

## 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>	Peppimenarti Club Association Incorporated
<b>PREMISES:</b>	Peppimenarti Club
<b>LICENCE:</b>	80304129
<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>	3 April 2025

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### DECISION

1. For the reasons set out below and upon completion of the investigation into the complaint against Peppimenarti Club Association Incorporated, as a delegate of the Director of Liquor Licensing (the Director), I have determined the following in respect to each Allegation:
  - a. Regarding Allegation 1, pursuant to section 163(1)(a)(i) of the Act, I am satisfied that there are no grounds or evidence to justify taking further action as there has been no change to the licensee contact details.
  - b. Regarding Allegation 2, pursuant to section 163(1)(c) of the Act, mediate this aspect of the complaint by assisting the licensee identify a recognised training provider to deliver responsible service of alcohol training to the licensee and its staff.
  - c. Regarding Allegation 3, pursuant to section 163(1)(a)(i) of the Act, I am satisfied that there are no grounds or evidence to justify taking further action as liquor is adequately stored outside of trading hours.
  - d. Regarding Allegation 4, pursuant to section 163(1)(a)(ii) of the Act, I am satisfied that the matter does not warrant taking further action as the licensee has taken steps to ensure that everyone “signs in” the attendance book.
  - e. Regarding Allegation 5, pursuant to section 163(1)(a)(ii) of the Act, I am satisfied that the matter does not warrant taking further action as the Commission removed this condition from the licence by way of its decision of 26 November 2024.
  - f. Regarding Allegation 6, pursuant to section 163(1)(c) of the Act, mediate this aspect of the complaint by assisting the licensee develop a Banned Person Register to the satisfaction of the Director.

- g. Regarding Allegation 7, pursuant to section 163(1)(a)(i) of the Act, I am satisfied that there are no grounds or evidence to justify taking further action as there are no records of NT Police advising the licensee of banned persons from the Daly River Inn.
- h. Regarding Allegation 8, pursuant to section 163(1)(a)(ii) of the Act, I am satisfied that the matter does not warrant taking further action as the Commission has granted the licensee an extension of 6 months to comply with condition 18.
- i. Regarding Allegation 9, pursuant to section 163(1)(a)(ii) of the Act, I am satisfied that the matter does not warrant taking further action as the Commission has granted the licensee an extension of 6 months to comply with condition 19.
- j. Regarding Allegation 10, pursuant to section 163(1)(a)(ii) of the Act, I am satisfied that the matter does not warrant taking further action as the Commission has granted the licensee an extension of 6 months to comply with condition 20.
- k. Regarding Allegation 11, pursuant to section 163(1)(c) of the Act, mediate this aspect of the complaint by assisting the licensee to develop and implement a reporting system to satisfy the requirements of condition titled 'Reporting'.

## **REASONS**

### **Background**

- 2. Peppimenarti Club Association Inc. (the licensee) is the holder of liquor licence 80304129 with a Community Club Authority, and subject to conditions, for the premises known as 'Peppimenarti Club', situated at Peppimenarti Community, Peppimenarti NT.
- 3. The nominee for the licensee is Ms Regina Wilson.
- 4. On 25 March 2024, the Northern Territory Liquor Commission (the Commission) determined to vary the conditions of liquor licence 80304129 held by the licensee for a trial period of six months. The trial period expired on 24 September 2024.

### **The Complaint**

- 5. On 27 September 2024, Mr Glynn Verity, Principal Compliance Officer, an inspector appointed under the Act, lodged a complaint with the Director pursuant to section 160(1)(a) and 160(1)(b) of the Act.
- 6. The complaint was lodged in the approved form specifying 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. On 4 October 2024, a delegate of the Director accepted the complaint pursuant to section 161(2)(a) of the Act. The licensee was informed of the complaint the same day, via email and given 14 days to respond.

8. The substance of the complaint stated as follows:

- a. Allegation 1 – on 1 August 2024, the licensee contravened section 105 of the Act by not advising the Director of Liquor Licensing within 14 days of changes to its contact details, namely not providing the Director with an email address that is routinely monitored for which she can refer all correspondence and expect a response.
- b. Allegation 2 – on 4 September 2024, the Senior Director of Liquor Licensing and Compliance conducted an audit of the licensed premises that identified the licensee had contravened section 137 of the Act as Responsible Service of Alcohol (RSA) documentation was non-compliant, namely:
  - i. Most of the certificates in the folder for staff that had left Peppimenarti years beforehand;
  - ii. No current staff had undertaken refresher courses for RSA;
  - iii. Only one certificate was current (2022), and that staff member had left Peppimenarti; and
  - iv. The nominee had last done RSA training in 2009 with no record of refresher training being undertaken.
- c. Allegation 3 – on 4 September 2024, the Senior Director of Liquor Licensing and Compliance conducted an audit of the licensed premises. The audit was conducted outside of trading hours and identified the licensee had contravened regulation 19 of the Regulations as the cool room and the liquor storage area was not adequately secured.
- d. Allegation 4 – on 4 September 2024, the Senior Director of Liquor Licensing and Compliance conducted an audit of the that identified that licensee had contravened section 293 of the Act as the attendance book was not properly maintained contrary to the requirements of special condition 3 of its licence.
- e. Allegation 5 – on 3 September 2024, Senior Compliance Officer Free contacted the nominee of the licensee, Ms Wilson who advised that patrons do not return their cans to the licensee contrary to the requirements of special condition 5 of its licence and in contravention of section 293 of the Act.
- f. Allegation 6 – on 4 September 2024, the Senior Director of Liquor Licensing and Compliance conducted an audit of the that identified that licensee had contravened section 293 of the Act as the list of persons prohibited from entry to the licensed premises (the banned list) was not maintained contrary to the requirements of special condition 9 of its licence.
- g. Allegation 7 – on 4 September 2024, the Senior Director of Liquor Licensing and Compliance conducted an audit of the that identified that licensee had contravened section 293 of the Act as the licensee had not been recording all persons on the banned list who the licensee had banned from entering the premises or that a police officer had informed the licensee is on the Banned Drinkers Register; or that a police officer had informed the licensee is prohibited from entry to the Daly River Inn contrary to the requirements of special condition 10 of its licence.

