

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	Peko Road Investments Pty Ltd
PREMISES:	Outback Caravan Park
LEGISLATION:	Part 7, Division 3 of the <i>Liquor Act 2019</i>
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	4 April 2025

DECISION

1. As delegate of the Director of Liquor Licensing (the Director), for the reasons set out below, I upheld a complaint against the licensee, Peko Road Investments Pty Ltd (the licensee) in that they had breached the *Liquor Act 2019* (the Act) by:
 - a. The licensed premises is no longer being used for the sale, supply, service of liquor, contrary to section 160 (1)(g)(i) of the Act.
2. Upon completion of the investigation into the complaint, I am satisfied in the circumstances 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 the matter.

REASONS

Background

3. Peko Road Investments Pty Ltd is the licensee for liquor licence 81117302, trading as the Outback Caravan Park, situated at 71 Peko Road, Tennant Creek, NT 0860. The nominee listed on the liquor licence is Lee Dickens.
4. The licence is issued with the following authority:
 - lodging
5. Section 160(1)(g)(i) of the Act specifies a person may make a complaint against a licensee on the grounds the licensee's licensed premises are no longer being used for the sale, supply, service or consumption of liquor.
6. On the 22 May 2024, the licensee was contacted by a delegate of the Director in relation to the non-operation of the licensed premises. In conversations with the Delegate, the licensee stated that there appears to be no intention to operate the licence at this time. The Delegate then

advised the licensee to make a fulsome submission to the Director with reasons why the licence should remain notwithstanding it is not operational.

7. On 26 July 2024, inspectors attended the premises and their observations confirmed the premises was not being used for the sale, supply or service of liquor as the kiosk liquor servery was closed and there were no people present in the outdoor area, or seen to be consuming liquor in the vicinity.

THE COMPLAINT

8. On 3 February 2025, an inspector lodged a complaint with the Director pursuant to section 160 of the Act, the grounds for the complaint being pursuant to section 160(1)(g)(i) in that:
 - (i) The licensed premises is no longer being used for the sale, supply, service or consumption of liquor.
9. The complaint was 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.
10. A delegate of the Director accepted the complaint on 3 February 2025 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.
11. The licensee responded to the complaint admitting the licensed premises was not currently selling liquor, however disputed the allegation that they were in breach of the Act.

COMPLIANCE HISTORY

12. The licensee has no reportable compliance history.

ACTION AFTER INVESTIGATION

13. 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.
14. I have formed the opinion it is appropriate to take no further action against the licensee, based on the current policy position in relation to dormant liquor licences.
15. 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

28. Section 27(1) of the *Liquor Act 2019* 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 *Liquor Act 2019* 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, Peko Road Investments Pty Ltd and the relevant inspectors.



Mark Wood

Delegate of the Director of Liquor Licensing

4 April 2025