

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE AND REASONS

CITATION: *FLAME & FIZZ PTY LTD APPLICATION FOR LIQUOR LICENCE WITH RESTAURANT BAR AUTHORITY [2024]*
NTLiqComm 39

REFERENCE: LC2024/031

APPLICANT: Flame & Fizz Pty Ltd

PROPOSED PREMISES: L.A. Burgers & Shakes Johnston
Shop 5
1 Lind Road
JOHNSTON NT 0832

LEGISLATION: Part 3 Division 4 of the *Liquor Act 2019*.

HEARD BEFORE: Ms Jodi Truman (Chairperson)
Professor Phillip Carson (Health Member)
Mrs Rachael Shanahan (Community Member)

DATE OF HEARING: 28 August & 11 September 2024

DATE OF DECISION: 26 September 2024

Decision

1. For the reasons set out below and in accordance with section 48 of the *Liquor Act 2019* (NT) (**the Act**) the Northern Territory Liquor Commission (**the Commission**) has determined to issue a licence to Flame & Fizz Pty Ltd (**the applicant**).
2. The licence will be issued with a restaurant authority.
3. The licensed premises are situated at Shop 5, 1 Lind Road, Johnstons NT 0832 in the area delineated in red on pages 192 of exhibit 1 of the evidence exhibited at the hearing of the application (**the licensed premises**).
4. The supply and consumption of liquor on the premises is in accordance with the conditions set out in Part 4, Division 15 of the *Liquor Regulations 2019* (**the Regulations**), save and except that:
 - a. the hours of operation are from 11:00 hours to 22:00 hours every day of the year, except Good Friday and Christmas Day.

- b. The hours of operation on Good Friday and Christmas Day shall be in accordance with regulation 79(2).
5. The Commission approves the appointment of Mr Venkata Naga Vasmi Krishna Koneru as the licence nominee (**the nominee**).
6. The sale, supply, service and consumption of liquor is not authorised and the licence will not issue until documentary evidence has been provided to the satisfaction of the Director of Liquor Licensing (**the Director**) that the applicant has obtained the necessary fire safety and building approvals, including a certificate of occupancy, in respect of the premises.

Reasons

The Application

7. On 19 January 2024, Mr Peter Orr (**Mr Orr**) solicitor for the applicant, having paid the prescribed fees, lodged an application on behalf of the applicant for a liquor licence with restaurant bar authority with the Director. Although filed in January 2024, it is clear from the referral that there was delay on behalf of the applicant whilst they obtained relevant documentation. It was not until 21 June 2024 that the applicant's solicitor advised they considered themselves "ready" and requested to have the matter referred to the Commission.
8. The substance of the application is for a small family friendly restaurant to be known as L.A. Burgers and Shakes Johnston. It was stated that the business aims to "sell premium burger meals" with "an option" for patrons to be able to purchase an alcoholic beverage with their meal. The liquor proposed to be provided includes cocktails, spirits, wine by the glass, beer and cider.
9. The applicant intends to promote its venue as a "family friendly restaurant" with a focus on the local community, noting that due to "its location it is not anticipated the venue will attract a large volume of tourists"¹.
10. The applicant proposes that Mr Venkata Naga Vasmi Krishna Koneru (**Mr Koneru**) be appointed as nominee of the licence².

Consultation

11. The Commission was informed by the Director that the application was advertised via the NT News on 10 February 2024 and published on the Director's website on that same date until the objection period concluded on 25 February 2024. A green sign was also placed on display at the proposed premises. The Director was satisfied that the applicant had complied with the requirements to advertise the application.

