

Liquor Commission

Addendum Decision Notice

MATTER:	APPLICATION FOR A SPECIAL LICENCE
REFERENCE:	LC2018/037
PREMISES:	Noonamah Tavern Stuart Highway NOONAMAH NT 0837
APPLICANT:	Dalkeith Ag Co Pty Ltd
EVENT:	Pig Weigh In Competition
LEGISLATION:	Section 58 of the <i>Liquor Act</i> .
DECISION OF:	Ms Amy Corcoran
DATE OF DECISION:	25 July 2018

Decision

1. For the reasons set out below and in accordance with section 59(1) of the *Liquor Act* ("the Act") the Commission has determined to amend the grant of the special licence under Decision Notice issued on 5 June 2018 to Dalkeith Ag Co Pty Ltd as follows:
 - a. to revoke from the special licence authorisation for the sale of liquor between 10:00 hours to 18:00 hours on Saturday 22 September 2018; and
 - b. replace that date within the special licence authorisation for the sale of liquor between 10:00 hours to 18:00 hours on Saturday 29 September 2018.
2. The granting of approval between the hours of 10:00 hours to 18:00 hours on Saturday 29 September 2018 is on the same conditions as those set out in the Decision Notice issued on 5 June 2018.

Reasons

Background

3. On 5 June 2018, pursuant to my delegation to deal with special licence applications, I granted a special licence to sell liquor to Dalkeith Ag Co Pty Ltd (“the applicant”) for the sale of liquor between the hours of 10:00 hours to 18:00 hours on Saturday 22 September 2018.
4. The granting of approval was subject to a number of conditions.
5. On 18 June 2018, the applicant wrote to Licensing NT advising that it had inserted the date incorrectly on the Application and instead of inserting the correct date of 29 September 2018 it had in fact inserted 22 September 2018.
6. The applicant made clear that the only alteration sought to the special licence was the change in date and “NO other alterations to the Licence in any other form”.
7. As a result of that request, the matter was referred back to the Commission on 19 June 2018.

Assessment of the Application

8. The *Liquor Act* (“the Act”) is silent on “applications” such as these. This is not a matter of exercising “the slip rule” as this is not an accidental slip or omission by the Commission. The Commission was asked to consider the special licence application and at the relevant time those were the dates that were sought. It is the applicant who has made the error.
9. However, it is the view of this Commission that it also cannot be the case that it would be the intention of the legislature for the operation of the Commission and the Act to be so unwieldy that a simple matter of a date requires an entire new assessment of the matter. In this regard the Commission takes some comfort from the fact that section 20(3) of the *Liquor Commission Act* provides (inter alia) that the procedures of the Commission are as the Commission determines.
10. In addition, the “Objects” of the Act have also already been addressed.
11. It is in these circumstances that this Commission considers itself able to deal with this application to vary the date by simply revoking the previous date (that were in error) and replacing the date **now** sought by the applicant. This is particularly so given the date is only one week later as outlined at the start of this Decision Notice.

Notice of Rights:

12. 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 special licence subject to condition pursuant to section 59 of the Act is specified in the Schedule and is a reviewable decision.
13. 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.
14. 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.



AMY CORCORAN
Commissioner
Northern Territory Liquor Commission