

**NORTHERN TERRITORY LIQUOR COMMISSION**  
**DECISION NOTICE**

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**MATTER:** *SHENANNIGANS APPLICATION FOR SPECIAL EVENT AUTHORITY* [2024] NTLiqComm 22

**REFERENCE:** LC2024/019

**APPLICANT:** AVC Operations Pty Ltd

**PREMISES:** Shenannigans Irish Pub  
69 Mitchell Street  
DARWIN NT 0800

**LICENCE NUMBER:** 80315480

**SPECIAL EVENT:** UEFA Euro 2024

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

**HEARD BEFORE:** Mr Russell Goldflam (Chairperson)  
Ms Ebony Abbott-McCormack (Health Member)  
Mr Denys Stedman (Community Member)

**DATE OF DECISION:** 11 June 2024

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**Decision**

1. For the reasons set out below and in accordance with s 48 of the *Liquor Act 2019* (NT) (**the Act**) the Northern Territory Liquor Commission (**the Commission**) has determined to issue a special event authority to AVC Operations Pty Ltd (**the applicant**) for liquor licence 80315480 (**the licence**).
2. The applicant is authorised to operate a special event authority within the indoor area of the Shenannigans Irish Pub, 69 Mitchell Street, Darwin 0800, excluding the area shaded in blue and bounded in black on the plan at page 16 of the brief of evidence referred to the Commission under cover of a Memorandum by Mr Mark Wood dated 29 May 2024 (**the premises**).
3. The permitted hours of operation for the special event authority are from 02:00 to 06:30 on 15 to 27 June 2024 inclusive, 30 June 2024, and 1, 2, 3, 6, 7, 10, 11 and 15 July 2024.

4. The conditions of the licence when operating with the special event authority include the conditions set out in Part 4 Division 18 of the *Liquor Regulations 2019* (**the Regulations**).
5. The following additional conditions apply throughout the hours of operation of the special event authority:
  - a. The licensee must provide entertainment to patrons by screening live television coverage of UEFA Euro 2024 football matches.
  - b. No other entertainment is permitted.
  - c. The licensee must keep all outdoor TVs and speakers switched off.
  - d. The licensee must comply with the conditions for licensed crowd controllers prescribed by reg 59 of the Regulations.
  - e. A duty manager must be present to supervise the sale of liquor and act as a marshall to ensure compliance with RSA practices and these conditions.
  - f. A full meal must be available for purchase by patrons.
  - g. No more than two alcoholic drinks may be sold, served or supplied to any one person at a time.
  - h. The licensee must call last drinks no later than 05:45, and must not sell, supply or serve liquor after 06:00.
  - i. The licensee must not serve or supply complimentary drinks to patrons.
  - j. No smoking is permitted on the premises. Smoking is permitted in an outdoor smoking area designated by the licensee adjacent to the premises.
  - k. While a Euro 2024 match is in progress the licensee must not permit patrons to enter the premises, and patrons may only be permitted to enter the premises before the commencement of a match.
  - l. The licensee must ensure that members of the public do not congregate outside the premises.
6. The authority will be issued immediately following the publication of this decision notice.

## Reasons

### Background

7. The applicant operates Shenannigans Irish Pub, a popular and well-established venue in the heart of the Mitchell St hospitality and entertainment precinct in the Darwin CBD. Shenannigans operates as licensed premises with a public bar and late night authority, permitting it to trade until 02:00 each day.
8. The applicant has previously successfully applied for and been issued with a liquor licence with a special event authority authorising it to trade in liquor in the early hours of the morning in conjunction with the screening of live television coverage of the following overseas sporting events:
  - a. European Union Football Association (**EUFA**) Euro 2020 (FLL1585)
  - b. All Ireland Senior Football Championship Final (Gaelic football) September 2021 (FLL1671)
  - c. Federation of International Football Associations (**FIFA**) World Cup 2022 (FLL2040)
  - d. Rugby Union World Cup 2023 (FLL2288)
9. The above licences were issued by the Director of Liquor Licensing (**the Director**) pursuant to a delegation conferred by the Commission on the Director to issue liquor licences with a special event authority. It appears that NT Police were consulted about these applications, but did not object to them.
10. In April 2022, the applicant applied to vary its licence conditions by extending its closing time from 02:00 to 04:00. In the hearing of that application, which attracted two objectors, including NT Police, the applicant focussed on the role of Shenannigans as a venue for patrons to watch overseas sporting events. The Commission refused that application.<sup>1</sup>

