

Northern Territory

LIQUOR COMMISSION

NOTICE OF PROPOSED VARIATION OF THE CONDITIONS OF THE FOLLOWING LICENCES

LICENSEE	PREMISES NAME	LICENCE NO.
Victoria Daly Shire Council	Warnkurr Sports and Social Club	81416090
Peppimenarti Club Association Incorporated	Peppimenarti Club	80304129
Milikapiti Sports and Social Club Incorporated	Milikapiti Sports and Social Club	80803649
Pirlangimpi Indigenous Corporation for Community Development	Pirlangimpi Community Club	80801281
Wuduluk Progress Aboriginal Corporation	Beswick Community Store	80818505
Mabunji Malandari Pty Ltd & Mawa Malandari Pty Ltd	Malandari Store	80903761
Strugln Enterprises Pty Ltd	Heartbreak Hotel	81201932
Nguiu Club Aboriginal Corporation	Nguiu Club	80303731

LEGISLATION: Section 113, *Liquor Act 2019*.

CONSIDERED BY: Mr Richard Coates (Chairperson)
Prof Phillip Carson (Health Member)
Ms Amy Corcoran (Community Member)

INTRODUCTION

1. Various licences were granted to entities in remote Indigenous communities under the *Liquor Act 1978*, including the licensees named above.
2. The conditions of these licences, along with a determination by the Federal Minister as a result of *Northern Territory National Emergency Act 2007 (Cth)* (NTNERA), placed product restrictions on the licences.
3. The restriction limits products available for sale to mid-strength beer only with the exception of the Warnkurr Sports & Social Club which is also permitted to sell full strength beer, but all beer sold must be in cans.
4. In general terms, the product restrictions of mid-strength beer options were for on-premises consumption. The Malandari Store and Heartbreak Hotel restrictions however related only to takeaway liquor sales.
5. The restrictions placed on the licensees were made at a time when there were few available options for low and mid-strength products other than beer.
6. There has since been a significant increase in options, with mid-strength pre-mix spirits and non-alcoholic beer, wine and spirits now available. It is expected the product ranges will continue to increase.
7. Representations have been made by licensees in the last 18 months to vary the conditions of their licence to allow for mid-strength liquor products in general to be an alternative to beer. After discussions with Licensing Officers, two licensees have also sought a minor amendment to the days on which they may sell takeaway liquor.

REQUEST OF DIRECTOR FOR OWN MOTION VARIATION OF LICENCE CONDITIONS

8. On 8 October 2021, the Director of Liquor Licensing (the Director) requested that a Memorandum from Mark Wood, Manager Licensing – Liquor, Gambling and Racing dated 1 September 2021 be referred to the Commission and he recommended that the Commission commence an own initiated variation of the conditions of specified licences under section 113 of the *Liquor Act 2019* (the Act). That Memorandum is Attachment A to this notice.
9. The Commission has powers under section 113 of the Act to vary the conditions of a licence by first giving an affected licensee notice of the proposed variation, reasons for the proposed variation and inviting the licensee to submit a response within 28 days after the date of the notice.
10. The request from licensees essentially proposes the following variations:
 - 10.1. To allow for mid-strength liquor products, that being products with an alcohol/volume percentage not greater than either 3.99% or 3.5% to be an alternative to mid-strength can beer in restricted liquor sales to residents of remote Indigenous communities;

- 10.2. In the week preceding Christmas, to allow takeaway trading hours for the Milikapiti Sports and Social Club, Licence No. 80803649 to take place on an alternative day between 16:30 hours and 18:00 hours, that has been approved by the Director, when Christmas Day falls on a Saturday as will be the case this year.
- 10.3. In the week preceding Christmas, to allow takeaway trading hours for the Pirlangimpi Community Club, Licence No. 80801281 on an alternative day between 16:00 hours and 18:00 hours, that has been approved by the Director, to members of the Club holding a current restricted area permit, where Christmas Day falls on a Thursday.
11. As a result of the request, the Commission determined to hold a Panel meeting to determine whether the Commission should exercise its own initiative to vary the conditions of the licences specified above in the manner recommended.
12. At a meeting on 28 October 2021, the Commission considered Mr Woods' very sensible submission and determined to proceed with the issue of this Notice pursuant to section 113(2) of the Act. The Commission has had regard to the objects of the Act and the Public Interest and Community Impact considerations and is satisfied that the proposed changes are in the public interest and that proceeding in this manner will avoid unnecessary cost for both Licensing NT and the Licensees.
13. Accordingly, the Commission proposes to amend all the product restriction conditions in the licences referred to at the commencement of this Notice including in those conditions the option of cans of pre-mixed spirits with an alcohol content no greater than 3.5%. This varied condition will come into effect 90 days after the variation of conditions is confirmed by the Commission, in accordance with the provisions of section 113 of the Act, provided that the licensee has complied with the reporting condition detailed in paragraph 14 below and has received written confirmation from the Director to that effect.
14. In order that the Commission might monitor any adverse consequences arising from this variation of licence conditions, it has determined to impose a further condition in all these licences as follows :
- “No later than 30 days after the variation of conditions is confirmed by decision of the Commission, or such later time as the Director might permit, the Licensee shall provide to the Director details of the number of beer sales and pre- mixed spirits sales for the preceding month in a format specified by the Director and continue to provide those details on a monthly basis thereafter, until such time as the Director advises the licensee that these reports are no longer required”.
15. In relation to Licence No. 80803649 for the Milikapiti Sports and Social Club, the takeaway sales condition is also amended by including a further sentence:

“Where Christmas Day falls upon a Saturday then takeaway trading hours shall be between 16:30 hours and 18:00 hours on a day in that preceding week that has been approved by the Director at least 7 days earlier”.

16. In relation to Licence No. 80801281 for the Pirlangimpi Community Club, the takeaway sales condition will also be amended by including a further sentence:

“Where Christmas Day falls upon a Thursday then takeaway trading hours shall be between 16:00 hours and 18:00 hours on a day in that preceding week that has been approved by the Director at least 7 days earlier”.

INVITATION TO RESPOND

17. Pursuant to section 113(2) of the Act, the Commission invites the Licensees listed at the commencement of this Notice to respond to the proposed variation(s) within 28 days of this notice.

A handwritten signature in black ink, consisting of a large, stylized initial 'S' followed by a series of connected loops and a horizontal line extending to the right.

CHAIRPERSON

Northern Territory Liquor Commission

3 November 2021