

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: Application for a material alteration

REFERENCE: LC2022/035

APPLICANT: Wuduluk Progress Aboriginal Corporation

PREMISES: Beswick Community Store
52 Ngalagan Street
Beswick NT 0852

LEGISLATION: Part 4 Division 2 of the *Liquor Act 2019*

HEARD BEFORE: Richard Coates (Chairperson)

Dr. Sean Taylor (Health Member)

Christine Hart (Community Member)

DATE OF HEARING: Tuesday, 12 July 2022

DATE OF DECISION: Tuesday, 12 July 2022

DECISION

1. Pursuant to section 97 of the *Liquor Act 2019 (NT)* (**the Act**) the Northern Territory Liquor Commission (**the Commission**) has determined to approve an application for a material alteration by Wuduluk Progress Aboriginal Corporation (**the Licensee**) to the premises known as Beswick Community Store situated at 52 Ngalagan Street, Beswick, in the terms sought by the Licensee, being the extension of the existing licensed footprint into the old community store building, in accordance with the plans submitted as part of this application.
2. The extension of the premises will not come into effect until such time as the Licensee provides written proof, to the satisfaction of the Director of Liquor Licensing (**the Director**) that it has obtained a certificate of occupancy in respect of the new extension.

REASONS

THE APPLICATION

3. Wuduluk Progress Aboriginal Corporation is the holder of liquor licence number 80818505, for the premises known as Beswick Community Store, situated at 52 Ngalagan Street, Beswick NT 0852.

4. On 28 October 2021, an application and cover letter was lodged by Mr Thomas Richardson of De Silva Hebron Barristers and Solicitors on behalf of the Licensee seeking a material alteration to the premises.
5. The application was accompanied by:
 - Public interest criteria and community impact assessment summary;
 - Certified plans;
 - Proposed plan of licensed area;
 - Certification of compliance building design;
 - ASIC extract; and
 - Photo ID for Ross McDermott.
6. The substance of the application is as follows:

The existing licensed area, which is external to the previous store is to be expanded into the unused store area. The bar service area will be relocated to inside the premises and the expansion will provide an internal air-conditioned area for patrons to complement the existing external licensed area. The proposed internal area will include food services and seating for patrons.

PUBLICATION AND CONSULTATION

7. The application was advertised on 11 May 2022. The Director is satisfied that the applicant has complied with all the requirements to advertise the application.
8. In accordance with the act the following were notified of the application:
 - Northern Territory Police;
 - Department of Health; and
 - Roper Gulf regional Council.
9. Northern Territory Fire and Rescue Service were also notified of the application as part of Licensing NT's investigations into the application.
10. On 27 May 2022, the Northern Territory Police provided a response by email, supporting the recent renovations.
11. On 25 May 2022, the Department of Health provided a response by email confirming they had no objections.
12. None of the other stakeholders responded to the notification.
13. There were no objections lodged in relation to the application from any members of the public.

14. The Commission was advised that there have been no compliance issues arising from the Licensee's operation of these premises as a licensed social club.

THE REFERRAL

15. The Director referred this application to the Commission on 24 June 2022. On 28 June 2022, the Licensee was informed by the Commission that the application would be listed for public hearing on 12 July 2022.

THE HEARING

16. On the scheduled hearing day, Mr Thomas Richardson, Lawyer, appeared for the Licensee, also present was Mr Wayne Martin from Outback Stores which assists in the management of the premises. Mr Mark Wood appeared to represent the Director. The Commission is grateful for the assistance provided by all those present at the hearing.

ASSESSMENT OF THE APPLICATION

17. In assessing the application, the Commission was required to consider any objections to the application (there were none) and the public interest and community impact requirements.
18. To determine whether the approval of the alterations is in the public interest, the Commission is required to consider how, if implemented, they would advance the following objectives set out in section 49(2) of the Act:
 - (a) minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
 - (b) ensuring liquor is sold, supplied, served and consumed on or in licensed premises in a responsible manner;
 - (c) safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises;
 - (d) protecting the safety, health and welfare of people who use licensed premises;
 - (e) increasing cultural, recreational, employment or tourism benefits for the local community area;
 - (f) promoting compliance with this Act and other relevant laws of the Territory;
 - (g) ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business;
 - (h) preventing the giving of credit in sales of liquor to people;
 - (i) preventing practices that encourage irresponsible drinking;

- (j) reducing or limiting increases in anti-social behaviour.
19. To determine whether it is satisfied that the approval of the alterations will not have a significant adverse impact on the community, the Commission must consider the matters set out at section 49(3) of the Act:
- (a) the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
 - (b) the geographic area that would be affected;
 - (c) the risk of harm from the excessive or inappropriate consumption of liquor;
 - (d) the people or community who would be affected;
 - (e) the effect on culture, recreation, employment and tourism;
 - (f) the effect on social amenities and public health;
 - (g) the ratio of existing liquor licences and authorities in the community to the population of the community;
 - (h) the effect of the volume of liquor sales on the community;
 - (i) the community impact assessment guidelines issued under section 50;
 - (j) any other matter prescribed by regulation.

The Commission notes there are no such “other” matters prescribed by regulation.

20. Having considered these matters, the Commission is satisfied that it is in the public interest to grant the application, and that the extension of the premises will not have a significant adverse impact on the community. Having read the detailed public interest statement compiled by Mr Richardson and having heard evidence from Mr Martin, the Commission is confident that these alterations will have a positive impact on the amenity of these premises. Patrons will be able to take advantage of the air-conditioned interior restaurant area where there will be an option of a range of healthy meals.

21. Mr Martin spoke at length about the measures that had been adopted by Outback Stores to reduce the amount of harmful sugar based beverages and fried food that was being sold in this and the other Aboriginal communities in which it was involved. He said that through simple measures, including not refrigerating sugar based soft drinks in the community store, the annual consumption of sugar in Beswick had declined by some tonnes. The renovated premises will have a fully equipped industrial kitchen capable of producing quality meals which can be either consumed on the premises or taken away. Although popular favourites such as Chicken Parmigiana will feature on the menu, Mr Martin was proud of the fact that there would be no deep fryer in this kitchen.
22. The Licensee has a number of measures in place, such as a requirement that patrons submit a zero breathalyser reading to gain entry to the club and strict limits on the type and quantity of liquor that can be consumed, to ensure that there is no unruly behaviour on the premises. The new internal bar set up will enhance the existing security arrangements.
23. It is envisaged that the new internal area of the premises will be used for meetings and other community functions on days and times when liquor is not being supplied. The Licensee was adamant that children would not be allowed on the premises whenever the bar was open.
24. The Commission considers that the alteration will not significantly add to the risk of harm associated with or arising from the supply and consumption of liquor at the premises. At the conclusion of the hearing the Licensee was advised that the application would be approved. However, it was also informed that the new area could not be used until such time as it has obtained the necessary certificate of occupancy in respect of the renovated area.

THE OBJECTS OF THE ACT

25. Section 3(4) of the Act provides that in performing its function to decide whether to grant the application, the Commission must have regard to the primary and secondary purposes of the Act.
26. The Commission has done so, and considers that its decision is consistent with the purposes of the Act.

NOTICE OF RIGHTS

27. Section 31(1) read with section 97(4) of the Act provide that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal (**NTCAT**). Section 94(3) of the *NTCAT Act 2014* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.

28. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the Director and the Licensee.

A handwritten signature in black ink, appearing to read 'Richard Coates', with a large, stylized initial 'R'.

Richard Coates

CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
20 July 2022

On behalf of Commissioners Coates, Taylor and Hart