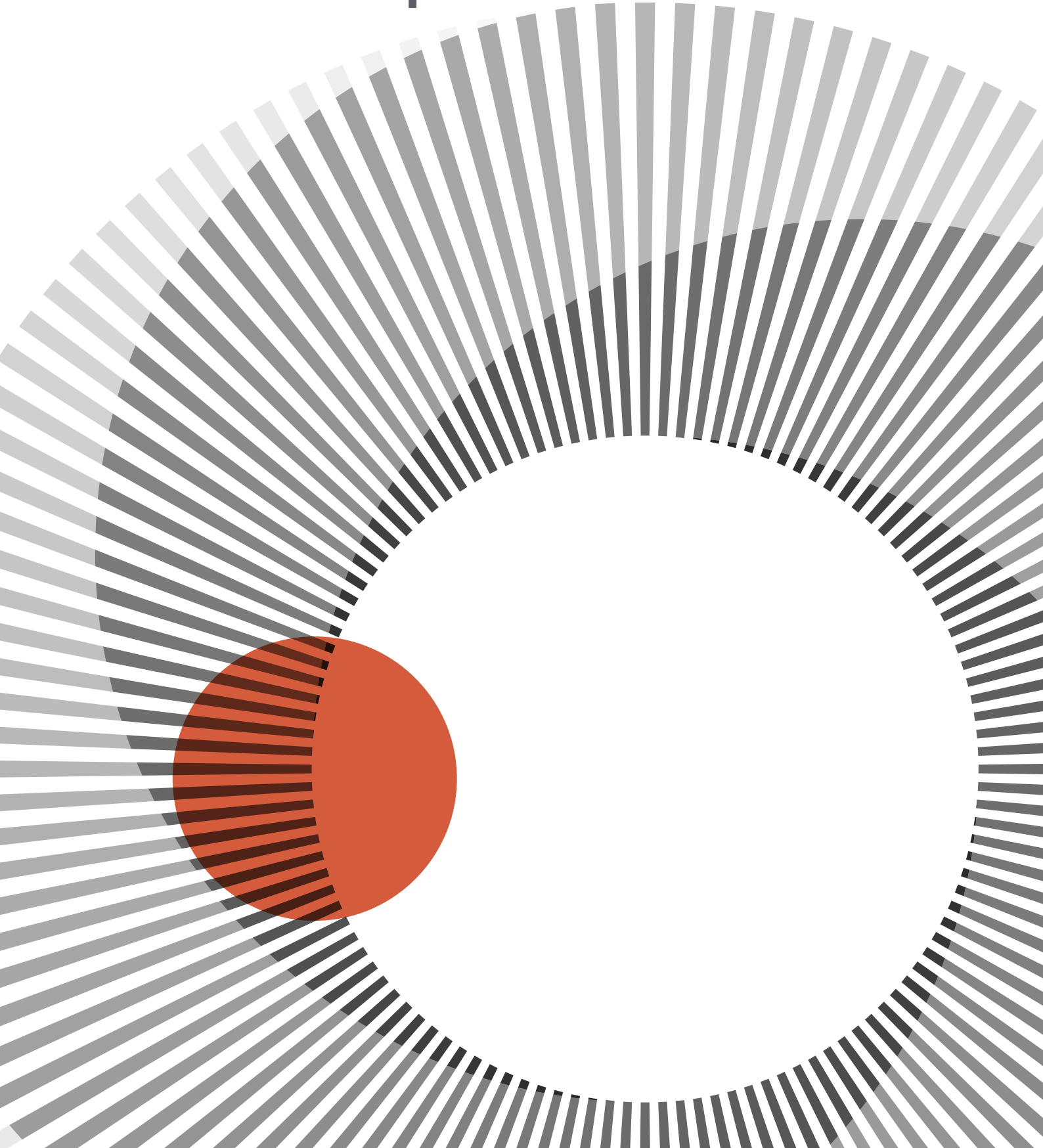


Northern Territory Liquor Commission

# 2022-2023 Annual Report



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## Chairperson's Message



The Northern Territory Liquor Commission (the Commission) was established in 2018 in accordance with a key recommendation of the Riley Review, which had documented the enormous economic,

social and personal costs of alcohol-related harm in the Northern Territory, and charted a detailed roadmap designed to balance the project of reducing that harm with the task of responsibly regulating the supply, promotion and consumption of liquor.

Half a decade on, the Commission has conducted over 400 hearings, comprising a wide variety of applications by prospective and existing licensees, as well as complaints against licensees who have allegedly contravened the *Liquor Act 2019* or a condition of their licence. In addition, on occasion the Commission has conducted its own initiative inquiries with a view to varying licence conditions for a group of licensees operating in a particular region of the Territory.

On 27 February 2023, following five years of service, five members of the Commission – Ms Sandra Cannon, Mr Richard Coates, Ms Amy Corocoran, Ms Christine Hart and Dr Rob Parker – completed their work for the Commission. Each had served with distinction, and on behalf of the Commission and the community, I thank them for their collegiality, their expertise and their collective wisdom. Special mention must be made of our inaugural Chairperson, Mr Richard Coates, whose calm, clear and committed leadership was exemplary.

***“Special mention must be made of our inaugural Chairperson, Mr Richard Coates, whose calm, clear and committed leadership has been exemplary”***

The changing of the guard has also brought some welcome new faces into our ranks: Ms Rachael Shanahan, Mr Denys Stedman, Mr Greg Shanahan and, most recently, Ms Ebony Abbott-McCormack, who join previously appointed members Professor Phillip Carson, Mr Bernard Dwyer, Ms Katrina Fong Lim, Ms Elizabeth

Stephenson, Dr Sean Taylor, Ms Jodi Truman and myself. As a result, the Commission now boasts an extremely strong mix of members, who between us have a wealth of experience at senior levels of the law, public administration and health. We are all long-term and committed members of the Territory community, and I am particularly delighted that the Commission is not only gender-balanced, but also has two First Nations members as well as two members from Central Australia.

