

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR TEMPORARY VARIATION OF
CONDITIONS OF LICENCE

REFERENCE: LC2018/156

LICENCE NUMBER: 80102044

LICENSEE: J AN R Jenkins Pty Ltd

PREMISES: Tennant Creek Hotel
Paterson Street
TENNANT CREEK NT 0860

APPLICANT: Jordan Jenkins, nominee

LEGISLATION: Section 32A, of the *Liquor Act*.

HEARD BEFORE: Mr Russell Goldflam (Acting Deputy Chairperson)
Ms Pauline Reynolds (Health Member)
Mr Blair McFarland (Community Member)

DATE OF HEARING: 11 December 2018

DATE OF DECISION: 11 December 2018

Decision

1. For the reasons set out below and in accordance with section 32A of the *Liquor 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 80102044, the Faye Lewis Bar within the Applicant's premises is authorised to trade between 00:00 and 02:00 on 1 January 2019, subject to the following conditions:
 - a. No more than 150 patrons shall be permitted on the premises at any one time
 - b. Not less than four licensed Crowd Controllers shall be in attendance
 - c. After 01:00, no patrons may be admitted to the premises
 - d. Snack food shall be available at all times
 - e. Complimentary "tap" water shall be available at all times
 - f. No complimentary alcoholic drinks may be provided

Reasons

Background

3. The Applicant, in common with many similar venues in the Northern Territory, seeks to extend its trading hours for the forthcoming New Year's Eve celebrations.
4. The Applicant's standard trading hours permit the sale of liquor until 12:59 hours on weeknights. The Applicant seeks to extend this period on a single night by two hours, and has proposed some specific measures calculated to minimise the associated risk of harm.
5. Pursuant to s 6A 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.

Consultations

6. Pursuant to s32A(2) of the Act, the Director-General's Delegate did not require the applicant to publish notice of the application.
7. As required by s32A(5) of the Act, the Director-General notified the Chief Executive Officer of the Department of Health (DOH), the Commissioner of Police and the CEO of the Barkly Regional Council of the application. Although not required to do so, the Director-General also consulted with the Northern Territory Fire and Rescue Service.
8. None of these agencies (or indeed, any other person) raised any concerns or objected to the application. The Barkly Regional Council did not provide a response.

Public Hearing

9. 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. Therefore, this application must be heard and determined by this Commission, and it proceeded by way of a public hearing conducted on 11 December 2018.
10. Ms Jordan appeared at the hearing by telephone on behalf of the Applicant and Mr Wood appeared on behalf of Licensing NT. The Commission is grateful for their assistance.

Assessment of the Application

11. In considering the application, the Commission has had regard to the objects of the Act (s 3), the application of the public interest and community impact test

(s 6), the community impact assessment guidelines issued by the Attorney-General and Minister for Justice on 2 March 2018 pursuant to s 6A, and the onus on the applicant to satisfy the Commission that the approval of the application meets the public interest and community impact test (s 6B).

12. 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.

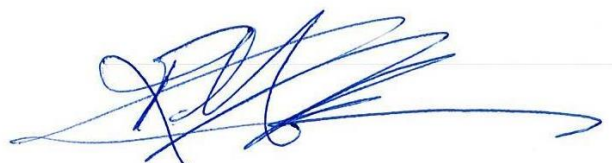
13. The Commission is satisfied that the approval of the application meets the public interest and community impact tests and accordingly the Commission has for the reasons outlined decided to approve the application.

Notice of Rights

14. 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.

15. 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.

16. 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

13 December 2018

On behalf of Commissioners Goldflam, Reynolds and McFarland