

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Application for the grant of a licence and authority
APPLICANT:	Rockhampton Downs Station (Social Club) – Unincorporated Association
PROPOSED PREMISES:	Rockhampton Downs Station (Social Club) Rockhampton Downs 9759 Barkly Highway TABLELANDS NT 0862
OBJECTORS:	Nil
LEGISLATION:	<i>Liquor Act 2019</i> – Part 3 and 4
DECISION OF:	Southern Region Manager – Licensing & Compliance
DATE OF DECISION:	3 July 2024

DECISION

1. As a delegate of the Director of Liquor Licensing, I approve the application by Rockhampton Downs Station (Social Club) - Unincorporated Association for the grant of a liquor licence with a **community club authority**, for the premises known as Rockhampton Downs Station (Social Club), Rockhampton Downs Station, 9759 Barkly Highway, Tablelands.
2. The grant of the licence is for the premises to sell liquor to members of the club operated by the licensee, guests of members and visitors of the club, for consumption on or in the licensed premises pursuant to section 47(1)(l) of the *Liquor Act 2019* (the Act).
3. The operating conditions in relation to the catering authority are in accordance with regulation 46 of the *Liquor Regulations 2019* (the Regulations).
4. The licensee is also able to conduct functions and events as prescriber in regulation 47 of the Regulations.

5. The hours of trade for a community club authority are “...the hours specified in the authority issued to the licensee” as prescribed in regulation 45 of the Regulations. Those hours are as sought by the licensee:

Monday – Thursday inclusive	17:00 hours to 20:00 hours
Friday	17:00 hours to 23:59 hours
Saturday	12:00 hours to 23:59 hours

6. Pursuant to section 60(1)(a) an additional condition is placed upon the licence, that being:

The licensee must refrain from selling, serving or supplying liquor to residents of surrounding communities that are classified as general restricted areas pursuant to section 172 of the Act, or any other special restricted area or interim alcohol protected area as declared from time to time.

BACKGROUND

7. Pursuant to section 52 of the Act, Ms Fay Broughton on behalf of the social club, lodged an application for a licence with a **community club authority**.
8. The application is intended to allow for a social club operation on the station for the staff who live in a remote location, with no viable access to nearby licensed premises to socialise. Stations such as this are immense and spread out throughout the Territory, most all invariably have a licence for their social club and operate as their own satellite towns and communities given their remoteness.
9. Supervision of the conduct in the premises is historically by the station manager, and anti-social behaviour is not tolerated, with a rigid enforcement of standards and low tolerance of misbehaviour.

CURRENT SITUATION

10. Ms Broughton is the manager of the station and the proposed nominee who has been at the premises since February 2023.
11. The sale of liquor is not a primary element, it is an additional social service to employees of the station, who are resident. Access to liquor is limited and ordinarily requires significant distances to obtain it, with no nearby licensed premises.
12. The intention is to provide a social service to the staff and any contractors and bona-fide visitors to the station, effectively making it private and not open to the general public.
13. 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

14. Pursuant to section 57(2A) of the Act a delegate of the Director of Liquor Licensing (the Director) formed the opinion the application disclosed no public interest issues, and exercised their discretion to exempt the public notice requirements for this matter.
15. In pursuance of section 56(4) of the Act the application was notified to the persons prescribed on 7 June 2024.
16. Although not a statutory requirement, as is practice, notification of the application was sent to the Northern Territory Fire and Rescue Service (NTFRS).
17. No adverse comments were received, Health did however request attention be given to a smoking management plan for the premises.
18. As the premises is pre-existing and outside of the certification area, no certification of the premises or fire compliance is necessary.

APPLICATION

19. The applicant has provided a comprehensive suite of materials in support of the application including all materials prescribed by the Act.
20. The authority sought by the applicant is a community club authority in pursuance of section 47(1)(l) of the Act.
21. The determination of applications under section 60(1) of the Act has been conditionally delegated by the Northern Territory Liquor Commission (the Commission) to the Director. The limitation including the authorities which may be granted under delegation, which include this authority.
22. The Commission placed a condition on the delegation in relation to community club authorities: the Director is unable to approve applications for such an authority if the premises is located with a remote community.
23. Although remote and its own community, the station is not with a remote community as referred to by the Commission and therefore may be determined under delegation.
24. The nearest Indigenous community is Wogyala, some 15 km from the proposed premises. The applicant engaged with the traditional owners who have no concerns in relation to this matter.

25. No other conditions were volunteered and the applicant accepts the standard operating conditions of a community club authority as prescribed in Part 4 Division 7 of the Regulations.

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. The nature of the proposed business is simple in nature that of a staff social club in a remote and isolated location, not accessible to the general public.
30. Numerous similar licences operate throughout the stations in the Northern Territory, they are considered low-risk and there has not been any known incidents for any to date.

FINANCIAL STABILITY

31. I am satisfied with the materials provided of the financial stability and 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. The applicant provided materials in support of this and Ms Broughton is to be the licensee's nominee in pursuance of section 53(3) of the Act.
34. Having considered the materials provided I am satisfied the applicant and Ms Broughton are fit and proper persons to hold a licence and act as nominee.

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. The applicant has provided a suitable submission in relation to the matters surrounding the public interest and community impact.
41. 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.
42. Those matters remain as previously published in numerous decisions by the Liquor Commission and I am guided by these decisions.

CONSIDERATION CRITERIA

43. 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.
44. 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 a secondary service to the employees and bona-fide visitors of the operator. The hours sought are not excessive and these clubs traditionally are well supervised, with a focus on social and community gatherings rather than simply the consumption of liquor.

- 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 hours of trade also lend support to a suggestion consumption of liquor will be minimal and not the primary attractant.

- 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 premises are isolated and not open to the general public.

- 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 licence is provide appropriate and safe recreational and employment benefits to the station employees.

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

In general there are no materials to suggest the applicant will not comply with the relevant laws applicable to this business.

- 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.

45. 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:

The isolated nature of this premises confirms there is unlikely to be any risk.

- b. the geographic area that would be affected:

The premises are isolated and this will not affect any area other than the station itself.

- 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, especially given the limited hours of sale sought.

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

It is unlikely there will be significant adverse impact on the community by the granting of this licence.

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

I see there to be no issue in relation to this matter.

- 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 licence to the applicant.

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

There are no nearby licensed premises.

- 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 area.

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

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

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

REVIEW OF DECISION

47. 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.

48. The Director delegated the determination of applications of this nature 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.

49. 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.
50. Accordingly, the affected persons in relation to this decision are Rockhampton Downs Station (Social Club), Police and Health.



Mark Wood
Manager Licensing – Liquor, Gambling & Racing
Delegate of the Director of Liquor Licensing

3 July 2024