The Commission's diverse membership is, in my view, a key to our effectiveness. Despite the Territory's small population, we live in a large jurisdiction with a remarkably broad range of communities, ranging from tropical multicultural metropolitan Darwin to remote desert outstations with a handful of First Nations residents. Consequently, getting the policy and regulatory settings right requires close and careful attention to the specific circumstances of each locality concerned.

The regulation of liquor is complex and controversial. Barely a day goes by in the Territory without an alcohol-related story featuring in the news. As well as the regional variations, there are numerous government agencies involved in administering the *Liquor Act*, the *Alcohol Harm Reduction Act 2017*, the *Liquor Commission Act 2018*, the *Anti-Discrimination Act 1992*, the *Gaming Machine Act 1995* and various other inter-related pieces of legislation. Many different people and organisations with varying and sometimes conflicting objectives and interests, have a finger in the liquor policy pie. A cliché in liquor policy circles is that what is popular doesn't work, and what works isn't popular. As an independent statutory authority, the Commission doesn't have to worry about winning popularity contests. Nevertheless, the *Liquor Act* requires the Commission to consider numerous matters that are closely related to what people – including drinkers, non-drinkers, licensees, service providers and other stakeholders – want. Since taking up the position of Chairperson, I have made it a priority to sit down with industry representatives, senior police, senior public servants and others, to listen to their concerns, suggestions and complaints.

***“the Commission and its secretariat were relocated to the Department of the Chief Minister and Cabinet”***

In last year’s Chairperson’s Message, Mr Coates suggested that the Commission be moved out of the Department of Industry, Tourism and Trade. I am pleased to report that Mr Coates’ advocacy was effective: on 2 March 2023, the Commission and its secretariat were relocated to the Department of the Chief Minister and Cabinet.

The Director of Cabinet Office and Secretariat Services, together with her team, has not only been welcoming, but proactive and highly effective in putting in place the arrangements required to ensure that the Commission has an adequate level of support to enable it to discharge its functions. Fortunately for the Commission, we have continued to enjoy the loyal and sterling services of a highly effective and committed Commission Support Officer.

I have long been strongly of the view that in order to be seen to be independent and impartial in the discharge of its functions under the *Liquor Act*, it is preferable that the Commission not be housed or hear matters under the same roof as Licensing NT and the Director of Liquor Licensing (the Director). That said, despite the move, the Commission continues to work closely with the Director and the staff of Licensing NT, who are required to do the bulk of the heavy lifting involved in the administration of the *Liquor Act*. The Commission has also enjoyed a collaborative and productive relationship with the Director of the Alcohol Policy Coordination Unit, who has consulted with the Commission on a variety of liquor policy issues.

On 1 October 2020, a scheme commenced requiring licensees operating with a grocery store authority to restrict their liquor sales to no more than 25% of their total turnover. The government’s implementation of this component of the Riley Review has been the subject of public scrutiny, including, in some quarters, vociferous criticism. To date, the Commission has upheld four complaints against licensees for failing to comply with the 25% cap. In each of these cases the Commission imposed a monetary penalty by reference to the amount that the Commission assessed the defaulting licensee had unlawfully profited over the relevant period.

Immediately following the expiry in July 2022 of the laws that imposed the Federal “Intervention”, there was a noticeable and disturbing spike in the harmful consumption of liquor, particularly in Alice Springs, where I live. I commend the Northern Territory Government for two important measures it has taken in response to this unwelcome development. Firstly, in January 2023, the Chief Minister and Minister for Alcohol Policy used her special powers under the *Liquor Act* to restrict takeaway liquor trading in Alice Springs. Secondly, in February 2023, legislation was enacted that, in effect, restored, at least for the time being, the previous liquor prohibitions in force on town camps and some bush communities. It appears that these measures were swiftly effective in reducing the appalling levels of violence and other alcohol-related harms in the community.

***“there are now viable pathways to a more sustainable and just model of alcohol regulation, and the Commission looks forward to playing its part in developing and implementing that model.”***

A scheme has now been established to enable residents of bush communities and town camps who seek access to alcohol, to develop plans that will allow for the safe consumption of liquor in areas that are currently “dry”. I expect that over the next 12 months both the Director and the Commission will work with communities to implement plans that will make alcohol available to those who wish to drink, while minimising the associated risk of harm. We all know that prohibition does not work. And we also know that the rivers of grog have been – and still are – disastrously harmful. However, I believe that there are now viable pathways to a more sustainable and just model of alcohol regulation, and the Commission looks forward to playing its part in developing and implementing that model. To do that job, I am convinced that it is essential for us to listen deeply and respectfully to community voices.

Russell Goldflam

CHAIRPERSON



**THE NORTHERN  
TERRITORY  
LIQUOR  
COMMISSION**

# About the Northern Territory Liquor Commission

The Northern Territory Liquor Commission (the Commission) is an independent statutory authority established on 28 February 2018 under the *Northern Territory Liquor Commission Act 2018* (the Act).

The Commission is a body corporate with perpetual succession, has a common seal and is capable of acquiring property, initiating litigation and being sued.

The Commission is required to report to the Minister on its operations within three months after the end of each financial year.

This report relates to the financial year 1 July 2022 to 30 June 2023 (the reporting period).

