

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: *BRALINDA INVESTMENTS PTY LTD ATF THE SEYMOUR TRADING UNIT TRUST APPLICATION FOR A NEW LIQUOR LICENCE WITH AUTHORITIES [2024] NTLiqComm 12*

REFERENCE: LC2024/006

APPLICANT: Bralinda Investments Pty Ltd (ACN 655 950 244) as trustee for The Seymour Trading Unit Trust

PREMISES: Arltunga Bush Pub & Eco Retreat
1937 Arltunga Road
Hale NT 0872

LEGISLATION: Part 3 Division 4 of the *Liquor Act 2019* and Part 4, Divisions 1,10,11,15 and 16 of the *Liquor Regulations 2019*.

HEARD BEFORE: Mr Greg Shanahan (Acting Deputy Chairperson)

Mr Bernard Dwyer (Health Member)

Ms Katrina Fong Lim (Community Member)

DATE OF HEARING: 13 March 2024

DATE OF DECISION: 19 March 2024

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 Bralinda Investments Pty Ltd as trustee for The Seymour Trading Unit Trust (**the Applicant**).
2. The Applicant will be issued with a restaurant authority, restaurant bar authority, and late night authority, for the premises known as Arltunga Bush Pub & Eco Retreat located at 1937 Arltunga Road, Hale, NT 0872, authorising the sale of liquor in the area outlined in red on the plan (Exhibit 4) at Attachment 1 to this decision notice (**the Premises**).

3. The conditions of licence and trading hours for the Premises will be the authority conditions prescribed in Part 4, Divisions 1, 10, 15 and 16 of the *Liquor Regulations 2019 (the Regulations)*.
4. Further, the Applicant will be issued with a lodging authority for guests residing in the accommodation outlined in red on the plan at Attachment 2 to this decision notice.
5. For the lodging authority the conditions of licence and hours of operation will be the authority conditions prescribed in Part 4, Divisions 1 and 11 of the Regulations.
6. An additional condition of licence will be that the Applicant must prominently display on the Premises information about the National Health and Medical Research Council - Australian Guidelines to reduce health risks from drinking alcohol.
7. The licensed Premises is to be constructed at 1937 Arltunga Road, Hale, NT 0872 substantially in accordance with Attachment 1 to this decision.
8. The licence will be issued immediately following the publication of this decision notice.
9. Liquor must not be sold under the licence until the Director of Liquor Licensing (**the Director**) gives the written approval to do so, following the provision of documentary evidence to the satisfaction of the Director that the Applicant has constructed the buildings substantially as set out in the Application and obtained the necessary fire safety and building approvals, including a certificate of occupancy, in respect of the completed stage of the Premises.

REASONS

The Application

10. On 28 November 2023, an incomplete application was lodged with the Director by the Applicant seeking a liquor licence with restaurant authority, restaurant bar authority, lodging authority and late night authority, for the premises known as Arltunga Bush Pub & Eco Retreat, located at 1937 Arltunga Road, Hale, NT 0872. The remaining documents were received on 04 January 2024.
11. The substance of the application is to restore the old Arltunga Bush Hotel, by creating an ecofriendly bush pub and retreat, offering a variety of accommodation from family cabins and glamping tents to camping. The Premises will offer breakfast, lunch and dinner in the restaurant with a wide range of alcoholic drinks including light, medium and full strength beers, spirits, wines, and a range of non-alcoholic drinks. The Premises will cater for people within the immediate community, school groups, interstate and overseas

tourists, travellers exploring the Arltunga historical reserve and special events such as weddings.

12. The trading days and hours requested are from 11:00 hours through to 02:00 hours seven days a week. Good Friday and Christmas day from 11:00 hours through to 21:00 hours.
13. In relation to the lodging authority, room service of alcohol will be available to patrons staying in the cabins and glamping tents only.
14. The application was accompanied by an affidavit and two (2) declarations of associates from, Mr Bradford Seymour and Mrs Belinda Seymour, directors of Bralinda Investments Pty Ltd.
15. The Applicant also submitted a public interest and community impact assessment summary and public interest criteria.
16. The proposed licensed premises/grounds are currently undergoing renovations which will be completed in three (3) stages as Attachment D to the hearing brief (Exhibit 1).

