

## Director-General of Licensing

### Decision Notice

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<b>MATTER:</b>	Variation of conditions of a liquor licence
<b>PREMISES:</b>	Hot Tamale
<b>LICENSEE:</b>	Amigos Mexican Cantina Pty Ltd
<b>NOMINEE:</b>	Mr David Robinson
<b>LEGISLATION:</b>	Section 33 of the <i>Liquor Act</i>
<b>DECISION OF:</b>	Director-General of Licensing
<b>DATE OF DECISION:</b>	11 April 2017

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#### BACKGROUND

1. As a result of an application by Amigos Mexican Cantina Pty Ltd for a temporary variation to the licence to trade on Good Friday and a subsequent decision by a delegate of the Director-General of Licensing (the Director-General) to refuse that application, it has come to my attention that your licence currently contains a condition prohibiting trade on Good Friday and Christmas Day.
2. It is common practice that those who trade under a "Restaurant" liquor licence are not prohibited from trading on Good Friday or Christmas Day as the risk of harm or alcohol-related anti-social behaviour arising from a restaurant operating on these days is minimal.
3. As the licence currently describes, the premises operate as a restaurant with the provision of meals central to its operations. The sale of liquor may be described as complimentary to the provision of meals.
4. As a result on 10 April 2017 pursuant to section 33 of the *Liquor Act* (the Act), I wrote to Mr David Robinson as nominee and Amigos Mexican Cantina Pty Ltd as licensee, advising of my intention to remove the following condition on the licence for the Hot Tamale:  

**Exceptions**      (b)      No trading on Good Friday or Christmas Day.
5. I invited the licensee to submit a response to the proposed variation of conditions if they wished. A period of 28 days is provided by the Act within which the licensee may submit a response to the proposed variation.

#### CURRENT SITUATION

6. On 11 April 2017, I received correspondence via email from the nominee advising that licensee has no objection to the removal of the licence condition which currently prohibits trade on Good Friday and Christmas Day.

7. Section 33 of the Act provides the following power to me as Director-General:

**33 Variation of conditions by Director-General**

(1) The Director-General may vary the conditions of a licence (other than a condition determined under section 33AA) on the Director-General's own initiative.

(2) Before varying the conditions, the Director-General must give the licensee written notice:

- (a) stating the proposed variation; and
- (b) stating the reasons for the proposed variation; and
- (c) inviting the licensee to submit a response to the proposed variation within 28 days after the date of the notice.

8. The Act requires me in determining matters such as this, to consider any response of the licensee.

## DECISION

9. I have considered the submission of the licensee in which they have given support of the proposed variation.

10. As a result, I have determined pursuant to Section 33 of the *Liquor Act*, that the following condition is to be removed from liquor licence 80518538 – the Hot Tamale, Amigos Mexican Cantina Pty Ltd as licensee:

**Exceptions** (b) No trading on Good Friday or Christmas Day.

11. The variation is to take effect upon receipt by the licensee of this Decision Notice.

## REVIEW OF DECISION

12. Section 120ZA of the Act provides that a decision of the Director-General, as specified in the Schedule to the Act, is a reviewable decision. A decision to vary the conditions of a liquor licence pursuant to Section 33 of the Act is specified in the Schedule and is a reviewable decision. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Section 120ZB of the Act prescribes an **affected person** to be the licensee and a person who made a submission, complaint or objection (however described) during the process that resulted in the decision being made.

13. The affected person in relation to this matter is Amigos Mexican Cantina Pty Ltd.



**Cindy Bravos**  
Director-General of Licensing

11 April 2017