## What we do

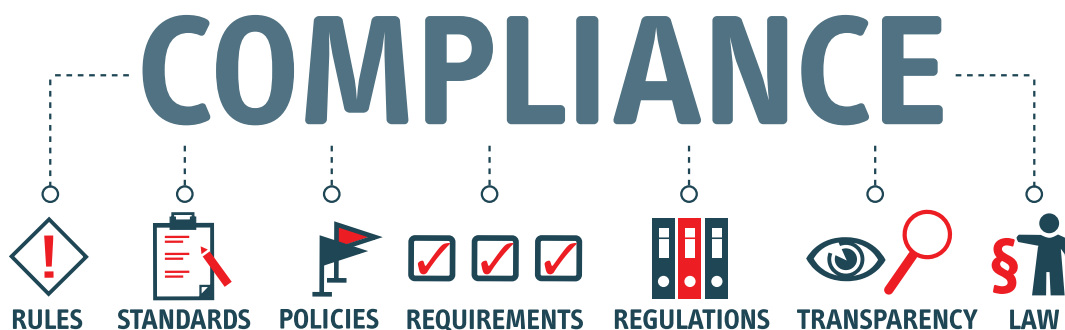
The Commission has extensive powers under the *Liquor Act 2019* (the *Liquor Act*) to regulate liquor licensing in the Northern Territory and is the primary decision-maker for liquor licence applications and the determination of complaints.

The Commission performs its functions and exercises its powers independently, impartially and in accordance with the purposes of the *Liquor Act*.

## Who support us

On 2 March 2023, the Commission and its secretariat were transferred from the Department of Industry, Tourism and Trade (DITT) to the Department of the Chief Minister and Cabinet (CM&C)<sup>1</sup>. Since the transfer, CM&C has provided the secretarial and administrative services that the Commission requires in order to perform its functions under the *Liquor Act*.

Licensing NT, which sits under DITT, continues to support the Commission to perform its functions including by processing liquor applications, investigating complaints, monitoring licensed venues and events, enforcing liquor laws and referring matters to the Commission for determination.



<sup>1</sup> Administrative Arrangements Order (No. 3) 2023

# Our Members

The Act provides that the Minister must appoint a minimum of four members of the Commission who have the appropriate knowledge, experience and expertise to be a member. Members are appointed by the Minister for Alcohol Policy for a period up to five years.

Eleven members are currently appointed to the Commission; two members are based in Alice Springs and nine members are based in Darwin. Two members identify as Aboriginal.

## The Chairperson

The Chairperson administers the affairs of the Commission and performs the functions imposed on the Chairperson under the *Liquor Act* or another Act. They must be a lawyer who has been admitted into the legal profession for at least five years and be of good standing.

Mr Russell Goldflam has served as a member of the Commission since its inception in 2018, acting as Deputy Chairperson when required. On 1 March 2023, following the retirement of the Commission's inaugural Chairperson, Mr Richard Coates, at the expiry of his five year term, Mr Goldflam was appointed as the Chairperson for a three-year term.

## The Deputy Chairperson

The Deputy Chairperson acts as Chairperson if the Chairperson is absent from duty or the Territory.

Ms Jodi Truman, who has served as Deputy Chairperson to the Commission since its inception in 2018, was re-appointed on 1 March 2023 for a further three-year term.

On 29 May 2023, Mr Greg Shanahan, the former Chief Executive Officer of the Department of the Attorney-General and Justice, was appointed to the Commission as a general member, and is qualified to act as a deputy of the Deputy Chairperson.

As lawyers of good standing with at least five years experience as a legal practitioner, Mr Goldflam, Ms Truman and Mr Shanahan are each qualified to preside over Commission hearings.

## Members of the Commission

In addition to the Chairperson and Deputy Chairperson, the composition of the Commission comprises five health members and four general members. One general member is also appointed to act as Deputy Chairperson if required.

A **health member** is qualified for appointment if they have knowledge, experience and expertise in health related matters, including current or previous registration with the Australian Health Practitioner Registration Agency for at least five years or equivalent clinical experience.

A **general member** is qualified for appointment if the Minister is satisfied they have the appropriate knowledge, experience and expertise.

## Classification and remuneration

Members receive sitting fees and allowances in accordance with rates determined by the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006* and Ministerial reclassification dated 20 November 2018.

The Commission is classified as a Class B1 Quasi-Judicial Body – Senior Appeals/Important Government Process with daily rates of \$959 for the Chairperson and Deputy Chairperson and \$719 for Members.



*Top L-R: Elizabeth Stephenson, Rachael Shanahan, Denys Stedman, Russell Goldflam, Ebony Abbott-McCormack. Bottom L-R: Philip Carson, Bernard Dwyer, Jodi Truman, Greg Shanahan, Katrina Fong-Lim. Absent: Sean Taylor.*

**Table 1: Membership to the Commission from 1 July 2022 to 30 June 2023**

Name	Position	Appointment Expiry Date
Mr Russell Goldflam	Chairperson	28 February 2026
Ms Jodi Truman	Deputy Chairperson	28 February 2026
Mr Greg Shanahan	Member (and deputy of Mr Goldflam or Ms Truman)	28 May 2026
Prof Phillip Carson	Health Member	30 October 2026
Ms Elizabeth Stephenson	Health Member	4 June 2024
Mr Bernard Dwyer	Health Member	5 November 2024
Dr Sean Taylor	Health Member	22 February 2027
Ms Katrina Fong Lim	Member	2 November 2026
Mr Denys Stedman	Member	28 February 2026
Ms Rachael Shanahan	Member	28 February 2026
Ms Ebony Abbott-McCormack	Health Member	19 July 2026
Mr Richard Coates	Chairperson	Term expired on 27 February 2023
Dr Rob Parker	Health Member	Term expired on 27 February 2023
Ms Christine Hart	Member	Term expired on 27 February 2023
Ms Sandra Cannon	Member	Term expired on 27 February 2023
Ms Amy Corcoran	Member	Term expired on 27 February 2023



# Meetings and proceedings

In accordance with the Act, the Commission must convene as often as necessary for the exercise of its powers and performance of its functions.

