

Northern Territory Licensing Commission

Reasons for Decision

Applicant:	Kings Creek Station Pty Ltd
Premises:	Kings Creek Station
Date of Hearing:	14 and 15 December 2000
Heard Before:	Mr J Withnall (Presiding) Ms S McKerrow Mr B Rees
Appearances:	Mr and Mrs Conway for the applicant Mr D Avery for the objectors

King's Creek Station has been a major tourist facility for many years, situate about 40 kms from King's Canyon. It caters for tour groups and travellers; the full range of its operations can be found at folio 2 of Exhibit 1. It seeks an "on-licence" for limited liquor sales from 11.30 am to 9 pm each day.

After advertising of the application, the only objection was by the Central Land Council on behalf the Ukaka Community and Wanmarra residents.

By the time of commencement of the hearing the parties were close to reaching an agreement whereby the applicant would consent to certain restrictions being embodied in the licence in exchange for withdrawal of the objection. The sticking point was the insistence of the objector that the licence conditions should proscribe the sale of liquor in unopened containers, the main worry centering on the camping ground area. Mr Conway highlighted the impracticability of the requirement given the nature of the facility; in his view it was not a "pub situation".

Consensus was reached by way of agreement that although the licensed area would remain the greater area of the facility, sales would only be from the area marked as "shop" at folio 22 of Exhibit 1. Mr Avery (for the Central Land Council) returned after a short adjournment with a copy of the agreement, albeit unexecuted (Exhibit 4), and a letter (Exhibit 5) noting the additional agreed points. Mr Avery had no objection to a licence issuing prior to the issue of a special measures certificate by the Race Discrimination Commissioner if the applicant indicated acceptance of the agreed basis of the withdrawal of the objection, which Mr Conway readily did, whereupon Mr Avery withdrew from the remainder of the hearing.

The application then proceeded to be heard without objection, and mainly by way of Mr Conway's tender of Exhibit 2, a compendious assemblage of documentation indicating King's Creek Station to be an attractive and very successful tourist facility, with an excellent reputation. The agreement reached with the Ukaka and Wanmarra communities was taken into account by the Commission in determining that given the nature of the proposed licensed operation and its location there was sufficient evidence of community needs and wishes in relation to the licence applied for.

The Commission was also satisfied that upon Mr Avery's assurances as to his instructions from the Aboriginal Corporations for the communities referred to in Exhibit 4, the agreement could properly be seen to be representative of the wishes of those communities in relation to the disposal of their objection.

Accordingly, a licence will issue as applied for, subject to conditions reflecting the agreement reached between the applicant and the objectors. A copy of the agreement as executed should be filed by Mr Avery in the Alice Springs office of the Director of Licensing in due course. Mr Avery has leave to file at any future time a copy of the agreement, in terms identical to Exhibit 4, executed acceptably representatively for and on behalf of any additional aboriginal communities,

and the licence is to contain a condition requiring the licensee in that event to take cognisance of the additional parties to the agreement.

The issue of the licence need not await the issue of a certificate by the Race Discrimination Commissioner as to the agreement being consistent with the objects and purposes of the Racial Discrimination Act (Cwth), but in approving the licence we note the obligation of the parties to support an application for such a certificate.

The licence may also contain such other conditions as the Commission may deem reasonable in all the circumstances, so long as not in conflict with the agreement.

Although the shop will be the only permitted point of sale for liquor, the licensed area will be that contained by the perimeter of the grounds shown in folio 22 of Exhibit 1. In that circumstance, the Commission pursuant to section 104(3)(g) of the Liquor Act exempts from the effect of section 104(1) of the Act all persons on the licensed premises at any time at the invitation of or with the consent of the licensee, and makes no declaration under section 106(1) of the Act restricting the entry of minors.

John Withnall
Presiding Member

15 December 2000