

# NORTHERN TERRITORY LICENSING COMMISSION

## REASONS FOR DECISION ON WHETHER OBJECTION TO PROCEED TO HEARING

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**PREMISES:** GOLDFIELDS HOTEL MOTEL

**APPLICANT:** WAYNE STEPHENS

**DECISIONS OF:** Dr Alan Clough

**DATE OF DECISIONS:** 5<sup>th</sup> of October, 2004

**OBJECTORS:** Assistant Commissioner Mark Payne (Operations  
Command NT Police)  
Julalikari Council Aboriginal Corporation  
Anyinginyi Congress Aboriginal Corporation  
Ms Coral Franklin  
Mr Elliot McAdam  
The Tennant Creek Town Council  
Barkly Region Safer Communities Committee

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1. An application for variation of liquor licence conditions for premises known as Goldfields Hotel, situated at lot 63 Paterson Street, Tennant Creek, was advertised in the "Tennant and District Times" on the 8<sup>th</sup> and 16<sup>th</sup> of July, 2004. The variation sought is to remove the condition "Wine is only to be sold when accompanied by a meal" from the current liquor licence (number 80102583) pertaining to that part of the premises described in the licence as the "Working Mens Bar". Notification of the application was in accordance with s.32A of the *Liquor Act* as in force at 5 May 2004 ("the Act"). Therefore the application is one to which a person, organisation or group may make an objection under s.47F.
2. Seven letters making an objection bearing the names of nine persons were received by the Director of Licensing (the Director). Three letters by way of reply to objections were received by the Director who forwarded them, and the seven letters making an objection, to the Chairperson on the 1<sup>st</sup> of September 2004 pursuant to s.47I(1) of the *Act*.
3. On the 3<sup>rd</sup> of September 2004, I was selected by the Chairperson to consider the substance of these objections pursuant to s.47I(2) of the *Act*. My statutory task is delineated by s.47I(3) of the *Act* which reads as follows.

- (3) *The member selected under subsection (2) –*
- (a) *must consider the objection and the reply to the objection;*
  - (b) *may inquire into any circumstance relating to the objection as he or she considers appropriate; and*
  - (c) *must –*
    - (i) *dismiss the objection if satisfied that the objection –*
      - (A) *is of a frivolous, irrelevant or malicious nature; or*
      - (B) *does not describe circumstances that may or will adversely affect the amenity of the neighbourhood or health, education, public safety or social conditions in the community; or*
    - (ii) *determine that the Commission must conduct a hearing in relation to the objection and forward the objection, reply to the objection and his or her findings in relation to the objection to the Commission.*
4. The statutory task, as I interpret it, does not provide that I evaluate the merits of an objection made, but that I satisfy myself as to its entitlement to go to a hearing. Criteria for testing this entitlement can be found at s.47F(2) which specifies and delimits the grounds on which an objection may be made, s.47F(3) which specifies and delimits the persons, organisations or groups who may make an objection, and s.47F(4) and s.47F(5) which specify the elements of an objection and how it is to be lodged. It will be for the person(s) making the objection to make out the grounds, and the facts constituting the grounds of objection, at any hearing of the objection where, pursuant to s.47H, an objector may not rely on any facts other than the facts specified in the objection and where it is likely to remain open to the applicant to contest the relevance or weight of any aspect of the objection on any basis. The assessment of the relative merits of the application and the objection will be a matter for the corporate Commission in deciding whether or not to grant the application.
5. The information placed before me by the Chairperson included a report from the Deputy Director of Licensing South dated the 1<sup>st</sup> of September 2004 with copies attached of all letters making an objection received, the applicant's responses to these letters, and a copy of a printed map of Tennant Creek township. This map does not bear its publisher's identity. It has, however, the appearance of a map published for the advice of tourists and other visitors and encompasses an area surrounding Tennant Creek within a radius of approximately 5km. The map provides sufficient information to identify the addresses of most of those seeking to make objections and was marked up by the Director to indicate the location of the licensed premises and also the location of the residence of one of the persons making an objection. Finally, the information provided to me included the report to the Chairperson from the Director dated the 7<sup>th</sup> of June 2004

advising of the application and with a copy of the required advertisements together with a copy of Liquor Licence Number 80102583 attached.