Consultation

17. As required by section 57 of the Act, the application was advertised on 20 January 2024 in the NT News and on the Director's website. A green sign was displayed at the Premises from 20 January 2024 until 2 February 2024 and the Director is satisfied that the applicant has complied with the requirements in relation to public notices for the application.
18. In accordance with section 56(4) of the Act, the following stakeholders were notified of the application:
 - Northern Territory Police;
 - Department of Health; and
 - MacDonnell Regional Council.
19. Although not a statutory requirement, the Director also notified the NT Fire and Rescue Service (**NTFRS**) as part of Licensing NT's investigations.
20. The Director informed the Commission that as at the date of the hearing no response had been received from Northern Territory Police, MacDonnell Regional Council and Northern Territory Fire and Rescue Service.
21. The Applicant also consulted with the traditional owners of the two nearby aboriginal communities. One of the communities comprises an outstation with no permanent residents where visitors attend from time to time. The other

community has eight residents. Traditional owners of both communities indicated their support for the Premises.

22. The Applicant has also discussed with both of the nearby aboriginal communities the possibility of pursuing business opportunities at the resort.

Objections

23. On 31 January 2024, Department of Health (**DoH**) provided the following comments:

“NT Health suggest the trading hours cease around 23:00 in line with surrounding resorts in Central Australia (Erlunda Desert Oaks Resort and Devil’s Marbles Hotel for example)”.

24. There were no other objections to the Application.

The licensee’s record of compliance

25. The only associate or member of the Applicant who has held a liquor licence in the Northern Territory is Ms Belinda Seymour who has been a joint licensee of the Qantas Club at Alice Springs Airport for several years.

26. The associates and members of the Applicant is Mr Bradford Seymour. It is proposed that Mr Bradford Seymour and Ms Belinda Seymour are to be the joint nominees for the licence being sought.

27. None of the associates or members have any history of non-compliance with the Act that the Commission is aware of.

The referral

28. On 13 February 2024, pursuant to section 59 of the Act, the Director referred this application to the Commission to be determined by way of a public hearing. Notice was subsequently given to the Applicant that the matter would be listed for a public hearing on 13 March 2024.

29. The Director provided the following documents to the Commission with the referral (**the brief**):

- a. Application for a liquor licence with a restaurant bar, restaurant, late night and lodging authority;
- b. Affidavit and Declaration of Associates pursuant to section 54 of the Act;
- c. Public Interest and Community Impact Assessment summary pursuant to sections 49 to 52 of the Act;
- d. Public Interest and Community Impact Assessment pursuant to sections 49 to 52 of the Act;

- e. Letters of support;
- f. Plan of proposed renovations and licensed area footprint;
- g. ASIC company extract for Bralinda Investments Pty Ltd;
- h. Deed establishing the Seymour Trading Unit Trust;
- i. Registration of Business Name for Arltunga Bush Pub & Eco Retreat;
- j. Probity documents for Mr Bradford and Mrs Belinda Seymour;
- k. Reports and documents supporting financial stability;
- l. Public notice of application pursuant to section 57 of the Act;
- m. Strategic and Business Plan for the Licensee;
- n. Lands Title Registration Statement and site plans;
- o. Smoking Management Plan;
- p. Application to register food business;
- q. Food and drink menus; and
- r. Correspondence with stakeholders.

The hearing

30. 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. Section 21(2) provides that a hearing must be conducted in public unless the Commission is of the opinion it is not appropriate.

31. On 13 March 2024, the application proceeded as a public hearing. Mr Bradford Seymour and Ms Belinda Seymour appeared on behalf of the Applicant. Mr Mark Wood, delegate of the Director of Licensing and Mr Doulat Raut appeared on behalf of the Director. The Commission thanks them for their attendance and assistance.

32. The brief was tendered and admitted into evidence without objection.

33. Oral evidence was heard by the Commission from Mr Bradford Seymour and Ms Belinda Seymour, the nominees of the Applicant.

