

Director of Liquor Licensing

Decision Notice

MATTERS:	APPLICATION FOR VARIATION OF CONDITIONS OF A LICENCE
LICENCE NUMBER:	80801281
LICENSEE:	Pirlangimpi Indigenous Corporation for Community Development
PREMISES:	Pirlangimpi Community Club Garden Point MELVILLE ISLAND NT
NOMINEE:	Mr David Canty
APPLICANT:	Pirlangimpi Indigenous Corporation for Community Development
LEGISLATION:	Section 32A of the <i>Liquor Act 1978</i> and section 334 of the <i>Liquor Act 2019</i>
DECISION OF:	Director of Liquor Licensing
DATE OF DECISION:	17 December 2020

DECISION

1. For the reasons set out below and in accordance with section 334(6)(a) of the *Liquor Act 2019*, as amended on 20 November 2020 (**the 2019 Act**), the Director of Liquor Licensing (**the Director**) has determined to approve the variation of the liquor licence liquor licence conditions for the Pirlangimpi Community Club top authorise the sale of takeaway liquor from the premises.
2. For the reasons set out below and in accordance with section 334(6)(b) of the 2019 Act the Director has determined to vary the conditions of the licence, as requested by the applicant, in respect of the days and times takeaway liquor may be sold.
3. For the reasons set out below and also in accordance with section 334(6)(b) of the 2019 Act the Director has determined to impose additional conditions on the liquor licence. Those additional conditions are referred to below in this decision notice.
4. The Licensee shall not commence trade in the sale of takeaway liquor until such time as it has equipment associated with the Banned Drinker Register (BDR) DR system is in place and operational to the satisfaction of the Director.

BACKGROUND

1. On 24 September 2015, Mr Henry Dunn, Chairman of the Pirlangimpi Indigenous Corporation for Community Development (**the Applicant**) lodged an application with the Director-General of Licensing for the grant of a variation to the conditions of the liquor licence (**the Application**). The application was for the re-instatement of a condition allowing for the sale of takeaway liquor under the licence, previously provided for in the original licence.
2. The applicant holds liquor licence 80801281, an *on licence* under the *Liquor Act 1978* (the 1978 Act), which provided for the sale of liquor for consumption on or away from the licensed premises. For completeness, on 20 May 2020 the licence was converted in pursuance of section 324 of the *Liquor Act 2019* (**the 2019 Act**) to a *community club authority*.
3. Until 19 October 2007 the licence contained a condition which read:

Takeaway Sales	<p>(a) Liquor for removal and consumption away from the licensed premises shall only be sold each Saturday between 16:00 and 18:00 hours to persons having a permit issued by the Licensing Commission following assessment by the Permit Assessment and Recommendation Committee (the Permit Committee) and in accordance with the following quota:</p> <p>Unless a lesser amount is specified in a particular permit, the maximum limits that may be purchased by permit holders on a weekly basis is as follows:</p> <ul style="list-style-type: none"> • One (1) carton of light beer (24 x 375ml cans, less than 3%) or • One (1) carton of mid-strength beer (24 x 375ml cans, 3% to 4% or • Two (2) six packs of full strength beer (12 x 375ml cans, over 4%) or • Two six (6) packs of premix drinks (12 x 375ml cans) or • Three (3) bottles of wine (750ml, not fortified)
	<p>(b) Takeaway Liquor Sale Records To Be Kept:</p> <p>A written record in an approved form is required to be maintained by the Licensee and kept on the premises for all sales of takeaway liquor to permit holders. The Licensee must make the records available for inspection upon request by Police and licensing inspectors.</p> <p>(c) Banned Persons: The Licensee shall inform the Permit Committee of any person banned from the licensed premises so that action regarding their liquor permit can be considered.</p>

4. On 19 October 2007 the Licensee was advised in writing by Ms Lynne Curran, Group Manager, Office of Indigenous Policy Coordination, Department of Families, Community Services and Indigenous Affairs of a decision by the Minister for Families, Community Services and Indigenous Affairs, the Hon. Mal Brough MP (**the Minister**), to vary the conditions of their liquor licence in accordance with subsection 13(5) of the *Northern Territory National Emergency Response Act 2007 (Cth)* (the NTNERA).
5. The new conditions that the Minister directed would apply being:

- That only mid-strength and light alcohol beer can be sold, with an alcohol per volume content of 3.99% or less.
 - The following new trading hours will apply:

Tuesday and Wednesday	4:30 pm to 7:30 pm
Friday and Saturday	4:30 pm to 7:30 pm
 - These trading hours will be conditional upon the licensed premises making substantial food available for patrons. This is defined as hot food cooked on site.
 - No takeaway alcohol sales will be allowed.
6. Central to this application is the removal of the original condition allowing for the limited sales of takeaway liquor.
 7. Subsection 13(5) of the NTNERA provided for the Minister, by notice in writing to the Licensee and Licensing Commission, to determine that the conditions of a licence are varied in a way specified in the notice. The Minister sent similar letters to the Licensees of the other remote area community clubs, namely; the Barunga Community Store, the Gunbalunya Sports and Social Club, the Milikapiti Sport & Social Club, the Nauiyu Club, the Peppimenarti Club, the Wuduluk Progress Aboriginal Association Store, the Wurankuwu Aboriginal Corporation and the Nguiu Club.
 8. The new licence conditions came into effect on 20 November 2007, with the Northern Territory Licensing Commission issuing an amended licence to the Licensee reflecting the variations.
 9. The Application subsequently sought the following:
 - The re-instatement of the previous takeaway provisions removed by the Commonwealth Minister in 2007; and
 - Change the day of sale of takeaway from a Saturday to a Thursday, between the hours of 4:00 pm and 6:00 pm.

