

Northern Territory Licensing Commission

Reasons for Decision

Applicant:	Headlines for Hair and Beauty 9 Parsons Street, Alice Springs
Proceeding:	Section 47I of the <i>Liquor Act 1978</i> , Decision on whether objections proceed to hearing
Date of these Reasons:	2 December 2003
Objectors:	Ms Anne Kemp of Diabetes Australia Ms Barbara Low for Holyoake Alice Springs Inc Mr Brycen Brook for Department of Health & Community Services

The applicant seeks the grant of a licence for the consumption of liquor on the premises. The applicant's premises is a hairdressing salon located in the central CBD of Alice Springs and in close proximity to the Mall, the Post Office, three banks and a shopping plaza.

The application was advertised in the "Centralian Advocate" and the "Alice Springs News". The statutory objection period commenced on 17 October and concluded on 20 November 2003.

Three objections were lodged with the Deputy Director of Licensing at Alice Springs. I am satisfied the objections were properly lodged; each being in writing and signed by the person making the objection. The objections were made available, as required, to the applicant. The applicant's written responses, dated 21 and 27 November form part of the material now before me.

Ms Anne Kemp, Chief Executive Officer of Diabetes Australia NT, also located at 9 Parsons Street in Alice Springs, objects as her organisation shares a common wall and toilet facilities with the applicant. Ms Kemp asserts that access to alcohol by the applicant's clients would detrimentally affect the amenity of the office space currently enjoyed. As a person working in the neighbourhood, concerned that the amenity of her workplace will be adversely affected, Ms Kemp's objection clearly complies with the requirements of Sections 47F(2) and 47F(3)(a). Accordingly I determine that pursuant to Section 47I(3)(c)(ii) of the *Liquor Act*, the Commission must conduct a hearing in relation to Ms Kemp's objection.

Ms Barbara Low, Manager/Educator of Holyoake Alice Springs Inc makes an objection pursuant to Section 47F(3)(f) of the Act; the sub-section allows a community-based organisation or group (for example, a local action group or charity) to make an objection. As Holyoake is a not-for-profit organisation, based in Alice Springs I find the requirements of Section 47F(3)(f) are satisfied and that I can turn to the substance and grounds of the objection.

The key points of Holyoake's objection are as follows:

- (a) the organisation deals with the emotional and social problems, financial hardship and family breakdown caused by alcohol misuse,
- (b) it is inappropriate for a hair salon to sell liquor and that it sets a precedent for some seventeen other salons to follow,
- (c) more alcohol per capita is consumed in the Territory than any other state or territory,
- (d) anti-social behaviour is created by the misuse of alcohol,
- (e) to issue another licence to a small business would send an inappropriate message to the community, and

- (f) there are already a number of licences close to Headlines that provide adequate venues for persons wishing to consume liquor within the proximity of the hair salon.

While the concerns of Holyoake are plainly stated and may be readily understood it is necessary to have regard to Section 47F(2) of the Act which is as follows:

An objection under subsection (1) may only be made on the ground that the grant of the licence may or will adversely affect the amenity of the neighbourhood where the premises the subject of the application are or will be located. (Emphasis added)

Holyoake's objection, although articulate and likely to be well-informed makes no claim, either directly or inferred, regarding the amenity of the neighbourhood where the premises are located. Whether or not I regard the organisation's concerns as genuine or reasonable is irrelevant to an assessment of the objection in the light of the legislation. The available ground of objection is arguably clear and the objector's letter fails to address it. Accordingly I find I must dismiss the objection.

Mr Brycen Brook, Manager Central Australian Alcohol and Other Drug Services objects on behalf of the Department of Health and Community Services, arguably an Agency or public authority that performs functions relating to public amenities within the meaning of Section 47F(3)(e), and thus able to make an objection.

The key points of the Department's objection are as follows:

- (a) the granting of a licence will increase the availability of alcohol to the public,
- (b) research clearly demonstrates that an increase in availability increases alcohol-related harm,
- (c) an increase in availability has potential for alcohol-related harm to affect the community as a whole, and
- (d) the Alice Springs community is working hard towards addressing alcohol issues and support of the application would seriously undermine work done towards achieving this.

While it may be readily held that the substance of the objection is a proper and informed view for a Department with accumulated expertise in alcohol-related matters, the letter of objection does not address, nor plainly attempt to address, the statutory ground of objection contained at Section 47F(2); specifically, that the grant of the licence may or will affect the amenity of the neighbourhood where the premises are or will be located. I therefore find that I must dismiss the objection.

This decision is to be forwarded to the applicant and to all persons and organisations that lodged an objection. It should be noted that the decision is confined to the threshold issue of whether each objection meets the demands of the legislation. It is not in any way a judgement regarding the respective merits of the application or the remaining objection; any such judgement is a matter for the Commission in its decision arising from the hearing that it must now conduct.

Peter R Allen
Member selected by the Chairman pursuant to s471(2)