The Commission is constituted by a panel comprising of at least three members that must include at least one of the following:

- (a) a presiding member (who must be the Chairperson, Deputy Chairperson, or Acting Deputy Chairperson); and
- (b) a member with health expertise.

## Commission meetings

All Commission members convene twice annually to determine issues across the range of its legislative responsibilities.

The Commission met on 29 August 2022 and 24 February 2023.



## Hearings

Under section 21 of the *Liquor Act*, the Commission has discretion to conduct a hearing in relation to any matter on which it is to make a decision under the *Liquor Act*. In addition, section 166(2) requires the Commission to conduct a hearing into a complaint referred to it by the Director.

Commission hearings must be conducted in public unless the Commission is of the opinion that it is not appropriate in the circumstances because:

- (a) a hearing is likely to cause undue hardship to a person; or
- (b) commercial-in-confidence information must be protected; or
- (c) the matter is not controversial; or
- (d) conducting the hearing would not be worthwhile.

The Commission has the power to direct that the hearing, or part of the hearing, may be conducted in private or by way of written submissions only. If required, two or more related matters may be heard jointly or at the same time.

The Commission conducted hearings for 31 matters over 29 days during the reporting period.

Seven matters were conducted by written submission as the matters were not controversial and the Commission deemed that a public hearing would not be worthwhile.

## Disclosure of interest

Section 21 of the Act requires a member to disclose the nature of the interest should the member have a direct or indirect pecuniary interest in a matter before the Commission for consideration.

Where a member makes the disclosure, the member must not take part in any deliberation or decision in relation to the matter.

Guidelines specifying the types of disclosable interests are outlined in the Policy and Procedures Manual and published on the Commission's website.

**Table 2: Commission hearings conducted between 1 July 2022 and 30 June 2023**

Applicant	Date of Hearing
Jabiru Golf Club Incorporated t/as Jabiru Golf Club*	28 June 2022 and 14 July 2022
Wuduluk Progress Aboriginal Corporation t/as Beswick Community Store*	12 July 2022
2 Fresh Pty Ltd t/as Café 21	20 July 2022
NFTG Pty Ltd t/as Café 21 Smith	20 July 2022
Central Australian Drag Racing Association Incorporated (variation of conditions)	19 August 2022
Central Australian Drag Racing Association Incorporated (major event authority)	19 August 2022
AVC Operations Pty Ltd t/as Shenannigans Irish Pub	2 September 2022
AVC Operations Pty Ltd t/as Smith Street Social**	2 September 2022
Nitmiluk Tours Pty Ltd t/as Nitmiluk Tours	27 September 2022
9 DLS Pty Ltd t/as Kalidonis Boutique Apartments	27 September 2022
DTKT Group Pty Ltd t/as Parap Supermarket	28 September 2022
Armada Hotels and Leisure Pty Ltd t/as Parkside Bistro	5 October 2022
LOD NT Pty Ltd t/as The Lodge of Dundee	19 October 2022
Dassai Darwin Pty Ltd t/as Pink Chopstix	19 October and 21 December 2022
Palmerston Golf & Country Club Incorporated t/as Palmerston Golf & Country Club	26 October 2022
Newell International Pty Ltd t/as Oz Brew	16 November 2022
JD Bhullar Pty Ltd t/as NT Rock Bar	30 November 2022
Stuart Highway Investments Pty Ltd t/as Milner Road Foodtown	30 November and 14 December 2022
VNR Enterprises Pty Ltd t/as Wanguri Supermarket	7 December and 20 December 2022
Nightcliff Brewing Co Pty Ltd t/as Nightcliff Brewing Co**	16 December 2022
Iris Gap View Operations Pty Ltd t/as Gap View Resort Hotel	11 January 2023
Dom's Bar & Lounge Pty Ltd t/as Dom's Bar & Lounge	1 February 2023
P Lay Enterprises Pty Ltd t/as Howard Springs Supermarket	1 February 2023
Tennant Creek Memorial Club Incorporated t/as Tennant Creek Memorial Club	7 February 2023
Darwin Airport Resort Operating Company Pty Ltd t/as Mercure Darwin Airport Resort and Novotel Darwin Airport	21 March and 12 April 2023
Happiness Beyond The Green Pty Ltd t/as X-Golf Palmerston	28 March 2023
Jan N Jay Pty Ltd t/as Burrito Bar Casuarina	27 April 2023
Empire Hospitality Pty Ltd t/as Patty Shack	3 May 2023
Bar Kokomo Pty Ltd t/as Bar Kokomo^	14 June 2023
DCL Hospitality Pty Ltd t/as Zuccoli Tavern^	28 June 2023
Dock One Bar Pty Ltd t/as Dock One Bar^	30 June 2023

\* Matter referred in the 2021/22 reporting period

\*\* Matter withdrawn during the course of the public hearing

^ Matter heard in the reporting period but not determined

## The Commission's Decisions

When formulating a decision, the Commission considers the evidence it has received, and the applicable statutory provisions. The Commission is not bound by the rules of evidence and may inform itself in any manner it considers appropriate.

The Commission maintains records of all matters before it, including the scheduling and conduct of public hearings, records of the evidence received, audio-recording of hearings, and the Commission's decisions.

A decision notice is a written notice setting out the decision and the right to a review of the decision by the Northern Territory Civil and Administrative Tribunal (NTCAT). The Commission's practice is to always publish reasons for its decisions, and, except in matters requiring an urgent decision (when reasons are published later), the Commission's reasons are included in the decision notice.

During the reporting period, the Commission issued and published 40 decision notices. This included seven matters referred in the previous reporting period. At the end of the reporting period, decisions for three matters were outstanding.