THE APPLICATION - PROGRESS AND DELAY IN DETERMINATION

10. The Application was made in pursuance of section 32A of the 1978 Act on 24 September 2015 and was accepted by the then Director-General. The Director-General considered the Application in part but did not progress or determine the Application as a previous decision in a similar matter, had yet to be reviewed. That matter being a similar application lodged on 10 September 2015 seeking the reinstatement of the takeaway licence conditions for the liquor licence of the Milikapiti Sports & Social Club (**the Milikapiti Club**).
11. The Milikapiti Club held a similar licence to the Applicant and had been subject to the same variation of their conditions by the Minister in 2007, removing their takeaway liquor sales, reducing their overall hours of trade and placing a product restriction for on-premises sales. Whilst other premises are dispersed throughout the Territory, the Milikapiti Club is in close proximity to the Pirlangimpi Community Club, situated approximately 20km from Pirlangimpi on Melville Island.
12. The decision of the Director-General in the Milikapiti Club matter was to re-instate the takeaway liquor sales under section 32A of the 1978 Act in the same manner as contained in their original licence, which is materially the same as the Pirlangimpi Community Club

conditions.¹ That decision provided for a 12 month trial period, after which the decision to reinstate the takeaway liquor condition was to be reviewed.²

13. As a result of the proposal to review the Milikapiti Club licence in 12 months, the Director-General determined to not progress this current Application by the Pirlangimpi Community Club until the review of the Milikapiti Club licence had been completed. On 6 November 2017 the Director-General reviewed the conditions of the liquor licence at the Milikapiti Club, determining not to take any action in relation to the present licence of the and leaving the takeaway liquor condition in place.³
14. The Director-General noted the “...authority to sell takeaway liquor under the existing terms and conditions of the licence will consequently, provide on-going authority unless varied, suspended or cancelled in accordance with the Act”.⁴ Despite the review having been completed, the application by Pirlangimpi Community Club was not resumed or actioned, no determination was made by the Director-General.
15. In the absence of a determination of the Application, the Applicant contacted Licensing NT to make enquiries as to the status of the matter. Following further discussions relating to the status of the Application Licensing NT wrote to Mr Gideon Pangiramani, Chairperson of the Pirlangimpi Indigenous Corporation for Community Development in June 2018. That correspondence resulted in a fresh application to reinstate the takeaway conditions being lodged, despite the absence of a determination in the original application. The 2018 application was lodged by the Applicant on the mistaken belief the 2015 application (the Application under consideration now), was not pending because it had either not been received by Licensing NT, or that it had been refused.
16. The application lodged by the Applicant in 2018 was incomplete as it did not comply with the requirements of the 1978 Act, which had been amended to reflect the creation of the Liquor Commission. The amendments also prescribed additional materials required from an applicant that were not previously required by the Act for an application of this nature.
17. The 1978 Act was amended so as to require the Director-General to refer an application made under section 32A, if accepted, to the Liquor Commission. As that application had not been accepted due to its deficiencies, no referral or other determination was necessary for the incomplete 2018 application. Conversely, the 2015 application had been accepted by the Director-General and, although some materials remained to be provided by the Applicant, the determination of the Application remained outstanding. For completeness, the Licensee has subsequently provided the necessary materials that had been outstanding.
18. Section 50 of the 1978 Act (as at 28 February 2018) required the Director-General to refer *inter alia* an application under section 32A(1) for variation of the conditions of a licence to the now Liquor Commission.⁵ Section 169 of the 1978 Act (as at 28 February 2018) is a transitional provision and prescribes:

169 Application pending

(1) This section applies if the Director-General has, before the commencement, received an application of a type mentioned in section 50(a), (b), (c) or (d), but at the commencement a decision has not been made whether to approve or refuse the application.

¹ Director-General of Licensing, *Decision Notice – Milikapiti Sports & Social Club Inc* (10 September 2015) at [24].

² *Ibid*, at [25].

³ Director-General of Licensing, *Review of the conditions of the liquor licence at Milikapiti Sport & Social Club Inc*, (6 November 2017).

⁴ *Ibid*, at [71].

⁵ *Liquor Act 1978*, s50(b).

(2) If the Director-General:

(a) has held a hearing in relation to the matter – the Director-General must determine the application in accordance with this Act as in force immediately before the commencement; or

(b) has not held a hearing in relation to the matter – the Director-General must refer the application to the Commission for determination in accordance with this Act as in force after the commencement.

19. The Application under consideration is:

- of a type referred to in section 50(b);
- a decision has not been made whether to approve or refuse the application; and
- the Director-General had not held a hearing in relation to the matter.

As a result the Application fell within the ambit of section 169 of the 1978 Act.

20. With reference to section 169, the 2015 application was subsequently referred to the Liquor Commission⁶ on 13 December 2019 for determination as the Director-General, despite the passage of time, had not held a hearing in relation to the matter.

21. The Commission considered the Application and identified preliminary issues that required ventilation prior to a final determination. Additional issues were identified by the Applicant and the Director of Liquor Licensing⁷ and that had been raised by parties.

22. Those issues included:

- the validity and effect of the letter dated 19 October 2007 from Ms Lynne Curran;
- if the letter was held to be a valid instrument as prescribed in the NTNERA⁸;
- the effect of section 24(2) of the 1978 Act; and
- whether section 169 of the 1978 Act was applicable to the Application.

23. The Commission held a directions hearing into the preliminary issues on 15 January 2020, with consultation also being undertaken with Hon. Ken Wyatt MP, the Commonwealth Minister for Indigenous Australians. Submissions arising from the directions hearing were received by the Commission on 21 March 2020.

24. The progress of this matter was further impacted by the suspension of business by the Commission in response to the COVID-19 pandemic, with parties being informed of the cessation of the Commission's activities.

25. The Commission subsequently issued a decision notice in relation to the initial hearing and preliminary issues arising from it.⁹ In relation to those issues the Commission made the following findings:

The validity and effect of the letter from Lynne Curran dated 19 October 2007

⁶ The Northern Territory Licensing Commission having been replaced by the Northern Territory Liquor Commission by effect of the *Liquor Commission Act 2018* on 28 February 2018.

⁷ Following the enactment of the *Liquor Act 2019* the Director of Liquor Licensing replaced the Director-General of Licensing for liquor related matters.

⁸ *Northern Territory National Emergency Response Act 2007* (Cth), s13(5).

⁹ Northern Territory Licensing Commission, *Decision Notice – Pirlangimpi Indigenous Corporation for Community Development*, (11 November 2020).

26. It was submitted by counsel for the Applicant that the letter was invalid as “...it was an instance of the purported exercise of a delegated power by a person without delegated authority”.¹⁰ It was further submitted the effect of that invalidity would be the removal of the takeaway provisions on the licence, would be invalid.
27. Correspondence was subsequently received from Minister Wyatt, and whilst that response did not provide specific materials to confirm Ms Curran was duly delegated to issue the notice, the Commission found Ms Curran was suitably authorised to inform the Licensee of “...his [the Minister’s] decision to vary the conditions” of the liquor licence.¹¹
28. Accordingly, the Commission determined the variation of the licence by the Minister in 2007 was valid.

