

# Delegate of Director of Liquor Licensing

## Decision Notice

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**MATTER:** APPLICATION FOR GRANT OF LIQUOR LICENCE AND COMMUNITY CLUB AUTHORITY

**PREMISES:** Bunda Station  
19083 Butine Highway  
Buchanan, NT

**APPLICANT:** Bunda Sports and Recreation Association Incorporated

**LEGISLATION:** Sections 47 and 52 of the *Liquor Act 2019*.

**DECISION OF:** Delegate of Director of Liquor Licensing

**DATE:** 31 March 2021

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### BACKGROUND

1. On 2 December 2020, pursuant to section 52 of the *Liquor Act 2019* (the Act), an application was lodged by Bunda Sports and Recreation Association Incorporated (the Applicant), seeking a liquor licence with a community club authority for premises known as Bunda Station, 19083 Buntine Highway, Buchanan NT.

### CURRENT SITUATION

2. Bunda Station is a pastoral lease that operates as a cattle station situated 142 kilometres west of Lajamanu and 168 kilometres south west of Daguragu in the Victoria River district.
3. Alcohol will be purchased from Katherine and delivered by transport truck every fortnight or the station truck will go into town to collect store goods. The sale of alcohol will be for consumption on the premises only to staff and their family members for recreation and community events, build friendships to promote friendship diversity, culture and harmony and to raise money for further association objectives.
4. The sale of alcohol will be confined to the recreation club area. No sale of take away liquor will be permitted. The applicant proposes the sale of beer (can/bottle), spirits (nip) pre-mixed (can), cider and wine in the bottle. Snack and finger food will be offered at weekly barbeques as well as a meal provided.
5. The applicant has provided the material prescribed in section 52 of the Act including:
  - an affidavit made under section 54;
  - a draft notice of the application;
  - evidence necessary to satisfy the onus specified in section 51;
  - a summary of the evidence suitable for publication; and
  - the application fee.

## ADVERTISING AND OBJECTIONS

6. The application was published in the Katherine Times on 27 January 2021 and 3 February 2021 with a notice also being erected at the proposed premises.
7. No objections were received in relation to the application.
8. The Commissioner of Police, the Chief Executive Officer of the Department of Health and the Chief Executive Officer of the Katherine Town Council were notified of the application in accordance with statutory requirements.
9. No stakeholder provided any adverse comments or objections to the application.

## APPLICATION

10. The Applicant has provided a comprehensive suite of materials in support of the application including all materials prescribed by the Act.
11. The authority sought by the applicant is in pursuance of section 47(1)(l) of the Act, being a community club authority.
12. The Applicant has sought the following conditions:
  - The hours of trade are to be Sunday to Thursday between the hours of 17:30 hours to 22:00 hours.
  - Friday and Saturday 17:30 hours to 24:00 hours.

## DISCLOSURE OF PERSONS

13. Section 54 of the Act requires the applicant to make an affidavit disclosing each person who, if the licence is issued, may:
  - (a) be able to influence the applicant; or
  - (b) expect a direct or indirect benefit from the applicant.
14. I am satisfied by the materials provided by the applicant in relation to this requirement.

## RESULTS OF INVESTIGATION

15. Section 58 of the Act enables the Director to conduct an investigation into an application as considered appropriate. No materials have been discovered or provided to indicate there are any adverse matters in relation to this application.

## FINANCIAL STABILITY

16. The Applicant has provided sufficient materials to address this consideration and I am satisfied they meet the requirements in relation to financial stability.

## FIT AND PROPER PERSON

17. Section 59(3)(g)(i) of the Act requires the decision maker to consider whether the applicant and as the applicant is a body corporate, the nominee, are fit and proper to hold a licence.
18. The Applicant has provided a range of documents showing they are a current and compliant incorporated association.
19. The proposed nominees are Mr Charles Tapp, Ms Madeline Wightman, Ms Brooke Horwood, Mr Andrew O'Kane and Ms Ali Quintana and each provided a range of probity documents for consideration. Having considered the materials provided I am satisfied the applicant and Mr Charles Tapp, Ms Madeline Wightman, Ms Brooke Horwood, Mr Andrew O'Kane and Ms Ali Quintana (as the proposed nominees) are fit and proper to be granted the authority and act as nominee/s.

## PUBLIC INTEREST AND COMMUNITY IMPACT

20. Section 49 of the Act requires the decision maker to be satisfied the applicant is fit and proper, the licence or authority is in the public interest and will not have a significant adverse impact on the community.
21. The first branch of the requirement has already been addressed.
22. It remains to consider whether the application is in the public interest, to do so consideration must be given to the objectives prescribed in section 49(2) of the Act which include:
  - a. minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
  - b. ensuring liquor is to be 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 the practices that encourage irresponsible drinking;
  - j. reducing or limiting increases in anti-social behaviour.

23. In determining whether there would be a “significant adverse impact on the community” section 49(3) of the Act requires the Commission “must consider the following:
- 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.
24. The Act is clear in that the applicant bears the onus of satisfying the decision maker of the relevant matters, irrespective of whether no objections were received as is the case in this matter.
25. In relation to the issue of the community impact and public interest, those matters have previously been published under section 6A of the *Liquor Act 1978* and in force immediately before the commencement of the *Liquor Act 2019* are taken to be community impact assessment guidelines issued under section 50 of the Act.
26. Those matters remain as previously published in numerous decisions by the Liquor Commission.

