

# **NORTHERN TERRITORY LIQUOR COMMISSION**

**Friday 28th January 2000**

## **Ruling of the Commission Handed Down During the Hearing of an Application for the Grant of a Licence to Biggles Tavern.**

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We do not propose to revisit at this stage our consideration of section 27 of the *Liquor Act* that led to our ruling of 11 November 1999 as to the need for the re-advertising of the application and the form it should take. It is difficult to deny that the objection now received from Liquorland (Australia) Pty Ltd could be said to relate to the expanded size of the applicant's proposal as publicly indicated only by the re-advertising.

Mr Reeves is correct when he points out that hearings arising out of objected applications are characterised by the *Act* as being hearings in relation to the objection, and that the statutory obligation of the Commission is only to give the objector an opportunity to be heard.

Mr Reeves has been instructed not to object to Liquorland coming on board the present proceedings at this stage, so long as the applicant is not forced to start again from scratch for Liquorland's benefit. We propose to accept Liquorland as a new party in the current proceedings, and will certainly give this objector the opportunity to be heard on its objection, but we do not see that the objector will suffer any denial of procedural fairness by not being able to cross-examine those witnesses who have already given evidence in support of the application.

In any event, we note the offer by Mr Reeves to recall Mr Coleman and Mr Rochford for such additional cross-examination as Liquorland might require, and also note Mr Young's opinion that in all probability he would not require to further cross-examine those two witnesses. We note too our previous ruling in this matter as to not permitting repetitive consecutive cross-examination in proceedings in which there are multiple objecting parties.

The combination of that ruling, and of Liquorland having the same legal representation through Mr Young as another objector who has been a party from the outset, and several indications from Counsel during submissions persuade us that our allowing Liquorland to join these proceedings as an objecting party at this stage should not result in any significant extension of the proceedings or any injustice in relation to either the applicant or the new objector.

We therefore will receive the objection of Liquorland Australia Pty Ltd and record Liquorland as a party in these proceedings which are scheduled to continue on 22nd February 2000, at which time Liquorland will be heard in relation to its objection. We do not rule the objector out at this stage on the grounds of raising a commercial objection contrary to the provisions of section 48(1A) of the *Act*. That issue will remain a live one during the course of proceedings, and depending on the evidence may be raised again by Mr Reeves at any stage.