Does the Minister’s determination in 2007 prohibit the Commission from considering and granting the application?

29. The Commission wrote to the Minister on 23 December 2019 and invited Minister Wyatt to provide a response in relation to the issues. The Minister replied by letter dated 2 March 2020. In his response, Minister Wyatt suggested the powers to vary conditions of a liquor licence vest in both the Minister, through the NTNERA and subsequently, the *Stronger Futures in the Northern Territory Act 2012* (Cth) (SFNTA) and the Commission through the 1978 Act and 2019 Act.
30. It was the Minister’s position these powers operate concurrently, this position being supported by the provisions of the SFNTA in sections 12(5), which provides for the Minister to vary the conditions of a liquor licence by written notice to the Licensee and Commission, and section 13A which prescribes the process the Minister must take in consulting with the NT Minister and the Commission before making the variation. The SFNTA also provides that the Minister must have regard to any written comments of the NT Minister and Commission. In his response to the Commission the Minister specifically referred to these powers as “concurrent”.¹²
31. Somewhat mirroring the Minister’s response, the Director wrote to the Commission in January 2020 providing a submission as requested to these matters. In that letter the Director examined section 13(5) of the NTNERA and submitted that it did not fetter the power of the Commission to vary conditions of a liquor licence, as is sought in this Application. This ability may however be overridden by the Minister, again supporting the position the powers are “concurrent”. This submission was accepted by the Commission.¹³
32. In considering this matter again for the purpose of this decision notice, I retain my position and have no materials to dissuade me from the belief the conditions of a licence may be varied through the provisions of the relevant Liquor Act, irrespective of the Minister’s earlier variation.

The effect of section 24(2) of the 1978 act on the Commission’s ability to grant the application

33. Section 24 of the 1978 Act provides for the Commission to issue a licence to an applicant for the sale of liquor, or the sale of and consumption of liquor on, at, or away from, premises specified in the licence.¹⁴ However, the 1978 Act introduced a statutory prohibition on the Commission through section 24(2), whereby no new takeaway liquor licence may be issued during the period prescribed.

¹⁰ Ibid, [23].

¹¹ Ibid, [32].

¹² Ibid, [50].

¹³ Ibid, [55].

¹⁴ *Liquor Act 1978*, s24(1).

34. The Commission accepted submissions from the parties to the effect that section 24(2) only prohibits the granting of new takeaway licences and what is sought in this Application is not a “new” takeaway liquor licence but rather the reinstatement of a takeaway liquor licence that has existed previously. The Commission accepted those submissions and found that section 24(2) does not prevent the granting of this Application.¹⁵

The application of section 169 of the 1978 Act on this matter

35. It was initially submitted that section 150 of the 1978 Act applied and not section 169, the effect of which would remove the requirement to comply with the amendments to the 1978 Act in 2018, which included more stringent approval procedures, including the requirement for community impact assessments and public interest considerations. It was subsequently conceded by the parties that the reliance on section 50 was misconceived with the correct operative section being section 169.
36. Section 169, which is applicable to certain applications made before the commencement of the *Liquor Legislation Amendment (Licensing) Act 2018*, came into force on 28 February 2018.¹⁶ The Commission held that as the application was lodged on 24 September 2015, section 150 did not apply and subsequently with reference to section 169, the Commission were required to determine the matter in accordance with the Act as in force after its commencement on 28 February 2018.¹⁷

PUBLISHING OF APPLICATIONS AND CONSULTATION

37. Under instruction from the Acting Deputy Chairperson of the Liquor Commission, Mr Russell Goldflam, public notices of the application were published in Pirlangimpi through physical notices being placed at the Store and on social media.
38. Ordinarily, public notices of applications of this nature are published in a local newspaper, such as the NT News. However, given the remote location of the premises and absence of daily newspaper deliveries, the notices being placed on the Store notice board and the premises’ social media accounts were determined to be the most appropriate course. Publication of the notice at Pirlangimpi allowed all members of the community the formal opportunity to see what was proposed and express their views on application if they so desired.
39. The application was posted at the Store on 29 June 2020 and 4 July 2020, with a sign also being posted at the Club premises from the period 8 July 2020 to 6 August 2020. Evidence of notices has been provided by counsel for the Applicant. As a result of the publication of the application, no objections were received from the public.
40. Notification of the application and comments were also sought from:
- The Commissioner of NT Police;
 - The Chief Executive Officer of the Tiwi Islands Regional Council.
41. On 13 October 2020 Police provided a written response conditionally supporting the application¹⁸. Police did however raise the wider issue of deliveries of takeaway liquor to liquor permit holders in the three local communities being Pirlangimpi, Wurrumiyanga and Milikapiti. Since the time when the Applicant’s takeaway licence was removed these deliveries of liquor

¹⁵ Northern Territory Licensing Commission, *Decision Notice – Pirlangimpi Indigenous Corporation for Community Development*, (11 November 2020) at [64].

¹⁶ *Ibid*, [68].

¹⁷ *Ibid*, [69].

¹⁸ Email from Neta Henderson to Mark Wood, 13 October 2020.

have been made by barge with permit holders ordering liquor from Licensees in Darwin and collected by individual permit holders from the barge when it arrives in the community.

42. This practice was initially unsupervised however it is now informally supervised by Police as a result of incidents around the uncontrolled nature of the delivery. Police submitted the lack of governance around the barge deliveries resulted in theft and misappropriation, resulting in alcohol-related violence and disturbances in the communities. In its submissions Police stated:

“This application is only supported if the current process of receiving take away alcohol (via barge) in Wurrumiyanga, Pirlangimpi and Milikapiti is removed and it becomes the responsibilities of the licensed clubs in those communities.”

