

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	Goldfields Eight Pty Ltd
PREMISES:	Goldfields Hotel Motel
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 October 2026

DECISION

1. For the reasons set out below as a delegate of the Director of Liquor Licensing (the Director), I uphold a complaint against the licensee, Goldfields Eight Pty Ltd (the licensee) for having breached the *Liquor Act 2019* (the Act) on 25 August 2026 when:
 - a. Contrary to section 285(1) of the Act, the licensee or the licensee's employee intentionally sold or otherwise supplied liquor to another person and the other person as on or in the licensed premises and intoxicated, and the person is reckless in relation to those circumstances; and
 - b. Contrary to section 141(1) of the Act, the licensee and the licensee's employees did not exclude or remove three persons who were quarrelsome or incapable of controlling their behaviour.
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 with reference to Schedule 6 of the *Liquor Regulations 2019* (the Regulations) as below for the breaches pursuant to:
 - (i) section 285(1) of the Act – 5 penalty units - \$194.00 per unit = \$970.00 (not including any fees or levies); and
 - (ii) section 141(3) of the Act – 3 penalty units - \$194.00 per unit = \$582.00 (not including any fees or levies).

In total \$1,552.00 (not including any fees or levies)

REASONS

Background

3. Goldfields Eight Pty Ltd is the holder of liquor licence 80102583 for the premises known as Goldfields Hotel Motel, situated at 113 Paterson Street, Tennant Creek. The nominees are Xuehai Yuan and Yinghai Liu.
4. At approximately 15:50 hours on 25 August 2026, police observed a male outside of the licensed premises who appeared to be asleep.
5. Police attempted to wake the male who was initially unresponsive. Once he was able to be woken he was placed in protective custody as the officer's observations were that he was grossly intoxicated, clearly smelling of alcohol, unable to walk unassisted with incoherent speech.
6. Police later conducted a breathalyser analysis of the male which returned a blood alcohol reading of 0.313 %.
7. Police later referred this matter to the Director on 29 August 2026 for further investigation in relation to the conduct of the licensee.
8. Inspectors subsequently made inquiries in relation to the alleged incident resulting in a complaint being lodged with a delegate of the Director on 1 October 2026, which was accepted on even date.

THE COMPLAINT

9. On 1 October 2026, a complaint was lodged with the Director pursuant to section 160 of the Act, the two grounds for the complaint being that the licensee or their employee had sold liquor to a person who was intoxicated and had failed to remove or exclude a person who was incapable of controlling their behaviour.
10. 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.
11. A delegate of the Director accepted the complaint on 1 October 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.
12. On 6 October 2026, Mr William Wang, Manager of the licensed premises provided an email response with submissions in relation to the matter.
13. I thank Mr Wang for his timely and fulsome response.

CONSIDERATION OF THE ISSUES

14. This matter arises from a report from Police who attended the premises upon observing a male asleep on the footpath outside the premises.
15. With the benefit of Police body-worn video, Police attempted to wake the male taking several attempts to rouse him. Once they were able to wake him commenting the male:

“...was observed to be grossly intoxicated, clearly smelling of alcohol, unable to walk at all unassisted due to his coordination and balance being effectively non-existent, very slurred to the point he was not able to be understood almost at all”.
16. As a result, Police placed the male into protective custody and when tested returned a blood alcohol content reading of 0.313%.

