

# Liquor Commission

## Decision Notice

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<b>MATTER:</b>	<b>APPLICATION FOR A LICENCE</b>
<b>REFERENCE:</b>	<b>LC2018/062</b>
<b>PREMISES:</b>	<b>Mainoru Outstation Store</b> Mainoru Station PMB 55 KATHERINE NT 0852
<b>APPLICANT:</b>	Hayes Enterprises (NT) Pty Ltd
<b>NOMINEE:</b>	Mrs Catherine Hayes
<b>OBJECTOR/S:</b>	Nil
<b>LEGISLATION:</b>	Section 26, Part IV and V of the <i>Liquor Act</i> .
<b>HEARD BEFORE:</b>	Ms Jodi Truman (Deputy Chairperson) Dr Charles Douglas (Health Member) Mrs Christine Hart (Community Member)
<b>DATE OF HEARING:</b>	5 July 2018
<b>DATE OF DECISION:</b>	17 July 2018

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### **Decision**

1. For the reasons set out below and in accordance with section 29 of the *Liquor Act* ("the Act") the Commission has determined to issue a licence to Hayes Enterprises (NT) Pty Ltd.
2. In accordance with section 31 of the Act, the licence shall be subject to the specific condition (in addition to those general conditions of all such licences) that:
  - a. The liquor shall be sold pursuant to an authority as a "Private Hotel" authorising the sale of liquor for consumption on or at the licensed premises.
  - b. The trading hours for the sale of liquor shall be between:
    - i. 1800 hours to 2159 hours on Sunday.

- ii. 1800 hours to 2159 hours on Monday.
  - iii. 1800 hours to 2159 hours on Tuesday.
  - iv. 1800 hours to 2159 hours on Wednesday.
  - v. 1800 hours to 2159 hours on Thursday.
  - vi. 1800 hours to 2159 hours on Friday.
  - vii. 1800 hours to 2159 hours on Saturday.
- c. The liquor shall be sold during the above trading hours and only to bona fide lodgers of the premises for consumption on the premises and ancillary to a meal.
- d. The licence shall be subject to and inclusive of such additional conditions as may at any time be:
- i. Requested in writing by the Licensee;
  - ii. Approved by the Liquor Commission, as the case may require, or imposed by the Liquor Commission as a condition of the granting of such a request by a Licensee; and
  - iii. Notified in writing by the Director-General of Licensing (“the Director-General”) or the Liquor Commission to the Licensee.
3. The nominee of the licence shall be Mrs Catherine Mavis Hayes.
4. On the basis that the Northern Territory Fire and Rescue Service have advised that they do not conduct inspections for maximum patron numbers in the remote location of Mainoru Outstation, there will be no general “Fire” condition within the licence.
5. There will however remain a general “Fire Precautions” condition within the licence.
6. The area covered by the licence is that which is depicted in the diagram attached to the licence and marked in red.

## **Reasons**

### **Background**

7. On 13 December 2017 an application was lodged by Mrs Catherine Hayes on behalf of Hayes Enterprises (NT) Pty Ltd seeking a licence for premises known as the Mainoru Outstation Store (“the store”).

