

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Milikapiti Sports and Social Club
Nominee:	Lynette Jane De Santis
Proceeding:	Hearing requested under section 33(2) of the <i>Liquor Act</i> into conditions of the Milikapiti liquor licence
Heard Before:	Ms Jill Huck (Presiding Member) Mr Craig Spencer Mr Paul Costigan
Date of Hearing:	29 June 2005
Appearances:	Lynette De Santis and Pius Tipungwuti for Milikapiti Sports and Social Club Peter Jones, Senior Policy Officer, Racing Gaming and Licensing

To allow the implementation of a permit system on the Tiwi Islands, on 12 May 2005 all Tiwi Island clubs were issued with section 33(1) notices varying the conditions of their liquor licences. The clubs were advised that, if they wished to request a hearing in relation to the changes to their conditions, they could apply within 28 days for such a hearing.

Milikapiti Sports and Social Club (the Club) applied for such a hearing and the matter was heard on 29 June 2005. The issues raised included the hours of trading for permit liquor and the problems associated with some types of beer only being available in cartons of 30. The Club also requested a change in licence conditions so that they could sell premixed drinks on-licence and a variation to on-licence trading hours. The Commission advised the Club that it was only prepared to deal with the first two issues as part of the section 33(3) hearing. The Club was advised that it would need to apply separately for a section 32A variation of its licence to enable the other matters to be considered.

The Club advised the Commission that some preferred brands of beer were only available in 30 can cartons and some preferred brands of premixed drinks were not available in 375ml containers. After discussion, it was conceded that alternative brands were available in 24 can cartons and standard sized cans. The Commission decision was that, at this time, there would be no modification of the new conditions related to quantum of maximum amounts of permit liquor allowed. The Commission commented that it was open to the Club to apply to the Commission at a future date to vary their licence conditions if there was a greater shift in packaging.

In respect of the hours of trading the Club officials argued that they thought that there would be problems if takeaway alcohol was available before the Club opened for on-licence trading. They thought that some permit holders would drink their takeaway liquor quickly, become intoxicated and cause trouble when the Club opened. They said that it would be difficult, for a number of cultural and practical reasons, for permit holders to safely leave their permit liquor at home or elsewhere if they wanted to return to the Club. They asked the Commission to vary the trading hours condition so that permit liquor could be sold in the first two hours of on-licence trading, but with a stipulation that all purchased permit liquor must be removed from the premises by 1800 hours, with an exception for staff.

The evidence of potential problems related to the trading hours was convincing and the Commission made a decision to vary this aspect of the Club's licence conditions as requested.

The decision

Pursuant to section 33(4) the Commission decided to vary the decision notified under section 33(1) inasmuch as it relates to the hours of sale of permit liquor. The new condition now reads as follows (new wording in bold):

*Liquor for removal and consumption away from the licensed premises shall only be sold each Saturday between **16:00 and 18:00** hours to persons having a permit issued by the Licensing Commission following assessment by the Permit Assessment and Recommendation Committee (the Permit Committee). **Permit liquor must be removed from the premises before 1800. Bona fide staff with permits are permitted to remove their permit alcohol after the close of trading provided there is evidence of purchase before 1800 hours. Permit liquor will be sold** in accordance with the following quota:*

All other aspects of the earlier decision are therefore affirmed.

Jill Huck
Presiding Member

29 June 2005