

## Delegate of the Director of Liquor Licensing

### Decision Notice

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<b>MATTER:</b>	Application for the grant of a licence and authority
<b>APPLICANT:</b>	Paul Jomark Williamson
<b>PROPOSED PREMISES:</b>	Williamson Northern Territory Mango Winery and Distillery 290A Darwin River Road DARWIN RIVER NT 0841
<b>OBJECTORS:</b>	Nil
<b>LEGISLATION:</b>	<i>Liquor Act 2019</i> - Part 3 and 4
<b>DECISION OF:</b>	Southern Region Manager – Licensing & Compliance
<b>DATE OF DECISION:</b>	10 February 2025

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#### DECISION

1. As a delegate of the Director of Liquor Licensing, I approve the application by Mr Paul Williamson (the Applicant) for the grant of a liquor licence with a producers' authority, for the premises known as Williamson Northern Territory Mango Winery and Distillery located at 290A Darwin River Road DARWIN RIVER NT 0841.
2. The grant of the licence is for an expansion of the existing wholesaler registration, allowing for the sale of the products through an online platform.
3. The licence is granted in pursuance of section 60 of the *Liquor Act 2019* (the Act), with reference to section 47(1)(j) of the Act, being a producers' authority.
4. The operating conditions in relation to the catering authority are in accordance with Part 4, Division 13 of the *Liquor Regulations 2019* (the Regulations) and the following special conditions:
  - a) The hours of operation are to be between 10:00 and 22:00 seven (7) days a week (Good Friday and Christmas Day excluded)<sup>1</sup>;

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<sup>1</sup> *Liquor Regulations 2019*, r72 prohibiting sales on Good Friday and Christmas Day.

- b) The commencement of trade under this authority for on-premises sales and consumption is prohibited until such time as the licensee has provided to the Director materials confirming they have the necessary certifications, and approvals from the NTFRS (including maximum patron numbers), and has received confirmation in writing they may commence trade from the Director or her delegate pursuant to section 60(5)(a) of the Act; and
5. For the avoidance of doubt, this authority only allows the licensee to sell liquor produced by the licensee. No other products may be sold under the licence, notwithstanding the licensee is also registered as a wholesaler of liquor. That is a separate registration.

## BACKGROUND

6. Pursuant to section 52 of the Act, Mr Paul Williamson lodged an application for a licence with a **producers' authority** on 28 November 2024.

## CURRENT SITUATION

7. The application is for a licence to allow for the sale of liquor produced by the licensee through online platform.
8. The licensee has a registration allowing for wholesale sales of their products from the premises, that registration however does not allow for on premises sales and consumption, or off-premises sales to the general public.
9. The Applicant currently holds a wholesale of liquor registration (WLL1057) and is proposing to offer these products for retail sale online only.
10. It was submitted by the Applicant there is no intention for cellar-door style service, all sales are to be online only.
11. This current intention does not however preclude any future ability expand the business to allow for pre-booked tours or some small on-premises sales if the demand requires.
12. Their overall production capacity is not expected to exceed 18,000L per annum, which equates to approximately 1,500L per week.
13. The applicant has provided the material prescribed in section 52 of the Act including:
  - an affidavit made under section 54;
  - evidence necessary to satisfy the onus specified in section 51; and
  - the application fee.
14. A menu was provided by the licensee in support of the application, including prepackaged sandwiches and other snacks that will be available for purchase if it comes to pass that he allows for on-premises sale and consumption.

15. The Regulations require a light meal to be available, a term defined in regulation 3 as "...a meal that may be eaten with the hands while standing". The items contained in the proposed menu are of that nature.

#### NOTIFICATIONS, PUBLIC NOTICES AND OBJECTIONS

16. Publication of the application has been exempted by the Delegate of the Director according to section 57(2A) of the Act.
17. In pursuance of section 56(4) of the Act the application was notified to the Commissioner of Police and the Chief Executive Officers of the Department of Health (Health) and Litchfield Council.
18. Although not a statutory requirement, as is practice, notification of the application was sent to the Northern Territory Fire and Rescue Service (NTFRS) and Liquor Compliance.
19. Health and Council advised they had no objections to the application, and no responses were received from Police, NTFRS and Liquor Compliance.

