

NORTHERN
TERRITORY
LICENSING
COMMISSION

2008-09 Annual Report

Contents

CHAIRMAN'S MESSAGE	2
LICENSING COMMISSION OVERVIEW	4
The Commission	4
Members of the Commission	4
Legislation	4
Functions and Powers of the Commission and its Chairperson	5
Commission Procedures	5
Commission Business	5
Hearings and Meetings	5
LIQUOR	6
Liquor Licensing	6
Liquor Related Hearings	6
Liquor Hearings Decisions	6
Complaints against Licensed Premises	8
Liquor Licences Issued	9
Cancellation of Licence	9
Surrender of Licence	9
Suspension of Licence	10
Licences Transferred	11
Licence Condition Variations	12
Material Alterations	13
Special Liquor Licences	13
Continuing Special Licences	14
Liquor Permits	14
East Arnhem – Liquor Permit Systems	14
Restricted Areas	15
KAVA LICENSING	16
History	16
Legislation	16
Kava Licence Areas and Kava Licences – Australian Government Intervention	16
GAMING MACHINE LICENSING	17
Legislation	17
Responsible Operation and Use of Gaming Machines	17
Probity and Industry Participants	17
Fairness and Integrity of Gaming Systems	17
Community Impact	17
Community Contribution	18
Gaming Machine Licences	18
Distribution of Gaming Machines	18
Gaming Machine Industry Performance in Clubs/Hotels	19
PRIVATE SECURITY LICENSING	21
Private Security Licensing Hearing Decisions	21
Complaints	21
Licence Numbers	22
Mutual Recognition	22
ESCORT AGENCY LICENSING	23
TOTALISATOR LICENSING	23
Turnover	23
TOBACCO LICENSING	23
RACING AND BETTING	24
Functions of Racing Commission	24
Powers of Racing Commission	24
Probity and Integrity in Racing and Betting in the Territory	25
Corporate and On-Course Bookmakers	25

Chairman's Message



Richard O'Sullivan,
Chairman

It is pleasing to note that there are preliminary signs that alcohol consumption in a number of Territory centres is beginning to decrease. These centres include Alice Springs, Katherine and the East Arnhem region, all of which have been subject to alcohol sales restrictions imposed through Commission decisions. Supply reduction measures have been a focus of the Commission in recent years, and this is likely to continue in the future.

During the year, the Commission determined that compulsory Responsible Service of Alcohol (RSA) certification was necessary for all persons engaged in the direct sale, service and supply of alcohol on licensed premises. This decision applies to all full liquor licences inclusive of hotels, taverns, restaurants, clubs etc. Introduction of the compulsory RSA certification brings the Territory into line with the rest of Australia.

RSA requirements for volunteer and community organisations who operate Special Continuing Licences, i.e. operating under limited hours, are currently being reviewed in consultation with affected Licensees.

In July 2008, the Minister for Alcohol Policy announced that the number of gaming machines able to operate in the Territory would be capped at 1,190. When announcing the cap, the Minister advised that a trading scheme would be developed whereby hotels and clubs could purchase gaming machine entitlements from within the existing pool. The matter is now with Government to devise an appropriate trading model for the Northern Territory.

This announcement followed the Commission's advice that it required a more rigorous Community Impact Analysis for applicants applying for gaming machine entitlements. Particular attention is given to the requirements under the *Gaming Machine Act* for the assessment of the economic impact of machines, including their contribution to the community, to accompany all applications.

A number of successful Public Restricted Area ('Dry Town') applications and liquor supply plans were scheduled for review by the Commission in the 2008/09 year but were held off, pending an evaluation of alcohol reduction measures in a number of these centres by the Menzies School of Health.

The Menzies School of Health, under the terms set by the Department of Justice, is to report on the success of measures in Alice Springs, Tennant Creek, Katherine and East Arnhem. The Commission will conduct reviews with the assistance of the completed Menzies School of Health Independent Evaluation Reports.

The Evaluation Report for Alice Springs concluded that the existing supply measures should not be increased without widespread consultation. The Evaluation Report did determine that supply measures in Alice Springs had resulted in an eighteen percent (18%) decrease in the apparent alcohol consumption since 1 October 2006.

The Commission has continued to consult widely on issues of alcohol consumption and community impact. The Commission considers the engagement with stakeholders and the community as essential in the determination of the appropriate use of its powers provided under the *Liquor Act*. The Commission is strong in its view that the consultative process contributes to achieving beneficial and sustainable results.

During the year, the Commission received the invaluable assistance of the Licensing, Regulation and Alcohol Strategy Division of the Department of Justice, and this support is appreciated and acknowledged. I would also like to acknowledge the contribution from Northern Territory Police and Territory Health Services in assisting the Commission in its work throughout the year.

Industry consultation over a wide range of issues was forthcoming throughout the year, through the efforts of the NT Hotels Association (AHA-NT), the NT Liquor Stores Association and Clubs NT.

Finally, I would like to place on the record my appreciation of the work done by fellow Commissioners.

A handwritten signature in black ink, appearing to read 'Richard O'Sullivan'. The signature is fluid and cursive, written over a white background.

Richard O'Sullivan
CHAIRMAN

WORKING WITH ALCOHOL IN THE NORTHERN TERRITORY

In January this year, the Northern Territory Licensing Commission introduced Responsible Service of Alcohol Training for people who work in the service of alcohol. This includes hospitality staff who work in licensed clubs, pubs, restaurants, bottle shops and liquor stores.



Staff at the Nguuiu Club in Bathurst Island enjoyed the opportunity to learn more about managing the sale of alcohol to their customers.

Licensing Commission Overview

THE COMMISSION

The Northern Territory Licensing Commission is an independent statutory authority with extensive powers to regulate Territory racing, gaming, liquor, private security and related licensing legislation.

The Commission was established on 14 February 2000 by the *Northern Territory Licensing Commission Act* (the Act), and replaced several individual statutory authorities. The Commission operates as an independent tribunal with responsibility for licensing and related matters covering liquor control, kava management, private security, totalisators, escort agencies and gaming machines. The Chairperson and up to five Members of the Commission also comprise the full membership of the Racing Commission.

The Commission is supported in its functions by the Department of Justice and the Licensing, Regulation and Alcohol Strategy Division. The Division supports the Commission through investigating complaints, monitoring venues, enforcing liquor laws and compiling reporting.

The Act requires the Commission to prepare a report to the Minister for Racing, Gaming and Licensing at the end of each financial year, detailing the Commission's operations during the year.

MEMBERS OF THE COMMISSION

Members are appointed to the Licensing Commission by the Minister for Racing, Gaming and Licensing. The term of appointment extends to three years with provision for re-appointment.

Licensing Commission Members as 30 June 2009 were:

Mr Richard O'Sullivan (Chairperson)*

Ms Brenda Monaghan (Legal Member)*

Ms Jane Large

Mr John Brears*

Ms Helen Kilgariff

Ms Kerri Williams

Mr Wally Grimshaw*

Mr Paul Fitzsimons*

Mr Micheil Brodie (Executive Director, Licensing, Regulation and Alcohol Strategy)*

* Denotes membership of the Racing Commission pursuant to the *Racing and Betting Act*.

The Legal Member and Executive Director are Northern Territory Public Sector employees. All other members receive sitting fees and allowances in accordance with rates determined by the *Remuneration (Statutory Authorities) Act*.