¹ P.196 of Exhibit 1

² Exhibit 1

12. In accordance with section 56 of the Act, notification was given to Department of Health, NT Police and the City of Palmerston, as well as to Northern Territory Fire and Rescue Services (**NTFRS**).
13. There was no objection to the application from the Department of Health and Northern Territory Police. The City of Palmerston responded stating that they had “no comments or feedback”³.
14. The NTFRS responded⁴ stating it “supported” the application “*with the following conditions*”:
- *New Buildings, Tenancy fit outs etc. are required to go through the building approvals process as per Building Act (NT).*
 - *On completion of any building works/ fit outs a building certifier will issue an occupancy permit (OP).*
 - *Once the OP has been issued NTFRS will conduct a fire safety inspection to ensure compliance with NT Fire and Emergency Act & Regulations (Any requirement for maximum patron numbers can be assessed at this time).*

NOTE – *According to DIPL’s Integrated Land Information System no OP’s have been issued for any new buildings on this site or for any tenancy fit outs.”*

15. Following the public consultation, three (3) valid objections were received from nearby residents:
- a. Damion King (**Mr King**).
 - b. Trevor Wootton (**Mr Wootton**).
 - c. Siobhan and Stephen Harvey (**Mr & Mrs Harvey**).
16. The Commission notes that there were references to a “petition” in the referral, however no copy of any such petition was provided to the Commission and it is further noted that the petition appears to have been prepared in light of the development application and not in response to notice of the application for a liquor licence. In these circumstances, the only valid objections received are those set out above.
17. In submissions at the hearing of the application, the representative of the Director stated that the Director was “neither supportive or unsupportive of the application” and noted that “generally a burger type restaurant was lower risk”, highlighting to the Commission that it was also relevant that this was a “suburban location” and “the menu clearly demonstrated burgers”.

³ Exhibit 12

⁴ Exhibit 2

The licensee's record of compliance

18. The applicant, being "Flame & Fizz Pty Ltd" has not previously held a licence in the Northern Territory. The proposed nominee has also not previously held a liquor licence in the Northern Territory, however, has worked at licensed premises, namely Wycliffe Wells, which the Commission notes and accepts the evidence of Mr Koneru required him to deal effectively and efficiently with persons relating to liquor on a regular basis.

The referral

19. On 2 August 2024, pursuant to section 59 of the Act, the Director referred the application to the Commission to be determined by way of a public hearing. Notice was subsequently given to the applicant on 7 August 2024 that the matter would be listed for a public hearing on 28 August 2024.

20. The Director provided the following documents to the Commission with the referral (**the brief**):

- a. Application for a new liquor licence
- b. Affidavit and Declaration of Associates pursuant to section 54 of the Act
- c. Lease of Johnston premises to Flame & Fizz Pty Ltd
- d. Site plan with the proposed licensed area outlined in red
- e. Community Impact Assessment and Public Interest Criteria
- f. Menu samples
- g. Equifax and ASIC records
- h. Confirmation of business model
- i. Probity documents for Venkata Naga Vasmsi Krishna Koneru and Venkata Surya Teja Mandarapu
- j. Confirmation of financial stability
- k. Evidence of publication of application
- l. Correspondence with stakeholders
- m. Objections from three residents and applicant's response to objections

The hearing

21. On 28 August 2024, the application proceeded as a public hearing. Dr Cameron Ford of counsel, appeared on behalf of the applicant instructed by Mr Peter Orr, with Mr Koneru and Mr Venkata Surya Teja Mandarapu (**Mr Mandarapu**) in attendance. Ms Michelle Ganzer appeared for the Director. The Commission thanks them all for their attendance and assistance.

22. Pursuant to s 23 of the Act, the Commission is not bound by the rules of evidence and may inform itself in any manner it considers appropriate. Section 21(2) provides that a hearing must be conducted in public unless the Commission is of the opinion it is not appropriate. No submissions were made to the Commission to this effect.
23. The brief was tendered and admitted into evidence without objection. The following additional documents were also tendered:
- a. Amended lease of Johnston premises to Flame & Fizz Pty Ltd
 - b. Employee Policy for Liquor Premises
 - c. Alcohol Harm Minimisation Policy
 - d. Employee Handbook
 - e. 3D renders of the premises
 - f. Updated menu and drinks list
 - g. Copies of architect's drawings – perspectives and external
 - h. Red-lined site plan marked by the Applicant
 - i. Drawings depicting additional fences marked by the applicant
 - j. Affidavit of Peter Sean Orr affirmed in Darwin on 10 September 2024
 - k. Administrative Appeals Tribunal decision - visa application
 - l. Photographs of and around premises
 - m. Applicant's business case
 - n. Additional personal and professional references
 - o. Drinks menus
 - p. Letter from accountant confirming financial stability
 - q. Profit and Loss predictions
 - r. Draft roster
 - s. Loan Agreement
 - t. Google maps depicting infrastructure features, other licensed premises and childcare centres
24. Unfortunately, the hearing could not be completed on 28 August 2024, due to several deficiencies in the evidence sought to be relied upon by the applicant and numerous inconsistencies in the position put forward by the applicant. As a result, the applicant sought an adjournment to obtain further evidence. An adjournment was granted and the hearing was completed on 11 September 2024. A further affidavit was then provided on behalf of the applicant's nominee, namely Mr Koneru, on 16 September 2024 and provided to the Commission the following day. That affidavit became exhibit 19 in this application.

