

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE AND REASONS

CITATION: *MT BUNDY STATION PTY LTD APPLICATION FOR RESTAURANT BAR AUTHORITY* [2025] NTLiqComm 11

REFERENCE: LC2025-006

APPLICANT: Mt Bundy Station Pty Ltd

PROPOSED PREMISES: Mt Bundy Station
315 Haynes Road
ADELAIDE RIVER NT 0846

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

HEARD BEFORE: Ms Jodi Truman (Deputy Chairperson)
Professor Phillip Carson (Health Member)
Ms Katrina Fong Lim (Community Member)

DATE OF HEARING: 9 April 2025

DATE OF DECISION: 10 April 2025

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 Mt Bundy Station Pty Ltd (**the applicant**).
2. The licence will be issued with a restaurant bar authority.
3. The licensed premises are those situated at 315 Haynes Road, Adelaide River, NT 0852 in the area delineated in red on Annexure 1 to this Decision Notice (**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 16 of the *Liquor Regulations 2019* (**the Regulations**).
5. In addition, the licensed premises also includes the area delineated in green on Annexure 2 to this Decision Notice (excluding the aforementioned “red” area) permitting the sale and consumption of liquor in that area of the premises in

accordance with the conditions set out in Part 4, Division 16 of the Regulations but only to patrons of the licensee's services that have been booked in advance.

6. In accordance with section 87 of the Act, the Commission removes from the licence the Lodging Authority and the Special Condition relating to Liquor Product Range.
7. The licence will be issued immediately following the publication of this decision notice.

Reasons

Background

8. Mt Bundy Station was first issued a liquor licence 80819233 with an "On Licence Authority" in 2016 under the *Liquor Act 1978*. The original application was approved with the station operating as a working cattle station that is themed as a "tourist park, catering for singles, couples, families, group booking and campers who want to experience a working station and have tours of the property."
9. Of note is that the licence issued was for a small outback style bar with an alfresco area and options for temporary variations from time to time rather than issuing a special licence. The purported authority issued to the licence was a construct as "authorities" were not introduced until the *Liquor Act 2019* (the Act).
10. Subsequently on or about 16 June 2020 the licence was converted to a **lodging authority** pursuant to changes made on 1 October 2019 when the *Liquor Act 2019* replaced the *Liquor Act 1978*. This conversion technically changed the original concept however this change was not identified until after the transfer of the licence in 2024 to the current licensee. The hours of trade were from 12 noon to 23:59, seven (7) days per week.

The Application

11. On 20 December 2024, an application was lodged by WRP Legal & Advisory in the approved form with the Director of Liquor Licensing (the Director) on behalf of the applicant, seeking a **restaurant bar authority** to be added to the licence
12. The application was considered incomplete by the Director however was "provisionally" accepted on 6 January 2025, with the applicant requested to provide additional documents in order to progress the application. These were subsequently provided by the applicant.
13. The application stated that the purpose of the application:

"... is to expand the current lodging amenities and enhance the range of services offered at Mt Bundy Station ... to provide broader offerings to visitors from across Australia, beyond what is currently permitted under the existing Lodging Authority.

Mt Bundy Station offers a variety of accommodation options ... The venue is a popular wedding venue and is available for exclusive function bookings during the dry season. Additionally, a section of the venue known as the 'Cheeky Bull Bar' serves as a casual dining destination offering freshly made pizzas and operating seasonally based on visitor demand."

14. Within the Public Interest and Community Impact Assessment Summary, the applicant stated:

"We are applying for a Restaurant Bar authority to allow the provision of alcohol to patrons within the licenced premises of Mt Bundy Station. The proposed business will operate within the station's hospitality services, offering a selection of alcoholic beverages to both guests and visitors."

15. The referral from the Director stated that the proposed licence would "better align the licence with the business conducted at the premises".

16. It was confirmed that the applicant would comply with the conditions set out within Part 4, Division 16 of the *Liquor Regulations* in relation to the hours of operation and operating conditions of a restaurant bar authority.

17. Although not formally applied for, within the covering letter filed by the solicitors for the applicant, it was stated that:

"Should the Restaurant Bar Authority be granted our client intends to expand and further promote their function services being weddings and other similar events. Our client anticipates that on occasion, weddings and other events hosted at the venue may extend slightly beyond midnight, to 1.00am. To accommodate these events, we seek the Commission's approval to attach a special events condition to the Restaurant Bar Authority, permitting occasional trading until 1:00am as may be required by the business's needs."