Decision notices are published on the Commission's website:

[cmc.nt.gov.au/committees/liquor-commission](http://cmc.nt.gov.au/committees/liquor-commission)

## Public Interest and Community Impact Test

The Commission may only issue a licence or an authority if satisfied that:

- the applicant is a fit and proper person;
- issuing the licence or authority is in the public interest; and
- the licence or authority will not have a significant adverse impact on the community.

To determine whether issuing a licence or an authority is in the public interest or would have a significant impact on the community, the Commission must consider the 10 public interest objectives and the 10 community impact matters set out in sections 49(2) and 49(3) of the *Liquor Act*.

The onus is on the applicant to satisfy the Commission that issuing the licence or authority is in the public interest and will not have a significant adverse impact on the community.



# Publications

## Policy and Procedures manual

The Northern Territory Liquor Commission Policy and Procedures Manual provides members with information to assist in fulfilling their responsibilities and exercising their powers under the Act and the *Liquor Act*.

The Policy and Procedures Manual is published on the Commission website at:

[cmc.nt.gov.au/committees/liquor-commission/publications](https://cmc.nt.gov.au/committees/liquor-commission/publications)

## Codes of Practice

The *Liquor Act* confers on the Commission the power to establish codes of practice to regulate the following matters:

- (a) the advertising and promotion of liquor by licensees;
- (b) the conduct of business under a licence or an authority;
- (c) the operation of licensed premises;
- (d) the management of customers, purchasers and patrons by licensees, including the management of their safety; or
- (e) the establishment of ethical standards and practices for licensees.

The Commission may publish any code of practice it establishes in the way the Commission considers appropriate.

It is a condition of a licence that the licensee comply with the provisions of any code of practice established and published by the Commission.

Publications and guidance can be found on the Commission website at:

[cmc.nt.gov.au/committees/liquor-commission/publications](https://cmc.nt.gov.au/committees/liquor-commission/publications)

## Code of Practice for the Responsible Advertising and Promotion of Liquor

In 2020, the Commission established a *Code of Practice for the Responsible Advertising and Promotion of Liquor* (Advertising and Promotion Code).

The object of the Advertising and Promotion Code is to ensure the responsible promotion and advertising of liquor products.

## Code of Practice for CCTV in Licensed Premises

During the reporting period, the Commission developed a *Code of Practice for CCTV in Licensed Premises* (CCTV Code), which commenced in August 2023.

The object of the CCTV Code is to provide guidance on the appropriate and effective operation of CCTV in licensed premises, including data retention.





# **LIQUOR LICENSING AND COMPLAINTS**

# Referral and delegation

The Commission is responsible for deciding the following matters under the *Liquor Act*:

- (a) an application to issue a licence or an authority;
- (b) an application to vary the conditions of a licence or an authority;
- (c) an application to substitute other premises for the licensed premises;
- (d) an application to approve a material alteration to licensed premises;
- (e) an application to authorise the transfer of a licence;
- (f) the determination of complaints and the taking of disciplinary action; and
- (g) any other matter the Director refers to the Commission.

## Delegation by the Commission

Pursuant to the Act, and set out at the publications tab of its website, the Commission has delegated various non-contentious and low-risk licensing decisions to either an individual member of the Commission or the Director.<sup>2</sup>

The use of delegated powers has saved the expense of conducting unnecessary hearings, improved the turnaround for the processing of uncontentious applications, and is a substantial reason for the reduction over the last two years in the number of hearings conducted by the Commission.

## Referrals

During the reporting period, the Director referred 45 matters to the Commission for consideration and decision.

Two referrals had multiple applications from the same licensee, bringing the total number of matters considered by the Commission to 47. This comprises of 36 applications and 11 disciplinary matters.

Two applications were withdrawn by the applicants during the course of the hearing.

**Table 3: Summary of matters referred to Commission from 2022-23 reporting period**

Nature of Referral	2020-21	2021-22	2022-23
Application for the grant of a liquor licence or authority	17	20	14
Application for liquor licence with a major event authority	10	10	5
Application for variation of conditions of licence	1	0	1
Application for transfer of licence	1	1	3
Application to make material alteration to licensed premises	6	13	4
Application for substitution of premises	11	8	8
Other (Application to extend timeframe for construction)	-	-	1
Disciplinary action against licensee	12	8	11
<b>Total</b>	<b>58</b>	<b>60</b>	<b>47</b>

<sup>2</sup> [industry.nt.gov.au/publications/business/decisions/director-of-liquor-licensing-decisions](https://industry.nt.gov.au/publications/business/decisions/director-of-liquor-licensing-decisions)

# Liquor applications

## Liquor licence or authority

The *Liquor Act* provides that the Commission may issue a licence and one or more authorities to an applicant.

The five year moratorium on new takeaway liquor licences remained in place during the reporting period.

An application for a licence or an authority must be lodged with the Director, who will accept it on the proviso it complies with the prescribed requirements for applicants.

Following acceptance of an application, public notification and consultation with stakeholders, the Director refers the application to the Commission, together with any objections and stakeholder comments received, and the applicant's response.

Of the 14 applications for the **grant of licence or an authority** referred by the Director, one application was withdrawn and nine were approved or partially approved. The Commission refused one application for the grant of a licence however, the application was approved upon resubmission during the hearing as an application for material alteration.

Three matters were heard but not determined, and one matter referred in the reporting period was scheduled to be heard in the 2023/24 reporting period.

## Major event authority

The *Liquor Act* provides for a major event authority, which authorises the licensee to sell liquor for consumption on or in licensed premises, to patrons attending a single event that is expected to: have at least 1,500 attendees; or a significant effect on public transport or local amenities; or require more than a usual amount of emergency services or police supervision.

An application for a licence with a major event authority requires public notice of the application.

The Commission has previously delegated its power to issue a major event authority to a single member of the Commission, "on the papers", without the need for a hearing.