### The Application

11. On 24 April 2024 the applicant lodged an application for a liquor licence with a special event authority, the purpose of which was to authorise Shenannigans to operate until 06:30 every day during the finals of the UEFA Euro 2024 football competition, from 15 June 2024 to 15 July 2024.

### Consultation

12. In his memorandum dated 29 May 2024 referring this matter to the Commission, Mr Wood, a delegate of the Director, stated “the application was not subject to public notices as it is a special event authority”. The Commission accepts that this statement reflects the current practice of Licensing NT. However, that practice appears to be at odds with s 57(2) of the Act, which provides that the Director may exempt an applicant for a licence with a special

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<sup>1</sup> Northern Territory Liquor Commission, *Application for Permanent Variation of Conditions of Licence* (LC2022/038), 7 October 2022 (**the 2022 Shenannigans decision**)

event authority from compliance with the usual requirement to notify the public of an application for a liquor licence. In the view of the Commission, applications for a liquor licence with a special event authority are subject to public notification unless the Director (or her delegate) exercises their discretion to grant an exemption from this requirement.

13. That said, given the history of similar licences being granted for similar events to this licensee, who has an unblemished record of compliance with the Act and licence conditions, the Commission considers that it was reasonable to exempt the applicant from the public notice requirements on this occasion.
14. Even if the Commission had considered that there should have been public notification of this application, the tentative view of the Commission is that a decision of the Director to exempt an applicant from issuing public notice of an application is not susceptible to review by the Commission.
15. In accordance with s 56 of the Act, the Director notified the Department of Health, NT Police and the City of Darwin of the application. The City of Darwin did not respond. The Department of Health commented on the application, but did not object to it. NT Police, however, opposed the application.

#### **The referral**

16. On 29 May 2024, pursuant to s 59 of the Act, instead of exercising his delegated power to determine this application, the Director's delegate referred the application to the Commission for decision, for the following stated reasons:
  - a. The application was controversial.
  - b. The Commission had previously refused a similar application by this applicant.
  - c. The Commission had previously expressed concern about the issue of special event authorities over an extended period.<sup>2</sup>
17. The Commission readily accepts that in these circumstances it was appropriate for the matter to be referred to the Commission rather than be determined by delegation.
18. The Director provided the following documents to the Commission with the referral (**the brief**):
  - a. Application for liquor licence
  - b. Affidavit and Declaration of Associates pursuant to section 54 of the Act;
  - c. Site plan
  - d. Equifax report for the applicant
  - e. Event plan
  - f. Management Plan

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<sup>2</sup> See, for example: Northern Territory Liquor Commission, *Application for a licence for Ella Darwin* (LC2022/031, 21 June 2022), at [52] – [54].

- g. Registration of Food Business
- h. Correspondence with stakeholders

### **The hearing**

19. Pursuant to s 21 of the Act the Commission may direct that a hearing be conducted by way of written submissions if the Commission is of the opinion that it is not appropriate in the circumstances because conducting the hearing in public would not be worthwhile.
20. On 5 June 2024 the Commission met, formed the opinion that it would not be worthwhile to conduct a hearing in public, and determined to conduct the hearing by way of written submissions, having regard to the following circumstances:
- a. The applicant has previously been granted liquor licences with a special event authority for similar events.
  - b. There was insufficient time to conduct a public hearing before the commencement of the UEFA Euros 2024 competition on 15 June 2024.
  - c. The determination of an application for a liquor licence with a special event authority is almost always undertaken by the Director or her delegate, without a hearing.<sup>3</sup>
  - d. The Commission had received sufficient material to enable it to assess the opposition by NT Police to the application.
  - e. The grounds of opposition were straightforward.

