

**NORTHERN TERRITORY LIQUOR COMMISSION**  
**DECISION NOTICE AND REASONS**

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**CITATION:** *UNIQUE MINIBUS SERVICES PTY LTD APPLICATION FOR LIQUOR LICENCE WITH RESTAURANT AND RESTAURANT BAR AUTHORITY [2025] NTLiqComm 25*

**REFERENCE:** LC2025/020

**APPLICANT:** Unique Minibus Services Pty Ltd

**PROPOSED PREMISES:** Litchfield Cafe  
5790 Litchfield Park Road  
RAKULA NT 0822

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

**HEARD BEFORE:** Ms Jodi Truman (Chairperson)  
Ms Elizabeth Stephenson (Health Member)  
Mr Denys Stedman (Community Member)

**DATE OF HEARING:** 25 June 2025

**DATE OF DECISION:** 25 June 2025

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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 Unique Minibus Services Pty Ltd (**the applicant**).
2. The licence will be issued with a restaurant authority.
3. The licensed premises are situated at Litchfield Cafe, 5790 Litchfield Park Road, Rakula NT 0822 in the area delineated in red on pages 92 of exhibit 1 of the evidence exhibited at the hearing of the application (**the licensed premises**).
4. The supply and consumption of liquor on the premises is in accordance with the conditions set out in Part 4, Division 15 of the *Liquor Regulations 2019* (**the Regulations**).

5. The Commission approves the appointment of Mr Julian Kenneth Sharples as the licence nominee (**the nominee**).

## **Reasons**

### **The Application**

6. On 22 April 2025, an incomplete application was lodged by “Unique Minibus Services Pty Ltd” (**the applicant**) with the Director for a liquor licence with restaurant bar authority. The remaining documents were received on 29 April and 7 May 2025 with the application being referred to the Commission on 6 June 2025.
7. The substance of the application was for a licence with restaurant bar authority to “enhance” the established café’s “offerings and catering to both locals and tourists”. It was stated the:

“... primary objective is to secure a liquor licence in order to expand the café’s services and appeal to a broader clientele, particularly tourists, improving the overall dining experience”.
8. The liquor proposed to be provided includes a range of small Australian red and white wines, local beers as well as RTDS, as well as “in house specialty drinks such as alcoholic mango punch or smoothies”.
9. The premises were stated to be a “family-owned and operated establishment dedicated to providing a welcoming and enjoyable experience for both visitors and locals” with “a diverse menu” and “conveniently located near Litchfield National Park”.
10. The applicant proposes that Mr Julian Kenneth Sharples (**Mr Sharples**) be appointed as nominee of the licence (**the nominee**)<sup>1</sup>.

### **Consultation**

11. The Commission was informed by the Director that the application was advertised via the NT News on 21 May 2025 and published on the Department of Tourism and Hospitality’s website. Two (2) green signs were also placed on display at the premises. The Director was satisfied that the applicant had complied with the requirements to advertise the application.
12. In accordance with section 56 of the Act, notification was given to Department of Health and NT Police, as well as to Northern Territory Fire and Rescue Services (**NTFRS**).
13. Notice was also given to Litchfield Council however it was identified that the address was not located within the Council’s municipality and further that the

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<sup>1</sup> Exhibit 1

location is within the unincorporated Cox-Daly area. Therefore, there is no local government area to notify.

14. There was no objection to the application from the Department of Health. No response was received from Northern Territory Police or NTFRS to the application.

15. Following the public consultation, no objections were received.

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

16. This is an application for a new licence, however the applicant, has previously held a liquor licence in the Northern Territory for premises also known as "Litchfield Café" when the café was located at 110 Hundred of Blyth, Litchfield (**liquor licence 81117401**). The proposed nominee for the current licence was also the nominee of that previous licence and operated those premises. No evidence was provided to the Commission that there were any issues with respect to compliance under the earlier licence.

17. The Commission was also informed that licence 81117401 was surrendered on 21 March 2024 because of the café no longer being located at the Hundred of Blyth premises and no longer utilising the licence.