8. The store is located at Mainoru Outstation which is located on the Central Arnhem Road, some 250km north east of Katherine and some 70km north of Bulman Community. The non-pastoral use permit area covers approximately 0.5 kms<sup>2</sup> of the outstation. The Commission was told that the store itself has been in operation for over 15 years and previous owners have established it as a roadside stop to provide refreshment for local traffic, travellers and contractors working in the area.
9. Mainoru Outstation was described as being located on the Mainoru River in a “picturesque position” with an “abundance of birdlife in the surrounding canopies and established lawns to make it an enjoyable environment”.
10. The applicant; as new owners of Mainoru Outstation, took on the store business as from 1 January 2018 when the current tenant/manager retired. Approval of a new non-pastoral permit has been given for 30 years and it is the intention of the applicant to continue to operate the store for fuel, takeaway, soft drinks, retail, camping and accommodation.
11. The operating hours of the store are 0700 hours to 1800 hours, seven (7) days a week with fuel, tea/coffee, takeaway food, light refreshments, soft drinks, chips, lollies, ice-cream and retail items available for purchase.
12. Accommodation is also provided onsite together with the availability of a camping area. The accommodation is available for up to 12 guests with 8 single rooms and one (1) family room. The camping ground occupancy varies with seasonal traffic. The applicant is presently establishing a restaurant at the outstation and has therefore been undertaking renovations to the building. It is proposed that the restaurant will have a choice of indoor air-conditioned dining or, particularly in the Dry season, an outside dining area.
13. The restaurant will only serve those guests that are staying in the onsite accommodation or in the camping area and will only be open between 1800 hours and 2200 hours each evening. The liquor to be served at the premises will consist of beer of all strengths, wine and spirits. The applicant proposes that the beer shall be sold by the can or bottle. Wine will be sold by the glass or bottle and spirits with a mixer or in a ready to drink (“RTD”) style can or bottle. Each item is to be opened at the time of purchase and no guests will be permitted to take the liquor away from the restaurant for consumption and can only be purchased with a meal.
14. The Commission was advised that the applicant has never held a licence in the Northern Territory; however the proposed nominee, namely Mrs Catherine Hayes, has previously been a nominee on a special licence. There is nothing before the Commission to suggest that either the applicant or any of the associated persons are not appropriate for the holding of a liquor licence.
15. On 31 May 2018 pursuant to sections 28(1) and 50(a) of the Act the Director-General referred this application to the Commission to determine by way of a public hearing whether to issue a licence subject to any conditions or to refuse the application.

### **Disclosure of influential persons or potential beneficiaries**

16. The Commission notes that section 26A(1) of the Act now requires applicants to make an affidavit disclosing whether certain persons may be able to influence the applicant, or expect a benefit from the applicant, if the licence is granted. The applicant has filed such an affidavit.
17. As earlier noted, the applicant is "Hayes Enterprises (NT) Pty Ltd". Both Daniel Richard Hayes and Catherine Mavis Hayes and ("Mr and Mrs Hayes") are the principal executive officers of Hayes Enterprises (NT) Pty Ltd and pursuant to section 26A(2)(a) of the Act both persons are the appropriate person/s to make the affidavit.
18. Mr and Mrs Hayes have disclosed that no other persons, other than themselves, may be able to influence any decision made by the applicant and that no other person, other than themselves, may expect any benefit from the applicant if the licence is granted.
19. The Act prescribes that upon the application being filed, together with the affidavit under section 26A, there must be investigations conducted by the Director-General in relation to the application. The Commission has received no information to indicate there have been any adverse matters discovered as a result of the investigation by the Director-General.

### **Advertising and Objections**

20. Details of the application were advertised in the Katherine Times on Wednesday 21 February 2018 and Wednesday 28 2018 as well as having signage displayed at the premises for a period of 30 days. No objections were received in the notice period.
21. It is noted that section 27(3) of the Act requires that the Director-General must inform:
  - a. the Chief Executive Officer ("CEO") of the Department of Health ("DOH");
  - b. the Commissioner of Police; and
  - c. if the application relates to premises within the area of a shire council or a regional council - the Chief Executive Officer ("CEO") of the council.
22. The Director-General provided such notice together with notice to the Northern Territory Fire and Rescue Service ("NTFRS") and the Roper Gulf Regional Council (which is the relevant regional council) and the Development Consent Authority ("DCA") for comment.
23. With respect to this application:
  - a. The DOH advised that they had "no adverse comment".

- b. The NT Police supported the application.
- c. The NTFRS did not respond.
- d. The Department of Infrastructure, Planning and Logistics advised that the Development Consent Authority (“DCA”) had “no town planning concerns in relation to the application as the land is unzoned”.
- e. The Roper Gulf Regional Council also did not respond.