#### APPLICATION

20. The applicant has provided materials of sufficient detail mindful of the limited nature of this licence in support of the application including all materials prescribed by the Act.
21. The authority sought by the applicant is in pursuance of section 47(1)(j) of the Act.
22. The determination of applications under section 60(1) of the Act has been conditionally delegated by the Liquor Commission to the Director of Liquor Licensing. The limitation including the authorities which may be granted under delegation being a producers' authority.
23. The Director further delegated these powers to me by instrument.

#### DISCLOSURE OF PERSONS

24. Section 54 of the Act requires the applicant to make an affidavit disclosing each person who, if the licence is issued, may:
  - (a) be able to influence the applicant; or
  - (b) expect a direct or indirect benefit from the applicant.
25. I am satisfied with the materials provided by the applicant in relation to this requirement.

## RESULTS OF INVESTIGATION

26. Section 58 of the Act enables the Director to conduct an investigation into an application as considered appropriate. No materials have been discovered or provided to indicate there are any adverse matters in relation to this application.
27. A suitable Public Interest and Community Impact Assessment was provided detailing the exclusive nature of the premises and comprehensive services to be offered, with the general public prohibited from the site.

## FINANCIAL STABILITY

28. I am satisfied with the materials provided of the financial stability and business reputation of the applicant.
29. As written previously, the applicant operates from the premises already as a wholesaler of liquor.

## FIT AND PROPER PERSON

30. Section 59(3)(g)(i) of the Act requires the decision maker to consider whether the applicant is fit and proper to hold a licence.
31. The applicant provided materials in support of this and Mr Williamson is to be the licensee as a natural person in pursuance of section 52(1) of the Act.
32. Having considered the materials provided I am satisfied the Applicant is a fit and proper person to hold a licence and act as licensee.

## PUBLIC INTEREST AND COMMUNITY IMPACT

33. Section 49 of the Act requires the decision maker to be satisfied the applicant is fit and proper, the licence or authority is in the public interest and will not have a significant adverse impact on the community.
34. The first branch of the requirement has already been addressed.
35. It remains to consider whether the application is in the public interest, to do so consideration must be given to the objectives prescribed in section 49(2) of the Act which include:
  - a. minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
  - b. ensuring liquor is to be sold, supplied, served and consumed on or in licensed premises in a responsible manner;

- c. safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises;
  - d. protecting the safety, health and welfare of people who use licensed premises;
  - e. increasing cultural, recreational, employment or tourism benefits for the local community area;
  - f. promoting compliance with this Act and other relevant laws of the Territory;
  - g. ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business;
  - h. preventing the giving of credit in sales of liquor to people;
  - i. preventing the practices that encourage irresponsible drinking;
  - j. reducing or limiting increases in anti-social behaviour.
36. In determining whether there would be a “significant adverse impact on the community” section 49(3) of the Act prescribes the decision maker “must consider the following”:
- a. the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
  - b. the geographic area that would be affected;
  - c. the risk of harm from the excessive or inappropriate consumption of liquor;
  - d. the people or community who would be affected;
  - e. the effect on culture, recreation, employment and tourism;
  - f. the effect on social amenities and public health;
  - g. the ratio of existing liquor licences and authorities in the community to the population of the community;
  - h. the effect of the volume of liquor sales on the community;
  - i. the community impact assessment guidelines issued under section 50;
  - j. any other matter prescribed by regulation.
37. The Act is clear in that the applicant bears the onus of satisfying the decision maker of the relevant matters, irrespective of whether no objections were received as is the case in this matter.
38. In relation to the issue of the community impact and public interest, those matters have previously been published under section 6A of the *Liquor Act 1978* and in force immediately before the commencement of the *Liquor Act 2019* and are taken to be community impact assessment guidelines issued under section 50 of the Act.

39. Those matters remain as previously published in numerous decisions by the Liquor Commission and I am guided by these decisions.

## CONSIDERATION CRITERIA

40. Consideration must be made of the applicant's affidavit, the results of any investigation, objections and responses, the suitability of the premises along with the appropriateness of the applicant to be a licensee.