- h. Allegation 8 – on 26 September 2024, the licensee contravened section 293 of the Act by not providing the Director of Liquor Licensing a plan for the provision of recreational activities, entertainment and additional cooked food at the premises within six (6) months of the Liquor Commission decision of 25 March 2024, contrary to the requirements of special condition 18 of its licence.
- i. Allegation 9 – on 4 September 2024, the Senior Director of Liquor Licensing and Compliance conducted an audit of the that identified that licensee had contravened section 293 of the Act as it had not installed a CCTV system within three (3) months of the Liquor Commission decision of 25 March 2024, contrary to the requirements of special condition 19 its licence.
- j. Allegation 10 – on 26 September 2024, the licensee contravened section 293 of the Act by not providing the Director of Liquor Licensing a training plan for the Board members within six (6) months of the Liquor Commission decision of 25 March 2024 contrary to the requirements of special condition 20 of its licence.
- k. Allegation 11 – on 26 September 2024, the licensee contravened section 293 of the Act by not providing the Director of Liquor Licensing no later than 30 days from the date of the Northern Territory Liquor Commission's decision dated 2 December 2021 decision, details of the number of beer sales and pre-mixed spirits sales for the preceding month as required by the special condition titled Reporting, contrary to the requirements of special condition titled Reporting of its licence.

### The Investigation

- 9. Principal Compliance Officer Verity commenced an investigation into the complaint including documentation provided by the Senior Director Liquor Licensing and Compliance and Senior Compliance officer Free, decisions of the Northern Territory Liquor Commission (the Commission) and the obligations of the licensee pursuant to the Act.
- 10. Section 105 of the Act places a duty on the licensee that it must give the Director written notice of any change in the licensee's contact information, including its emergency contact phone number and email address.
- 11. Section 137 of the Act places a duty on the licensee to ensure that every employee whose responsibilities involve serving patrons or supervising the serving of patrons holds a responsible service of alcohol certificate or has completed a refresher course if the certificate is more than 3 years old. Section 137 also requires that the licensee must keep a record, in the approved form, of the names of all employees who hold the certificate and a copy of each employee's certificate.
- 12. Pursuant to section 82(1) of the Act, any provision of the Act or the regulations that imposes a duty on a licensee or prohibits certain conduct by a licensee is taken to be a condition of the licence.

## Licensee Response

13. On 28 October 2024, the licensee's solicitor responded to the complaint and stated, in part that:

- a. Several of the allegations cross over with correspondence from the Commission dated 12 September 2024.
- b. The Club is a relatively unique (for NT) facility that is currently operated by a Nominee that is doing her very best in the circumstances to comply with all regulatory requirements. The Nominee (and all of the Board) are amongst some of the most disadvantaged people in Australia. They have not had the benefit of an education that is considered standard or common throughout much of Australia. However, they are trying their best to do what is right for the Community. It is plain that the significant disadvantages faced by the Nominee and members of the Board have contributed to any non-compliance as alleged. The Club essentially asks that these factors be taken into consideration as mitigating circumstances.
- c. The Club accepts that some of its management practices could be improved. The Club also asserts that it has been severely restricted in its ability to manage the Club due to the impacts of crime on the community (such as the destruction of housing, internet infrastructure etc). The Board of the Club has taken these steps to revise the management structure of the Club in order to facilitate such an improvement. In this context, the Club submits that if it is found to have breached any provision, that Licensing take into account these mitigating circumstances and note the active steps taken to address the issue going forward.

14. The licensee's response to each Allegation is provided in part below:

- a. Allegation 1 – the licensee submits that they had not changed any of their contact information and there is no breach of section 105 of the Act.
- b. Allegation 2 – the licensee submits that they were not aware of the existence of refresher courses for RSA, however, is now aware of these requirements. The Club also notes that these courses are delivered online and due to the lack of internet and computer facilities in community makes it difficult for staff to complete

The licensee has attempted to have RSA trainers attend the Club to provide training over the last few years however it has been unsuccessful with the trainers indicating that they could not come and provide the training in person due to a lack of accommodation and a view that it was too dangerous for them to attend the community.