ASSESSMENT OF THE APPLICATION

34. In accordance with section 59 of the Act, the Commission has considered:

- a. the applicant's affidavit required by section 54;

- b. the results of any investigation conducted into the application under section 58;
- c. any objection to the application made under section 61;
- d. any response provided by the applicant under section 62;
- e. 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;
- f. if the applicant is an individual – the financial stability, general reputation and character of the applicant;
- g. if the applicant is 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;
- h. if the applicant is a federation of unincorporated bodies:
 - i. the financial stability and business reputation of each constituent body; and
 - ii. the general reputation and character of the secretary and executive officers of each constituent body;
- i. whether the applicant, including the nominee designated by an applicant, is a fit and proper person to hold a licence;
- j. 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.

35. 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

36. The Commission finds that the Applicant complies with section 53(1) of the Act, which requires that a body corporate shall not hold a licence unless it is a corporation.

37. The Applicant has provided extensive documentation regarding its operations, activities, financial circumstances and plans.

The applicant's associates

38. 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.
39. Having had regard to the extensive material tendered by the Applicant attesting to the character, experience and qualifications of the Nominees, the Commission finds that each of them is a fit and proper person to be an associate or member of the Applicant.
40. The Commission does not consider that it is necessary to consider whether any other person is a fit and proper person to be an associate of the Applicant.

The Director's investigation

41. The Director informed the Commission that the nominee of the Applicant known to Licensing NT has no issues with the licensed venues that the nominee is currently the licensee of.

Objections

42. There were no objections to the application except the comment from the DoH suggesting that the trading hours cease around 2300 hours as is the case with surrounding resorts in Central Australia (Erlunda Desert Oaks Resort and Devil's Marbles Hotel for example).
43. The Commission questioned the Applicant on the late night authority being sought and it was explained that the Premises is best described as a destination location and not a road house where there are passers-by who would drop in for food or drink. The Premises is located approximately 110 km east of Alice Springs and is accessible by 80 kilometres of sealed road and another 30 kilometres of rough dirt road.
44. The Applicant's business model is to attract tour groups, weddings, birthdays, four wheel drive groups, weekend visitors and conferences to the unique historic and natural attractions in the area. The late night authority is proposed to be used on an as needed basis to complement the activities of the types of groups visiting.
45. The Applicant also pointed out that of the two nearest licenced premises, one is licensed to trade until 2359 hours and the other until 0200 hours.
46. The Commission decided that having regard to the location of the Premises and the nature of its business it would grant the request for a late night authority.

The suitability of the applicant's premises

47. The brief included detailed building and proposed food and beverage menus.
48. The Commission was satisfied that the information provided was sufficient and assesses the Premises as suitable for the supply and consumption of liquor in the manner set out in the Application.

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

49. On the information provided, the Commission assesses the associates and members of 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

50. Having been provided with evidence regarding their reputation, character and work history, the Commission assesses the general reputation and character of the Applicant's directors, secretary, associates and members, namely, Mr Bradford Seymour and Ms Belinda Seymour, to be satisfactory.

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

51. The Commission assesses the Applicant to be a fit and proper person to hold a licence.

Whether the licensee's nominee is a fit and proper person to hold a licence

52. The Applicant has nominated Mr Bradford Seymour and Ms Belinda Seymour to be the licence nominees. The Commission assesses Mr Bradford Seymour and Ms Belinda Seymour, who both hold current RSA certification and have provided appropriate documentation of their reputation, character and work history, to be fit and proper persons to hold the licence.

Public notice and consultation

53. The 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

54. To determine whether the issue of the license 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.

55. Having considered each of these objectives, and having particular regard to general amenity the Premises will provide to visitors to the area, the experience and vision of the Applicant's nominees and the significant tourism benefits to the region if the venture is successful, 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

56. 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 considered 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.

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

58. 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.

59. 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.

Conditions

60. The Commission has determined to fix the additional condition set out at paragraph 6 above.

The objects of the Act

61. 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.

62. The Commission considers that the issue of the licence and authorities with the conditions imposed is consistent with the purposes of the Act.

63. 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

64. 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.

