

## Delegate of the Director of Liquor Licensing

### Decision Notice

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<b>MATTER:</b>	Complaints pursuant to section 160 of the <i>Liquor Act 2019</i>
<b>LICENSEE:</b>	Alice Food Concepts Pty Ltd
<b>PREMISES:</b>	Flavours of India – Alice Springs Flavours of India - Katherine
<b>LEGISLATION:</b>	Part 7, Division 3 of the <i>Liquor Act 2019</i>
<b>DECISION OF:</b>	Delegate of the Director of Liquor Licensing
<b>DATE OF DECISION:</b>	30 January 2026

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### DECISION

1. For the reasons set out below as a delegate of the Director of Liquor Licensing (the Director), I found on the balance of probabilities, a series of complaints lodged under section 160(1)(b) of the *Liquor Act 2019* (the Act) proven against the licensee, Alice Food Concepts Pty Ltd (the licensee) for having breached the Act as below:

#### **Flavours of India – Alice Springs - 80504862**

- a. Contrary to section 45(1)(c) of the Act, the licensee or their employees intentionally sold liquor and the sale was not authorised by a licence and an authority and the person was reckless to that circumstance.
- b. The sales of liquor were as follows:
  - i) 21 November 2025 at approximately 18:20 hours a carton of Jim Beam and Cola pre-mix; and
  - ii) 2 December 2025 at approximately 18:29 hours a bottle or bottles of wine; and
  - iii) 18 December 2025:
    - a. at approximately 18:39 hours six (6) cans of Victoria Bitter beer for \$40; and
    - b. at approximately 18:57 hours 15 cans of Victoria Bitter beer; and
    - c. at approximately 19:13 hours six (6) cans of Victoria Bitter beer for \$30; and
    - d. at approximately 19:35 hours two (2) bottles of Jacobs Creek white wine for \$50.

#### **Flavours of India – Katherine – 80804951**

- c. Contrary to section 90 of the Act, the licensee failed to keep the licensed premises and any other items used in connection with the operations under the licence maintained in good order and repair.
- d. Contrary to section 45 of the Act, the licensee or their employees intentionally sold liquor and the sale was not authorised by a licence and an authority and the person was reckless to that circumstance.

e. The sales of liquor were through the licensee's FOODHUB online delivery portal were as follows:

- i) 21 August 2025 at approximately 19:37 hours one Jim Beam and Cola, one Black Label and Cola and one glass of white wine for \$30.00; and
- ii) 23 August 2025 at approximately 18:27 hours one Corona for \$9.00; and
- iii) 27 September 2025 at approximately 18:52 hours one Victoria Bitter beer for \$9.00; and
- iv) 20 November 2025 at approximately 17:14 hours one Victoria Bitter beer for \$9.00.

f. Contrary to section 145(5) of the Act, the licensee failed to comply with a direction dated 23 December 2025 which read as follows:

#### DIRECTION

No online sale or supply of liquor is to be promoted through any means, and you are prohibited from the sale or supply of liquor through any online portal, including but not limited to, your proprietary applications for both premises listed above, or any other third party applications or software.

For the avoidance of doubt, this direction does not prevent the lawful sale or supply of liquor for on premises consumption at either premises, as provided for in their respective licences.

Further, the sale or supply of liquor for consumption away from the premises is not permitted and is to cease with immediate effect.

You are to report to the Director by close of business Wednesday, 24 December 2025 of the actions you have taken to comply with this direction.

g. The licensee failed to comply with this direction by continuing to promote the sale of liquor through the FOODHUB portal until at least 29 December 2025, and did not provide a report to the Director of Liquor Licensing by close of business Wednesday, 24 December 2025 as instructed.

2. Upon completion of the investigation into the complaint, I am satisfied that the following action should be taken:

a. Pursuant to section 163(1)(a)(ii) of the Act, take no further action in relation to these matters on the basis the licensee has surrendered both licences with effect from 30 January 2026.

3. The complaints included other matters for the Katherine licence, which for completeness are not being further pursued given the circumstances and the surrender of the licences.

## REASONS

### Background

3. Alice Food Concepts Pty Ltd is the holder of licences 80504862 and 80804951 for premises known as Flavours of India in Alice Springs and Katherine. Mrs Jasmeet Dinghra is the sole Director and nominee of the licensee for both premises.