6. S.47I(3)(b) permits me to inquire into 'any circumstance relating to the objection' as I consider appropriate. I used this power to consult published sources of information, viz. the internet and the NT telephone and business directories, and to make telephone inquiries and inquiries by e-mail.
7. Given the available grounds for objection, at s.47F(2), and the standing of my considerations underpinning these reasons for decision, I now turn to consider the substance of the objections pursuant to s.47I(2).

### **Northern Territory Police, Assistant Commissioner Operations**

8. A letter making an objection to the application, written on NT Police letterhead, signed and bearing the name Mark L Payne (Assistant Commissioner Operations Command), was received by the Director by facsimile transmission on the 16<sup>th</sup> of August 2004. I am satisfied that Assistant Commissioner Mark Payne is a member of the NT Police Force and meets the requirements of s.47F(3)(c) of the *Act* and may therefore make an objection to the application.
9. S.47F(4)(d) of the *Act* requires letters making an objection to be lodged with the Director within 30 days after the last notice advertising the application, viz. the 16<sup>th</sup> of July 2004. The last day for their receipt was the 15<sup>th</sup> of August 2004. The 15<sup>th</sup> of August 2004 was a Sunday. Under these circumstances, s.28(2) of the *Interpretation Act* permits this letter to be lodged with the Director on the first day following this day, viz. Monday the 16<sup>th</sup> of August 2004. Since the letter was lodged with the Director within the allotted time, as permitted in s.28(2) of the *Interpretation Act* the letter making an objection is relevant to the application.
10. Relevance is also established in that the letter refers to the application and to the Goldfields Hotel. The letter sets out facts relied upon to make the objection and thereby complies with s.47F(4)(c) of the *Act*.
11. My summary of the substance of the grounds for the objection made is that, should the application be successful, there would be increased risks of anti-social behaviour, violence, injury, irresponsible alcohol consumption, community conflict, threats to community safety along with wider community concerns about increased harm associated with the consumption of liquor. A written response to the objection by the applicant was received by the Director on the 20<sup>th</sup> of August 2004. Having considered this response I have decided that no further inquiries or considerations are required of me. I regard the substance of the grounds for the objection not to be of a frivolous, irrelevant or malicious nature. From this it follows that s.47I(3)(c)(i)(A) does not apply. It is also my view that the letter describes circumstances that may or will adversely affect the amenity of the neighbourhood or health, education, public safety or social conditions in the community. From this it follows that s.47I(3)(c)(i)(B) also does not apply. Since

neither part of s.471(3)(c)(i) applies, I am required to apply s.471(3)(c)(ii). My formal decision is therefore as follows.

- I determine that the Commission must conduct a hearing in relation to the objection.