ASSESSMENT OF THE APPLICATION

25. In accordance with s 59 of the Act, the Commission has considered:

- a. the applicant's affidavit required by s 54.
- b. the suitability of the premises to be licensed, having regard to any law of the Territory regulating the sale, supply, service or consumption of liquor or the location, construction or facilities of those premises.
- c. the financial stability and business reputation of the body corporate.
- d. the general reputation and character of the secretary and executive officers of the body corporate.
- e. whether the applicant and the nominees designated by an applicant, are fit and proper persons to hold a licence.
- f. whether each associate of the applicant is a fit and proper person to be an associate of a licensee.

26. In accordance with s 49 of the Act, the Commission has also considered whether issuing the licence is in the public interest, and whether the licence will have a significant adverse impact on the community.

The applicant, the applicant's associates and the question of "fit and proper"

27. Ordinarily the Commission would consider the matters under s 53 of the Act in relation to the applicant and then turn to the associates under s 54, however due to the way the applicant has filed its application and provided its evidence in support, the Commission will address these two sections together.

28. The applicant has complied with s 53(1) of the Act, which requires that a body corporate shall not hold a licence unless it is a corporation. The applicant is an Australian proprietary company limited by shares and was registered with the Australian Securities Investment Commission (ASIC) on 19 September 2023. The business name "LA Burgers & Shakes Johnston" was registered with ASIC on 25 October 2023.

29. According to the ASIC documents provided by the applicant's solicitor, the sole Director and Secretary is Mr Koneru. There are currently 100 ordinary class shares issued with Mr Koneru holding 50 shares and Mr Mandarapu holding 50 shares. The applicant has provided the following documents in relation to both Mr Koneru and Mr Mandarapu:

- a. Mr Koneru - Director, Shareholder & Nominee
 - National Police Fingerprint & Name Check
 - Statutory declaration
 - NT Drivers licence
 - Resume

- References - personal & professional
- RSA Certificate 5 March 2016
- Diploma of Hospitality Management

b. Mr Mandarapu - Shareholder

- National Police Fingerprint & Name Check
- Statutory declaration
- NT Drivers licence
- Resume
- References - personal & professional
- RSA Certificate 11 March 2019

30. Section 54 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.

31. One of the inconsistencies in the evidence provided in this application related to the identification of the Executive Officers. In addition, the evidence relating to persons of influence was very poorly addressed on behalf of the applicant, despite being legally represented. This was one of the significant reasons for the applicant seeking an adjournment of the hearing.

32. Ultimately, as a result of both the additional documentary and oral evidence provided, it is now established on the evidence that Mr Koneru is the sole Director of the applicant and that he and Mr Mandarapu are both shareholders of that company. Further, that any evidence provided on behalf of the applicant to the contrary occurred as a result of both Mr Koneru and his solicitor failing to ensure Mr Koneru understood the content of his affidavit in this regard and Mr Koneru's belief that "if the lawyer had prepared it, it must be correct".

