

**NORTHERN TERRITORY LIQUOR COMMISSION**  
**DECISION NOTICE**

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**MATTER:** APPLICATION FOR LIQUOR LICENCE

**REFERENCE:** LC2020/043

**APPLICANT:** LP Creations Pty Ltd

**PREMISES:** Reality Bites Catering  
8-10 Simpson Street  
Alice Springs NT 0870

**LEGISLATION:** Part 3 Division 4 of the *Liquor Act 2019*

**HEARD BEFORE:** Mr Russell Goldflam (Acting Deputy Chairperson)  
Ms Pauline Reynolds (Health Member)  
Mr Blair McFarland (Community Member)

**DATE OF HEARING:** 18 September 2020

**DATE OF DECISION:** 29 September 2020

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**Decision**

1. For the reasons set out below and in accordance with section 48 of the *Liquor Act 2019* (NT) (“**the Act**”) the Northern Territory Liquor Commission (“**the Commission**”) has determined to issue a licence to LP Creations Pty Ltd (**the applicant**).
2. The licence will be issued with:
  - a. a restaurant bar authority (section 47(1)(c) of the Act) and a BYO authority (section 47(1)(d) of the Act) authorising the sale and supply of liquor to patrons of the applicant at the café (“**The Base**”) at the Alice Springs Royal Flying Doctor Service (“**RFDS**”) tourist facility at 8-10 Simpson Street, Alice Springs and delineated by the area marked in red at page 100 of the brief tendered at the hearing of the application (“**the premises**”), for consumption on the premises; and
  - b. a catering authority (section 47(1)(m) of the Act) authorising the sale and supply of liquor to clients of the applicant and their guests for consumption, in conjunction with food being catered by the applicant, on premises owned or occupied by the applicant’s clients.

3. Subject to the conditions set out at paragraph 4 below, the conditions of the licence will be those authority conditions set out in Division 3 (“BYO Authority conditions”), Division 5 (“Catering authority conditions”) and Division 16 (“Restaurant bar authority conditions”) of the *Liquor Regulations 2019* (“**the Regulations**”).
4. The following conditions will apply to trading conducted pursuant to the restaurant bar authority and BYO authority:
  - a. Trading hours shall be from 10:00 to 23:00 every day of the year, except Good Friday, Christmas Day, to which Regulation 82(2) of the Regulations applies; and New Year’s Day, to which Regulation 82(3) of the Regulations applies.
  - b. Liquor may only be sold or supplied for consumption on the premises to patrons who are attending a function or special event that has been booked not less than 24 hours in advance.
5. In accordance with section 85 of the Act, the term of the licence will be for ten years.
6. The licence will be issued immediately following the publication of this decision notice.

## **Reasons**

### **Background**

7. Since 2007, Ms Lisa Perry, the sole director and shareholder of the applicant, has operated a successful and highly regarded catering business, “Reality Bites Catering”, in Alice Springs. In 2013 she commenced to operate at the “Star of Alice Function Centre”, several kilometres south of the Alice Springs township, from where she ran both the catering service and a successful licensed restaurant. In 2018, the applicant took up a lease from the RFDS to operate its unlicensed café, The Base, near the Alice Springs CBD. In conjunction with the RFDS, the applicant now plans to develop the premises as a small function centre, and to also use it as the base for Reality Bites Catering. The applicant has recently moved her operation out of the Star of Alice, and on 24 August 2020 the applicant’s liquor licence over those premises was transferred to Alice Springs Brewing Co Pty Ltd.

### **The Application**

8. The application, the lodging of which with the Director of Liquor Licensing (“**the Director**”) was completed on 25 June 2020, was drafted with a view to enabling the applicant to proceed with its plans as outlined above. Although the applicant does not seek to trade as a licensed restaurant generally open to the public, it does seek a licence that will authorise it to sell and supply liquor on the premises to guests who attend pre-booked functions and community events, as well as to guests of the applicant’s catering service at other locations.

The applicant seeks a BYO authority to accommodate the wishes of guests at private functions who may wish to bring a bottle of fine wine or spirits to share with friends.

9. The applicant sought the appointment of two persons as joint nominees, an issue that was the subject of legal submissions, as discussed below.