### **ASSESSMENT OF THE APPLICATION**

21. Section 59 of the Act relevantly requires the Commission to consider:
- a. the applicant's affidavit required by section 54;
  - b. the financial stability and business reputation of the applicant body corporate;
  - c. whether the applicant, including the nominee designated by an applicant, is a fit and proper person to hold a licence.
22. In addition, s 59 requires the Commission to consider any objection to an application made under s 61. As there was no public notification of the application, there could be and were no objections made under s 61. However, the opposition of NT Police to the application was in the nature of an objection, and the Commission has considered the response by NT Police to the

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<sup>3</sup> Coincidentally, the only exception to date was a hearing conducted by the Commission a few days previously, on 27 May 2024: *Sugarbag Street Art Festival Application for a Liquor Licence with a Special Event Authority* [2024] NTLiqComm 21

application as if it had been an objection under s 61.

23. The Commission is also required to consider whether issuing the licence is in the public interest, and whether the licence will have a significant adverse impact on the community.

### **The applicant**

24. The applicant, which trades as Australian Venue Co, is an Australian company limited by shares that operates over 200 pubs and bars across Australia, with over 8,000 employees.<sup>4</sup>
25. The Commission is satisfied that the applicant has adequately disclosed persons of influence and potential beneficiaries. In the 2022 Shenannigans decision, the Commission criticised the applicant for failing to provide information regarding the licence nominee. It is pleasing to note that in this application the applicant has remedied that omission.
26. Section 51(3) of the Act provides that an existing licensee who is applying for an authority is assumed to be a fit and proper person, in the absence of evidence to the contrary. The Commission has received no evidence to the contrary, and, for reasons that will be explained below, considers that s 51(3) is applicable to its consideration of this application.
27. The applicant has provided appropriate documentation regarding its planned operation and management of the proposed special event authority.
28. The applicant has provided sufficient documentation to satisfy the Commission of its financial stability and business reputation for the purpose of this application.

### **The application**

29. The application in this matter was for a new liquor licence with a special event authority. However, the Commission is not persuaded that it is either necessary or appropriate to issue a new licence. Instead it has decided to issue a new authority with the applicant's current licence, for the following reasons.
30. As stated above, s 51(3) of the Act applies to "a licensee who is applying for an authority", which in the view of the Commission necessarily implies that the Act allows a licensee to apply for an authority to be added to their existing licence.
31. The Commission has some doubt as to whether the Act authorises two liquor licences to co-exist over the same premises, even if they operate in non-overlapping periods.
32. In this case, the commencement of operation of the special event authority will, from the perspective of the public, the patrons and indeed the licensee, be in practical terms barely noticeable: the staffing, operation and service provided

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<sup>4</sup> <https://www.ausvenueco.com.au/about/>

prior to 02:00 will substantially continue uninterrupted. The Commission is unable to identify any prejudice to the licensee caused by adding a new authority to its existing licence instead of issuing a new licence.

### **The special event**

33. As stated above, the Commission has previously expressed concern about the practice of issuing licences with a special event authority on repeated occasions in a brief period. In this instance, by contrast, the applicant has applied for a single special event authority over a period of one month, comprising numerous individual football matches. This also troubles the Commission. The ordinary meaning of the word “event” is of a single occurrence, rather than a series of (in this case, sporting) events, so to characterise a month-long competition as “a special event” strains the language of the statute. To do so raises the prospect that future applicants might seek a special event authority to cover an entire season of a national sporting competition in, for example, the USA.
34. A better “fit” for this applicant might have been to apply for a s 47(1)(d) sporting event authority, which authorises the sale of liquor “ancillary to the services provided in relation to the conduct of a sporting event or similar competition”, were it not for the fact that reg 27 of the Regulations prescribes that the hours of operation for a sporting event authority are limited to the period between 10:00 and 24:00. If government policy is to support the screening in licensed venues of significant overseas sporting events and competitions, the Commission would welcome an amendment to reg 27 as a means of facilitating the implementation of that policy.