33. As indicated during the course of the hearing, the reason why this inconsistency was relevant is it went to the question of the Commission's ability to accept the evidence of Mr Koneru, which is directly relevant to the question of whether he is a "fit and proper" person. The Commission must consider this question on the bases:

- a. Mr Koneru is proposed to be the nominee under the licence, as such pursuant to section 53(5) of the Act he is taken to be a joint licensee with the applicant should the licence be granted. As such assessment must be made as to whether he is a "fit and proper person" to hold the licence.
- b. Mr Koneru is also the sole Director and secretary of the applicant and section 59(3)(g) of the Act provides that where the licence is sought by a body corporate, "the general reputation and character of the secretary and executive officers of the body corporate" must be assessed⁵.

⁵ See section 59(3)(g)(ii) of the Act

- a. This is further reinforced under Section 59(3)(i) of the Act which provides that when considering an application for a licence or authority the Commission must consider whether “the applicant, *including the nominee designated by the applicant* is a fit and proper person to hold a licence”.
34. The Commission has previously considered the meaning of the expression “fit and proper” in earlier decisions⁶. To address these matters, additional evidence was provided on behalf of the applicant and Mr Koneru. As noted previously by the Commission⁷, even where a persons is found to be of good character and general reputation, more is required. The Commission is required to consider whether Mr Koneru has the knowledge and ability⁸ and a proper appreciation of the responsibilities required to fulfil the role⁹ of being the licensee and nominee.
35. Following the adjournment, further material attesting to the character, experience and qualifications of Mr Koneru was filed. Mr Koneru also answered questions directly from the Commission as to his understanding of his role and the responsibilities. As a result of that additional material and evidence, the Commission is satisfied he is fit and proper to be the nominee and for the applicant to hold the licence.
36. However, given just how poorly this application, material in support and evidence provided was presented on behalf of the applicant, the Commission considers it is necessary to make clear to this applicant and any future applicant just how important it is that **great** care is taken whenever an individual is swearing or affirming an affidavit. These are significant documents and action can be taken against persons who swear or affirm something that is not true. This is something that all legal representatives should also take great care to ensure is understood by their clients.

The suitability of the applicant’s premises

37. The proposed premises are located at 1 Lind Road, Johnston, in the Northern Territory (**the Premises**) within a recently constructed “shopping strip” located in the suburb that is proposed to include a number of retail shops including a medical centre, grocery and laundromat.
38. The residential suburb of Johnston is a relatively new suburb of Palmerston located approximately 23 kilometres from Darwin City. There are no other licenced venues within the suburb of Johnston.
39. Within the objections lodged, it was stated that there was also "a proposed application for a two-storey childcare centre to be constructed at this location as well"¹⁰. There was no reference to a proposed child care centre in any of

⁶ *Bojangles Restaurant Saloon - Disciplinary action* LC2020/058 (28 January 2021) at [37] – [44]

⁷ *JD Bhullar Pty Ltd – Application for Transfer* LC2022/053 (6 December 2022) at [52]

⁸ See *Qadir v Department of Transport* [2015] NTSC 86, at [52], per Kelly J

⁹ See *Australian Broadcasting Tribunal v Bond* [1990] HCA 33; (1990) 170 CLR 321 at 349, per Mason CJ

¹⁰ See Attachment N, p.284 of 294

the material filed in the applicaiton, however on the day of the hearing and only as part of evidence sought to address a question about fencing, a further drawing was tendered by the applicant which depicted the child care centre immediately on the other side of the car park opposite the applicant's proposed premises¹¹.

40. The Commission was concerned by the complete lack of any material addressing this by the applicant in its application and inquired about this centre. It was made clear from the submissions of Dr Ford that although a child care centre does appear to be part of the plans of the developer, no work has actually commenced on that site and it remains unclear as to precisely when such work will commence.
41. The Applicant will operate the Premises within Shop 5 pursuant to a lease with Johnston Developers Pty Ltd and the Commission was informed that it was anticipated that the issuing of the occupancy certificate for such premises was imminent with internal works and "fit out" to begin shortly thereafter.
42. Several images and plans were provided to the Commission as to the current state of the premises and also the fit out and concept of the premises. Although there was proposal that there be a children's play area provided, it appears from the evidence that this will be unlikely.
43. In terms of the proposed hours of operation, this was another area of significant inconsistency. The applicant provided a copy of the lease for the premises which provided that the "Core Trading Hours" are¹²:

"Monday to Saturday (excluding public holidays)

10am to 10pm

Sunday and Public Holidays 10am to 7pm

(Subject to Authority approvals)"

44. The Commission raised concern during the hearing that these hours were different to those sought as part of the trading hours under the conditions of the licence. In fact, the Commission received several different trading hours that were different to those identified above, ranging from:
- a. Tuesday to Saturday 10am to 10pm¹³.
 - b. Tuesday to Saturday 11am to 9pm¹⁴.
 - c. 10am to 10pm seven (7) days per week¹⁵.