### **Consultation**

10. As required by section 57 of the Act, notices of the application were published in accordance with the directions of the Director.
11. For many years, such notices have been published in the Centralian Advocate. Since the recent demise of this print journal, and in the absence of any other print newspaper in Alice Springs, the Director has adopted the expedient of directing applicants to post section 57 notices on social media. In this case, the notices were posted on buysearchsell.com.au. The Commission does not consider that this more limited form of notification is altogether satisfactory, and suggests that the Director give consideration to also publishing such notices on its own website, to which notices posted on social media and other sites could be linked.
12. In addition, the applicant took the commendable initiative of consulting with local businesses, community organisations and residents by letterbox drop.
13. In accordance with section 56 of the Act, notification was given to Department of Health, NT Police and the Alice Springs Town Council. The Director also consulted with the Northern Territory Fire and Emergency Services. None of these bodies raised any objections to the application.

### **The objector**

14. Ms Ellena Cartwright, a local resident, objected on the ground that the grant of the licence would bring increased traffic to the area late at night. The objector sought two conditions: that traffic exiting the premises not exit via Skinner Street, and that the sale of liquor cease at 23:00 hours.
15. The Commission notes that drivers exiting the carpark of the premises have two choices. They can turn left and proceed south along Simpson Street for 150 m before turning onto Skinner Street (past the objector's residence), which gives access to a main road, the Stuart Highway. Alternatively, they can turn right and proceed along Simpson Street to Stuart Terrace, which also gives access to the Stuart Highway, as well as to another main road, Gap Road. The distance to the Stuart Highway is about the same by either route.

### **The licensee's record of compliance**

16. The Director informed the Commission that the applicant has an unblemished record of compliance with the conditions of its previous liquor licence.

## **The referral**

17. On 27 August 2020, pursuant to section 59 of the Act, the Director referred this application to the Commission. The Director provided the following documents to the Commission with the referral (**the brief**):
- a. Application for a new liquor licence or authority
  - b. Affidavit and Declaration of Associates by Lisa Alexandra Perry 23 June 2020
  - c. Public Interest and Community Impact statement
  - d. Responses to community consultation
  - e. LP Creations Pty Ltd: ASIC company extract:
  - f. Lisa Alexandra Perry: personal details, CV, qualifications, references
  - g. Benjamin Luke Kearney: personal details, CV, qualifications, references
  - h. LP Creations Pty Ltd: financial records and statements
  - i. LA Perry Family Trust: deed of trust
  - j. RFDS: lessor's letter of support for application
  - k. RFDS: No smoking policy statement
  - l. Reality Bites Catering: Food Business Registration certificate
  - m. Plan of proposed licensed premises
  - n. Evidence of public notification of application
  - o. Ellena Cartwright: objection to application 7 August 2020
  - p. Lisa Perry: response to objection 11 August 2020
  - q. Stakeholder consultation correspondence

## **The hearing**

18. The Commission notified the applicant and the objector that the matter would be listed for hearing on 18 September 2020. Section 21(2) of the Act provides that a hearing must be conducted in public unless the Commission is of the opinion it is not appropriate. No submissions were made to the Commission that it would be inappropriate to conduct the hearing in public.
19. On 18 September 2020 the application proceeded as a public hearing. Ms Perry, the principal executive officer of the applicant, appeared on behalf of the applicant. Mr Jeff Verinder appeared for the Director. The Commission thanks them for their attendance and assistance.
20. Pursuant to section 23 of the Act; the Commission is not bound by the rules of evidence and may inform itself in any manner it considers appropriate. The brief was tendered and admitted into evidence without objection.

## **A preliminary legal issue: the Act permits the appointment of joint nominees**

21. As noted above, the applicant sought the appointment of joint nominees. In its recent decision granting a liquor licence to the Redrock Cattle Company Pty Ltd, without expressing a concluded view on the matter the Commission stated:

although there has been a longstanding practice of nominating more than one person to be joint managers of a liquor licence, there is doubt as to whether this is authorised by section 53 of the Act, which provides that “a body corporate that applies for a licence or an authority *must designate an individual to be the licensee's nominee*” (emphasis added).<sup>1</sup>

22. At the Commission’s invitation, in advance of the hearing of the current application the Director provided the Commission with helpful written legal submissions in relation to this issue. The Director contends that the Act, properly construed, authorises the appointment of more than one nominee.

