

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	Tennant Creek Memorial Club Incorporated
PREMISES:	Tennant Creek Memorial Club
LEGISLATION:	Part 7, Division 3 of the <i>Liquor Act 2019</i>
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	11 September 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, Tennant Creek Memorial Club Incorporated (the licensee) for having breached the *Liquor Act 2019* (the Act) on 10 July 2026 when:
 - a. Contrary to section 293(1) of the Act, the licensee contravened a condition of the licence, namely by selling liquor for consumption away from the licensed premises a container greater than 24 cans of full-strength beer, being 30 cans as limited by order of the Northern Territory Liquor Commission on 28 May 2021; and
 - b. Contrary to section 130(2) of the Act, selling liquor to an individual for consumption away from the premises and being required to scan an approved form of identification failed to do so.
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 an infringement notice in relation to the complaint with reference to Schedule 6 of the *Liquor Regulations 2019* (the Regulations) as below for the breach pursuant to:
 - (i) section 293(1) of the Act – 5 penalty units - \$194.00 per unit = \$970.00 (not including any fees or levies); and
 - (ii) section 131(1) of the Act – 4 penalty units - \$194.00 per unit = \$776.00 (not including any fees or levies).
 - b. In total, \$1746.00 (not including any fees or levies).

REASONS

Background

3. Tennant Creek Memorial Club Incorporated is the holder of liquor licence 81402774 for the premises known as the Tennant Creek Memorial Club, situated at 48 Schmidt Street, Tennant Creek. The nominee is Mr Allan Holland.
4. On 28 May 2021, the Northern Territory Liquor Commission (the Commission) determined to vary the conditions of 19 licences, including this licence, placing limitations on the times and quantities of takeaway liquor that may be sold.
5. Of particular relevance to this matter, at paragraph 75(c) of that decision, the Commission limited the sale of full-strength beer to 24 cans only. The Commission allowing for 30 packs to be sold for only light and mid-strength beer.
6. Police provided information to the Director of Liquor Licensing in relation to an incident at the premises on 10 July 2026 where Police observed a patron depart the premises with a 30 can pack of Tooheys Extra Dry beer contrary to the restrictions.
7. Police intercepted the patron, returning the goods to the bar and made a report to Licensing NT.
8. An inspector conducted an investigation of the matter and through CCTV was able to confirm that the patron was served 30 cans of full-strength beer, with the entry on the Banned Drinker Register (BDR) system being for 30 cans of light or mid-strength beer.
9. In conducting that investigation it became apparent that another transaction was undertaken by scanning a membership card for a 750ml bottle of Grants Scotch Whisky, however, this was only through the point of sale which may not have been paid for. No scan appears to have been undertaken through the BDR for this transaction. The payment for the product is not a matter for further consideration here. The product was however supplied and therefore falls within the definition of "sell" in the Act.

THE COMPLAINT

10. On 4 August 2026, a complaint was lodged with the Director pursuant to section 160 of the Act.
11. 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.
12. A delegate of the Director accepted the complaint on 6 August 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.
13. On 20 August 2026, Mr Holland provided a response acknowledging the issue and making submissions in mitigation. He is thanked for his candour and the manner in which he has conducted this matter.

CONSIDERATION OF THE ISSUES

14. It is not in dispute that the staff member has seemingly sought to circumvent the requirements, noting he has claimed that he was not aware the beer was full-strength.
15. It is this aspect of the matter that is of most significance in that the issues around liquor in Tennant Creek and in particular takeaway liquor, is well-known.
16. Accordingly, any breaches relating to takeaway liquor sales are considered to be of a more serious nature, particularly when there is intent in the actions, as opposed to an innocent mistake.

17. I note the submission of Mr Holland that the staff member claims he was not aware of the alcohol content of the product he was selling. I frankly find this implausible, given it is clearly marked on the product and it is beholden on the staff member in the circumstances to make inquiries if they are uncertain.
18. This position is further strengthened by the evidence that in processing the transaction in the licensee's point of sale system was in the amount of \$65.00 for a "24 pack of Toohey's Extra Dry".
19. The other matter that arose from this investigation was the supply of a bottle of Scotch Whisky.
20. In that matter, the footage confirms the membership card was scanned at the point of sale, but no scan of an approved form of identification was undertaken in the BDR system.
21. The receipt for this transaction indicates a 700ml bottle of Grants Scotch Whisky and a packet of M&M chocolates, with the whisky being cleared out and the total being \$4.60 only.
22. In relation to the whisky purchase, it has been submitted by Mr Holland it was a committee member who claimed to have purchased it "...earlier maybe the day before" but they could not remember, suggesting it was being "held" for them.
23. It was submitted Toohey's Extra Dry cans come in a 30 pack and to comply with the limitation condition, staff remove a 6 pack from each carton, again making any claim by the staff member of a lack of knowledge implausible.
24. It is worth noting the BDR system was not live at the time of these events, but nevertheless, the licensee and their staff must scan these transactions and an orange screen will be displayed.
25. That screen was displayed in the first matter, but no scan appears to have occurred in the second matter.

DISCIPLINARY ACTION

26. 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.
27. In determining an appropriate disposition in this matter, I am required to apply the principles of proportionality, parity and deterrence.
28. 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.
29. This licensee has overall a very good compliance record, with only a few matters, but nothing of recent significance. The licensee should therefore be afforded the benefit of this history, notwithstanding, these breaches are of themselves considered serious and at the higher end of matters given the issues of takeaway liquor in Tennant Creek and the apparent intentional behaviour of the staff member.

30. In the circumstances I am satisfied that the appropriate disposition in these two matters is the issuing of an infringement notice.
31. Again, I thank Mr Holland for his response and dealings in this matter.

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 Tennant Creek Memorial Club Incorporated and the relevant inspector.



Mark Wood

Delegate of the Director of Liquor Licensing

11 September 2026