

## Delegate of the Director of Liquor Licensing

### Decision Notice

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<b>MATTER:</b>	Application for a new authority
<b>LICENCE:</b>	80103539
<b>NOMINEE:</b>	Lei Shi
<b>APPLICANT:</b>	Investnorth Pty Ltd
<b>PROPOSED PREMISES:</b>	Alice Springs Telegraph Station Herbert Heritage Drive Stuart NT 0870
<b>OBJECTORS:</b>	Nil
<b>LEGISLATION:</b>	<i>Liquor Act 2019</i> - Part 3 and 4
<b>DECISION OF:</b>	Southern Region Manager - Licensing & Compliance
<b>DATE OF DECISION:</b>	15 April 2024

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### DECISION

1. As a delegate of the Director of Liquor Licensing (the Director), I determined in accordance with section 48 of the *Liquor Act 2019* (the Act) to issue a catering authority forthwith to Investnorth Pty Ltd (the Applicant) for liquor licence 80103539 for the premises known as the Alice Springs Telegraph Station at the Herbert Heritage Drive, Stuart NT 0870.
2. The conditions of the licence are amended to include the authority conditions set out in Part 4 Division 5 ("Catering authority conditions") of the *Liquor Regulations 2019* (the Regulations).

### BACKGROUND

3. Pursuant to section 52 of the Act, Mrs Lei Shi, Hotel Manager and Nominee of Investnorth Pty Ltd, lodged an application for the addition of a catering authority to their existing liquor licence 80103539 on 22 February 2024.
4. This application was incomplete with the remaining materials provided on 12 March 2024 and 14 March 2024.

## CURRENT SITUATION

5. The application is for an addition of a catering authority to allow for catering services and the sale of liquor to the guests of the Ghan Train Journeys, domestic and international travellers who have pre-booked dinner arrangement, in the iconic Alice Springs Telegraph Station.
6. The sale of liquor is not a primary element, it is complementary to the overall services provided to the guests of the Ghan visiting the Telegraph Station, in particular the meal and food services.
7. Access to the site is ticketed as the patrons have pre-booked the dinner arrangement provided by the Investnorth Pty Ltd.
8. The Applicant has provided the material prescribed in section 52 of the Act including:
  - an affidavit made under section 54;
  - evidence necessary to satisfy the onus specified in section 51; and
  - the application fee.
9. A comprehensive range of food and snacks and non-alcoholic products will be provided as part of the catering services.
10. The provision of liquor is ancillary and complementary to the primary business catering services to the pre-booked guests, and importantly not a primary attractant.

## NOTIFICATIONS, PUBLIC NOTICES AND OBJECTIONS

11. The application was advertised on 21 March 2024 in the NT News and on the Department of Industry, Tourism and Trade website. A green sign was also displayed at the premises.
12. The Director was satisfied that the Applicant has complied with the requirements of the public notice.
13. Pursuant to section 56 (4) of the Act, the following stakeholders were notified of the application by the Licensing NT:
  - a. The Department of Health (DOH)
  - b. Northern Territory Police (NT Police)
  - c. Alice Springs Town Council (Council)
14. Although not a statutory requirement, as is practice, notification of the application was sent to the Northern Territory Fire and Rescue Service (NTFRS).

15. With respect to the application:

- a. DOH advised that it has no objection.
- b. No response was received from NT Police, Council and NTFRS.

16. No objections were received from the generic public.

## APPLICATION

17. The Applicant has provided a comprehensive suite of materials in support of the application including all materials prescribed by the Act.

18. The authority sought by the applicant is in pursuance of section 47(1)(m) of the Act.

19. The determination of applications under section 60(1) of the Act has been conditionally delegated by the Liquor Commission to the Director of Liquor Licensing. The limitation including the authorities which may be granted under delegation being a catering authority.

20. The Director further delegated these powers to me by instrument.

## DISCLOSURE OF PERSONS

21. 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.

22. I am satisfied with the materials provided by the Applicant in relation to this requirement.

## RESULTS OF INVESTIGATION

23. 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.

24. A fulsome Business Plan was provided detailing the exclusive nature of the premises and comprehensive services to be offered.

## FINANCIAL STABILITY

25. I am satisfied with the materials provided of the financial stability and business reputation of the Applicant.

## FIT AND PROPER PERSON

26. 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, their nominated licensee, are fit and proper to hold a licence.
27. Mrs Lei Shi is the current nominee of liquor licence 80103539 and known to the Director and the Liquor Commission (the commission). The Applicant has provided the sufficient materials to demonstrate she is suitable and meets the requirements in relation to financial stability.
28. Having considered the materials provided I am satisfied the Applicant and Mrs Shi remains a fit and proper person to hold a licence and act as nominee.

## PUBLIC INTEREST AND COMMUNITY IMPACT

29. 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.
30. The first branch of the requirement has already been addressed.
31. 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.

32. In determining whether there would be a “significant adverse impact on the community” section 49(3) of the Act prescribes the decision maker “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.
33. 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.
34. 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*, and are taken to be community impact assessment guidelines issued under section 50 of the Act.
35. Those matters remain as previously published in numerous decisions by the Liquor Commission and I am guided by these decisions.

## CONSIDERATION CRITERIA

36. Consideration must be made of the applicant’s affidavit, the results of any investigation, objections and responses, the suitability of the premises along with the appropriateness of the applicant to be a licensee.

37. 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 complementary to the overall facilities management provision associated with the proposal and is not the significant attractor.

- 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.

As written previously, the consumption of liquor will only be complementary to the other services provided by the licensee and will be done during limited hours each day.

- 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:

As provision of sale and supply is for the pre- booked guests of the Ghan, 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 business plan including 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:

The primary intention of the premises is to provide food and meals to the guests of the Ghan who have pre-booked dinner arrangement with the licensee.

- 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.

As an existing licensee the Applicant has demonstrated their ability to comply with the requirements of the Act and I have no concerns this will change in the granting of this licence.

- 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.

38. 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 licensed area is operated effectively as a ticketed place and will offer service to the pre-booked dinner arrangement for the guests of the Ghan visiting the Telegraph Station.

- b. the geographic area that would be affected:

There are no other residents within the immediate vicinity of the premises and therefore no adverse impact will result from this licence.

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

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

Provision of the sale and supply of the liquor is an ancillary and complementary to the food and meals services provided by the Applicant. It necessarily follows the likelihood of a person being intoxicated through the sale of liquor by this licensee is negligible.

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

Given the location of the premises it is unlikely there will be significant adverse impact on the community by the granting of this authority.

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

I see there to be no issue in relation to this matter. Services offered by the Applicant may boost the number of people coming to the Alice Springs as travellers can have dinner option in the icon of Central Australia, Alice Springs Telegraph Station.

- 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:

Targeted customer of this authority is the guests of the Ghan and accordingly this may likely not to impact on 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:

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

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

These have been considered and referred to earlier in this notice.

- 39. Having regards to the foregoing, I am satisfied that the issuing of the catering authority as sought is in the public interest and will not have an adverse effect on the community.

## REVIEW OF DECISION

- 40. 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.
- 41. The Director delegated the determination of applications made under section 52 of the Act by instrument to the person from time to time holding, acting in or performing the duties of the position listed in the Schedule of that instrument. This decision was made by a person referred to in that schedule.
- 42. 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.
- 43. Accordingly, the affected persons in relation to this decision are Investnorth Pty Ltd, DOH, NT Police and NTFRS.



**Mark Wood**  
**Southern Region Manager – Licensing & Compliance**  
Delegate of the Director of Liquor Licensing  
15 April 2024