## CONSIDERATION CRITERIA

27. With regards to the matters raised in section 49(2) of the Act, I note the following:
- a. minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor is to be minimised:
 

I am satisfied the provision of liquor is for members of the club in accordance with their constitution with a rigorous plan in place to ensure appropriate behaviours. I also note that this application does not contain any request for sales of takeaway liquor, with sales of liquor confined for consumption in or on the licensed area.
  - b. ensuring liquor is to be sold, supplied, served and consumed, on or in licensed premises in a responsible manner:

Having considered all the material, it is unlikely any liquor sold, supplied, served and consumed will be done so in an irresponsible 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:

The nature and location of the club makes it improbable that public order and safety are likely to be jeopardised by the operation of the licence, also the licensee has prepared a suitable processes to safeguard against harm.

- d. protecting the safety, health and welfare of people who use licensed premises:

The policies developed by the applicant applicable to the premises are considered to adequately protect the safety, health and welfare of people who are likely to use the licensed premises during its hours of operation.

- e. increasing cultural, recreational, employment or tourism benefits for the local community area:

As this is a community club in a remote location with a relatively small membership, this is not a relevant matter.

- f. promoting compliance with this Act and other relevant laws of the Territory:

There are no materials provided which would suggest the applicant will not comply with the Act and any other relevant laws.

- g. ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business:

I am satisfied the applicant will appropriately manage and supervise service staff.

- h. preventing the giving of credit in sales of liquor to people:

No issues have been raised to suggest there is any concern in relation to this objective.

- i. preventing the practices that encourage irresponsible drinking:

No issues have been raised to suggest there is any concern in relation to this objective.

- j. reducing or limiting increases in anti-social behaviour:

No issues have been raised to suggest there is any concern in relation to this objective.

28. Turning to the matters under section 49(3):

- 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:

There are no materials to suggest there is a significant risk of undue offence, annoyance, disturbance or inconvenience likely to be caused by the granting of this authority. The site is remote.

- b. the geographic area that would be affected:

The locations are remote.

- c. the risk of harm from the excessive or inappropriate consumption of liquor:

As previously indicated, there is no materials to suggest there will be excessive consumption of liquor.

- d. the people or community who would be affected:

Given the nature of the location of the licensed premises and the regulations and laws pertaining to a liquor licence with a community club authority it is unlikely there will be adverse impact on the community by the granting of this authority.

- e. the effect on culture, recreation, employment and tourism:

The restricted nature of the club, nature of the operations and location of the club make this consideration moot.

- f. the effect on social amenities and public health:

It is unlikely there will be any significant adverse impact on the social amenities and public health by the granting of this authority to the applicant.

- g. the ratio of existing liquor licences and authorities in the community to the population of the community:

This is of no relevance to this matter.

- h. the effect of the volume of liquor sales on the community:

The minimal and restricted nature of the operation is unlikely to significantly increase the volume of liquor sales in the wider regional area.

- i. the community impact assessment guidelines issued under section 50:

These have been considered and referred to earlier in these proceedings.

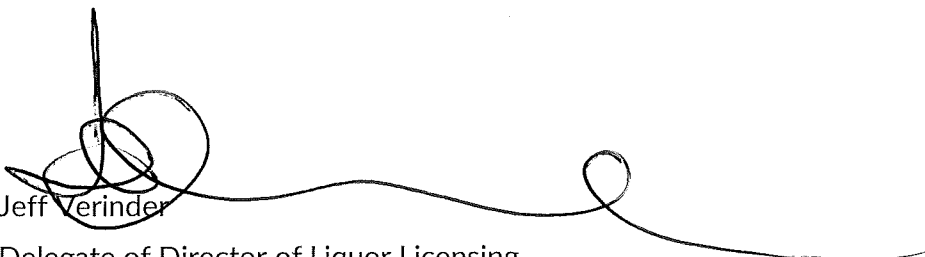
29. Section 85 of the Act requires a term of the licence to be fixed and it is to remain force until it expires or is abandoned, surrendered or otherwise dealt with.
30. Affixing a licence term which would allow for business continuity is therefore appropriate, reflective of the nature of the operations and necessary.
31. Accordingly, the term of the licence may be expressed as a specified timeframe, or in perpetuity as the term 'in perpetuity' has a definition.
32. The licence is to be issued in perpetuity.
33. Having regards to the foregoing, I am satisfied that the granting of the authority as sought is in the public interest and will not have an adverse effect on the community. It is incumbent on the licensee and nominee/s to have a full understanding of the Liquor Act and Liquor Regulations in the operation of this licence.

## DECISION

34. On the basis of the information provided in relation to this matter and with reference to sections 48 and 60 of the Act, I have determined to issue a liquor licence with a **community club authority** to Bunda Sports and Recreation Association Incorporated for the premises listed above.
35. The conditions applicable to the licence are in accordance with the Liquor Act and Liquor Regulations and in particular Division 7 of the regulations. The liquor trading hours are;
- a. The hours of trade are to be Sunday to Thursday between the hours of 17:30 hours to 22:00 hours. Friday and Saturday 17:30 hours to 24:00 hours.

## REVIEW OF DECISION

36. Section 27 of the Act provides for the applicant or a person who made a submission the subject of the decision, to seek a review of a decision made by the delegate of the Director.
37. The Director delegated the determination of applications for **a community club authority** made under the Act by delegation instrument dated 17 February 2021. This decision was made by a person referred to in that delegation.
38. An application for review must be lodged with the Director within 28 days after written notice of the decision is given to the person and must be in the form approved by the Director, stating the grounds for the review and the facts relied on to establish the grounds.
39. Accordingly, the affected person/s in relation to this decision are the applicant, being Bunda Sports and Recreation Association Incorporated.

  
Jeff Verinder  
Delegate of Director of Liquor Licensing  
31 March 2021.