23. Section 24(2) of the *Interpretation Act 1978* (NT) relevantly provides that in interpreting the meaning of a Northern Territory statute, “words in the singular include the plural”. This provision articulates in statutory form the well-known common law “plurality rule”. All other Australian jurisdictions have enacted similar provisions. As the Privy Council has authoritatively held, “Words in the singular will include the plural unless the contrary intention appears.”<sup>2</sup> To determine whether the plurality test applies in a given case, the decision-maker is required “to consider the section in its setting in legislation and furthermore to consider the substance and tenor of the legislation as a whole”.<sup>3</sup>

24. Having followed that course, the Commission is not satisfied that the legislature intended that in this instance the plurality rule be displaced, and accordingly, the Commission finds that a body corporate applicant for a liquor licence is permitted to designate more than one nominee. The Commission further finds that the names of all nominees assessed by the Commission to be fit and proper persons to hold a licence must be endorsed on the licence, in accordance with sections 53(5)(a) and 59(3)(i) of the Act.

25. In contrast to section 53(3) of the Act, section 25(2) of the repealed *Liquor Act 1978* (NT) expressly identified the function of a nominee: “Where a body corporate applies for a licence... [it] must nominate a person *to be its manager* of the licensed premises.” (Emphasis added) The Commission accepts that, particularly in relation to licensed premises owned and operated by large commercial enterprises, there are sound practical reasons for appointing more than one manager. The Commission also accepts that this was a common and uncontroversial practice for many years while the liquor industry was regulated by the *Liquor Act 1978* (NT).

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<sup>1</sup> Northern Territory Liquor Commission decision delivered 5 August 2020, accessed at [https://justice.nt.gov.au/\\_data/assets/pdf\\_file/0010/918028/Decision-Notice\\_Red-Rock-Cattle-Company-Pty-Ltd.pdf](https://justice.nt.gov.au/_data/assets/pdf_file/0010/918028/Decision-Notice_Red-Rock-Cattle-Company-Pty-Ltd.pdf) at [27]

<sup>2</sup> *Blue Metal Industries Ltd v Dilley* (1969) 117 CLR 651 at 656

<sup>3</sup> *Ibid.*

26. Section 53(3) of the 2019 Act does not expressly identify the function of a nominee, and on one arguable interpretation of this provision, the function of a nominee is, as the word “nominee” itself implies, to identify an individual as the contact person for the purpose of communications with the licensee. On that construction, there could be a proper basis to find that the plurality rule is inapplicable, and that only one person can be designated as the licence nominee.
27. However, the Commission notes that section 53(6) retains an implication that a nominee is not merely a “contact person”, but also a manager of the licensed premises: “If a nominee is unable or unwilling *to manage the business of the licensee*, the body corporate must...” (emphasis added). Having regard to this, the Commission considers that although the 2019 Act modifies the terms of section 25 of the 1978 Act, it would not be reasonable to infer that in doing so the legislature intended to effect a substantive change to the function of licence nominees.
28. In support of this reasoning, the Commission refers to information provided by the Director, and accepted by the Commission, that the interagency group tasked to rewrite the Act in 2019 did not consider or discuss the issue of limiting the number of licence nominees, and that the 2017 Northern Territory *Alcohol Policies and Legislation Review* (the “Riley Review”) did not recommend that any such limitation be imposed.

## **ASSESSMENT OF THE APPLICATION**

29. In accordance with section 59 of the Act, the Commission has considered:
- a. the applicant's affidavit required by section 54;
  - b. the objection to the application made under section 61;
  - c. the response provided by the applicant under section 62;
  - d. the suitability of the premises to be licensed, having regard to any law of the Territory regulating the sale, supply, service or consumption of liquor or the location, construction or facilities of those premises;
  - e. in relation to the applicant, a body corporate:
    - i. the financial stability and business reputation of the body corporate; and
    - ii. the general reputation and character of the secretary and executive officers of the body corporate;
  - f. whether the applicant, including the nominee designated by an applicant, is a fit and proper person to hold a licence;

g. if the Commission considers it appropriate – whether each associate of the applicant is a fit and proper person to be an associate of a licensee.