18. As no application had been made for such an additional authority, no advertisement or formal consultation had been undertaken of this additional authority. The Commission will return to this aspect later in these reasons.

19. Although filed in late December 2024 and just prior to Christmas, it is clear from the referral that there was some delay on the part of the applicant whilst they obtained additional relevant documentation requested by Liquor Licensing.

Consultation

20. The Commission was informed by the Director that the application was advertised via the NT News on 18 January 2025 and published on the Director's website on that same date until the objection period concluded on 3 February 2025. A green sign was also placed on display at the proposed premises. The

Director was satisfied that the applicant had complied with the requirements to advertise the application.

21. In accordance with section 56 of the Act, notification was given to Department of Health, NT Police and the Coomalie Community Council, as well as to Northern Territory Fire and Rescue Services (**NTFRS**).
22. There was no objection to the application from the Northern Territory Police. No response was received from Department of Health, NTFRS or Coomalie Community Council.
23. Following the public consultation, no objections were received.

The licensee's record of compliance

24. No adverse issues were identified by Licensing however Mr Glynn Verity, Principal Compliance Officer suggested that:

“... based on our knowledge of the premises ... a special venture authority also be considered as this would afford the licensee ability to operate in other areas within their property and outside of its restaurant bar and lodging facilities”.

The Commission will refer to this issue later in these reasons.

The referral

25. On 19 March 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. The Commission requested the referral be listed for hearing on 2 April 2025. Unfortunately due to there no longer being a designated support officer for the Commission, that request was not actioned.
26. As a result, an additional request was then made by the Commission to have the matter listed for 9 April 2025. Notice was subsequently given to the applicant and the Director on 31 March 2025 that the matter would be listed for a public hearing on 9 April 2025.
27. The Director provided the following documents to the Commission with the referral (**the brief**):
 - a. Copy of liquor licence
 - b. Application for a restaurant bar authority
 - c. Affidavit and Declaration of Associates pursuant to section 54 of the Act
 - d. Notice of consent from landlord of the premises to application
 - e. Site plan with the proposed licensed area outlined in red
 - f. Community Impact Assessment and Public Interest Criteria
 - g. Event brochure

- h. ASIC records and probity documents
- i. Evidence of publication of application
- j. Correspondence with stakeholders
- k. Various food and accommodation registration certificates.

The hearing

28. On 9 April 2025, the application proceeded as a public hearing. Ms Lucy Simeoni appeared remotely on behalf of the applicant, with Mr Declan Carter (joint nominee) (Mr Carter) in attendance in person. Mr Mark Wood appeared remotely for the Director. The Commission thanks them all for their attendance and assistance.
29. 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.
30. The brief was tendered and admitted into evidence without objection. The following additional documents were also tendered:
- a. Email exchange between the Deputy Chair of the Liquor Commission and the parties between 1 and 3 April 2025 (exhibit 2).
 - b. Email exchange between the Deputy Chair of the Liquor Commission and the parties on 8 and 9 April 2025 (exhibit 3).

ASSESSMENT OF THE APPLICATION

31. 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.

32. 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"

33. Ordinarily the Commission would consider the matters under s 53 of the Act in relation to the applicant and then turn to the associates under s 54, however the referral from the Director made clear that the licensee (i.e. the applicant), and the nominees (i.e. the associates of the applicant) are "known to the Director" and are "considered at this time fit and proper persons and no further probity material were requested".

34. It is clear on the materials that Mr Timothy Carter is the sole Director, Secretary and shareholder of the applicant and also the joint nominee with Mr Declan Carter. Both have therefore previously undergone probity examinations (just as the applicant has) and been found fit and proper.

35. The Commission is satisfied that no further probity is required to be undertaken and that the applicant and associates are fit and proper.

36. The Commission is also satisfied that the applicant has complied with the disclosure requirements of section 54.

Whether issuing the licence is in the public interest

37. To determine whether the issue of the licence 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.

38. In this regard, initially there was some reference in the materials to the potential for the applicant to seek a special venture authority and also some changes to the hours of operation ordinarily provided for under the Regulations.

