

NORTHERN TERRITORY LIQUOR COMMISSION

DECISION NOTICE

MATTER: APPLICATION FOR A LICENCE

REFERENCE: LC2019/0102

PREMISES: SEIT Outback Australia
Lot 203
Kali Circuit
YULARA NT 0872

APPLICANT: SEIT Outback Australia Pty Ltd

NOMINEES: Mr Brett Graham, Ms Kathryn Graham, Ms Debbie McConnell,
Mr Garry Edney

LEGISLATION: Part III, Part IV, Part V of the *Liquor Act 1978*

HEARD BEFORE: Mr Russell Goldflam (Acting Deputy Chairman)
Ms Pauline Reynolds (Health Member)
Ms Sandra Cannon (Community Member)

DATE OF HEARING: 16 August 2019

DATE OF DECISION: 16 August 2019

DECISION

1. For the reasons set out below and in accordance with section 29 of the *Liquor Act 1978* (the Act) the Commission has determined to issue a licence to SEIT Outback Australia Pty Ltd (the Applicant) authorising the sale of liquor for consumption in the area set out in this notice (the licensed area), seven days a week between 17:00 hours and 22:00 hours.

REASONS

BACKGROUND

2. The Applicant is a registered Australian Proprietary Company limited by shares that operates SEIT Outback Australia, a tourist enterprise based at Yulara. The Applicant seeks a licence authorising it to supply light and mid-strength beer, wine and sparkling wine along with non-alcoholic beverages and light food, to adult members of small groups on sightseeing tours of the Uluṛu Kata-Tjuṛa National Park and on Curtin Springs Station.

3. The liquor provided will be supplied to guests as part of their tour package, and will not be sold separately.
4. The Applicant lodged a completed Application with Licensing NT on 8 April 2019, and, following community notification and consultation, and an assessment by Licensing NT of the application, on 12 July 2019 a Delegate of the Director-General of Licensing (the Director-General) referred the application to the Commission for hearing pursuant to sections 28(1) and 50(a) of the Act.
5. The Director-General provided the Commission with a brief of evidence (the brief) including:
 - Application for a liquor licence
 - Affidavits for purposes of s26A of the Act deposed by Kathryn Louise Graham dated 5 April 2019 and by Brett Graham dated 8 April 2019
 - Community Impact and Public Interest Assessment statement in compliance with s6 and s6A of the Act
 - Extract from ASIC current and historical company register for Applicant
 - Documents certifying identity, managerial capacity, financial stability, character and RSA certification of Brett Graham, Kathryn Graham, Debbie McConnell and Garry Edney
 - Applicant's Financial Statements for 2017/18 and business plan
 - Tour Operator Agreement between Voyages Indigenous Tourism Australia Pty Ltd and Applicant
 - Uluru Kata-Tjuta National Park permit to conduct land-based tours to Applicant
 - Letter of support from Ashley Severin, owner, Curtin Springs Station
 - Letter of support from Uluru Kata-Tjuta National Park Operations and Visitor Services Manager Mr Steven Baldwin
 - Commercial Activity Licence Agreement between Director of National Parks and the Applicant
 - Certificate of Applicant's registration as a food business
 - Plan of proposed licensed area
 - Draft Lease between Voyages Indigenous Tourism Australia Pty Ltd and Applicant
 - Public notices of application for grant of a liquor licence, dated 15 and 19 March 2019
 - Correspondence between Licensing NT and: Department of Health (DOH); NT Police; NT Fire and Rescue Service (NTFRS); and McDonnell Shire

HEARING

6. On 16 August 2019 the application proceeded as a public hearing. Mr Graham appeared on behalf of the Applicant. Mr Verinder appeared for the Director-General. The Commission thanked them for their attendance and assistance. The Commission read the brief, which was tendered and marked Exhibit One. No other documents were tendered.

THE APPLICANT'S PREMISES

7. The proposed licence area comprises the following discrete locations:
 - The designated bus and car sunset viewing areas northwest of Uluru
 - The Mala car park area west of Uluru
 - The old Quarry site off the Uluru ring road northwest of the Talinguru Nyakunytjaku viewing platform
 - The Talinguru Nyakunytjaku viewing platform southeast of Uluru
 - The Kata Tjuṯa dune viewing area south of Kata Tjuṯa
 - The five sites on Curtin Springs Station marked with a cross at page 174 of Exhibit One
8. In accordance with s28(2)(a) of the Act, the Commission finds that the premises are suitable for the purpose of the application.

