

NORTHERN TERRITORY LICENSING COMMISSION

REASONS FOR DECISION

PREMISES: THE DUSTBOWL

LICENSEE: Cheap Charlie1 Pty Ltd

LICENCE NUMBER: 80806440

JOINT NOMINEES: Greg Boaz
Wayne Harwood

PROCEEDING: Application for Variation of Licence Conditions

HEARD BEFORE: Ms Brenda Monaghan (Presiding)
Mr John Brears
Ms Helen Kilgariff

DATE OF HEARING: 3 May 2006

DATE OF DECISION: 12 May 2006

APPEARANCES: Mr Graeme Buckley, for the Licensee
Mr Wayne Sanderson for Director's Office
Ms Penny Fielding, for Department of Health & Community Services

1. In May 2005 the Commission heard an application to vary the licence conditions of the premises known as The Dustbowl. Until that date, the sale of liquor on the premises was restricted to bona fide spectators and bowlers with licensed hours restricted to after 6.00pm. The licence also contained other protections for minors.
2. Material alterations to the premises in late 2004 lead to The Dustbowl being split into two (2) distinct areas. The first area was a family restaurant to be known as "Rudi's Pizza and Pasta" (Rudi's). The second area was the Bowling Alley which was to be refurbished.
3. The application for a variation of the licence was made so as to allow Rudi's to trade as a public restaurant. The application attracted eight (8) objectors and their concerns are listed more fully in The Dustbowl decision delivered in May 2005. The main objectors were from Government and non Government organisations supporting youth and indigenous people and the main emphasis of the objections was on protecting the interests of minors and wider health issues.

4. The application today relates specifically to the question of a clarification of the advertising conditions in the licence. Mr Buckley for the applicant submitted that the Commission should formally provide in the licence a power for the Director or Deputy Director to make decisions on future advertising including the power to revoke earlier decisions. The submissions provided by the applicant include a list of the types of advertising and promotions they anticipate employing to promote the premises. This list has been of assistance to us as it gives us a clear indication of the types of promotions we should take into account.
5. There was only one (1) objector to this application today, namely the Department of Health & Community Services. Ms Penny Fielding attended the hearing as the Department's representative. The main focus of the Department of Health & Community Services was to ensure that the interests of minors remained protected and also to object to any advertising promotions that clearly link alcohol with sport.
6. The parties viewed the premises and the Commission commend Mr Boaz on the quality of the refurbishment and management of both the Bowling Alley and Rudi's.
7. In our deliberations we have taken account of all of the submissions made by the parties and by Mr Sanderson on behalf of the Director of Licensing. We have attempted to protect the integrity of both parts of The Dustbowl by treating the Bowling Alley as a sporting venue (with an ancillary bar) and the restaurant as a licensed venue offering "good food, fine wine, great time".
8. We agree with Mr Buckley's submission that the licence should formally state that the Deputy Director of Licensing (South) is delegated to make decisions on future advertising for both the Dustbowl bowling alley and for Rudi's. We are interested however in protecting the bowling alley's integrity as an alcohol free venue in the widest sense before 6pm each day. To that end, the proposed changes to the licence are set out below.

The advertising condition for the bowling alley at page 4 of the licence to be amended as follows:

ADVERTISING:

(a) Subject to paragraph (b), the availability of liquor in the bowling alley shall not be publicly advertised or promoted and no signage for any alcohol product shall be exhibited on or within the bowling alley other than on the product containers being offered for sale.

(b) The Director or the Deputy Director may approve any publication, promotional advertising or other activities referring to liquor generally provided that:

- *the bowling alley retains its integrity as an "alcohol free" venue with no promotion of alcohol allowed within the venue itself prior to 18:00 hours daily* (*Promotion of Rudi's prior to 18:00 hours by use of the words "licensed venue" or similar is acceptable, however the use of words describing the availability of any specific alcohol products at Rudi's, is not permitted).*

- *Any promotion or advertising of the bowling alley that uses alcohol as a reward is prohibited.*

The advertising condition for Rudi's Pizza and Pasta at page 6 of the licence to be amended by the insertion of the following:

ADVERTISING

- (c) The Director or the Deputy Director may approve, modify or revoke any promotional advertising, publication or activity relating to the availability of liquor for consumption in the Restaurant.*

Brenda Monaghan
(Presiding Member)

12 May 2006