

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE AND REASONS FOR DECISION

CITATION: *COMPLAINT AGAINST N & S HILL PTY LTD* [2025]
NTLiqComm 3

FILE NUMBER: LC2025-002

LICENSEE: N & S Hill Pty Ltd

PREMISES: Alice Springs Wine Club
3 Dowdy Court
ALICE SPRINGS NT 0870

LICENCE: 81017060

LEGISLATION: Part 7, Divisions 3 and 4 of the *Liquor Act 2019*

DECISION OF: Ms Jodi Truman (Deputy Chairperson)
Mrs Ebony Abbott-McCormack (Health Member)
Ms Katrina Fong-Lim (Community Member)

DATE OF HEARING: N/A

DATE OF DECISION: 16 January 2025

Decision

1. On the basis that the Director of Liquor Licensing (**the Director**) has withdrawn the referral of this matter to the Northern Territory Liquor Commission (**the Commission**) for disciplinary action, the Commission pursuant to section 166(6)(a) of the *Liquor Act 2019* (**the Act**) dismisses the matter of the hearing and cancels the hearing listed for 29 January 2025.

Reasons

Background

2. N & S Hill Pty Ltd (**the licensee**) is the holder of liquor licence number 81017060 for premises known as "Alice Springs Wine Club" situated at 3 Dowdy Court, Alice Springs NT 0870 (**the premises**). The licence names Mr Nicholas Hill (**Mr Hill**) as the nominee. The licence includes a Takeaway Authority.

3. On 24 September 2024, a complaint was lodged with the Director pursuant to section 160 of the Act. The details of that complaint are not necessary for the purposes of these reasons. The licensee was informed of the complaint.

The Referral

4. On 20 December 2024, the Delegate for the Director referred the complaint to the Commission for disciplinary action pursuant to section 163(1)(f) of the Act. Following receipt of that referral, the Commission listed the matter for hearing on 29 January 2025 and sent correspondence to both the Director and the licensee informing them of the hearing date.
5. On 16 January 2025, the Commission was advised of email correspondence received from the Delegate for the Director advising that the Director had received an application for transfer of the licence and as such the Delegate stated the Director wished to “withdraw the referral to the Commission”.
6. The Commission notes that section 166(6) of the Act clearly contemplates the Director’s power to withdraw a “matter” after it has been referred to the Commission.
7. That section however also makes clear that it is in the Commission’s discretion as to whether it dismisses a matter referred to it **after** it is withdrawn by the Director.
8. The Commission does not consider it appropriate to “review” the exercise of the Director’s discretion to withdraw. The Director has complete discretion to withdraw and is not required to provide reasons to the Commission. It is apparent that an application for transfer of the licence has been lodged with the Director and that as a result the Director is satisfied that to “withdraw” is the appropriate action to be taken.
9. Based on the materials provided, in particular the correspondence received from the Director’s delegate dated 15 January 2025, the Commission has determined to exercise its discretion and dismiss this matter and cancel the hearing pursuant to section 166(6)(a) of the Act.
10. The Commission considers it remains unclear, due to the wording of section 166(1) and (7) of the Act, whether this is a decision requiring a Decision Notice however has decided to issue this brief Decision Notice to the parties to avoid any doubt.

NOTICE OF RIGHTS

11. Section 31(1) read with section 166(7) 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.

12. Section 31(2) of the Act states that the persons who may apply to NTCAT for a review of the decision are:

- the Director; and
- the licensee

A handwritten signature in black ink, appearing to read 'Jodi Truman', with a long horizontal flourish extending to the right.

JODI TRUMAN
DEPUTY CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
16 January 2025

On behalf of Commissioners Truman, Abbott-McCormack and Fong-Lim