41. With regards to the matters raised in section 49(2) of the Act, I note the following:

- a. minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor is to be minimised:

The licensee will sell its products through an online platform as a result it is unlikely to cause harm or ill-health.

- b. ensuring liquor is to be sold, supplied, served and consumed, on or in licensed premises in a responsible manner:

Having considered all the material, it is unlikely any liquor sold, supplied, served and consumed will be done so in an irresponsible manner.

- c. safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises:

The minimal nature of the premises naturally restricts patronage of the facility, making it improbable that public order and safety are likely to be jeopardised by the operation of the licence.

- d. protecting the safety, health and welfare of people who use licensed premises:

There is no intention for cellar-door style service and all sales are to be online only. This will restrict the use of the licensed premises.

- e. increasing cultural, recreational, employment or tourism benefits for the local community area:

The primary intention of the licence is the natural growth of their premises and business, including the promotion of Territory made products.

- f. promoting compliance with this Act and other relevant laws of the Territory:

There are no materials provided which would suggest the applicant will not comply with the Act and any other relevant laws.

- g. ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business:

I am satisfied the applicant will appropriately manage and supervise service staff.

- h. preventing the giving of credit in sales of liquor to people:

No issues have been raised to suggest there is any concern in relation to this objective.

- i. preventing the practices that encourage irresponsible drinking:

No issues have been raised to suggest there is any concern in relation to this objective.

- j. reducing or limiting increases in anti-social behaviour:

No issues have been raised to suggest there is any concern in relation to this objective.

42. Turning to the matters under section 49(3):

- a. the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school:

There are no materials to suggest there is a significant risk of undue offence, annoyance, disturbance or inconvenience likely to be caused by the granting of these authorities.

- b. the geographic area that would be affected:

The premises is pre-existing, and there has been no issues to date concerning the wholesale aspect of their operation. The premises is located in the remote area and it is highly unlikely those within the geographic area would be affected.

- c. the risk of harm from the excessive or inappropriate consumption of liquor:

As previously indicated, there are no materials to suggest there will be excessive consumption of liquor as all the sales will be made through online platform.

- d. the people or community who would be affected:

Given the remote location of the premises it is unlikely there will be significant adverse impact on the community by the granting of this licence.

- e. the effect on culture, recreation, employment and tourism:

The promotion of Territory made products is a benefit to the local tourism industry and the consequential flow-on to employment and the economy.

- f. the effect on social amenities and public health:

It is unlikely there will be any significant adverse impact on the social amenities and public health by the granting of this licence to the applicant.

- g. the ratio of existing liquor licences and authorities in the community to the population of the community:

There is nothing to suggest there will be a significant change in the ratio of this type of authority in the immediate area. The industry itself is a growth industry, and it is likely similar applications will be a natural part of that growth. These will need to be considered on a case-by-case basis.

- h. the effect of the volume of liquor sales on the community:

The minimal nature of the operation is unlikely to significantly increase the volume of liquor sales in the wider Darwin River area.

- i. the community impact assessment guidelines issued under section 50:

These have been considered and referred to earlier in this notice.

- 43. Having regards to the foregoing, I am satisfied that the issuing of the licence as sought is in the public interest and will not have an adverse effect on the community.

## REVIEW OF DECISION

- 44. Section 27 of the Act provides for the applicant or a person who made a submission the subject of the decision, to seek a review of a decision made by the delegate of the Director.

- 45. The Director delegated the determination of applications made under section 52 of the Act by instrument to the person from time to time holding, acting in or performing the duties of the position listed in the Schedule of that instrument. This decision was made by a person referred to in that schedule.

- 46. An application for review must be lodged with the Director within 28 days after written notice of the decision is given to the person and must be in the form approved by the Director, stating the grounds for the review and the facts relied on to establish the grounds.

- 47. Accordingly, the affected persons in relation to this decision are Mr Paul Williamson, Department of Health and Litchfield Council.



**Mark Wood**  
Southern Region Manager – Licensing & Compliance  
Delegate of the Director of Liquor Licensing

10 February 2025