

# NORTHERN TERRITORY LIQUOR COMMISSION

## DECISION NOTICE

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**MATTER:** APPLICATION FOR A LICENCE

**PREMISES:** 971 Ilparpa Road  
White Gums  
ALICE SPRINGS NT 0870

**APPLICANT:** Michelle Meredith Koerner trading as Squeakywindmill NT

**NOMINEE:** Michelle Meredith Koerner

**LEGISLATION:** Part III of the *Liquor Act 1978*

**HEARD BEFORE:** Mr Russell Goldflam (Acting Deputy Chairperson)  
Ms Pauline Reynolds (Health Member)  
Ms Sandra Cannon (Community Member)

**REFERENCE:** LC2019/086

**DATE OF HEARING:** 29 July 2019

**DATE OF DECISION:** 29 July 2019

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### **DECISION**

1. For the reasons set out below and in accordance with section 29 of the *Liquor Act 1978* (the Act), the Commission has determined to issue an On Licence authority licence to Michelle Koerner (the Applicant), trading under the registered business name "Squeakywindmill NT", authorising the sale of liquor for consumption every day between 16:00 hours and 22:00 hours on the premises at Lot 1262, 971 Ilparpa Road, White Gums, Alice Springs delineated in red on the Google Earth Pro plan at page 47 of Exhibit One tendered at the hearing of this application (the licensed area).

### **REASONS**

#### **BACKGROUND**

2. The Applicant runs a small bed and breakfast business from a rural property jointly owned by the Applicant and her husband in the municipality of Alice Springs. The Applicant seeks a licence authorising her to supply beer and bottles of wine to paying guests for consumption on the licensed area. The liquor will be supplied to guests with sunset platters of cheese or food hampers, and guests will also be permitted to purchase liquor to drink on the premises.

3. The Applicant also intends to make the licensed area available for private functions such as weddings catering for up to 80 guests.
4. The Applicant lodged a completed Application with Licensing NT on 8 March 2019, and, following community notification and consultation, and an assessment by Licensing NT of the application, on 17 June 2019 a Delegate of the Director-General of Licensing (the Director-General) referred the application to the Commission for hearing pursuant to sections 28(1) and 50(a) of the Act.
5. The Director-General provided the Commission with a brief of evidence (the brief) including:
  - Application for a liquor licence dated 18 January 2019
  - Affidavit for purposes of s26A of the Act deposed by Michelle Meredith Koerner dated 25 February 2019
  - Community Impact and Public Interest Assessment statement in compliance with s6 and s6A of the Act
  - ASIC Record of Registration for Business Name dated 11 April 2017
  - Documents certifying identity, managerial capacity, financial stability, character and RSA certification of the Applicant
  - Applicant's bank statements and business plan
  - Rates notice for the licensed area designating the joint proprietors as the Applicant and her husband
  - Certificate of Applicant's registration as a food business dated 17 December 2018
  - Plan of proposed licensed area
  - Public notices of application for grant of a liquor licence, dated 5 and 9 April 2019
  - Correspondence between Licensing NT and: Department of Health (DOH); NT Police; NT Fire and Rescue Service (NTFRS); and Alice Springs Town Council (ASTC)

## **HEARING**

6. The hearing of the application was conducted in public on 29 July 2019. The Applicant appeared in person. Mr Verinder appeared for the Director-General. The Commission thanks both Ms Koerner and Ms Verinder for their attendance and assistance. The Commission read the brief, which was tendered as the sole exhibit in the hearing.

## **THE APPLICANT'S PREMISES**

7. The proposed licence area is a block of approximately 12 hectares adjacent to other similarly sized allotments, one of which is a caravan park, in a scenic rural area at the foot of the MacDonnell Ranges about 15 kilometres southwest of Alice Springs. There are no schools, hospitals, places of public worship, clubs or other licensed premises in the vicinity.
8. In accordance with s28(2)(a) of the Act, the Commission assesses the premises as being suitable for the supply and consumption of liquor in the manner proposed in the application.

## **THE APPLICANT**

9. The Commission has considered the application, the material tendered at the hearing and the results of investigations of the application and of the Applicant conducted by the Director-General.
10. Section 26A of the Act requires Applicants to depose an affidavit disclosing whether certain persons may be able to influence the Applicant, or expect a benefit from the Applicant, if the licence is granted. Ms Koerner affirms in her affidavit that there is no such person.
11. In accordance with s28(2)(b), the Commission assesses the financial stability, general reputation and character of the applicant as being sound.
12. In accordance with s28(2)(e) of the Act, the Commission assesses the applicant to be a fit and proper person to hold a licence.
13. The Applicant has nominated herself to manage the licence. In accordance with s28(2)(h) of the Act, the Commission assesses Michelle Koerner to be a fit and proper person to manage the licence.

## **ADVERTISING AND NOTIFICATION**

14. Details of the application were advertised in the Centralian Advocate on 5 and 9 April 2019. In addition, signage notifying the application displayed at the proposed premises for a period of 30 days. The objection period expired on 10 May 2019.
15. No objections to the application were lodged.
16. The Director-General informed the DOH, NT Police, NTFRS and ASTC of the application.
17. The Commission notes that the following responses were received:
  - a. The DOH made “no adverse comment”.
  - b. The NT Police advised that they had “no objections”.
  - c. The NTFRS advised it had “no concerns”.
  - d. The ASTC did not provide a response.

## **ASSESSMENT OF THE APPLICATION**

18. Section 6B of the Act provides that the Applicant bears the onus of satisfying the Commission that the approval of the application meets the public interest and community impact test set out in s6 of the Act. In considering and determining this application, the Commission has had regard to the objects of the Act and applied the public interest and community impact test by reference to the community impact assessment guidelines published by the Minister on 6 March 2018 pursuant to s6A of the Act. The guidelines are detailed and specific, but also state that:

The Commission has the authority to consider a broad range of issues specific to each application and flexibility exists to assess each individual application on its merits.

19. The Commission assesses the impact of the licence on the community as being low, having regard to the fact that only limited quantities of liquor will be supplied in a responsible manner, and that the liquor will very likely be consumed quietly and inoffensively in a secluded location by small groups of drinkers over short periods in a safe environment.
20. The Commission considers that by improving the amenity offered by the Applicant to her guests, the grant of the licence will have a modest positive recreational, tourism and social impact on the local community.
21. The Commission is satisfied that the Applicant has met the public interest and community impact test.
22. The Commission notes that the applicant may seek to hold private functions with larger groups on the licensed premises. This licence does not authorise her to supply liquor to guests at such functions, but the applicant may wish to hire out the premises for caterers to supply food and liquor at such events. The Commission encourages the applicant to seek the advice of Licensing NT as to whether she should apply for a special licence for any such events.

## LICENCE CONDITIONS

23. The general conditions applicable to an **Authority – On Licence** licence shall apply. In addition, the following special conditions are fixed:
  - Liquor may only be supplied to paying guests of the licensee’s business Squeakywindmill NT.
  - The only type of liquor that may be supplied is wine or beer, by the bottle or can.

## NOTICE OF RIGHTS

24. 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 issue a licence pursuant to section 29 of the Act is specified in the Schedule and is a reviewable decision.
25. 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.
26. 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.



RUSSELL GOLDFLAM  
ACTING DEPUTY CHAIRPERSON

6 August 2019

On behalf of Commissioners, Goldflam, Reynolds and Cannon