

## Director of Liquor Licensing

### Decision Notice

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<b>MATTER:</b>	Review of a decision by a delegate of the Director of Liquor Licensing
<b>APPLICANT:</b>	Sound Knowledge Pty Ltd
<b>PROPOSED PREMISES:</b>	Delamere Accommodation Camp 4554 Buntine Highway Delamere NT 0852
<b>LEGISLATION:</b>	<i>Liquor Act 2019</i> - Part 3 and 4
<b>DECISION OF:</b>	Southern Region Manager - Licensing & Compliance
<b>DATE OF DECISION:</b>	1 May 2024

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#### DECISION

1. For the reasons set out below and in accordance with section 29(3)(b) of the *Liquor Act 2019* (the Act), as a delegate of the Delegate of the Director of Liquor Licensing, I have determined to vary the decision made 19 February 2024 in relation to the licence granted to Sound Knowledge Pty Ltd for the Delamere Accommodation Camp, and remove paragraph [4(b)] only which limits sales to no more than six (6) items per person, per day.
2. For the avoidance of doubt, all other conditions imposed in the decision of 19 February 2024 remain.
3. The variation will take effect upon publication of this notice and an updated licence will be issued.

#### REASONS and BACKGROUND

4. The background of the application and subsequent decision to the grant a liquor licence, the subject of this review is set out in the decision notice of the Delegate of the Director of Liquor Licensing dated 19 February 2024.
5. As the variation is of a minimal nature, there is no material benefit in summarising the original application and reasons given by the delegate in the original decision, as it is publicly available should any party desire a copy.

6. On 15 April 2024, Mr Mark Russo on behalf of the licensee Sound Knowledge Pty Ltd, lodged an application for the review of the decision particularised above, granting a licence for the premises as described. The grant of the licence was for a catering authority with conditions imposed pursuant to section 60(1)(a) of the Act.
7. The review is narrow and seeks the removal of the condition contained in paragraph [4(b)] limiting sales to six (6) items per person, per day.

## OUT OF TIME

8. Section 27(2)(a) of the Act requires an application for review to be lodged within 28 days of the date of the original decision. This application was lodged on 15 April 2024 outside of the prescribed 28 day period.
9. Section 318(2) of the Act allows for the Director of Liquor Licensing (the Director) to extend a time limit after it has expired.
10. For completeness and with reference to section 318(2) of the Act, I extend the time prescribed in section 27(2)(a) of the Act to 15 April 2024 and allow the acceptance of this application.

## CONSIDERATION OF THE ISSUES

11. The quantity restriction placed on this licence by the decision maker was not a result of a condition volunteered by the licensee in this matter.
12. The restriction was imposed based on two previous licences granted to the licensee by the decision maker for like premises, being remote camps providing a comprehensive suite of services to the residents of those locations, and who are employees of the third party who engaged Sound Knowledge Pty Ltd to provide their services.
13. The services include accommodation, housekeeping and laundry, sporting and other amenities and food and beverage services for all meals. It is also noted these services are restricted to those bona-fide residents of the camps, and not available to the general public.
14. The licences relevant to this matter being FLL1426 and FLL1427 for the Rosie Creek and Nathan River Accommodation Camps respectively. Those licences contained the six (6) item limitation as was sought by the licensee in the first instance after consultations with the decision maker.
15. The decision maker subsequently imposed a like restriction on this most recent matter in the interests of consistency, and on the principle of parity.

16. I have reviewed the materials provided and am satisfied the restrictive nature of the entry to the facility and other conditions placed on the sales, along with the licensees unblemished compliance history provides comfort the condition may be removed.
17. Importantly, I am able to form the opinion the removal of the restriction is unlikely to result in an increase in harms to the residents of the facility, nor the wider community.

## REVIEW PROCESS

18. The out-of-time issue notwithstanding, the application for this review complies with the provisions of section 27 of the Act.
19. This decision is made within the period prescribed in section 29(1) of the Act and in accordance with the matters required to be considered pursuant to section 29(2) of the Act.
20. Section 29(3) of the Act requires me to affirm, vary or set aside the original decision, and for completeness, I have varied the decision pursuant to section 29(3)(b) of the Act.

## REVIEW OF DECISION

21. Section 29(1)(a) of the *Liquor Commission Act 2018* provides any decision of the Director is reviewable by the Northern Territory Liquor Commission (the Commission), except a decision of a delegate of the Director that is reviewable by the Director under the *Liquor Act 2019*.
22. This decision is one that falls within the provisions of section 29(1)(a) of the *Liquor Commission Act 2018* and is therefore not reviewable by the Commission.



M. Ganzer

**Michelle Ganzer**  
**Senior Director Liquor Licensing & Compliance**  
Delegate of the Director of Liquor Licensing

1 May 2024