

The Northern Territory Liquor Commission (**the Commission**) is an independent statutory authority with extensive powers under the [Liquor Act 2019](#) (**the Act**) to regulate liquor licensing in the Northern Territory. The Commission is the primary decision-maker for liquor licence applications, and the determination of complaints. The Commission delegates a broad range of uncontroversial decisions to the Director of Liquor Licensing (**the Director**).

When conducting a hearing, the Commission must be constituted by a panel comprising at least three members including a legal member (a lawyer, who presides over the hearing), a member who has health expertise, and a community member.

Why does the Commission have public hearings?

Any hearing of the Commission must be conducted in public unless the Commission is of the opinion that it is not appropriate because:

- A public hearing is likely to cause undue hardship to a person;
- Commercial-in-confidence information must be protected;
- The matter is non-controversial; or
- It would not be worthwhile to conduct a public hearing.

When is the hearing scheduled?

Participating parties will be informed by the Commission Secretariat of when the matter is scheduled before the Commission.

Upcoming hearings are also posted on the Commission's website:

<https://cmc.nt.gov.au/committees/liquor-commission/hearing-dates>.

The length set aside for the hearing will depend on the complexity of the matter.

Who can participate in the hearing?

The following persons and bodies corporate may participate at a hearing relating to an **application**:

- The Applicant;
- The Director of Liquor Licensing, or a representative;
- A person or body that has lodged an objection;
- A person or body that has not lodged a valid objection but has been granted leave to appear at the hearing by the Commission;
- Any other person requested by the Commission to give specified information to the Commission.

The following persons and bodies may appear at a hearing relating to a **disciplinary action**:

- The Licensee;
- Any employee of the Licensee involved in the matter;
- Any complainant involved in the matter;
- The Director of Liquor Licensing, or a representative;
- Any other person requested by the Commission to give specified information to the Commission.

A participant may be represented at the hearing by a legal representative or another person.

The Commission has the authority to issue a summons requiring a person to appear before the Commission to give evidence or produce documents.

Who can attend the hearing?

Any person can attend and observe a **public hearing**, including members of the public and journalists. Observers cannot participate in the hearing.

If the Commission directs the hearing be conducted in **private**, then only persons who have been granted permission by the Commission will be allowed to remain in the hearing room.

How can I attend the hearing?

Commission hearings are usually held in offices in Darwin and Alice Springs.

Upon approval of the Commission, **participating parties** can attend by video or tele-conference. The Secretariat will send the party a Microsoft Teams calendar invitation.

Members of the **general public** do not require approval from the Commission to attend a public hearing.

To test the video or tele-conference prior to the hearing, email the [Commission Secretariat](#) to arrange a time.

Request the matter be adjourned

A participant in a hearing can request the hearing be rescheduled to an alternative date either before the hearing or during the hearing.

A participant in a hearing who seeks an adjournment **before the hearing** should apply in writing to the [Commission Secretariat](#) with details of the reasons for the proposed adjournment.

The Commission will seek the views of other affected participants, consider the application, and approve or decline the hearing to be rescheduled.

What do I need to do to prepare for the hearing?

To prepare for the hearing, participants should:

- Read the electronic brief provided by the Commission (referred to as the "Hearing Brief").
- Bring a printed or electronic copy of the Hearing Brief and all supplementary evidence provided before the hearing to the hearing.
- Provide a written response to any questions asked by the Commission.
- Provide additional submissions or evidence by email. If evidence or submissions are to be submitted on the day of the hearing, ensure that in addition to emailing the documents to the Commission Secretariat, a minimum of five hard copies are brought to the hearing.

Submissions and evidence

All submissions and evidence provided by a participant to the Commission will usually be provided to the other participants. A participant should notify the Commission Secretariat if there is commercially sensitive information or other material not wished to be publicly disclosed. A reason why this information is considered sensitive must be provided. This will be considered by the Commission before deciding which documents will be supplied to objectors, complainants and other participants.

Filing documents

The Commission prefers, where possible, to receive documents in an electronic format by way of an email sent to the [Commission Secretariat](#).

