

**NORTHERN TERRITORY LIQUOR COMMISSION**  
**REASONS FOR DECISION**

---

<b>MATTER:</b>	<b>APPLICATION FOR LIQUOR LICENCE AND AUTHORITY</b>
<b>REFERENCE:</b>	LC2021/044
<b>APPLICANT:</b>	Choice West Pty Ltd
<b>PREMISES:</b>	Indian Curry Paradise 4/54 Bradshaw Tce Casuarina NT 0810
<b>LEGISLATION:</b>	Part 3 Division 4 of the <i>Liquor Act 2019</i> .
<b>HEARD BEFORE:</b>	Mr Russell Goldflam (Acting Deputy Chairperson)  Mr Bernard Dwyer (Health Member)  Ms Christine Hart (Community Member)
<b>DATE OF HEARING:</b>	27 January 2022
<b>DATE OF DECISION:</b>	27 January 2022

---

**Decision**

1. On 27 January 2022 the Northern Territory Liquor Commission (**the Commission**) issued the following decision notice:
  - a. 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 Choice West Pty Ltd.
  - b. The licence will be issued with a restaurant authority.
  - c. The conditions of the licence will be those authority conditions prescribed by Part 4 Division 1 and Division 15 of the *Liquor Regulations 2019* (NT).
  - d. The Commission approves the appointment of Mr Sandeep Singh as the nominee of the licensee.
  - e. The licensed premises is designated by the area bounded in orange on the plan tendered as Exhibit Two at the hearing of the application.
  - f. The licence will be issued immediately following the publication of this decision notice.

- g. Pursuant to section 318 of the Act, the Commission has determined to extend the time allowed for the making of this decision to 27 January 2022.
2. The Commission indicated that it would publish reasons for its decision to issue a liquor licence. These are those reasons.

### **The Application**

3. Since 2017, Mr Sandeep Singh, the sole shareholder, director and secretary of the applicant, Choice West Pty Ltd, has been the proprietor of Indian Curry Paradise, a profitable restaurant in the Village Shopping Centre, Casuarina, which is located in the principal shopping and hospitality precinct of Darwin's northern suburbs, an area with a population in excess of 60,000. There are currently no licensed Indian restaurants in the northern suburbs. Identifying a gap in the local market and an opportunity to expand its business, the applicant applied for a liquor licence to authorise the sale and consumption of liquor to patrons while dining at Indian Curry Paradise, which has seating for up to 75 guests.

### **Consultation**

4. As required by section 57 of the Act, notices of the application were published in the NT News on 27 November 2021, and at the premises. No objections were received.
5. In accordance with section 56 of the Act, notification was given to Department of Health (**DOH**), NT Police and the City of Darwin. The Northern Territory Fire and Rescue Service (**NTFRS**) was also notified of the application.
6. The only response received was from NT Police, who had no objections to the application.

### **The licensee's record of compliance**

7. The applicant has never previously held a liquor licence in the Northern Territory.

### **The referral**

8. On 17 December 2021, pursuant to section 59 of the Act, the Director of Liquor Licensing (**the Director**) referred the application to the Commission to be determined by way of a public hearing. Notice was subsequently given to the Applicant that the matter would be listed for a public hearing on 27 January 2022.
9. The Director provided the following documents to the Commission with the referral (**the brief**):
  - a. Application for liquor licence;
  - b. Affidavit and Declaration of Associates pursuant to section 54 of the Act;

- c. Public Interest and Community Impact Assessment summary pursuant to sections 49 to 52 of the Act;
- d. ASIC company extracts;
- e. Probity documents for Mr Sandeep Singh;
- f. Lease over the premises;
- g. Letter from landlord consenting to the operation of a liquor licence
- h. Financial records of the business; and
- i. Various registrations, photographs and plans.

### **The hearing**

10. On 27 January 2022, the application proceeded as a public hearing. Mr Sandeep Singh appeared on behalf of the applicant, supported by an employee, Mr Simrangit Singh. Mr Jeff Verinder appeared for the Director. The Commission thanks them all for their attendance and assistance.
11. The brief was tendered and admitted into evidence without objection.
12. In addition and also without objection the applicant tendered a plan of the proposed premises.

### **Assessment of the application**

13. In accordance with section 59 of the Act, the Commission has considered:
- a. the applicant's affidavit required by section 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, including the nominee designated by an applicant, is a fit and proper person to hold a licence;
14. In accordance with section 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**

15. The Commission finds that the applicant complies with section 53(1) of the Act, which requires that a body corporate shall not hold a licence unless it is a corporation.

16. The applicant has provided appropriate documentation regarding its operations, activities, financial circumstances and plans.