17. Police later referred the matter to the Director for investigation.
18. Inspectors sought CCTV recordings from the premises which confirmed the male entered the premises at 13:55 hours and although walking with a slight limp, is not displaying any signs of impairment.
19. From 14:16 hours it is the opinion of the Director that the male is displaying signs of impairment in his movement where he uses a pool table and wall for balance.
20. At 14:19 hours the male is observed being served a beverage in a can, the contents are not able to be confirmed.
21. The male is then observed proceeding to the rear of the premises again requiring assistance from furniture and physical structures to steady himself as he makes his way to a seat.
22. At 14:31 hours after finishing the drink from before, he is observed standing up and reaching for a partition for support which he misses, requiring a second attempt to grab it.
23. He sits again and appears to be given a can of drink from another patron who is not able to be identified, he drinks from it and hands it back.
24. At 15:05 it is still evident that the male is significantly impaired and unable to stand without support, or able to walk in a direct line.
25. The male is then attempting to make his way out of the premises at 15:08 hours and is clearly in a poor condition, with limited mobility and stability, with him leaving the premises of his own volition at 15:09 hours.
26. It is at 15:50 hours that Police discover him asleep at the front of the premises just outside of the entrance.
27. It is claimed by the licensee that the patron is well-known and known to them to have a permanent leg disability, the nature of which has not been disclosed however is accepted by the Director.
28. It is submitted by the licensee that the patron "...engaged in perfectly coherent conversations with other customer and exhibited absolutely no behavioural signs of intoxication".
29. It was further submitted by the licensee that the staff member who served the one drink to the patron is an experienced employee who engaged in a conversation that lasted at least one minute with the patron.
30. The licensee further relies upon police officers entering the premises and a claim they independently assessed the patron, permitting him to remain on the premises.
31. The provisions of section 141 of the Act places a positive obligation on the licensee and their employees to exclude or remove patrons who are, in this case, unable to control their behaviour through gross intoxication.
32. No such obligation applies to Police or inspectors who have a discretion as it is primarily the responsibility of the licensee to supervise and manage their premises.
33. It is also worthy of note that an intoxicated person may remain on the licensed premises, the prohibition rests with them not being served or supplied further alcohol, and they must be removed if their behaviour reaches those prescribed in the sub-section.
34. I note the licensee submits Police made an independent assessment of the patron; however, this is not evident in the footage and irrespective, it is not the role of Police to manage the licensee's premises.
35. Of significant relevance to this matter is the reading returned almost an hour after he exited the premises. There is no evidence that he consumed any further alcohol in the intervening period therefore it is accepted on the balance of probabilities that the extreme reading is a result of liquor consumed prior to entry and inside of the premises.

36. It is also conceded the patron appears to have only been served one drink, and that he has consumed liquor from other patrons. It necessarily follows his blood alcohol level must have been significant at his time of entry.
37. It is for those reasons, on the balance of probability, that I do not accept the submission of the licensee that he was not displaying any significant signs of impairment and that the staff member who served him a drink, who the licensee states is highly experienced, would not have been aware of a significant risk that the patron may be intoxicated.
38. I also find it implausible that the patron was able to engage without impairment with any party.
39. As I have raised in a previous matter, the licensee is not an experienced liquor licensee however, they are a long term business operator and residents of Tennant Creek, therefore they would be acutely aware of the significant issues, particularly around liquor in the town.
40. They are, through their associated businesses, heavily involved in retail in the town and therefore would be acutely aware of the significant risks of a person being intoxicated, especially on their licensed premises.
41. These matters are being dealt with as a breach of the conditions of the licence and the Act, they are not being dealt with in the criminal jurisdiction and therefore evidentially we are considering them on the balance of probabilities.
42. This not being a criminal matter notwithstanding, section 43AK of the *Criminal Code Act 1983* prescribes a person is reckless in relation to a result if the person is aware of a substantial risk and having regards to the circumstances known to the person, it is unjustifiable to take the risk.
43. Further, a person is reckless in relation to a circumstance if they are aware of a substantial risk that the circumstance exists and it is unjustifiable to take the risk.
44. On the balance of probabilities, I am of the opinion this licensee will be acutely aware of the substantial risk of the outcome and the circumstances given their experience living and operating businesses in Tennant Creek.
45. I therefore do not accept the submission there was no reasonable foreseeability to this matter and form the opinion the licensee was reckless in terms of their actions.
46. Accordingly, I find the allegations made out as particularised.
47. It should also be acknowledged the licensee has made great steps to prevent further issues and also to ensure staff are suitably trained. Their efforts are appreciated and it is acknowledged the environment in which they operate is challenging.
48. I strong urge the licensee to continue to work to improve issues at the premises and ensure they are and their staff are vigilant in terms of the risks associated with the service of liquor.

DISCIPLINARY ACTION

49. 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.

50. In determining an appropriate disposition in this matter, I am required to apply the principles of proportionality, parity and deterrence.
51. 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.
52. This is the second matter involving this licensee in a short period, and so soon after they have taken control of the operation. As expressed in the previous decision, this timeframe is of concern given the infancy of their operation.
53. I am however comforted by the proactive measures the licensee states they have put in place to enhance management and training at the premises.
54. Although it is the responsibility of the licensee to do this work, the Director will as always, provide assistance and guidance where required to support licensees.
55. Although the licensee appears to dispute the allegations, providing their own objective facts to the events, on the balance of probabilities as the patron returned such a significant blood alcohol reading it cannot reasonably be accepted that he was not displaying signs of intoxication at the time of service, or during his time on the premises.
56. This level of intoxication also supports the allegation that he was not capable of controlling his behaviour as is evidenced in footage where he is requiring assistance to keep his balance and navigate the premises.
57. In imposing the infringement notice I again caution the licensee that future matters may result in them being escalated to the Commission for determination.

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 Goldfields Eight Pty Ltd and the relevant inspector.



Mark Wood

Delegate of the Director of Liquor Licensing

13 October 2026