

Director-General of Licensing

Decision Notice

MATTER:	Variation of Conditions of a Liquor Licence
PREMISES:	Walkabout Tavern Westal Street Nhulunbuy NT 0880
LICENSEE:	Gove and Beyond Pty Ltd
LEGISLATION:	Section 33 of the <i>Liquor Act</i>
DECISION OF:	Director-General of Licensing
DATE OF DECISION:	22 December 2016

BACKGROUND

1. Gove and Beyond Pty Ltd is the holder of a liquor licence for the premises known as Walkabout Tavern located in Westal Street, Nhulunbuy.
2. The Walkabout Tavern's liquor licence currently includes the following licence condition:
"Trading on Public Holidays shall be the same hours and conditions as on a Saturday."
3. On 29 November 2016, the Northern Territory Government amended Schedule 2 with reference to Section 5 of the *Public Holidays Act (NT)*, to include the following as public holidays:
 - (a) 24 December (Christmas Eve) from 7.00 pm to midnight; and
 - (b) 31 December (New Year's Eve) from 7.00 pm to midnight.
4. The intention of the creation of the two (2) part-day public holidays on 24 and 31 December as stated in the Second Reading Speech was to:
"...ensure that workers can access entitlements under the Fair Work Act national employment standards for working during this period."
5. There is no material to suggest the intention was to amend hours of trade or any conditions of a liquor licence.

CURRENT SITUATION

6. On 9 December 2016, I wrote to Mr John Tourish, nominee of the licensee pursuant to section 33(2) of the *Liquor Act* (Act) advising that I intended to insert the following condition into the liquor licence for the Walkabout Tavern:

Exception to Public Holidays With reference to Schedule 2 of the *Public Holidays Act*, the declaration of any public holiday that is part of a day only, does not have the effect of varying or otherwise amending the conditions or hours of trade of a liquor licence issued under the *Liquor Act*.

7. The licensee was invited to submit a response to the proposed variation of conditions as a period of 28 days is provided by the Act before any action may be taken by the Director-General to make the proposed changes to the conditions of any licence.
8. By email dated 19 December 2016, Mr Tourish responded advising that he agreed to the insertion of the new condition.

DECISION

9. For the reasons set out above and in accordance with section 33(3) of the Act, I have determined to amend the conditions attached to the liquor licence for Walkabout Tavern by inserting the condition:

Exception to Public Holidays With reference to Schedule 2 of the *Public Holidays Act*, the declaration of any public holiday that is part of a day only, does not have the effect of varying or otherwise amending the conditions or hours of trade of a liquor licence issued under the *Liquor Act*.

10. This condition is to take effect upon receipt of this Decision Notice.

REVIEW OF DECISION

11. Section 120ZA of the Act provides that a decision of the Director-General, as specified in the Schedule to the Act, is a reviewable decision. A variation of liquor licence conditions by the Director-General under section 33 of the Act is specified in the Schedule and is a reviewable decision. 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 ("NTCAT"). Any application for review of this decision must be lodged with NTCAT within 28 days of the date of this decision. For the purpose of this decision, and in accordance with section 120ZB(c) of the Act, the affected person is the Licensee, Gove and Beyond Pty Ltd.



Cindy Bravos
Director-General of Licensing

22 December 2016