## **Public Hearing**

- 24. Pursuant to section 50 of the Act, the Director-General must refer *inter alia* applications under sections 26 of the Act to the Commission. Therefore these applications must be heard and determined by this Commission.
- 25. Pursuant to section 53 of the Act, the Chairperson of the Commission must fix the time and place for hearing and give notice to the relevant parties not less than 7 days before the hearing date. The hearing was fixed for 10.00am on 5 July 2018 and notice was given to the applicant on 13 June 2018.
- 26. Pursuant to section 53 of the Act; the Commission is not bound by the rules of evidence and may inform itself in the manner it considers appropriate and conduct the hearing, or part of the hearing, by use of telephone or online facilities. A hearing must also be conducted in public unless the Commission considers that a public hearing is likely to cause undue hardship to a person. No such submission has been made to this Commission and there is no evidence to suggest any such hardship.
- 27. The public hearing commenced at 10.00am on 5 July 2018. Mr Michael Grove of Ward Keller appeared on behalf of the applicant. Mr Philip Timney appeared as representative for the Director-General and provided information and assistance to the Commission during the course of the hearing. The Commission thanks both Mr Grove and Mr Timney for their assistance.

## **Assessment of the Application**

- 28. As earlier noted, there were no objections to this application. This is despite the fact that the applicant undertook their obligations with respect to public advertisement and consultation in accordance with the ordinary notice provisions required under the Act.
- 29. Despite there being no objections made to the application lodged by the Applicant, the Act now clearly provides that the Director-General must refer these types of applications to the Commission for decision. In addition, section 6B of the Act makes clear that it is the Applicant who bears the onus of satisfying the Commission that the approval of the application meets the public interest and community impact test.

30. As is clear from section 6(1) of the Act; when considering or determining an application under the Act in respect of a licence, this Commission **must** apply the public interest and community impact test as relevant to the application. Section 6(2) of the Act provides that:

“For subsection (1), the public interest and community impact test requires consideration of the following objectives:

- a. harm or ill-health caused to people, or a group of people, by the consumption of liquor is to be minimised;
- b. liquor is to be sold, or sold and consumed, on licensed premises in a responsible manner;
- c. public order and safety must not be jeopardised, particularly where circumstances or events are expected to attract large numbers of persons to licensed premises or an area adjacent to those premises;
- d. the safety, health and welfare of persons who use licensed premises must not be put at risk;
- e. noise emanations from licensed premises must not be excessive;
- f. business conducted at licensed premises must not cause undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the neighbourhood of the premises or who are making their way to or from, or using the services of, a place of public worship, hospital or school;
- g. a licensee must comply with provisions of this Act and any other law in force in the Territory which regulate in any manner the sale or consumption of liquor or the location, construction or facilities of licensed premises, including:
  - i. by-laws made under the Local Government Act; and
  - ii. provisions of or under the Planning Act;
- h. each person involved in the business conducted at licensed premises must receive suitable training relevant to the person's role in the conduct of the business;
- i. the use of credit in the sale of liquor must be controlled;
- j. practices which encourage irresponsible drinking must be prohibited;

- k. it may be necessary or desirable to limit any of the following:
  - i. the kinds of liquor that may be sold;
  - ii. the manner in which liquor may be sold;
  - iii. the containers, or number or types of containers, in which liquor may be sold;
  - iv. the days on which and the times at which liquor may be sold;
- l. it may be necessary or desirable to prohibit persons or limit the number of persons who may be on licensed premises, on any particular part of licensed premises or in an adjacent area subject to the control of the licensee;
- m. it may be necessary or desirable to prohibit or limit the entertainment, or the kind of entertainment, which may be provided on licensed premises or in an adjacent area under the control of the licensee;
- n. it may be necessary or desirable to prohibit or limit promotional activities in which drinks are offered free or at reduced prices;
- o. any sale of additional liquor due to the grant of a licence or the relaxation of restrictive conditions will not increase anti-social behaviour.”