### **The referral**

18. On 6 June 2025, pursuant to section 59 of the Act, the Director referred the application to the Commission to be determined by way of a public hearing. Notice was subsequently given to the applicant on 10 June 2025 that the matter would be listed for a public hearing on 25 June 2025.

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

- a. Application for a new liquor licence
- b. Affidavit and Declaration of Associates pursuant to section 54 of the Act
- c. Community Impact Assessment and Public Interest Criteria
- d. ASIC records of Unique Minibus Pty Ltd
- e. Previous liquor licence
- f. ASIC records of Coomalie Enterprises Pty Ltd
- g. Land title search with respect to premises
- h. Probity documents relating to proposed nominee
- i. Litchfield Café business plan outline
- j. Financial documents relating to applicant
- k. Menu samples
- l. Site plan with the proposed licensed area outlined in red

- m. Evidence of publication of application
- n. Notice to stakeholders

### **The hearing**

- 20. On 25 June 2025, the application proceeded as a public hearing. Mr Julian Sharples (**Mr Sharples**) was in attendance on behalf of the applicant. Mr Mark Wood appeared for the Director. The Commission thanks them both for their attendance and assistance.
- 21. Pursuant to s 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. No submissions were made to the Commission to this effect.
- 22. The brief was tendered and admitted into evidence without objection as Exhibit 1. The following additional documents were also tendered and marked as Exhibit 2:
  - a. Financial statements for Unique Minibus Services Pty Ltd for year ending 30 June 2024.

### **ASSESSMENT OF THE APPLICATION**

- 23. In accordance with s 59 of the Act, the Commission has considered:
  - a. the applicant's affidavit required by s 54.
  - b. 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.
  - c. the financial stability and business reputation of the body corporate.
  - d. the general reputation and character of the secretary and executive officers of the body corporate.
  - e. whether the applicant and the nominees designated by an applicant, are fit and proper persons to hold a licence.
  - f. whether each associate of the applicant is a fit and proper person to be an associate of a licensee.
- 24. In accordance with s 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, the applicant's associates and the question of "fit and proper"**

25. The Commission considered the matters under s 53 of the Act in relation to the applicant and the associates under s 54.
26. The applicant has complied with s 53(1) of the Act, which requires that a body corporate shall not hold a licence unless it is a corporation. The applicant is an Australian proprietary company limited by shares and was registered with the Australian Securities Investment Commission (ASIC) on 22 November 2000. The business name “Litchfield Café” was registered with ASIC on 19 May 2008. According to the ASIC documents, the sole Director and shareholder is Mr Sharples.
27. 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. Such an affidavit has been provided and Mr Sharples has deposed there are no such other persons.
28. Mr Sharples is proposed to be nominee under the licence, as such pursuant to section 53(5) of the Act, he is taken to be a joint licensee with the applicant should the licence be granted. Assessment must therefore be made as to whether he is a “fit and proper person” to hold the licence. In addition, as the sole Director of the applicant and section 59(3)(g) of the Act provides that where the licence is sought by a body corporate, “the general reputation and character of the ... executive officers of the body corporate” must be assessed<sup>2</sup>. This is further reinforced under Section 59(3)(i) of the Act which provides that when considering an application for a licence or authority the Commission must consider whether “the applicant, *including the nominee designated by the applicant* is a fit and proper person to hold a licence”.
29. The Commission has previously considered the meaning of the expression “fit and proper” in earlier decisions<sup>3</sup>. Given the material filed and that there was no evidence to suggest any issues of compliance with the previous licence held by Mr Sharples, the Commission is satisfied he is fit and proper to be the nominee and for the applicant to hold the licence.

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

30. The proposed premises are located at 5790 Litchfield Park Road, Rakula NT 0822 (**the Premises**). The Commission was informed that Rakula can be characterised as being a Rural Community” and “there are only approximately 7 occupied properties within a distance of 5 kilometres” with “(t)he residents ... generally involved in Tourism”.
31. The Applicant will operate the Premises within the café premises that it is presently operating from. These premises are owned by Coomalie Enterprises Pty Ltd ACN 056 769 996 (**Coomalie Enterprises**). Coomalie Enterprises is a company registered with ASIC on 9 July 1992. The director, secretary and sole shareholder of that company is the proposed nominee, Mr Sharples.

