

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: *NT CRICKET APPLICATION FOR LIQUOR LICENCE*
[2025] NTLiqComm 1

REFERENCE: LC2024/048

APPLICANT: Northern Territory Cricket Limited (ACN 653 743 803)

PREMISES: NT Cricket DXC Arena
155 Abala Road
MARRARA NT 0812

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

HEARD BEFORE: Mr Russell Goldflam (Chairperson)
Prof Phillip Carson (Health Member)
Ms Katrina Fong Lim (Community Member)

DATE OF HEARING: 4 December 2024

DATE OF DECISION: 6 January 2025

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 licence to Northern Territory Cricket Limited (ACN 653 743 803) (**the applicant**).
2. The licence will be issued with a sporting event authority for the consumption of liquor at the Northern Territory DXC Arena, 155 Abala Road Marrara NT 0812 (**the premises**) within the area delineated in red shown on the plan of the premises depicted at Appendix One to this decision notice (**the plan of the premises**).
3. The standard operating hours of the licence are:

Friday from 11:00 hours to 20:30 hours
Saturday from 11:00 hours to 20:30 hours
Sunday from 11:00 hours to 20:30 hours

4. In addition to the standard operating hours, the licensee is authorised to operate the licence on up to fifteen days in a calendar year from 11:00 hours to 23:00 hours (**late trading days**).
5. The conditions of the licence will be those authority conditions set out in Part 4 Division 1 and Part 4 Division 3 of the *Liquor Regulations 2019* (**the Regulations**).
6. The following additional conditions are fixed:
 - a. Liquor may only be sold, supplied or served under this licence ancillary to the services provided in relation to the conduct of a sporting event or competition.
 - b. No liquor is to be sold or consumed on the premises while junior sporting matches are in progress.
 - c. Liquor may only be sold from bars or kiosks located within the area delineated in yellow shown on the plan of the premises.
 - d. Liquor may only be sold or served in opened plastic or metal containers.
 - e. A maximum of four alcoholic drinks may be sold to any one customer at any one time.
 - f. Liquor must not be sold for consumption off the premises.
 - g. The sale, supply, possession or consumption of liquor is not permitted at events using amplified sound other than announcements, notifications or other sounds issued in the ordinary course of or incidental to the conduct of a sporting event.
 - h. The licensee must maintain a register of late trading days, and make that register available for inspection to a member of the public upon request.
 - i. The licensee must give not less than one week's notice to the public of a late trading day on its website and social media platforms.
 - j. The licensee must publish on its website or Facebook page an email address to which noise complaints can be addressed.
 - k. The licensee must print out and keep all noise complaints received by the licensee, including complaints received by telephone or in person, in a register available for inspection by a Licensing Inspector upon request.
 - l. The licensee must comply with the Northern Territory Noise Management Framework Guideline issued by the Northern Territory

Environment Protection Authority in September 2018 and as subsequently amended from time to time.

7. The licence will be issued immediately following the publication of this decision notice.
8. The Commission approves the appointment of Mr Jack Doyle (**Mr Doyle**) as the licence nominee.
9. Liquor must not be sold under the licence until the Director of Liquor Licensing (**the Director**) gives written approval to do so, following the provision of documentary evidence to the satisfaction of the Director that the applicant has:
 - a. Established a plan for the responsible sale and service of alcohol;
 - b. Implemented appropriate measures to prevent the harmful exposure of minors to alcohol; and
 - c. Implemented appropriate measures including sound monitoring and controlled sound levels to mitigate the risk of causing undue and unreasonable noise that affects the amenity of the neighbourhood.

Reasons

Background

10. The applicant, Northern Territory Cricket Limited, which was founded in 1978, is the peak sporting body for cricket in the Northern Territory, and an affiliate of Cricket Australia. In addition to its role in developing, controlling, managing and promoting the sport of cricket across the Northern Territory, the applicant manages the two adjoining cricket grounds within the Marrara Sporting Precinct (**the Marrara cricket grounds**).
11. In the past, the applicant has supplied liquor during cricket matches at Marrara under a special liquor licence, which lapsed when the *Liquor Act 1978* was superseded by the *Liquor Act 2019*. On 14 August 2020, the applicant entered into a commercial partnership agreement with the PINT Club (the premises of which are adjacent to the Marrara cricket grounds) for the PINT Club to sell and supply liquor to cricket patrons at the premises under the PINT Club's existing licence. On 17 March 2021 the Commission approved a material alteration to the PINT Club authorising the sale and supply of liquor in accordance with this commercial partnership agreement.¹
12. The commercial partnership agreement expired on 30 June 2022. The PINT Club subsequently went into administration, and the agreement was not renewed. Following a request by the applicant, on 27 March 2024 a delegate of the Director approved the reduction of the premises of the PINT Club liquor

