 21 June 2019, Barkly Regional Council provided a response by advising that this is the annual Chamber of Commerce Golf Day and are very eager to support the event so it has no objection.

Compliance History

9. Licensing NT has no previous negative compliance history in regards to this particular event at the time of referral to the Commission.

Public Hearing

10. The term “material alteration” is defined under section 4 of the Act as follows:

“**Material alteration** means an alteration to licensed premises which:

- (a) Increases or decreases the area used for the sale of liquor or the sale and consumption of liquor; or
 - (b) Involves structural alteration; or
 - (c) Alters access to or egress from the premises; or
 - (d) Alters the external appearance or facilities”.
11. The substance of the application is to increase the area for the sale and consumption of liquor. This is therefore clearly an application for a material

alteration. Pursuant to section 50 of the Act, the Director-General must refer inter alia applications under section 119 of the Act to the Commission. Therefore this application must be heard and determined by the Commission.

12. 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.
13. The Public Hearing commenced at 1.00 pm on 3 July 2019. Mr Peter Reid appeared by telephone on behalf of the Applicant. Ms Tania Chin 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

14. The application is associated with the Tennant Creek Golf Club's annual fund raising event – The Chamber of Commerce Golf Day. The club expects to attract approximately 45 persons to the club for a round of golf together with lunch and a barbeque dinner. Although any liquor consumed in the clubhouse will need to be paid for at the cash bar, included in the entrance fee will be complimentary drinks on the golf course. The Applicant stated that only one opened drink would be provided to any patron at the one time and that the drinks available would be light and mid strength beers, small bottles of wine and soft drinks. During his evidence before the Commission Mr Reid said that the liquor would be provided via a golf cart conducting a circuit of the course and that it was unlikely that more than one drink would be provided to any of the golfers within an hour.
15. As part of this function a courtesy bus will pick up patrons from Tennant Creek in the morning and return them after the Dinner to reduce the risk of drink driving.
16. It is relevant that this event has been held for many years previously without any adverse compliance issues.
17. The Commission notes that the Act places an onus upon all Applicants to satisfy the Commission that the approval of the application meets the public interest and community impact test. With respect to this application, the Commission notes the submissions that have been provided on behalf of the Applicant. In fact, despite the limited nature of this application, the Commission notes such submissions were detailed and directly addressed the matters relevant to each of the tests. As a result, the Commission is satisfied that the approval of the material alteration meets the public interest and community impact test.
18. 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 material alteration sought.

19. The Commission also finds there is no evidence that would suggest there is likely to be an impact upon law and order, community safety or public amenity by virtue of this material alteration. Further that there is no evidence to suggest that there will be a social impact upon the community to such an extent that it would merit a finding against this application.
20. It is as a result of the matters outlined above that this Commission is, on balance, satisfied that the approval of the material alteration meets the public interest and community impact tests and the Commission has for the reasons outlined decided to approve the material alteration to the licensee's licensed premises as sought and as outlined at the start of this Decision Notice.

Notice of Rights:

21. 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 approve a material alteration pursuant to section 119(8) of the Act is specified in the Schedule and is a reviewable decision.
22. 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.
23. 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.



RICHARD COATES
Deputy Chairperson
9 July 2019