LEGISLATION

The Commission is a body corporate that operates as an administrative authority and quasi-judicial tribunal, with responsibility for related matters in accordance with the requirements of the following legislation:

- *Northern Territory Licensing Commission Act*
- *Liquor Act*
- *Kava Management Act*
- *Private Security Act*
- *Totalisator Licensing and Regulation Act*
- *Gaming Control Act*
- *Gaming Machine Act*
- *Prostitution Regulation Act*
- *Racing and Betting Act* (as the Racing Commission)
- *Tobacco Control Act*

FUNCTIONS AND POWERS OF THE COMMISSION AND ITS CHAIRPERSON

Section 5 of the *Northern Territory Licensing Commission Act* sets out the Commission's powers and functions and section 7 of the Act refers to the role functions and powers of the Chairperson.

COMMISSION PROCEDURES

The majority of matters considered by the Commission arise from reports submitted by the Director of Licensing. The Director of Licensing investigates all valid applications, complaints and objections and provides appropriate reports to the Commission.

Major decisions and determinations are made by the Commission through a full corporate meeting or a meeting of a quorum selected by the Chairperson. The Commission maintains records and minutes of all meetings and publishes full written reasons for the majority of its decisions arising from hearings on its website.

Many of the functions are delegated by the Commission at its discretion. Delegates include the Chairperson, the Director of Licensing, Deputy Directors of Licensing, designated staff of Licensing, Regulation and Alcohol Strategy, and individual Commission members. All decisions made by delegates are decisions of the Commission, for which it bears ultimate responsibility.

COMMISSION BUSINESS

The Commission conducts regular meetings to determine issues across the range of its legislative responsibilities. In addition, special meetings of membership quorums and other groupings of members are conducted on an 'as needs' basis in relation to specific and often urgent matters.

Hearings are conducted by panels of members selected by the Chairperson. Under the *Liquor Act*, hearing panels may comprise one or three members. The Commission attempts to conduct all hearings at or near the location where the matter originated. Hearings are often conducted on-site in regional towns and remote communities.

HEARINGS AND MEETINGS 2008/09

Table 1: Nature, Number and Duration of Hearings and Meetings conducted during the 2008/09 period

Type of Hearing/Meeting	Hearings & Meetings		Hearings & Meetings No. of Days	
	Year 07/08	Year 08/09	Year 07/08	Year 08/09
Scheduled monthly Commission meetings	11	9	11	10
Special Commission meetings	2	1	2	1
Community Liaison Events	9	2	10	3
Escort agency meetings	1	0	1	0
Private Security Inquiries / Reviews	0	8	0	8
Review of Public Restricted Area	0	1	0	1
Seized Vehicle Reviews	15	4	15	4
Conferences attended	3	3	11	9
Hearings	65	60	93	78
TOTAL	106	88	143	114

Note: Does not include consultations with individual persons, organisations and public and community meetings.

LIQUOR LICENSING

The *Liquor Act* requires the Commission to make decisions and, where necessary, conduct hearings in a range of circumstances. Important objects guiding the Commission when granting new liquor licences or dealing with complaints against existing licensees are the protection of community amenity and the minimising of harm. In its normal course of business, the Commission conducts public hearings into new liquor licence applications, where objections have been lodged and for any unresolved complaints against existing licensees.

LIQUOR RELATED HEARINGS 2008/09

Table 2: Summary of Liquor-Related Hearings conducted during 2008/09 in comparison to the 2007/08 period

Nature of Hearings	2007/08	2008/09
Application for a restricted area	3	0
Application for the grant of a liquor licence	3	6
Complaint pursuant to S 48 – breach of <i>Liquor Act</i>	11	20
Complaint pursuant to S 48 – (other, e.g. noise) of <i>Liquor Act</i>	2	2
Section 124AAA (additional penalty) of <i>Liquor Act</i>	2	3
Application to cancel liquor licence	3	4
Application to vary conditions of liquor licence	4	3
Application to substitute premises	1	0
Transfer of liquor licence	0	1
Requests by licensees for review of licence conditions	2	2
Seized vehicle hearings ¹	1	0
Seized vehicle reviews ¹	15	4
Reviews into Public Restricted Area	0	1
Other	0	1
TOTAL	47	47

1. Responsibility for the forfeiture of seized vehicles was transferred to Police and the Magistrates Court during 2007/08

LIQUOR DECISIONS 2008/09

Table 3: Liquor Hearing Decisions for the 2008/09 period

Nature of Hearing	Venue	Decision Date	Decision For details see http://www.nt.gov.au/justice/commission/decisions.shtml
Review of Proposed Variations	Headframe Bottleshop	10/07/08	NOT APPROVED
Seized vehicle review	NT635-873	14/07/08	Upheld Chairman's decision
Seized vehicle review	QLD540-JBS	11/07/08	Upheld Chairman's decision
Variation of Licence Conditions and Extension of Licence Area	Elkira Court Motel	23/07/08	APPROVED
Seized vehicle review	NT706-371	18/11/08	Upheld Chairman's decision
Application for Takeaway component of Tavern Licence	Rum Jungle Tavern	26/11/08	APPROVED
Complaint pursuant to S 48, S 106B & S 106C – <i>Liquor Act</i>	The Victoria Hotel	24/07/08	PROVEN Letter of reprimand
Complaint pursuant to S 48 – S 106B, S 106C – <i>Liquor Act</i>	Discovery	03/10/08	PROVEN PENALTY (Suspension imposed)

Nature of Hearing	Venue	Decision Date	Decision For details see http://www.nt.gov.au/justice/commission/decisions.shtml
Material Alteration in accordance with S 119 – <i>Liquor Act</i>	Golf Links Motel	20/10/08	APPROVED WITH CONDITIONS
Application to Grant of Liquor Licence	Darwin Red Devil Charters	19/08/08	APPROVED
Complaint pursuant to S 48, S 102, S 106C – <i>Liquor Act</i>	Douglas Street Supermarket	11/11/08	PROVEN PENALTY
Complaint pursuant to S 48, S 106B & S 106C – <i>Liquor Act</i>	Ducks Nuts Bar and Grill	26/08/08	PROVEN PENALTY
Additional Penalty S124AAA – <i>Liquor Act</i>	Katherine 5 Star Supermarket	28/10/08	PROVEN Letter of reprimand
Complaint pursuant to S 48 & S102 – <i>Liquor Act</i>	Timber Creek Hotel	13/10/08	PROVEN PENALTY
Seized vehicle review	NT663-552	23/10/08	Upheld Chairman's decision
Complaint pursuant to S 48, S 106B & S 106C – <i>Liquor Act</i>	Discovery	11/07/08	Directions Hearing
Application to Grant a Liquor Licence	Emerald Springs Roadhouse	30/10/08	APPROVED
Application for Cancellation of Licence	NT Rock Bar	30/10/08	APPROVED
Application for Cancellation of Licence	The Rusty Spur Pizza, Pasta and Steakhouse	29/10/08	APPROVED
Complaint pursuant to S 48 & S 110 – <i>Liquor Act</i>	Todd Tavern	05/11/08	PROVEN PENALTY
Additional Penalty – S124AAA – <i>Liquor Act</i>	Jabiru Golf Club	11/11/08	PROVEN PENALTY
Application to Grant of Conditional Liquor Licence	Darwin City Waterfront	21/01/09	REFUSED
Complaint pursuant to S 48 & S 110 – <i>Liquor Act</i>	Mataranka Hotel	03/12/08	PROVEN Letter of reprimand
Complaint pursuant to S48, (excessive noise) – <i>Liquor Act</i>	Katherine Hotel	15/12/08	PROVEN Special Condition to be added to licence
Complaint pursuant to S 48 & S 110 – <i>Liquor Act</i>	Desert Oaks Motel	11/12/08	PROVEN Camera Surveillance installation required.
Variation of Licence Conditions	QC Restaurant	27/01/09	APPROVED
Complaint pursuant to S 48 & S 110 – <i>Liquor Act</i>	Annie's Place	13/01/09	PROVEN Letter of reprimand
Complaint pursuant to S 48 & S 102 – <i>Liquor Act</i>	Kitty O'Shea's Irish Bar, Café and Nightclub	19/12/08	PROVEN PENALTY(Suspension imposed – fully suspended)
Application for Transfer of Liquor Licence	The Fox Ale House	05/02/09	APPROVED
Additional Penalty following court conviction S 124AAA – <i>Liquor Act</i>	Jabiru Sports & Social Club Pty Ltd	13/02/09	PROVEN PENALTY(Suspension imposed – fully suspended)
Complaint Pursuant to S 48, 102 & 121 – <i>Liquor Act</i>	Top Springs Hotel	20/04/09	PROVEN PENALTY(Suspension imposed – partially suspended)
Complaint pursuant to S 48 (other) – <i>Liquor Act</i>	Headframe Bottleshop	24/03/09	PROVEN Suspension of licence until conditions satisfied