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



GREG SHANAHAN

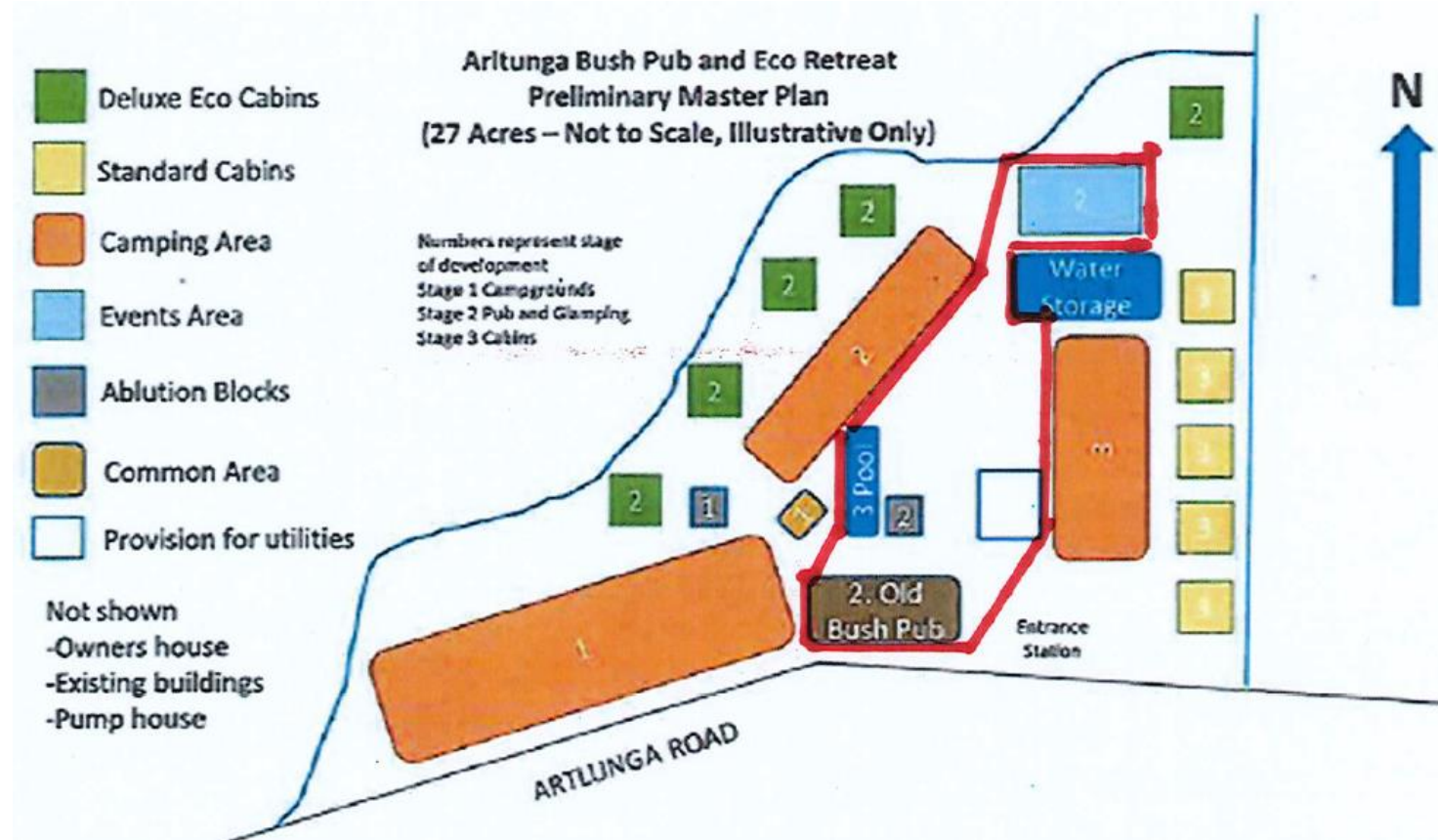
ACTING DEPUTY CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
19 March 2024