¹ Northern Territory Liquor Commission, *Application for approval of a material alteration to licensed premises and permanent variation of conditions of a licence* (LC2021/007, 17 March 2021)

licence to exclude the Marrara cricket grounds from the footprint of its licensed premises.

The Application

13. On 17 September 2024 the applicant lodged an application with the Director for a liquor licence at the premises. The principal purpose of the application was to operate a kiosk or canteen at the Marrara cricket grounds to sell liquor to patrons attending cricket and football matches and associated events at the venue.

Consultation

14. In accordance with s 57 of the Act, on 5 October 2024 notices of the application were published in the NT News and on the Director's website.
15. In accordance with s 56(4) of the Act, notification was given to Department of Health (**DOH**) and NT Police. It appears however, that contrary to s 56(4)(c), notification was not given to the chief executive of the local council of the government area within which the proposed premises are located. The Commission considers that this irregularity is not so serious as to render the application invalid, or to deprive the Commission of jurisdiction to determine the application. Nevertheless, the Commission reminds the Director to ensure compliance with this statutory requirement in future matters.
16. None of the notified stakeholders raised any concerns with the application.

The objection

17. One objection to the application was received, from Mr and Mrs Lawson (**the Lawsons**), residents of Sunningdale Court, whose premises are about 60 metres from the eastern boundary of the proposed premises, and about 250 metres from the location of the applicant's proposed bar.
18. The Commission finds that the objectors are persons residing in the neighbourhood of the licensed premises, and are accordingly entitled to make an objection under section 61(4)(a) of the Act. The Commission finds that the objections are made on the ground that the making of the material alteration would adversely affect the amenity of the neighbourhood of the licensed premises, which is a permissible ground for an objection under section 61(2)(a)(i) of the Act. The Commission finds that the objection was lodged in accordance with s61(5) and s61(6) of the Act, and is a valid objection.

The licensee's record of compliance

19. The Director informed the Commission that the applicant had no records of complaint or previous adverse compliance activities. The Commission notes that the Commission has previously upheld complaints by the Lawsons and other residents of Sunningdale Court against the PINT Club arising from the

operation of its licence immediately adjacent to the proposed premises.² However, those complaints arose out of the use by the PINT Club of its licensed premises as a live music venue, and not in relation to noise at sporting events.

20. An event held on the cricket ground on 26 August 2017, the CareFlight Gala Ball, had also previously been the subject of a noise complaint by the Lawsons. That complaint appears to have been upheld, because the licensee was issued with an infringement notice arising from the operation of the licence. However, neither the applicant nor the PINT Club appears to have been involved in the conduct of that event.³
21. The Lawsons also lodged one of two objections received in response to the PINT Club's 2020 application for a material alteration to authorise it to supply liquor for consumption at the Marrara cricket grounds.
22. Although the Commission allowed that application, it imposed various conditions on the licence to mitigate the possible adverse effect on the community, and in particular, to address the concerns about noise disturbance raised by the Lawsons and their fellow objector.
23. The largest event at the proposed premises in recent times was a Sunday evening cricket fixture in August 2024, which attracted over 1,000 attendees. On the one hand, the applicant submits that it received no noise complaints from neighbouring residents or the community on that occasion.⁴ On the other hand, the Lawsons deposed that they had attempted to lodge a noise complaint about that event by telephone, but that their call was not answered.