43. Police also submitted that the takeaway provision should be the same across each three community clubs on the Tiwi Islands and that the licence conditions should be the same.
44. Relevant to this matter, the 1978 Act provides for the granting of a permit to a person who resides in, or is temporarily living in, a general restricted area.¹⁹ For completeness, similar provisions have been retained in the 2019 Act. The permit allows the holder to bring, possess or consume liquor in the general restricted area to which the permit relates. Liquor permits are personal to the holder, location specific and not transferable.
45. Both the 1978 Act²⁰ and the 2019 Act²¹ provide for the Director to issue a permit subject to such conditions as they think fit. At this time there are approximately 250 liquor permits in Pirlangimpi, 280 in Milikapiti and 620 in Wurrumiyanga.
46. The powers available to the Director under the 2019 Act do allow a wide discretion to impose a condition on a permit. Such conditions generally include product types and quantities, but may also include location of purchase.
47. For the avoidance of doubt, whilst the submission by Police is expanded to include the three communities, the within Application is narrow and only relates to the Pirlangimpi Community Club. In addition, the determination in respect of the Application is to be made by the Director under section 334 of the 2019 Act as recently amended. Section 334 only applies to the this Application and does not authorise the Director to take any action, such as amending the licence conditions, in respect of the club licences in Milikapiti and Wurrumiyanga.
48. As noted above, previously the Milikapiti Club licence was varied to re-instate the takeaway liquor sales condition, no such application has been received or considered for the Nguuu Club in Wurrumiyanga.
49. The submissions of Police will be further considered later in this decision.
50. No response has been received from the local council, however it is accepted the application and what is sought is widely known, with numerous stakeholders throughout the community.

AMENDMENT OF THE LIQUOR ACT 2019

51. This Application was lodged under the 1978 Act. However, on 12 November 2020 the Legislature passed the Liquor Further Amendment Bill 2020. The further amendments to the 2019 Act came into force on 20 November 2020 following assent by Her Honour the Administrator. The purpose of the amendments is to authorise the Director of Liquor Licensing

¹⁹ Liquor Act 1978, s87(1).

²⁰ Liquor Act 1978, s87(3).

²¹ Liquor Act 2019, s201(4).

to expedite liquor licence applications that were lodged under the 1978 Act but which are yet to be finally determined.

52. The 2020 amendments inserted Division 3 – Expedited determination of applications under *Liquor Act 1978*. Division 3 includes a new section 334 which provides, relevant to the application under consideration, the following:

334 Power of Director to expedite applications

(1) This section applies in relation to the following applications:

...

(b) an application for a variation of licence conditions to allow takeaway sales of liquor that:

(i) was made under section 32A of the *Liquor Act 1978* before its repeal; and

(ii) was not determined under that Act before the commencement.

(2) The Director must determine the applications on an expedited basis within 30 days of the commencement.

(3) The applications are not within the jurisdiction of the Commission and any previous decision of the Commission, under this Act or the *Liquor Act 1978*, in relation to the applications is of no effect.

53. Section 334(2) of the 2019 Act, as amended, provides that the Director must determine the applications that fall within the parameters of section 334(1) on an expedited basis within 30 days of the commencement of the amending legislation.
54. Section 334(1)(b) applies only to applications for the variation of licence conditions to allow takeaway sales of liquor. The requirements of sub-section 334(1)(b)(i) and (ii) are cumulative, that is to fall within the bounds of the section an application must satisfy each of the requirements set out.
55. In terms of the application for the variation of the licence conditions for the Pirlangimpi Community Club, the following facts are apparent:
- The Applicant lodged the Application for the variation of the licence conditions under section 32A of the 1978 Act – section 334(1)(b)(i);
 - The Application had not been determined under that Act before the commencement – section 334(1)(b)(ii).
56. Clearly the Application meets both requirements set out in section 334(1)(b) of the 2019 Act, as amended by the 2020 amendments. As a consequence, and in accordance with section 334(2) of the 2019 Act as amended, the Director must determine the application on an expedited basis within 30 days of the commencement of the amending legislation, that is within 30 days commencing on 20 November 2020.
57. In determining the application, sub-section 334(5) requires the Director must take into account the application as lodged, any objections lodged in relation to the application, any submissions made to or evidence received by the Commission or NTCAT in relation to the Application and any further information received by the Director under sub-section 334(4).
58. Following determination of an application under section 334 the Director must give the applicant a decision notice and must publish that decision notice, which is defined in the 2019 Act as follows:

decision notice, for a decision, means a written notice setting out the matters required for a notice of decision under section 34 of the Northern Territory Civil and Administrative Tribunal Act 2014.

59. Section 34(2)(c) of the *Northern Territory Civil and Administrative Tribunal Act 2014* requires a decision maker must advise a person who has a right to receive the decision notice that the person has a right to request a statement of reasons for the decision.
60. Section 334(3) removes the decision of this matter from being within the jurisdiction of the Commission and any previous decision of the Commission, under this Act or the 1978 Act, relation to the applications is of no effect.
61. Clearly the Commission has issued a decision notice in relation to preliminary matters. Whilst section 334(3) may render that decision to be of no effect, it is still appropriate that I consider the matters raised and the determinations of the Commission in respect of the preliminary issues so as to inform myself in relation to the substantive issues.

CURRENT SITUATION

62. Pirlangimpi is also known as Garden Point and is one of two communities on Melville Island and comprises approximately 370 people. Whilst remote, along with the sports and social club, the community has a wide variety of services such as a primary school, police station, community store, medical clinic, and garage and is accessed by air and barge. Being situated on the Tiwi Islands, there is there is no road access to the community from the mainland.
63. Pirlangimpi falls within the Tiwi Island Regional Council's area and there are three (3) tourist ventures also on the island that have liquor licences, these being Munupi Wilderness Lodge Melville Island Lodge, Milikapiti and Johnson River Camps. For those premises liquor may only be sold by these licensees to bona fide residents of the premises, there is no sale to casual patrons.
64. There are two licensed clubs on Melville Island, this Applicant in Pirlangimpi and the Milikapiti Sports and Social Club at Milikapiti. A third club, the Nguiu Club is nearby on Bathurst Island, also known as Wurrumiyanga which is the largest community on the Tiwi Islands, with approximately 2000 residents. There is an inter-island ferry connecting the three communities which delivers freight from Darwin twice a week on a Tuesday and Thursday. It is on this vessel that the liquor is delivered to the Tiwi Islands from the Darwin licensees.
65. The Nguiu Club was also subject to the Minister's variation in 2007 which removed the takeaway alcohol sales and reduced the days and hours of trade. There is no application from this Licensee at this time. Milikapiti also comprises a store, health clinic, primary school and other basic services. There is no dedicated police station in that community. The Community Health Centres provide primary health care services to the residents of the communities via a small number of registered nurses, supported by Aboriginal health workers and through visits by a district medical officer and specialist services from time to time.
66. The Tiwi Islands are renowned for fishing which is a major attraction for tourists in the region along with the cultural tours and art. The Tiwi Islands are also famous for their near fixation on AFL football, with each community having their own teams who compete in the Tiwi Islands Football League. The Tiwi Island football grand finals are also a huge affair with upwards of 3,000 people travelling from far and wide to attend each year.
67. All visitors to the area must also obtain a permit from the Tiwi Land Council who regulate access to the Tiwi Islands in accordance with the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*. The stores are operated by Arnhem Land Progress

Aboriginal Corporation (ALPA) and provide fresh fruit and vegetables, frozen meat, bread, dairy and general grocery items. They also sell a small range of clothes and electrical appliances along with a range of takeaway food prepared daily at each store. Other items may be ordered and are delivered by barge.