The Commission has also previously delegated its powers and functions to the Director to issue licences and authorities for 21 recurring major events.

During the reporting period, eight licence applications with a **major event authority** were referred to the Commission and approved. Seven matters were considered by a Commission member under delegation and one matter was conducted as a public hearing.

**Table 4: List of liquor licence or authority applications determined by the Commission from 1 July 2022 to 30 June 2023**

Licensee	Determination
Circus Joseph Ashton Pty Ltd t/as Infamous The Show	Liquor licence issued with public bar and adult entertainment authorities.
2 Fresh Pty Ltd t/as Café 21	Liquor licence issued with restaurant bar authority. Licence subject to a further special condition that liquor must be served by wait staff and consumed from glasses.
NTFG Pty Ltd t/as Café 21 Smith	The application for a liquor licence and restaurant bar authority refused, as the Commission was not satisfied on the evidence before it that a new licence was in the public interest. The applicant amended the application to include an application for material alteration of premises to extend the footprint of the current liquor licence with attached restaurant authority to incorporate the outdoor dining area. The material alteration was approved.
Nitmiluk Tours Pty Ltd t/as Nitmiluk Tours	Liquor licence issued with restaurant bar, lodging, small bar, catering, and special venture authorities.
Armada Hotels and Leisure Pty Ltd t/as Parkside Bistro	Liquor licence issued and public bar authority, with additional conditions imposed in regards to time limit for construction and noise control. Late night authority refused.
Dassai Darwin Pty Ltd t/as Pink Chopstix	Liquor licence issued with catering and restaurant authorities. Additional conditions included that relate to the 'Waterfront alcohol with meal permit' issued by Darwin Waterfront Corporation.
Nightcliff Brewing Co Pty Ltd t/as Nightcliff Brewing Co	Application withdrawn by Applicant and dismissed by Commission.
Dom's Bar & Lounge Pty Ltd t/as Dom's Bar & Lounge	Producer and catering authorities issued, subject to special conditions relating to sale and supply of liquor.
Happiness Beyond The Green Pty Ltd t/as X-Golf Palmerston	Liquor licence issued with special venture authority, with additional conditions imposed relating to hours of operation and service to bonafide spectators or guests of the customer.
Jan N Jay Pty Ltd t/as Burrito Bar Casuarina	Liquor licence issued with restaurant bar authority.
Empire Hospitality Pty Ltd t/as Patty Shack	Liquor licence issued with restaurant bar authority.

**Table 5: List of applications for major event authorities of licence determined from 1 July 2022 to 30 June 2023**

Licensee	Event	Determination
Central Australian Drag Racing Association Incorporated	Red Centre Nats 2022 (1 to 4 September 2022)	Major event authority with conditions issued on 19 August 2022.
Tara Craigie	Alice Springs Rodeo (8 to 9 October 2022)	Major event authority with conditions issued on 3 October 2022.
LACT Activations Pty Ltd	Electric Storm 2022 (29 October 2022)	Major event authority with conditions issued on 15 September 2022.
Ross River Resort Pty Ltd	Wide Open Space Festival (28 to 30 April 2023)	Major event authority with conditions issued on 19 April 2023.
Rodeo Promotions NT Ltd	Round 1 Northern Golden Buckle Rodeo Series (29 April 2023)	Major event authority with conditions issued on 21 February 2023.
LACT Activations Pty Ltd	Red Hot Summer (6 May 2023)	Major event authority with conditions issued on 24 March 2023.
Rodeo Promotions NT Ltd	Rounds 2 and 3 Northern Golden Buckle Rodeo Series (8 July 2023 and 19 August 2023)	Major event authority with conditions issued on 9 May 2023.
Katherine Turf Club Incorporated	Katherine Cup Race Day 2023 (19 August 2023)	Major event authority with conditions issued on 16 June 2023.



## Variation of licence conditions

The *Liquor Act* provides for a licensee to apply to the Commission to vary the conditions of a licence or an authority. Examples of licence variations include change to trading hours, the quantities or types of liquor that may be sold.

The licensee is required to satisfy the Commission that the variation sought is in the public interest and would not have a significant adverse impact on the community.

Of the five applications for **variation of licence conditions** referred during the reporting period, two applications were approved, one application was refused, and one matter was withdrawn by the applicant during the course of the hearing.

One application was heard by the Commission in the reporting period, but not determined until after the reporting period.

## Transfer of licence

The *Liquor Act* provides for a licence to be transferable from the licensee to another person.

Since January 2020, non-contentious applications for transfer of licence have been considered and determined by the Director under delegation.

The decision-maker must consider the application and decide whether to authorise the transfer, with or without conditions, or refuse to authorise the transfer of the licence.

During the reporting period, one application for **transfer of licence** was referred to the Commission, and was refused, because the Commission was not satisfied that the proposed transferee was a fit and proper person to operate the licence.

**Table 6: Details of variation of licence conditions applications referred from 1 July 2022 to 30 June 2023**

Applicant	Determination
Central Australian Drag Racing Association Incorporated	Variation of the Trading Hours condition in licence approved.
AVC Operations Pty Ltd t/as Shenannigans Irish Pub	Application to permanently vary the conditions of the licence refused.
AVC Operations Pty Ltd t/as Smith Street Social	Application withdrawn by applicant and dismissed by Commission.
DTKT Group Pty Ltd t/as Parap Supermarket	Variation to conditions of licence approved.

**Table 7: Details of transfer applications referred to the Commission from 1 July 2022 to 30 June 2023**

Applicant	Determination
JD Bhullar Pty Ltd t/as NT Rock Bar	Application to transfer the liquor licence refused.