¹¹ Exhibit 14

¹² See Attachment D, p.132 of 294

¹³ See p.1 of 294

¹⁴ See p.193 of 294

¹⁵ See p.266 & 293 of 294

45. In relation to this issue Dr Ford submitted (and in fact Mr Koneru also gave such evidence), that the applicant sought only to operate from 11:00 hours to 22:00 hours. As a result, the Commission has determined that although further hours are provided for under the regulations, the licence to be issued to the applicant will be in accordance with those hours sought by the applicant. This also addresses in part some of the concerns raised by objectors concerning the hours of operation.
46. The Commission also notes that one of the special conditions within the lease included that the applicant could not make any changes to the premises or the licence without the prior written consent of the landlord. The Commission considers this to be relevant to one of the issues raised by the objectors to the application who inquired whether the licence could be changed to a “takeaway overnight”. In this regard it is important it be understood that the current liquor licence laws prevent that from happening as there is a moratorium on takeaway licences and there would need to be notice of any application to change a licence. Further that the landlord would also need to provide consent to any such change.
47. Based on the evidence provided, the Commission is satisfied that the proposed premises are suitable for the supply and consumption of liquor in the manner proposed in the application and notes particularly the efforts relating to security of the premises themselves and of the liquor within the premises.
48. The Commission further notes that, pursuant to section 91 of the Act, the licensee will be required to comply with the requirements of the *Fire and Emergency Act 1996* and the associated regulations, including those that prescribe fire safety standards.

The financial stability, general reputation and character of the body corporate

49. Unfortunately, this was another area where the evidence was almost completely lacking upon the application. Again, further evidence was provided as part of the adjournment application and also via the additional affidavit that became exhibit 19.
50. After careful consideration, the Commission finds the applicant has provided satisfactory documentation regarding its operations, activities, financial circumstances and plans.
51. The Commission notes that the applicant entity has yet to establish a business reputation in its own right. However, the Commission finds that the applicant’s principal has a good general business reputation, is of good character and financially stable.

The general reputation and character of the applicant’s secretary and executive officers

52. As noted earlier, the Commission assesses the general reputation and character of the applicant’s Director to be satisfactory.

Whether the applicant is a fit and proper person to hold a licence

53. As noted earlier, despite some concerns the Commission has assessed the applicant to be a fit and proper person to hold a licence.

Whether the licensee's nominee is a fit and proper person to hold a licence

54. The applicant has nominated Mr Koneru as the licence nominee. Mr Koneru holds a current RSA certification and (as previously noted) despite some concerns the Commission has assessed Mr Koneru to be a fit and proper person to hold the licence.

Whether issuing the licence is in the public interest

55. To determine whether the issue of the licence is in the public interest, the Commission is required to consider how the issue of the licence would advance the following objectives set out in s 49(2) of the Act:

- (a) minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor.
- (b) ensuring liquor is 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 practices that encourage irresponsible drinking.
- (j) reducing or limiting increases in anti-social behaviour.

56. The Commission notes that the application being made is for a restaurant authority rather than a restaurant **bar** authority. The Commission is satisfied that there is a clear indication on behalf of the applicant to establish a restaurant and that the focus is on food, rather than alcohol. Such an authority is also far more consistent with the proposed "family" theme.