31. In addition, pursuant to section 6(3), the Commission must:

- a. consider the potential impact on the community in the area that would be affected by the outcome of the decision to grant or refuse an application or the changing of conditions of a licence and, in doing so, must have regard to:
  - i. the harm that might be caused (whether to the community as a whole or a group within the community) due to the excessive or inappropriate consumption of liquor; and
  - ii. the cultural, recreational, employment or tourism impacts; and
  - iii. the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises; and
  - iv. the density of existing liquor licences within the community area; and
  - v. the volume of alcohol sales within the community area, and any increase in volume within the community area arising from the licence the subject of the application; and

vi. any other prescribed matter; and

b. apply the community impact assessment guidelines.”

32. On 6 March 2018, pursuant to section 6A of the Act, the Minister by Gazette notice published community impact assessment guidelines for determining whether or not an application being considered or determined under section 6(1) satisfies the public interest and community impact test. Relevantly those guidelines are stated to

“... set out those matters that will be considered by the Commission when assessing the community impact of the application against the criteria set out in section 6A(1) of the Liquor Act”.

33. Those matters are identified as follows:

<b>Criteria</b>	<b>Matters to be considered</b>
<p>The potential harm or health impact that may be caused to people, or any group of people within the local community area, due to the availability and accessibility of an additional liquor outlet.</p>	<p>Are there any ‘at-risk’ groups or sub-communities within the locality? This may include –</p> <ul style="list-style-type: none"> <li>• children and young people;</li> <li>• Aboriginal people normally resident within the locality and those Aboriginal people that might be likely to travel to the locality from a dry community;</li> <li>• migrant groups from non-English speaking countries;</li> <li>• people in low socio-economic areas; and/or</li> <li>• communities that experience high tourist/visitor numbers.</li> </ul> <p>Are there any community building, facilities and areas within the locality? Such facilities would include:</p> <ul style="list-style-type: none"> <li>• schools and educational institutions;</li> <li>• hospitals, drug and alcohol treatment centres;</li> </ul>



	<ul style="list-style-type: none"> <li>• accommodation or refuges for young or disadvantaged people;</li> <li>• child care centres;</li> <li>• recreational areas;</li> <li>• dry areas; and</li> <li>• any other area where young people may congregate or be attracted to.</li> </ul> <p>What policies and procedures will the applicant implement to minimise any potential harm or health impacts to these 'at-risk' groups or sub-communities</p>
<p>Information about the location and area in which the premises is proposed to be so as to assess any social impact on the community. This includes information about the density of licensed premises within the community area.</p>	<p>This may include crimes statistics, social profile information and the location of existing licensed premises.</p> <p>This could also include traffic and pedestrian impact and any plans developed to address these potential issues.</p>
<p>Volume</p>	<p>This may include projected sales volumes and marketing analysis, liquor type and customer demographic (where applicable this should be provided for both on and off premises sales).</p> <p>The Commission will consider information available to it about the current alcohol consumption rates for the community area.</p>
<p>Any cultural, recreational, employment or tourism benefits for the local community area.</p>	<p>Will the proposed licensed premises provide economic benefits, cultural, recreational or tourism benefits or any additional employment opportunities and to what level?</p>
<p>Why the grant of a relevant application is in the public interest and how the</p>	<ul style="list-style-type: none"> <li>• What additional services will be provided other than simply an</li> </ul>

<p>additional liquor outlet will benefit the local and broader community.</p>	<p>additional outlet for the sale of liquor – this may include accommodation or dining?</p> <ul style="list-style-type: none"> <li>• Will the proposed licensed premises provide additional choices of service or products that are not available in the area?</li> <li>• Will the proposed premises provide liquor in a manner known to be safe and to minimise adverse impacts?</li> <li>• Will it use existing premises improve or add to existing premises or is it a new premises?</li> </ul>
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34. As can be seen from the above, there are a large number of matters that this Commission must consider and that the Applicant must address (and satisfy the Commission of) under the new public interest and community impact test and guidelines. The guidelines do make clear however that:

“... the Commission has the authority to consider a broad range of issues specific to each application and flexibility exists to assess each individual application on its merits”.