Nature of Hearing	Venue	Decision Date	Decision For details see http://www.nt.gov.au/justice/commission/decisions.shtml
Complaint pursuant to S 48, S 102, S 110 & S 121 – <i>Liquor Act</i>	Gove Yacht Club	27/04/09	PROVEN PENALTY(Suspension imposed – Camera Surveillance installation required)
Complaint pursuant to S 48, S 102 & S 121 – <i>Liquor Act</i>	Lasseters Casino	24/04/09	PROVEN PENALTY(Suspension imposed)
Complaint pursuant to S 48 & S 110 – <i>Liquor Act</i>	The Victoria Hotel	31/03/09	PART HEARD
Complaint pursuant to S 48, S 106B & S 110 – <i>Liquor Act</i>	Squires Tavern/ Time Nightclub	20/04/09 26/05/09	PROVEN PENALTY (Suspension imposed – partially suspended)
Variation of Licence conditions	Pine Creek Hotel	Decision Pending	
Application for Grant of Liquor Licence	NT Rock Bar	29/06/09	APPROVED
Application for Grant of Liquor Licence	Zanadu Rural Retreat	19/06/09	APPROVED
Complaint pursuant to S 48 & S 110 – <i>Liquor Act</i>	Barkly Homestead	19/06/09	DISMISSED
Complaint Pursuant to S 48 & S 110 – <i>Liquor Act</i>	Wycliffe Well Store	Decision Pending	
Application for Cancellation of Licence	C & C Catering	22/06/09	CANCELLED
Application for Cancellation and Fit and Proper	Good Fortune Take-Away Mini Market	Decision Pending	

COMPLAINTS AGAINST LICENSED PREMISES

The *Liquor Act* makes provision for complaints to be made against a licensed premise in the following areas:

- the conduct of the business at licensed premises,
- the conduct of the licensee in relation to the business of a licence, or
- that the licensee is not a fit and proper person.

The *Liquor Act* requires all complaints to be in writing, to be lodged with the Director of Licensing and to be signed by the person lodging the complaint. The Director of Licensing is required to investigate all complaints and to provide licensees with the opportunity to respond. Although there are some complaints that allow the Director of Licensing the opportunity to informally mediate, a number of complaints proceed to hearing.

Table 4: Complaints received and actions taken during 2008/09 in comparison to the 2007/08 period

Liquor Complaints Received and Action Taken	2007/08	2008/09
Complaints investigated, but no further action warranted	7	3
Licences cancelled following complaint	1	0
Licences suspended due to breaches of licence conditions (section 66(1)(b))	5	10
Complaints heard and finalised without licence suspension	5	12
Complaints withdrawn	1	0
TOTAL	19	25

LIQUOR LICENCES ISSUED

Table 5: Number of Full Liquor Licences (i.e. excluding Special and Continuing Special Licences, details pages 13 & 14) in existence as at 30 June 2009 in comparison to 30 June 2008

Liquor Licences as at 30 June	2007/08	2008/09
TOTAL	491	495

Table 6: Number of New Full Liquor Licences issued during 2008/09, by category, in comparison to the 2007/08 period

Categories	2007/08	2008/09
Public Hotel	0	3
Private Hotel	0	0
Tavern	1	1
Restaurant	4	6
Vessel	0	2
On Licence	8	7
Liquor Merchant	0	0
Off Licence	1	0
Roadside Inn Un-serviced	0	0
Roadside Inn Serviced	0	0
TOTAL	14	19

CANCELLATION OF LICENCE

Cancellation of a liquor licence usually occurs due to the premises not having been used for the sale or supply of liquor for a period of 90 days. Cancellation can also occur on the grounds that:

- the licensee is no longer a fit and proper person to hold the licence;
- the licensee has been found guilty of an offence against the *Liquor Act*;
- the licensee is serving a term of imprisonment; or
- the licensee has failed to comply with the condition of his or her licence.

The Commission may also cancel a licence on the grounds that the premises no longer meets the needs or wishes of the community, but cancellation on this ground is subject to the payment of compensation.

The Commission is required to conduct a hearing before cancelling a licence on any grounds.

Table 7: Liquor Licences cancelled during the 2008/09 period

Cancelled Date	Premises
29/10/08	The Rusty Spur Pizza, Pasta, Steakhouse
30/10/08	NT Rock Bar
22/06/09	C & C Catering

SURRENDER OF LICENCE

The *Liquor Act* enables a licensee to voluntarily surrender a licence. The surrender has no effect until accepted by the Commission, which must first satisfy itself that all interested persons have been given at least two weeks' notice of the licensee's intention to surrender the licence. The person whose licence is surrendered remains liable for an act or omission done, caused, permitted or made by him or her prior to the surrender, and for any liability incurred prior to the surrender.

Table 8: Liquor Licences surrendered during 2008/09

Surrendered Date	Premises
13/08/2008	Kakadu Winery
10/09/2008	Twilight on Lindsay
10/11/2008	Pungalina Safari Camp
19/12/2008	Indoor Sports Winnellie
16/01/2009	Regent Court
02/03/2009	Italian Sports and Social Club
06/04/2009	The Mediterranean
30/04/2009	Elizabeth River Farm Wines
21/05/2009	The Aviation Institute NT
12/06/2009	Mantra on the Esplanade
12/06/2009	Mantra on the Esplanade
30/06/2009	Paravista Motel

SUSPENSION OF LICENCE

Liquor licences may be suspended as penalty for breaches of the *Liquor Act* or licence condition, or for non-compliance with directions issued by the Commission. The Commission can only suspend the licence when it is satisfied that the breach is of sufficient gravity to justify suspension or in cases where the premises are not open for the sale or supply of liquor. The *Liquor Act* allows for the immediate suspension of a licence in an emergency or pending investigation of a complaint. Such suspensions would normally be at the request of the Police during a cyclone, major flood or civil disturbance.

