

**NORTHERN TERRITORY LIQUOR COMMISSION**  
**DECISION NOTICE**

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**MATTER:** M & N KYPREOS - APPLICATION FOR GRANT OF LIQUOR LICENCE

**REFERENCE:** 2018/002

**PREMISES:** **King of Yiros**  
Shop 3A  
Rapid Creek Business Village

**APPLICANT:** M & N Kypreos Family Trust

**OBJECTOR:** Lisa McGregor

**LEGISLATION:** Section 26 of the *Liquor Act*

**HEARD BEFORE:** Mr Richard Coates (Chairperson)  
Mr Kenton Winsley (Health Member)  
Ms Christine Hart (Community Member)

**DATE OF HEARING:** 4 April 2018

**DATE OF DECISION:** 4 April 2018

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**Decision**

1. That the application be dismissed for the reasons set out below.

**Reasons**

2. The premises in which the applicants were operating a café and at which they were proposing to sell liquor to patrons for consumption on the premises were leased from Tema Properties Pty Ltd.
3. On 14 March 2018, the lessor informed an officer at Licensing NT together with the applicants that the lessor no longer consented to the applicants obtaining a liquor licence in respect of the premises.

4. On 21 March 2018, the Chairperson wrote to the applicants in the following terms:

*I note your application for a liquor licence is currently listed for hearing on 4 April 2018.*

*I have recently received correspondence from your landlords advising that their consent for you to use the premises for the sale of liquor is now revoked. They have also informed me that you have indicated to them that you will not be seeking to renew your lease prior to it expiring in May this year.*

*If this information is correct then your application for a liquor licence must necessarily fail and there is no point in proceeding with the hearing on 4 April 2018. Accordingly, unless I receive correspondence from you within 7 days outlining the reasons why your application can still proceed, it is my intention to adjourn your matter to a further date convenient to the Commission when it will most likely be dismissed.*

5. No response was received from the applicants as at 4 April 2018, at which time the Commission determined to deal with the matter and dismiss the application because the applicants had not satisfied the Commission that they were entitled to seek a liquor licence in respect of the premises.

### **Notice of Rights**

6. Section 120ZA of the *Liquor Act* (the Act) provides that a reviewable decision is a Commission decision that is specified in the Schedule to the Act. A decision to refuse an application under section 26 of the Act is specified in the Schedule and is a reviewable decision.
7. 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 (NTCAT). Any application for review of this decision must be lodged within 28 days of the date of the decision.
8. For the purposes of this decision and in accordance with section 120ZB(1)(b) and (c) of the Act the affected persons are the Applicants and the person who made an objection during the process of the decision being made, namely Lisa McGregor.



**RICHARD COATES**  
Chairperson  
Northern Territory Liquor Commission

17 April 2018