35. In addition to those matters, section 28(2) of the Act also provides as follows:

“The Commission must consider an application for a licence, the accompanying affidavit made under section 26A and the results of investigations conducted in relation to the application and make an assessment of the following matters:

- (a) the suitability of the premises in respect of which the application is made, having regard to any law of the Territory which regulates in any manner the sale or consumption of liquor or the location, construction or facilities of premises which are used for that purpose;
- (b) if the applicant is a natural person – the financial stability, general reputation and character of the applicant;
- (c) if the applicant is a body corporate – the business reputation and financial stability of the body corporate and the general reputation and character of the secretary and executive officers of the body corporate;
- (d) if the applicant is a federation of clubs – the business reputation and financial stability of each constituent club and the general reputation and character of the secretary and executive officers of each constituent club;

- (e) whether the applicant is a fit and proper person to hold a licence;
- (f) if a person is referred to in the affidavit under section 26A – whether that person is a fit and proper person to be an associate of a licensee;
- (g) if the Commission considers it appropriate – whether any other associate of the applicant is a fit and proper person to be an associate of a licensee;
- (h) if the applicant has nominated a person under section 25(2) to be its manager – whether that person is a fit and proper person to be the manager”.

36. Further the Act requires under section 28(3) as follows:

“In assessing whether an applicant is a fit and proper person to hold a licence, the Commission must have regard to any matters prescribed by the Regulations relevant to that assessment”.

The Commission notes there are no such matters prescribed by the Regulations.

37. Although there are many matters for the Commission to consider, like any application, some of the matters are highly relevant to this application whilst others are not as significant.
38. The Commission notes that there is no suggestion, nor any evidence to suggest, that the applicant is not a fit and proper “person” to hold the licence as sought, nor is there any suggestion or evidence to suggest that any person referred to in the affidavits provided under section 26A are not fit and proper persons to be an associate of a licensee. In particular the Commission is satisfied that both Mr and Mrs Hayes appear on all of the material to be fit and proper persons to hold such a licence.
39. The Commission further notes that the proposed premises appear suitable and that there are no issues of concern in relation to the business reputation and financial stability of the applicant and the general reputation and character of the executive officers of the applicant. The Commission notes that the Director-General waived the requirement for the applicant to comply with the Guidelines relating to site and floor plans for the licensed premises. The Commission requested that the applicant provide a diagram of the proposed premises for the location to be considered. This was provided on 12 July 2018. That diagram identifies the proposed guest entrances to the licensed area and also the staff only entrances to the licensed area, together with the storage area. The Commission is satisfied with this information and the licence will cover those relevant areas.
40. In relation to the public interest and community impact test; the applicant provided written submissions advising (relevantly) of the following matters:
- a. “Harm related incidents will be minimised by managing the quantities of alcohol served and our duty of care to ensure a safe workplace for staff

and patrons who might be affected by the service of alcohol in or around the premises”.

- b. “No liquor will be sold or consumed outside of licensed or permitted times and areas. No liquor to be sold or served to minors, intoxicated persons, or persons not able to produce I.D.”.
- c. “Always serve liquor responsibly to ensure patrons do not become intoxicated. Provide a safe and enjoyable environment for patrons. All liquor to be served quietly & politely. Our remote location is unlikely to attract large numbers of persons & we have no adjacent areas to attract people”.
- d. “Premises to always be appropriately managed during trading hours. Provide a safe environment for staff & patrons at all times. Display mandatory signage for a licensed premises at all times. No public access to the property is available to the public after 6pm. Only in-house guests have access to the licensed dining area”.
- e. “The premises doesn’t require the use of bands or entertainment. The premises is located in a quiet rural location”.
- f. “The operating hours of the licensed area is between 6-10pm. The licensed area is within the dining area, and not visible to any passing traffic. There are no public services within 70km of the premises”.
- g. “Harm minimisation principles are to be followed by management, staff & patrons. A house policy will be displayed to ensure the risk of breaching the liquor act is minimised. We will not be advertising the sale of liquor on our premises to the daily public. The sale of liquor on our premises will be refined to in house guests dining in the restaurant”.
- h. “All management & staff at the premises have completed Responsible Service of Alcohol course”.
- i. “The only liquor sold on premises is within the dining area & consumed with meals. All liquor will be paid for at time of purchase”.
- j. “Our licensed area which is limited to in house guests will not be promoting any irresponsible drinking practises. Our policy will include:
  - i. No drink promotions – no offering of free or discounted drinks;
  - ii. No promotion of excessive consumption;
  - iii. No offering of drinks in non standard measures”.
- k. “Our premises will only be required to sell beer in standard bottles or cans, wine by the glass or bottle, spirits in standard bottles or cans”.

