

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

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**MATTER:** APPLICATION TO MAKE A MATERIAL ALTERATION

**REFERENCE:** LC2018/131

**LICENCE NUMBER:** 80103004

**LICENSEE:** Ford Dynasty Pty Ltd

**PREMISES:** Lasseters Hotel Casino  
93 Barret Drive  
ALICE SPRINGS NT 0870

**APPLICANT:** Craig Jervis, Nominee

**LEGISLATION:** Section 119(2), Part IV and V of the *Liquor Act*.

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

**DATE OF HEARING:** 10 October 2018

**DATE OF DECISION:** 11 October 2018

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**Decision**

1. For the reasons set out below and in accordance with section 119(8) of the *Liquor Act*, the Commission has determined to approve the material alteration to the licensee's licensed premises as sought by the Applicant.

**Reasons**

**Background**

1. Lasseters Hotel Casino ("the licensee") currently holds a Public Hotel Liquor Licence ("the licence") authorising the sale of liquor for consumption on or at the licensed premises by guests in nine designated areas.

2. On 13 September 2018, Craig Jervis, the licensee's nominee, made application pursuant to section 119(2) of the Act for approval to make a material alteration to the licenced premises.
3. The term "material alteration" is defined under section 4 of the Act as follows:

material alteration means an alteration to licensed premises which:

  - a. increases or decreases the area used for the sale of liquor or the sale and consumption of liquor; or
  - b. involves structural alteration; or
  - c. alters access to or egress from the premises; or
  - d. alters the external appearance or facilities.
4. The substance of the application is for a temporary material alteration to "The Juicy Rump", one of the areas designated in the licence. The Juicy Rump is a bistro and bar within the licensee's premises, adjacent to a grassed area approximately 21 m x 26 m in size ("the lawn").
5. The licensee's application is to increase the area used for the sale and consumption of liquor by enlarging the Juicy Rump licensed premises footprint to include the lawn during the following periods:
  - 17 October 2018: 1800 hours to 0130 hours the following morning
  - 18 October 2018: 1730 hours to 2200 hours
  - 19 October 2018: 1730 hours to 2200 hours
6. The alteration is sought to enable the licensee to present three social events ancillary to and in conjunction with the biennial Alice Springs Masters Games:
  - Masters Games Mid-Week Concert
  - Masters Games Wine Down Bingo
  - Masters Games Blues and Brews Festival
7. The applicant proposes to cordon off the lawn with hessian to reduce noise and confine access to the events to paying patrons. The events will include market style stalls, wine and beer tasting stalls, a food and beverage tent and live entertainment.
8. Pursuant to s 6A of the Act, a s.119 applicant is required to satisfy the Commission that the approval of the application meets the public interest and community impact test set out in s 6(2), and to that end the applicant prepared and submitted a detailed statement addressing the relevant elements of the test.

## **Consultations**

9. Pursuant to section 119(3) of the Act, the Director-General's Delegate did not require the applicant to publish notice of the application.

10. As required by s 119(5) of the Act, the Director-General notified the Chief Executive Officer of Alice Springs Town Council of the application.

11. In addition, and although not required by the Act, the Director-General, in accordance with her standard practice in matters involving proposed amendments to liquor licences, notified the following agencies of the application:

- Chief Executive Officer of the Department of Health (DOH)
- Commissioner of Police (NT Police)
- Northern Territory Fire and Rescue Service (NTFRS)

12. With respect to this application.

- a. The Alice Springs Town Council resolved not to object to the application
- b. The DOH made no adverse comment
- c. NT Police stated that they supported the application
- d. NTFRS stated that it had no concerns with the application

13. No objections were received to the application.

### **Public Hearing**

14. Pursuant to section 50 of the Act, the Director-General of Licensing (“the Director-General”) must refer applications under section 119 of the Act to the Commission. Therefore, this application must be heard and determined by this Commission.

15. Mr Duffell appeared at the hearing on behalf of the Applicant and Mr Timney appeared on behalf of Licensing NT. The Commission is grateful for their assistance.

### **Assessment of the Application**

16. In considering the application, the Commission has had regard to the objects of the Act (s 3), the application of the public interest and community impact test (s 6), the community impact assessment guidelines issued by the Attorney-General and Minister for Justice on 2 March 2018 pursuant to s 6A, and the onus on the applicant to satisfy the Commission that the approval of the application meets the public interest and community impact test (s 6B).

17. Based on the evidence presented to this Commission, the Commission finds on balance that there is no evidence to suggest any potential harm or health impact may be caused to people, or any group of people within the local community area, due to the availability and accessibility of liquor as a consequence of the material alteration sought.

18. The Commission finds that the proposed alteration will improve the amenity offered to participants in the Alice Springs Masters Games, a well-established popular event that is patronised by many local community members as well as a large number of interstate visitors.

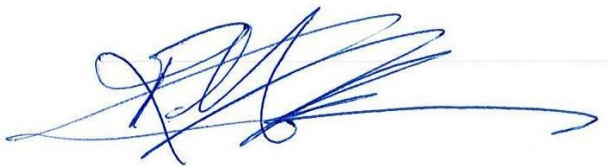
19. The Commission is satisfied that the approval of the amended application for material alteration meets the public interest and community impact tests and the Commission has for the reasons outlined decided to approve the material alteration to the licensee's licensed premises as sought.

**Notice of Rights:**

20. Section 120ZA of the Act provides that a reviewable decision is a Commission decision that is specified in the Schedule to the Act. A decision to approve a material alteration pursuant to section 119(8) of the Act is specified in the Schedule and is a reviewable decision.

21. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision.

22. For the purpose of this decision, and in accordance with section 120ZB(1)(b) and (c) of the Act, the affected person is the Applicant.



Russell Goldflam  
Presiding Member  
Northern Territory Liquor Commission  
11 October 2018

On behalf of Commissioners Goldflam, Reynolds and McFarland