

Northern Territory

LIQUOR COMMISSION

DECISION NOTICE

MATTER: VARIATION OF THE CONDITIONS OF LICENCES

LICENSEES	LICENCE NUMBERS
<i>Deva Darwin Pty Ltd</i>	80316240
<i>AFS Realty & Business Brokers Pty Ltd</i>	80317565
<i>Best Venues Pty Ltd</i>	80317973
<i>Monkey Business Holdings Pty Ltd</i>	80318838
<i>Tropic Holdings Pty Ltd</i>	80315790
<i>Craft Beer Australia Pty Ltd</i>	80318470
<i>Darwin Railway Sports and Social Club Incorporated</i>	81401142
<i>Sea Dragon (NT) Pty Ltd</i>	80818245
<i>Amigos Mexican Cantina Pty Ltd</i>	80518538
<i>Europa (SA) Pty Ltd and JK (SA) Investments Pty Ltd</i>	80518660
<i>Crococaurus Cove Pty Ltd</i>	80818038
<i>R.A.O.B. Club (Darwin) Incorporated</i>	81401025
<i>Dinah Beach Cruising Yacht Association Incorporated</i>	81404283
<i>AVC Operations Pty Ltd</i>	80315480
<i>Throb Nightclub Pty Ltd</i>	80315930
<i>Palmerston Golf and Country Club Incorporated</i>	81403928
<i>Jumiam Pty Ltd</i>	80319095
<i>Czalys Palmerston Club Incorporated</i>	81416400
<i>Aspen Living Villages Pty Ltd</i>	80316501
<i>Hibiscus Tavern Pty Ltd</i>	80303086

LICENSEES	LICENCE NUMBERS
<i>Trojanmede Pty Ltd</i>	80315200
<i>Nightcliff Sports Club Incorporated</i>	81401342
<i>Darwin Golf Club Incorporated</i>	81401431
<i>Dalkeith AG Company Pty Ltd</i>	80315190
<i>Sandpalms@Bynoe Pty Ltd</i>	81215590
<i>Corroboree Park Nominees Pty Ltd</i>	80304179
<i>Jabiru Sports and Social Club Incorporated</i>	81401108
<i>The Arnhem Club Incorporated</i>	81401120
<i>Alyangula Golf Club Incorporated</i>	81403495
<i>The Trader Bar Darwin Pty Ltd</i>	80819288
<i>SKYCITY Darwin Pty Ltd - Bar 8</i>	80100141

LEGISLATION: Section 33, *Liquor Act*.

COMMISSION MEMBERS: Coates, Winsley, Carmichael

INTRODUCTION

1. At a meeting of the Commission on 5 November 2018, following receipt of a Briefing Paper from the Director-General of Licensing ("Director-General), the Commission determined to exercise its powers under section 33 of the *Liquor Act* ("the Act") to propose an extension of trading hours for the New Year's Eve festive period.
2. A list was compiled from data held by the Director-General of licensees who had been granted a variation of licence condition to extend the hours of trade on 31 December 2017, and who had a positive compliance record for those extended hours. From that list it was determined to offer the above listed licensees an extension of trading hours.

3. The Commission acknowledges that there are limitations with the methodology used to identify those licensees who would be included within this process and that there is no impediment to other licensees pursuing an application for a variation of licence by lodging an application with the Director-General in the normal way and the matter being determined by the Commission at public hearing.
4. On 5, 6 and 7 November 2018, in accordance with the requirements of section 33 of the Act, letters were sent to above listed licensees in terms substantially similar to the following:

On 25 October 2018, I wrote to you encouraging you to lodge an early application if you are planning to seek an extension of trading hours for the festive season.

You have been identified as having submitted an application for, and been granted a variation to your licence conditions to extend the hours of trade on New Year's Eve on 31 December 2017. In accordance with the Liquor Act, comments were sought at that time from Police, Department of Health and relevant local Government authorities, and a decision notice was issued in relation to your application.

Having regard to the positive compliance and enforcement outcomes for the extended hours last year, the reasons for decision in approving those variations, and the expected volume of applications and significant resourcing implications, the Commission has decided to exercise its power under section 33 of the Liquor Act to vary the conditions of your licence on its own initiative.

