

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	Alice Choice Caterers Pty Ltd - FLL1018
PREMISES:	Jump Inn – Alice Springs
LEGISLATION:	Part 7, Division 3 of the <i>Liquor Act 2019</i>
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	13 July 2026

DECISION

1. For the reasons set out below as a delegate of the Director of Liquor Licensing (the Director), I upheld a complaint against the licensee, **Alice Choice Caterers Pty Ltd** for having breached the *Liquor Act 2019* (the Act) on 24, 27, 28, and 31 March 2026, and 3, 4, 7, and 10 April 2026 by:
 - a. By providing live entertainment at the premises without employing or hiring at least one licensed crowd controller from 18:30 hours until the premises closes in accordance with the Northern Territory Liquor Commission (the Commission) Decision LC2025-001, dated 14 February 2025, contrary to section 293(1) of the Act.
2. Pursuant to section 163(1) of the Act, on completion of the investigation I am satisfied on the balance of probabilities, that the licensee or their employees have acted contrary to section 293 of the Act on 24, 27, and 31 March 2026, and 3, 4, 7, and 10 April 2026.
 - a. I take into account the licensee's response and also their overall compliance history. It is on the basis of all the materials that it is my decision to issue an infringement notice for the breaches pursuant to section 163(1)(d) of the Act and with reference to Schedule 6 of the *Liquor Regulations 2026* being:
 - a) section 293(1) of the Act – 5 penalty units (\$945.00).

REASONS

Background

3. On 6 September 2024, the Commission upheld a series of complaints against the former licensee of these premises, imposing inter alia, the following conditions on the licence:

Noise

1 Introduction and Interpretation

- 1.2.3 “the approved maximum sound pressure level” means the maximum sound pressure level approved by the Director

...

2 Arrangements for noise management

2.1 The licensee must install a noise limiting device to prevent noise being emitted in excess of the approved maximum sound pressure level measured at front of house (4 metres from the stage), even if the volume is turned up by the sound system operator.

2.2 The licensee shall only cause or permit music to be played at events or functions with the noise limiting device engaged.¹

4. On 14 February 2025, the Commission upheld a further series of complaints against the former licensee of these premises, imposing *inter alia*, the following conditions on the licence:

“...on days when there is live entertainment at the premises the licensee must employ or hire at least one licensed crowd controller from 18:30 until the premises closes. The licensed crowd controller(s) must wear clothing that identifies their function, and must enforce the provisions of the Liquor Act 2019 and the Liquor Regulations 2019 that apply to the premises, and the conditions of the licence.”²

5. Following on from those decisions Schedule A attached to the licence for the premises at [4] requires the licensee to keep a register of sound level measurements and produce the register to an inspector upon request.
6. On 11 March 2026, the licence was transferred from 2SCCP Pty Ltd to Alice Choice Caterers Pty Ltd, with Mr Digvijay Singh as nominee. No changes to the conditions of the licence were made or sought, with this licensee still held to those conditions imposed by the Commission against the former licensee.
7. On 11 April 2026, inspectors attended the premises to conduct compliance inspections and inquired as to whether the licensee had the requisite noise limited device or sound measuring device, which the licensee confirmed they did not have.
8. The inspectors then requested the licensee present their sound check register and also a copy of their security register.
9. The register had entries indicating they had a crowd controller on duty on 17, 20, 21, 24, 27, 28, 31 March and 3, 4, 7 and 10 April 2026.
10. Inquiries were subsequently made as to whether those persons listed on the register held licences under the *Private Security Act 1995*.
11. On or about 14 April 2026, after making those inquiries, an inspector confirmed none of the persons listed on the register held licences under the *Private Security Act 1995*.
12. From these inquiries the inspector lodged a complaint against the licensee for a breach of the conditions of the licence.
13. For completeness, that Act includes offence provisions which may be enlivened as a result of this investigation, however these are not the remit of the Director of Liquor Licensing and this matter is being undertaken under the provisions of the *Liquor Act 2019*, being a failure to comply with a condition of the licence.
14. The licensee was advised of the complaint as required on 14 April 2026 and rang the inspector on even date to discuss the matter.

¹ Northern Territory Liquor Commission, *Decision Notice – Complaints Against 2SCCP Pty Ltd T/A Jump Inn* [2024] NTLiqComm 36, 6 September 2024 at [3.2].