The referral

24. On 18 November 2024, the Director referred this application to the Commission to be determined by way of a public hearing. Notice was subsequently given to the applicant that the matter would be listed for a public hearing on 4 December 2024.
25. The Director provided the Commission with a bundle of documents (**the brief**), including:
 - a. Special liquor licence held by NT Cricket, issued 29 May 2018
 - b. Liquor licence issued to PINT Club, 24 March 2021
 - c. Application for licence, 17 September 2024
 - d. Affidavit and Declaration of Associates pursuant to s 54 of the Act
 - e. Company extract: Northern Territory Cricket Limited

² Northern Territory Liquor Commission, *Disciplinary Action pursuant to Liquor Act 1978* (LC2019/059 & LC2019/121, 17 March 2020); Northern Territory Liquor Commission, *Disciplinary Action pursuant to Liquor Act 2019* (LC2020/042, 19 January 2021)

³ Northern Territory Liquor Commission, *Application for approval of a material alteration to licensed premises and permanent variation of conditions of a licence* (LC2021/007, 17 March 2021) at [21]

⁴ Exhibit One, p 168

- f. ASIC Certificate of Registration of applicant as company limited by guarantee, 14 October 2021
- g. Probity documents for applicant's nine Directors
- h. Applicant's 2022 – 2027 strategic plan
- i. Applicant's Constitution, 14 October 2021
- j. Probity documents for proposed nominee, Jack Doyle
- k. Crown lease in perpetuity for the proposed premises, 155 Abala Road, Marrara
- l. Plan of proposed premises footprint
- m. Smoking management plan
- n. Applicant's audited financial statements for year ended 30 June 2023
- o. Public Interest and Community Impact Assessment summary
- p. Evidence of public notification of application
- q. The Lawsons' objection, 6 October 2024
- r. Applicant's response to objection, undated
- s. Correspondence with stakeholders

The hearing

26. On 4 December 2024 the application proceeded as a public hearing. Mr Gavin Dovey and Ms Paige Sutherland appeared on behalf of the applicant. Mr Wood appeared for the Director. The Lawsons, who were interstate, participated in the hearing by telephone link.
27. The brief was tendered and admitted without objection into evidence as Exhibit 1.
28. In addition, and also without objection, the following documents were admitted into evidence:
 - Exhibit 2: map and list of existing licensed premises within 2 km of proposed premises
 - Exhibit 3: Lawsons' correspondence with Development Consent Authority, applicant and Licensing NT, 2017 – 2020
 - Exhibit 4: photographs of Marrara cricket grounds
 - Exhibit 5: Lawsons' correspondence with Licensing NT re CareFlight Gala Ball, PINT Club re noise complaints, 2017 – 2019
 - Exhibit 6: correspondence between applicant and Licensing NT re 2024 alteration of PINT Club premises, and amended PINT Club licence
29. Pursuant to s 23 of the Act the Commission is not bound by the rules of evidence and may inform itself in any manner it considers appropriate. Having formed the view that no substantial factual disputes would likely be raised in the course of the hearing, the Commission determined to conduct the hearing informally, without requiring witnesses to be sworn. The hearing participants

asked and answered questions, and made submissions. The Commission also had regard to written submissions received on 29 November 2024 from the Lawsons.

30. The Commission thanks all participants in the hearing for their attendance and contributions.

ASSESSMENT OF THE APPLICATION

31. In accordance with s 59 of the Act, the Commission has considered:

- a. the applicant's affidavit required by s 54;
- b. the objection and its response;
- c. the suitability of the premises to be licensed, having regard to any law of the Territory regulating the sale, supply, service or consumption of liquor or the location, construction or facilities of those premises;
- d. the financial stability and business reputation of the body corporate;
- e. the general reputation and character of the secretary and executive officers of the body corporate;
- f. whether the applicant, including the nominee designated by an applicant, is a fit and proper person to hold a licence;

32. In accordance with s 49 of the Act, the Commission has also considered whether issuing the licence is in the public interest, and whether the licence will have a significant adverse impact on the community.

The applicant

33. The Commission finds that the applicant complies with s 53(1) of the Act, which requires that a body corporate shall not hold a licence unless it is a corporation.

34. The applicant has provided extensive and appropriate documentation regarding its operations, activities, financial circumstances and plans.

The applicant's associates

35. Section 54 of the Act requires applicants to depose an affidavit disclosing whether certain persons may be able to influence the applicant, or expect a benefit from the applicant, if the licence is granted. The Commission is satisfied that the applicant has complied with the disclosure requirements of s 54.

