

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION TO VARY A LIQUOR LICENCE TO INCLUDE PUBLIC BAR AND ADULT ENTERTAINMENT AUTHORITIES FOR TOTEM THEATRE [2024] NTLiqComm 45

REFERENCE: LC2024/040

LICENSEE: Alice Springs Theatre Group Incorporated

PREMISES: Totem Theatre
Anzac Oval, Wills Terrace
Alice Springs NT 0870

LEGISLATION: Part 3 Division 4 and Part 4 Division 5 of the *Liquor Act 2019*

HEARD BEFORE: Mr Greg Shanahan (Acting Deputy Chairperson)
Mr Bernard Dwyer (Health Member)
Ms Katrina Fong Lim (Community Member)

DATE OF DECISION: 28 October 2024

DECISION

1. Pursuant to section 21 of the *Liquor Act 2019* (NT) (**the Act**), having formed the opinion that a public hearing is not appropriate in the circumstances of this application, the Northern Territory Liquor Commission (**the Commission**) has determined to conduct the hearing of this application by way of written submissions only.
2. In accordance with section 48 of the Act, the Commission has determined to vary licence no FLL1322 held by Alice Springs Theatre Group Incorporated (ABN 79 589 061 713) (**the Licensee**) to include a public bar authority and an adult entertainment explicit authority.
3. The conditions of the licence will be those authority conditions prescribed by Part 4 Division 1, Division 2, Division 14 and Division 18 of the *Liquor Regulations 2019* (**the Regulations**).

4. The Commission fixes the following additional conditions:
 - a. The sale, supply and consumption of liquor under the public bar authority and adult entertainment explicit authority shall be limited as follows:
 - i. The Licensee may only sell liquor to members, guests of members and visitors of the licensed premises operated by the Licensee, for consumption on or in the licensed premises.
 - ii. A reasonable range of non-alcoholic beverages must be available for purchase by patrons during the hours of operation.
 - iii. Complimentary tap water must be available to patrons during the hours of operation.

Functions

- b. The Licensee must, by prior written notice to the Director of Liquor Licensing (**the Director**), seek the Director's consent to a function hosted by a member and attended by more than six (6) guests of the member.
- c. The notice must be given at least seven (7) business days before holding the function.
- d. The Licensee must not hold the function if the Director gives the Licensee written notice that the Director refuses to consent to the function.
- e. The Director is taken to have consented to a function if:
 - (a) the licensee has notified the Director of the function; and
 - (b) the Director has not, at least 24 hours before the function, notified the licensee that the Director refuses to consent to the function.
- f. All guests attending the function must be issued and wear wrist bands designed for the function.

Trading days and hours

- g. The trading days and hours for Liquor Licence number FLL1322 shall be varied as follows:

Proposed trading days and hours:

Maximum Weekly Operating Hours – Twenty-four (24).

The Licensee may trade on any of the following days up to 24 hours per week.

No trading Good Friday or Christmas Day

Sunday 15:00 hours to 21:00 hours

Monday 18:00 hours to 23:59 hours

Tuesday 18:00 hours to 23:59 hours

Wednesday 18:00 hours to 23:59 hours

Thursday 18:00 hours to 23:59 hours

Friday 18:00 hours to 23:59 hours

Saturday 18:00 hours to 23:59 hours

5. The Licensee must prominently display on the premises information about the National Health and Medical Research Council (NHMRC) Australian guidelines to reduce health risks from drinking alcohol.
6. The varied licence will be issued immediately following the publication of this decision notice.

REASONS

BACKGROUND

7. On 8 October 2024, two (2) applications were lodged by Mr Benjamin McIntyre on behalf of the Licensee for the premises Totem Theatre with the Director for additional liquor licence authorities and a variation to the trading days and hours for Liquor Licence number FLL1322.
8. This change will allow the Licensee's liquor licence to cover a wide range of shows that contain 'Adult Content' (including but not limited to shows like the scheduled Full Monty) which may be performed at the Totem Theatre from time to time without the need to obtain an additional licence.
9. Due to the short timeframe between when the licence variation applications were lodged and the date that the Full Monty show is scheduled to be performed, the Licensee requested the Director reduce the period for public advertising of the applications from 14 days to 7 days. On 9 October 2024, the Delegate of the Director abridged the time provided for an objection in section 61(6) of the Act from the prescribed period of 14 days to 7 days pursuant to section 318 of the Act.
10. The applications were advertised on 10 October 2024 in the NT News and on the Department of Tourism and Hospitality Website. A green sign was displayed at the premises. The Director is satisfied that the Licensee has complied with the requirements of public notice of the applications.
11. In accordance with section 56(4) of the Act the following stakeholders were notified of these applications:
 - The Chief Executive Officer of the Department of Health;
 - The Commissioner of Police;

- Alice Springs Town Council.
12. The NT Fire and Rescue Service was also notified of the applications.
 13. No adverse comments have been received from any of the stakeholders or the general public.

THE HEARING

14. The matter was referred to the Commission on 18 October 2024 and the Commission met to consider the referral on 24 October 2024.
15. The Commission was of the view that whilst, for a permanent alteration to the Applicant's licence, it would be more desirable to conduct a public hearing, given that the applications were publicly advertised (albeit for a reduced period), that there were no objections, the changes to the existing licence conditions were relatively minor and the short timeframe until the scheduled Full Monty show, in this case it would be appropriate to proceed without a public hearing.
16. This was agreed on the basis that liquor was already served at shows performed at the venue without incident and the changes to the licence conditions were relatively minor with the result that the matter is considered to be non controversial and therefore appropriate to be heard without a public hearing. Accordingly, pursuant to section 21 of the Act, the Commission determined to conduct the hearing by way of written submissions only.

ASSESSMENT OF THE APPLICATION

17. The Commission proceeded to consider the application and is satisfied, in accordance with section 49 of the Act, that:
 - (a) the applicant is a fit and proper person; and
 - (b) issuing the licence or authority is in the public interest; and
 - (c) the licence or authority will not have a significant adverse impact on the community.
18. Accordingly, the Commission has determined to grant the licence and authorities on the terms and conditions set out at the commencement of this Decision Notice.
19. The Commission did however, question the need for the licence to include both a community club authority together with a public bar authority and recommends that the Licensee work closely with the Director to streamline the licence conditions and authorities.
20. Further, the Commission reminds the Licensee that the conditions that attach to a public bar authority contain specific requirements for video surveillance and suggests that the Licensee clarify with the Director whether the current video system is adequate and complies with the *Code of Practice for CCTV Systems in Licensed Premises*.

NOTICE OF RIGHTS

21. Section 31(1) read with section 60(3) of the Act provide that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal (**NTCAT**). Section 94(3) of the *NTCAT Act 2014* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.
22. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the Licensee and Director.



Greg Shanahan

ACTING DEPUTY CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
28 October 2024

On behalf of Commissioners Shanahan, Dwyer and Fong Lim