

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	Gillen Club Incorporated
PREMISES:	The Gillen 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:	14 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, Gillen Club Incorporated (the licensee) for having breached the *Liquor Act 2019* (the Act) on 18 July 2026 when:
 - a. Contrary to section 141(1) of the Act, the licensee and the licensee's employees did not exclude or remove from the licensed premises any person who was disorderly or incapable of controlling the person's 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 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 141 of the Act – 3 penalty units - \$194.00 per unit = \$582.00 (not including any fees or levies).

REASONS

Background

3. The Gillen Club Incorporated is the holder of liquor licence 81402891 for the premises known as the Gillen Club, situated at 57 Milner Road, Gillen. The nominee is Mr Ian McCormack.
4. On 20 July 2026, an anonymous complaint was received by Licensing NT in relation to an incident at the premises on Saturday, 18 July 2026 between the hours of 23:00 and 23:30.
5. It was alleged that a male patron had been dancing on top of table in the rear area of the premises, falling from the table and injuring his head. Information suggest he was taken to hospital for treatment.

6. Inspectors obtained CCTV footage from the premises confirming the fall from the table by the male patron as alleged and also several other instances of patrons climbing onto the tables and dancing, as well as removing their bottom clothing (“dropping them”) and dancing and singing.
7. It also was confirmed the male had slipped on wet concrete and hit his head, losing consciousness for a short period before being assisted from the premises by his companions.

THE COMPLAINT

8. On 14 August 2026, a complaint was lodged with the Director pursuant to section 160 of the Act, the grounds for the complaint being that the licensee has contravened another provision of the Act.
9. 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.
10. A delegate of the Director accepted the complaint on 19 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.
11. On 9 September 2026, Mr McCormack advised counsel had been engaged and sought an extension of time to respond, which was granted.
12. Later of even date, Mr Luke Gardiner of Gardiner & Associated Lawyers, as Counsel for the licensee provided a response to the allegations.
13. In his response, Mr Gardiner acknowledged the matter and advised his client accepted the allegation as made out in the complaint.
14. I thank both Mr McCormack and Mr Gardiner for their assistance in this matter and the candour of their response.

CONSIDERATION OF THE ISSUES

15. The incident appears to have arisen from a celebratory event related to a sporting club that is supported by the licensee.
16. The dancing and “dropping them” was to the song Eagle Rock by Daddy Cool, where there is a tradition that patrons drop their bottom clothing and dance to the song.
17. Although an “accepted” tradition, this needs to be looked at in the context of where it was being done, that being an open area of a family friendly community club.
18. As this licensee has accepted the allegations, it serves no purpose to examine the issues in depth. There were a number of patrons who are accepted as being incapable of controlling their behaviour, including dancing on top of tables, with one falling and sustaining an injury and “dropping them” whilst dancing.
19. A review of the CCTV footage confirms the male patron is observed consuming at least nine drinks during a period of three hours and he jumped from the table, slipping when he landed.
20. The result had the potential to be catastrophic, but thankfully was not.
21. The significant concern in this matter, the apparent injury notwithstanding, was the lack of action by crowd controllers or staff who had several opportunities to observe the behaviour, intervene and take action to calm the events. This would likely have prevented the male patron slipping over.

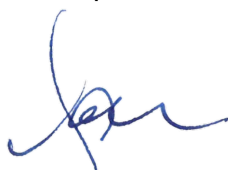
22. The licensee has provided a fulsome submission as to actions that have subsequently been taken to prevent this happening again. I accept them and thank the licensee for the seriousness with which they have taken this matter.
23. On the basis of the above, I am confident that this was an aberration and unlikely to occur again.

DISCIPLINARY ACTION

24. 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.
25. In determining an appropriate disposition in this matter, I am required to apply the principles of proportionality, parity and deterrence.
26. 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.
27. It is of particular relevance to the disposition taken in this matter that the licensee has not previously been the subject of disciplinary action.
28. In the circumstances I am satisfied that the appropriate disposition is the issuing of an infringement notice. I am confident there is unlikely to be any future similar issues.
29. Again, I thank Mr McCormack and Mr Gardiner for their assistance 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 Gillen Club Incorporated and the relevant inspector.



Mark Wood
Delegate of the Director of Liquor Licensing
14 September 2026