

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	Club Eastside Incorporated
PREMISES:	Club Eastside
LEGISLATION:	Part 7, Division 3 of the <i>Liquor Act 2019</i>
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	22 July 2025

DECISION

- For the reasons set out below as a delegate of the Director of Liquor Licensing (the Director), I upheld a complaint against the licensee, Club Eastside Incorporated (the licensee) for having breached the *Liquor Act 2019* (the Act) on the 14 May 2025 when:
 - Contrary to section 285 (1) of the Act, the licensee's employee intentionally sold liquor to another person who was intoxicated.
- Upon completion of the investigation into the complaint, I am satisfied that the following action should be taken:
 - Pursuant to section 163(1)(d) of the Act and with reference to Schedule 6 of the *Liquor Regulations 2019* (the Regulations), issue an infringement notice of 5 penalty units (5 x \$189.00 = \$945.00).
- For completeness, the second allegation of the licensee and the licensee's employees failing to remove a person who is violent, quarrelsome, disorderly or incapable of controlling their behaviour pursuant to section 141(1) of the Act is dismissed.

REASONS

Background

- Club Eastside Incorporated is the holder of liquor licence 81402530 (the licence) for the premises known as Club Eastside, situated at 28 Undoolya Road, East Side NT 0870. The nominee is Mr Joshua Brigham.
- Section 285 (1) of the Act specifies the licensee or the licensee's employees commits an offence if they intentionally sell or otherwise supply liquor to another person who is on or in the licensed premises and is intoxicated, and the person is reckless in relation to those circumstances.

6. Section 141 (1) of the Act specifies the licensee and the licensee's employees must exclude and remove from the licensed premises any person who is violent, quarrelsome, disorderly or incapable of controlling the person's behaviour, other than a person residing in or lodging at residential accommodation on or in the licensed premises.
7. On 14 May 2025, an inspector was attending the premises in her personal capacity at 19:55 hours, observed a male (POI) swaying and being unable to stand straight adjacent to a high table in the main bar area.
8. The observations of the inspector were advised to the Principal Compliance Officer the following day whilst on duty which gave rise to a request for footage from the premises, so that an investigation into the incident may be conducted.
9. It was evident from the CCTV footage the POI had been on the licensed premises from t 15:38 hours. At entry the POI was not displaying any signs of impairment. The POI is observed to consume approximately 14 standard drinks whilst in the premises and there is a noticeable decline in the POI's behaviour. The POI is observed to stumble and his balance and coordination appeared impaired.
10. The POI was observed to be significantly impaired at 2015 hours; other patrons assisted him to leave the premises.
11. . Further, the POI was served liquor whilst intoxicated at 19:25 hours and 19:43 hours.

THE COMPLAINT

12. On 21 May 2025, a complaint was lodged with the Director pursuant to section 160 of the Act, the grounds for the complaint being pursuant to section 160(1)(b) of the Act 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.
13. 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.
14. A delegate of the Director accepted the complaint on 22 May 2025, within the 14 day prescribed period and 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.
15. On 2 June 2025, the licensee provided a response to the particulars of the complaint. On 3 June 2025, the licensee contacted the delegate of the Director advising the response contained an inconsistency and an amended response would be provided. On 4 June 2025, the licensee provided an amended response to the particulars of the complaint.
16. The licensee does not dispute there was a breach of section 285(1) of the Act however, disputes the alleged breach of section 141(1) of the Act.
17. The licensee submits direction was given to the licensee's staff to closely observe the POI on CCTV, ensure he was not served anymore alcohol, and to remove the POI once he finished his drink.
18. The licensee also identified operational changes that have been implemented since receiving the complaint on 22 May 2025.

- a. A requirement that either security, the duty manager or senior bartender do a walk-through at least once every 30 minutes with a log to be maintained.
- b. A restriction on the sale of wine by the bottle prior to 17:00 hours.
- c. A prohibition on the service of liquor in shots.
- d. Specific review of and training on the incident and its outcomes with staff.

DISCIPLINARY ACTION

19. 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.
20. In determining an appropriate disposition in this matter, I am required to apply the principles of proportionality, parity and deterrence.
21. The disciplinary action must be proportionate to the seriousness of the contravention and the harm arising, or potential for harm as a result of these matters.
22. Having regards to previous like matters, the objective level of seriousness, the licensee's submission, along with previous penalties imposed for other matters, I have determined the appropriate action to take against the licensee is to issue an infringement notice.
23. Within 14 days of making this decision the Act requires the complainant, licensee and the Commission to be given a copy of the notice.
24. The licensee has, with qualifications, not disputed the allegations and accepted they had failed in their obligations in relation to this incident. They should therefore be afforded the benefit of such a concession, which has strongly influenced the disposition taken.
25. With regards to the allegation of failing to remove that patron, I accept the submission of the licensee in that but for the intervention of his companions, the licensee's staff would have removed him from the premises in accordance with the requirements.

REVIEW OF DECISION

28. Section 27 (1) of the Act 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 Act 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 of Club Eastside Incorporated and the relevant inspector.



Mark Wood
Delegate of the Director of Liquor Licensing

22 July 2025