36. Having had regard to the material tendered by the applicant attesting to the probity of each of its nine Directors, the Commission finds that each of them is a fit and proper person to be an associate of the applicant.

37. The Commission does not consider that it is appropriate to consider whether any other person is a fit and proper person to be an associate of the applicant.

The suitability of the applicant's premises

38. The Commission assesses the premises as suitable for the supply and consumption of liquor in the manner set out in the application.

The financial stability, general reputation and character of the body corporate

39. The Commission assesses the applicant as having a satisfactory business reputation and as being financially stable.

The general reputation and character of the applicant's secretary and executive officers

40. Having been provided with appropriate evidence regarding their reputation, character and work history, the Commission assesses the general reputation and character of the applicant's executive officers to be satisfactory. Section 59(g)(ii) of the Act requires the Commission to also consider the general reputation and character of the secretary of the applicant. Presumably as a result of an oversight, no evidence was adduced identifying this office-holder, and accordingly the Commission is unable to make a specific finding regarding the reputation and character of that person. Nevertheless, having regard to the substantial material the Commission has received regarding the applicant's corporate structure, Directors, financial circumstances, history, operations and plans, the Commission is not troubled by this minor omission.

Whether the applicant is a fit and proper person to hold a licence

41. The Commission assesses the applicant to be a fit and proper person to hold a licence.

Whether the licensee's nominee is a fit and proper person to hold a licence

42. The applicant has nominated Mr Doyle as the licence nominee. The Commission assesses Mr Doyle, who holds current RSA certification and has provided appropriate documentation of his reputation, character and work history, to be a fit and proper person to hold the licence.

Public notice and consultation

43. The Commission is satisfied that public notice of the application was given and consultation was undertaken in accordance with s 57 of the Act.

The objection and its response

44. The Lawsons did not go so far as to clearly oppose the application altogether. They made the following submissions:
- a. trading under the licence should not be permitted after 20:00 hours;
 - b. the licence should not authorise the conduct of events similar to the 2017 CareFlight Gala Ball;
 - c. liquor should only be sold from a kiosk or bar in the area of the clubrooms situated between the two cricket fields;
 - d. there should be conditions to limit noise emissions including a requirement that the licensee comply with the Northern Territory Environmental Protection Authority's Noise Management Framework Guideline; and
 - e. the licensee should have a noise management plan.
45. The Lawsons also expressed their concerns that "there's a proliferation of licences which have a cumulative impact on us", and that the applicant had "not been able to effectively control noise from events held at the Marrara Cricket Grounds under facility hire arrangements in the past".
46. In addition, the Lawsons raised their concern regarding the manner in which the application had been administered by Licensing NT. However, this is not a permissible ground of objection as set out at s 61(2) of the Act, and accordingly the Commission declines to consider this aspect of the Lawsons' objection.
47. In its written response to the objection, the applicant made the following submissions:
- a. The applicant is not responsible for PINT Club's previous management of its liquor licence on the applicant's premises.
 - b. The applicant implemented "specific measures such as sound monitoring and controlled sound levels to ensure that all activities remained within acceptable limits" at the well-attended cricket competition it conducted at the premises in August 2024, which attracted no noise complaints.⁵
 - c. The applicant "has implemented stringent measures to manage alcohol service responsibly... and is prepared to establish clear guidelines governing the sale and service of alcohol".⁶

⁵ Exhibit 1, p 169

⁶ Exhibit 1, p 169 – 170

- d. Cricket is a relatively quiet sport, and at cricket matches conducted by the applicant, amplified sound “is minimal and only used for essential announcements”. The applicant is “committed to adhering to all regulatory requirements, including noise management protocols...”.⁷

48. At the hearing, the applicant conceded that it would be appropriate to be issued with a sporting event authority (as distinct from the community club authority it had applied for), with any non-sporting events to be the subject of special event authority applications.

Whether issuing the licence is in the public interest

49. 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 s 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.

