

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: *ARALUEN ARTS CENTRE THEATRE APPLICATION FOR A LIQUOR LICENCE WITH AUTHORITIES [2025]*
NTLiqComm 32

REFERENCE: LC2025/035

LICENSEE: The Friends of Araluen Incorporated

PREMISES: Araluen Arts Centre Theatre
60 Larapinta Drive
Araluen NT 0871

LEGISLATION: Section 48 of the *Liquor Act 2019*

HEARD BEFORE: Russell Goldflam(Chairperson)
Professor Phillip Carson (Health Member)
Ms Elizabeth Stephenson (Health Member)

DATE OF DECISION: 1 October 2025

DECISION

1. In accordance with s 60(1)(b) of the *Liquor Act 2019* (NT) (**the Act**), the Northern Territory Liquor Commission (**the Commission**) has determined to refuse an application for a public bar authority and adult entertainment R-rated authority (**the additional authorities**) to be added to liquor licence 80803214 (**the licence**) held by Friends of Araluen Incorporated (ABN 90 546 729 731) (**the licensee**) over the premises at the Araluen Arts Centre, 60 Larapinta Drive, Alice Springs NT 0870 (**the premises**).

REASONS

2. Although the Commission has determined to refuse this application, for reasons that will be explained below, the Commission is of the view that the licensee is at liberty within the terms of its existing licence to proceed with its proposal to sell alcohol for consumption at “The Big Tease Soirée” on 24 October 2025. In other words, the Commission has refused this application not because it is against the public interest or would have a significant adverse effect on the community, but because it is unnecessary. Moreover, the Commission considers that if the application were granted, obligations would be imposed on the licensee that it would be unable to meet.

BACKGROUND

3. The Araluen Arts Centre (**Araluen**) in Alice Springs, which has operated since 1984, is a venue for visual and performing arts, with art galleries and a 500 seat theatre. The licensee, the Friends of Araluen, is an incorporated community-based not for profit organisation that works with, promotes, supports and assists Araluen. The licensee's licence operates with a special venture authority, which is appropriate for the purpose of operating a bar in the Araluen theatre foyer ancillary to performances in the theatre.
4. Ms Felicity Green, the Director of Araluen, is the licence nominee.
5. Although the Araluen complex includes a café that offers full meals during the day, a full meal is not available for purchase by Araluen patrons in the evenings.
6. As far as the Commission is aware, the premises are not equipped with video surveillance equipment in accordance with the Code of practice for CCTV system in licensed premises established by the Commission on 26 April 2023.

THE APPLICATION

7. On 10 September 2025 the licensee lodged an application with the Director of Liquor Licensing (**the Director**) seeking the additional authorities for a one-off event at the premises on 24 October 2025, 'The Australian Burlesque Festival's "The Big Tease Soirée"' (**the event**), which is described as a celebration of 16 years of vintage glamour and flair, seductive artistry and world class burlesque.
8. The event has been advertised on several online platforms as being a ticketed R 18+ cabaret variety show with live music, and the trading hours sought are from 19:30 hours to 23:00 hours.
9. Regulation 25(2) of the *Liquor Regulations 2018* (**the Regulations**) provides that:

All adult entertainment authorities operate only in conjunction with a public bar authority.
10. Having formed the opinion that the application disclosed no public interest issues, the Director exempted the requirement for public advertising of the licence application.
11. In accordance with section 56(4) of the Act the following stakeholders were notified of the application:
 - The Chief Executive Officer of the Department of Health (**DoH**);
 - The Commissioner of Northern Territory Police;
 - Northern Territory Fire and Rescue Service;
 - Alice Springs Town Council.

12. No adverse comments were received from any of the stakeholders.
13. A similar licensed event was held at the premises in October 2024, and authorised by the Commission: see *Araluen Arts Centre theatre application for a liquor licence with authorities [2024]* NTLiqComm 40. The Commission has received no information to suggest that the 2024 event was the subject of any complaints of non-compliance with the Act or the licence conditions.
14. The Director informed the Commission that Araluen has as a part of their operations a security guard full time at the premises. In respect of the event, they will have 2 security guards on site for the duration of the show and this number will be revisited based on numbers on the night.
15. The Director referred the application to the Commission on 19 September 2025 with a brief that included:
 - a. Application for liquor licence;¹
 - b. Section 54 affidavit of Felicity Green dated 12 September 2025; and
 - c. Public interest and community impact statement.

PROCEDURE

16. The application was referred to the Commission on 19 September 2025 and the Commission met to consider the referral on 29 September 2025.
17. The Commission notes that liquor has long been regularly served at shows performed at Araluen without incident and that the application to continue that practice at this publicly advertised one-off show is not controversial. Accordingly, pursuant to section 21 of the Act the Commission formed the opinion that it was appropriate to determine the application without a public hearing, by way of written submissions.

ASSESSMENT OF THE APPLICATION

18. In recent years, burlesque shows have become a staple feature of the mainstream Australian live theatre circuit, including in the Northern Territory, and are no longer confined as they once were to adult entertainment precincts such as Sydney's Kings Cross or Adelaide's Hindley Street.
19. Although for the reasons given later in this decision notice, it is not necessary to do so, the Commission records that it is satisfied, in accordance with section 49 of the Act, that:
 - a. the applicant is a fit and proper person; and

¹ Although the application was made on the form headed "Application for a new liquor licence", the Director and the Commission have dealt with it as an application for additional authorities to be added to an existing licence.