30. In accordance with section 49 of the Act, the Commission has also considered whether issuing the licence is in the public interest, and whether the licence will have a significant adverse impact on the community.

### **The applicant**

31. The Commission finds that the applicant, a company limited by shares, complies with section 53(1) of the Act, which requires that a body corporate shall not hold a licence unless it is a corporation.

32. The applicant has provided appropriate documentation regarding its operations, activities, financial circumstances and plans.

### **The applicant's associates**

33. Section 54 of the Act requires applicants to depose an affidavit disclosing whether certain persons may be able to influence the applicant, or expect a benefit from the applicant, if the licence is granted. The Commission is satisfied that the applicant has complied with the disclosure requirements of section 54.

34. The Commission considers that it is appropriate to consider whether each of the following associates of the applicant for the purpose of section 55, is a fit and proper person to be an associate of the applicant:

- Lisa Alexandra Perry (the executive officer of the applicant)
- Benjamin Luke Kearney (an employee of the applicant)

35. Having had regard to the ample material tendered by the applicant attesting to the character, experience and qualifications of the above-named persons, the Commission finds that each of them is a fit and proper person to be an associate of the applicant.

36. The Commission does not consider that it is appropriate to consider whether any other person is a fit and proper person to be an associate of the applicant.

### **The objection**

37. The Commission notified the objector of the hearing and, in accordance with section 23(2)(c) of the Act, provided her with a bundle of documents extracted by the Commission from the brief of evidence. Although Ms Cartwright did not attend the hearing, the Commission heard submissions in response to the objection from the parties in attendance, and carefully considered the matters raised.

38. The Commission finds that Ms Cartwright is a person residing in the neighbourhood of the proposed licensed premises, and is accordingly entitled pursuant to section 61(4)(a) of the Act to make an objection. The Commission also finds that Ms Cartwright's objection falls within the scope of the grounds permitted by section 61(2)(a) of the Act, namely that the grant of the licence would adversely affect the amenity of the neighbourhood, and that it would adversely affect the health, safety or social conditions in the community of the proposed licensed premises. Both the applicant and the Director submitted that the Commission should find that Ms Cartwright was a valid objector, and that her objection was validly made.
39. The objector did not oppose the grant of the licence. As stated at paragraph 14 above, she sought the imposition of two conditions. The first was that traffic not be permitted to exit the premises via Skinner Street. The Commission sympathises with the objector: late night traffic noise can be very disturbing to people trying to sleep in their homes. However, the Commission accepts the submissions of the applicant that, firstly, the licensee would lack the authority to enforce such a condition, which seeks to regulate the conduct of members of the public after they have left the premises; and secondly, Skinner Street is a thoroughfare used at all hours by staff and visitors to various other facilities in the immediate vicinity, including the Alice Springs Palliative Care Unit, the Alice Springs Hospital and hospital staff accommodation units.
40. The applicant does not object to the second condition proposed by the objector, that trade at the premises cease at 23:00 hours, and accordingly, the Commission has determined to impose that condition, which, it notes, is one hour earlier than the condition that would otherwise apply by operation of Regulation 82(1) of the Regulations, which permits licensees operating with a restaurant bar authority to trade until 24:00 hours.
41. The Commission notes that the applicant canvassed the views of other neighbouring residents, none of whom, so far as the Commission is aware, objected to the grant of the licence or raised concerns about it.

### **The suitability of the applicant's premises**

42. The premises include an established café located in the iconic 1939 Alice Springs RFDS base, the most substantial and significant building in the town's heritage precinct. In conjunction with the immediately adjacent Royal Flying Doctor Service Museum, the old RFDS base is a major tourist facility. The premises also include a sizeable courtyard garden set up for outdoor dining, and a shed (the "bush kitchen"), which the applicant plans, together with the RFDS, to develop as a commercial kitchen.



43. The Commission assesses the premises, which can accommodate 100 people, as being suitable for the sale, supply and consumption of liquor in the manner set out in the application. In particular, noting that the courtyard area is located in a pleasant garden setting secluded from the public, the Commission considers that the premises are well suited as a venue for small functions and community events at which liquor is supplied and consumed.