Table 9: Licences suspended during 2008/09 and Reason for Suspensions

Suspended Date	No of Days / Reason	Premises
08/07/08	Indefinitely (not being used)	Furlanos
19/07/08	1 day (non compliance)	Liquorland Casuarina Shopping Centre
31/07/08	1 day (non compliance)	Riverside Bar Todd Tavern
06/09/08 – 08/08/08	2 days (non compliance)	Ducks Nuts Bar & Grill
10/11/08	Indefinitely (following fire)	QC Restaurant
29/11/08	1 day (non compliance)	Riverside Bar Todd Tavern
30/11/08 05/12/08	2 days (non compliance)	Bottleshop Todd Tavern
17/11/08 – 11/12/08	21 Days (non compliance)	Douglas Street Supermarket
06/12/08 11/12/08	2 Days (non compliance)	Discovery and Lost Arc
15/12/08	Indefinitely (not being used)	Mabuhay Restaurant
09/02/09 – 15/02/09	6 days (not being used)	Central Australian Football League
18/03/09 – 25/03/09	7 days (Pending an investigation)	Headframe Bottle Shop
25/03/09 – 01/04/09	7 days (Pending an investigation)	Headframe Bottle Shop
27/04/09	2 days (1 suspended) (non compliance)	Top Springs Hotel
09/05/09	1 day (non compliance)	Juicy Rump Lasseters Casino
11/05/09 – 14/05/09	3 days (non compliance)	Gove Yacht Club
20/06/09 – 23/06/09	3 days (2 suspended) (non compliance)	Squires Tavern only Squires Tavern / The Time Nightclub

LICENCES TRANSFERRED

The *Liquor Act* enables a licensee to transfer a licence to another person. The transfer does not take effect until the Commission authorises the transfer and the Director of Licensing issues a certificate of transfer. The conditions in the licence are not affected by the transfer. The person whose licence is transferred shall cease to be a licensee, but shall remain liable for an act or omission done, caused, permitted or made by the outgoing licensee prior to the transfer.

Table 10: Liquor Licences transferred in the 2008/09 year

Transfer of Licences	Premises
7/07/08	Territory Manor
10/07/08	The Granites Social Club
21/07/08	Crooze Licensed Café & Restaurant
30/07/08	Palmerston Indoor Sports Centre
30/07/08	Café Tonic
06/08/08	The Victoria Hotel
15/08/08	Mediterranean All Suites Hotel
15/08/08	Crossways Hotel
20/08/08	Wanguri Supermarket
20/08/08	Darwin Indoor Beach Volleyball
29/08/08	Anniki Pearl Lugger Cruises
29/08/08	Crab Claw Island Fisherman's village
29/08/08	The Coffee Club
02/09/08	Knotts Crossing Report
02/09/08	Bluegrass Restaurant
11/09/08	Palms City Resort
17/09/08	Renner Springs Roadside Inn
22/09/08	Warnkurr Sports and Social Club
14/10/08	The Lodge of Dundee
29/12/08	Borrooloola Hotel Motel
12/01/09	Pigglys
27/01/09	Manoli's Greek Taverna (Guiseppe's Italian Restaurant)
17/02/09	Banyan Tree Caravan & Tourist Park
24/02/09	Kulgera Hotel
02/02/09	Fox Ale House
06/03/09	East West Restaurant
25/03/09	Seafood on Cullen
16/04/09	Threeways Roadhouse
22/04/09	Flavours of India
23/04/09	Diplomat Motel
23/04/09	Uncles Tavern
28/04/09	Palmerston Indoor Sports Centre
29/05/09	Bootu Creek Mine Social Club
01/06/09	NT Emporium (former Rapid Creek Supermarket)
05/06/09	The Lodge of Dundee
12/06/09	Shady Glen Caravan Park
12/06/09	Chianti's Café Restorante
22/06/09	The Deck Bar

LICENCE CONDITION VARIATIONS

A licensee may apply to the Commission for a variation of the conditions of their licence. The Commission may conduct a hearing in relation to the application if it considers it to be in the public interest.

Table 11: Licence Condition Variations approved during the 2008/09 period

Premises	Licence Condition Variations
Elkira Court Motel	Variation of Licence hours and extension of Licence area
Rum Jungle Tavern	Application for takeaway component of Tavern Licence
QC Restaurant	Variation of Licence to an ON Licence
Pine Creek Hotel	Change Authority to Hotel
Dugong Beach	Allow Permit Holders to Consume on Premise
Livingston Recreation Reserve	Extended Licence hours
Alyangula Golf Club	Extended Licence hours
Palms City Resort	Include Function conditions
Crococaurus Cove	Extended Licence hours
Crossways Hotel	Include Takeaway Bush Orders Outside Hours
Darwin Airport Terminal	Sale of Darwin Stubby from International Kiosk
Gove Country Golf Club	Extended Licence hours
Landmark Katherine	Include Takeaway Bush Orders Outside Hours
Mac's Liquor Katherine	Include Takeaway Bush Orders Outside Hours
Winnellie Hotel	Extended Licence hours
Noonamah Tavern	Extended Licence hours
Ayers Rock Resort Residents Club	Camera Surveillance requirement Special Conditions the word "of" should be changed to "or"
Fernanda's	Insert Good Friday and Christmas Day Trading condition
Tennant Creek Hotel	Removal of Sparkling Wines condition
Barkly Homestead	Bush Order Condition
Annie's Place	Combine all licensed areas into one licensed area with the same meal conditions and reduced trading hours
Wycliffe Well Store	Amended Takeaway Restriction condition
Crowne Plaza Alice Springs	Include outdoor courtyard decking trading hours
Alice Springs Memorial Club	Amend Licence to include all the renovations, areas and vary trading hours
Sails in the Desert	Add Mini Bar condition Vary Bona Fide Lodgers condition
Outback Pioneer Hotel	Add Mini Bar and Room Service condition
Desert Gardens Hotel	Amend name of restaurant to 'White Gums Restaurant / Arnguli Grill Restaurant'
Desert Oakes Motel	Camera Surveillance requirement

MATERIAL ALTERATIONS

The *Liquor Act* requires a licensee to obtain the approval of the Commission to make a material alteration to the premises. An application must be lodged with the Director of Licensing with supporting documentation including a copy of the plans and specifications for the alteration.

The Commission considers the application in accordance with the objectives of the Act and the interest of the community. Where unauthorised alterations are made to a licensed premise, the Commission may direct that the alteration is removed and the premise is restored to a satisfactory condition.

Table 12: Approved Material Alterations to Licensed Premises in the 2008/09 period

Premises	Alterations Undertaken
Timber Creek	Complete renovation and re-modelling of premises for smoking
Monsoons	Enlarge existing alfresco area for smoking
Tracy Village	Major revamp for smoking
Airport Hotel	Beer garden out the back for smoking
Litchfield Hotel	Alteration including alfresco decking for smoking
Sky City	Part of a revamp of premises for smoking
Shenannigans	Revamp of premises, open doors installed for easier access for alfresco dining and smoking
Hayes Creek Inn	Enclose the dining area to allow for greater delineation between smoking and non smoking areas
Globetrotters	Install alfresco to side of building for smoking
Golf Links Motel	Sale of alcohol from the external bar and patrons to consume alcohol in the outside courtyard and pool area.
The Fox Ale House	Complete renovation and re-modelling of the premises
Walkabout Tavern	Revamp of premises, internal changes only
CrossWays Hotel	Renovating the unused area of the premises formerly known as the Front Bar
Gove Yacht Club	Permanent structure over BBQ area
Jabiru Golf Club	New verandah
Kitty O'Shea's	Refurbishment of premises
Alyangula Recreational Club	Major refurbishment of the club's bistro/gaming and alfresco dining areas and creation of new sports bar
Katherine Motel	Fence existing external smoking area
Top End Hotel	Internal changes only
Palmerston Sports Club	Relocation of the Palmerston RSL Club into the Angels function room
Novotel Atrium Darwin	Refurbish of Zest terrace space
Town & Country Tavern	Extension of licensed area and alterations to premises
Alice Springs Memorial Club	Extensive renovations and re-modelling of premises, including new café area, relocate restaurant, conference room, TAB and gaming room, create outdoor smoking area, pool and darts room
Crowne Plaza Alice Springs	Modify and increase courtyard decking to create smoking area
Lasseters Hotel Casino	New Asian style restaurant within premises

SPECIAL LIQUOR LICENCES

Special Liquor Licences are generally for the purpose of 'one-off' events, although these may occur on an annual basis such as the Darwin Beer Can Regatta. Applications for special licences are usually made by service and sporting clubs or by community organisations wanting to fundraise. Staff employed to work serving alcohol at these events are generally volunteers or club members. Special Liquor Licences are subject to adequate safety and security provisions and any special conditions as specified by the Commission.