### **The opposition**

35. In summary, the police opposition was on two grounds:
- a. the UEFA Euro 2024, a competition similar in format to the FIFA World Cup but limited to European nations, was not an event of sufficient significance to the Darwin community to justify trading until 06:30; and
  - b. although the applicant seeks a blanket extension of trading hours for every day of the month-long competition, the competition program includes some days when there are no matches, and others where there is no match until 04:30 Central Australian time.
36. The first ground of opposition advanced by NT Police is consistent with and arguably supported by the following passage from the 2022 Shenannigans decision, at [39] to [42]:
- The Commission does agree however that evidence should have been provided to the Commission concerning the level of public interest in certain international sports being broadcast. Whilst the Commission is willing to accept that certain international sports are extremely popular, for example “The World Cup”, the Commission was provided with no evidence as to what was proposed in terms of the broadcasting of sporting games that do not carry that level of

multi-national popularity or notoriety and/or the level of public interest in such sporting games.

The Commission agrees with the submission made by Mr De Silva that instead what the Commission was provided was:

“... a broad submission unsupported by evidence ... made as to growth from the European section of the Darwin community. This is mere speculation on the part of the Applicant. No effort has been made to even identify such a demographical growth within the City of Darwin let alone the ethnic groups’ interest in attending late night sporting events at Shenannigans”.

As indicated earlier and as raised with the licensee during the course of the hearing, the significant concern of the Commission is that these premises not become simply another premises for patrons to drink into the early hours of the morning. There is simply no evidence that this would be in the public interest.

Whilst the Commission does accept that there is a level of interest in the community for major international sporting games to be broadcast (as is evident by the number of special licences sought for such occasions in the past by not just by this licensee but by numerous licensees) what the Commission does not have is any evidence of the level of interest in sporting events outside of such major events. Given this application is for a permanent variation of the hours until 4.00am, 7 days per week, the Commission would need to be positively satisfied that there is in fact such interest.

37. Notably, the application before the Commission in 2022 was for a general and permanent extension of operating hours until 04:00, not confined to nights when a sporting competition was being live-screened. The 2022 Shenannigans decision is in this important respect distinguishable from the current matter.
38. The applicant has previously been issued with special event authorities for international sporting events on at least four occasions, including the UEFA Euro 2020 competition, and one other localised sporting event, a Gaelic football final in Ireland. The Commission has not received any evidence that the operation of these previous special events was associated with any alcohol-related harm or incident of concern.
39. The categories of international sporting event that attract Australian – and in particular, Darwin – residents to stay up all night and watch the action on a big screen in a public place, are not closed. They include both global competitions, such as the FIFA World Cup and Formula One Grand Prix, niche events such as the Gaelic football final, and non-team sports such as tennis and golf. If an Australian team or individual is participating, the event will likely be more attractive to Australian audiences. However, there are also millions of



Australian residents who follow sports teams and individuals from other parts of the world.

40. In the view of the Commission, the key issue to consider in determining this application is not so much whether a particular event is of interest to the Darwin public, but, as the Commission observed in the passage cited above, whether, under the guise of presenting a sporting event, Shenannigans will become “simply another premises for patrons to drink into the early hours of the morning”. Several licensed premises in the Darwin CBD trade until 04:00 with an extended late night authority, but none is authorised to operate until 06:30.
41. Accordingly, the Commission accepts that there is an appreciable risk that as a consequence of allowing this application, some late night drinkers at nearby establishments will move on to Shenannigans in time for the 04:30 kick-off, so that they can kick on. On balance, the Commission considers that the ensuing risk of alcohol-related harm is adequately mitigated both by the fact that this special event authority will only operate for 22 days, and by the conditions the Commission has determined to impose, particularly those set out at paragraph 5(g), (h), (k) and (l) above.
42. Having considered the second ground of opposition relied on by NT Police, the Commission has determined to authorise trading with the special event authority only on nights when there is a scheduled UEFA Euro 2024 match.
43. On 15 nights of the competition, matches are scheduled to commence at 01:30 and 04:30 respectively. On the remaining seven nights, a single match has been scheduled, commencing at 04:30. The Commission has given serious consideration to not authorising trade in liquor on those seven nights before 04:00. However, ultimately the Commission has decided to permit the venue to remain open on those nights from its regular closing time of 02:00, for the following reasons. Firstly, it would be costly and inconvenient for the licensee to be required to close at 02:00 before re-opening at 04:00. Secondly, it would be inconvenient for patrons. Thirdly, and most importantly, patrons who wish to drink elsewhere during that two hour period can do so in any event at other nearby venues, so there is unlikely to be a substantial increase in alcohol-related harm as a result of allowing Shenannigans to continue to trade during that two hour period on those seven nights.

