

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	Iris Todd Operations Pty Ltd
PREMISES:	Todd Tavern
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 April 2026

DECISION

- For the reasons set out below as a delegate of the Director of Liquor Licensing (the Director), I upheld a complaint against the licensee, Iris Todd Operations Pty Ltd (the licensee) for having breached the *Liquor Act 2019* (the Act) on 4 February 2026 when:
 - Contrary to section 141(1) of the Act, the licensee or their employees failed to exclude or remove from the licensed premises, persons who were violent, quarrelsome, disorderly or incapable of controlling their own behaviour.
- Upon completion of the investigation into the complaint, I am satisfied that the following action should be taken:
 - Pursuant to section 163(1)(d) of the Act and with reference to Schedule 6 of the *Liquor Regulations 2019* (the Regulations), issue an infringement notice of 3 penalty units (3 x \$189.00 = \$567.00).

REASONS

Background

- Iris Todd Operations Pty Ltd is the holder of liquor licence 80102200 for the premises known as Todd Tavern (the Tavern), situated at 1 Todd Street, Alice Springs NT 0870. The nominee is Mr Kevin Delfin Do Nascimento.
- Section 141(1) of the Act specifies the 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.
- On 5 February 2026, Licensing NT received information from NT Police alleging several alcohol-fuelled disturbances took place as a result of poor responsible service of alcohol from the Tavern on 4 February 2026.
- On 10 February 2026, an investigation into the information commenced.

7. Upon reviewing the footage, it was determined the Person of Interest (POI) arrived at the premises at 2241 hours (CCTV timestamp). At this time, the POI was not displaying obvious signs of impairment, or other negative behavioural displays.
8. A short period later, from 2254 hours, the POI appears to be disorderly and incapable of controlling her own behaviour and was observed to be violent towards others, within the premises on multiple occasions from 2300 hours. The POI was observed to stumble throughout the premises and was seen to slap a male patron on the face and across the back.
9. For completeness, there is no allegation or evidence of significant force being used, such that may injure or harm another, the actions however are overt and clearly demonstrating their disorderly manner.
10. The POI was still within the premises at 2330 hours, and it is reasonable in the circumstances that the POI should have been observed and removed from the premises prior to this time.
11. Of relevance to this matter, the POI was in the company of several other persons whose behaviour likewise may be considered contrary to this section at times however, those matters are not being alleged or pursued.

THE COMPLAINT

12. On 13 March 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.
13. 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.
14. A delegate of the Director accepted the complaint on 20 March 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.
15. On 2 April 2026, the licensee provided a response to the particulars of the complaint. The licensee acknowledged "that, with hindsight, earlier removal of the POI may have been preferable, however the existence of such discretion does not in itself establish a contravention of the Act."

DISCIPLINARY ACTION

16. 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.
17. In determining an appropriate disposition in this matter, I am required to apply the principles of proportionality, parity and deterrence.
18. 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.

19. 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.
20. Within 14 days of making this decision the Act requires the complainant, licensee and the Commission to be given a copy of the notice.
21. 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.
22. With regards to the allegation of failing to remove that patron, I accept the submission of the licensee in that but for the intervention of his companions, the licensee's staff would have removed him from the premises in accordance with the requirements.

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 Iris Todd Operations Pty Ltd and the relevant inspector.



Mark Wood

Delegate of the Director of Liquor Licensing

13 April 2026