

Delegate of the Director-General of Licensing

Decision Notice

MATTER:	Application for the grant of a liquor licence Application for the grant of a gaming machine licence and authority to operate 55 gaming machines
PROPOSED PREMISES:	Darwin Turf Club Incorporated Dick Ward Drive Fannie Bay
APPLICANT:	Darwin Turf Club Incorporated
LEGISLATION:	<i>Liquor Act and Gaming Machine Act</i>
DECISION OF:	Delegate of the Director-General of Licensing
DATE OF DECISION:	23 December 2016

BACKGROUND

1. On 15 December 2015 the Darwin Turf Club Incorporated (DTC) submitted an application in pursuance of section 24 of the *Gaming Machine Act* (GMA) for a gaming machine licence and approval to operate 55 gaming machines (the gaming machine application).
2. Preliminary consideration of the gaming machine application indicated that the DTC was not entitled to make application pursuant to the GMA as it was not a 'club' as defined in section 3 and further, the liquor licence held by the DTC was not a 'club liquor licence'.
3. The DTC currently holds one liquor licence, the authority for which is stated to be 'on-licence' and authorises the sale of liquor from five different areas within the licence footprint, each of which has varying conditions (Licence number 80803820 refers).
4. On 1 February 2016 the DTC submitted an application for a liquor licence pursuant to section 26 of the *Liquor Act* (the Act) and which related to an area located within the existing racecourse facilities (and within an existing liquor licence area) at Dick Ward Drive and which presently operates as the Ted D'Ambrosio Bar (the liquor application).
5. The liquor application had a number of components which included excising the area subject of the application from the existing licence of the DTC and for the grant of a separate liquor licence for the area of the Ted D'Ambrosio Bar such that it could operate under a separate 'club liquor licence' as defined in the GMA.
6. The DTC indicated an intention to run the 'club liquor licence' under the trading name 'Fannie Bay Racing and Sports Club' (the Club) and to create a new class of DTC members whose membership entitlement would be limited to the entry to and use of the Club facilities.
7. The Constitution of the DTC allows for various classes of memberships and it was indicated that the DTC would establish a 'social member' class of membership which would allow members in this category to attend at and use the facilities of the Club but would not have

voting rights for the DTC or have the additional rights of entry to the turf club on race days as full financial, associate or life members have.

8. To that end, on 23 August 2016 the DTC advised that it had passed an out of session resolution to introduce a class of social membership in accordance with Clause 3.5 of its Constitution. Of note, the resolution was stated to have effect '*upon approval of the Gaming Machine Venue Licence*'.
9. Section 24(1)(e)(ii) of the GMA permits a body corporate that has applied to become the holder of a club liquor licence to make an application for a gaming machine licence. In this case, the DTC was able to make an application for a gaming machine licence only after the application for a liquor licence with club authority was submitted.
10. The liquor application and the gaming machine application must be considered and dealt with independently and in accordance with the distinct legislative requirements relevant to each application. However, in the present case, I am of the view that there is value in considering all of the applications together to ensure that in the public interest, the entire DTC proposal is clear and to avoid misunderstanding as to the practical effect of the various applications.
11. Also, with reference to the general powers of the Director-General (or delegate) to investigate matters in relation to applications made pursuant to both the GMA and the *Liquor Act*, I have had reference to all of the material submitted by the DTC to assess both applications irrespective of whether or not it was submitted with the liquor application or the gaming machine application.
12. In my view, the applications are intrinsically linked; if the liquor application is not granted, the gaming machine application must fail as the DTC will not have the licence authority required by the GMA. In addition, the DTC indicated through its resolution in August 2016 that the introduction of the social membership class will be created only if the gaming machine application is granted. Presumably, if the gaming machine application is not granted, a liquor licence with 'club' authority will not be required.

APPLICATIONS

The Liquor Application

13. In support of the liquor application, it can be noted that the DTC has successfully operated a liquor licence over a long period and has enjoyed good business reputation and financial stability. It has experience in the conduct of large sporting events and functions in addition to event management as well as club and membership management.
14. Mr Keith Stacy is the nominee for the existing licence and it is intended that he will be the nominee of the liquor licence now applied for.
15. As required by the Act, an affidavit was submitted by Mr Stacy which attested to the fact that there are no persons or entities other than the directors of the DTC which would be in a position to influence or affect any decision or action in relation to the sale of liquor pursuant to the licence sought.
16. The DTC has a Crown lease in perpetuity over the land which is the subject of the existing liquor licence, and that now applied for.
17. The name Fannie Bay Racing and Sports Club was registered as a business name on 18 January 2016 with the business holder being the DTC.
18. With reference to the proposal to excise the Ted A'mbrosio Bar from the existing licence and to conduct business under a licence with club authority under the Club name, the DTC sought a liquor licence for the sale of liquor from 10:00am until 2:00am (the following day) seven days per week. Of particular note, the initial application included request for authority to sell liquor for consumption away from the premises to financial members of the Club.

19. The application also sought approval for 'material alterations' to the premises. Section 119(1) of the Act prohibits a licensee from making material alterations to licenced premises without approval. However, consideration of the proposal indicated that the intended alterations are in the nature of renovations and will not affect the intended licence footprint, nor does it contemplate structural or other significant building works. The plans submitted indicate that (if approved) the renovations are intended to accommodate a gaming area within the licenced area.
20. It was submitted that the DTC aims to provide top quality amenities that enhance the racing experience for its members. The long term vision for the venue is the redevelopment of club facilities and creation of a new Club for members. To that end, the DTC hopes to expand and diversify its membership base by offering a range of services, facilities and membership types.
21. As required by the Act, the applicant displayed a 'Green Sign' at the proposed premises for the required period. Notice of the application was published in the NT News on 9 March 2016 and 11 March 2016 after which followed a period during which public comment and objection could be received.
22. The period during which objections to the application could be lodged expired on 11 April 2016. Sixteen objections to the application were received.

