

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

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**CITATION:** *COMPLAINT AGAINST TENNANT CREEK GOLF CLUB*  
[2024] NTLiqComm 47

**FILE NUMBER:** LC2024-046

**LICENSEE:** Tennant Creek Golf Club Inc.

**PREMISES:** Tennant Creek Golf Club  
712 Peko Road  
TENNANT CREEK NT 0860

**LICENCE:** 81402752

**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)  
Mrs Rachael Shanahan (Community Member)

**DATE OF HEARING:** N/A

**DATE OF DECISION:** 6 November 2024

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**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 On the basis that the Director of Liquor Licensing (**the Director**) has withdrawn the referral of this matter to the Northern Territory Liquor Commission (**the Commission**) for disciplinary action, the Commission pursuant to section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 13 November 2024.

**Reasons**

**Background**

2. Tennant Creek Golf Club Inc (**the licensee**) is the holder of liquor licence number 81402752 for premises known as “Tennant Creek Golf Club” situated at 712 Peko Road, Tennant Creek NT 0860 (**the premises**). The licence held by the licensee dated 5 July 2021 names Mr Peter William Reid (**Mr Reid**) as the nominee. The licence includes a Community Club Authority.

3. On 25 July 2024, Senior Compliance Officer (**SCO**) Brian Wingrove and Compliance Officer (**CO**) Emily McBride attended the premises and completed a pre-arranged liquor audit with Mr Reid.
4. The audit revealed that no persons whose responsibilities involve serving or supervising the serving of patrons held a current responsible service of alcohol (**RSA**) certificate.
5. As a result, written notice was provided to Mr Reid as nominee to provide evidence confirming a current RSA certificate to Licensing NT by 9 August 2024. Mr Reid acknowledged that he understood this request.
6. On that same date and following audit completion, Mr Reid tendered his letter of resignation as nominee of the licensee "to take effect as of 25 July 2024" and provided a copy to SCO Wingrove. Mr Reid agreed however to provide the request to the licensee and the information received from Licensing NT which included the relevant forms and steps to appoint a temporary nominee and thereafter a permanent nominee.
7. On 7 August 2024, SCO Wingrove sent an email to Mr Reid following up matters from the audit and seeking the contact details for the Club president and Mr Luke Barlow (**Mr Barlow**) who had been identified as an employee at the premises whose responsibilities included serving patrons or supervising the serving of patrons.
8. That same date Mr Reid responded via email providing the details of the Club President being Mr Darrin Whatley (**Mr Whatley**) and advising that he did not know Mr Barlow's phone or email.
9. Thereafter communication took place between Licensing NT and Mr Whatley on behalf of the licensee.
10. On 15 August 2024 SCO Wingrove contact Mr Whatley by telephone and Mr Whatley stated that the nominee application forms that had been provided would be lodged "the next day".
11. On 20 August 2024, a check was undertaken to see if such forms had been lodged and it was found that no application form had been lodged, nor had any evidence been provided of a current RSA certificate.
12. As a result, on 21 August 2024 a complaint was lodged with the Director. The licensee was informed of the complaint and invited to provide a response. No response was received.

### **The Referral**

13. On 23 October 2024, the Delegate 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 13 November 2024 and sent correspondence on 29 October 2024 to both the Director and the licensee informing them of the hearing date.

14. On 30 October 2024 email correspondence was received from Mr Whatley on behalf of the licensee indicating that the licensee had “decided NOT to renew” its license and there being confusion therefore as to why a complaint had been referred to the Commission.
15. That response was forwarded to the Director. The Commission has been informed that there has been communication between the licensee and the Director’s Delegate since that time.
16. On 6 November 2024, the Delegate for the Director wrote to the Commission and advised that the licensee had surrendered their licence. As such the Delegate stated the Director wished to “withdraw the referral to the Commission”.
17. 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.
18. 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.
19. 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 the licensee has surrendered their licence to the Director and that as a result the Director is satisfied that this is the appropriate action to be taken.
20. Based on the materials provided, in particular the correspondence received from the Director’s delegate dated 6 November 2024; and without making any determination whether disciplinary action should be taken against this licensee, 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.
21. 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**

22. 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.

23. 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



JODI TRUMAN  
DEPUTY CHAIRPERSON  
NORTHERN TERRITORY LIQUOR COMMISSION  
6 November 2024

On behalf of Commissioners Truman, Abbott-McCormack and R. Shanahan