

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Rum Jungle Tavern
Applicant:	Mr Alan Sprigg on behalf of Mannin Pension Fund Pty Ltd
Objector:	Northern Territory Police Mr Rob Hobbs, Historic Retreat Mr Robert Davis, Resident and Operator of Rum Jungle Motor Inn
Relevant Legislation:	Sections 47F, G & I of the <i>Liquor Act</i>

Background

- 1) Mannin Pension Fund Pty Ltd has applied for a liquor licence for proposed premises at Batchelor to be called the Rum Jungle Tavern. The premises will be located at 5 Nurndina Street, Batchelor. The application is for a tavern licence with a takeaway component.
- 2) The application was advertised on 2 and 4 November 2005 in the Northern Territory News in the appropriate form. Objectors have thirty (30) days to lodge their objection. As the thirty day period concludes on Sunday 4 December 2005 the *Interpretation Act* provides that the last day for lodging objections is extended to Monday 5 December 2005.
- 3) The three (3) objections received were all received within the objection period.
- 4) The first objection was received from the Northern Territory Police on their letterhead. It was written by Assistant Commissioner Mark Payne and was signed by him in his capacity as Assistant Commander of Operations Command. Assistant Commissioner Payne has standing as an objector under Section 47F(3)(c) of the *Liquor Act*.
- 5) Assistant Commissioner Payne raised a number of concerns in his written objection. These concerns included concerns about anti-social behaviour and public drunkenness and the impact of the same on the amenity of the neighbourhood including Litchfield National Park. He submitted that the neighbourhood is already sufficiently supplied with liquor outlets and that the addition of a further outlet would place unwarranted pressure on current Police resources. He also raised his concerns about public safety issues.
- 6) The applicant provided a full response to the Police objection. It was clear in their response that they have had further discussions with Police and they set out the details of those discussions in the response. It appears, however that the Police remain valid objectors to this application and therefore are entitled to a hearing with respect to the same.
- 7) The second objector is Mr Rob Hobbs, Manager/Co-Owner of "an exclusive Heritage B and B" called Historic Retreat. Mr Hobbs describes his premises as being a short distance from the Town Centre and I accept that those premises are clearly within the neighbourhood of the proposed licensed premises. Thus Mr Hobbs has standing as an objector under Section 47F(3)(a) of the *Liquor Act* as a person residing or working in the neighbourhood of the proposed premises.
- 8) Mr Hobbs raises a number of concerns, specifically regarding the takeaway component of the licence. His concerns include the likelihood of anti-social behaviour and drunkenness and the impact of the same on the amenity of the community. He is concerned about the impact of loud music and general noise on the community and suggests time restrictions on trading if a licence is granted.

- 9) The concerns raised by Mr Hobbs including his recollection of the problems that occurred on the site of the proposed premises under previous management are addressed by the applicant in their response. They further address Mr Hobbs' concerns regarding an error in the advertising of the application on the sign fixed to the proposed premises.
- 10) This error in the signage required some comment. For some years, the Commission has required an applicant to not only lodge two (2) advertisements in the relevant newspapers but also to affix a sign on the site of the proposed premises advising of the application for a liquor licence. The *Liquor Act*, itself only requires newspaper advertisements and I understand the Licensing Commission requested the further signage so as to ensure that those working or residing in the neighbourhood would definitely be aware of the licence application.
- 11) I understand that the sign affixed to the proposed premises in this case correctly described the type of licence sought and the hours of trade. It incorrectly suggested that the development would include a swimming pool and other facilities. I understand that when the error was noticed, the sign was changed.
- 12) I do not consider that this error has caused any adverse impact on this application such that any readvertising is required. I reiterate that under the *Liquor Act*, the only advertising required is newspaper advertising. Batchelor is a small community and I would be most surprised if any resident or tourist reading the sign elected **not** to lodge an application based on the error. In other words, despite the error, I consider that the signage was properly advertised for the purposes of the notice requirements to the objectors.
- 13) In summary, I consider that the Commission must conduct a hearing into the objection filed by Mr Rob Hobbs.
- 14) The third objector was Mr Robert Davis. I understand from the documents that Mr Davis is an operator of the Rum Jungle Motor Inn and therefore has standing as an objector pursuant to Section 47F(3)(a) of the *Liquor Act* as being a person "residing or working in the neighbourhood".
- 15) I make the comment that a person may be a competitor but can still be an objector if his or her concerns address the criteria set out in Section 47F(2)(a) – Amenity of the Neighbourhood and (b) – Health, Education, Public Safety or Social Conditions.
- 16) The letter addresses the regrettable mistake in advertising – an issue which I have already addressed above. The concerns raised included parking issues, anti-social behaviour and public drunkenness as a result of the takeaway liquor and noise issues for residents and visitors. The objection suggested limited licence hours to address in part these issues.
- 17) The applicant addressed all of the issues raised in his written response. I consider, however that the objection of Mr Davis remains a valid objection and the Commission must conduct a hearing into that objection.

Decision

- 18) As the member of the Commission appointed to consider the objections to this application for a new liquor licence, I consider that the objections of Assistant Commissioner Mark Payne, Mr Hobbs and Mr Davis are valid objections and the Commission must conduct a hearing with respect to the same.

Brenda Monaghan
Legal Member

6 February 2006