OBJECTIONS TO THE LIQUOR APPLICATION

23. Section 47F of the Act permits a person, organisation or group to make an objection to an application on grounds specified in section 47F(2). Specifically, an objection may be made to the grant of a licence on the ground that it will adversely affect the amenity of the neighbourhood or the health, education, public safety or social conditions of the community.
24. Following publication of the application 16 submissions were received in pursuance of section 47F of the Act. Two of the submissions received related to but did not raise objection to the application. One of the submissions did not meet the requirements set out in section 47F and was not further considered.
25. Submissions considered to be valid objections made in accordance with the Act were received from the following persons or organisations:
 - (i) Acting Superintendent Trevor Owen, NT Police
 - (ii) Ms Mary Chalmers
 - (iii) Ms Vanessa Johnson
 - (iv) Mr Darryl and Mrs Cheryl Day
 - (v) Mr Geoff Farnell
 - (vi) Ms Karen O'Dwyer
 - (vii) Ms Robin MacGillivray and Mr Peter Dostine
 - (viii) Ms Ingrid Nadjarian
 - (ix) Mr John Gilbert
 - (x) Ms Lorraine Hodgson
 - (xi) Mr Peter Zeroni and Ms Giovanna Zeroni
 - (xii) Ms Christine Free
 - (xiii) Mr Alan Buckingham
26. A review of the objections suggests common concerns across the community groups, residents and business owners in the vicinity of the proposed premises which were indicated to be:
 - Loss of neighbourhood amenity associated with increased traffic;
 - Loss of neighbourhood amenity arising from the increased availability of alcohol;
 - Loss of neighbourhood amenity arising from noise associated with late-night entertainment venues;

- Risk to health and safety of the community as a result of alcohol misuse and resulting behaviours;
- The proliferation of liquor outlets in the area.

Acting Superintendent Trevor Owen: NT Police

27. On 11 April 2016 Acting Superintendent Trevor Owen made objection on behalf of the Northern Territory Police (NTPOL). NTPOL is entitled to make an objection pursuant to section 47F(3)(c) and properly falls within the class of organisations that perform functions relating to public safety and amenity as provided for in section 47F(3)(e).
28. The submission stated that the application in its present form was not supported. A clear objection was made in relation to the proposed trading hours and information was provided in relation to the reported increase in alcohol-related harms between 10:00pm and 2:00am including alcohol-attributed hospital presentations, antisocial behaviour, protective custody incidents and alcohol-related offending.
29. The submission noted that there was insufficient information provided in the application to comment on the take-away component of the proposed licence however, it was noted that increased alcohol availability (together with gambling facilities) are not likely to contribute to improved community amenity. Further, it is asserted that the social conditions and public safety within the region would most certainly be impacted by an increase in alcohol availability.

Ms Mary Chalmers

30. Ms Chalmers is the owner and resident of a home in Gilbert Street, Fannie Bay. On 1 April 2016 she advised that she objected broadly to the application but noted specific concerns in relation to the proposed extended trading hours and the addition of a take away component to the existing licence.
31. Ms Chalmers submitted her objection on the basis that:
 - There were already five take-away outlets within a two kilometre radius of her home which she stated was excessive;
 - There were significant problems with anti-social behaviour within the same radius and in the immediate areas; and
 - There was likely to be an increase in violent and other alcohol-related crimes.
32. Ms Chalmers' stated residence indicates that she is a person entitled to object pursuant to section 47F(3)(a). The objection was made on the ground that the grant of the licence would adversely affect the public safety and social conditions in the community as provided for in section 47F(2)(b). Additionally, the submission relates to the perceived adverse effect to the amenity of the neighbourhood.

Ms Vanessa Johnson

33. Ms Johnson is a resident of Crush Street, Fannie Bay. On 4 April 2016 she advised that she is a neighbour of the DTC and objected to the application stating *'we are a quiet neighbourhood, who already have to deal with the results of anti-social behaviour from the sale of alcohol in our area'*.
34. Ms Johnson's stated residence indicates that she is a person entitled to object pursuant to section 47F(3)(a). Whilst no other information or detail is provided in relation to the nature of her objection, in my view reference to Ms Johnson's concerns relating to anti-social behaviour in the neighbourhood bring the objection within the provisions of section 47F(2)(a).

Mr Darryl Day and Mrs Cheryl Day

35. Mr and Mrs Day are residents of May Street, Ludmilla. On 5 April 2016 they advised that they have lived in the Fannie Bay/Ludmilla area since 1993 and strongly objected to the application. With reference to those matters which are relevant to the grant of a liquor licence the objection was based on the assertion that:
- The amenity of the neighbourhood will be disrupted given the change in activity within the DTC, including the profile of patrons attracted to gambling and access to takeaway alcohol adding to the large number of options for take-away alcohol in the area; and
 - The increased negative impact on health, public safety and social well-being in the community.
36. Mr and Mrs Day stated in their submission that the amenity of the neighbourhood would be disrupted as increased foot traffic and vehicles taking the back streets after leaving extended sessions at the venue would be encouraged by additional gaming options.
37. It was also stated that there is a strong element of undesirable social disruption already evidenced in 'rough living' areas, social housing dysfunction and theft and damage to local businesses in Parap, Fannie Bay and Ludmilla. It was contended that increasing the 'mix' of alcohol and gambling would add to the social disruption.
38. Mr and Mrs Day's stated residence indicates that they are people entitled to object pursuant to section 47F(3)(a). The objection was made on the ground that the grant of the licence will adversely affect the social conditions in the community as provided for in section 47F(2)(b). Additionally, the submission related in part to the perceived adverse effect to the amenity of the neighbourhood.

Mr Geoffrey Farnell and Mrs Janet Farnell

39. Mr and Mrs Farnell are residents of Brown Street, Fannie Bay. On 6 April 2016 they advised that they have lived in the Fannie Bay area since 1996 and indicated objection to both the liquor and gaming component of the application.
40. Mr and Mrs Farnell stated in their submission that the grounds for objecting to the licences was based on the adverse impact it would have on the amenity of the neighbourhood, as well as the detrimental affect these would have on the public safety and social conditions of the community.
41. Mr and Mrs Farnell acknowledged that the DTC already had a liquor licence and correctly stated that the only reason for applying for a new licence was to allow for gaming machines and to make it possible to have a new type of social member. The submission also raised concern in relation to the likelihood of more patrons and to extended hours of operation.
42. Mr and Mrs Farnell commented on the close proximity of their home to the licensee's carpark and also on the noises emanating from the carpark - including from road-sweeping contractors and from people using the facilities for touch football.
43. Objection to the take-away component of the application was made on the basis that increased rubbish in the area and anti-social behaviour was likely to result.
44. Given the location of their home, Mr and Mrs Farnell were entitled to object pursuant to section 47F(3)(a). The objection was made on the ground that the grant of the licence will adversely affect the social conditions in the community as provided for in section 47F(2)(b). Additionally, the submission related in part to the perceived adverse effect to the amenity of the neighbourhood pursuant to section 47F(2)(a).