### **Julalikari Council Aboriginal Corporation (“Julalikari”)**

12. A letter making an objection to the application, written on the letterhead of ‘Paul Walsh... barrister & solicitor’ of PO Box 634 Nightcliff NT 0814, signed and bearing the name Paul Walsh, was received by the Director on the 13<sup>th</sup> of August 2004. The letter states that Paul Walsh... barrister and solicitor act for “Julalikari”. The letter therefore meets the requirements of s.47F(4)(b) of the *Act* since it was signed on behalf of the person, organisation or group making the objection.
13. I considered whether the person signing the letter on behalf of ACAC meets the requirements of s.47F(3)(a) in that they could be regarded as a person residing or working in the neighbourhood and may therefore make an objection. However, since these person made no claim for such recognition in the letter, and since his workplace appears to be located some distance from Tennant Creek, no further consideration was given to his status under s.47F(3)(a).
14. The letter asserts that “Julalikari is a community-based organisation within the meaning of section 47F(3) of the *Liquor Act* (“the Act”)” although no information to support this is provided in the letter. At its website, Julalikari Council Aboriginal Corporation is described as an Aboriginal community service organisation governed by Julalikari Council, an elected body representing the whole Aboriginal community of Tennant Creek. Julalikari’s constitution directs the operations of the organisation at a general strategy to alleviate poverty and to improve the well-being of the Aboriginal community of Tennant Creek and the surrounding Barkly.<sup>1</sup> The map of Tennant Creek provided by the Director shows ‘Julalikari Council’ located at the corner of Ambrose and Stuart Streets, Tennant Creek. On this basis, I am satisfied that “Julalikari”, is a community based organisation and meets the requirements of s.47F(3)(f) of the *Act* and may therefore make an objection to the application.
15. The letter establishes relevance in that it refers to the application and to the Goldfields Hotel. The letter sets out facts relied upon to make the objection and thereby complies with s.47F(4)(c) of the *Act*.
16. My summary of the substance of the grounds for the objection made is that, should the application be successful, there would be increased risks of irresponsible alcohol consumption and inappropriate behaviour, adverse health effects in the population, threats to public safety and worsened social conditions

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<sup>1</sup> [http://www.aboriginalexperience.com.au/organisations/org\\_julalikari.html](http://www.aboriginalexperience.com.au/organisations/org_julalikari.html)

in the community of Tennant Creek. A written response to the objection by the applicant was received by the Director on the 19<sup>th</sup> of August 2004. Having considered this response I have decided that no further inquiries or considerations are required of me. I regard the substance of the grounds for the objection not to be of a frivolous, irrelevant or malicious nature. From this it follows that s.471(3)(c)(i)(A) does not apply. It is also my view that the letter describes circumstances that may or will adversely affect the amenity of the neighbourhood or health, education, public safety or social conditions in the community. From this it follows that s.471(3)(c)(i)(B) also does not apply. Since neither part of s.471(3)(c)(i) applies, I am required to apply s.471(3)(c)(ii). My formal decision is therefore as follows.

- I determine that the Commission must conduct a hearing in relation to the objection.

### **Anyinginyi Congress Aboriginal Corporation (ACAC)**

17. A letter making an objection to the application, written on the letterhead of Anyinginyi Congress Aboriginal Corporation (ACAC) signed and bearing the names Pat Braun and Barb Shaw designated as ACAC Chairperson and General Manager respectively, was received by the Director on the 10<sup>th</sup> of August 2004. The letter therefore meets the requirements of s.47F(4)(b) of the *Act* since it was signed on behalf of the person, organisation or group making the objection.
18. It may be that the persons signing the letter on behalf of ACAC meet the requirements of s.47F(3)(a) in that they could be regarded as persons residing or working in the neighbourhood and may therefore make an objection. However, since these persons made no claim for such recognition in the letter, no further consideration was given to their status under s.47F(3)(a).
19. The letter states that ACAC provides primary health care and related services to a client base of over five thousand people in the Barkly Region. The physical address of ACAC printed on the letterhead is 1 Irvine St Tennant Creek. On this basis I am satisfied that Anyinginyi Congress Aboriginal Corporation is a community based organisation and meets the requirements of s.47F(3)(f) of the *Act* and may therefore make an objection to the application.
20. The letter establishes relevance in that it refers to the application and to the Goldfields Hotel. The letter sets out facts relied upon to make the objection and thereby complies with s.47F(4)(c) of the *Act*.
21. My summary of the substance of the grounds for the objection made is that, should the application be successful, there would be increased risks of irresponsible alcohol sale and consumption, adverse health effects for patrons and inappropriate behaviour. A written response to the objection by the applicant was received by the Director on the 23<sup>rd</sup> of August 2004 incorporated in a

response to other objections. Having considered this response I have decided that no further inquiries or considerations are required of me. I regard the substance of the grounds for the objection not to be of a frivolous, irrelevant or malicious nature. From this it follows that s.471(3)(c)(i)(A) does not apply. It is also my view that the letter describes circumstances that may or will adversely affect the amenity of the neighbourhood or health, education, public safety or social conditions in the community. From this it follows that s.471(3)(c)(i)(B) also does not apply. Since neither part of s.471(3)(c)(i) applies, I am required to apply s.471(3)(c)(ii). My formal decision is therefore as follows.