On behalf of Commissioners Shanahan, Dwyer and Fong Lim

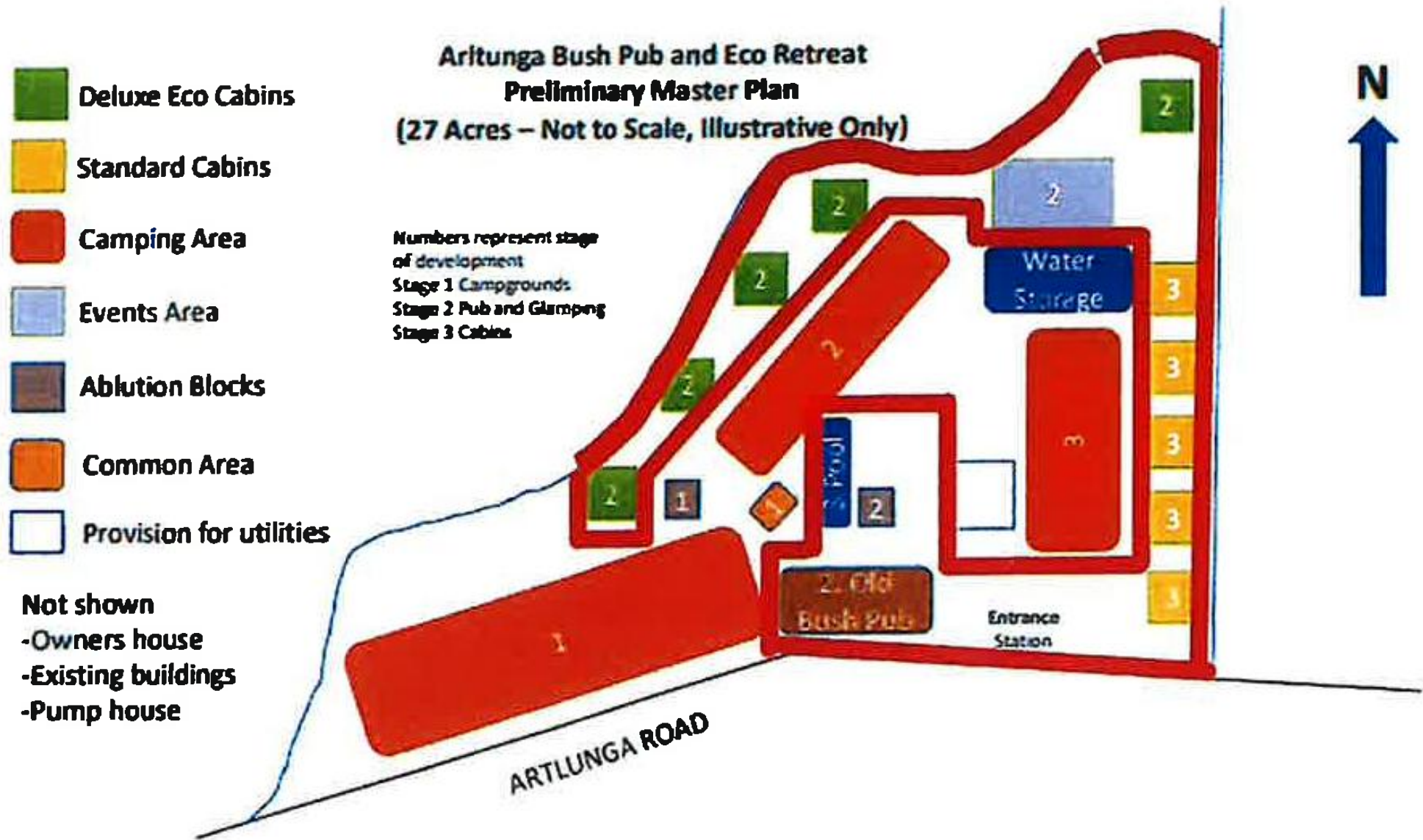
The licensed premises for the **restaurant** and **restaurant bar** and **late night authorities** is the area within the area bounded by the **red line**.

The licensed premises for the **lodging authority** are the Deluxe Eco Cabins and Standard Cabins marked in **green** and **yellow** respectively.

For the avoidance of doubt, all other areas not described above as being licensed premises do not fall within the liquor licence or any authority.



Red outline of proposed Lodging Authority



Please note diagram is not to scale, however the facilities/buildings will be placed on the property within requested lodging authority space as outlined in red.