Ms Karen O'Dwyer

45. Ms O'Dwyer is a resident of Hudson Fysh Avenue, Parap. On 8 April 2016 she advised that she sought to comment on the application and stated that in her view, it would be wrong to allow the changes to the liquor licence.
46. The submission made comment on her observations of the reduction in adverse social issues when other take-away outlets in the area closed down. She stated her concern that granting the application would increase the availability of alcohol which would result in an increase in problems in the area. It was specifically noted that residents in the immediate area are tolerant of special events and race days which are hosted at the DTC however, should not have to endure increased hours of trade.
47. Ms O'Dwyer's stated residence indicates that she is a person entitled to object pursuant to section 47F(3)(a). Her reference to anti-social behaviour in the neighbourhood which she attributes to the sale of alcohol in the area and the possible consequent social harms brings the objection within the provisions of section 47F(2)(a).

Ms Robin McGillivray and Mr Peter Dostine

48. On 10 April 2016 Ms MacGillivray and Mr Dostine indicated objection to the application. No residential address was supplied however, given the information provided in relation to their long term residency in the area, I am satisfied that they reside close to the racecourse stables.
49. The submission referred to problems in the area relating to roaming noisy drinkers as a result of other take-away outlets close by and asserted that there are sufficient outlets in the area.
50. Whilst no address has been provided, there is sufficient information to infer that Ms Macgillivray and Mr Dostine live in the affected neighbourhood and are people entitled to object pursuant to section 47F(3)(a). The submission lacked detail however reference was made to anti-social behaviour in the neighbourhood which Ms McGillivray and Mr Dostine attributed to the sale of alcohol which arguably brings the objection within the provisions of section 47F(2)(a).

Ms Ingrid Nadjarian

51. Ms Nadjarian is a resident of May Street, Ludmilla and stated that she had been a resident in the area for about 14 years. On 10 April 2016 Ms Nadjarian indicated her objection to the application for a gaming machine licence and the proposal for a take-away liquor licence.
52. Ms Nadjarian reported that she has experienced loss of amenity in the neighbourhood following race days at the premises and commented specifically on the rubbish and waste left on the ground following such events. She expressed the view that the problem was likely to increase should the application be granted.
53. Ms Nadjarian's stated residence indicates that she is a person entitled to object pursuant to section 47F(3)(a). Her reference to the loss of amenity in the neighbourhood as a result of the application being granted brings the objection within the provisions of section 47F(2)(a).

Mr John Gilbert

54. Mr Gilbert is a resident of Douglas Street, Parap and indicated objection to both the application for a gaming machine licence and the proposed liquor licence. Mr Gilbert specifically stated that the primary reason for making a submission was his objection to the late night liquor licence. He went on to state that he believed the club licence was intended to be a night-club licence.

55. Mr Gilbert stated that he has lived in Douglas Street for over 23 years and over a much longer period in the general neighbourhood had witnessed the deterioration of public behaviour fuelled by the proliferation of alcohol during and after race meetings. He commented on car parking problems, the drunks with rowdy behaviour in the streets and noted particular objection to a liquor licence extending to 2:00am which he suggested would increase raucous behaviour. Mr Gilbert also commented on the adverse effect of having cars and motorbikes coming and going throughout the night, the objectionable behaviour of drunks and the danger of traffic in narrow side streets including blind corners.
56. Mr Gilbert stated the amenity of the residence in a quiet suburb would be greatly infringed upon. Mr Gilbert's stated residence indicates that he is a person entitled to object pursuant to section 47F(3)(a). His reference to the loss of amenity in the neighbourhood as a result of the application being granted brings the objection within the provisions of section 47F(2)(a).

Ms Lorraine Hodgson

57. Ms Hodgson is a resident of Worgan Street, Parap where she has reportedly lived since 1991. By correspondence dated 11 April 2016 Ms Hodgson indicated her objection to both the application for gaming machines and the application for a liquor licence.
58. Ms Hodgson stated in her submission that the current licencing hours are not utilised in any of the bars and she expressed the view that there was no identified need to remain open until 2:00am. She went on to say that there is little access to public transport in the area and no taxi rank and commented that any increase to the liquor licence should only be to midnight but no later. Ms Hodgson also submitted that the local area does not need consistent day to day late traffic and intoxicated people.
59. By virtue of her residence, Ms Hodgson is a person entitled to object pursuant to section 47F(3)(a). Whilst her submission lacked specific detail, general reference was made to the amenity of the neighbourhood and I am satisfied that it ought to be considered with reference to section 47F(2)(a) of the Act.

Mr Peter Zeroni and Ms Giovanna Zeroni

60. Mr Zeroni resides in Parsons Street, Fannie Bay. In correspondence dated 11 April 2016 Mr Zeroni indicated objection to the application for gaming machines and the application for a liquor licence which objection was also submitted on behalf of his mother Ms Giovanna Zeroni who also resides in the area.
61. With reference to the application for a liquor licence, Mr Zeroni referred to research which he stated was indicative of an increase in the incidences of public drunkenness, violence, other anti-social behaviours and reduced worker productivity as a result of liquor trading in the hours after midnight. He stated that the licence proposal was likely to result in a high number of drunken individuals exiting the premises after major events and that such situation would have an adverse effect on the amenity of the neighbourhood.
62. Mr Zeroni expressed concern in relation to the lack of detail provided in relation to the take-away component of the application and the basis on which a 'member' would be entitled to purchase take away liquor. He commented on the additional problems likely to be experienced in the neighbourhood such as drunk driving and anti-social behaviour stemming from drinkers and noted that there are more than sufficient existing numbers of takeaway liquor licences in the area.
63. Mr Zeroni's stated residence indicates that he is a person entitled to object pursuant to section 47F(3)(a). His objection relates directly to the social conditions in the community (as referred to in section 47F(2)(b)) and the loss of amenity in the neighbourhood as a result of the application being granted also brings the objection within the provisions of section 47F(2)(a).

Ms Christine Free

64. Ms Free is a resident of Philip Street, Fannie Bay. On 10 April 2016 Ms Free indicated her objection to the application insofar as it relates to takeaway alcohol sales. In her submission, Ms Free stated that in her view, the granting of the application would adversely affect the amenity of the neighbourhood and have an impact on the health, education, public safety and social conditions in the community. Specifically, Ms Free noted that she had witnessed drunken behaviour resulting in assaults, domestic violence, disturbance and criminal damage which involved offenders who were intoxicated.
65. Ms Free referred to the many alcohol dependent itinerants residing in the area close to the premises which is the subject of the application and stated that she expected that a take-away licence would adversely affect the community.
66. Further comment was made in relation to concerns about the nature of the proposed club membership and the dress standard to be imposed should the application be granted. It was noted that there has not been a significant increase in the population in the area.
67. Ms Free's stated residence indicates that she is a person entitled to object pursuant to section 47F(3)(a). Her reference to the social conditions in the community and the likely loss of amenity in the neighbourhood as a result of the application being granted brings the objection within the provisions of both sections 47F(2)(a) and (b).

