

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE AND REASONS FOR DECISION

CITATION: LICENSING NT SOCIAL CLUB APPLICATION FOR REGISTRATION OF SMALL COMMUNITY GROUP [2024] NTLiqComm 20

FILE NUMBER: LC2024/016

APPLICANT: Licensing NT Social Club

PREMISES: Level 3
NAB Building
71 Smith Street
DARWIN NT 0800

LEGISLATION: Sections 41F of the *Liquor Act 2019*

DECISION OF: Mr Russell Goldflam (Chairperson)
Professor Phillip Carson (Health Member)
Mr Denys Stedman (Community Member)

DATE OF DECISION: 27 May 2024

DECISION

1. The Northern Territory Liquor Commission (**the Commission**) hereby registers the Licensing NT Social Club (**the applicant**) as a small community group pursuant to s 41F of the *Liquor Act 2019* (NT) (**the Act**) for a period of three years, commencing immediately.

REASONS

2. Part 3 Division 2B of the Act establishes a scheme by which the Director of Liquor Licensing (**the Director**) may authorise the service of liquor on the premises of groups consisting of up to 100 members for up to 4 hours a week. In its terms, Part 3 Division 2B confers no powers or functions on the Commission.
3. On 26 April 2024, on behalf of the applicant, Mr Travis Te Whata lodged an application with the Director for the registration of the applicant to be registered as a small community group.

4. The applicant is a workplace social club, the members of which, including Mr Te Whata, are officers of Licensing NT. The Director indicated her support for the application, but out of an abundance of caution declined to determine it because, as both the workplace manager of the applicant's members and a potential participant in and beneficiary of the applicant's activities, the Director has a potential interest in the outcome of the application. For the same reason, the Director declined to delegate her power to determine the application to an officer of Licensing NT. Accordingly, on 23 May 2024 a delegate of the Director referred the application to the Commission. The Commission considers that in the unusual circumstances of this matter, the action taken by the Director was both prudent and proper.
5. Section 6 of the *Liquor Commission Act 2018* (NT) requires the Commission to do any thing that is necessary or convenient to be done for the proper performance of its functions, which include making decisions on all matters referred to it under the Act. In the view of the Commission, the application is a matter that was referred to it under the Act, and accordingly, the Commission is required to determine the application, and has the power to do so.
6. In reaching this view, the Commission has considered that an alternative course for the Director would have been to refuse to register the applicant, upon which the applicant could have applied to the Commission to review the Director's decision following the procedure established by Part 4 of the *Liquor Commission Act*. That course would have been time-consuming, cumbersome and relatively complicated, but its availability supports the Commission's view that it now has the power to determine the application, albeit simply and expeditiously.
7. Pursuant to s 21 of the Act, the Commission is of the opinion that a hearing is not appropriate in the circumstances of this application, because the matter is not controversial and conducting a hearing in public would not be worthwhile. Accordingly, the Commission determined to conduct the hearing by way of written submissions only.
8. Having considered the material provided to it by the delegate of the Director with the referral, the Commission is satisfied that:
 - a. the application was in the approved form (s 41F(4)(a));
 - b. the application adequately describes the nature of the group to be registered (s 41F(4)(b));
 - c. no application fee for this application has been prescribed, and accordingly none is payable (s 41F(4)(c));
 - d. the applicant has provided the documents the Director considered (and the Commission now considers) relevant to the application (s 41F(5)); and
 - e. Mr Travis Te Whata, the person responsible for operating the group, is:

- i. Above 18 years of age (s 41F(7)(a)(i));
- ii. Not disqualified from holding a liquor licence (s 41F(7)(a)(ii));
- iii. Otherwise suitable to hold a registration (s 41F(7)(a)(iii)); and
- iv. Holds a responsible service of alcohol certificate (s 41F(7)(b)).

9. In accordance with s 3(4) of the Act, the Commission has had regard to the primary and secondary purposes of the Act in determining this application.

NOTICE OF RIGHTS

10. Section 41F(8) of the Act requires the Director to give a decision notice to an applicant after making a decision under s 41F(6).

11. Section 31 of the Act provides that any decision of the Commission for which a decision notice is required is reviewable by the Northern Territory Civil and Administrative Tribunal (**NTCAT**). In this instance the Director and the applicant are entitled to apply to NTCAT for a review of this decision.

12. In accordance with s 94(3) of the *Northern Territory Civil and Administrative Tribunal Act 2014*, any application for review of this decision must be lodged within 28 days of the date of this decision.



Russell Goldflam
CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
27 May 2024

On behalf of Commissioners Goldflam, Carson and Stedman