

# NORTHERN TERRITORY LICENSING COMMISSION

## REASONS FOR DECISION

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**LICENSEE:** Tropic Holdings Pty Ltd

**PREMISES:** Monsoons

**LICENCE NUMBER:** 80315790

**PROCEEDING:** Variation of Licence Conditions

**COMMISSION:** Mr Richard O'Sullivan (Chairman)  
Ms Brenda Monaghan (Legal Member)  
Ms Helen Kilgariff

**DATE OF DECISION:** 3 July 2009

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- 1) Monsoons, located in the heart of the Mitchell Street Entertainment Precinct, is a popular licensed venue catering for adults of all ages. It is a place for people to go for a meal or a drink in attractive surroundings or for a private function. Like many other hotels in the CBD, Monsoons is allowed to conduct adult entertainment so long as it is on accordance with the published Guidelines.
- 2) The Guidelines require such functions to be held in private, to be properly advertised as an 'adults only' event and to prohibit contact between performers and the audience. Sexual intercourse, oral sex and any other intimate physical contact between a performer and a member of the audience, or between performers is prohibited.
- 3) The applicant seeks a relaxation of the one (1) metre rule (the distance between performer and audience) so that Monsoons can hold fortnightly "Hens Parties and persons celebrating a special occasion can come up on stage and participate in the show in a non sexual way." The applicant advises that *"we would allow contact with the performers and persons but we would not allow sexual intercourse, oral sex or any other sexual contact between the performer and a patron or any other person"*.
- 4) The Licensing Commission has considered this application and has refused it. It has been asked to provide reasons for refusing. The reasons are as follows:

- a) In 2006, after considerable consultation and discussion, the Licensing Commission approved and published the current Adult Entertainment Guidelines in 2006. They were designed to apply equally to shows principally directed at a male or a female audience. The Commission remains satisfied that those Guidelines are reasonable and appropriate.
- b) The fact that this request for variation is for occasions where the audience will be essentially female is of no consequence as in reality, patron behaviour at such events where alcohol is available is similar for male, female and mixed audiences. Adult Entertainment in the CBD which is geared at a male audience is similarly required to comply with the Guidelines.
- c) The Commission's decision to refuse this request for a relaxation of the Adult Entertainment Guidelines does not mean that it will never grant one under any circumstances. Each application must be considered on its own merits and the location of the premises, the clientele it services and its licence concept are all relevant factors. Mitchell St and the surrounding CBD, besides providing for offices and retail shops, is the "hub" where tourists and Darwinians of all ages congregate for meals and entertainment. It also contains many major tourist accommodation complexes. The Commission is aware that any relaxation of the Adult Entertainment Guidelines in a venue such as Monsoons would effectively undermine the Guidelines themselves and may act as a precedent for further such applications in the CBD which is not a desirable outcome.

Richard O'Sullivan  
CHAIRMAN

3 July 2009