Table 13: Total Special Liquor Licences issued in 2008/09

Special Liquor Licenses Issued	2008/09
TOTAL	340

CONTINUING SPECIAL LICENCES

Continuing Special Licences are subject to a number of conditions including maximum trading hours of 30 hours per week. Continuing Special Licences are generally for the purpose of regular repeated events such as social clubs and specialised entertainment venues such as Browns Mart. Conditions are tailored to the nature and purpose of the licence and the majority of staff employed in the service of alcohol are generally volunteers or committee members.

The Director of Licensing holds the delegation to approve Continuing Special Licences and they are only referred to the Commission in special circumstances or in the review of the Director's decision.

Table 14: Total Continuing Special Liquor Licences issued in 2008/09

Continuing Special Liquor Licences Issued	2008/09
TOTAL	211

LIQUOR PERMITS

The Commission may grant permits to residents of and visitors to some alcohol restricted areas. Liquor permits allow the holder to possess, control and consume liquor within the restricted area. Permits are often restricted to a class, category or amount of liquor. The Commission regularly delegates initial assessment of permit applications to a local committee with a Constitution approved by the Commission. A permit is revoked when a holder fails to comply with or breaches a condition of their permit. Permits are normally revoked at the request of local police, both in individual cases or where a blanket revocation is necessary to meet an emergency situation. Generally, permits are current for one year and need to be renewed annually.

Table 15: Liquor Permit activity for Restricted Areas for the 2008/09 period

Permits	2008/09
Issued	9550
Revoked	156
Cancelled	1
Total In Effect	9393

EAST ARNHEM – LIQUOR PERMIT SYSTEMS

Alcohol management systems in the East Arnhem region are proving to be an effective way to better manage alcohol at a community level.

Groote Eylandt

In July 2005, the Groote Eylandt community established a liquor permit committee to support the management of alcohol-related issues in the area. Committee membership includes key stakeholders such as representatives from relevant Territory and Australian Government agencies, Indigenous Elders, community councils, BHP Billiton (the local GEMCO mine) and industry, including local licensees. Since the liquor permit system was introduced, there has been a significant reduction in alcohol-related crimes and a dramatic improvement in social function and community harmony. Much of this success can be attributed to the ongoing commitment and work of the permit committee. In 2008, for their efforts, the permit committee won two national awards in the category of 'crime prevention' which resulted in \$20,000 in prize money.

Gove

In March 2008, a permit system for the purchase of takeaway alcohol was introduced. Building on the successes of the Groote Eylandt permit committee, three permit committees were established to support the alcohol management system. Permit committees are located in Ski Beach and the townships of Nhulunbuy and Yirrkala. Similar to the Groote Eylandt model, membership includes key community stakeholders, and administrative support is provided by the NT Department of Justice. Preliminary findings have indicated that since the alcohol management system was introduced there has been a decrease in alcohol-related crimes and anti-social behaviour.

RESTRICTED AREAS

The *Liquor Act* empowers the Commission, upon application, to declare an area to be a general restricted area, a public restricted area or a private restricted premise. Other types of restricted areas (i.e. Special Restricted areas and Prescribed Areas) may be imposed at the discretion of the Northern Territory or the Federal Minister. When considering applications, the Commission is required to ascertain the opinions of relevant parties including residents, licensees and community government councils.

	General Restricted Areas	Public Restricted Areas	Private Restricted Areas
Declaration	Declared by Licensing Commission after extensive consultation with affected community.	Declared by Licensing Commission after extensive consultation with affected community.	Declared by Licensing Commission with consent of majority of occupiers.
Offences	It is an offence to bring, have, consume or sell liquor, without a licence or a permit.	It is an offence to consume liquor without a permit.	It is an offence to possess, consume or bring liquor onto the restricted area.
Penalties	1st offence – maximum penalty of \$1000 or 6 months jail. 2nd or subsequent offence, maximum penalty of \$2000 or 12 months jail. Discretionary seizure of vehicle	The maximum penalty for consumption of liquor is \$500. Confiscation/tip out of liquor	Maximum penalty of \$500. Confiscation/tip out of liquor

Table 16: Type and Number of Restricted Areas/Premises in 2008/09 in comparison with the 2007/08 period

Type of Alcohol Restricted Areas Declared by Commission	2007/08	2008/09
General	110	110
Public	7*	7*
Private Restricted Premises (private homes and buildings)	328	431
TOTAL	445	548

* Public Restricted Areas by region are Alice Springs, Tennant Creek, Mataranka, Katherine, Darwin, Nhulunbuy/ East Arnhem and Groote Eylandt.

Kava Licensing

HISTORY

Kava is a mood-altering drink prepared from the crushed root of the pepper plant. Widely used in South Pacific countries in a ceremonial context, it was first introduced into the Arnhem Land area of the Territory in the early 1980s, and was readily adopted in most coastal and island communities across the Top End. Within a decade, over-use of kava in Aboriginal communities was causing concern amongst health professionals and others. Kava acts as a sedative, and its long-term heavy use was linked to emerging community apathy and dysfunction.

LEGISLATION

The *Kava Management Act* came into effect in 1998. The *Kava Management Act* prohibits the possession of kava outside a declared licence area except in accordance with a licence.

KAVA LICENCE AREAS AND KAVA LICENCES – AUSTRALIAN GOVERNMENT INTERVENTION

In June 2007, the Australian Government, in conjunction with its intervention into the Northern Territory triggered by the 'Little Children are Sacred' report, imposed severe restrictions on the importation of kava to Australia. Commercial quantities of kava can now only be imported for pharmaceutical or research purposes.

While provisions for licensing of kava still exist within the *Kava Management Act*, the impact from the changes made to import restrictions has resulted in the cessation of the regulated trade of kava in the Northern Territory.

Gaming Machine Licensing

LEGISLATION

The principal functions of the Commission pursuant to the *Gaming Machine Act* are:

- determination of applications for all gaming machine licences;
- determination of the number of gaming machine licences;
- approval of tenders for the supply of gaming machines and games contained therein;
- issue of directions to licensees in relation to the conduct of gaming and the administration of licensed premises; and
- disciplinary action against licensees, including the power to suspend or cancel a licence.

The *Gaming Machine Act* does not apply to casinos.

Section 21(1A) of the *Northern Territory Licensing Commission Act* requires the Licensing Commission to report to the Minister the extent to which the objectives of the *Gaming Machine Act* have been met during the financial year.

