

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: *VARIATION OF THE CONDITIONS OF BAGALA SOCIAL CLUB [2024] NTLiqComm 50*

REFERENCE: LC:OMV:2024-002

LICENSEE: Bagala Aboriginal Corporation

PREMISES: Bagala Social Club
Lots 94 and 211
BARUNGA NT 0852

LICENCE NUMBER: FLL1752

APPROVED NOMINEE: Mr Stephen Smith

LEGISLATION: Section 113 of the *Liquor Act 2019* (NT)

CONSIDERED BY: Mr Russell Goldflam (Chairperson)
Ms Ebony Abbott-McCormack (Health Member)
Mr Denys Stedman (Community Member)

DATE: 26 November 2024

DECISION

1. Pursuant to s 113 of the *Liquor Act 2019* (NT) (**the Act**) the Northern Territory Liquor Commission (**the Commission**) has determined to vary the conditions of the Bagala Aboriginal Corporation (**the licensee**) trading as the Bagala Social Club (**the Club**) by omitting the condition at paragraph 1(g) of the Commission's Reasons for Decision dated 22 February 2022¹ and substituting the following condition:
 - i. By 30 June 2025 the licensee must provide to the Director of Liquor Licensing (**the Director**) evidence that satisfies the Director that the lease has been amended to permit the use of the premises for the supply, sale and consumption of liquor;

¹ Northern Territory Liquor Commission, *Bagala Aboriginal Corporation – Application for liquor licence and authority* (LC2021/122, 22 February 2022)

- ii. By 30 June 2027 the licensee must provide to the Director evidence that satisfies the Director that a Certificate of Occupancy granted in accordance with Part 8 of the *Building Act* 1993 has been issued to the applicant for the refit of the premises;
- iii. The applicant must enter into an enforceable undertaking with the Director that Mr Braun Bush and Ms Danielle Bush not be involved in the applicant's day-to-day management or operation of the business conducted under the liquor licence;
- iv. The licensee must provide to the Director evidence that satisfies the Director that the governance committee has been formed and is operating.
- v. The issue of the licence is subject to notice in writing to the applicant by the Director that the Director is satisfied of all of the matters set out in this condition.

REASONS

2. The background to this decision is set out in the *Notice of Proposed Variation of Licence Conditions* issued by the Commission on 14 October 2024 (**the proposed variation notice**).²
3. In accordance with s 113(2)(c) of the Act, the Commission invited the licensee to submit a response to the proposed variation notice by 11 November 2024, with a copy of the Notice provided to the Director of Liquor Licensing.
4. On 25 October 2024, Mr Stephen Smith, the Chief Executive Officer of the licensee, and the person the Commission has approved to become the licence nominee, responded to the proposed variation notice by consenting to the proposed variations.
5. In accordance with s 113(3) of the Act, the Commission has considered the licensee's response and the public interest and community impact requirements. As the Commission observed in the proposed variation notice:

there is a significant public interest in seeing [this project] come to fruition. Conversely, the lack of apparent progress, the absence of either a satisfactory explanation for the very


² LC:OMV:2024-002, accessed at https://cmc.nt.gov.au/_data/assets/pdf_file/0010/1452484/lc-omv-proposed-variation-of-conditions.pdf

significant delay, and the lack of a fixed timeframe within which [this project] will be required to operate, is not in the public interest.

6. The Commission is satisfied that the variation of conditions it has determined to make, the practical effect of which will be to establish an enforceable timeframe for progressing this project, is in the public interest and will not have a significant adverse impact on the community.
7. The Commission determined not to conduct a hearing for the purpose of the inquiry that has resulted in this decision.

NOTICE OF RIGHTS

8. Section 31(1) read with s 113(4) 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 this decision
9. In accordance with s 31(2) of the Act, the persons who may apply to NTCAT for a review of this decision are the Director and the licensee.



RUSSELL GOLDFLAM
DEPUTY CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
26 November 2024

On behalf of Commissioners Goldflam, Abbott-McCormack and Stedman