

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Application to add an authority to existing liquor licence
LICENCE:	FLL2363
NOMINEE:	Jeffery Brendan Gaden
APPLICANT:	Alliance Française de Darwin Incorporated
PROPOSED PREMISES:	Alliance Française de Darwin 17 Chapman Road RAPID CREEK NT 0810
OBJECTORS:	Nil
LEGISLATION:	<i>Liquor Act 2019</i> – Part 3 and 4
DECISION OF:	Southern Region Manager – Licensing & Compliance
DATE OF DECISION:	31 March 2025

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 community club authority forthwith to Alliance Française de Darwin Incorporated (the Applicant) to liquor licence FLL2363 for the premises known as Alliance Française de Darwin, located at 17 Chapman Road, RAPID CREEK, NT 0810.
2. The conditions of the licence are amended to include the authority conditions set out in Part 4 Division 7 (“Community club authority”) of the *Liquor Regulations 2019* (the Regulations).

BACKGROUND

3. Pursuant to section 52 of the Act, Mr Jeffery Gaden, president of the Alliance Française de Darwin, lodged an application for the addition of a community club authority to their existing liquor licence FLL2363 on 05 December 2024.
4. This application was incomplete with the remaining materials provided on 22 January 2025.

CURRENT SITUATION

5. Alliance Française de Darwin Incorporated is a non-profit, community-focused organization committed to promoting the French language, culture, and fostering cultural diversity.
6. The application is for an addition of a community club authority to permit the sale of alcohol at small events hosted at the proposed licensed premises. The current licence is limited and only allows for catering. Additionally, the Applicant seeks to transition from a catering authority liquor licence to a community club authority liquor licence.
7. This change better reflects the social and community nature of the operation at the premises.
8. It is expected if granted, the catering authority will be surrendered as it will no longer be necessary.
9. 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.

NOTIFICATIONS, PUBLIC NOTICES AND OBJECTIONS

10. The application was advertised on 01 February 2025 in the NT News and on the Department of Tourism and Hospitality website. Two (2) green signs were also displayed at the premises.
11. The Director was satisfied that the Applicant has complied with the requirements of the public notice.
12. 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. City of Darwin (Council)
13. Although not a statutory requirement, as is practice, notification of the application was sent to the Northern Territory Fire and Rescue Service (NTFRS).
14. On 13 February 2025, Council provided the following comment:

“Thank you for forwarding the liquor license application for Alliance Française de Darwin Incorporated.
I am writing to inquire if any support letters have been submitted alongside the application, as these are essential for further evaluation.

The Applicant is seeking a Community Club Liquor License with plans to serve alcohol to community members. The premises are shared with the Greek Orthodox Community of North Australia (GOCNA), and I would like to know if there is any evidence that GOCNA has been consulted regarding this application as they have Greek Orthodox School.

Additionally, the proposed operating hours are from 10:00 AM to midnight, which may have an impact on nearby residents and community spaces, such as:

- The Essington School
- International College of Advanced Education

I would appreciate any support letters or clarification on these matters.”

15. On 14 February 2024, a support letter provided by the Applicant was emailed to Council who provided the following comment:

“Attached support letter from the Greek Orthodox Community of North Australia (GOCNA), which endorses your organisation’s funding initiatives for the play area/surface.

However, the letter does not specifically address the matter of serving alcohol in shared premises.

It would be helpful if you could arrange for a support letter from the Greek Orthodox Community of North Australia (GOCNA) that includes their opinion on serving alcohol in these shared premises.

Additionally, support letters from other relevant organisations, such as The Essington School and the International College of Advanced Education, would be valuable for further evaluation.”

16. On 19 February 2025, the comment from Council was sent to the Applicant for a response, which was provided on 21 February 2025.
17. On 21 February 2025, Council advised that it has no objection.
18. With respect to the application:
- a. NT Police and DOH advised that it has no objection.
 - b. No response was received from NTPRS and Liquor Compliance.
19. No objections were received from the generic public.

APPLICATION

20. The Applicant has provided a comprehensive suite of materials in support of the application including all materials prescribed by the Act.
21. The authority sought by the applicant is in pursuance of section 47(1)(l) of the Act.

22. 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 community club authority.
23. The Director further delegated these powers to me by instrument.
24. The prescribed hours of trade under a community club authority are "...the hours specified in the authority issued to the licensee". This provides a very wide discretion to the determiner in relation to the hours of trade.
25. The applicant has sought the following hours of trade:

Monday	10:00 hours to 23:59 hours
Tuesday	10:00 hours to 23:59 hours
Wednesday	10:00 hours to 23:59 hours
Thursday	10:00 hours to 23:59 hours
Friday	10:00 hours to 23:59 hours
Saturday	10:00 hours to 23:59 hours
Sunday	10:00 hours to 23:59 hours

DISCLOSURE OF PERSONS

26. 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.
27. I am satisfied with the materials provided by the Applicant in relation to this requirement.

RESULTS OF INVESTIGATION

28. 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.
29. A fulsome Business Plan was provided detailing the exclusive nature of the premises and comprehensive services to be offered.

FINANCIAL STABILITY

30. The Applicant is already known to the Director and the Liquor Commission (the Commission) and have gone through extensive probity examination, without adverse findings during application for a catering authority liquor licence application, no further materials were sought in relation to this application.
31. I am satisfied with the business reputation of the Applicant.

FIT AND PROPER PERSON

32. 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.
33. Mr Gaden is the current nominee of liquor licence FLL2363 and known to the Director and the Commission. The Applicant has provided the sufficient materials to demonstrate he is suitable and meets the requirements in relation to fit and proper and act as nominee.
34. Having considered the materials provided I am satisfied the Applicant remains a fit and proper person to hold a licence.

PUBLIC INTEREST AND COMMUNITY IMPACT

35. 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.
36. The first branch of the requirement has already been addressed.
37. 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.
38. 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.
39. 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.
40. 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.
41. Those matters remain as previously published in numerous decisions by the Liquor Commission and I am guided by these decisions.

CONSIDERATION CRITERIA

42. 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.

43. 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 restrictive nature of membership or invitation being the only means of admission to the premises will minimise the potential for harm.

- 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. The nature of business model would not support the excessive consumption of liquor.

- 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 licensee is proposing to sale and supply liquor during small events hosted at the proposed premises and unlikely to attract large number of patrons. The Applicant will mainly focus on promotion of French language, culture and tradition to patronage rather than sale or supply of the liquor.

- 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 business model highlights the recreational and social aspect of this consideration. The Association is intended for the use of members and guests for events, operations and social activities. It is not a public bar for the general public to frequent.

- 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.

44. 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. Mainly nearby residents, and French language and culture enthusiasts will be members of the Association, and more likely than not, socialising at the licensed premises.

- b. the geographic area that would be affected:

There are no materials to suggest that geographic area would be affected.

- 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.

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

Given the nature of the operation 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:

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.

- 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 customers of this authority are the members and guests of the Association and accordingly is unlikely 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 Darwin region.

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

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

- 45. 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

- 46. 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.
- 47. 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.
- 48. 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.
- 49. Accordingly, the affected persons in relation to this decision are Alliance Française de Darwin Incorporated, City of Darwin, DOH, and NT Police.



Mark Wood
Southern Region Manager – Licensing & Compliance
Delegate of the Director of Liquor Licensing
31 March 2025