Mr Alan Buckingham

68. Mr Buckingham resides in Brown Street, Fannie Bay. He expressed concern that the proposal for new licences will result in a significant change in the activities of the premises. He noted that it was of significant concern that there would be increased traffic, anti-social activities and crime. Mr Buckingham suggested that there ought to have been a public meeting in relation to the proposal.
69. He opined that if the application was granted, residents would need to upgrade security which would impose a financial burden to them and stated that the proposed liquor licence would cause increased loitering and drunkenness spilling out into the nearby residential areas.
70. Mr Buckingham's stated residence indicates that he is a person entitled to object pursuant to section 47F(3)(a). His reference to the social conditions in the community (as referred to in section 47F(2)(b)) and the loss of amenity in the neighbourhood as a result of the application being granted also brings the objection within the provisions of section 47F(2)(a).

SUBMISSIONS IN RELATION TO THE LIQUOR APPLICATION

71. In order to engage relevant stakeholders, comment on the application was sought from the Department of Health, NT Police and the City of Darwin.
72. The parties that did not object to the application but that made submission in relation to it were:
 - (i) Ms Frances Pagdin, Alcohol and Other Drugs Services, Department of Health
 - (ii) Ms Anna Malgorzewicz, City of Darwin

Ms Frances Pagdin: Director, Alcohol and Other Drugs Services, Department of Health,

73. By letter dated 21 March 2016 Ms Pagdin made a submission on behalf of the Alcohol and Other Drugs Service which is part of the Department of Health (the department).
74. Whilst submitted as an objection, Ms Pagdin stated that the department had no adverse comment in relation to the application by the DTC to operate a club licence from the

premises. She did however state that the department did not support the takeaway sale component of the application.

75. Ms Pagdin provided statistical data relating to the national annual cost of alcohol related harm in Australia and the increased rates of assault, self-reported injuries, car crashes and high rates of pedestrian collisions in high outlet densities. She also reported statistics indicating an increase in domestic violence and child abuse in higher outlet densities.
76. Various public interest matters were raised in the submission including the financial and resource burdens for Police, child protection agencies, Corrections as well as health and support service systems which deal with alcohol related harms. However, Ms Pagdin confirmed that the department had no data on the impact of the present application or the impact that the grant of a licence would have on or contribute to the general social and health problems outlined.

Ms Anna Malgorzewicz, General Manager, Community and Cultural Services, City of Darwin

77. On behalf of the City of Darwin Ms Malgorzewicz submitted that as DTC is a supervised and controlled venue which is (for the most part) open only to financial members no objection was made to the application.
78. However, concern was raised in relation to the contemplation of a take-away authority and noted that it supported an overall alcohol reduction strategy for both on and off premises.
79. The submission by the City of Darwin properly raised matters relating to social conditions in the community but it noted that there was no identified reason to justify an objection.

APPLICANT'S RESPONSE TO OBJECTIONS TO THE LIQUOR APPLICATION

80. On 10 June 2016 a response to the objections and submissions was submitted on behalf of the DTC.
81. Of particular note, the DTC sought to amend its application stating '*Recognising the force and emotion contained in the objections of its neighbours and community, and continuing in its role as a good corporate citizen ...*' it did not press for a licence to sell alcohol for consumption away from the premises and it sought to limit its application for authority to sell liquor for additional hours.
82. As a consequence, the hours of trade sought for the Club are:
 - 10:00am to 11:59pm from Sunday to Wednesday; and
 - 10:00am to 2:00am (the following day) from Thursday to Saturday
83. The DTC correctly noted that many of the objections related to the perceived adverse effect to the social conditions and amenity of the neighbourhood from the sale of take-away liquor and where the objectors did not make comment on other aspects of the application, no response was provided.
84. In general and in relation to each of the main areas of concern it was submitted that sufficient regard had been given to mitigating the risks associated with the grant of a liquor licence in the (amended) terms sought.
85. The DTC noted that notwithstanding its current authority to sell liquor was 'on-licence', it was in fact already a club and operates in a similar way to other clubs incorporated in the Northern Territory and which operate liquor licences with club authority. It was noted that the DTC, like all other incorporated clubs is subject to regulation pursuant to the *Associations Act*. Additionally, the DTC is bound and regulated by the *Racing and Betting Act* and the Australian Rules of Racing in addition to other prescriptive standards which it submitted provide a higher level of regulation.

86. It was also noted that whilst several of the objections referred to the extended hours sought by the DTC and expressed concerns about the likelihood of neighbourhood disturbance, the licence which currently operates permits the sale of liquor until 10:00pm (or later in some areas of the premises) and that from time to time extended trading hours have been sought and granted. The DTC specifically noted that it proposes to use the extended hours only where it is commercially warranted.
87. The DTC refuted that the grant of the application would present unreasonable risk to public safety and order and noted that under the present licence and conditions it already hosts events that attract large crowds from time to time. The DTC noted that complaints from key bodies such as NTPOL have never been received in relation to the operation of its licence following large events and in fact, it has been commended on its approach.
88. It was further submitted that there is no evidence to suggest that the extension of hours as sought would have the effect of drawing additional large crowds to the premises, particularly where liquor would only be sold to Club members and their bona fide guests.

ASSESSMENT OF THE LIQUOR APPLICATION

89. Section 28 of the Act mandates that an application for a licence must be considered with reference to the particular matters set out in that section.
90. In that regard, I note that the applicant has provided evidence of its financial stability and reputation. It is accepted that the DTC has existed and operated at the Fannie Bay Racecourse for over 50 years and that alcohol and gambling activities have been conducted there throughout the period of the DTC's existence. The evidence and information available indicates that the DTC is an experienced liquor licensee with sound reputation and experience.
91. Of note, whilst the original application sought authority for the sale of take away alcohol, that component of the application has been abandoned by the DTC and the merits of the application in that regard will not be examined or considered further.
92. In considering an application for a liquor licence I am required by section 28(2)(a) of the Act to consider the suitability of the proposed premises having regard to the manner of the intended sale or consumption of liquor in addition to the proposed location and the construction of and facilities available for that purpose.
93. In that regard, I note that the DTC presently operates a licence which covers almost all of the Fannie Bay Racecourse. The premises consist of various buildings, verandas and outdoor areas which are open to and used by members. The buildings or structures from which liquor can presently be sold are separated for the most part from roads and residences either by the carpark at the entrance to the racecourse grounds, or by the racecourse itself. The closest licenced area to a public thoroughfare is that which abuts Playford Street, Parap however; this area of the licence is not part of the present application.
94. In effect, the application is to excise part of the licenced area from the existing 'on-licence' authority and to obtain a separate licence for the excised portion which is within the GMA definition of a club liquor licence. For ease of reference, the parcel of the licence sought to be excised is the established bar area within the current licence known as the Ted D'Ambrosio Bar.
95. The DTC intends to run this portion of the premises as the Fannie Bay Racing and Sports Club and to introduce a class of membership as permitted by the Constitution of the DTC which will allow such members access to and use of the facilities only within this area.
96. It is significant that whilst an additional licence is sought, the licence footprint will not be extended. The Ted A'mbrosio Bar is presently authorised to sell liquor under the current licence and if the application is granted, sale of liquor from that bar area will be authorised

under the new licence. Arguably, there will be minimal observable change to the day to day operations of the venue.

