

# Delegate of the Director of Liquor Licensing

## Decision Notice

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<b>MATTER:</b>	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
<b>LICENSEE:</b>	Northern Interests Pty Ltd
<b>PREMISES:</b>	Elliott Hotel
<b>LICENCE:</b>	80100274
<b>LEGISLATION:</b>	Part 7, Division 3 of the <i>Liquor Act 2019</i>
<b>DECISION OF:</b>	Southern Region Manager Liquor – Licensing and Compliance
<b>DATE OF DECISION:</b>	30 January 2025

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### DECISION

1. For the reasons set out below as a delegate of the Director of Liquor Licensing (the Director), I upheld a complaint against the licensee, Northern Interests Pty Ltd (the licensee) for conduct contrary to section 90 of the *Liquor Act 2019* being:

#### **Proper maintenance**

A licensee must keep the licensed premises and all machinery, equipment, fittings, furniture, furnishings and any other items used in connection with operations under the licence maintained in good order and repair and in a safe and reasonably clean condition.

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.

### REASONS

#### Background

3. Northern Interests Pty Ltd (the licensee) is the holder of liquor licence 80100274 (the licence) for premises known as the Elliott Hotel, situated on the Stuart Highway, Elliott in the Territory (the premises). The nominee is Mr Benjamin Seekamp.
4. On 12 November 2024 inspectors attended the premises to conduct a liquor inspection and formed the opinion the premises appeared to be in poor condition and in need of repair.

## THE COMPLAINT

5. On 24 December 2024 Ms Christine Free, Senior Compliance Officer, Licensing NT lodged a complaint with the Director pursuant to section 160 of the Act, the grounds for the complaint being pursuant to subsection 160(1)(b) in that:
  - (b) The licensee or the licensee's employee contravened another provision of his Act or the regulations, whether or not it constitutes an offence.
6. The complaint was in the approved form and specified the grounds for the complaint, was signed and lodged with the Director in compliance with the requirements of section 160(2) of the Act.
7. A delegate of the Director accepted the complaint on 24 December 2024 within the 14 day prescribed period, and the licensee was given a notice of the substance of the complaint in compliance with section 162(1) of the Act within the prescribed period, and invited them to provide a response to the complaint.
8. On 6 January 2025, Mr Seekamp wrote to the Director in relation to the complaint providing an update on the issues with WorkSafe and their prohibition order and the plans for the redevelopment of the premises.

## COMPLIANCE HISTORY

9. The licensee has not been the subject of disciplinary action to date, and should be given the advantage of this history. It is upon that basis I consider this to be a "first" issue of this nature for this licensee.

## ACTION AFTER INVESTIGATION

10. 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.

11. Those actions listed above notwithstanding, section 90 of the Act does not have a prescribed penalty provision, nor is it a matter for which an infringement notice may be issued pursuant to schedule 6 of the *Liquor Regulations 2019* (the Regulations).
12. It necessarily follows, those actions prescribed in section 163(1) of the Act are therefore limited in determining this matter.
13. On considering the materials, it is reasonable to believe this matter may be taken to fall within the lower scale of seriousness and the licensee has taken suitable remedial actions to prevent further occurrences.
14. A meeting has been held between the licensee and the Director in relation to the redevelopment of the premises and future plans, with plans being prepared and ongoing which will require subsequent approval from the Liquor Commission.
15. The discussions focussed on the intention of both parties to ensure the premises is returned to a suitable state and be developed to provide growth and future benefit to the community through the provision *inter alia* of additional accommodation and services.
16. On the basis of the above and applying the principles of proportionality, parity and deterrence, I am satisfied the appropriate disposition in these circumstances is to take no further action in relation to this matter.
17. For the avoidance of doubt, the premises is subject to Prohibition Notice 2024PBN00144 dated 19 November 2024 issued by NT WorkSafe under section 195 of the *Work Health and Safety (National Uniform Legislation) Act 2011*.
18. This is not the remit of the Director and there is no prohibition on trade at the premises under the *Liquor Act 2019* at this time. It is expected once the licensee has satisfied those matters contained in the abovementioned prohibition notice NT WorkSafe will allow access and entry to the premises.
19. The licensee is then free to recommence trade in those areas of the premises open and accessible to the public.

## REVIEW OF DECISION

20. As a decision of a delegate of the Director, this notice must state the decision and reasons for it, as well as advise an affected person of their right to seek a review of the decision and the manner in which it may be done.

21. Section 27 of the Act provides for a licensee or the complainant to seek a review of the decision within 28 days after the written notice is given to the person, and the application must be in the approved form and state the grounds for the review, and the facts relied upon to establish the grounds.

22. Accordingly, the affected persons in relation to this decision are Northern Interests Pty Ltd.



**Mark Wood**  
**Southern Region Manager Liquor – Licensing and Compliance**  
Delegate of the Director of Liquor Licensing

30 January 2025