- I determine that the Commission must conduct a hearing in relation to the objection.

### **Ms Coral Franklin**

22. A letter making an objection to the application signed and bearing the name Coral Franklin was received by the Director on the 06<sup>th</sup> of August 2004. It therefore meets the requirements of s.47F(4)(b) of the *Act* since it was signed by the person making the objection.

23. Ms Franklin claims in her letter that she has been a resident of Tennant Creek for 22 years. The letter provides a Tennant Creek postal address but no indication of Ms Franklin's residential address, save for a Tennant Creek telephone number which I note matches an entry in the NT telephone directory. The address for this entry was indicated by the Director on the Tennant Creek map showing that the Goldfields Hotel was situated approximately 500 metres from Ms Franklin's residence.

24. Ms Franklin portrays herself as nothing other than a person residing or working in the neighbourhood where the premises, the subject of the application are located and so it is necessary to consider whether she may make an objection pursuant to s.47F(3)(a) of the *Act*. I regard the utility and reality of the concept of 'neighbourhood' as highly problematic with the determination and delineation of any neighbourhood likely to be subject to many contextual and individual factors. This dearth of clear guidance about the concept 'neighbourhood' is no assistance to my decision-making in this instance. On reflection, I regard my task at hand as not being one where I must describe exhaustively the precise congruence between the neighbourhood where the licensed premises is located and the neighbourhood where the person making the objection is a resident. Instead, I believe my task is to spend a reasonable amount of time and resources to compile sufficient facts to establish a summation of propensities to convince me that the person making the objection *is more likely than not* to be a resident of, or to work in, the neighbourhood where the licensed premises are located. Inspecting Ms Franklin's letter and the map of Tennant Creek, one piece of information which inclines me to believe this is that Ms Franklin's residence is situated approximately 500m from the Goldfields Hotel. Secondly, Ms Franklin

persuasively portrays herself as a long-standing resident of the neighbourhood where the Goldfields Hotel is located. Finally, I note that in the first paragraph of her letter, Ms Franklin uses quotation marks to accurately describe the condition the applicant sought to remove from his licence, i.e. "Wine is only to be sold when accompanied by a meal." In the same paragraph she describes the applicant "Wayne Stephens of Gold Tennant Creek." This is information that was notified by the applicant in advertisements published in the Tennant and District Times. From this it would appear that the applicant and the objector have used the services of the same local newspaper and, if this is the case, it would be reasonable to conclude that they share at least this aspect of the neighbourhood in the small rural setting of Tennant Creek. I considered telephoning Ms Franklin to ask her whether she had quoted directly from the applicant's advertisement in the Tennant and District Times and to ask further questions in regard to her neighbourhood. However, I decided against this as unnecessary since I am satisfied that it is more likely than not that Ms Coral Franklin is a person residing in the neighbourhood where the premises the subject of the application is located and that she meets the requirements of s.47F(3)(a) of the *Act* and may make an objection to the application.

25. Ms Franklin's letter establishes relevance in that it refers to the application and to the Goldfields Hotel and to the Working Mens Bar in particular. The letter sets out facts relied upon to make the objection and thereby complies with s.47F(4)(c) of the *Act*.
  