If additional submissions and evidence are too large to send via email, these can be sent electronically through File Transfer Protocol (FTP). For this service please contact the [Commission Secretariat](#).

What happens at a hearing?

The Commission's rules and procedures have been designed to allow participation without a lawyer. However, licensees usually engage lawyers to represent them where a complaint against the licensee is being heard, or where a large-scale or complex application is being made.

Conduct during the hearing

The Commission may make rules and procedures for the conduct of its hearings and all parties must comply with those rules and procedures. General rules are:

- Ensure that you arrive or link in by video or tele-conference on time.
- Audio and/or video recording of proceedings by the parties and the public (including media) is not allowed without the permission of the Commission. The Commission audio records all of its hearings, so there is an accurate record of what is said.
- Parties should address the Commission members as "Commissioner [Surname]". A name plate will be in front of the Commission member.
- Parties do not need to stand while addressing the Commission.

Where to sit during the hearing

The Commission meets in a conference room supplied by the Northern Territory Government.

The Commission will sit on one side of the conference table and participating parties sit directly opposite the Commission.

Members of the public observing the hearing sit behind the participating parties.

The hearing process

At the commencement of the hearing, the Commission members will introduce themselves and ask participants to introduce themselves.

After introductions, the presiding Commission member will usually decide which documentary material (e.g. the Hearing Brief) to admit into evidence. This includes any additional evidence submitted on the day.

The presiding Commission member will manage the hearing and ensure that each participant is given the opportunity to present their case by calling witnesses, asking the Commission to receive documents into evidence, making submissions and responding to another party's submissions.

- For **applications**, the Applicant will usually be asked to present their case first and then other parties (the Director and objectors, if any) will be given the opportunity to respond.

- For **disciplinary actions**, the Director will usually be asked to present their case first and then the Licensee will then be given the opportunity to respond.

Witnesses appearing before the Commission to give evidence will be required to take an oath or give an affirmation that they will be truthful in their evidence.

At a hearing, the Commission may inform itself in any way it considers appropriate and is not bound by the rules of evidence. However, the Commission's procedures require it to conduct hearings in a manner that is fair to the parties. Any of the Commission members may ask questions of witnesses to clarify issues or obtain all the information necessary to make a fully informed decision.

At the conclusion of the hearing, the Commission may verbally issue its determination. Otherwise, the parties will receive a Decision Notice as soon as is practicable for the Commission.

What happens after the hearing?

Decision Notice and Reasons for Decision

Once the Decision Notice has been finalised, it will be emailed to participating parties.

Decision Notices including a statement of reasons for the decision are publically available, and can be viewed on the Commission's website:

<https://cmc.nt.gov.au/committees/liquor-commission/decisions>.

Transcript of hearing

A transcript can be ordered at the request of a party to the hearing. There is a fee for this.

To request a copy of the hearing transcript, email the [Commission Secretariat](#) with a description of the matter, date of the hearing and details of where the invoice should be sent to.

Audio copies of a public hearing are generally not supplied.

Your rights

The Applicant, Licensee, objector, complainant or Director of Liquor Licensing can request the Commission's decision be reviewed by the Northern Territory Civil and Administrative Tribunal (NTCAT).

An application for review must be lodged with NTCAT within 28 days of the date of the Commission's decision.

How do I contact the Commission?

Parties must not contact or attempt to contact Commission members directly about proceedings. This includes communicating or attempting to communicate in person, by telephone, by email, by social media or any other way.

If you wish to make a submission or seek to raise an issue with a Commission member, this should be communicated to the Commission Secretariat.

The Commission Secretariat can be contacted by email at Liquor.Commission@nt.gov.au.

Legal Advice – Members and Secretariat

Commission members and the Secretariat cannot act as an advocate or give legal advice.

While the Secretariat can assist you in explaining process and procedure, they cannot advise you what you should do in a particular case or provide legal advice.

Further information

Further information about the Commission can be found at <https://cmc.nt.gov.au/committees/liquor-commission>.