

NORTHERN TERRITORY LIQUOR COMMISSION

Decision Notice

MATTER:	APPLICATION FOR VARIATION OF CONDITIONS OF LICENCE
REFERENCE:	LC2018/105
LICENCE NUMBER:	81404655
LICENSEE:	Gove Peninsula Surf Life Saving Club Incorporated
PREMISES:	Gove Peninsula Surf Life Saving Club Lot 1192 Approved Survey Plan No.A708 Nhulunbuy NT 0880
APPLICANT:	Gove Peninsula Surf Life Saving Club Incorporated
NOMINEE:	Mr Brett Parfitt
OBJECTOR/S:	Nil
LEGISLATION:	Section 32A, Part IV and V of the <i>Liquor Act</i> .
HEARD BEFORE:	Mr Richard Coates (Chairperson) Ms Pauline Reynolds Ms Amy Corcoran
DATE OF HEARING:	31 July 2018
DATE OF DECISION:	31 July 2018

Decision

1. For the reasons set out below and in accordance with section 32A(7) of the *Liquor Act* (the Act) the Commission has determined to vary the conditions of the liquor licence for the premises known as Gove Peninsula Surf Life Saving Club by extending the existing liquor licence to authorise the sale of liquor on the premises on Wednesday, 1 August 2018 from 17:00 hours to 22:00 hours and on Wednesday, 8 August 2018 from 17:00 hours to 22:00 hours.

Reasons

Background

2. Gove Peninsula Surf Life Saving Club Incorporated (the applicant) currently holds a club licence authorising the sale of liquor on or at the premises for limited hours on Sundays, Saturdays, Fridays and some Mondays.
3. On 18 June 2018, the applicant applied pursuant to section 32A of the Act for a variation to the licence conditions to enable it to trade between the hours of 17:00 hours and 22:00 hours on Wednesday, 1 August 2018 and Wednesday, 8 August 2018 for the purpose of it hosting two dinners and “team building workshops” for the Soxedo Organisation.
4. Unfortunately this application was misplaced within Licensing NT and was not referred to the Commission until 31 July 2018, the day before the first of the proposed events was to take place.
5. Section 50 of the Act requires the Director-General to refer any application under Section 32A(1) for a variation of the conditions of licence to the Commission for hearing.
6. Section 53(1)(a)(ii) of the Act requires the Chairperson of the Commission to give notice of the time and place of hearing to the parties not less than 7 days before the hearing date, although section 127 of the Act allows the Commission to extend or abridge a time specified by the Act.
7. Section 53(2) of the Act provides that:

“A hearing must be conducted in public unless the Commission considers that a public hearing is likely to cause undue hardship to a person, in which case the Commission may direct that the hearing, or part of the hearing, is to be conducted in private”.
8. As the delay in the referral of this matter to the Commission occurred through no fault of the applicant, the matter was not contentious and the applicant had a legitimate expectation it would be able to hold the planned event on the next day, the Commission agreed to conduct an urgent hearing.
9. In order that the matter proceed to hearing in the very limited time available, the Commission determined to conduct the hearing by telephone and online facilities, pursuant to section 53(1)(b)(IV) of the Act, directed that the hearing be heard in private pursuant to section 53(2) of the Act and abridged the 7 day notice of hearing required by section 53(1)(a)(ii) of the Act pursuant to section 127 of the Act.

Consultation

10. The Commission was advised that application was forwarded to Department of Health, Northern Territory Police, Northern Territory Fire and Rescue Service and Nhulunbuy Corporation and no adverse comments were received. The

Commission was further advised that Licensing NT records indicate that there are no adverse compliance issues recorded against the applicant.

11. The applicant has held a liquor licence since 1991 and has had no compliance issues since that time. It has upgraded its kitchen, club house and other facilities with a view to hosting functions such as weddings, sports events and corporate dinners. The applicant has been motivated to change its business model and cater to a wider range of patrons due to the devastating impact of the recent Rio Tinto Alumina Plant closure on the township of Nhulunbuy and the local economy.
12. The Commission has been advised that the applicant is proposing to apply for a permanent variation of licence so as to extend its trading days to any day of the week on which its facilities may be booked for a function. That proposal is said to be in line with Government's policy to ensure economic growth and long term sustainability to the region through encouraging private enterprise initiatives and promoting tourism.
13. The Commission is satisfied that in all of the circumstances it is appropriate to vary the conditions of the licence as sought.
14. Therefore, for the reasons outlined and having regard to the objects of the Act the Commission has decided to vary the conditions of the licence as outlined in paragraph 1) of this decision notice.

Notice of Rights:

15. Section 120ZA of the Act provides that a reviewable decision is a Commission decision that is specified in the Schedule to the Act. A decision to vary the conditions of a liquor licence pursuant to section 32A of the Act is specified in the Schedule and is a reviewable decision.
16. 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. Any application for review of this decision must be lodged within 28 days of the date of this decision.
17. For the purpose of this decision, and in accordance with section 120ZB(1)(b) and (c) of the Act, the affected person is the applicant.



RICHARD COATES
Presiding Member
Chairperson

31 August 2018