The stated objectives of the *Gaming Machine Act* are to:

- promote the responsible operation and use of gaming machines, ensure the probity and integrity of participants in the gaming industry;
- ensure the fairness of games, the integrity of gaming systems and the delivery of quality services to game players; and
- ensure that clubs holding gaming licences will improve the amenity of their neighbourhoods in order to maximise the welfare of the community as a whole.

RESPONSIBLE OPERATION AND USE OF GAMING MACHINES

A Code of Practice for Responsible Gaming was developed by a working party consisting of government, industry and social service providers as a measure to promote the responsible operation and use of gambling facilities. Adoption of the code began on a voluntary basis and was gazetted and became mandatory in June 2006.

PROBITY AND INDUSTRY PARTICIPANTS

In order to ensure the probity and integrity of the gaming machine industry, the Director of Licensing conducts extensive probity checks and financial assessments of all applicants for gaming machine licences. The Commission must be satisfied as to the suitability of every applicant. Probity checks include a fingerprint search and criminal history check. All persons employed in the industry, including machine managers and repairers of gaming machines, require licences.

FAIRNESS AND INTEGRITY OF GAMING SYSTEMS

In line with national industry benchmarks, the Director of Licensing ensures the fairness and integrity of gambling-related computer and control systems operating in the Northern Territory. Risk management strategies include a thorough evaluation of all new systems and hardware before being approved for operation. From 1 July 2001, all gaming machines operating within Northern Territory clubs and hotels transferred to the NT TAB monitoring system, now part of the UNiTAB operation.

In October 1999, the Northern Territory adopted the National Standard for Gaming Machines, which provides a consistent technical benchmark for the Australian gaming industry in relation to the fairness of games and the integrity of gaming machines. Most community (club and hotel) gaming machines comply with the National Standard, with some older models complying with an earlier Queensland standard.

COMMUNITY IMPACT

Amendments to *Gaming Machine Act* in September 2004 provided a greater focus on harm minimisation and introduced the need for applicants to submit a community impact analysis with their gaming machine licence application.

The Act requires that the community impact analysis must enable the Commission to assess:

- The suitability of the premises in relation to the size, layout and facilities for the proposal;

- The suitability of the premises in relation to whether or not the primary activity of the premises is that of a hotel or club;
- The suitability of the proposed location, having regard to the population of the area, the proximity to other gaming venues and the proximity to sensitive areas;
- The appropriateness of problem gambling risk management and responsible gambling strategies; and
- The economic impact of the proposal.

When assessing the community impact, the Commission must also take into account any submissions made by the community. During the year, the Commission announced it would require a more rigorous community impact analysis to accompany gaming machine applications.

COMMUNITY CONTRIBUTION

Clubs with gaming machines are required to contribute to their neighbourhood amenity and report thereon to the Director of Licensing. Contributions towards the development of a club's neighbourhood may take various forms including improvements to the club's facilities and services and donations to local community, recreational or service organisations.

Gaming machine licensees holding a liquor licence other than a club licence are subject to a community benefit levy, assessed on the basis of a prescribed percentage of gross profit. The Community Benefit Fund receives the levy and funds are disbursed by the Community Benefit Committee.

GAMING MACHINE LICENCES

Gaming machine licences remain in effect until cancelled, revoked or ceased. Licences are not transferable, and therefore a new licence is required for a change of owner. A change to the *Gaming Machine Act* in 2004-05 allowed hotels without takeaway liquor conditions to apply for a gaming licence.

In July 2008, the Minister for Alcohol Policy announced that the maximum number of gaming machines to operate in the Northern Territory would be capped at 1,190.

Table 17: Gaming Machine Licence approvals in 2008/09 in comparison with the 2007/08 period

New Gaming Machine Licence Approvals	2007/08	2008/09
Hotels	7	0
Clubs	0	0
TOTAL	7	0*

* In July 2008, a cap was placed on the total number of community gaming machines able to operate in the Northern Territory, which is reflected 2008/09 approvals.

Table 18: Commission Hearings relating to Gaming Machine Manager's Licences

Nature of Hearing	Decision Date	Decision
Review of Gaming Machine Manager's Licence	10/03/09	Licence Granted

DISTRIBUTION OF GAMING MACHINES

Reporting the distribution of gaming machines is on a regional basis. The southern region refers to all gaming machine licensed venues in the Alice Springs and Tennant Creek areas. All other venues are included in the northern region. As at 30 June 2009, 78 premises were operating 1,173 gaming machines, which compares with 1,166 operating in June 2008.

Table 19: Gaming Machine Distribution in the southern and northern regions for 2008/09, in comparison to the 2007/08 period

Gaming Machine Distribution		In Clubs	In Hotels	TOTAL
2007/08	Northern Region	567	354	921
	Southern Region	177	68	245
	TOTAL	744	422	1166
2008/09	Northern Region	575	354	929
	Southern Region	174	70	244
	TOTAL	749	424	1173

GAMING MACHINE INDUSTRY PERFORMANCE IN CLUBS/HOTELS

The performance of community-based gaming machines has been monitored on a monthly basis since the introduction of cash-paying gaming machines in 1996.

During 2008/09, the average gross profit, per machine, per day was \$183.73, compared to \$169.33 in 2007/08. Gaming machine gross profit has risen by 9.16% to \$78.665 million in 2008/09, up from \$72.063 million in 2007/08.

Table 20: Machine Numbers, Gross Profits and Tax Paid by clubs in 2008/09

Name of Club	Number of Machines	Gross Profit (\$)	Gaming Tax (\$)
Alice Springs Golf Club	7	\$33,697	\$4,350
Alice Springs Memorial Club	45	\$2,029,537	\$586,048
Alice Springs RSL Club	24	\$571,939	\$123,614
Alyangula Golf Club	8	\$112,653	\$17,494
Alyangula Recreation Club	15	\$1,149,368	\$286,226
Arnhem Club	44	\$5,110,078	\$1,883,734
Casuarina All Sports Club	45	\$7,366,736	\$2,852,066
Cazalys Palmerston Club Inc	45	\$6,328,898	\$2,406,730
Darwin Bowls & Social Club	3	\$22,335	\$2,883
Darwin Golf Club	13	\$209,546	\$39,007
Darwin North Sub Branch RSL	6	\$52,083	\$6,938
Darwin RSL Club	30	\$1,293,336	\$327,745
Darwin Rugby League Club	5	\$2,531	\$339
Darwin Sailing Club	10	\$72,789	\$10,263
Darwin Trailer Boat Club	10	\$227,103	\$43,227
Federal Sports Club	10	\$229,015	\$43,467
Gillen Club – Alice Springs	45	\$2,400,623	\$728,708
Gove Country Golf Club	12	\$123,964	\$20,845
Humpty Doo & Rural Area Golf Club	10	\$177,273	\$31,632
Jabiru Sports & Social Club	17	\$433,740	\$93,210
Katherine Club	45	\$2,528,449	\$784,193
Katherine Country Club	35	\$2,155,428	\$642,850
Katherine Sports & Recreation Club	19	\$749,793	\$169,762
Nightcliff Sports Club	22	\$1,808,780	\$499,325
Palmerston Golf & Country Club	21	\$520,554	\$110,897
Palmerston Sports Club	45	\$6,461,623	\$2,463,682
PINT Club	24	\$968,894	\$227,509
RAOB Club	16	\$936,050	\$227,891
Sporties Club	14	\$328,220	\$66,195
St Mary's Football Sporting & Social Club	30	\$882,712	\$209,783
Tennant Creek Bowling Club	4	\$9,345	\$1,211
Tennant Creek Memorial Club	25	\$1,836,596	\$517,154
Tracey Village Social & Sports Club	45	\$5,472,316	\$2,039,171
TOTAL	749	\$52,606,002	\$17,468,151