57. Having considered each of the above objectives, the Commission is satisfied that:

- (a) What is being proposed here is the establishment of a restaurant with a focus on families and as such carrying a relatively low risk of directly increasing the incidence of alcohol-related harm or ill-health to people.
- (b) the applicant will serve and supply liquor in a responsible manner.
- (c) the business is unlikely to imperil public order and safety.
- (d) the safety, health and welfare of customers will be protected.
- (e) there will be a small increase in employment benefits for the local community area.
- (f) the applicant will conduct its business in compliance with the law.
- (g) the applicant will ensure that all staff involved in the sale and service of liquor will receive appropriate training.
- (h) the applicant will not allow liquor to be supplied on credit; and
- (i) the applicant will not encourage irresponsible drinking.

58. The Commission is therefore satisfied that it is in the public interest to issue the licence on the conditions set out at the commencement of this Decision Notice.

Whether the issue of the licence will have a significant adverse impact on the community

59. To determine whether it is satisfied that the issue of the licence will not have a significant adverse impact on the community, the Commission must consider the matters set out at s 49(3) of the Act:

- (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.

60. The Commission notes there are no such “other” matters prescribed by regulation.

61. The applicant bears the onus of satisfying the Commission of the relevant matters. Even if there are no objections, the applicant must still satisfy this Commission of those matters. In this application there were three (3) valid objections received from nearby residents.

62. In considering these objections, the Commission also notes that the onus is on the applicant¹⁶ and that s 50(3) states that the “mere addition of a new licence or licensed premises in a community is not taken to be a benefit to the community”.

63. There is no doubt that the granting of this licence **will** result in the addition of a new licence and licensed premises. There will therefore be an increase in the actual number of licenced premises in the “community” area. It will also be in a location that has never previously held a licence, and which is surrounded by residential homes.

64. There is also a nearby Aboriginal community (namely 16 Mile and Palmerston Town Camp), a school (namely MacKillop College) and a future proposed childcare centre. These are factors that weigh against the issuing of a licence and are factors relevantly highlighted by the objectors.

65. On the other hand, the Commission notes that what is proposed here is a licence very much focussed on families and is very much a restaurant with a burger theme. It is also intended that the premises will maintain the appearance of a burger themed restaurant and not a “bar”. The focus will be on food and the Commission therefore considers it unlikely to be a location targeted for the purpose of drinking alcohol when there are other premises available nearby which would not require a meal to be purchased. These factors weigh in favour of the issuing of a licence.

66. The Commission took time to carefully consider and weigh each of these factors along with the matters raised by the objectors and the Commission is satisfied that the issue of the licence and authority, with the conditions the Commission has determined to impose, will not have a significant adverse impact on the community.

¹⁶ Section 51 of the Act

67. Having considered all of these matters, the Commission is satisfied, in accordance with s 49 of the Act, that:

- a. the applicant is a fit and proper person; and
- b. issuing the licence or authority is in the public interest; and
- c. the licence or authority will not have a significant adverse impact on the community.

The objects of the Act

68. Section 3(4) of the Act provides that in performing its function to decide whether to issue the licence, the Commission must have regard to the primary and secondary purposes of the Act.

69. The primary purpose of the Act is set out at paragraph 53 above. Among the secondary purposes of the Act in s 3(2) are to regulate the sale, supply, service, promotion and consumption of liquor in a way that:

- contributes to the responsible development of the liquor industry and associated businesses in the Territory; and
- stimulates the tourism and hospitality industries.

70. For these reasons, the Commission has determined that the application should be granted, and that a license and authority be issued on the conditions set out at the commencement of this Decision Notice.

71. Before completing these Reasons, the Commission wishes to note that during the course of the hearing the applicant was specifically asked about the promotion of the availability of non-alcohol and low alcohol beverages, availability and access to free drinking water and the display of National Health and Medical Research Council (**NHMRC**) responsible drinking guidelines. In relation to the display of NHMRC responsible drinking guidelines; it was stated on behalf of the applicant that the applicant would include messages about responsible drinking and these guidelines. The Commission notes this indication and encourages the applicant to take reasonable steps in this regard.

NOTICE OF RIGHTS

72. Section 31(1) read with section 60(3) of the Act provide that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal (**NTCAT**). Section 94(3) of the *NTCAT Act* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.

73. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the Director, the named objectors and the applicant.



JODI TRUMAN

CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
26 September 2024

On behalf of Commissioners Truman, Professor Carson and Mrs Shanahan