26. My summary of the substance of the grounds for the objection made is that, should the application be successful, there would be increased risks of irresponsible alcohol consumption and social conditions, anti-social behaviour, physical abuse among patrons and adverse impacts on families. Ms Franklin's letter also reflects an underpinning concern that past achievements of the Tennant Creek community in dealing with issues of alcohol misuse may be eroded. No written response to this objection appears to have been provided by the applicant. However, I note that at attachment C of the Director's report to the Chairman, the applicant states that his letter, received by the Director on the 23<sup>rd</sup> of August 2004, is "...in response to the objections from organisations and *individuals* in relation ..." to his application [my emphasis added]. From this inclusive attempt to respond to objections, I conclude that the applicant was presented with sufficient opportunity to respond to Ms Franklin's objection pursuant to s.47G of the *Act*. Having considered the applicant's response, I have decided that no further inquiries or considerations are required of me. I regard the substance of the grounds for the objection not to be of a frivolous, irrelevant or malicious nature. From this it follows that s.47I(3)(c)(i)(A) does not apply. It is also my view that the letter describes circumstances that may or will adversely affect the amenity of the neighbourhood or health, education, public safety or social conditions in the community. From this it follows that s.47I(3)(c)(i)(B) also does not apply. Since neither part of s.47I(3)(c)(i) applies, I am required to apply s.47I(3)(c)(ii). My formal decision is therefore as follows.

- I determine that the Commission must conduct a hearing in relation to the objection.

### Mr Elliot McAdam

27. An e-mail making an objection to the application sent by Mr Elliot McAdam and with his name affixed was received by the Director on the 30<sup>th</sup> of July 2004. The e-mail was not signed by Mr McAdam. In Reasons for Decisions on Whether Objections to Proceed to Hearing for the Alawa Foodmart, handed down on the 13<sup>th</sup> of January 2004, the Commission's Legal Member considered in some detail whether objections made by e-mail with a typed name at the foot of the e-mail could be considered to be "signed" and therefore be in strict compliance with s.47F(4)(b) of the *Act*. The Legal Member concluded from his investigations that such an e-mail can be accepted as a signed document for the purposes of the *Act* if the author of the e-mail intended the machine-printed name to stand as a signature and that the author acknowledges and stands by the e-mail. The Legal Member then exercised his powers of investigation under s.47I(3)(b) and telephoned the person making the objection.
28. I decided to take the same approach and telephoned Mr McAdam, first using the number listed in the NT telephone directory for his electorate office and then the number provided to me by Mr McAdam's electorate assistant for his satellite phone. I now record that Mr McAdam in telephone conversation certainly acknowledges his e-mail making an objection and asserts that his printed name is his signature to it. Further to this, I was advised during the course of the phone conversation with Mr McAdam's electorate officer that although she is authorised by Mr McAdam to have access to his e-mail server, it is very unlikely that an e-mail that was not authorised by Mr McAdam could be sent from his electorate office. I therefore regard that Mr McAdam's e-mail was signed by him as the person making the objection in that he continues to authorise that his name be affixed to it. On these grounds, in my view, relevance of Mr McAdam's e-mail letter is established and it meets the requirements of s.47F(4)(b) of the *Act* in that it was signed by the person making the objection.
29. Mr McAdam's e-mail address indicates that he sent the e-mail from his electorate office for the Barkly region which encompasses the township of Tennant Creek and the neighbourhood of the Goldfields Hotel. A NT Government website<sup>2</sup> indicates that his electorate office is located on Paterson St Tennant Creek which situates his workplace within 1km of the Goldfields Hotel. These facts are sufficient to satisfy me that Mr Elliot McAdam is a person who works in the neighbourhood where the licensed premises are located and who meets the requirements of s.47F(3)(a) of the *Act* and who may therefore make an objection to the application.