39. When clarification was sought by the Commission as to what was being proposed, further discussions took place between the applicant's solicitor, Ms Simeoni, and Mr Wood. On 3 April 2025, Ms Simeoni advised as follows:

"We also confirm that:

- our client's does not seek to pursue the extension of hours to 01:00am for special events and intends to submit a separate Special Event Authority Application on the odd occasion as and when necessary.
- Mr Wood's description of our client's business model below is accurate and therefore we consider the Application for a Restaurant Bar Authority to be the appropriate type of authority.
- our client took over the Mt Bundy site last year and has not yet commenced hosting Weddings at the venue but would like to undertake that activity in future and to be able to give their clients the option to have their wedding ceremony at one of the locations specified on the maps provided to Licensing, being:
 - The riverbed,
 - The beer paddock
 - The homestead lawns
 - The Billabong
 - The Bronco Panels
 - The Banyan Tree
- our client would like the ability to provide a small-scale bar set up for the brief duration of the ceremony for guests to have drinks before, during and after the ceremony. They anticipate the maximum timeframe for the licence in these zones to be approximately 90 minutes. The bar set up in these zones will be serviced by certified & trained bar staff only. We understand that the Restaurant Bar Authority would accommodate that activity given it is a pre-booked event".

40. The Commission notes the reference by Ms Simeoni to the accuracy of "Mr Wood's description of our client's business model", is as follows:

"The business model seeks to allow for trade to the general public on a casual basis, as well as pre-booked corporate and private events. A

special venture authority is of course suitable for the pre-booked events however, it does not allow for casual dining or the like which would be a primary service noting the definition in section 47(1)(i) of the *Liquor Act 2019* (the Act) which limits the sale "...to patrons as an ancillary part". Further, regulation 93(1) of the *Liquor Regulations 2019* (the Regulations) limits sales under that authority only to persons who have booked the services in advance."

41. An issue that arose in this application was the appropriateness of issuing a licence that had as its "premises" or "licensed footprint" a large area of land including areas near billabongs and forest. As a result, the Commission sought clarification from the parties as to what was proposed.

42. Ms Simeoni provided to the Commission two (2) maps/drawings and advised as follows:

"The primary licenced area for the Restaurant Bar Authority is located at (see Annexure 1 to this Decision Notice).

This is the area known and referred to as the "Cheeky Bull Bar" and is intended for the day-to-day operations where light meals (specifically pizza) is provided for purchase. This licensed area also includes the Beer Paddock.

The applicant also intends to operate as a Wedding Venue and as noted in my email on Thursday 3 April 2025 to the Commission, the applicant would like to be able to give their clients the option to have their wedding ceremony at one of the locations specified on the maps below as follows:

- The riverbed,
- The beer paddock
- The homestead lawns
- The Billabong
- The Bronco Panels
- The Banyan Tree

Accordingly, the wider area outlined in green has been marked on (see Annexure 2 to this Decision Notice) to identify the areas in which the applicant seeks the ability to serve alcohol to guests at pre-booked functions for guests to have drinks before, during and after the ceremony. They anticipate the maximum timeframe for the licence in these zones to be approximately 90 minutes. The bar set up in these zones will be serviced by certified & trained bar staff only".

43. Having had this clarity provided, the Commission is satisfied that the proposal of a restaurant bar authority is the most appropriate authority for the business model of the premises that is proposed with the conditions included that are set out at the commencement of these Reasons. The Commission accepts that the premises is and will remain a premises offering lodging amenities, events and

food, albeit with slightly extended liquor trading hours and an option to have an alcoholic beverage without the need to purchase food.

44. The Commission is satisfied that there is a clear indication on behalf of the applicant to maintain its focus on lodging and events but to enhance the range of services it offers and to better align with its business practice. It was apparent to the Commission during the course of the hearing that Mr Declan Carter understood the conditions of the licence being proposed.
45. The Commission notes that the issuing of such an authority makes redundant the lodging authority and obsolete the special condition relating to the liquor product range. As a result, the Commission has determined to also remove those conditions from the licence to avoid any confusion.
46. Having considered each of the above objectives, the Commission is satisfied that there will be minimal harm caused to the community and that it is in the public interest to issue the licence provided that the licence conditions are adhered to, to ensure liquor is served in a responsible manner.

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

47. 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.

48. The Commission notes there are no such “other” matters prescribed by regulation.
49. 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.
50. The applicant provided a comprehensive report to the Commission addressing each of these factors and the Commission is satisfied that the issue of the licence will not have a significant adverse impact on the community
51. 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

52. 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.
53. The Commission considers that the issue of the licence and authorities with the conditions imposed is consistent with the purposes of the Act
54. 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.
55. 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 on behalf of the applicant that the applicant 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

56. 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.

57. 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.

