

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	Epilogue Enterprises Pty Ltd
PREMISES:	The Epilogue Lounge
LEGISLATION:	Part 7, Division 3 of the <i>Liquor Act 2019</i>
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	21 May 2025

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, Epilogue Enterprises Pty Ltd (the licensee) for having breached the *Liquor Act 2019* (the Act) on the 14 February 2025 when:
 - a. Contrary to section 141(1) of the Act, the licensee's employee failed to remove a person who was violent and quarrelsome.
2. Upon completion of the investigation into the complaint, I am satisfied that the following action should be taken:
 - a. Pursuant to section 163(1)(d) of the Act issue the licensee an infringement notice of 5 penalty units (\$925.00) in relation to the complaint.

REASONS

Background

3. Epilogue Enterprises Pty Ltd is the holder of liquor licence 80517222 (the licence) for the premises known as "The Epilogue Lounge" situated at 58 Todd Mall, Alice Springs NT 0870. The nominee is Mr Chris Wilkinson.
4. Section 141(1) of the Act specifies a 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.
5. On 14 February 2025, upon approaching The Epilogue Lounge at 22:42 hours, for the purpose of conducting licensed premises inspections, inspectors observed a male in the Todd Mall with head injuries, vomiting and being taken into police custody.

6. Police provided information that six people in total were taken into custody after becoming involved in an altercation at The Epilogue Lounge and raised concerns around RSA at the premises.
7. Consequently, inspectors requested footage from the premises to conduct an investigation into incident and claims of Police.
8. A review of CCTV footage was conducted and indicated all patrons involved in the altercation were on the premises for a short period of time. A female person of interest (POI) being on premises for the longest, arriving at 21:46 hours and departing at 22:34 hours.
9. The altercation is observed to have started at 22:24 hours between two males. Both males had arrived at the premises separately however, it was noted both males had marks on their faces when they entered the premises.
10. The first male to arrive sat near the rooftop entrance and engaged in conversation, the second male entered the premises and after tapping the seated male on the shoulder, immediately started to punch the male who was seated.
11. Other patrons, including the female POI, quickly became involved as the altercation moved downstairs with security attempting to intervene, however, was unable to control the situation on his own.
12. The female POI is identified as one of the more violent offenders in the altercation, using her high heel in her hand to repeatedly strike one of the males to the head and body and further kick him whilst he was on the ground.
13. Police attended the incident soon after and took a number of males into custody with the POI permitted to remain onsite. Following the incident, the POI returned to the upstairs area to retrieve her belongings. Whilst upstairs she drank from two cocktails before taking an alcoholic beverage downstairs where she engaged with staff as she exited the gate leading into the Todd Mall.

THE COMPLAINT

14. On 21 March 2025, an inspector lodged a complaint 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.
15. 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.
16. A delegate of the Director accepted the complaint on 25 March 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.
17. On 10 April 2025, the licensee provided a response to the particulars of the complaint. The licensee does not dispute the POI re-entered the upstairs area post incident, however, emphasised the period of less than three minutes in the upstairs area was brief. The licensee further highlighted whilst security personnel were assisting Police in the arrest of other patrons involved, a staff member tried to stop the POI from returning to the upstairs area, however, they insisted upon retrieving their belongings from the upstairs area before leaving.

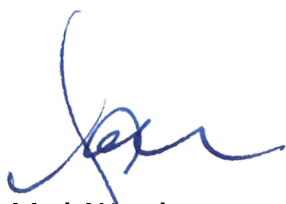
18. It is acknowledged the period the POI remained onsite was brief and it is considered reasonable to allow a person to retrieve their belongings prior to departure. However, upon displaying behaviour of such a violent and quarrelsome nature the person of interest should have been removed immediately after the altercation took place and not have had the opportunity to further consume liquor, or walk out to the front licensed area with a drink in hand.

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 is placed on notice that future matters of this nature may result in an escalation of penalties.
25. 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.

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 Epilogue Enterprises Pty Ltd and the relevant inspector.



Mark Wood

Delegate of the Director of Liquor Licensing

21 May 2025