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<sup>2</sup> <http://notes.nt.gov.au/lant/members/Members1.nsf/>

30. The e-mail establishes relevance in that it refers to the application and to the Goldfields Hotel. The e-mail sets out facts relied upon to make the objection and thereby complies with s.47F(4)(c) of the *Act*.
31. My summary of the substance of the grounds for the objection made is that, should the application be successful, there would be increased risks of irresponsible alcohol consumption and anti-social behaviour with adverse social and economic impacts on the Tennant Creek community. No written response to this objection appears to have been provided by the applicant. However, as already noted in the case of Ms Franklin's letter, in attachment C of the Director's report to the Chairman, the applicant states that his letter, received by the Director on the 23<sup>rd</sup> of August 2004, is "...in response to the objections from organisations and *individuals* in relation ..." to his application [my emphasis added]. From this inclusive attempt to respond to objections, I conclude that the applicant was presented with sufficient opportunity to respond to Mr McAdam's objection pursuant to s.47G of the *Act*. I have decided that no further inquiries or considerations are required of me. I regard the substance of the grounds for the objection not to be of a frivolous, irrelevant or malicious nature. From this it follows that s.47I(3)(c)(i)(A) does not apply. It is also my view that the letter describes circumstances that may or will adversely affect the amenity of the neighbourhood or health, education, public safety or social conditions in the community. From this it follows that s.47I(3)(c)(i)(B) also does not apply. Since neither part of s.47I(3)(c)(i) applies, I am required to apply s.47I(3)(c)(ii). My formal decision is therefore as follows.
- I determine that the Commission must conduct a hearing in relation to the objection.

### **The Tennant Creek Town Council**

32. A letter lodging an objection to the application, written on the letterhead of the Tennant Creek Town Council signed and bearing the name Mr David Wormald designated as the Chief Executive Officer, was received by the Director on the 29<sup>th</sup> of July 2004. It therefore meets the requirements of s.47F(4)(b) of the *Act* being signed on behalf of the person, organisation or group making the objection.
33. It may be that the person signing the letter on behalf of Tennant Creek Town Council meets the requirements of s.47F(3)(a) in that he could be regarded as a person residing or working in the neighbourhood and may therefore make an objection. However, since this person made no claim for such recognition in the letter, no further consideration was given to his status under s.47F(3)(a).
34. The Tennant Creek Town Council is a municipality constituted under s.29 of the *Local Government Act* and fits the definition of an "Agency" as defined at s.18 of the *Interpretation Act*. I am therefore satisfied that the Tennant Creek Town

Council is an agency that performs functions relating to public amenities and meets the requirements of s.47F(3)(e) of the *Act* and may therefore make an objection to the application.

35. The letter establishes relevance in that it refers to the application and to the Goldfields Hotel and also mentions the Working Men's Bar. The letter sets out facts relied upon to make the objection and thereby complies with s.47F(4)(c) of the *Act*.
36. My summary of the substance of the grounds for the objection made is that, should the application be successful, there would be increased risks of irresponsible alcohol consumption and adverse changes in social conditions in the community of Tennant Creek. A written response to the objection by the applicant was received by the Director on the 23<sup>rd</sup> of August 2004 and is included in a response to other objections. Having considered this response I have decided that no further inquiries or considerations are required of me. I regard the substance of the grounds for the objection not to be of a frivolous, irrelevant or malicious nature. From this it follows that s.47I(3)(c)(i)(A) does not apply. It is also my view that the letter describes circumstances that may or will adversely affect the amenity of the neighbourhood or health, education, public safety or social conditions in the community. From this it follows that s.47I(3)(c)(i)(B) also does not apply. Since neither part of s.47I(3)(c)(i) applies, I am required to apply s.47I(3)(c)(ii). My formal decision is therefore as follows.
- I determine that the Commission must conduct a hearing in relation to the objection.

### **Barkly Region Safer Communities Committee**

37. A letter 'strongly opposing' the application, written under the heading "Barkly Region Safer Communities Committee" (BRSCC) with the names Kent Peak and Robert Trenery affixed and designated as BRSCC Chairperson and Community Coordinator Worker respectively, was received by the Director on the 23<sup>rd</sup> of July 2004. The letter I had before me was unsigned. It therefore did not meet the requirements of s.47F(4)(b) of the *Act* which specifies that the objection is to be signed by or on behalf of the person, organisation or group making the objection. Since the identity of the objector could not be unequivocally established, the relevance of the letter making an objection was sufficiently diminished, in my view, to conclude that the letter lacked relevance to the application. In fairness to BRSCC and the persons whose names were affixed to the letter making the objection, I had recourse to my power of inquiry under s.47I(3)(b) of the *Act* and inquired of the Director whether a signed version of the letter had been received in his office. In response, the Director provided a signed document to replace the unsigned letter which I now request the Director attach to his report as attachments A16 and A17. The signed letter now available appears to be identical in its content to the aforementioned unsigned letter. It therefore meets