THE APPLICANT

9. The Applicant has been a registered company since 2009. Brett and Kathryn Graham, a married couple, are the sole Directors and shareholders. They have provided evidence of their probity and financial stability. In accordance with s28(2)(c), the Commission finds that the business reputation and financial stability of the Applicant, and of Brett Graham and Kathryn Graham, the Applicant's executives, are satisfactory. In accordance with s28(2)(e) of the Act, the Commission finds that the applicant is a fit and proper person to hold a licence.
10. Section 26A of the Act requires applicants to depose an affidavit disclosing whether certain persons may be able to influence the Applicant, or expect a benefit from the Applicant, if the licence is granted. Brett and Kathryn Graham have deposed that there are no such persons apart from themselves.
11. The Applicant has nominated Brett Graham, Kathryn Graham, Debbie McConnell and Garry Edney to be its managers. In accordance with s 28(2)(h) of the Act, the Commission finds that each of these persons is a fit and proper person to manage the licence.

ADVERTISING AND NOTIFICATION

12. Details of the application were advertised in the Centralian Advocate on 15 and 19 March 2019. In addition, signage notifying the application displayed at the proposed premises for a period of 30 days. The objection period expired on 25 May 2019.
13. No objections to the application were lodged.
14. The Director-General informed the DOH, NT Police, NTFRS and the McDonnell Shire of the application.

The Commission notes that the following responses were received:

- a. The DOH made “no adverse comment”.
- b. The NT Police advised that they had “no objections”.
- c. The NTFRS advised it had “no issues”.
- d. The McDonnell Shire did not provide a response.

15. The Park Operations and Visitor Services Manager of the Uluru – Kata Tjuta National Park stated that “the park is fully supportive” of the application, and stated:

SEIT is a great partner of the National Park and currently provides one of the only authentic Indigenous tours in the market. SEIT has long led the way in trialling innovative product and is one of the top companies operating in the park.

16. Ashley Severin, the owner of Curtin Springs Station, confirmed that he has granted permission for the applicant to conduct 4WD tours, including the supply of liquor, on specified areas of Curtin Springs Station.

ASSESSMENT OF THE APPLICATION

17. Section 6B of the Act provides that the Applicant bears the onus of satisfying the Commission that the approval of the application meets the public interest and community impact test set out in s6 of the Act. In considering and determining this application, the Commission has had regard to the objects of the Act and applied the public interest and community impact test by reference to the community impact assessment guidelines published by the Minister on 6 March 2018 pursuant to s6A of the Act. The guidelines are detailed and specific, but also state that:

The Commission has the authority to consider a broad range of issues specific to each application and flexibility exists to assess each individual application on its merits.

18. The Commission assesses the impact of the licence on the community as being low, having regard to the following:

- The Applicant operates fourteen vehicles, with a capacity ranging between 3 and 20 passengers
- The Applicant’s regular tours accommodate up to 11 passengers
- In addition, about eight times a year the Applicant provides tours for groups of up to about 130 people
- Only moderate amounts of liquor will be supplied
- All liquor supplied will be to the Applicant’s pre-booked tour guests, as a component of the tour package
- The liquor will be consumed at the designated sites
- The guests will not enter an alcohol restricted area while on the tour

19. The Commission is satisfied that the Applicant has met the public interest and community impact test.

LICENCE CONDITIONS

20. The licence area comprises the 11 sites described at paragraph 7 above.
21. The licensee is authorised to supply liquor only to members of tours conducted by the licensee, as part of a tour package sold by the licensee to the guest.
22. The licensee is authorised to supply up to 3 standard drinks to each guest. (NOTE: Standard drinks are described in the Commonwealth Department of Health Standard Drinks Guide, accessible at:
[http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/Content/E9E12B0E00E94FD5CA25718E0081F1DC/\\$File/std0910.pdf](http://www.alcohol.gov.au/internet/alcohol/publishing.nsf/Content/E9E12B0E00E94FD5CA25718E0081F1DC/$File/std0910.pdf)
23. The liquor products the licensee is authorised to supply are light beer, mid-strength beer, wine and sparkling wine.
24. The general conditions applicable to an “Authority – On Licence” licence shall apply.

NOTICE OF RIGHTS

25. Section 120ZA of the Act provides that a reviewable decision is a Commission decision that is specified in the Schedule to the Act. A decision to issue a licence pursuant to section 29 of the Act is specified in the Schedule and is a reviewable decision.
26. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision.
27. For the purpose of this decision, and in accordance with section 120ZB(1)(b) and (c) of the Act, the affected person is the Applicant.



RUSSELL GOLDFLAM
ACTING DEPUTY CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION

22 August 2019

On behalf of Commissioners, Goldflam, Reynolds and Cannon