50. The applicant seeks, in effect, to replace the liquor licence previously approved by the Commission for the sale of liquor at the Marrara cricket grounds by the PINT Club, with a licence to NT Cricket, with similar operational practices and similar licence conditions. In explaining why it was satisfied that it was in the

⁷ Exhibit 1, p 170 – 171

public interest to authorise the PINT Club to supply liquor for consumption at the cricket, the Commission stated:⁸

the Commission bears in mind firstly, that the sale and consumption of liquor [at the cricket grounds] will be ancillary to the principal activity of preparing for, playing and watching sporting events, and secondly, that attendance at these events will be modest, having regard to the fact there are no grandstands at either of the two cricket fields.

51. Having considered each of the public interest objectives, and having particular regard to the potential cultural, recreational, employment and tourism benefits for the local community area stemming from the re-authorisation of the sale and supply of liquor for consumption by members of the public at sporting events at the premises, the Commission is satisfied that it is in the public interest to issue the licence.

Whether the issue of the licence will have a significant adverse impact on the community

52. 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 consider the matters set out at s 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 s 50;⁹

⁸ Northern Territory Liquor Commission, *Application for approval of a material alteration to licensed premises and permanent variation of conditions of a licence* (LC2021/007, 17 March 2021) at [34]

⁹ In the view of the Commission, no such guidelines are currently in force.

(j) any other matter prescribed by regulation.¹⁰

53. The Commission considers that the most important of the section 49(3) matters in the context of the instant application is (a), namely the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside in the vicinity. That issue is certainly the focus of the objection.

54. As with its application of the public interest test, the Commission has had regard to its 2021 decision to extend the PINT Club's licence to include the premises. In that decision, the Commission reached the conclusion that it was satisfied that the extension of the PINT Club licence would not have a significant adverse impact on the community.

55. On that occasion, in considering the issue of adverse community impact, the Commission stated:¹¹

...in the view of the Commission, any resulting disturbance is much more likely to be a result of noise caused by sport than noise caused by the supply and consumption of liquor. As the Commission has previously observed:

When a football ground is located within licensed premises, the noise of a crowd at a football game is not, properly considered, noise emanating "from licensed premises". It is, rather, noise emanating from a football game.¹²

56. Since the Commission's decision to authorise the PINT Club to sell liquor at the Marrara cricket grounds, six 42 m high light poles have been installed at the premises, and consequently they are now a venue for nighttime cricket and football matches. The installation of the lighting towers, which had previously been approved by the Development Consent Authority over objections by the Lawsons and other Sunningdale Court residents,¹³ clearly had the potential to cause offence, annoyance, disturbance and inconvenience to nearby residents. However, the Commission has received no evidence that in fact the advent of nighttime sporting activities at the premises has caused additional disturbance or inconvenience.

57. Having considered all of the s 49(3) matters, the Commission is satisfied that, with the licence conditions it has determined to impose, the issue of a licence

¹⁰ No such matters have been prescribed by regulation.

¹¹ Northern Territory Liquor Commission, *Application for approval of a material alteration to licensed premises and permanent variation of conditions of a licence* (LC2021/007, 17 March 2021) at [47]

¹² Northern Territory Liquor Commission, *South Darwin Sporting League Incorporated Application* (LC 2019/108, 16 January 2020) at [49]

¹³ Exhibit 3: Development Consent Authority, *Notice of consent (Section s53B of the Planning Act 1991) Section 3094 (155) Abala Road, Marrara, hundred of Bagot*, 18 February 2020

to re-authorise the sale and supply of liquor for consumption by members of the public at sporting events at the premises will not have a significant adverse impact on the community.

58. Having considered all of these matters, the Commission is satisfied, in accordance with s 49(1) 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.

Conditions

59. The Commission has determined to fix the additional conditions set out at paragraph 6 above.

60. The licence will operate with a sporting event authority. The Commission has fixed a condition that incorporates the terms of s 47(1)(d) of the Act, to expressly limit the licence to trade that is ancillary to the applicant's conduct of sporting events and competitions. To be clear, the licence authorises the supply of liquor both cricket and other sporting events (such as football) at the premises. The licence also authorises the supply of liquor at sporting club events such as training sessions and awards nights.

61. The licence does not however authorise the supply of liquor at the premises for social, cultural, recreational or commercial events that are not ancillary to the sporting services the applicant provides. If the applicant seeks to use its premises for such events, it can apply to the Director for a liquor licence with a special event authority. The Commission considers that it would be in the public interest that neighbourhood residents be provided with an opportunity to object to any such application, and accordingly the Commission expects that the Director would require the applicant to publish notice of the application.

