

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	Tennant Creek Memorial Club Incorporated
PREMISES:	Tennant Creek Memorial Club
LEGISLATION:	Part 7, Division 3 of the <i>Liquor Act 2019</i>
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	14 August 2025

DECISION

1. As a delegate of the Director of Liquor Licensing (the Director), for the reasons set out below, I upheld a complaint against the licensee, Tennant Creek Memorial Club Incorporated (the licensee) that they had breached the *Liquor Act 2019* (the Act) on 3 May 2025 by:
 - a. Intentionally supplying liquor and the supply was not authorised by a licence and an authority and the licensee was reckless in relation to that circumstance contrary to section 46(1) of the Act.
2. Upon completion of the investigation into the complaint, I am satisfied it is appropriate to take the following action:
 - a. Pursuant to section 163(1)(d) issue the licensee an infringement notice of 5 penalty units (\$925.00) in relation to the complaint.

REASONS

Background

3. Tennant Creek Memorial Club Incorporated is the licensee for liquor licence 81402774, trading as the Tennant Creek Memorial Club, situated at 48 Schmidt Street, Tennant Creek, NT 0860. The nominee listed on the liquor licence is Mr Allan Holland.
4. The licence is issued with the following authorities:
 - Takeaway authority
 - Club authority
 - Late night authority
5. Section 46(1) of the Act specifies a person commits an offence if the person intentionally supplies or serves liquor and the supply was not authorised by a licence and an authority and the licensee is reckless in relation to that circumstance.

6. On Thursday, 8 May 2025 Licensing NT received information that Tennant Creek Speedway purchased liquor from the licensee to stock the bar for an event held at the Speedway. On that same day, an inspector requested records and information from the Tennant Creek Speedway regarding the liquor purchased.
7. On 11 May 2025, Mr Allan Holland, nominee of the licensee submitted an email to Licensing NT stating: "...I believe that I may have breached my licence (81402774) by selling bulk alcohol to the Tennant Creek Speedway Club".
8. On 15 May 2025, the Tennant Creek Speedway Club submitted invoices for the liquor purchased from the licensee, confirming the sales as conceded.

THE COMPLAINT

9. On 22 May 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)(b) in that:
 - (b) The licensee or the licensee's employee contravened another provision of this Act or the regulations, whether or not it constitutes an offence.
10. 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.
11. A delegate of the Director accepted the complaint on 27 May 2025 within the 14 day prescribed period; the licensee was given a notice of the substance of the complaint and invited to provide a response in compliance with section 162(1) of the Act.
12. On 10 June 2025, the nominee submitted a formal response on behalf of the licensee admitting an error had been made by failing to read the licence, or seeking guidance from Licensing NT before supplying liquor to the purchaser.
13. Upon review of the brief, it was discovered the incorrect legislation had been quoted in respect to the allegation put to the licensee. In the interests of natural justice a revised complaint letter was sent via email to the licensee with the corrected legislative provision.
14. On Thursday, 17 July 2025 the licensee replied to the revised letter with the original response letter stating they did not have anything further to add.

COMPLIANCE HISTORY

15. On 15 May 2021, the licensee contravened section 141(1) of the Act. A delegate of the Director upheld the complaint on 3 September 2021 and a formal warning was issued.
16. On 16 February 2025 the licensee contravened sections 141(1) and 285(1) of the Act. A delegate upheld the complaint on 17 April 2025 and a formal warning was issued.

ACTION AFTER INVESTIGATION

17. 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.
18. In determining an appropriate disposition in this matter I am required to apply the principles of proportionality, parity and deterrence.
19. The licensee admitted the breach at the first instance and should be afforded the benefit of their candour.
20. A consideration in matters such as these is also the harm that arose from the breach. This matter is distinct from one where a licensee has sold liquor to a child, or intoxicated person which rightly are considered at the higher level of seriousness because of the harm that arises from such actions.
21. In this breach the licensee has sold packaged liquor to another licensee for on-selling at their premises, an otherwise lawful transaction if undertaken by another licensee with the appropriate authority to do so.
22. This licensee does have a takeaway authority attached to their licence however, it is limited to sales to financial members of the club only. The purchaser is not a member however had the purchase been to a financial member, it would have been lawful.
23. Accordingly, this breach is considered technical in nature and to be at the lower end of matters, with no apparent actual harm arising.
24. I accept the submission of the licensee the breach was not an intentional usurping of the Act and but for the licensee themselves advising the Director of the matter in the first instance, it would likely have gone undetected.
25. These considerations must necessarily assist in the eventual disposition.
26. I have formed the opinion it is appropriate to take disciplinary action in these circumstances, that action being pursuant to section 163(1)(d) of the Act issue an infringement notice in the amount of five (5) penalty units (5 x \$185.00) in total \$925.00.
27. 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 Tennant Creek Memorial Club Incorporated and the relevant inspector.



Mark Wood
Delegate of the Director of Liquor Licensing
14 August 2025