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<sup>2</sup> See section 59(3)(g)(ii) of the Act

<sup>3</sup> *Bojangles Restaurant Saloon - Disciplinary action* LC2020/058 (28 January 2021) at [37] – [44]

32. The Commission was informed that the applicant and Coomalie Enterprises were:

“... undertaking a common control transaction provided for under the Australian Accounting Standard Board’s AASB 3, and therefore may be considered administrative in nature, and no lease agreement is required for the application”.

33. The Commission specifically inquired as to why it was that a café of the nature outlined in the application was seeking a restaurant **bar** authority when a restaurant authority was available.

34. In this regard Mr Sharples stated that his business was definitely a café and he did not want people to “think this was a restaurant”. He was concerned that if he had applied for a restaurant authority then he would have to provide “restaurant level service” and that this was “not what I do”. Mr Sharples noted that there were no table service and people are required to come to the counter, make their order and then take a seat. That is what he wanted to be able to continue to do and that was why he thought he needed to apply for a restaurant bar authority.

35. When this evidence was given by Mr Sharples, Mr Wood made clear that if what was proposed by Mr Sharples was that people be able to continue to order as they have always done and to focus on the food with the ability to purchase liquor “if they wished” and “take their (alcohol) back to the table”, then it was clear that a restaurant authority was more appropriate. He assured Mr Sharples that having a restaurant authority did not mean he had to provide restaurant quality table service.

36. Upon this response being received, Mr Sharples stated he would prefer a restaurant authority as he did not want his café to turn into a place where people were only staying to drink alcohol.

37. In terms of the proposed hours of operation, the application had also sought the following days and hours of trade<sup>4</sup>:

Daily including public holidays (except Good Friday and Christmas Day) 10am to 10pm

Good Friday and Christmas Day 11am to 9pm

38. During the hearing, the Commission noted these hours are different to those that are part of the Regulations for the trading hours under the conditions of the licence sought. Mr Sharples noted that at present he did not need those hours, but it was his hope that if business improved, he may be able to provide for functions in the future that might mean those hours provided under the Regulations would be required.

39. Mr Wood noted that in such circumstances a way of ensuring the “future proofing” of the applicant would be to keep the hours as proposed under the

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<sup>4</sup> Exhibit 1, p.77

Regulations rather than require the applicant to return at a future date or to apply for “special events”.

40. Based on the evidence provided, the Commission is satisfied that the proposed premises are suitable for the supply and consumption of liquor in the manner proposed under a restaurant authority and notes particularly the additional evidence given by Mr Sharples during the hearing concerning the security of the premises themselves and of the liquor within the premises.

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

41. The Commission was provided with evidence relating to the financial stability of the body corporate and notes the submission made on behalf of the Director that she “has no concerns over the stability based on the nature of what is being proposed”.
42. The Commission agrees with the assessment made by the Director.
43. In relation to the general reputation and character of the body corporate, the Commission notes there were no objections lodged in response to this application. This applicant has been operating for several years now and the Commission finds that given the lack of objections, it can be satisfied that the applicant entity has a good business reputation and character in its own right.
44. The Commission notes the references provided with respect to the nominee and finds the nominee to have a good reputation and character.

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

45. As noted earlier, the Commission assesses the general reputation and character of the applicant’s Director to be satisfactory.

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

46. As noted earlier, the Commission has assessed 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**

47. As noted earlier, the Commission has assessed the nominee to be a fit and proper person to hold a licence.

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

48. 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 s 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.

49. In terms of these aspects, it was submitted by the applicant that “(c)urrently, there is no Licenced Café in the Rakula Locality” and that “(o)pening Litchfield Café to the public will also provide a much-needed social venue for the local community and will save locals having to drive long distances for social gatherings”. Further, introducing “a new service to Litchfield National Park’s tourism market will also create additional job opportunities”.