the requirements of s.47F(4)(b) of the *Act* being signed on behalf of the person, organisation or group making the objection.

38. The letter states no facts or claims that assist to identify the standing of BRSCC under s.47F(3) of the *Act*. However, at a website of the NT Government's Department of Community Development, Sport and Cultural Affairs,<sup>3</sup> the BRSCC is described as a 2002/2003 initiative of the NT Government's community harmony strategy. I phoned the Tennant Creek office of the Department of Community Development, Sport and Cultural Affairs and a conversation with an officer there yielded the information that the management functions of BRSCC are situated at the offices of the Tennant Creek Town Council. On this basis, I am satisfied that BRSCC is a community based organisation and meets the requirements of s.47F(3)(f) of the *Act* and may therefore make an objection to the application.
39. The letter establishes relevance in that it refers to the application and to the Goldfields Hotel. The relevance of the letter is open to question since a letter 'opposing' an application does not strictly comply with Part IV of the *Act* which provides for 'objections' to be made. However, it is my view that the letter can be regarded as a letter making an objection in that it was more likely intended by the letter's authors to make an objection to the application than not. This is indicated by their choice of the word 'oppose' and by their use of the adverb 'strongly' to emphasise their opposition to the application which I interpret as making an objection. The letter sets out facts relied upon to make the objection and thereby complies with s.47F(4)(c) of the *Act*.
40. My summary of the substance of the grounds for the objection made is that, should the application be successful, there would be increased risks of irresponsible alcohol consumption, antisocial behaviour and community disruption. A written response to the objection by the applicant was received by the Director on the 23<sup>rd</sup> of August 2004 included in a response to other objections. Having considered this response I have decided that no further inquiries or considerations are required of me. I regard the substance of the grounds for the objection not to be of a frivolous, irrelevant or malicious nature. From this it follows that s.471(3)(c)(i)(A) does not apply. It is also my view that the letter describes circumstances that may or will adversely affect the amenity of the neighbourhood or health, education, public safety or social conditions in the community. From this it follows that s.471(3)(c)(i)(B) also does not apply. Since neither part of s.471(3)(c)(i) applies, I am required to apply s.471(3)(c)(ii). My formal decision is therefore as follows.
- I determine that the Commission must conduct a hearing in relation to the objection.

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<sup>3</sup> [http://www.dcdsca.nt.gov.au/dcdsca/intranet.nsf/pages/harmony\\_initiatives2002#tennant](http://www.dcdsca.nt.gov.au/dcdsca/intranet.nsf/pages/harmony_initiatives2002#tennant)

## Summary of Decision

### OBJECTORS:

Assistant Commissioner Mark Payne (Operations Command NT Police)  
Commission must conduct a hearing in relation to the objection.

Julalikari Council Aboriginal Corporation  
Commission must conduct a hearing in relation to the objection.

Anyinginyi Congress Aboriginal Corporation  
Commission must conduct a hearing in relation to the objection.

Ms Coral Franklin  
Commission must conduct a hearing in relation to the objection.

Mr Elliot McAdam  
Commission must conduct a hearing in relation to the objection.

The Tennant Creek Town Council  
Commission must conduct a hearing in relation to the objection.

Barkly Region Safer Communities Committee  
Commission must conduct a hearing in relation to the objection. The Director is requested to attach the signed copy of BRSCC's letter making an objection to his report to the Chairman.

Alan Clough  
Tuesday the 5<sup>th</sup> of October, 2004