Table 21: Gaming Machine Numbers, Gross Profit, Tax and Community Benefit Levy in Hotels for 2008/09

Name of Hotel	Number of Machines (as at 30 June 09)	Gross Profit (\$)	Gaming Tax (\$)	Community Benefit Levy (\$)
Aileron Roadhouse	4	\$31,074	\$9,253	\$3,107
Airport Hotel	10	\$987,839	\$324,400	\$98,784
Barkly Homestead	5	\$73,349	\$23,593	\$7,335
Beachfront Hotel	10	\$1,049,736	\$337,781	\$104,974
Corroboree Park Tavern	10	\$122,327	\$33,038	\$12,233
Crossways Hotel	10	\$431,140	\$134,770	\$43,114
Deck Bar (The)	10	\$385,950	\$128,712	\$38,595
Ducks Nuts Bar & Grill	10	\$269,405	\$67,664	\$26,940
Fox Ale House (The)	10	\$241,532	\$71,982	\$24,153
Frontier Hotel	10	\$1,205,095	\$399,273	\$120,510
Gapview Resort Hotel	10	\$316,084	\$98,701	\$31,608
Globetrotters Lodge	10	\$136,240	\$39,457	\$13,624
Goldfields Hotel	8	\$545,273	\$179,022	\$54,527
Heavitree Gap Tavern	10	\$344,960	\$106,592	\$34,496
Hibiscus Tavern	10	\$1,494,800	\$504,003	\$149,480
Hidden Valley Tavern	10	\$456,248	\$149,139	\$45,625
Howard Springs Tavern	10	\$1,022,429	\$329,889	\$102,243
Humpty Doo Hotel	10	\$1,202,189	\$397,924	\$120,219
Humpty Doo Tavern	10	\$1,476,280	\$500,872	\$147,628
Katherine Hotel	10	\$661,041	\$216,197	\$66,104
Kitty O'Shea's	10	\$643,206	\$206,437	\$64,321
Litchfield Hotel	10	\$305,695	\$78,326	\$30,569
Mataranka Hotel	10	\$196,003	\$57,943	\$19,600
Monsoons	10	\$546,750	\$176,643	\$54,675
Noonamah Tavern	10	\$404,998	\$127,543	\$40,500
Palmerston Tavern	10	\$822,788	\$269,124	\$82,279
Parap Tavern	10	\$1,531,961	\$515,686	\$153,196
Pine Creek Hotel	10	\$429,698	\$136,905	\$42,970
Plaza Karama Tavern	10	\$1,204,305	\$394,978	\$120,430
Rum Jungle Motor Inn	10	\$100,929	\$31,700	\$10,093
Rum Jungle Tavern	10	\$516,166	\$166,981	\$51,617
Shenannigans Irish Pub	10	\$545,947	\$166,745	\$54,595
Squires Tavern	10	\$612,487	\$205,179	\$61,249
Tennant Creek Hotel	10	\$428,079	\$139,433	\$42,808
The Archrival & Nirvana Restaurant	10	\$626,809	\$198,250	\$62,681
The Cavenagh	10	\$596,640	\$196,310	\$59,664
Threeways Roadhouse	0	\$57,929	\$19,739	\$5,793
Timber Creek Wayside Inn	4	\$133,427	\$40,737	\$13,343
Todd Tavern	10	\$598,252	\$190,683	\$59,825
Top End Hotel	10	\$446,662	\$152,238	\$44,666
Town & Country Tavern	10	\$50,130	\$9,485	\$5,013
Victoria Hotel – Darwin	10	\$952,502	\$313,212	\$95,250
Virginia Tavern	10	\$535,448	\$175,210	\$53,545
Walkabout Tavern	10	\$636,020	\$203,142	\$63,602
Winnellie Hotel	10	\$669,573	\$223,087	\$66,957
Yulara Residents Club	3	\$13,796	\$5,031	\$1,380
TOTAL	*424	\$26,059,190	\$8,453,010*	\$2,605,919*

*Total includes monies due to be paid, but outstanding as at 30 June 2009 (tax outstanding \$18,049 and levy outstanding \$4,200). For further details of disbursement of Community Benefit Levy, refer to www.nt.gov.au/justice/policycoord/cbf/

Private Security Licensing

The *Private Security Act* provides for regulation of security providers. There are three categories of security providers and three corresponding types of security licences:

- Crowd controller
- Security officer
- Security firm

A person may hold both a crowd controller's licence and a security officer's licence. Crowd controllers are usually employed at licensed premises, places of entertainment, and sporting events and concerts. Private security officers are normally employed to take care of property, such as performing duties of bank guards, payroll escorts and undertaking security patrols of offices, shops, car yards and shopping centres.

The majority of licence approvals are delegated to the Director of Licensing. Licence applications are referred to the Commission in cases where the grant or refusal of a licence is outside the scope of the Director's authority.

Applications are automatically refused where applicants have disqualifying offences, and are often refused if the applicant has committed crimes of violence at any level or drug-related offences. The Commission has broad powers to impose conditions on licences including reporting, training or employment requirements.

The grant of a licence may be valid for up to three years. A licence renewal may not be refused without the applicant being given an opportunity to show cause against the refusal. Appeal rights exist to the Local Court, which has a wider discretion to grant licences than the Commission. Two appeals on licence refusals were lodged during 2008/09; one was found in favour of the appellant and one is still before the Magistrate.

PRIVATE SECURITY LICENSING HEARING DECISIONS

Table 22: Commission Hearings relating to Private Security Licensing

Nature of Hearing	Decision Date	Decision
Not wearing prescribed identification for Crowd Controller S 54 – <i>Private Security Act</i>	01/01/09	No further action
Application for Crowd Controller/ Security Officer's Licence	15/12/08	Provisional Licence as a Security Provided approved. Crowd Controllers Licence not approved
Complaint pursuant to S 53C(3)(b) – <i>Private Security Act</i>	30/03/09	Crowd Controller Licence Cancelled
Application for Crowd Controller/ Security Officer's Licence	15/05/09	Crowd Controller Licence not approved. Security Officers Licence granted for 12 months
Complaint pursuant to S 53C – <i>Private Security Act</i>	26/05/09	Suspension of dual licence for 3 days within the next month.
Application for Crowd Controller/ Security Licence		Awaiting Decision

COMPLAINTS

The *Private Security Act* provides a formal complaint process, enabling any person to lodge a complaint against a security provider. The Commission determines such complaints, with penalties ranging from a reprimand or fine to suspension or cancellation of licence where the licensee is no longer considered an appropriate person within the criteria provided by that Act. The licensee is generally given the opportunity to show cause against a proposed suspension or cancellation, unless the Commission is satisfied that immediate suspension is required in the public interest. If a licensee is charged with a disqualifying offence, the Commission may immediately suspend their licence, pending determination of the charge by the appropriate court.

LICENCE NUMBERS

The Act requires a Crowd Controllers' Register and a Security Officers' Register to be maintained, listing all full licence and provisional licence holders. A full licence holder will have completed an approved training course. Provisional licence holders generally obtain the qualification required to become a fully licensed officer during the provisional period of three months. A provisional licence may be issued to an applicant on the basis that he or she attends an approved training course, and on the condition that they are supervised at all times while on duty.