- b. issuing the additional authorities would have been in the public interest; and
 - c. the additional authorities would not have had a significant adverse impact on the community.
- 20. However, the Commission considers that it would be impracticable for the licensee to comply with two mandatory conditions for licensees operating with a public bar authority, namely those prescribed by:
 - a. reg 76, which requires the licensee to install, maintain and operate video surveillance in accordance with the Commission's code of conduct; and
 - b. reg 77(1), which requires the licensee to make a full meal available for purchase by patrons at least 5 days a week including from 18:00 to 20:00 hours.
- 21. In the view of the Commission, it does not have power to waive compliance with conditions prescribed by the Regulations. In other words, although the Commission can (and frequently does) impose more restrictive conditions, it can not permit less restrictive conditions than those fixed by regulation.
- 22. Accordingly, the Commission has turned its mind to whether it would be permissible for the licensee to operate within the parameters of its existing special venture licence on 24 October 2025, the evening of the Big Tease Soirée. The Commission has reached the view that this is permissible, and that consequently there is no need to approve the issue of an adult entertainment R-rated authority. The only reason the licensee seeks a public bar authority is because this is a pre-condition to being issued with an adult entertainment authority. It follows that there is also no need to approve the issue of a public bar authority to the licensee.
- 23. Section 47(1) of the Act establishes three related adult entertainment authorities, in the following terms:
 - (t) adult entertainment authority, which in conjunction with a public bar authority authorises the licensee to have employees who work dressed in sexualised clothing or topless;
 - (u) adult entertainment R-rated authority, which is an adult entertainment authority that authorises the licensee to also provide strip shows, R-rated entertainment and full nudity on or in the licensed premises;
 - (v) adult entertainment explicit authority, which is an adult entertainment authority that authorises the licensee to also provide general and private strip shows, R-rated entertainment, fully nude staff or entertainers, non-sexual contact between entertainers and patrons and voluntary audience participation in the entertainment on or in the licensed premises.

24. Section 47(1)(t) applies to public bars that employ scantily clad staff – typically, skimpy or topless barmaids – who serve customers. In its terms, s 47(1)(u) applies to public bars with skimpy or topless barmaids that “also” provide R-rated entertainment such as strip shows. Similarly, s 47(1)(v) applies to public bars with skimpy or topless barmaids that “also” provide more sexually explicit entertainment, such as lap dances.
25. Araluen does not employ staff who work dressed in sexualised clothing. Moreover, Araluen does not operate as, or as anything like, a public bar. Accordingly, in the view of the Commission, Araluen’s operations do not come within the framework of adult entertainment authorities as established by the Act.
26. It is also the view of the Commission that the licensee is not precluded by the Act from allowing patrons to consume alcohol they have purchased at the applicant’s bar in the foyer of the premises to drink in the theatre while watching a performance such as the Big Tease Soirée. The existing special venture authority permits the licensee to sell liquor to patrons “as an ancillary part of services provided to the patron by the licensee”. In this instance, the principal service being provided to patrons is the show they have purchased a ticket to watch, to which the purchase and consumption of an alcoholic drink is ancillary.
27. The Commission considers that the legislative intent of the adult entertainment authority scheme is to regulate the operation of pubs and bars that present adult entertainment, and not to generally or otherwise regulate the sale and consumption of alcohol in conjunction with adult entertainment. On this view, the Act does not require licensees to seek an adult entertainment authority where they operate a licensed community club that offers life drawing classes, or a licensed cinema that screens movies with nude or sex scenes, or a licensed theatre that presents a performing arts company staging a work that includes nudity.
28. The Commission respectfully disagrees with the view to the contrary implied in several previous decisions of the Commission constituted by different members, including the 2024 decision for this licensee referred to at paragraph 12 above.² Prior to issuing this decision notice, the chairperson consulted with the delegate of the Director who had referred the application to the Commission. The delegate did not request or suggest that the Commission provide an opportunity to the Director or the applicant to make further submissions. The Commission notes that although it has determined to refuse the application, it has done so in a manner that is calculated not to cause inconvenience to or otherwise prejudice the applicant.
29. This decision should not be read as a green light to any entrepreneur who wishes to present adult entertainment at licensed events on premises other than a public bar. For example, promoters should not assume that the Commission would

² See: *Araluen Arts Centre theatre application for a liquor licence with authorities* [2024] NTLiqComm 40; *Spinning Back Kicks Pty Ltd application for public bar & adult entertainment authorities* [2025] NTLiqComm 16; *Application to vary a liquor licence to include public bar and adult entertainment authorities for Totem Theatre* [2024] NTLiqComm 45

necessarily approve an application for a special event authority licence featuring a performance in a public place involving nudity or sexually explicit entertainment. Such an application would be subject to the same public interest and community impact tests as all applications under the Act for liquor licences. One of the matters the Commission is required to consider when determining whether issuing a licence would have a significant adverse impact on the community is:

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;

30. Similarly, this decision should not be read as a green light to any existing non-public bar licensee to present adult entertainment on their premises. Section 284 of the Act establishes that a licensee or a licensee's employee commits an offence if they permit indecent conduct on or in the licensed premises.
31. For the above reasons, the Commission has determined to refuse the licensee's application for additional authorities.

NOTICE OF RIGHTS

32. 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 2014* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.
33. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the applicant and Director.



Russell Goldflam

CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
1 October 2025

On behalf of Commissioners Goldflam, Carson and Stephenson