97. The current licence permits the sale of liquor as follows:
- | | |
|------------------------|--|
| The Ted D'Ambrosio Bar | 10:00am to 10:00pm (seven days per week) |
| The Ted Bailey Stand | 10:00am to 10:00pm (seven days per week) |
| Betting Ring | 10:00am to 10:00pm (seven days per week) |
| Silks and Saddles | 10:00am to 11:00pm (seven days per week) |
| Winners Circle | 10:00am to 10:00pm (seven days per week) |
98. In practice, the most significant change if the application is granted will be that the Club would be authorised to sell liquor until midnight from Sunday to Wednesday and until 2:00am from Thursday to Saturday.
99. The DTC indicated in its response to objections that it had no intention to run a night-club or similar venue and that the extended hours would be utilised only where it was commercially warranted. In that regard the DTC noted that in the past it has applied for and been granted special licences for extended hours to cater for functions or events held at its premises from time to time and stated that such applications had never attracted objections by key stakeholders or been refused.
100. Section 6 of the Act specifically requires that consideration be given to the minimisation of harm or ill-health associated with the consumption of alcohol. Also, consideration is to be given to public order and safety, particularly where the circumstances are expected to attract large numbers of people to licenced premises.
101. I have had regard to the concerns raised by objectors and the submissions made by NTPOL and the Department of Health. I accept the well documented adverse effects of alcohol misuse, particularly in the Northern Territory. However, in the circumstances of this case, it must be noted that the harms which appear to be of most concern to the community including rubbish, anti-social behaviour and the proliferation of liquor outlets in the immediate vicinity of the DTC can be mostly attributed to the availability of alcohol for consumption away from premises.
102. The experiences of people who live in the community and who have directly observed or been affected by alcohol related antisocial behaviour, property damage, violence and accidents is evidence which goes directly to the genuine public interest in the harm or ill-health of people in the community, public order and safety of the community and the health and welfare of the people who might use the licenced premises.
103. The DTC properly considered the concerns of its neighbours and the strong opposition to the proposal to offer take-away liquor sales and determined not to press that component of its application. That being so, it must be noted that in the present case, a licence is already operating at the premises, in similar terms to that contemplated by the (amended) liquor application.
104. I am not satisfied on the evidence available to me that the grant of a club liquor licence in the present circumstances would have adverse effect on public order or safety or that it would contribute to the negative impact of alcohol misuse in the community. Further, in the circumstance of the present case, I am not satisfied that the grant of the licence could be said to create or exacerbate the social harms which were the subject of the various objections and submissions; it is already trading as a members only bar (as the present application contemplates) and there is no evidence to suggest that the impact of a club authority presents additional risk of harm.
105. As mandated by section 29 of the Act, in making a determination in regard to an application, regard must be given to the overall objects of the Act. The primary object is to regulate the sale, provision, promotion and consumption of liquor so as to minimise the harm association

with the consumption of liquor and in a way that takes into account relevant public interests. Further objects are stated to be the protection and enhancement of community amenity, social harmony and wellbeing, the regulation of the sale of liquor in a way that contributes to the responsible development of liquor and associated industries and to facilitate a diversity of licensed premises for the benefit of the community.

106. As noted, the area for which the liquor licence is sought already operates as a licenced premise however, the DTC seeks to diversify its offerings and it submits that the proposal is not inconsistent with liquor authorities granted to other clubs.
107. Taking those matters into account, I am satisfied that the premises are suitable for the intended purpose and further, I am satisfied that the grant of a licence in the terms sought will not adversely impact on the community or its social harmony and wellbeing.

The Gaming Machine Application

108. Under section 24(1)(d)(ii) of the GMA an organisation that has applied for a club liquor licence may apply for a gaming machine licence. The Director-General may grant or refuse such an application with reference to Part 3, Division 2 of the GMA.
109. On 15 December 2015 the DTC sought to submit an application for a gaming machine licence and authority to operate 55 machines. The application was accompanied by the prescribed application fee and payment of the prescribed levy in addition to the required Community Impact Analysis ("CIA") prepared in this case by Dickson Wohlsen Pty Ltd for the DTA.
110. As noted, at the time the DTC was not the holder of a club liquor licence and did not apply for such licence until 1 February 2016. It must be noted that until the liquor application was submitted, the DTC was not entitled to make application pursuant to the GMA. In any event, after 1 February 2016 the DTC was entitled to submit an application in accordance with section 24(1)(d)(ii) of the GMA and submitted required documentation evidencing its proper incorporation and compliance with its obligations pursuant to the *Associations Act*. Evidence of consent for the DTC to lodge the application and other material required by section 24(3) was submitted.
111. Notice of the application with details as prescribed by section 24A(2) of the GMA was published in the NT News on 11 March 2016, concurrent with the liquor application.

ASSESSMENT OF THE GAMING MACHINE APPLICATION

112. The Constitution of the DTC states that amongst other things, its objects include the promotion and conduct of race meetings for the recreation and enjoyment of members or persons interested in or connected with thoroughbred horse racing, the provision of social amenities for persons interested in thoroughbred horse racing and to provide facilities for members and visitors to its premises.
113. The CIA reported the vision of the DTC to be the maintenance of the *Darwin Turf Club as a leader in thoroughbred racing, event management and entertaining*. The Mission Statement includes undertakings to continue development as the Northern Territory's premium racing and preferred event and entertainment venue and to ensure that the facilities and services offered are of a high quality.
114. Core objects reported for the DTC in 2014 included debt reduction through strong fiscal management, growing additional sources of income through functions and events and continuous review of operations and operational costs to optimise returns.
115. In support of the gaming machine application the DTC submitted that the addition of gaming machines to its venue will help diversify revenue streams making the venue less reliant on turbulent racing seasons. It was contended that gaming machines will offer complementary

entertainment offerings to the existing experience at the DTC noting that recent legislative changes have allowed it to diversify and become more competitive with other venues. It also submitted that the inclusion of gaming machines at its premises will directly assist the local community with proceeds benefiting the club and the community.