68. The Application is effectively in two parts, the substantive issue being the reinstatement of the takeaway liquor provisions, removed by the Minister in 2007 and if approved, a change of the day of takeaway liquor sales from Saturday to Thursday. Currently the only access to takeaway liquor in Pirlangimpi is through ordering from Darwin licensees and delivery by barge from Darwin.
69. This method of delivery is, other than by police intervention, unregulated as the licensees supplying the liquor have no responsibility for the final delivery collection by the permit holders and the circumstances that follow collection. There is no identification verification and, unlike on-premises sales, there is no monitoring of the recipients for intoxication.
70. Underpinning the Application is the stated intention of the Licensee to regulate the sale of takeaway liquor through on-premises sale at the Club. This would dispense with the ordering and barge collection system, with suitably qualified staff members applying RSA principles to each sale. The Applicant has provided a comprehensive community impact and public interest submission in support of the Application.
71. Section 49 of the 2019 Act prescribes the public interest and community impact considerations, which the Commission must satisfy themselves of, when determining an application of this nature.
72. Section 49(2) of the 2019 Act lists the matters to be considered in granting a licence or authority and is also applicable to applications for variations of licence conditions²² and includes the following matters:

(2) To determine whether issuing a licence or an authority is in the public interest, the Commission must consider how it would advance the following objectives:

- (a) minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;*
- (b) ensuring liquor is 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 practices that encourage irresponsible drinking; and*
- (j) reducing or limiting increases in anti-social behaviour.*

²² *Liquor Act 2019, s112(1)(d), Liquor Act 1978, s6(1).*

73. Section 49(3) of the 2019 Act requires the Commission to consider whether any significant adverse impact on the community would result from granting an application:

(3) To determine whether issuing a licence or an authority would have a significant adverse impact on the community, the Commission 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.*

74. With regards to any adverse impact the Commission, through section 49(4) of the 2019 Act may mitigate issues by including conditions to limit any of the following:

(4) The Commission may mitigate a possible adverse impact on the community by issuing a licence or an authority with conditions that limit any of the following:

- (a) the kinds of liquor that may be sold or served;*
- (b) the manner in which liquor may be sold or served;*
- (c) the number or types of containers in which liquor may be sold or served;*
- (d) the days and times when liquor may be sold or served;*
- (e) the number of persons who may be on or in licensed premises, a part of licensed premises or an adjacent area that is under the control of the Licensee;*
- (f) the nature of entertainment that may be provided on or in licensed premises or in an adjacent area that is under the control of the Licensee;*
- (g) any promotional activities in which drinks are offered on a complimentary basis or at reduced prices.*

75. The 2019 Act, as amended by section 334 provides the Director, aside from the power to determine this matter, a discretion not afforded to the Commission in that the Director is not required to consider and be satisfied of the matters referred to in section 49.²³ Although the Director has no statutory obligation to consider the matters set out in section 49 of the 2019 Act, those matters raised in that section are of assistance and the submission made by the Applicant in that regard also assist in determining this matter.

76. On 11 November 2020 an undated letter signed by Mr Gideon Pangiraminni, Chairperson of the Pirlangimpi Indigenous Corporation for Community Development in relation to the

²³ Liquor Act 2019, s334(7).

Application was provided by counsel for the Applicant and²⁴. In his letter Mr Pangiraminni writes the corporation has "...looked into a number of issues relating to the purchase of alcohol from Darwin on permit each week and decided enough was enough". He further writes:

"The main issue was that we believe this small community spends at a conservative estimate \$100,000 a year at [licensed premises in Darwin]. That's money that could be kept in community, as with our application we have stated that 50% of money taken will go back into community projects i.e. - renew tennis courts, recreation facilities for after school programs as well as continuing to help families when required".

77. In the absence of verification of the quantum suggested by Mr Pangiraminni, it is established that the liquor purchased from Darwin and delivered by barge comes from the licensed premises named by Mr Pangiraminni in his letter. There may be some other licensees who also provide liquor to Pirlangimpi residents, however it is clear the money leaves the community and is received by Darwin licensees directly from the permit holders. There is currently no financial benefit to the community from the sale of takeaway liquor.
78. The process for ordering liquor is that the purchaser sends evidence of their liquor permit to the Darwin based licensee, along with identification and a method of payment. There is no suggestion the sale itself by this means is unlawful or contrary to the 2019 Act or the conditions of the liquor licences. Unlike ordinary takeaway sales effected on licensed premises, the purchaser is not present at the licensed premises at the time of sale, the liquor is transported to them for collection by the freight company. The freight company takes no responsibility for the freight, other than to deliver it in good order and they certainly take no responsibility under the 2019 Act. The transaction is then finalised when the liquor is collected at the barge.
79. As noted above, other than the informal intervention and supervision by Police, that has been implemented in order to prevent unrest, there is no oversight as to whether the collector of the liquor is sober, or at times, actually the holder of a liquor permit or person who made the purchase. The process is largely unregulated, a situation that is totally unacceptable. It has been submitted by Police that their conditional support of the application is predicated on the removal of the barge deliveries, albeit for all three communities, and the limitation of takeaway sales to only be through the Licensees on the communities.
80. For the purpose of clarity, Milikapiti had their takeaway liquor provisions re-instated in 2015 and there is no application from Nguuu for re-instatement of the takeaway liquor provisions at this time. The provisions of section 334 of the 2019 Act only authorise the Director to determine the Application by the Licensee for the Pirlangimpi. Liquor licence. Any further consideration of those liquor licences remains the remit of the Commission.

