

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Crossways Hotel and Katherine Hotel
Licence Numbers:	80100963 & 80101789
Licensee:	TAD (NT) Pty Ltd Deemat Pty Ltd
Applicant:	Mr Anthony Adams, Director of TAD (NT) Pty Ltd and Deemat Pty Ltd
Proceedings:	Application for a Variation to Liquor Licence Conditions Pursuant to Section 32A of the <i>Liquor Act</i>
Heard Before:	Mrs J M Large (Presiding Member) Mrs K Williams Mr W Grimshaw
Date of Hearing:	3 November 2008
(on papers)	

Background

- 1) In accordance with The Liquor Supply Plan in place for the town of Katherine the liquor licences for the Crossways Hotel and the Katherine Hotel contain a condition which limits takeaway sales of alcohol as follows:

“Takeaway Hours Liquor shall be sold only for consumption away from the premises during the following hours:

- (i) *Sunday to Friday inclusive between the hours of 14:00 and 20:00;*
- (ii) *Saturday and Public Holidays between the hours of 12:00 and 20:00; and*
- (iii) *No trading on Good Friday or Christmas Day.”*

- 2) Mr Anthony Adams, Director of TAD (NT) Pty Ltd & Deemat Pty Ltd (the Applicant) applied for a variation to the licence conditions for both the Crossways Hotel and the Katherine Hotel, pursuant to Section 32A of the *Liquor Act* (“the Act). The reasons given for the variation were that both hotels service several station properties and retail businesses that hold licences to sell alcohol. The current restricted trading times for the sale of takeaway alcohol causes problems for these customers due to freight company schedules, their own business hours and the long distances some station owners have to travel. The applicant wishes to have an additional clause inserted into the hotels licences along the following lines:

“Collection and or delivery of alcohol by freight companies or authorized employees of Stations and business pre ordered by account holders be permitted during the hours of 9:00 to 8.00 pm Monday to Saturday.”

A listing of current Account holders, which includes stations, licensed premises, social and sporting clubs has been provided with the application.

- 3) The Commission understands the difficulties in obtaining supplies experienced by persons living and working in areas which are hundreds of kilometres from local towns. There is a

precedent established in the Tennant Creek Liquor Supply Plan which includes the following clause:

“4) Bush Orders, being legitimate orders from bush communities or cattle stations remote from Tennant Creek are exempt from the takeaway restrictions in paragraphs 1 and 3. Legitimate bush orders must be placed on accounts and received by telephone, facsimile or email at least one day in advance. All documentation must be retained for each order and made available to the Licensing inspectors upon request”

- 4) However, the Commission is concerned that the majority of the account holders, in the listing provided for two hotels, are from Katherine or are within a reasonable travelling distance from the township. To allow a blanket exemption for these account holders from the restricted takeaway trading hours could be perceived as undermining the intent of the Liquor Supply Plan and may result in a two tiered access to takeaway alcohol in the town, namely those with an account and those without an account at the hotels.
- 5) The Commission feels that it would be more appropriate to approve an exemption clause similar to that applying in Tennant Creek but limiting the exemption to those account holders outside a hundred (100) kilometre radius of Katherine township.
- 6) The limiting of sales to account holders only and the setting of a kilometre limit for such takeaway sales will not have any effect of the sale of alcohol in Katherine and, therefore, the Commission sees no need to advertise the variation of the licence condition pursuant to Section 32A of the Act.

Decision

- 7) Pursuant to Section 33 of the Act, the Commission gives notice of a variation to the Takeaway condition in the liquor licences for the Crossways Hotel (licence number: 80100963) and the Katherine Hotel (licence number: 80101789) by adding the following:

Bush Orders, being legitimate orders from remote cattle stations, licensed premises and businesses which are located over one hundred (100) kilometres from the township of Katherine, are exempt from the restricted takeaway sales trading hours. Legitimate bush orders must be placed on account and received by telephone, facsimile or email at least one day in advance. Orders may be collected by freight carriers or persons, specifically authorised by the account holder, during the following hours:

Monday to Saturday inclusive between the hours of 09:00 and 20:00.

All documentation must be retained for each order and made available to the Licensing Inspectors upon request.

Mrs J M Large
Presiding Member

10 November 2008