No licence is issued prior to an applicant undergoing a detailed criminal record check.

Table 23: Private Security Licences in force as at 2008/09, in comparison with the 2007/08 period

Type of Licence	2007/08	2008/09
Dual security/crowd controller	890	1750
Sole crowd controller	263	355
Sole private security officers	143	353
Security firm	53	54
TOTAL	1349	2512

MUTUAL RECOGNITION

Section 17 of the *Mutual Recognition Act (Commonwealth)* requires the Commission to recognise the registration of a person in another state or territory as a security officer or crowd controller by issuing that person with the equivalent Northern Territory licence. Issues sometimes arise when an applicant for mutual recognition would not otherwise qualify for a licence under the Territory legislation, particularly where such an applicant would be automatically disqualified from obtaining a licence under the *Private Security Act* on the basis of an unacceptable criminal record. In the latter cases, the Commission has issued the licence as required by the *Mutual Recognition Act*, then taken immediate action under the *Private Security Act* to challenge what is then a local licence.

Table 24: Licences issued under the *Mutual Recognition Act* in 2008/09, in comparison to the 2007/08 period

Licence Type	2007/08	2008/09
Crowd Controller	3	10
Security Officer	12	15
Dual Licence	46	81
TOTAL	61	106

Escort Agency Licensing

The Commission determines licence applications for the operators and managers of escort agencies. While no formal complaint process is provided by the *Prostitution Regulation Act*, in practice the Commission gives the applicant the opportunity to attend any licence application inquiry.

The Commission interviews all applicants for new licences in order to assess their suitability to hold a licence. People with previous sexual, violent or drug-related offences may be ineligible to hold a licence or deemed to be unsuitable by the Commission, depending on the offence. Licences are subject to annual renewal.

There are two Escort Agency Operator Licences and no Escort Agency Manager Licences current as at 30 June 2009.

Totalisator Licensing

There is only one totalisator licence in operation, and Licensing Commission responsibilities in relation to this licence have required minimal activity.

From time to time the Commission approves additional or substituted totalisator agencies.

The *Totalisator Licensing and Regulation Act* provides a public complaint mechanism in relation to the conduct of a totalisator licensee, with complaints to be investigated and determined by the Commission. The Commission has a range of penal powers, ranging from a reprimand or fine, to cancellation of the licence.

No complaints were received during 2008/09.

Throughout the Northern Territory there are 51 TAB outlets, consisting of 10 agencies, 38 club/pub licensed outlets and 3 on-course TAB outlets.

Table 25: On-course and Off-course Wagering Turnover Figures for 2008/09 and a comparison with 2007/08

Wagering Turnover (\$m)	2007/08	2008/09
On-course	11.387	15.303
Off-course	128.750	148.758
*TOTAL	140.137	164.061

*Further details of taxation raised are contained in Northern Territory Treasury's annual report (www.nt.gov.au/ntt/annual_report.shtml)

Tobacco Licensing

The Commission's role under the *Tobacco Control Act* is limited to reviewing refusals of the Director of Licensing to grant, transfer or vary a licence, and decisions of the Director of Licensing suspending or cancelling a licence. Section 41 of the *Tobacco Control Act* requires reviews to be conducted in accordance with Part 4 of the *Northern Territory Licensing Commission Act*, which mandates a fair and expeditious manner of hearing, and proper consideration of the issues.

No applications for review were lodged with the Commission in the reporting period.

Racing and Betting

FUNCTIONS OF RACING COMMISSION

The principal functions of the Racing Commission pursuant to the *Racing and Gaming Act* are:

- investigate and make to the Minister such recommendations as it thinks fit with respect to such matters relating to the administration, or operation, of this Act, or as are referred to it by the Minister for investigation, or as it from time to time thinks fit;
- undertake research and investigations into matters relating to horse-racing, trotting and greyhound-racing and the breeding of horses for horse-racing and trotting and greyhounds for greyhound-racing, including the financial security of the organisations and persons whose subsistence or livelihood is derived from or directly connected with horse-racing, trotting or greyhound-racing;
- control, supervise, regulate and develop trotting and greyhound-racing;
- grant licences and permits in accordance with this Act;
- define the duties and functions of a person employed as a key employee;
- allot race days for such period or periods as it thinks fit to registered clubs;
- prosecute persons for offences against this Act; and
- carry out such other functions as are conferred on it by or under this Act or any other law of the Territory.

In performing its functions, the Commission must have regard to the following principles:

- minimum regulatory intervention by government;
- maximum co-operation between industry and government;
- performance-based risk management controls;
- proactive and competitive industry positioning;
- long-term viability of the racing industry; and
- a balanced approach to problem betting.

POWERS OF RACING COMMISSION

Subject to this Act, the Racing Commission has power to do all things that are necessary or convenient to be done for, in connection with, or incidental, to the performance of its functions and the exercise of its powers.

Without limiting the generality of subsection (1), the Commission may, in the performance of its functions and the exercise of its powers, including powers or functions conferred on it elsewhere in this or any other Act:

- investigate any matter referred to it by the Minister and report to the Minister thereon;
- subject to the approval of the Minister, enter into contracts;
- do all such things as it considers necessary or desirable for the proper regulation and control, in the interests of the public, of betting by and with bookmakers or by means of a totalisator conducted in pursuance of a licence granted under section 111;
- do all such acts and things as it considers necessary or desirable for the proper regulation and control, in the interests of the public, of bookmakers, horse-racing, trotting and greyhound-racing; and
- do anything incidental to any of its powers.

The Commission may make rules providing for the custody of its property and the form and use of its common seal.

PROBITY AND INTEGRITY IN RACING AND BETTING IN THE TERRITORY

The Racing Commission monitors the thoroughbred industry's principal club activities, and oversees the activities of the greyhound industry, through the Department's Chief Steward.

The Commission also monitors and controls activities of all the registered and licensed bookmakers in the Northern Territory.

In order to ensure the probity and integrity of the racing industry, the Commission, through Departmental staff, conducts extensive probity checks and financial assessments of all applicants in the wagering industry. Probity checks include fingerprint criminal history checks for key persons employed in the industry. The Commission must be satisfied as to the suitability of every applicant.

The Commission also licences certain persons engaged in the greyhound industry, pursuant to the Greyhound Racing Rules.

The Commission, through Departmental staff, ensures all wagering systems used by bookmakers are fully evaluated before approval to ensure compliance with requirements. They are regularly monitored through risk-based and on-site assessment to ensure continued compliance.

The Commission determines disputes and complaints in a timely manner.

A mandatory Code of Practice for Responsible Gambling applies to all Northern Territory wagering operators.

CORPORATE AND ON-COURSE BOOKMAKERS

Table 26: Total number of Licensed Bookmakers for 2008/09 in comparison to the 2007/08 period

Bookmakers operating in the NT	2007/08	2008/09
No of Corporate Bookmakers	13	13
No of On-Course Bookmakers	37	36
TOTAL	50	49

Table 27: Turnover and Related Tax for Licensed Bookmakers for 2008/09 in comparison to the 2007/08 period

Category	Turnover (\$m)		Tax (\$m)	
	2007/08	2008/09	2007/08	2008/09
Racing	\$3,023.942	\$3,524.849	\$9.899	\$10.664
Sport	\$1,107.911	\$1,193.000	\$0.857	\$0.737
TOTAL	\$4,131.853	\$4,717.849	\$10.756	\$11.401