#### **The financial stability, general reputation and character of the body corporate**

44. Having been provided with appropriate financial records, reports and testimonials in relation to the applicant's business, the Commission assesses the applicant as having a satisfactory business reputation and as being financially stable.

#### **The general reputation and character of the applicant's secretary and executive officers**

45. Having been provided with appropriate evidence regarding their reputation, character and work history, the Commission assesses the general reputation and character of the applicant's executive officer and secretary, Lisa Alexandra Perry, to be satisfactory.

#### **Whether the applicant is a fit and proper person to hold a licence**

46. Having regard to its exemplary history as the holder of a liquor licence over a significant period, the Commission assesses the applicant to be a fit and proper person to hold a licence.

#### **Whether the licensee's nominees are fit and proper persons to hold a licence**

47. The applicant has nominated Lisa Perry and Benjamin Kearney as joint licence nominees. They both hold current RSA certification and the applicant has provided appropriate documentation of their reputation, character and work history. The Commission assesses them each to be a fit and proper person to hold the licence.

#### **Public notice and consultation**

48. Commission is satisfied that public notice of the application was given and consultation was undertaken in accordance with section 57 of the Act.

#### **Whether issuing the licence is in the public interest**

49. To determine whether the issue of the licence is in the public interest, the Commission is required to consider how the issue of the licence would advance the following objectives set out in section 49(2) of the Act:

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

50. Having considered each of these objectives, and having particular regard to the limited scope of trade in liquor that will be authorised by the grant of the application, as well as the applicant's proven record of responsibly supplying, selling and serving liquor, the Commission is satisfied that it is in the public interest to issue the licence.

**Whether the issue of the licence will have a significant adverse impact on the community**

51. To determine whether it is satisfied that the issue of the licence will not have a significant adverse impact on the community, the Commission must have consider the matters set out at section 49(3) of the Act:

- (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.

52. The Commission notes there are no such “other” matters prescribed by regulation.

53. The applicant bears the onus of satisfying the Commission of the relevant matters. Even if there are no objections, the applicant must still satisfy this Commission of those matters.

54. Regulation 123 of the Regulations provides that the community impact assessment guidelines published under section 6A of the *Liquor Act 1978* and in force immediately before the commencement of the Act are taken to be community impact assessment guidelines issued under section 50.

55. The guidelines are as follows:

Criteria	Matters to be considered
<p>The potential harm or health impact that may be caused to people, or any group of people within the local community area, due to the availability and accessibility of an additional liquor outlet.</p>	<p>Are there any 'at-risk' groups or sub-communities within the locality? This may include –</p> <ul style="list-style-type: none"> <li>• children and young people;</li> <li>• Aboriginal people normally resident within the locality and those Aboriginal people that might be likely to travel to the locality from a dry community;</li> <li>• migrant groups from non-English speaking countries;</li> <li>• people in low socio-economic areas; and/or</li> <li>• communities that experience high tourist/visitor numbers.</li> </ul> <p>Are there any community buildings, facilities and areas within the locality? Such facilities would include:</p> <ul style="list-style-type: none"> <li>• schools and educational institutions;</li> <li>• hospitals, drug and alcohol treatment centres;</li> <li>• accommodation or refuges for young or disadvantaged people;</li> <li>• child care centres;</li> <li>• recreational areas;</li> <li>• dry areas; and</li> <li>• any other area where young people may congregate or be attracted to.</li> </ul> <p>What policies and procedures will the applicant implement to minimise any potential harm or health impacts to these 'at-risk' groups or sub-communities?</p>

<p>Information about the location and area in which the premises is proposed to be so as to assess any social impact on the community. This includes information about the density of licensed premises within the community area.</p>	<p>This may include crimes statistics, social profile information and the location of existing licensed premises.</p> <p>This could also include traffic and pedestrian impact and any plans developed to address these potential issues.</p>
<p>Volume</p>	<p>This may include projected sales volumes and marketing analysis, liquor type and customer demographic (where applicable this should be provided for both on and off premises sales).</p> <p>The Commission will consider information available to it about the current alcohol consumption rates for the community area.</p>
<p>Any cultural, recreational, employment or tourism benefits for the local community area.</p>	<p>Will the proposed licensed premises provide economic benefits, cultural, recreational or tourism benefits or any additional employment opportunities and to what level?</p>
<p>Why the grant of a relevant application is in the public interest and how the additional liquor outlet will benefit the local and broader community.</p>	<ul style="list-style-type: none"> <li>• What additional services will be provided other than simply an additional outlet for the sale of liquor – this may include accommodation or dining?</li> <li>• Will the proposed licensed premises provide additional choices of service or products that are no available in the area?</li> <li>• Will the proposed premises provide liquor in a manner known to be safe and to minimise adverse impacts?</li> <li>• Will it use existing premises improve or add to existing premises or is it a new premises?</li> </ul>