- l. “Our premises will only be required to sell liquor to in house guests while occupying our dining area. Our premises will be required to maintain a safe & responsible environment for the consumption of liquor by our patrons”.
- m. “Liquor will only be required to be sold on our premises in standard bottles or cans or a standard glass measure for serving wine”.
- n. “Liquor may only be sold on our premises during restaurant dining hours of 6-10pm Monday – Sunday”.
- o. “For the safety of management, staff & patrons the following persons will be prohibited from the licensed premises:
  - i. Any persons that are drunk, disorderly or creating a disturbance;
  - ii. Any persons effected by illicit drugs;
  - iii. Any persons wanting to purchase alcohol on behalf of minors or intoxicated persons;
  - iv. Any persons wearing outlawed motorcycle gang insignia”.
- p. “The manner in which this business is conducted does not require entertainment of any sort at or adjacent to the licensed area”.
- q. “Any offering of drinks for free or at reduced prices is not applicable to the operation of this business and the manner in which we will operate our licensed premises. We will not require any promotional activities relating to the sale of alcohol as the purchase of alcohol is limited to in house guests at our dining facility”.

41. Further:

- “- Potential harm or health impacts to people, groups or communities
  - Alcohol is only to be served during the hours of 6-10pm only to guests being accommodated overnight only and who choose to use our restaurant facility.
  - Aboriginal people travelling in daylight hours between 7am - 6pm have access to the store facilities which include fuel, food, grocery items, toilet amenities/ emergency breakdowns. There is no advertisements or signage relating to the sale or consumption of alcohol.
  - Alcohol served within the restaurant area will be served responsibly and in accordance with harm minimisation policy.
- Location and Area of Premises

- The premises is located remotely, 250km from Katherine & Mataranka townships/ 140km from Beswick community and 70km from Bulman community.
  - There are no schools, places of worship or populated communities within our locality.
  - To our knowledge there are no known thefts or crimes within our locality.
  - As alcohol is only served in house to overnight guests, this will eliminate driving under the influence of alcohol which will reflect a nil impact of any danger to traffic on the road.
- Volume
    - The projected sales volumes for this premises will be a low rate. The objective is to have the licence for a convenience to guests and not a means of profit targeting. There will be no requirement for marketing or advertising and all consumption is on premises.
- Benefits for local community
    - There is no benefits socially or economically. The main purpose of this licence is a convenience for overnights to have an option to be served alcohol with meals.
- Benefit to local & broader community
    - This application is only of benefit to the local and broader community that choose to stay as guests at our premises. Our main services are to accommodate travellers on this notorious stretch of road and provide an enjoyable & peaceful environment for their stay.
    - We are not an 'outlet for the sale of liquor'/ however the addition of a licensed restaurant at our premises will be advantageous for guests who choose to stay with us, given the limited accommodation options within our locality.
    - All liquor will be served responsibly and in a manner to be safe and to minimise adverse impacts.
    - This premises has been operational for over 12 years. The only additions will include added security fencing to comply with the storage and consumption of alcohol".