116. Broadly, I am satisfied that the grant of a gaming machine licence would not be inconsistent with or contrary to the objects or purpose of the DTC.

Suitability of the premises – purpose, premises and facilities

117. Section 25(3) of the GMA prescribes the matters that must be considered when determining an application for a gaming machine licence. With specific reference to section 25(3)(a) and (b) I am obliged to consider the suitability of the premises to which the application relates having regard to the size, layout and facilities of the premises.
118. As canvassed with respect to the liquor application, the DTC proposes to excise the area currently trading as the Ted D'Ambrosio Bar and to establish the Club. Renovations and alterations are intended should the applications be approved such that gaming machines can be accommodated. The plans submitted suggest that a separate room inside the Club will house the gaming machines.
119. The CIA and other investigations undertaken with respect to the application indicate that the current licenced area of the Ted D'Ambrosio Bar is comprised of a bistro (approximately 18% of the licenced area), an area which houses TAB facilities (approximately 28% of the licenced area), a sports bar (approximately 17% of the licenced area) and a beer garden (approximately 37% of the licenced area). If the application is approved, it is intended to convert the TAB area into a gaming machine room. It appears that the floor space allocated for the various services offered will effectually remain the same. The gaming room will not be visible from the outside of the premises including from any road or public area.
120. Whilst the primary purpose of the DTC (and its current liquor licence) is thoroughbred horse racing, a range of facilities is available to DTC members, guests and the general public in some circumstances. The venue presently offers bars, dining facilities, TAB and on-course bookmakers during the racing season. Function rooms are also available for hire.

Suitability of the premises – population, proximity to sensitive areas and other gaming venues

121. In developing the CIA the Local Community Area ("LCA") identified the following relevant areas: Fannie Bay, The Gardens, Ludmilla, The Narrows, Parap, Woolner, Bayview, Winnellie and East Point. Information obtained from the 2011 Census Data indicated that at that time, the LCA area had a population of about 10,790 people with 8,418 of those being adults. It must be acknowledged that there has been growth in the LCA over the last five years and the effect may be observed in the development and construction of multi-level apartment blocks and other dwellings in the relevant suburbs.
122. The CIA indicated that the LCA may be described as a relatively middle aged area with 22% of the population being within the 0-17 age bracket, 19% being 18-29, 17% being 30-39 and the remaining being over 40.
123. The LCA has an average density ratio of 551 people per square kilometre. Of note, the population density in specific pockets within the LCA varied significantly; the area of Fannie Bay and The Gardens has 835 persons per square kilometre however it was reported that Parap has 1,796 persons per square kilometre. At the opposite end of the scale, East Point has only 17 persons per square kilometre however; there is significant parkland and vacant land in that area.
124. Statistical information indicates that the LCA has a higher proportion of people with higher level qualifications such as bachelor degrees, graduate qualifications or post graduate degrees

when compared to the Northern Territory benchmark. The education profile of the LCA appears to be consistent with the age demographics of the LCA coupled with the data suggesting that a large percentage of people in the LCA are employed as managers and professionals. Consistent with that, household incomes for the LCA are indicated to be in the higher brackets.

125. Consistent with that proposition, the Australian Bureau of Statistics' Socio-Economic Indexes for Areas ("SEIFA") indicates that the LCA is an area of social advantage. However, as with other statistical averages used, the variances within the LCA must be acknowledged. For example, the area of Ludmilla and The Narrows is indicated not to be as economically strong as other pockets within the LCA, having higher levels of government housing and rental properties. The income disparity in this area compared with other pockets of the LCA is also a contributing factor. However, the statistical data indicates that the LCA is in an area of social advantage and has low unemployment (2.4% as at June 2015).
126. There are five community gaming venues in the LCA; the Darwin Sailing Club, the Darwin Trailer Boat Club, Parap Hotel, Winnellie Hotel and the Darwin Bowls and Social Club. Anecdotally, it was reported that the Darwin Sailing Club has recently divested itself of gaming machines however, it retains a gaming machine licence. Also of note, SkyCity Casino is within the LCA but is not included in the assessment.
127. It should also be noted that the LCA area is not regarded as an area of socio-economic deprivation and this needs to be considered when assessing whether or not the authorisation for gaming machines will lead to social harm. The evidence appears to suggest that the profile of most residents in the LCA does not fall within the profile of people at-risk of experiencing harm from gambling.
128. It may be concluded that objectively, the grant of a gaming machine licence to the DTC will increase accessibility to gaming machines however, with reference to the specific proposal outlined in the application, in practice accessibility will be generally increased only to those people who are members of the DTC or who will become members of the DTC. Having said that, it is acknowledged that the DTC may also be an attractive venue for people outside of the LCA, tourists and other visitors.
129. The CIA identified twenty eight sites within three kilometres of the DTC which fall into the category of sites and sensitive venues referred to in section 25(3)(c) of the GMA. The DTC is surrounded by shops, professional offices, service providers, educational facilities, churches and community venues. The closest of these sites or venues is a primary school which is 500 meters from the DTC.
130. It is noteworthy that the DTC has operated from its current location for over 50 years offering liquor and gambling services. It has co-existed with all the identified sites and sensitive venues for many years without causing identified harm to local businesses or locality. The DTC covers 43 hectares; it is adjacent to a major public thoroughfare and is well known to locals and tourists.
131. Arguably, gambling in various forms has occurred at the DTC for an extended period of time and the installation of gaming machines will have no or little impact on surrounding businesses and services. As noted, it is intended to locate the gaming machines inside a dedicated area, inside an existing building and will not be visible from outside of the premises.
132. Having considered all of the information submitted, I am satisfied that the identified location is suitable for the operation of gaming machines.

Problem gambling risk management and responsible gambling strategies

133. With reference to section 25(3)(d) of the GMA I am required to consider problem gambling risk management and responsible gambling strategies. In that regard, I note that the CIA

reported various policies and procedures intended to be implemented to ensure responsible delivery of gaming services. Harm minimisation strategies detailed include exclusion provisions, cash limits, restrictions on cheque cashing and locating Automatic Teller Machines away from the gaming room.

134. In any event, if authority for gaming machines is given, the DTC like all licensees will be required to comply with the Code of Practice for Responsible Gambling in the Northern Territory.
135. There is no evidence or indication that the approval of a gaming licence would require any amendment or addition to policies or existing procedures relating to the management and monitoring of gaming.