### **The applicant's associates**

17. 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. The Commission is satisfied that the applicant has complied with the disclosure requirements of section 54.

18. Having had regard to the ample material tendered by the applicant attesting to the character, experience and qualifications of Mr Sandeep Singh, the Commission finds that he is a fit and proper person to be an associate of the applicant.

19. The Commission does not consider that it is appropriate to consider whether any other person is a fit and proper person to be an associate of the applicant.

### **The suitability of the applicant's premises**

20. The Commission assesses the premises as suitable for the supply and consumption of liquor in the manner set out in the application. The premises are a typical restaurant in a suburban shopping centre.

21. The applicant noted that the shopping centre in which it is located has regular onsite security, and that liquor will be stored securely in a kitchen with a lockable coolroom.

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

22. The Commission assesses the applicant as having a satisfactory business reputation and as being financially stable.

### **The general reputation and character of the applicant's secretary and executive officers**

23. Having been provided with appropriate evidence regarding his reputation, character and work history, the Commission assesses the general reputation and character of the applicant's sole director and secretary, Mr Sandeep Singh, to be satisfactory.

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

24. The Commission assesses 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**

25. The applicant has nominated Mr Sandeep Singh as the licence nominee. The Commission assesses Mr Singh, who holds current RSA certification and has provided appropriate documentation of his reputation, character and work history, to be a fit and proper person to hold the licence.

### **Public notice and consultation**

26. The Commission is satisfied that public notice of the application was given and consultation was undertaken in accordance with section 57 of the Act.

### **Whether issuing the licence is in the public interest**

27. 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 section 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.

28. Having considered each of these objectives, and having particular regard to the restricted trade in liquor that will be permitted with a restaurant authority, the Commission is of the view that this not a high-risk application, and is satisfied that it is in the public interest to issue the licence.

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

29. 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 section 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.

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

31. 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.

32. The Commission has considered these matters. The Commission notes that neighbouring businesses polled by the applicant were supportive of the application, as were the applicant’s customers when asked whether they would like to see the restaurant being licensed. The Commission is satisfied that the issue of the licence will not have a significant adverse impact on the community. Indeed, the Commission considers that the issue of the licence is likely to have a beneficial impact on the community, both by enhancing the range of dining experiences available to residents of Darwin’s northern suburbs, and by providing employment opportunities for additional staff as the business expands.

33. The Commission is satisfied, in accordance with section 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**

34. Finally, 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.

35. Throughout its consideration of this application, the Commission has steadily borne the purposes in section 3 of the Act in mind. The Commission considers that the issue of the licence and authorities with the conditions imposed is consistent with the purposes of the Act.

### **Extension of time**

36. Section 60(2)(b) of the Act requires the Commission to decide whether to issue the licence within 28 days after the expiry of the 14 day objection period that commenced on the publishing of notice of the application. The notice was published on 27 November 2021. The objection period expired on 11 December 2021. The Commission's decision should have been made by 8 January 2022.

37. Section 318 of the Act provides that the Commission may, at its discretion, extend time for the making of this decision.

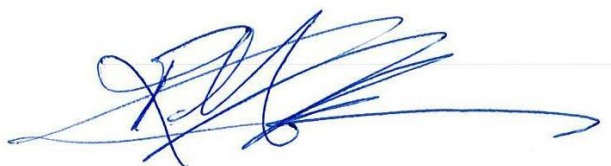
38. In determining whether to exercise that discretion, the Commission has taken into account the following relevant circumstances:

- The Director referred the application to the Commission on 17 December 2021.
- The Commission is required to give notice of the time for a hearing to the parties. It would have been unreasonable to fix a hearing at very short notice just before Christmas.
- On receipt of the referral, the Commission expeditiously convened a panel to hear the application, and, on 21 December 2021 notified the applicant and the Director that the application would be heard on 27 January 2022, the first available date after the Christmas break convenient to the Commission and the parties.
- The Commission's officers were closed over the Christmas break until 4 January 2022.

- The Commission conducted the hearing on the notified date, and, immediately following the hearing issued its decision to the parties on the same day.
- The delay was brief and it is not apparent that it caused prejudice to anyone.
- If the Commission had not extended time for its decision, this would have resulted in further delay, with a real possibility of prejudice to the applicant.

39. Taking these matters into account, the Commission determined to extend time for the making of the decision to 27 January 2022.

Russell Goldflam



ACTING DEPUTY CHAIRPERSON  
NORTHERN TERRITORY LIQUOR COMMISSION  
9 February 2022

On behalf of Commissioners Goldflam, Dwyer and Hart