## Material alterations

The *Liquor Act* provides for a licensee to apply to the Commission for approval of a material alteration to the licensed premises. Section 95(1) of the *Liquor Act* defines material alterations as those that involve:

- (a) a significant increase in the area of the premises used for the sale, supply, service or consumption of liquor; or
- (b) a change to an entrance to or an exit from the premises; or
- (c) a significant change to the external appearance of the premises; or
- (d) a significant change to the premises' facilities related to the sale, supply service or consumption of liquor.

If the Director considers it to be in the public interest, the Director may require the applicant to notify the public of the application.

Four applications for a **material alteration** to licensed premises were referred to the Commission for consideration and decision. An additional application was amended during the course of the hearing to a material alteration.

One matter referred in the current reporting period will be heard and determined in the 2023/24 reporting period.

**Table 8: List of applications for material alteration to licensed premises determined from 1 July 2022 to 30 June 2023**

Applicant	Determination
Wuduluk Progress Aboriginal Corporation t/as Beswick Community Store	Material alteration granted.
NTEG Pty Ltd t/as Café 21 Smith	The application for a liquor licence and restaurant bar authority refused, as the Commission was not satisfied on the evidence before it that a new licence was in the public interest. The applicant amended the application to include an application for material alteration of premises to extend the footprint of the current liquor licence with attached restaurant authority to incorporate the outdoor dining area. The material alteration was approved.
LOD NT Pty Ltd t/as The Lodge of Dundee	Material alteration granted pursuant to section 97 of the <i>Liquor Act</i> , with an additional condition that alcohol not be served, sold or supplied from the current bar area upon the inclusion of the new bar/restaurant.
Palmerston Golf & Country Club Incorporated t/as Palmerston Golf & Country Club	Material alteration approved to enlarge the area of the licensed premises. Approval granted to conduct business during the construction phase in accordance with specified arrangements.
Darwin Airport Resort Operating Company Pty Ltd t/as Mercure Darwin Airport Resort and Novotel Darwin Airport	The joint application consisted of a material alteration to the premises known as Mercure Darwin Airport Resort and a substitution of premises for the premises known as Novotel Darwin Airport. The applicant amended the application for material alteration to incorporate the footprint for the proposed RV Park and subsequently withdrew the application for substitution of premises. The application for material alteration of premises was approved with a condition imposed that the liquor licence for the Novotel Darwin Airport be surrendered.

## Substitution of premises

The *Liquor Act* provides for a licensee who wishes to substitute other premises for the licensed premises to apply for a licence for the new premises. An application to substitute premises is made in the same manner as an application for a new licence.

Instead of issuing a new licence, the Commission may, on application of the licensee, amend a licence to substitute other premises for the licensed premises if satisfied that the substitution satisfies the public interest and community impact requirements.

During the reporting period, three applications for **substitution of premises** were referred to the Commission for consideration and decision, including two matters referred as joint applications.

One application was heard by the Commission in the reporting period, but not determined until after the reporting period.

## Other

During the reporting period, one application to extend the time to construct premises was referred to the Commission and was refused.

**Table 9: Details of substitution applications determined from 1 July 2022 to 30 June 2023**

Applicant	Determination
Newell International Pty Ltd t/as Oz Brew	Substitution of premises approved.
Darwin Airport Resort Operating Company Pty Ltd t/as Mercure Darwin Airport Resort and Novotel Darwin Airport	The joint application consisted of a material alteration to the premises known as Mercure Darwin Airport Resort and a substitution of premises for the premises known as Novotel Darwin Airport. The applicant amended the application for material alteration to incorporate the footprint for the proposed RV Park and subsequently withdrew the application for substitution of premises. The application for material alteration of premises was approved with a condition imposed that the liquor licence for the Novotel Darwin Airport be surrendered.

**Table 10: List of other applications determined from 1 July 2022 to 30 June 2023**

Applicant	Determination
9 DLS Pty Ltd t/as Kalidonis Boutique Apartments	Extension of time to erect the premises refused pursuant to section 110 of the <i>Liquor Act</i> .

# Disciplinary actions

The granting of a liquor licence by the Commission brings with it a number of responsibilities for the licensee, both under the *Liquor Act* and in the conditions of their licence.

Section 160 of the *Liquor Act* provides for a person to make a complaint against a licensee on any of 14 specified grounds.

A complaint against a licensee must be made in the approved form, specify the ground(s) of the complaint, be signed by the complainant and be lodged with the Director.

The Director must decide to accept, or refuse to accept, the complaint. After making a decision to accept a complaint, the Director must notify the licensee of the substance of the complaint, the Director's intention to investigate the complaint and the right to respond to the complaint.

On completing an investigation, the Director is empowered to take any of the following actions:

- take no further action if satisfied there are no grounds to justify taking further action or that the matter does not warrant further action;
- give the licensee a formal warning in relation to the complaint;
- mediate the complaint;
- issue an infringement notice in relation to the complaint;
- enter into an enforceable undertaking with the licensee in relation to the complaint; or
- refer the matter to the Commission for disciplinary action.

A referral of a complaint to the Commission must specify details of the grounds for disciplinary action, the results of the investigation and any response by the licensee.

Section 165 of the *Liquor Act* empowers the Commission to take disciplinary action if satisfied that a ground for the disciplinary action exists and the disciplinary action is appropriate in relation to that ground.

The Commission may take any of the following disciplinary actions against a licensee:

- vary the conditions of the licensee's licence or impose additional conditions on the licence;
- suspend a licence;
- cancel a licence;
- impose a monetary penalty;
- direct a licensee to take, or refrain from taking, a specified action;
- disqualify a person from holding a licence for a specified period.

During the reporting period, the Director referred 11 matters to the Commission for **disciplinary action**.

Public hearings were conducted for six matters, one of which had been referred in the previous reporting period, and the remaining six matters were scheduled to be heard in the 2023/24 reporting period.

The Commission determined to impose disciplinary action in respect of five matters; three licensees were issued a penalty and two licences were suspended. One complaint was dismissed.