In arriving at this decision, the Commission has also had regard to the Alcohol Policies and Legislative Review Final Report, particularly Recommendation 2.5.2 which states:

"An automatic extension of the standard trading hours for consumption on-premises, or trading hours authorised by an extended trading authority, will apply on New Year's Eve for an additional three hours of trade, but in any event not past 4am."

The Commission considered this recommendation in the context in which it was made, namely the establishment of defined categories of licence with standard hours of trade, and having regard to the variations in hours of trade currently contained in licence conditions. The approach ultimately taken by the Commission aims to implement the intention of recommendation 2.5.2 within the context of the current licensing framework.

Accordingly, pursuant to section 33 of the Liquor Act, notice is given to you that it is proposed to vary licence conditions relating to the hours of trade, for the purpose of trade occurring on Monday 31 December 2018 in the following circumstances:

- *Where a licensed premise is authorised to trade to a time not later than 23:59 hours: the hours permitted for trade are proposed to be varied to extend the closing time by three hours, provided that the variation does not permit the licensee to trade past 02:00 hours on 1 January 2019. It is proposed that the licence is subject to the following late trading requirements:*
- ❖ *An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.*

- ❖ *Snack foods at all times.*
- ❖ *Complimentary 'tap' water.*
- ❖ *No complimentary drinks after 23:59 hours*

• *Where a licensed premise is authorised to trade to a time between 0:00 hours and 02:00 hours the following day: the hours permitted for trade are proposed to be varied to extend the closing time by three hours, provided that the variation does not permit the licensee to trade past 04:00 hours on 1 January 2019, and it is proposed that the licence is subject to the following late trading requirements:*

- ❖ *Lock-out of patrons from 03:00 hours*
- ❖ *An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.*
- ❖ *Snack foods at all times.*
- ❖ *Complimentary 'tap' water.*
- ❖ *CCTV to the satisfaction of the Director-General*
- ❖ *No complimentary drinks after 23:59 hours*

• *A licensed premise authorised to trade until 06:00 hours the following day: It is proposed that the conditions are varied such that trade is permitted until 05:00 hours, with a 04:00 hours lock-out.*

The Commission notes that any variation the Licensee may wish outside of the above parameters will require an application to be submitted.

You are invited to submit a response to the proposed variations within 28 days of this notice by email to liquor.commission@nt.gov.au.

On receipt of submissions, the Commission will make a final determination and provide written notice as required by section 33(3) and (4) of the Act.

5. The Commission also determined that normal stakeholder consultation would apply and requested that the Director-General seek comments on the proposed variations from the Department of Health, Northern Territory Police, Fire and Emergency Services, Northern Territory Fire and Rescue Service and shire/regional council.

ASSESSMENT OF THE MATTER

6. Section 33(3) of the Act provides:

The Commission may, having considered any response of the licensee, vary the conditions of the licence as proposed in the notice or in another way the Commission considers appropriate.

7. The majority of responses from licensees were required by 3 December 2018. Where licensees had not replied by the due date, follow-up action was taken by Licensing NT.

Apart from The Trader Bar Darwin Pty Ltd and SKYCITY Darwin Pty Ltd who advised that an extension was not required this year due to no intention to trade, licensees advised that they were happy with the proposed extension and conditions.

8. Consultation with stakeholders indicated that there was support for the proposal and Northern Territory Police, Fire and Emergency Services commented that a 05:00 hours closure would allow NTPOL to clear streets & manage issues.
9. Having considered licensee's responses and the additional responses of stakeholders, the Commission has determined to vary the conditions of the licences in the way the Commission considers appropriate, having regard to the applicable statutory provisions and in accordance with the notice of proposed conditions.