The licensee requests support from the Director in bringing its existing staff up to compliance standards.

- c. Allegation 3 – the licensee submits that there is not breach of regulation 19(2) as all liquor is securely stored when the premises is closed, and the public would need to get past two double dead lock doors and a locked steel security gate. Further the bar area is secured by a steel roller shutter that is locked when the premises is closed.

- d. Allegation 4 – the licensee submits that they are compliant with licence condition 3 as it has maintained the attendance book in accordance with requirements previously made known to the Club. The licensee advised that many attendees cannot read or write. However, the licensee takes steps to ensure that everyone “signs in” and is clearly identified to the satisfaction of the Nominee.
  - e. Allegation 5 – the licensee submits that they have not breached licence condition 5 as it has not sold any person (and the licence condition only prohibits the sale of a person (not alcohol)).
  - f. Allegation 6 – the licensee submits that they have not breached licence condition 9 as the Banned List contains names and reasons for prohibition – it does not include address details as these are unknown and, in any event, due to the destruction of homes in Peppimenarti many people have no fixed address. The period of prohibition is not described but we are instructed it is indefinite unless otherwise determined by the Licence Nominee.
  - g. Allegation 7 – the licensee submits that they have not breached licence condition 10 as it is not aware of any notifications by police informing them of any person on the Banned Drinkers Register or prohibited from entry to the Daly River Inn.
  - h. Allegation 8 – the licensee submits that they installed wall mounted TVs to enable music videos to be played to patrons prior to 24 March 2024 and is of the view that this level of entertainment is satisfactory to patrons. The licensee has also requested additional time to provide this plan to the Commission and the Director.
  - i. Allegation 9 – the licensee submits that they have requested the from Commission grant additional time to install a CCTV system in the premises.
  - j. Allegation 10 – the licensee submits that they have engaged Cozens Johansen Lawyers to provide training to board members on Governance of an incorporated association and the licensee’s requirements under the Liquor Act. Further, the Club considers that this is a matter that can be better carried out with the assistance of a professional manager.
  - k. Allegation 11 – the licensee submits that monthly sales are calculated from the cash register receipts. This was previously sent to the accountant by the former manager. Due to the internet infrastructure issues, the Nominee has had significant difficulty in providing this information to the new accountant. Further, the new accountant was not previously aware that this reporting was part of their responsibility. They are now aware. In terms of ensuring future compliance, this is one of the issues that will clearly be addressed through the appointment of a new Club manager.
15. On 4 September 2024, in the lead up to the expiry of the six month trial period (as referred to in its decision of 25 March 2024), the Commission conducted hearings in Peppimenarti to assess the licensee’s compliance with the varied licence conditions.

16. On 25 October 2024, the Commission wrote to the licensee advising as a result of its hearing on 4 September, it had considered the licensee request and had decided to extend the trial period and allow the licensee a further six months to comply with the varied conditions. The Commission also advised it had decided to remove proposed licence condition 5 as this condition is difficult to enforce and unnecessary, as patrons put their cans in the wheelie bins situated at each table.
17. On 29 November 2024, the Commission issued a decision notice confirming its correspondence of 25 October 2024 allowing the licensee a period of six months commencing on 25 October 2024 to comply with the varied licence conditions the Commission imposed by the decision it issued on 25 March 2024.

### **Action After Investigation**

18. Section 163(1) of the Act provides that on completion of an investigation, as a delegate of the Director I may do any of the following:
  - a. 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;
  - b. Give the licensee a formal warning in relation to the complaint;
  - c. Mediate the complaint;
  - d. Issue an infringement notice in relation to the complaint;
  - e. Enter into an enforceable undertaking with the licensee; or
  - f. Refer the matter to the Commission for disciplinary action.

### **Compliance History**

19. On 16 April 2024, the licensee was issued with an Infringement Notice for contravening contravened section 100 of the Act by selling liquor to a person and payment was not made at the time of the sale.

## **CONSIDERATIONS**

20. As delegate of the Director, I have taken into consideration the Commission has extended the time for the licensee to comply with the proposed variation of its licence conditions until 25 April 2025.
21. I have also taken into consideration the allegations referred to in the Complaint of 4 October 2024 and the licensee's response, namely:
  - a. The mitigating circumstances raised by the licensee;
  - b. The licensee's request to the Director to assist staff obtain RSA and RSA refresher training to comply with its RSA obligations; and
  - c. The licensee's compliance history.
22. Within 14 days of making this decision the Act requires the complainant, licensee and the Commission to be given a copy of the notice.

## REVIEW OF DECISION

23. 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.
24. Section 27 of the Act provides for a licensee or the complainant to seek a review of this decision within 28 days after the written notice is given to the person.
25. An application for review must be in the approved form and state the grounds for the review, and the facts relied upon to establish the grounds and be lodged with the Director at [directorliquorlicensing@nt.gov.au](mailto:directorliquorlicensing@nt.gov.au).
26. Accordingly, the affected persons in relation to this decision are Peppimenarti Club Association Inc. and the inspector.



**Bernard Kulda**  
Delegate of the Director of Liquor Licensing