

NORTHERN TERRITORY LIQUOR COMMISSION

DECISION NOTICE

MATTER: APPLICATION FOR VARIATION OF CONDITIONS OF A LICENCE

LICENCE NUMBER: 80817847

REFERENCE: LC2019/077

PREMISES: **Groote Eylandt Lodge**
1 Bougainvillea Drive
GROOTE EYLANDT NT 0885

APPLICANT: **Groote Eylandt Lodge Pty Ltd**

LEGISLATION: Section 32A(1) of the *Liquor Act 1978*

HEARD BEFORE: Mr Russell Goldflam (Acting Deputy Chairman)
Ms Pauline Reynolds (Health Member)
Mr Blair McFarland (Community Member)

DATE OF HEARING: 17 June 2019

DATE OF DECISION: 17 June 2019

DECISION

1. For the reasons set out below and in accordance with section 32A of the *Liquor Act 1978* (NT) (the Act) the Northern Territory Liquor Commission (the Commission) has determined to approve an application to vary conditions of a liquor licence at the Groote Eylandt Lodge (the Premises) held by Groote Eylandt Lodge Pty Ltd (the Applicant) as follows.
2. The licence is varied to authorise the sale, supply and consumption of liquor on the premises between 11:00 hours on Saturday 22 June 2019 and 00:30 hours on Sunday 23 June 2019, subject to the following conditions:
 - Liquor may be sold or supplied after 23:00 hours only to patrons attending a Country Women's Association (CWA) function (the function)
 - From 23:00 hours on 22 June 2019 to 00:30 hours on 23 June 2019, the only liquor the licensee is permitted to sell or supply will be light or mid-strength beer.
 - The licensee is only permitted to sell or supply patrons attending the function with liquor served in open containers containing not more than 1.5 standard drinks, as

defined in the Australian Department of Health Standard Drinks Guide accessed at <https://beta.health.gov.au/health-topics/alcohol/about-alcohol/standard-drinks-guide>.

- The supply or sale of liquor is permitted only to patrons attending the function who have shown the licensee a valid liquor permit (or, if they are not Groote Eylandt residents, are a guest of an attending liquor permit holder), have been issued by the licensee with a wristband provided to liquor permit holders and their non-resident guests, and who are wearing the wristband.
- The licensee will make food, soft drinks and free water available throughout the function.
- The licensee will provide a complimentary drop-off service to patrons attending the function from 21:00 hours on 22 June 2019 until the end of the function.

REASONS

BACKGROUND

3. The Applicant operates a liquor licence at the premises with an “On licence” Authority. The licence authorises trading up to 23:00 hours.
4. The Applicant seeks to host a Country Women’s Association (CWA) function at the premises on Saturday 22 June 2019 which will extend until 00:30 hours the following morning. The function is an annual event. An estimated 70 persons will attend by invitation.
5. The Applicant lodged an application with Licensing NT on 7 May 2019. On 28 May 2019, following consultation, together with an assessment by Licensing NT of the application, a Delegate of the Director-General of Licensing (the Director-General) referred the application to the Commission for hearing pursuant to sections 32A(6AA) and 50(b) of the Act.
6. The Director-General, in the exercise of her discretion pursuant to section 32A(2) of the Act, did not require the Applicant to publish notice of the application.
7. No objections to the application were lodged.
8. The Director-General informed the Department of Health, Northern Territory Police and GEMCO, a private company which provides municipal services to Alyangula, of the application.
9. The Commission notes that the following responses were received:
 - a. The Department of Health made “no adverse comment”.
 - b. The NT Police advised that they had no objections.
 - c. GEMCO stated that it did not have any concerns with the application.
10. The Director-General informed the Commission that the Applicant has no adverse compliance history in relation to its licence.
11. The Director-General provided the Commission with a brief of evidence (the Brief) including:

- Application for a variation of conditions of liquor licence dated 7 May 2019
- The Applicant's liquor licence number 80817847
- Affidavit for the purposes of s26A of the Act deposed by Gihan Kalhara Amarasekara, the Applicant's nominee and principal Executive Officer, dated 14 May 2019
- Community Impact and Public Interest Assessment statement in compliance with s6 and s6A of the Act
- Correspondence between Licensing NT and the Department of Health, NT Police, and GEMCO.

HEARING

12. On 17 June 2019 the application proceeded as a public hearing. Mr Amarasekara appeared on behalf of the Applicant, and Ms Chin appeared for the Director-General. The Commission thanks them for their attendance and assistance.
13. The brief was tendered and admitted into evidence without objection. No further evidence was adduced.

ASSESSMENT OF THE APPLICATION

14. Section 6B of the Act provides that the Applicant bears the onus of satisfying the Commission that the approval of the application meets the public interest and community impact test set out in s6 of the Act. In considering and determining this application, the Commission has had regard to the objects of the Act and applied the public interest and community impact test by reference to the community impact assessment guidelines published by the Minister on 6 March 2018 pursuant to s6A of the Act. The guidelines are detailed and specific, but also state 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.

15. The Commission accepts that the Applicant has no adverse compliance issues under the Act. The premises are situated in a remote region of the Northern Territory in which the possession and consumption of liquor is regulated by a permit system. The Applicant operates one of two licensed premises in Alyangula that provides a dinner and bar service to residents. The application is for a temporary variation to extend trading on a single day for an annual community function with admission by invitation. The Applicant has proposed various measures, as reflected in the special conditions set out at paragraph 2 above, to minimise the risk of harm associated with the proposed extension of trading hours. The Commission considers that these proposed measures are sensible and appropriate.
16. Having regard to these matters, the Commission assesses the impact on the community of the proposed variation as low.
17. The Commission is satisfied that the Applicant has met the public interest and community impact test, and that, having regard to the objects of the Act as set out in section 3 of the Act, the conditions of the licence should be varied in the terms of the application.
18. The application to vary the conditions of the Applicant's licence is granted.

NOTICE OF RIGHTS

19. 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 32A of the Act is specified in the Schedule and is a reviewable decision.
20. 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.
21. 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.



**RUSSELL GOLDFLAM
ACTING DEPUTY CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION**

18 June 2019

On behalf of Commissioners, Goldflam, Reynolds and McFarland