56. As can be seen from the above, there are numerous matters the Commission must consider and the applicant must address (and satisfy the Commission of) under the public interest and community impact test and guidelines. The guidelines do state however that:

...the Commission has the authority to consider a broad range of issues specific to each application and flexibility exists to assess each individual application on its merits”.

57. In addition, section 50(4) provides that the guidelines “may have general, limited or varied application”. Although there are many matters for the Commission to consider, like any application, some of the matters are more relevant to this application than others.
58. In considering these issues, it is also important to keep in mind that the onus is on the applicant: section 50(3) states that the “mere addition of a new licence or licensed premises in a community is not taken to be a benefit to the community”.
59. As discussed at paragraphs 39 to 41 above, the Commission accepts that the grant of the application may cause disturbance to nearby residents because of increased night-time traffic. However, in the view of the Commission this does not in itself amount to “significant adverse impact on the community”. In forming this view, the Commission has had particular regard to the fact that the risk of disturbance has only been raised by a single affected resident, that any increase in traffic will be limited to those occasional evenings when the applicant hosts a pre-booked function or event at the premises, and that no liquor will be supplied after 23:00 hours.
60. In recent years, Melankas backpackers and the Memorial Club, formerly the two closest liquor outlets to the premises, have closed down, reducing the ratio of liquor licences in the locality to the population. The premises are a few minutes walk from Todd Street, an entertainment precinct with several licensed restaurants and bars. However, the trade that will be conducted by the applicant at the premises will, in the view of the Commission, be of a markedly different character, and is unlikely to lead either to a significant increase in the consumption of liquor in the area, or an increase in alcohol-related harm.
61. The premises are located near a primary school and a place of worship, and are adjacent to the Alice Springs Hospital. The Commission is however satisfied that the grant of the licence will not have an adverse affect, still less a significant adverse effect, on the operation of those facilities.
62. The Commission accepts the applicant’s submission that the grant of an authority to sell, supply and consume liquor on the premises will provide an attractive new venue to showcase Alice Springs to visitors.
63. With respect to the application for a catering authority, the Commission notes that Reality Bites Catering can accommodate groups of up to 300 people at various venues in and around Alice Springs. The Commission accepts the evidence of the applicant that it intends to sell and supply liquor at catered functions and events as an adjunct to the service of food.

64. Having considered all of these matters, the Commission is satisfied, in accordance with section 49 of the Act, that:

- a. the applicant is a fit and proper person; and
- b. issuing the licence or authority is in the public interest; and
- c. the licence or authority will not have a significant adverse impact on the community.

### **The objects of the Act**

65. Finally, section 3(4) of the Act provides that in performing its function to decide whether to issue the licence, the Commission must have regard to the primary and secondary purposes of the Act.

66. Throughout its consideration of this application, the Commission has steadily borne the purposes in section 3 of the Act in mind. The Commission considers that the issue of the licence and authorities with the conditions imposed is consistent with the purposes of the Act.

67. For these reasons, the Commission has determined that the application should be granted, and that a licence and authorities be issued on the conditions set out at the commencement of this Decision Notice.

### **NOTICE OF RIGHTS**

68. Section 31(1) read with section 60(3) of the Act provide that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal (**NTCAT**). Section 94(3) of the *NTCAT Act* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.

69. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the Director, Ms Ellena Cartwright and the licensee.



Russell Goldflam

ACTING DEPUTY CHAIRPERSON  
NORTHERN TERRITORY LIQUOR COMMISSION  
29 September 2020

On behalf of Commissioners Goldflam, Reynolds and McFarland