62. The Commission is concerned about the negative impact of the consumption and promotion of alcohol at sporting events with a high level of participation by children and young people. Cricket and football are two such sports. As it has previously done when approving the issue of a liquor licence to a sporting body located within the Marrara Sporting Precinct,¹⁴ the Commission has fixed a condition that liquor not be sold or consumed on the premises while junior sporting matches are in progress. In addition, the Commission has fixed a condition requiring the applicant to satisfy the Director that it has implemented appropriate measures to prevent the harmful exposure of minors to alcohol.

¹⁴ Northern Territory Liquor Commission, *Netball NT Application for a licence* (LC2019/127, 6 January 2020)

63. Although the Lawsons submitted that the sale and supply of liquor should only be conducted from a single kiosk or bar on the premises, the Commission accepts the submission by Mr Wood, which was supported by the applicant, that at more well-attended events, it would be preferable to allow more than one liquor outlet on the premises, in order to minimise the problem of congestion. Accordingly, the Commission has fixed a condition allowing the sale of liquor from a delineated area outside the sporting arena itself.
64. The Commission has fixed conditions that it and the Director routinely impose at sporting venues, limiting alcohol sales to four serves per transaction, and requiring alcohol to be supplied in open metal or plastic containers.
65. The Commission has fixed conditions with the aim of reducing the adverse impact of noise on the local community. These conditions are derived in large part from the conditions the Commission imposed on the PINT Club when the Commission approved its application to extend its licensed footprint to the current premises.
66. The Commission has also fixed conditions that it considers are consistent with and supported by the applicant's response to the objections, as summarised at paragraph 47(b), (c) and (d) above.
67. At the hearing of the application, it became apparent that a key point of disagreement between the applicant and the objectors was in relation to the hours and days of trading. The applicant's proposal was in this regard rather open-ended. It sought trading hours from Friday to Sunday of 11:00 hours to 23:00 hours, plus "special events for matches/tournaments that do not fall into the above trading hours".¹⁵ Understandably, the objectors submitted that the Commission should set fixed hours of operation. The objectors also submitted that liquor trading should not be permitted to continue after 20:00 hours. A difficulty for the applicant is that its premises are occasionally used for night games of cricket and football, the schedules for which are variable and to some extent unpredictable. Some such matches do not conclude until 23:00 hours.
68. Ultimately, the Commission has determined to fix regular trading hours from Friday to Sunday that require the bar to shut no later than 20:30 hours, and to authorise, in addition, trading until 23:00 hours on up to fifteen evenings in a calendar year. The Commission considers that the trading times it has decided to allow are appropriate to mitigate the possible adverse impact on the community that would be caused by frequent or regular trading until late in the evening, without unduly restricting the applicant from providing a liquor service to patrons attending late night sporting fixtures.

¹⁵ Exhibit 1, p 2

The objects of the Act

69. 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.
70. The Commission considers that the issue of the licence and authorities with the conditions imposed is consistent with the purposes of the Act.
71. For these reasons, the Commission has determined that the application should be granted, and that a licence and authorities be issued on the conditions set out at the commencement of this Decision Notice.

Extension of time

72. Section 60(2)(c) of the Act provides that the Commission must make a decision whether to issue the licence and authority within 28 days of the expiry of the 14 day period allowed for the applicant's response to an objection. In this case, that period expired on 6 November 2024. The Commission scheduled the application for hearing for 4 December 2024, the first reasonably available opportunity after being referred the application on 18 November 2024. The issue of this decision was further delayed by the Christmas / New Year break.
73. In these circumstances, the Commission has determined to exercise its discretion to extend the time allowed to make its decision until the date of this decision notice.

NOTICE OF RIGHTS

74. Section 31(1) read with s 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* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.
75. In accordance with s 31(2) of the Act, the persons who may apply to NTCAT for a review of this decision are the Director, the applicant and the Lawsons.



RUSSELL GOLDFLAM

CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
6 JANUARY 2025

On behalf of Commissioners Goldflam, Carson and Fong Lim

