

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Nguiu Club
Nominee:	Michael Coombes
Proceeding:	Hearing requested under section 33(2) of the <i>Liquor Act</i> into conditions of the Nguiu Club liquor licence
Heard Before:	Mr John Flynn (Acting Chairman)
Date of Hearing:	4 July 2005
Appearances:	No appearances

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.

Whilst notice was given by letters dated 27 June 2005 the hearing would take place at 2.00pm on 4 July 2005. No person attended to represent the Club. It was decided to make a decision based on the correspondence. Three matters were raised by the Club and if agreed all would require alterations to licence conditions.

The Club has asked that the hours for takeaway liquor be altered from two (2) hours prior to opening on Saturdays to 17:00 to 18:30 hours on that day. The logic for this request is that some patrons would consume the takeaway liquor before opening time and presumably become partially intoxicated at opening time, the consequences being that they might cause trouble. This request is granted but for the sake of uniformity with other licence conditions on the Tiwi Islands the time will be set from 16:00 to 18:00 hours on Saturday. Liquor must be removed from the premises before 18:00 hours.

The Club has also asked that staff members that qualify for takeaway alcohol be permitted to take their purchases away after the Club has been shut and cleaned up. This will also be permitted.

The third matter raised was the Club's objection to selling bottled wine and they sought to substitute the bottled wine for two (2) litre casks. The Club is under no obligation to provide bottled wine and if the community objects to bottles then the Club should not stock them. At this stage of the new liquor provisions on the Islands it is important that there be uniformity and the two (2) litre cask request is refused but could be reviewed at some time in the future.

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.

John Flynn
Acting Chairman

29 June 2005