

# Northern Territory Licensing Commission

## Reasons for Decision

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<b>Premises:</b>	Gove Country Golf Club
<b>Licensee:</b>	Gove Country Golf Club Inc
<b>Licence Number:</b>	81401770
<b>Nominee:</b>	Mr Ian (Mo) McKay
<b>Proceeding:</b>	Section 33 of the <i>Liquor Act 1978</i> Conditions may vary conditions Licensee may request a hearing Commission shall conduct a hearing
<b>Heard Before:</b>	Mr Peter Allen (Chairman)
<b>Date of Hearing:</b>	27 February 2001
<b>Date of Decision:</b>	Delivered 27 February 2001
<b>Appearances:</b>	Mr Ian McKay Mr Russel Taylor

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The matter for decision before the Commission arose from the issue of a notice issued by the Commission pursuant to Section 33(1) of the *Liquor Act 1978*. The notice, signed by the Chairman on 12 January 2001, informed the licensee of the Commission's intention to vary the conditions of its licence so as to reduce the liquor trading hours applicable to the premises at the Gove Country Golf Club.

Although the notice was directed, as it must be, to a specific licensee, the notice was replicated to four other licensees in Nhulunbuy as the prelude required for the imposition of liquor restrictions in the community.

The possibility that liquor restrictions may be implemented in Nhulunbuy was earlier communicated to all licensees and the Nhulunbuy community at large by means of a detailed letter placed into all post-boxes at the Nhulunbuy Post Office. The letter was published in full in the *Arafura Times*.

The trading hours foreshadowed in the Section 33(1) notice would reduce the trading period available for the sale of liquor for consumption on the premises to 11:30AM to 10:00PM from Sunday to Wednesday and from 11:30AM to 11:30PM on Thursday and Friday.

Trading hours for the sale of liquor for consumption away from the premises would reduce on Sunday to Friday to between 2:00PM and 8:00PM.

Liquor trading hours on Saturday did not form part of the Section 33(1) notice and will thus remain congruent to existing licence conditions. That is on Saturday, trading hours for consumption on the premises will remain as 10:00AM to 11:30PM and for consumption away from the premises, 10:00AM to 9:00PM.

For Public Holidays, trading hours for the sale of liquor for consumption away from the premises will remain identical to the hours specified for Saturday.

The licence contains a condition titled "Wednesday Morning". The condition permits the sale of liquor for consumption on the premises, "Between 8:00AM and 10:00AM on Wednesday...to members and bona fide guests...ancillary to a fully cooked breakfast and participation in a round of golf". This special condition is not disturbed by the Section 33(1) notice.

Trading is not permitted on Good Friday and Christmas Day.

The Nominee responded to the Commission's Section 33(1) notice by means of a letter dated 7 February 2001. The response sought a hearing. The Commission is directed by Section 33(3) to conduct a hearing.

At commencement, Mr McKay for the licensee handed up a precis of his proposed submission and a detailed list of current members. The membership list is Exhibit One.

Mr McKay submitted that the Club and its members are well aware and both understand and appreciate the reasons underpinning the issue of the Section 33(1) notice but remain concerned regarding the impact of the foreshadowed restrictions on the Club. The likely impact was seen as affecting its social and the economic well being.

The major concern of the licensee is that many of the Club's members are shift-workers who finish their shift at 7:00AM then play a round of golf normally finishing by 10:00AM. Having completed their game, such members traditionally adjourn to the air-conditioned clubhouse to pay green fees and to enjoy cold refreshments, both liquor and non-liquor and snack foods.

Mr McKay submitted that with no facilities available until 11:30AM, the opening time specified in the notice, the early morning players would most likely depart the golf course with little likelihood of their return at opening time or thereafter that day.

In order to provide for these members and their guests the licensee submitted that the trading hours not be varied. In the alternative, the licensee submitted that the Commission vary the Club's licence so that the premises may trade from 10:00AM on the days disturbed by the Section 33(1) notice, in order that persons involved in the golfing activities of the Club can be catered for.

In his oral submissions Mr McKay did not pursue the Club's primary position that the trading hours not be varied but relied exclusively on its alternative position that the Commission approve arrangements specific to its early morning golfers.

The Commission is well satisfied on the basis of its corporate knowledge that the Club is a well-managed premises and contributes a benefit by way of facility and ambience to the community of Nhulunbuy.

The Commission is satisfied that approval of the Club's submission to trade for consumption on the premises from 10:00AM on the days described in the notice, for the specific purpose of servicing golfing members and guests, is unlikely to detract from the intended benefits of the trial of liquor restrictions in Nhulunbuy.

The Licensee's submission is approved subject to the condition described hereunder.

It is a condition of the Commission's approval and shall be a condition of the licence that in the event of a complaint pursuant to Section 48(2) of the *Liquor Act*, the onus shall be upon the licensee to satisfy the Commission that any person sold or supplied liquor prior to 11:30AM on the days described in the Section 33 (1) notice is a member or guest who has that day participated in a game of golf.

The Commission notes that the six-month trial of liquor restrictions, the subject of the Section 33(1) notices issued on 12 January 2001, will commence on 1 March 2001.

The Commission proposes to commence an evaluation of the trial restrictions during August 2001. The licensee of Gove Country Gold Club will be invited to assist the Commission in the evaluation as will all other Nhulunbuy licensees.

Peter R Allen  
Chairman

27 February 2009