### **The public interest and community impact requirements**

44. The applicant bears the onus of satisfying the Commission that issuing the authority is in the public interest and will not have a significant adverse impact on the community. Even if there are no objections, the applicant must still satisfy this Commission of these matters.
45. To determine whether the issue of the license is in the public interest, the Commission is required to consider how the issue of the licence would advance the following objectives set out in section 49(2) of the Act:

- (a) minimising the harm or ill-health caused to people, or a group of

people, by the consumption of liquor;

- (b) ensuring liquor is sold, supplied, served and consumed on or in licensed premises in a responsible manner;
- (c) safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises;
- (d) protecting the safety, health and welfare of people who use licensed premises;
- (e) increasing cultural, recreational, employment or tourism benefits for the local community area;
- (f) promoting compliance with this Act and other relevant laws of the Territory;
- (g) ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business;
- (h) preventing the giving of credit in sales of liquor to people;
- (i) preventing practices that encourage irresponsible drinking;
- (j) reducing or limiting increases in anti-social behaviour.

46. To determine whether it is satisfied that the issue of the licence will not have a significant adverse impact on the community, the Commission must have consider the matters set out at section 49(3) of the Act:

- (a) the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
- (b) the geographic area that would be affected;
- (c) the risk of harm from the excessive or inappropriate consumption of liquor;
- (d) the people or community who would be affected;
- (e) the effect on culture, recreation, employment and tourism;
- (f) the effect on social amenities and public health;
- (g) the ratio of existing liquor licences and authorities in the community to the population of the community;
- (h) the effect of the volume of liquor sales on the community;

- (i) the community impact assessment guidelines issued under section 50;<sup>5</sup>
- (j) any other matter prescribed by regulation.<sup>6</sup>

47. The Commission has considered each of the s 49(2) objectives and each of the s 49(3) matters. The Commission is satisfied that, with the conditions it has imposed, issuing the special event authority is in the public interest and will not have a significant adverse impact on the community. In doing so, the Commission has had particular regard to the fact that this special event authority will only operate for 22 nights.

48. Licensees should however not assume that future similar applications will be routinely allowed. If evidence emerges that the extension of trading hours ostensibly for the benefit of sports-lovers has contributed to alcohol-related harm, public disorder, irresponsible drinking or anti-social behaviour, it is readily foreseeable that future applicants will be unable to satisfy the decision-maker that the issue of the special event authority would be in the public interest.

### **The licence conditions**

49. The Commission has determined to fix the additional conditions set out at paragraph 5 above.

50. In fixing these conditions, the Commission has had particular regard to:

- a. the applicant's plans for its management of the event;
- b. conditions that have been fixed for previous similar events;
- c. the conditions prescribed by the Regulations for extended late night trading; and
- d. the issues raised by NT Police.

### **The objects of the Act**

51. Section 3(4) of the Act provides that in performing its function to decide whether to issue the licence, the Commission must have regard to the primary and secondary purposes of the Act.

52. The Commission considers that the issue of the licence and authorities with the conditions imposed is consistent with the purposes of the Act.

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<sup>5</sup> In the view of the Commission, no such guidelines are currently in force.

<sup>6</sup> No such matters have been prescribed.

53. For these reasons, the Commission has determined that a special event authority be issued on the conditions set out at the commencement of this decision notice.

## **NOTICE OF RIGHTS**

54. 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. Section 94(3) of the *NTCAT Act* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.

55. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of this decision are the Director, the licensee and NT Police.



**Russell Goldflam**  
CHAIRPERSON  
NORTHERN TERRITORY LIQUOR COMMISSION  
11 June 2024

On behalf of Commissioners Goldflam, Abbott-McCormack and Stedman