Liquor Permits

81. In considering this matter it is necessary to consider the role liquor permits have in the supply of liquor to the community. The provisions around liquor permits have been outlined earlier in this decision notice, and are the only means used by residents in the community to obtain takeaway liquor for consumption in the community. If the resident is outside of the community, for example in Darwin, they do not require a liquor permit to purchase takeaway liquor however a permit is required if the person wishes to bring liquor back into the community.
82. The 2019 Act allows a wide discretion to impose conditions on a liquor permit, with relevance to this matter, this includes limiting where the liquor may be purchased from under the permit. Limiting the purchase of takeaway liquor for consumption within the community to this Licensee will resolve the issues around the largely unsupervised barge deliveries and provide a

²⁴ Email from Mr Thomas Richardson, Senior Solicitor, De Silva Hebron dated 11 November 2020 on behalf of the Applicant.

far more rigorous oversight of the sale, entitlement to purchase and level of intoxication of the purchaser than currently available.

83. There is also a power under the 2019 Act to revoke a permit in the event the holder has committed an alcohol-related offence, or breached the conditions of the permit. It is also noted the *Interpretation Act 1978* (NT) provides for an amendment to the original decision to grant a permit, including the imposition of additional conditions on it.²⁵

CONSIDERATIONS:

84. With reference to the community impact and public interest submission by the applicant, the following extracts from the submissions on behalf of the Applicant are noted:

- (2) To determine whether issuing a licence or an authority is in the public interest, the Commission must consider how it would advance the following objectives:

- (a) minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;

The Licensee has demonstrated an ability to responsibly monitor and control the consumption of liquor by its patrons. The Licensee has in place extensive training measures, including reinforcement of responsible service of liquor principles, security personnel and an extensive range of premade and a la carte food available during the hours of trade.

It is submitted by the Licensee there is a strong sense of community involvement underlying the operation of the premises. The staff are from the community which provides a far more intimate knowledge of the issues in the community and nature of their patrons.

The Licensee has expressed their cognisance of the importance of the club and they are determined not to do anything to jeopardise this licence.

- (b) ensuring liquor is sold, supplied, served and consumed on or in licensed premises in a responsible manner;

There are no known compliance issues with regards to this licence and it is accepted the Licensee has a good record of compliance. There is no evidence to suggest the Licensee will not continue along this path and apply the same level of diligence in providing takeaway liquor if this application is approved.

- (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;

As written above the Licensee has a good history of compliance and it is submitted by the Licensee, the restriction of takeaway sales to only be through the club, as opposed to the barge deliveries will only improve public order and safety.

- (d) protecting the safety, health and welfare of people who use licensed premises;

The Licensee is acutely aware of the importance of the club and its community appeal. They strive to ensure patrons feel safe and can take advantage of the amenities in a secure and enjoyable location. This is reinforced by the provision of security at the premises.

²⁵ *Interpretation Act 1978* (NT), s43.

It is also submitted by the Licensee that the proposed re-instatement of takeaway liquor will "...provide a safer and controlled alternative to the current 'free-for'all' that occurs on the beaches when the alcohol deliveries are made".

- (e) increasing cultural, recreational, employment or tourism benefits for the local community area;

There is no evidence to suggest the granting of this application would result in excessive noise emanations from the premises.

- (f) promoting compliance with this Act and other relevant laws of the Territory;

The application is designed to be in keeping with the purposes of the 2019 Act, to minimise the harm associated with the consumption of liquor in a way that recognises the public's interest in the sale, supply, service, promotion and consumption of liquor.²⁶

A secondary purpose of the 2019 Act is to protect and enhance community amenity, social harmony and community wellbeing through the responsible sale, supply, service, promotion and consumption of liquor, along with regulating the sale, etc. in a way that contributes to the responsible development of the liquor industry and associated businesses in the Territory.²⁷

It is also to facilitate the diversity of licensed premises and associated services for the benefit of communities in the Territory.²⁸

It is clear the granting of the application will provide the Licensee with a far greater ability to sell liquor, whilst reducing sales by those Licensee in Darwin. It is submitted by the Licensee that 50% of the sales will be utilised to directly benefit the community, where at the moment there is no financial benefit to the community by the purchasing of liquor from Darwin.

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

It is now a statutory obligation on all Licensees that all staff involved in the service of liquor must hold a responsible service of alcohol certificate, issued by an accredited body and complete a refresher course every three (3) years.²⁹

The Licensee has submitted they utilise "...a number of effective internal policies to ensure that it only employs bar staff members that hold the relevant qualifications and that have undergone sufficient training to be able to assist in the operation of the premises."

These same staff will be responsible for the takeaway sales if the application is granted.

- (h) preventing the giving of credit in sales of liquor to people;

Credit is not offered by this Licensee for the purchase of liquor.

- (i) preventing practices that encourage irresponsible drinking;

The Applicant relies on its past performance as a responsible licensee.

- (j) reducing or limiting increases in anti-social behaviour.

²⁶ Liquor Act 2019, s3(1).

²⁷ Liquor Act 2019, s3(2)(a)(b).

²⁸ Liquor Act 2019, s3(2)(c).

²⁹ Liquor Act 2019, s137(1).

Again the Applicant relies on its past performance and adherence to the practices involved in the responsible service of alcohol

85. In further considering this Application in terms of community impact the following extracts from the Applicant's submissions are noted:

(3) To determine whether issuing a licence or an authority would have a significant adverse impact on the community, the Commission 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;

The application is for the sales to be on a Thursday, a day where the premises are ordinarily closed and there is no on-premises sales. There is not materials that would suggest the granting of this application would result in disturbance to the community, conversely it is submitted it will actually improve the amenity of the community.

(b) the geographic area that would be affected;

The area is the existing licensed premises and community, there is no evidence to suggest there would be adverse impacts on the geographic area.

(c) the risk of harm from the excessive or inappropriate consumption of liquor;

The current practice provides unfettered liquor sales from Darwin, the application is for limited sales, products and quantities with the intention of reducing the risk of harm and excessive consumption of liquor.

(d) the people or community who would be affected;

The stated intention is to reverse the current adverse impact on the community experienced through the barge deliveries.

(e) the effect on culture, recreation, employment and tourism;

The granting of the variation may increase the employment at the premises.