42. The applicant also provided further written submissions as follows:

- (a) "Will only be serving to a small number of people at any one time.
- (b) Liquor will be consumed as a 'pre dinner' drink or served with a meal.
- (c) Never anticipate large numbers of people. Accommodation is available for 12 persons. The camping area could attract 4-6 guests in any one night.
- (d) Liquor will only be served to occupants after 6pm. Majority of these occupants are travellers, hence most times retiring to accommodation early to make an early start the next morning.
- (e) We don't intend on having any bands or entertainment.
- (f) We are a remote roadside location, therefore have no neighbours or surrounding services.
- (g) The premises have been established for over 15 years.
- (h) A Responsible Server of Alcohol course is up to date.
- (i) All liquor to be paid for at point of sale
- (j) Our business doesn't attract guests that will be stopping to drink large amounts of alcohol.
- (k)
  - (i) We intend to only sell beer in bottles & or cans, wine by the glass or bottle & spirits in bottles & or cans.
  - (ii) Liquor will be sold in a quiet atmosphere after 6pm, allowing guests to relax after travel or work.
  - (iii) We will not be selling any large quantities of liquor.
  - (iv) 6pm – 10pm Monday – Sunday, the same time as our restaurant hours
- (l) We never envisage any large amount of people that would require the need to prohibit any part of the licence area.
- (m) No entertainment is required
- (n) No promotional activities needed.

Our remote roadside facility has historically promoted a peaceful & scenic atmosphere. We attract travellers going through to Nhulunbuy and local contractors and government employees, either working or visiting the area & requiring overnight accommodation. These guests are responsible citizens and appreciate being able to have a beverage after a long day and settle down with a meal and drink.

The sale of liquor is not advertised or promoted at day to day travellers".

43. During the course of the hearing further information was sought from Mrs Hayes who confirmed that the intention was to provide a small offering of a variety of liquor to guests at the accommodation to have with their meals. No guests would be permitted to take their liquor away from the dining area and all liquor purchased would be consumed ancillary to a meal. Mrs Hayes advised that the meals proposed were to be home cooked meals along the lines of what she and her staff would also be consuming and would be provided in a family type atmosphere.

44. Having considered all of the evidence presented to this Commission and noting there are no objections to the application for a liquor licence, the Commission finds on balance that there is no evidence to suggest that any potential harm or health impact may be caused to people, or any group of people, within the local community area due to the availability and accessibility of liquor as a consequence of the licence sought.
45. The applicant has in place appropriate measures to ensure liquor is sold in a responsible manner.
46. The Commission has received no information that would suggest there is likely to be an impact upon law and order, community safety or public amenity by virtue of this application.
47. The Commission is satisfied there will be no increase in noise such as to warrant this application being refused, or that the business to be conducted at the premises will cause undue offence, annoyance, disturbance or inconvenience to the neighbourhood.
48. The Commission notes the information provided as to the licensed premises in the local community area. The Commission also notes the remote location of the premises with the nearest community being some 70 kms away and that only guests at the accommodation will be permitted to purchase and consume the liquor on premises ancillary to a meal.
49. The Commission notes that on the current proposal the anticipated sale volumes of alcohol are likely to be minimal. The Commission does not consider there is likely to be a significant increase in current alcohol consumption rates in surrounding communities given the nature of the licence sought and the location of the premises.
50. It is as a result of the matters outlined above that this Commission is, on balance, satisfied that the grant of the liquor licence meets the public interest and community impact tests and the Commission has for the reasons outlined decided to grant the liquor licence to the licensee as sought and as outlined at the start of this Decision Notice.

### **Notice of Rights:**

51. Section 120ZA of the Act provides that a reviewable decision is a Commission decision that is specified in the Schedule to the Act. A decision to issue a licence pursuant to section 29 of the Act is specified in the Schedule and is a reviewable decision.
52. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision.



53. For the purpose of this decision, and in accordance with section 120ZB(1)(b) and (c) of the Act, the affected person is the applicant.

A handwritten signature in black ink, appearing to read 'Jodi Truman', with a long horizontal flourish extending to the right.

JODI TRUMAN  
Presiding Member  
Deputy Chairperson