

## Delegate of the Director of Liquor Licensing

### Decision Notice

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<b>MATTER:</b>	Contravention of the <i>Liquor Act 2019</i>
<b>LICENSEE:</b>	Peppimenarti Club Association Inc.
<b>VENUE:</b>	Peppimenarti Club
<b>LEGISLATION:</b>	Section 285 of the <i>Liquor Act 2019</i>
<b>DECISION OF:</b>	Delegate of the Director of Liquor Licensing
<b>DATE OF DECISION:</b>	9 February 2024

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#### BACKGROUND

1. The Peppimenarti Club Inc. is the licensee for the Peppimenarti Club, licence number 80304129. The licensed premises is situated at Lot 11 PEPPIMENARTI NT 0822.
2. The Nominee is Ms. Regina Wilson.
3. On Friday 24 November 2023, NT Police advised they were called to the community of Pulumpa following reports that Mr. Stuart Gilbert had attended the Peppimenarti Club that day and became intoxicated, then returned to Pulumpa and became involved in a serious altercation with family members which required the attendance of NT Police.
4. On 10 January 2024, a complaint was formally lodged and accepted whereby the Licensee was formally advised and given the opportunity to provide a response.

#### PARTICULARS OF COMPLAINT

##### Allegation - Section 285 - Prohibition of liquor to intoxicated person

5. On 24 November 2023, it is alleged that the Licensee and the Licensee's employees contravened section 285 of the Act by intentionally selling or supplying liquor to an intoxicated person.

##### **Licensee's response to complaint**

6. On 12 January 2024, Mr. Whear further provided a written response to the complaint which in summary provides:
  - a) *"On the evening in question 24 November 2023, Mr Stuart Gilbert did attempt to gain access to the Peppi Club, however he was refused entry due to being intoxicated. Furthermore, following other issues taking place outside the club following the refused entry, he was also placed on the Club Banned Register for a period of 3 months."*
  - b) *A copy of the sign-in registry for 24 November 2023 is attached.*
  - c) *I note specifically that the police have provided no evidence whatsoever that Mr Gilbert attended the Peppimenarti Club on 24 November and have taken an unsupported statement of the intoxicated offender to initiate a formal complaint."*

## Investigation of Complaint

7. Licensing NT Senior Compliance Officer Holehouse commenced an investigation into the complaint noting the obligations of the Licensee pursuant to the Act.
8. The evidence for the complaint was based on the following documentation:

### Allegation

- a. Noting initial information provided by NT Police within their "Statement of Facts" stated that Mr. Gilbert attended the Club on the day in question. This information was obtained from Mr. Gilbert's sister who did not observe his attendance and which NT Police were unable to verify at the time.
- b. On 11 January 2024, the representative for the licensee, Mr. Ray Whear, provided Senior Compliance Officer Holehouse an image of the Clubs Sign in Register, dated 24 November 2023. The register evidenced persons that attended the club that same day and consisted of 36 names along with the community and lot number those persons reside at.
- c. A search of the Register referred to above evidenced that Mr Gilbert did not enter the club as stated by NT Police within police Statement of Facts.

## Analysis of Evidence

### Allegation

28. There is insufficient evidence to support that the Licensee or the Licensee's employees intentionally sold or supplied liquor to an intoxicated person in contravention of section 285 of the Act on 24 November 2023.
29. In making this determination, the following facts have been relied on:
  - a. The Peppimenarti Club Inc. is the Licensee for Liquor Licence 80304129, trading as the Peppimenarti Club.
  - b. The Northern Territory Police 'statement of facts' provided to Licensing NT on 26 November 2023.
  - c. The Licensee's Clubs Sign in Register, dated 24 November 2023.
  - d. The Licensee's response to the complaint dated 12 January 2024 disputing the allegation.
  - e. Mr. Gilbert not being in or on the licensed premises on 24 November 2023.
  - f. Mr. Gilbert not being sold or supplied liquor on the licensed premises on 24 November 2023.

## DECISION

30. In respect to allegation, that being a breach of section 285 of the *Liquor Act 2019*, I am satisfied that there are no grounds or evidence to justify taking further action and pursuant to section 163(1)(a) of the Act, have determined to take no further action.

## REVIEW OF DECISION

30. Section 27(1) of the *Liquor Act 2019* provides that an affected person for a delegate decision may apply to the Director for a review of the decision.
31. Section 27(2) of the *Liquor Act 2019* 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.

32. The affected persons in this matter are the licensee of Peppimenarti Club and Northern Territory Police



Bernard Kulda

Delegate of the Director of Liquor Licensing

13 February 2024