4. These matters cover both premises and for ease of reference will be separated into the two locations.

## Katherine

5. Action against this licensee first arose relating to the Katherine premises where inspectors had undertaken numerous compliance inspections, including audits. These have been undertaken through several years and included concerns over the state of repair of the premises and their general operations.
6. It was also discovered that the licensee was advertising the sale of liquor through their FOODHUB application for delivery. Along with non-alcoholic drinks, the menu of contained in the **Drinks** area of the application the following items for order broken into their classifications of *Beer, Spirits, White Wine, Red Wine* and *Light Beer*:
  - i) Victoria Bitter \$9.00
  - ii) Great Northern \$9.00
  - iii) XXXX \$9.00
  - iv) Corona \$9.00
  - v) Red Label \$9.00
  - vi) Bundaberg Rum \$9.00
  - vii) Jim Beam \$9.00
  - viii) Black Label \$12.00
  - ix) Chardonnay Glass \$9.00
  - x) Sauv Blanc Glass \$9.00
  - xi) Shiraz Glass \$9.00
  - xii) Cab Sauv Glass \$9.00
  - xiii) Light Beer \$9.00
7. On 27 September 2025, inspectors placed an order through the FOODHUB application for delivery to a location in Katherine which included one can of Victoria Bitter beer for \$9.00. The order was accepted by the application and was subsequently delivered to the inspectors at a location in Katherine at approximately 18:52 hours that day.
8. This successful delivery gave rise to a further investigation into the operation by this licensee through the FOODHUB application.
9. On 23 December 2025 a delegate of the Director of Liquor Licensing issued a direction to the licensee pursuant to section 145 of the Act to cease any such online operations as well as any sales of takeaway liquor from either premises.
10. The licensee was given until 24 December 2025 to remove the menu items from the site and also to report to the Director as to their actions.

## Alice Springs

11. Licensing NT had received through several sources, intelligence that the licensee was selling takeaway liquor to local Indigenous persons in the late afternoon and early evening from their licensed premises in Undoolya Road.

12. As a result of the intelligence, a covert surveillance operation was undertaken of the premises by inspectors whose observations of the premises confirmed Indigenous persons arriving at the premises without any goods or bags and later departing with items, including on one occasion a carton of Jim Beam and Cola, being carried overtly by the purchaser.
13. A more formal operation was then undertaken which included the use of Police resources to again undertake covert surveillance of the premises.
14. On 18 December 2025, an officer conducted surveillance from within an unmarked police vehicle immediately across from the car park of the premises, and observed several persons attending the premises and later leaving with goods in their possession.
15. The officer subsequently stopped those persons and conducted searches uncovering at least four (4) sales of takeaway liquor to patrons from the premises.
16. On one occasion the officer observed a male of South Asian appearance wave to an Indigenous male person from within the rear left roller shutter of the premises and pass him a black rubbish bag containing approximately 15 cans of Victoria Bitter beer.
17. All liquor discovered in the searches was seized and later destroyed by the officer at the Police Station.

## THE COMPLAINTS

18. Complaints were lodged in relation to the above matters in the prescribed manner.
19. These were accepted in compliance with the Act and processed accordingly.
20. The licensee was provided with an opportunity to respond to the allegations in compliance with the requirements.

## RESPONSE OF THE LICENSEE

21. For each of the complaints the licensee was afforded the statutory right to be advised of the substance of the complaints and provide a response if they wished.
22. On 30 December 2025, the licensee provided a response to the allegation of online sales through their Katherine premises FOODHUB application.
23. In their response the licensee confirmed the items had been removed from the site and denied any knowledge of their availability through the site. Mrs Dinghra also stated they had not made any deliveries of liquor to persons through FOODHUB.
24. On 6 January 2026, the licensee provided a response to the Alice Springs matters and whilst not making an admission to the allegations stated in part "...there appears to have been a failure of our protocols, systems and training. I have, with urgent effect, began reinforcing these protocols, systems and training".
25. Other claims in mitigation included an inference the liquor had been acquired through theft and robbery.
26. The licensee also stated they had ceased the sale of liquor at both premises until these matters could be resolved.
27. Discussions were conducted between the licensee and Licensing NT in Alice Springs in relation to all matters, resulting in the licensee surrendering both licences on 29 January 2026.

28. In the notification to the Director of the surrender, the licensee wished to place on record their "...decision to surrender both licences should not be taken to be an admission as to the allegations".
29. Further, the licensee stated her husband denied selling any takeaway alcohol to any person.
30. The position of the licensee is theirs to take and the surrender of the licences does not in and of itself prove the allegations. The decision made by Mrs Dinghra was personal and based on her own considerations and circumstances which is entirely her right to do.

## ANALYSIS OF EVIDENCE

31. It is acknowledged from the outset the licensee has formally stated they are not making admissions in relation to these matters.
32. It is also acknowledged the licensee denies any sales of liquor as described in these matters by Mr Satnam Singh from the premises in Alice Springs.
33. For each of these matters inspectors conducted fulsome investigations and obtained significant materials in support of their allegations.
34. Demands for the production of documents by the licensee, as provided for in the Act allowing for the investigation of these matters were partially complied with, with the licensee stating they had minimal access to materials and other various reasons.
35. These claims are taken as obfuscating their obligations and the requirements, as some of the information requested was readily obtained directly from FOODHUB by simple email request.
36. Notwithstanding the denial by Mr Singh of any wrongdoing, the evidence provided in these matters includes the personal observations of the Police Officer during his surveillance of a male of South Asian appearance providing one of the patrons with liquor in a black garbage bag from the back of the loading dock area of the premises.
37. This liquor was subsequently seized and destroyed.
38. Further to the Alice Springs matter, there is an abundance of body worn camera footage, taken by police and also footage and personal observations by inspectors of patrons entering the premises carrying no items and soon after leaving the premises with large bulky items concealed in various containers or clothing.
39. Additionally, a statement was provided by one of the persons intercepted by the officer who confirmed they purchased eight (8) cans of Victoria Bitter beer from a female at the bar of the premises for \$40.00.
40. This purchase was placed in a white plastic bag and is seen in the body worn footage of the officer being intercepted and seized outside of the premises.
41. The Police Officer intercepted the other patrons and seized their liquor, with all patrons confirming they have purchased the liquor from Flavours of India.
42. On one occasion inspectors observed a patron leaving carrying a Jim Beam and Cola carton. For safety reasons they did not intercept the patron.
43. For completeness, when the Police Officer intercepted the patrons and first asked where they had purchased the liquor from, most all stated they had purchased it from the nearby supermarket that is licensed to sell takeaway liquor.

