

NORTHERN TERRITORY LICENSING COMMISSION

Decision on Whether Objections Will Proceed To Hearing

PREMISES:	THE DUSTBOWL
LICENSEE:	Cheap Charlie1 Pty Ltd
LICENCE NUMBER:	80806440
NOMINEE:	Greg Boaz
HEARD BEFORE:	Ms Brenda Monaghan
OBJECTOR:	Department of Health and Community Services

Background:

- 1) The Licensee has made an application for a variation of Licence conditions for the Dustbowl. If granted, the variation will allow the Licensee to more actively market and promote the licensed venue.
- 2) The application was advertised on 27 and 30 December 2005. Objectors are given thirty (30) days under the *Liquor Act* to forward their objections to the Director of Licensing. As the thirtieth day was Sunday 29 January 2006, the *Interpretation Act* allows objections to be received at the latest on Monday 30 January 2006.
- 3) Two letters were received from the Department of Health and Community Services (the Department) on 11 and 13 January 2006 and were therefore within the specified review period. As both letters are from different sectors of the same government department, it is appropriate that they should be combined and considered as one objection from the Department itself. This is based on the fact that section 47F(3)(e) of the *Liquor Act* allows “an Agency or public authority that performs functions relating to public amenities, including health, education and public safety” to lodge an objection and thus the Department is the appropriate objector.
- 4) The objection letters from Central Australian Coordination and the Alcohol and Other Drugs Program on behalf of the Department raise a number of concerns including the following:

- a) the applicant reiterates their concerns expressed at the earlier hearing and notes that the decision of the Commission in 2005 to require restrictions on advertising was deliberate. It was based on the fact that the premises' primary function was that of a restaurant and a bowling alley trading within a specific neighbourhood; and
 - b) there has been no change in function.
 - c) Concerns about a growing practice of outlets seeking incremental changes to licences.
- 5) The applicant has been given the opportunity to respond to these letters of objection and has done so. I have considered the objection letters and the response. I consider that the Department is entitled to a hearing in relation to its objection sufficient concerns have been raised regarding public safety and neighbourhood amenity issues and sufficient facts have provided to support these concerns.

Decision

- 6) As the member of the Commission appointed to consider the objections to this application for variation of Licence conditions, I consider that the objection from the Department of Health and Community Services is valid and the Commission must conduct a hearing.

Brenda Monaghan
Legal Member

28 February 2006