REASONS FOR DECISION

10. In reaching this decision the Commission has had regard to the fact that there is an expectation on the part of the community that additional trading hours will be available on New Year's Eve and New Year's Day for New Year's Eve functions.
11. The Commission has also had regard to the Alcohol Policies and Legislative Review Final Report, particularly Recommendation 2.5.2 which states:

"An automatic extension of the standard trading hours for consumption on-premises, or trading hours authorised by an extended trading authority, will apply on New Year's Eve for an additional three hours of trade, but in any event not past 4am."
12. Each of the licensees who were notified of proposed extended trading hours held successful New Year's Eve functions last year without incident or complaint.

13. If the Commission had not taken the initiative of proceeding by way of s.33 notices, all of these matters would have had to proceed by formal public hearing before the Commission which would have resulted in significant public expense and inconvenience to licensees.

14. In all the circumstances, the Commission considers it to be in the public interest that these temporary variations to conditions of licence be made in accordance with Schedule 1 (attached).

15. The variations will take effect on the date on which the licensees receive this Decision Notice.

NOTICE OF RIGHTS

16. Section 120ZA of the Act provides that a reviewable decision is a Commission decision that is specified in the Schedule to the Act. A decision to vary licence conditions pursuant to section 33 of the Act is specified in the Schedule and is a reviewable decision.

17. 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.



Richard Coates
Chairperson
Northern Territory Liquor Commission

19 December 2018

Schedule 1

Premises: Discovery; The Lost Arc

Licensee: Deva Darwin Pty Ltd

- All areas identified in the Licence 80316240 have their conditions varied such that trade is permitted until 05:00 hours Tuesday, 1 January 2019, with a 04:00 hours lock-out.

Premises: Wisdom Bar & Café

Licensee: AFS Realty & Business Brokers Pty Ltd

- The conditions of Licence 80317565 are varied such that trade is permitted until 04:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - Lock-out of patrons from 03:00 hours
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - CCTV to the satisfaction of the Director-General
 - No complimentary drinks after 23:59 hours

Premises: Opium

Licensee: Best Venues Pty Ltd

- The conditions of Licence 80317973 are varied such that trade is permitted until 05:00 hours on Tuesday, 1 January 2019, with a 04:00 hours lock-out

Premises: Rorkes Beer Wine Food

Licensee: Monkey Business Holdings Pty Ltd

- The conditions of Licence 80318838 are varied such that trade is permitted until 04:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - Lock-out of patrons from 03:00 hours
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - CCTV to the satisfaction of the Director-General
 - No complimentary drinks after 23:59 hours

Premises: Monsoons

Licensee: Tropic Holdings Pty Ltd

- The conditions of Licence 80315790 are varied such that trade is permitted until 05:00 hours on Tuesday, 1 January 2019, with a 04:00 hours lock-out.

Premises: The Precinct Tavern; Alfresco Area; Restaurant; Alfresco Deck

Licensee: Craft Beer Australia Pty Ltd

- The conditions of Licence 80318470 are varied such that The Precinct Tavern, The Alfresco Area and The Restaurant areas are permitted to trade until 04:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - Lock-out of patrons from 03:00 hours (including the alfresco deck area)
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - CCTV to the satisfaction of the Director-General
 - No complimentary drinks after 23:59 hours
- The conditions of Licence 80318470 are varied such that the Alfresco Deck area is permitted to trade 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours

Premises: Darwin Railway Club

Licensee: Darwin Railway Sports and Social Club Incorporated

- The conditions of Licence 81401142 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours

Premises: Wharf One Food & Wine; Il Lido barpizza;

Licensee: Sea Dragon (NT) Pty Ltd

- The conditions of Licence 80818245 are varied such that trade is permitted until 04:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:

- Lock-out of patrons from 03:00 hours (including the alfresco deck area)
- An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
- Snack foods at all times.
- Complimentary 'tap' water.
- CCTV to the satisfaction of the Director-General
- No complimentary drinks after 23:59 hours.

Premises: Hot Tamale; Alfresco Dining Area

Licensee: Amigos Mexican Cantina Pty Ltd

- The conditions of Licence 80518538 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours

Premises: Oyster Bar Darwin

Licensee: Europa (SA) Pty Ltd and JK (SA) Investments Pty Ltd

- The conditions of Licence 80518660 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours

Premises: The Tap on Mitchell

Licensee: Crocosaurus Cove Pty Ltd

- The conditions of Licence 80818038 are varied such that trade is permitted until 04:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - Lock-out of patrons from 03:00 hours
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - CCTV to the satisfaction of the Director-General
 - No complimentary drinks after 23:59 hours

Premises: Buff Club

Licensee: R.A.O.B. Club (Darwin) Incorporated

- The conditions of Licence 81401025 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours.