² Northern Territory Liquor Commission, *Reasons for Decision – Complaint Against 2SCCP Pty Ltd T/A Jump Inn*, [2025] NTLiqComm 7, 14 February 2025 at [1.2.b].

15. In the call Mr Singh stated words to the effect that they did not have live entertainment on 11 April 2026 and therefore did not require a crowd controller to be on duty.
16. This was clarified with the licensee in that 11 April 2026 is not a date being alleged as having breached the conditions of the licence.
17. On 28 April 2026 the licensee provided a response to the complaint which included an invoice from their purported security provider, Alice Security Officers Pty Ltd.

THE COMPLAINT

18. On 14 April 2026, 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.
19. 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.
20. A delegate of the Director accepted the complaint on 14 April 2026, 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.
21. On 14 April 2026, the licensee contacted the inspector to discuss the matter and subsequently provided a formal response on 28 April 2026.
22. In their response the licensee disputed the allegations stating they "...have engaged licensed crowd controllers for relevant music events where required".
23. The persons listed on the register as presented to the inspectors on 11 April 2026 have been confirmed as not having a licence under the *Private Security Act 1995*.
24. It is not in dispute that the licensee has provided an invoice on 28 April 2026 from their security provider for services over the relevant evenings and it is accepted that the licensee will have paid this invoice.
25. The invoice contained no details of the crowd controllers who were provided for those evenings.
26. A further inquiry was made of the licensee for a list of the persons who were provided by the provider for comparison purposes. This has not been presented by the licensee as required.
27. An issue arising from the investigation and consideration is the definition of "live music" and "live entertainment". It is widely accepted when a performer is physically playing instrument or singing that this falls within both terms.
28. What is open for interpretation is whether a DJ falls within these terms.
29. Traditional DJ performances were static and involved a person simply playing pre-recorded music and therefore it was not considered "live".
30. Today, DJs are moreover being considered live entertainers as they manipulate the pre-recorded music, effectively creating new music that is live and therefore may fall within those terms.
31. In the list of events it is noted on 28 March 2026 the licensee had DJ Roly performing at the premises. As we have no evidence of the manner in which he performed, that is whether he manipulated the pre-recorded music to create new music or not, it is not being alleged that the licensee required a crowd controller on 28 March 2026.
32. Also, no issue is being taken with the operation of the premises on 17, 20 and 21 March 2026.

33. All other dates alleged involved performers singing and/or playing instruments, including karaoke and therefore performing "live".
34. The register provided to the inspectors on 11 April 2026 is considered the most accurate record of who was working on the nights alleged, and is considered a contemporaneous note.
35. The invoice provided later, insufficiently particularising who worked those evenings is afforded little weight in terms of supporting the licensee's assertion they had licensed crowd controllers.
36. The register is the record compiled and maintained by the licensee for these purposes and therefore is the most accurate record for consideration. The subsequent claim asserted through an invoice is with respect, self-serving and of little assistance in this matter.
37. I see no reason to not accept the register as provided on 11 April 2026 as being a true reflection of who was on duty, and our subsequent investigation confirms none of those persons held valid licences on those evenings despite the assertions of the licensee.
38. It may a situation where the licensee has been mislead by their provider, however, it is incumbent upon the licensee to ensure their employees or contractors are licensed by simply asking to see their licence and prove their bona fides. This is a customary practice across the industry, especially as this is something that inspectors or police may check.
39. It is for the above that on the balance of probabilities I uphold the complaint in that the licensee had live entertainment at the premises on 24, 27 and 31 March 2026 and 3, 4, 7 and 10 April 2026, enlivening the requirement for a licensed crowd controller.
40. Despite being afforded the opportunity to provide further and better particulars in support of their claim, the licensee has failed to do so and I must therefore rely on the evidence before me.
41. It is not disputed that on the listed dates the licensee had a person in attendance performing the role of a crowd controller, the issue however is that they were not licensed which gives rise to the breach which I find proven.

DISCIPLINARY ACTION

42. 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.
43. In determining an appropriate disposition in this matter, I am required to apply the principles of proportionality, parity and deterrence.
44. 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.
45. 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.

46. Schedule 6 of the *Liquor Regulations 2019* the penalty units for conduct contrary to section 293(1) of the Act, being 5 penalty units.
47. 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 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 Jump Inn and the relevant inspector.



Mark Wood

Delegate of the Director of Liquor Licensing

13 July 2026