

NORTHERN TERRITORY LIQUOR COMMISSION

DECISION NOTICE

MATTER: APPLICATION FOR A LICENCE

REFERENCE NUMBER: LC2019/064

PREMISES: **Uluru Limousine Tours**
7H Gosse Street
YULARA NT 0872

APPLICANT: **Siya Travel and Holidays Pty Ltd**

NOMINEE: Mr Arun Palackattukunnell George

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: 28 May 2019

DATE OF DECISION: 3 June 2019

DECISION

1. For the reasons set out below and in accordance with section 29 of the *Liquor Act* (the Act) the Northern Territory Liquor Commission (the Commission) has determined to issue a licence to Siya Travel and Holidays Pty Ltd (the Applicant) authorising the sale of liquor for consumption in or near vehicles operated by Uluru Limousine Tours in the following places (the Licensed Area):
 - Inside a vehicle operated by the licensee on publicly accessible sealed roads within a radius of 50 km of the Yulara airport
 - The designated bus and car sunset viewing areas northwest of Uluru
 - The Talinguru Nyakunytyjaku viewing platform southeast of Uluru
 - The Kata Tjuta dune viewing area south of Kata Tjuta
2. The Commission fixes the following conditions:
 - a. The licensee is authorised to supply liquor seven days a week between 14:00 and 22:00 hours.

- b. The licensee is only authorised to supply liquor to passengers on limousine tours conducted by the licensee, as part of a limousine tour package pre-sold by the licensee to the passenger.
- c. The licensee is authorised to supply up to 3 standard drinks to each passenger. (NOTATION: "standard drinks" are as 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))
- d. The general conditions applicable to an **Authority – On Licence** the licence shall apply.

REASONS

BACKGROUND

3. The Applicant is a registered Australian Proprietary Company limited by shares that operates Uluru Limousine Tours, a tourist enterprise. The Applicant seeks a licence authorising it to supply a range of wines, sparkling wine, beer and pre-mixed drinks, along with non-alcoholic beverages and snacks, to adult members of small groups (maximum ten passengers) on the Applicant's sightseeing limousine tours of the Uluru – Kata Tjuta National Park.
4. The liquor provided will be supplied to passengers as part of their tour package, and will not be sold separately. The Applicant proposes to provide one bottle of sparkling wine (or its alcoholic equivalent in the case of other types of liquor) to be shared between five adult passengers; or, if there are more than five passengers, two bottles.
5. The Applicant lodged a completed application with Licensing NT on 1 March 2019, and, following community notification and consultation, and an assessment by Licensing NT of the application, on 9 May 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.
6. The Director-General provided the Commission with a brief of evidence (the Brief) including:
 - Application for a liquor licence dated 5 February 2019
 - Affidavit for purposes of s26A of the Act deposed by Mr Arun Palackattukunnell George (Mr George) dated 27 February 2018
 - Community Impact and Public Interest Assessment statement in compliance with s6 and s6A of the Act
 - Extract from ASIC company register for applicant
 - Documents certifying identity, managerial capacity, financial stability, character and RSA certification of Mr George and Ms Rini Mary Philip (Ms Philip)
 - Applicant's bank statements, ATO activity statement, statement of assets and liabilities and business plan
 - Uluru – Kata Tjuta National Park permit to conduct land-based tours to Applicant
 - Letter of support from Uluru – Kata Tjuta National Park Operations and Visitor Services Manager Mr Steven Baldwin dated 22 November 2018

- Plan of proposed licensed area
- 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 Central Land Council (CLC)

HEARING

7. A public hearing was conducted on 28 May 2019. Mr George, the sole shareholder of the Applicant Company, appeared on behalf of the Applicant. Ms Chin appeared for the Director-General. The Commission thanks both Mr George and Ms Chin for their attendance and assistance. The brief was tendered. The Applicant also tendered an updated plan of the proposed licensed area and a further letter from Mr Baldwin dated 22 May 2019.

THE APPLICANT'S PREMISES

8. In accordance with s28(2)(a) of the Act, the Commission is required to assess the suitability of the premises. 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:

We would ask that aside from the Car and Bus sunset that alcohol be consumed in the vehicle rather than at locations around the park. We would however be supportive of also allowing consumption at Talinguru Nyakunytyaku viewing platform and at the Kata Tjuta dune viewing area.

9. The Applicant indicated it is willing to comply with this request.

THE APPLICANT

10. In accordance with s28(2)(c), the Commission is required to assess the business reputation and financial stability of the Applicant and the Applicant's executives. In accordance with s28(2)(e) of the Act, the Commission is required to assess whether the Applicant is a fit and proper person to hold a licence. The Applicant has been a registered company since 2017. It has one Director, Ms Mary Philip, and one shareholder, Mr George. Ms Philip and Mr George, a married couple, have provided substantial evidence of their probity, reputation and financial stability, and of the financial stability of the applicant, to the satisfaction of the Director-General.
11. Section 26A of the Act requires the applicant 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. Mr George, an executive of the applicant, affirms in his affidavit that the only such persons are himself and Ms Philip.
12. In accordance with s 28(2)(h) of the Act, the Commission is required to assess whether the nominated manager is a fit and proper person to manage the licence. The Applicant has nominated Mr George as its manager. Mr George holds RSA certification and has substantial qualifications and experience in tourism and hospitality management and operations.

ADVERTISING AND NOTIFICATION

13. Details of the application were advertised in the Centralian Advocate on 25 and 28 September 2018. In addition, signage notifying the application displayed at the proposed premises for a period of 30 days. The objection period expired on 29 October 2018.
14. No objections to the application were lodged.
15. The Director-General informed the DOH, NT Police, NTFRS and CLC of the application.
16. 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 CLC did not provide a response.

ASSESSMENT OF THE APPLICATION

17. The Commission considers that the proposed licensed area is suitable to be licensed premises for the purpose of this application.
18. The Commission considers that the business reputation and financial stability of the Applicant and the Applicant's executives, who the Commission finds are Mr George and Ms Philip, are sound.
19. The Commission considers that the Applicant is a fit and proper person to hold a licence.
20. The Commission considers that Mr George is a fit and proper person to manage the licence.
21. 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.

22. The Commission assesses the impact of the licence on the community as being low, having regard to the following:
 - The Applicant operates two vehicles, the maximum capacity of the larger of which is 10 passengers
 - Only moderate amounts of liquor will be supplied
 - All liquor supplied will be to the Applicant's pre-booked tour guests, as a part of the tour package

- The liquor will be solely consumed either in the licensee's vehicles or at the three designated viewing sites
- The passengers will not enter an alcohol restricted area while on the tour
- This is a professionally managed and operated premium quality limousine tour enterprise which is unlikely to be patronised by passengers who will drink to excess and become harmfully intoxicated within the Uluru – Kata Tjuta National Park, even if they bring their own supply of liquor with them on the tour

23. In making this assessment, the Commission has also had careful regard to the significance and sensitivity of the Uluru – Kata Tjuta National Park, both as a world heritage site and as an iconic tourism destination; as well as to the location of the Park immediately adjacent to the Indigenous community of Mutitjulu, where the supply, possession and consumption of alcohol is illegal.

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

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

3 June 2019

On behalf of Commissioners, Goldflam, Reynolds and Cannon