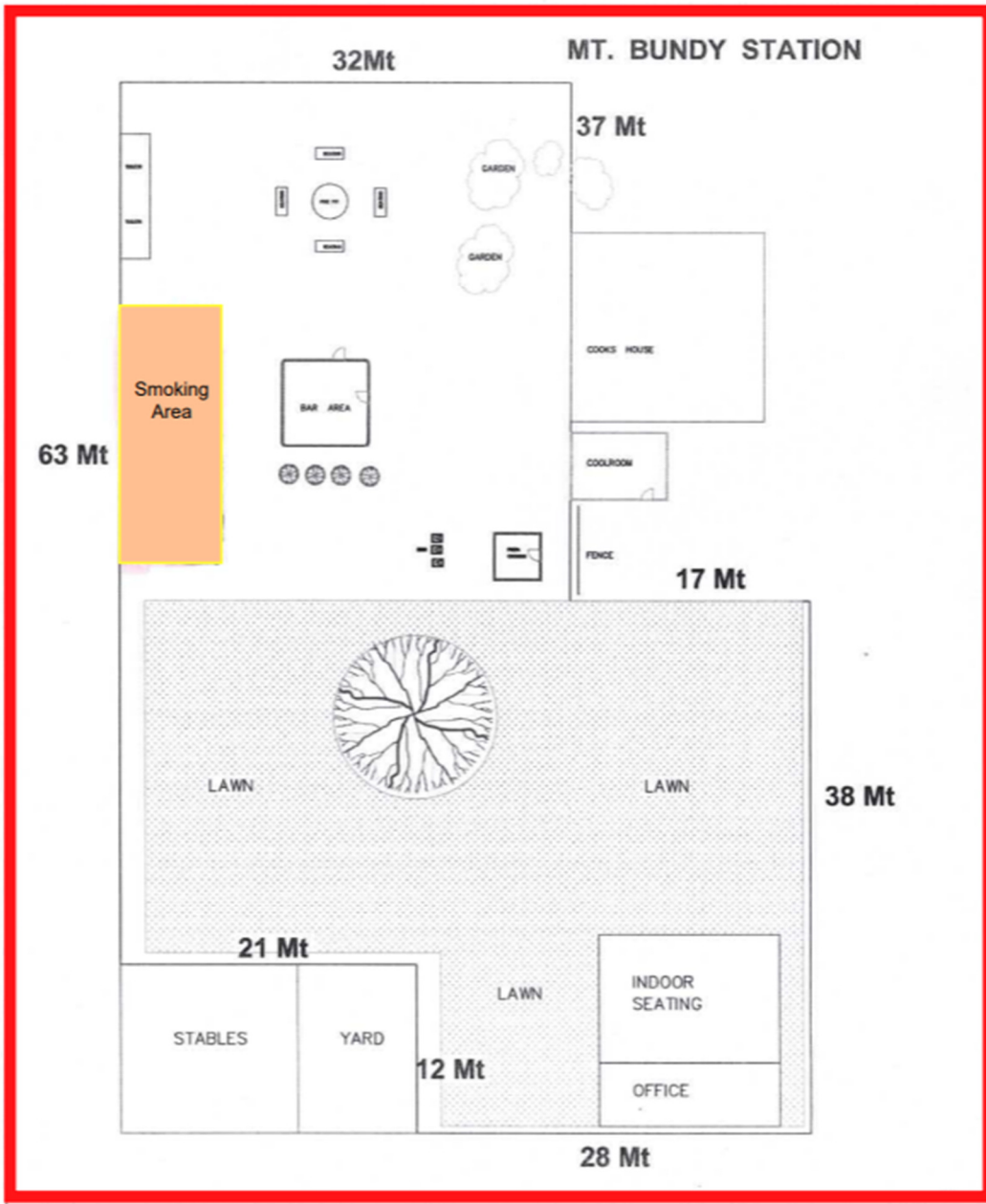
A handwritten signature in black ink, appearing to read 'Jodi Truman', with a long horizontal flourish extending to the right.

JODI TRUMAN

DEPUTY CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
10 April 2025

On behalf of Commissioners Truman, Professor Carson and Ms Fong Lim

ANNEXURE 1



ANNEXURE 2



Adelaide River
Northern Territory 0846
-13.225118, 131.134594

Adelaide River
Northern Territory 0846
-13.227752, 131.134734

Adelaide River
Northern Territory 0846
-13.225256, 131.131054

Adelaide River
Northern Territory 0846
-13.227799, 131.131134