50. It was stated that “the demographics that the proposed licenced venue will cater to” will be the same as those that “have existed within the Rakula Community area for over 20 years”. This takes into account the licence that the applicant previously held. As a result the applicant has submitted that they “envisage that there will be little impact on the local community”.

51. As earlier noted, this was an application for a restaurant bar authority, however during the course of the hearing, Mr Sharples made clear that the nature of the business proposed of a café with a continued focus on food, rather than alcohol, was one much more aligned with a restaurant authority and he agreed that this was the authority he sought under the licence. Such an authority is also far more consistent with the “family owned and operated” business.

52. Having considered each of the above objectives, the Commission is satisfied that:

- (a) What is being proposed here is the continuation of a successful café with a focus on food and providing for the tourist market to be able to “have a

drink with their meal". As such it carries a low risk of directly increasing the incidence of alcohol-related harm or ill-health to people.

- (b) the applicant will serve and supply liquor in a responsible manner.
- (c) the business is unlikely to imperil public order and safety.
- (d) the safety, health and welfare of customers will be protected.
- (e) there will be potential for a small increase in employment benefits for the local community area.
- (f) the applicant will conduct its business in compliance with the law.
- (g) the applicant will ensure that all staff involved in the sale and service of liquor will receive appropriate training.
- (h) the applicant will not allow liquor to be supplied on credit; and
- (i) the applicant will not encourage irresponsible drinking.

53. The Commission is therefore satisfied that it is in the public interest to issue the licence on the conditions set out at the commencement of this Decision Notice.

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

54. 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 consider the matters set out at s 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.
55. The Commission notes there are no such “other” matters prescribed by regulation.
56. 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.
57. In this application there were no objections. The Commission also notes that the location of these premises is 130kms from Batchelor and 160kms from Berry Springs, both being the next closest licensed venues. The Commission accepts that in such circumstances, although there will be an increase in liquor licences in the community and thus an increase in the volume of liquor sales it is not such that would cause a significant adverse impact.
58. One of the factors that weighs against the issuing of the licence is the close proximity of the Woolanang Primary School, which is only approximately “400 metres away through substantial bushland” and in fact the applicant’s “closest neighbour”. However, the Commission has considered the small size of the school with “at present, two students”, the “substantial bushland” that is between and the age of the students. As a result, the Commission has determined that this will not result in a “significant adverse impact” on the community.
59. The Commission also finds however that what is proposed here is a licence proposed to be operated by a “family-run” business very much focussed on catering to tourists in a café setting. It is clear the focus will be on food and the Commission considers it unlikely to be a location targeted for the purpose of purely drinking alcohol. These factors weigh in favour of the issuing of a licence.
60. On balance, the Commission is satisfied that the issue of the licence and authority, will not have a significant adverse impact on the community.
61. Having considered all of these matters, the Commission is satisfied, in accordance with s 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**

62. 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.

63. The primary purpose of the Act is set out at paragraph 53 above. Among the secondary purposes of the Act in s 3(2) are to regulate the sale, supply, service, promotion and consumption of liquor in a way that:

- contributes to the responsible development of the liquor industry and associated businesses in the Territory; and
- stimulates the tourism and hospitality industries.

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

65. Before completing these Reasons, the Commissions wishes to note that during the course of the hearing the applicant was specifically asked about the promotion of the availability of non-alcohol and low alcohol beverages, availability and access to free drinking water and the display of National Health and Medical Research Council (**NHMRC**) responsible drinking guidelines. In relation to the display of NHMRC responsible drinking guidelines; it was stated by Mr Sharples on behalf of the applicant that he would include messages about responsible drinking and these guidelines. The Commission notes this indication and encourages the applicant to take reasonable steps in this regard.

## **NOTICE OF RIGHTS**

66. 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.

67. 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 and the applicant.



JODI TRUMAN

DEPUTY CHAIRPERSON  
NORTHERN TERRITORY LIQUOR COMMISSION  
25 June 2025

On behalf of Commissioners Truman, Ms Stephenson and Mr Stedman