

Northern Territory Licensing Commission

Reasons for Decision on Objection

Applicant:	Outback Caravan Park Tennant Creek
Proceeding:	Section 47I of the <i>Liquor Act 1978</i> , Decision on whether objection proceeds to hearing
Date of these Reasons:	22 March 2004
Objector:	Mr Gavin Carpenter for Barkly Region Alcohol and Drug Abuse Advisory Group Inc

The applicant seeks the grant of a licence for the consumption of liquor on the premises, a caravan park situated at Peko Road, Tennant Creek.

The application was advertised in the "Tennant Creek Times" on Friday 30 January and Friday 6 February 2004. The statutory period during which objections can be lodged with the Director of Licensing concluded on Monday 8 March.

A detailed objection, dated 18 February was lodged with the Deputy Director of Licensing at Alice Springs. The objector, Mr Gavin Carpenter, Public Officer of the Barkly Region Alcohol and Drug Abuse Advisory Group Inc (BRADDAG) signed the written objection. I am satisfied the objection was properly lodged in accordance with Section 47F(4) of the Act.

As required by Section 47G, the Director informed the applicant of the substance of the objection. The applicant provided a written response to the Director, dated 10 March 2004.

Section 47F(3) defines those persons, organisations or groups that may make an objection to an application for the grant of liquor licence. Sub-section (3)(f) designates a "community-based organisation or group (for example, a local action group or charity)" as a group able to make an objection. I am satisfied that BRADAGG is such a group and that I am thus able to consider its objection further.

The substance of BRADDAG's objection is as follows:

- (a) the restriction of liquor sales to consumption on the premises will prove ineffective as permanent residents of the caravan park are able to invite guests and thus there is no means available to ensure that liquor is consumed only by registered lodgers,
- (b) there is no effective means of restricting registered lodgers from purchasing liquor and passing it to friends and family,
- (c) daily limits on the amount of liquor that can be purchased can often lead to stockpiling and lead subsequently to binge drinking,
- (d) there are at least two liquor outlets within a one-kilometre distance of the applicant's premises and BRADAGG cannot see the need for another liquor outlet in Tennant Creek, even in a caravan park environment.

While the facts of BRADAGG's objection are clearly stated I am required to have regard to Section 47F(2) of the Act which is as follows:

*An objection under subsection (1) may **only** be made on the ground that the grant of the licence may or will adversely affect the amenity of the neighbourhood where the premises the subject of the application are or will be located. (Emphasis added)*

My reading of BRADAAG's objection does not reveal any direct claim or clearly inferred link to the amenity of the neighbourhood where the premises are located. As stated earlier in my decision on objections to the Headlines' application handed down 2 December 2003, "whether or not I regard the organisation's concerns as genuine or reasonable is irrelevant to an assessment of the objection in the light of the legislation". The available ground of objection is arguably clear and the objector fails to address it. Therefore I must dismiss the objection.

It should be noted that my decision is confined to the threshold issue of whether or not the objector satisfies the requirements of the relevant legislation. My decision should not be viewed as a judgement regarding the merits of the application. Any such judgement is a matter for the Commission, which may conduct a hearing in order to determine the merits of the application and to have regard to Sections 28, 31 and 32 of the Act.

This decision is to be forwarded to the applicant, to Mr Gavin Carpenter for BRADAAG and to the Director of Licensing.

Peter R Allen
Member selected by the Chairman pursuant to s471(2)