Premises: Dinah Beach Cruising Yacht Association

Licensee: Dinah Beach Cruising Yacht Association Incorporated

- The conditions of Licence 81404283 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours.

Premises: Shennanigans

Licensee: AVC Operations Pty Ltd

- The conditions of Licence 80315480 are varied such that trade is permitted until 04:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - Lock-out of patrons from 03:00 hours
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - CCTV to the satisfaction of the Director-General
 - No complimentary drinks after 23:59 hours.

Premises: Throb

Licensee: Throb Nightclub Pty Ltd

- The conditions of Licence 80315930 are varied such that the licensed premises is permitted to commence trade on a Monday; and
- the conditions are varied such that trade is permitted until 05:00 hours on Tuesday, 1 January 2019, with a 04:00 hours lock-out.

Premises: Palmerston Golf and Country Club

Licensee: Palmerston Golf and Country Club Incorporated

- The conditions of Licence 81403928 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours

Premises: Bell Bar and Bistro

Licensee: Jumiam Pty Ltd

- The conditions of Licence 80319095 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours

Premises: Cazalys Palmerston; Saloon Bar; Lounge Bar; Function Room

Licensee: Cazalys Palmerston Club Incorporated

- The conditions of Licence 81416400 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours

Premises: Darwin Free Spirit Resort; Bistro

Licensee: Aspen Living Villages Pty Ltd

- The conditions of Licence 80316501 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours.

Premises: Hibiscus Tavern; Dolly O'Reilly's; Saloon Bar

Licensee: Hibiscus Tavern Pty Ltd

- The conditions of Licence 80303086 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours

Premises: Beachfront Hotel; Beach Bar and Bistro; Sports Bar and Beer Garden

Licensee: Trojanmede Pty Ltd

- The conditions of Licence 80315200 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours.

Premises: Nightcliff Sports Club

Licensee: Nightcliff Sports Club Incorporated

- The conditions of Licence 81401342 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours

Premises: Darwin Golf Club

Licensee: Darwin Golf Club Incorporated

- The conditions of Licence 81401431 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours.

Premises: Noonamah Tavern; Public Bar; Beer Garden; Lounge Bar; Restaurant
Licensee: Dalkeith AG Company Pty Ltd

- The conditions of Licence 80315190 are varied such that the Restaurant area is permitted to trade until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours
- The conditions of Licence 80315190 are varied such that Noonamah Tavern; Public Bar, Beer Garden and Lounge Bar areas are permitted to trade until 01:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours

Premises: Sandpalms Tropical Motel
Licensee: Sandpalms@Bynoe Pty Ltd

- The conditions of Licence 81215590 are varied such that the trade is permitted until 01:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours.

Premises: Corroboree Park Tavern
Licensee: Corroboree Park Nominees Pty Ltd

- The conditions of Licence 80304179 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours

Premises: Jabiru Sports and Social Club

Licensee: Jabiru Sports and Social Club Incorporated

- The conditions of Licence 81401108 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours

Premises: The Arnhem Club; Catalina's; Macassans; Function Room; Main Bar; Poker Machine Room

Licensee: The Arnhem Club Incorporated

- The conditions of Licence 81401120 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours

Premises: Alyangula Golf Club

Licensee: Alyangula Golf Club Incorporated

- The conditions of Licence 81403495 are varied such that the trade is permitted until 02:00 hours on Tuesday, 1 January 2019, and that the licence is subject to the following late trading requirements:
 - An appropriate number of licensed Crowd Controllers and adequate security within the premises to the satisfaction of the Director-General.
 - Snack foods at all times.
 - Complimentary 'tap' water.
 - No complimentary drinks after 23:59 hours