

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Mac's Liquor, Woolworths Coolalinga
Licensee:	Woolworths Ltd
Proceeding:	Application for New Store Licence
Heard Before:	Mr John Withnall (presiding) Ms Annette Milikins Mrs Barbara Vos
Date of Hearing:	26 June 2001
Date of Decision:	26 June 2001
Appearances:	Mr Gordon Berner for Applicant

This application went to hearing on the basis of the Commission's receipt of several written objections to the application. By the time of commencement of the hearing, all objections had been formally withdrawn. In that event, the Commission indicated to the applicant that we did not need to hear from it on financial and managerial capacity, but that it should present its case on community needs and wishes. At the conclusion of the hearing the presiding member delivered the following decision ex tempore.

The position we have reached with the evidence as to needs and wishes is that it is not inconsistent with our published decisions as to community needs and wishes. If that sounds as if we are damning with faint praise, it is not intended to be, it is just that if there had been objections I have no doubt that we would all have been reminded that there are community perspectives other than market economics. However, there are no objections and in all the circumstances we do feel that the evidence is sufficient for the grant of a licence.

The licence will be granted. It is not just "approved" at this stage, but granted. It is often referred to as a licence "in principle" at this stage, but in fact we are granting it under section 31(3) of the Liquor Act subject to a condition that trading in liquor may not commence until the Commission is satisfied that the development has been completed to our satisfaction. The Commission's permission to commence trading will need to be obtained within a finite period. We will set twelve months. I understand that the development is underway now, so twelve months should give you more than sufficient time. If twelve months turns out not to be sufficient time, you can always apply for an extension on the basis of progress made to that point, but if the period of twelve months is ever allowed to expire without trading having commenced, the licence will automatically lapse. This is a fundamental condition of its grant.

The areas to be licensed will be those shown as "liquor store and cool room" on drawing number 1 that is before us and secondly, the area shown as "liquor security store". The license when issued as a document will be subject to such conditions as may be standardised at that time. It may also contain such other conditions as the Commission may reasonably think fit at that time.

As we now consider the matter, it will certainly contain a condition that the shelves of general produce in the vicinity of the entrance to the licensed area will not display any goods which can be seen to be attractive to minors. In other words, don't stack lollies and soft drinks and toys around the entrance to the liquor store.

The licence may issue with restrictions as to packaging. We have in mind by way of example that by the time the licence issues there may be seen to be a need to restrict the sale of wine in glass flagons, or even perhaps in the larger casks.

So the grant of a licence here this morning is subject to our discretion as to suitable conditions. Other than that, what you will have when you are ready to trade is a store licence or store "authority", which means that the sale of liquor must remain ancillary to the sale of general products, ancillary both in terms of turnover and in terms of the general shopping environment.

John Withnall
Presiding Member

26 June 2001