Contribution to the community

136. It was reported that the DTC currently employs twenty full time staff and three part time staff. During the peak racing period, up to 750 casual staff may be employed. The DTC projected that should the applications be approved; additional two staff members would be required. Indications was given that the DTC is aware of the need for relevant staff engaged in gaming machine operations to hold appropriate licences and to receive appropriate training.
137. The CIA made comment on the varied community contributions made by the DTC including cash and prize donations for charitable purposes, the loaning of equipment such as barbeques and furniture to community groups for fund raising purposes and the use of its venue for not-for-profit groups.
138. The DTC submitted that it presently contributes beyond any requirement to support the community and maintains an interest in community identity and cohesion. It was submitted that the additional income generated from gaming machines would provide additional opportunities to support groups in need.
139. The CIA reported that twenty three community groups thought to be representative of the community were contacted and asked to participate in a community survey to ascertain views on the potential or perceived impact of the gaming machine application within the LCA. Only eight responses were received and of those, seven responses indicated that the gaming application was not supported on the basis that it was believed that it would have a negative impact on the community. It was reported that other people or groups approached were unavailable, requested email correspondence, disconnected the call or refused to participate.
140. Generally speaking, the responses which indicated opposition to the application referred to the belief that there were simply enough gaming machines in the area and that gaming machines had a negative impact on the community. A number of the respondents made comment on the area being in lower socio-economic group and therefore more vulnerable to the adverse effects of gambling generally. At least one respondent made specific comment about the desirability of the DTC being '*kept exclusively for horse racing and special events*'.
141. A survey was sought to be conducted of existing members of the DTC to ascertain their views in relation to the gaming machine application. It is noteworthy that of 700 members, only 27 members participated. The value or weight that can be attributed to the outcome of the member survey is questionable given the poor response however, it was indicated that 48% of those who participated were in favour of gaming machines at the DTC, 19% were neutral and 33% were not in favour of the proposal. It is of note that of 700 members who were advised of the intention to apply for a gaming machine licence and for the DTC to operate 55 machines, 673 did not respond to the survey. Arguably, this is indicative of the vast majority of members being unconcerned about or apathetic to the possibility of adverse effect.
142. Of those that did respond positively to the proposed application, members referred to the additional revenue, improvement of community facilities and the attraction of additional

members. Other comments indicated concern in relation to the potential changes to the atmosphere, a potential detraction from the primary activities of the club and changes to the clientele.

Written submissions in response to the application

143. Whilst the GMA does not specifically allow for objections to be made to a gaming machine application, in accordance with section 24A(2)(d) a person may make a submission in relation to a gaming machine application within 30 days of the Notice being published. As previously noted, the gaming machine application was advertised in the Northern Territory News on 11 March 2016 with notice of the liquor application.
144. Of the 16 responses received following publication of the Notices, 12 made comment on the gaming machine application in addition to the liquor application. I note that none of the submissions were in favour of the grant of a gaming machine licence or authority to operate 55 machines.
145. Those submissions received which may be considered in accordance with section 24A(2)(d) were as follows:
 1. NT Police
 2. Dr Song Tai
 3. Vanessa Johnson
 4. Mr Daryl and Mrs Cheryl Day
 5. Ingrid Nadjarian
 6. Janet and Geoffrey Farnell
 7. Karen O'Dwyer
 8. Robin MacGillivray and Peter Dostine
 9. John Gilbert
 10. Lorraine Hodgson
 11. Peter Zeroni and Ms Giovanna Zeroni
 12. Alan Buckingham
146. On behalf of NTPOL, Acting Superintendent Trevor Owen submitted that increased alcohol availability and the potential for social harms created by problem gambling would not improve community amenity. The submission also outlined that the DTC enjoys a virtual monopoly on horse racing and the expansion of services to include gaming machines would serve to lessen the diversity of licensed premises rather than improve the diversity for the benefit of the community.
147. Dr Song Tai and Ms Johnson simply noted that as residents of the local area they objected to the application for 55 gaming machines. No further detail in support of the submission was provided.
148. Mr and Mrs Day's submission was categorised into five main areas:
 - The CIA has not complied with the consultation requirements.
 - The clear evidence that the application is strongly opposed.
 - There is no substantiated business case
 - The amenity of the area will be disrupted and
 - The increased negative impact of health, public safety and social wellbeing in the community.
149. Mr and Mrs Day stated that they strongly objected to the gaming machine application based on their assessment of the inadequacy of the CIA and their experiences as long term residents of Fannie Bay and Ludmilla.

150. The submission contended that the CIA guidelines were not complied with, especially in relation to consultation requirements with cultural groups and local residents and argued that community leaders did not support a gaming machine licence. It was also contended that there was no substantial business case to support the assertion that grant of a licence would provide a community benefit. The lack of support from DTC members was also noted.
151. Mr and Mrs Day noted their perception that the amenity of the neighbourhood would be disrupted given the change of activity within the DTC and also that the profile of patrons would shift to one which was attracted to gambling. They contended that increased foot and vehicle traffic taking back streets would result from people leaving the premises *'after extended sessions encouraged by additional gaming options'* and that *'increasing the mix of gambling, and loss of money for those in poverty, will add to social disruption, with a strong element of undesirable social disruption already evidenced in rough living areas, social housing dysfunction, theft and damage to local businesses'*.
152. Ms Nadjarian adopted the comments made by Mr and Mrs Day.
153. Mr and Mrs Farnell submitted that the operation of a gaming venue would increase patrons coming to and leaving the venues, at times up to 2.00am. The submission commented on noise and traffic problems experienced with the carpark with race course patrons and other users of the facility such as the Touch Football Club.
154. It was submitted that the CIA community consultation was very poorly done with only 20 community people attempted to be contacted and of those that responded, most were in opposition to the application.
155. It was also noted that the intended revenue from gaming machines will only contribute a small proportion of the revenue of the DTC.
156. Ms O'Dwyer submitted that CIA failed to be convincing in stating that there will not be multiple harms resulting from *'more than doubling of machine numbers in the area'* and asserted that it has been shown that *'more machines equals more problems'*.
157. Ms MacGillivray and Mr Dostine submitted that more gaming machines will take advantage of those addicted to gambling and increase the financial pressure felt by their families.
158. Mr Gilbert indicated opposition to poker machines in principle because of the *'misery that they bring to many people and their ability to prove addictive to many of our community'*. He submitted that the CIA skirted over past and ongoing problems that the local residents contend with and outlined issues arising from race meetings such as noise and pollution.
159. Mr Gilbert noted that the rationale for the gaming application envisages *'a vibrant gambling venue that would bring great financial gain to the club'* and its new members however, he was of the view that the DTC *'is a club for horse racing enthusiasts and punters and it will become just one more nightclub/casino'*.
160. Ms Hodgson submitted that the DTC is already a gaming location and is set up to offer services to members and visitors for local and national races and saw no need to diversify to gaming machines which in her view would detract from those services. She also noted that gambling is a problem in the NT and that that more opportunities for gambling are not required.
161. Mr Zeroni submitted several points of opposition which were adopted by his mother Ms Giovanna Zeroni. He noted that the DTC is the only provider of horse racing in the Darwin region and thus has a monopoly on such activity. He also submitted that there a multitude of

other venues in the surrounding area that already provide gaming machines and noted that *'problem gambling destroys the lives of individuals, families and even businesses via the embezzling of company funds to feed gambling addictions and the financial debts'*.