**Table 11: List of disciplinary actions determined from 1 July 2022 to 30 June 2023**

Licensee	Alleged Breach	Determination
Jabiru Golf Club Incorporated t/as Jabiru Golf Club	<p>Five breaches of section 285 of the <i>Liquor Act</i>: sell or supply liquor to a person on or in the licensed premises, who was intoxicated and the person was reckless in those circumstances.</p> <p>10 breaches of section 141 of the <i>Liquor Act</i>: fail to remove from the licensed premises a person who was disorderly or incapable of controlling the person's behaviour.</p>	Complaint upheld. The Commission varied the conditions of licence by reducing trading hours and requiring enhanced supervision of patrons and suspended the licence for 14 days.
Stuart Highway Investments Pty Ltd t/as Milner Road Foodtown	<p>Breach of regulation 53(2) of the <i>Liquor Regulations 2019</i> and section 160(1)(b) of the <i>Liquor Act</i>: the licensee exceeded the prescribed 25% cap on sales of liquor.</p> <p>The licensee declared that the percentage of their liquor sales in the 2021/22 financial year totalled 40.51%.</p>	Complaint upheld. Penalty imposed of 63 penalty units (\$9,891). Direction issued to supply monthly figures setting out the portion of liquor gross sales to the Director. The licensee's liquor sales are not to exceed 25% of the gross sales for each quarter during 2023.
VNR Enterprises Pty Ltd t/as Wanguri Supermarket	<p>Breach of regulation 53(2) of the <i>Liquor Regulations 2019</i> and section 160(1)(b) of the <i>Liquor Act</i>: the licensee exceeded the prescribed 25% cap on sales of liquor.</p> <p>The licensee declared that the percentage of their liquor sales in the 2021/22 financial year totalled 28.75%.</p>	Complaint upheld. Penalty imposed of 22 penalty units (\$3,454) and conditions on licence amended to reflect that the gross value of sales not exceed 25% each quarter of 2023. The Licensee must provide a signed declaration at the end of each month to the Director.
Iris Gap View Operations Pty Ltd t/as Gap View Resort Hotel	189 breaches of section 130 of the <i>Liquor Act</i> : fail to scan an approved form of identification on the Banned Drinker Register before selling takeaway liquor.	Complaint upheld. Takeaway authority suspended for one day, and direction to report to the Director on implementation of proposed operational improvements.
P Lay Enterprises Pty Ltd t/as Howard Springs Supermarket	<p>Breach of regulation 53(2) of the <i>Liquor Regulations 2019</i> and section 160(1)(b) of the <i>Liquor Act</i>: the licensee exceeded the prescribed 25% cap on sales of liquor.</p> <p>The licensee declared that the percentage of their liquor sales in the 2021/22 financial year totalled 33.02%.</p>	Complaint upheld. Penalty imposed of 60 penalty units (\$9,420).
Tennant Creek Memorial Club Incorporated t/as Tennant Creek Memorial Club	Breach of section 285 of the <i>Liquor Act</i> : recklessly selling or supplying liquor to a person on or in the licensed premises who was intoxicated.	Complaint dismissed.

## Suspension of licence issued by Commissioner of Police

Section 258 of the *Liquor Act* provides for the Commissioner of Police to suspend a licence or an authority on certain circumstances being an emergency or a natural disaster, riotous conduct, a breach of the peace or a threat to public safety. A suspension can have effect for a maximum of 48 hours. The Commissioner of Police must give written notice of a suspension to the Chairperson.

During the reporting period, the Commission received six notices of the suspension of licence from the Commissioner of Police. Of the six suspensions received, three were for the same premises in Alice Springs.

## Disciplinary determinations by the Director

Pursuant to section 163(3)(c) of the *Liquor Act*, the Director considered and determined 11 disciplinary matters during the reporting period.

# Review of Decision

## Review of Liquor Commission's decisions

Section 31 of the *Liquor Act* provides that any decision of the Commission for which a decision notice is required reviewable by NTCAT. During the reporting period, no applications were made to NTCAT to review a Commission decision.

## Review of Decision of Director

Affected persons may apply to the Commission to review a decision of the Director.

An application for review must be made to the Commission within 28 days after written notice of the decision is given to the person or any later date allowed by the Commission.

During the reporting period, one application was lodged for review of decision of the Director.

**Table 12: Review of Decision of Director from 1 July 2022 to 30 June 2023**

Licensee	Determination
Michael John Williams	Decision of Director set aside in accordance with section 32 of the Act, and substituted with the Commission's decision to revoke the declaration of restricted premises.

# Variations to conditions initiated by the Commission

Under section 113 of the *Liquor Act*, the Commission may, on its own initiative, vary the conditions of a licence or an authority, other than conditions added or varied by the Minister under section 88 of the *Liquor Act*.

The Commission did not initiate any section 113 variations during the reporting period. During the reporting period the Commission completed an inquiry it had commenced before 30 June 2022, into licence conditions at the Desert Oaks Motel (Erlunda) and Kings Creek Station. The Commission, with the support of the licensees, Anangu Pitjantjatjara Yankunytjatjara and Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council, imposed conditions prohibiting the sale of liquor by the licensees to anangu, in terms substantially similar to a long-standing special condition in force at the Curtin Springs Roadhouse. The Commission found that although this condition is racially discriminatory, it is a lawful "special measure" for the purpose of both section 8 of the *Racial Discrimination Act 1975* (Cth) and section 57 of the *Anti-Discrimination Act 1992* (NT).

Decision Notices for variations initiated by the Commission and associated documents for previous reporting periods are published on the Commission website at:

[cmc.nt.gov.au/committees/liquor-commission/liquor-commission](http://cmc.nt.gov.au/committees/liquor-commission/liquor-commission)