44. The Police Officer challenged these statements, as he had seen the patrons enter Flavours of India and not the other premises, and when challenged, the patrons all recanted and stated they purchased the liquor from Flavours of India.
45. It is also noted there are no records of any reports being made to Police alleging the theft of liquor, or any form of robbery during these periods.
46. It is for the above reasons I find on the balance of probabilities, the licensee or their employee did sell liquor as described above, and their existing liquor licence does not have a takeaway authority which would allow them to sell in this manner.
47. With regards to the purported sales through the FOODHUB application in Katherine, again the licensee denies having asked FOODHUB to put those items onto their menu for sales, and denies at least some of the deliveries.
48. The submission of the licensee notwithstanding, inspectors were themselves able to purchase and have delivered to them at an address in Katherine, a can of beer on 27 September 2025.
49. Section 294 of the Act makes the purchase of liquor not authorised by a licence and authority, an offence, however, section 294(2) of the Act provides an exemption for an inspector to make this otherwise unlawful purchase.
50. The licensee was issued a direction to remove the items from the FOODHUB application and provide a report to the Director of Liquor Licensing by 24 December 2025.
51. On 29 December 2025, the items remained on the FOODHUB application and no report had been provided to the Director by the licensee as required by the Direction.
52. The licensee subsequently denied having asked FOODHUB to put the items on their site and claimed their representative in FOODHUB thought it may have been their error.
53. A request was made to FOODHUB in Ireland for confirmation of the sales and manner in which items are placed on their site. The Senior Risk and Compliance Officer of FOODHUB, which is based in Ireland confirmed that they did not place the items onto the site and also provided a list of sales by this licensee through their site.
54. It is implausible to suggest that FOODHUB arbitrarily includes menu items on a restaurant's site, even if in error. It is more likely that these items were placed, either intentionally or erroneously by this licensee on their FOODHUB site.
55. Irrespective of how the items came to be on the menu, the licence does not provide for the sale of takeaway liquor either from the premises or for home delivery.
56. It is on this basis that I am satisfied there is sufficient evidence, to support the allegations as particularised in these materials. Also, that the licensee failed to comply with the Direction of 23 December 2025.
57. As for the maintenance issues at the premises, it is clear from the photographic evidence of the inspectors in Katherine that the premises has not been maintained as is expected of a licensee.
58. This is also further supported by the observations of the inspectors when they have attended the premises.

## DISCIPLINARY ACTION

59. On completion of the investigation, as a delegate of the Director I may do any of the following:
  - Take no further action if satisfied that there are no grounds or evidence to justify taking further action, or the matter does not warrant taking further action;
  - Give the licensee a formal warning in relation to the complaint;

- Mediate the complaint;
  - Issue an infringement notice in relation to the complaint;
  - Enter into an enforceable undertaking with the licensee; or
  - Refer the matter to the Commission for disciplinary action.
60. In determining an appropriate disposition in this matter, I am required to apply the principles of proportionality, parity and deterrence.
61. The disciplinary action must be proportionate to the seriousness of the contravention and the harm arising, or potential for harm as a result of these matters.
62. The unauthorised sale of liquor is at the highest end in terms of a breach and the seriousness of these matters cannot be diminished.
63. The sale of liquor using the colloquial term “out the back door”, is considered to be trading on misery.
64. It is however of significance that the licensee has surrendered the licences and they should be afforded the benefit of not incurring the expense for all parties of a public hearing by the Liquor Commission.
65. Further, it is accepted the surrender is not taken as an admission to these allegations by the licensee.
66. In weighing all the matters, evidence and seriousness, the surrender of the licences cannot be discounted and it is accepted will result in a significant impact on the licensee. It is for those reasons it is my position that no further action is warranted in relation to these matters.

## REVIEW OF DECISION

28. Section 27(1) of the Act provides that an affected person for a delegate decision may apply to the Director for a review of the decision.
29. Section 27(2) of the Act sets out the procedures for applying for a review of a delegate decision. Such application must be made within 28 days after written notice of the delegate decision is given to the affected person unless the Director extends the time allowed for making an application.
30. The affected persons in this matter is the licensee of Alice Food Concepts, the Police and the relevant inspectors.



**Mark Wood**  
Delegate of the Director of Liquor Licensing  
30 January 2026