162. Mr Buckingham submitted that a move by the DTC towards gaming machines will draw new clientele to the area and interfere with the activities of the neighbourhood such as increased traffic, anti-social behaviour and crime. He stated that Darwin has ample gaming facilities already and sought to oppose the application.
163. Having considered all of the submissions I accept that the various views expressed by members of the community arise from genuine concerns and that those people who formed their views through individual observations and experiences.
164. Harms associated with gaming machines and problem gambling are well documented and well known within the general community. Such harms were specifically acknowledged in the CIA however, the DTC is a new applicant which has not previously held a gaming machine licence so the direct effects of the present application cannot be accurately measured or quantified.
165. There is, however evidence in this case that the DTC has contemplated its obligations and has proposed policies and procedures with a view to minimising the harms associated with gambling generally and the use of gaming machines specifically at the venue under consideration. Evidence available to me suggests that the venue is generally well run and that there have been no compliance issues identified in relation to the responsible operation of its liquor licence or in relation to the obligations arising with gambling activities.
166. I am required to assess the merits of the application based on evidence and in accordance with the legislative framework. In the present case, there is no evidence on which I can be satisfied that the grant of a gaming machine licence in the circumstances of this case will result in harm or adverse community outcomes directly related to the application.

Other matters the Director-General considers relevant

167. In September 2016, a cap on the number of gaming machines permitted to operate in the Northern Territory was introduced. If granted, the 55 machines for which authority it sought in the present application is within that cap.
168. The application presented by the DTC is compliant with the relevant provisions of the Act.
169. The CIA raised no issues specific to the DTC that persuaded me that the application should be refused. Whilst it may be perceived to be deficient or lacking detail in some areas, it addresses all of the matters which I am required to take into account in assessing an application of this type. As evidenced by the DTC's submissions in support of the application, including the content of the CIA, the DTC intends to incorporate strategies aimed at reducing gaming related harm and to ensure that it is a responsible service provider if the application is approved.
170. In this case, I am satisfied that the DTC will have in place appropriate policies and procedures that will have the effect of minimising the harms associated with gambling generally and the use of gaming machines specifically at the venue under consideration.

DECISION

171. The applicant, the DTC seeks a club liquor licence for operation from premises to be known as the Fannie Bay Racing and Sport Club.
172. The application made clear an intention to excise premises currently operating under the existing DTC licence and known as the Ted D'Ambrosio Bar from the existing licence and to obtain a club liquor licence to enable an application for a gaming machine licence.

173. The concurrent application for a gaming machine licence sought authority to operate 55 machines.
174. The liquor application sought an extension of the present trading hours such that it is authorised to trade from the Club from 10:00am to 11:59pm each Sunday to Wednesday and from 10:00am until 2:00am the following day from Thursday through to Saturday.
175. The liquor application and the gaming machine application must be considered and dealt with independently and in accordance with the distinct legislative requirements relevant to each application. With reference to the general powers of the Director-General (or delegate) to investigate matters in relation to applications made pursuant to both the GMA and the *Liquor Act*, I have had reference to all of the material submitted by the DTC to assess both applications.
176. For the reasons set out and in accordance with section 29(1)(a) of the Act, I have determined to grant to the liquor application.
177. In determining the application made pursuant to the GMA, in addition to those matters set out in section 25 I am required to consider and take into account the objects of the Act which are *inter alia* to promote probity and integrity in gaming, to maintain the probity and integrity of persons engaged in gaming, to promote fairness, integrity and efficiency in the operations of persons engaged in gaming, to reduce any adverse social impact of gaming and to promote a balanced contribution by the gaming industry to general community benefit and amenity.
178. Having considered all of those matter and for the reasons set out above, I have determined to grant the gaming machine licence authorising the use of 55 gaming machines to be located at the DTC within the premises to be known as the Fannie Bay Racing and Sport Club.
179. The 55 gaming machines authorised by this decision will be included in the schedule attached to the licence in which each individual gaming machine is identified and authorised for use. The schedule will be prepared upon submission by the DTC of the details pertaining to the 55 gaming machines once purchased.

REVIEW OF DECISION

180. Section 8 of the *Licensing (Director-General) Act* prescribes that a delegate decision is a decision under any Act, of the Director-General that is made by a delegate of the Director-General.
181. Section 10 of the *Licensing (Director-General) Act* provides that a person affected by a delegate decision may apply to the Director-General for a review of the decision. Such application for review must be made within 28 days after written notice of the delegate decision is given to an affected person, or within any additional time that the Director-General allows.
182. Section 9 of the *Licensing (Director-General) Act* prescribes an affected person for a delegate decision to be the applicant and a person who made a submission, complaint or objection (however described) during the process that resulted in the decision being made.
183. Accordingly, the affected persons in relation to this decision are:
 - 1) The DTC
 - 2) Acting Superintendent Trevor Owen, NT Police
 - 3) Ms Mary Chalmers
 - 4) Ms Vanessa Johnson
 - 5) Mr Darryl and Mrs Cheryl Day
 - 6) Mr Geoff Farnell
 - 7) Ms Karen O'Dwyer
 - 8) Ms Robin MacGillivray and Mr Peter Dostine
 - 9) Ms Ingrid Nadjarian

- 10) Mr John Gilbert
- 11) Ms Lorraine Hodgson
- 12) Mr Peter Zeroni and Ms Giovanna Zeroni
- 13) Ms Christine Free
- 14) Mr Alan Buckingham
- 15) Dr Song Tai
- 16) Ms Frances Pagdin, Alcohol and Other Drugs Services, Department of Health
- 17) Ms Anna Malgorzewicz, City of Darwin



Sally Ozolins
Deputy Director-General (Operations)

23 December 2016