(f) the effect on social amenities and public health;

As written above, the intention is to improve the social amenity and public health through the better regulation of takeaway liquor sales within the community.

(g) the ratio of existing liquor licences and authorities in the community to the population of the community;

There is no change to the existing ratio.

(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.

In the event the application is granted, clearly there will be a dramatic increase in the volume of sales on the community, it is however expected the overall level of liquor on the community would diminish, as there will be limits imposed on type and quantities where presently there is none.

Ordinarily such a dramatic increase would be unpalatable and not in the interests of the community, this is however a unique circumstance where such an increase may be acceptable.

86. Further still, the following submissions of the Applicant are noted:

(4) The Commission may mitigate a possible adverse impact on the community by issuing a licence or an authority with conditions that limit any of the following:

(a) the kinds of liquor that may be sold or served;

The Licensee has scaled the proposed liquor levels to take into account low and mid-strength liquor being allowed in greater quantities than full-strength liquor.

(b) the manner in which liquor may be sold or served;

The sales are to be on a Thursday only, between 4:00 pm and 6:00 pm from the existing licensed premises.

(c) the number or types of containers in which liquor may be sold or served;

It is proposed the sales will be limited to:

1. *One carton of light beer (24 x 375ml cans, less than 3%); or*
2. *One carton of mid-strength beer (24 x 375ml cans, 3% to 4%); or*
3. *Two six packs of full strength beer (12 x 375ml cans, over 4%); or*
4. *Two six (6) packs of premix drinks (12 x 375ml cans); or*
5. *Three (3) bottles of wine (750ml, not fortified)*

It is submitted by Police that the pre-mix sales be limited to not more than 5% A/Vol.

The Milikapiti Sports & Social Club allows the following limits which are in line with those proposed by Police:

Permit Takeaway	<p>Takeaway is available to current listed Permit Holders who are residents of the Milikapiti Community only: The permit holder must be present in order for the sale to be conducted: The following amounts are allowed for takeaway sale, under permit conditions:</p> <ul style="list-style-type: none"> • One (1) carton of light beer (24 x 375ml cans, less than 3%), or • One (1) carton of mid-strength beer (24 x 375ml cans 3-4%), or • Two (2) six packs of full-strength beer (12 x 375ml cans over 4%), or • Two (2) six packs of pre-mix drinks (12 x 375ml with alcohol content no greater than 5%), or • Three (3) bottles of wine (750ml not fortified).
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If this application is approved it would be prudent for similar product levels to be imposed at each premises to ensure consistency throughout the community, and avoid any benefit for one Licensee over another.

It is also noted these product limits were imposed several years ago. There has been a dramatic increase in the range of low and mid-strength products since that time. It was not previously envisaged that such a range of low and mid-strength products would be available and it may be proper to reflect this growth and industry change in any approval.

(d) the days and times when liquor may be sold or served;

The sales are to be on a Thursday only, between 4:00 pm and 6:00 pm from the existing licensed premises.

(e) the number of persons who may be on or in licensed premises, a part of licensed premises or an adjacent area that is under the control of the Licensee;

The Licensee is already constrained in relation to maximum patron numbers, there are no materials to suggest any further restrictions are necessary if this application is approved.

(f) the nature of entertainment that may be provided on or in licensed premises or in an adjacent area that is under the control of the Licensee;

Entertainment is of no relevance to this application.

(g) any promotional activities in which drinks are offered on a complimentary basis or at reduced prices.

All Licensees are held to the approved guidelines surrounding the responsible promotion of liquor, there is no material provided to suggest any further restrictions should be imposed if this application is approved.

87. The existing licence is issued with a **community club authority**. A community club authority authorises the Licensee to sell liquor to members of a club operated by the Licensee, guests of members and visitors of the club, for consumption on or in the licensed premises.³⁰ The Licensee has provided a list of current members of the club which totals 119.
88. In the event this Application is approved it would be prudent and in keeping with other clubs and community clubs that have takeaway liquor provisions, to restrict the sale of takeaway liquor to only bona fide members of the club. Given there are approximately 250 liquor permit holders in Pirlangimpi, those not already members would be required to become bona fide members of the Club in order to purchase liquor.
89. This would result in almost doubling the existing membership if each person was accepted as a member by the committee. Those not accepted as members would not lose their permits, if the permits are restricted to only purchasing from the club, the permits would be rendered ineffective.
90. There has been no other material provided other than that by the Minister, the Licensee and Police in relation to this application. Anecdotally it appears there is overall support throughout the community for the Application. For completeness however, it is noted that the conditional support of Police and as the Director is unable to vary the conditions of the Nguiu licence, the Police submission is also not considered as a formal objection.
91. The Application is in line with the 2015 variation granted to the Milikapiti Sports and Social Club, and there has been no adverse reports in relation to their takeaway liquor sales. The only issue being throughout all the communities is the barge deliveries, which are outside of the remit of these Licensees.
92. It is also noted the Licensee has a condition on its licence relating to **Community Unrest**. The condition requires the Licensee to close and cease trading during “...any period of indecent,

³⁰ Liquor Act 2019, s47(1)(i).

violent, quarrelsome or riotous conduct within the local community". If there is a disturbance in Milikapiti or Nguiu the Licensee may continue trading however may only sell to Pirlangimpi residents. In the event this application is approved the above condition would also apply to any takeaway liquor sales.

93. The licence conditions also require the Licensee to inform the Permit Committee of any person banned from the licensed premises as that action regarding their liquor permit may be considered. This would likewise apply to takeaway liquor sales.
94. The original licence conditions also required the Licensee to keep a record of sales. The Milikapiti Sports and Social Club has a similar reporting requirement, albeit somewhat expanded. That Licensee is required to comply with the following condition:

Takeaway Reporting	<p>All takeaway sales are to be registered electronically, against the listed permit document, sent from the Director of Liquor Licensing, every Friday morning (or Thursday in the case of a Public Holiday).</p> <p>This document is to register that the permit holder was supplied, as well as quantity. This document is to be electronically updated with sales and sent to Police the following Monday, for any compliance checks against barge delivery to Permit holders.</p> <p>A statement, in the form of a Statutory Declaration, is to be sent to the Director of Liquor Licensing, every three (3) calendar months from the commencement of this trial, stating the combined sales and profits from sales and outlining the expenditure to community initiatives. Takeaway sales were introduced on 7 May 2016 on a 12 month trial.</p>
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95. It is also noted the Milikapiti Sports and Social Club has a BDR terminal and staff are required to comply with the scanning requirements that come with the terminal. This provides an additional level of scrutiny on the sale of takeaway liquor, preventing takeaway sales to persons under a banned drinker order. Enquiries have confirmed it is possible, albeit a small logistical challenge and cost to the government, to likewise place a BDR terminal in Pirlangimpi if the application is approved.
96. Although this decision is made through under the provisions of section 334 of the 2019 Act, it is also with reference to the 1978 Act, specifically as it relates to takeaway liquor sales, section 24(2) of the 1978 Act. Section 24(2) of the 1978 Act prohibits the issuing of a new takeaway liquor licence. There has been lengthy examination and argument in relation to this section and this application somewhat turns on whether the granting of it, would be the granting of a new takeaway liquor licence.
97. In a previous role as in house counsel for Licensing NT I provided advice to the Acting Director-General in relation to the incomplete 2018 application, that the provisions of section 24(2) placed a statutory bar on the granting of that application. This was in the absence of information that the 2015 application, this Application, existed and on the limited and deficient instructions provided. The prohibition within section 24 of the 1978 Act prevents the granting of a new takeaway liquor licence.
98. There is no definition of the word 'new' and therefore the natural meaning of the word is to be applied. The Macquarie Dictionary defines the word **new** as:

adjective 2. of a kind now existing or appearing for the first time 3. Having only lately or only now come into knowledge.

99. The Licensee has previously held a takeaway liquor licence as part of their club licence. It necessarily follows by definition, what is sought is not a new takeaway liquor licence and therefore not proscribed by section 24(2) of the 1978 Act. This position was also accepted by

the Commission in their initial considerations of this Application, with the Commission finding section 24(2) of the 1978 Act did not prevent them from granting the application.³¹

DECISION

100. The Licensee has sought the re-instatement of the original condition, removed in 2007 by the Minister allowing for the sales of takeaway liquor under the licence. It has been submitted by the Applicant, Police and the wider community that the current practice of takeaway liquor being ordered from Licensee in Darwin, delivered by barge and distributed unsupervised is not acceptable. That submission is accepted as it is patently clear that this practice provides little or no supervision, other than when Police intervene and take control of the situation, which is wholly unacceptable.
101. The Minister has conceded that although he may override any decision made under the 2019 Act relating to the conditions of a licence, his powers do not prevent the granting of an application to vary the conditions of this licence. I am grateful to the Minister for his advice in that regard.
102. In all the circumstances I am also satisfied the provisions of section 24(2) of the 1978 Act do not apply to this matter as the application is not for a new takeaway liquor licence, it for the variation of conditions back to their original position.
103. The Licensee has provided sufficient materials to satisfy me the application is in the public interest and is unlikely to have an adverse impact on the community. In all the circumstances, including the submissions of the Applicant as particularised above I have determined to grant the application to the Licensee for the variation of their licence conditions in pursuance of section 32A of the *Liquor Act 1978* and with reference to section 334 of the *Liquor Act 2019* as amended.
104. This approval is conditional the condition below being included as a condition of the licence:

Takeaway Sales	<p>Liquor for removal and consumption away from the licensed premises shall only be sold each Thursday between 16:00 and 18:00 hours to members of the Club holding a current restricted area permit:</p> <p>Unless a lesser amount is specified in a particular permit, the maximum limits that may be purchased by permit holders on a weekly basis as follows:</p> <ul style="list-style-type: none">• One carton of light strength alcohol (24 x 375ml cans, less than 3%); or• One carton of mid-strength alcohol (24 x 375ml cans, 3% to 4%); or• Two six packs of full strength alcohol (12 x 375ml cans, over 4%); or• Two six packs of premix drinks (12 x 375ml cans, not more than 5%); or• Three bottles of wine (750ml, not fortified).
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³¹ Northern Territory Licensing Commission, *Decision Notice – Pirlangimpi Indigenous Corporation for Community Development*, (11 November 2020), [64].

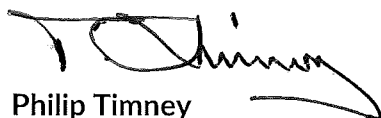
105. The approval of the Application is also conditional on the Licensee having installed and utilising a Banned Drinker Register terminal so as to comply with the provisions of section 130 of the 2019 Act in relation to the operation of the identification system.
106. The sale of takeaway liquor is not permitted until the BDR system is in place and operational to the satisfaction of the Director.
107. The Approval of the Application is also conditional on the following Takeaway Reporting condition being included in the licence conditions:

<p>Takeaway Reporting</p>	<p>All takeaway sales are to be registered electronically, against the listed permit document, sent from the Director, every Friday morning (or Thursday in the case of a Public Holiday).</p> <p>This document is to register what the permit holder was supplied, as well as quantity,</p> <p>This document is to be electronically updated with sales and sent to Police the following Monday.</p> <p>A statement, in the form of a statutory declaration, is to be sent to the Director every three (3) calendar months outlining the expenditure to community initiatives from the sales of takeaway liquor.</p>
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108. I have also determined that a review of the variation to the licence conditions to authorise the sale of takeaway liquor is to be undertaken by all parties, at a time convenient, after 12 months from the date of commencement of sales of takeaway liquor.
109. From the commencement of takeaway sales and with reference to section 43 of the *Interpretation Act*, all restricted area permits issued to residents in Pirlangimpi are varied to restrict the purchase of takeaway liquor under the permit, to only being from the Pirlangimpi Community Club. All new permits granted to persons resident in Pirlangimpi will also be conditional upon this restriction.
110. In concluding, I take the opportunity to thank the Liquor Commission, and particularly Presiding Member Mr Russell Goldflam, for its determination of the preliminary issues raised by the Commission and the parties at the outset of the public hearing. The Commission's decision notice in regard to the preliminary issues was of great assistance in reaching the within decision.

NOTICE OF RIGHTS:

111. Section 334(3) of the 2019 Act as amended provides that an application that falls within the parameters of section 334 is not within the jurisdiction on the Commission. In addition, section 334(12) provides that any determination of the Director under section 334 is not reviewable by NTCAT.



Philip Timney
 Director of Liquor Licensing
 17 December 2020