

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:	17 April 2025

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 Tennant Creek Memorial Club (the licensee) that on 16 February 2025 the licensee or an employee of the licensee, had breached the *Liquor Act 2019* (the Act) by:
 - a. selling liquor to another person and that person was in the licensed premises and was intoxicated, contrary to section 285(1) of the Act; and
 - b. failed to remove a person who was disorderly, contrary to section 141(1) of the Act.
2. Upon completion of the investigation into the complaint, I am satisfied grounds for disciplinary action exist and the following action should be taken:
 - a. Pursuant to section 163(1)(b) give the licensee a formal warning in relation to the complaint.

REASONS

Background

3. Tennant Creek Memorial Club Incorporated is the holder of liquor licence 81402774 (the licence) for the premises known as the Tennant Creek Memorial Club, situated at 48 Schmidt Street, Tennant Creek NT 0860. The nominee is Allan Edgar Holland.
4. The licence is issued with the following authorities:
 - takeaway
 - club
 - late night

5. Section 285(1) of the Act specifies a person commits an offence if the person is a licensee or a licensee's employee and the person intentionally sells or otherwise supplies liquor to another person who is on the licensed premises and is intoxicated and the employee is reckless in relation to those circumstances.
6. Section 141(1) of the Act specifies a 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.
7. On 17 February 2025, Licensing NT received a Support Link Referral (SLR) from NT Police detailing a female (POI), had allegedly been intoxicated at the Tennant Creek Memorial Club (Memorial Club) on 16 February 2025.
8. As a result, footage was requested from the premises to conduct an investigation into the prior movements of the POI Police had interacted with on the evening of 16 February 2025.
9. A review of CCTV footage was conducted and depicted the POI presenting to the premises for entry at approximately 15:18 hours. Upon entry to the premises the female's coordination and gait is unremarkable.
10. The female is observed through the CCTV to be on the premises for approximately 4 hours and consumes approximately 8 glasses of wine.
11. There is a noticeable decline in the female's behaviour whilst she is in the premises. The female's balance, coordination and behaviour is observed to be noticeably impaired, and it was alleged the female was intoxicated when she was served liquor at the bar at approximately 18:23 hours, and that the female should have been removed from the premises prior to her departure at 19:29 hours.

THE COMPLAINT

12. On 27 March 2025, an inspector lodged a complaint with the Director, 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 3 April 2025 within the 14 day prescribed period, and the licensee was given a notice of the substance of the complaint in compliance with section 162(1) of the Act within the prescribed period and invited to provide a response to the complaint.
15. On 11 April 2025, the licensee provided a response to the complaint submitting an apology for the alleged breach occurring and advised following the incident the Memorial Club requested training from Licensing NT, to circumvent similar situations occurring in the future.
16. Following the request from the nominee, Licensing NT delivered education and training to the licensee and employees on 20 March 2025.

DISCIPLINARY ACTION

17. 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.
18. In determining an appropriate disposition in this matter I am required to apply the principles of proportionality, parity and deterrence.
19. 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.
20. Having regards to previous like matters including the objective level of seriousness, the licensee's submission and work to prevent future occurrences and previous penalties imposed for other matters, I have determined the appropriate action to take against the licensee is to issue a formal warning.
21. The licensee has demonstrated to inspectors their efforts to prevent further occurrences of this nature and is to be afforded the benefit of their admissions.
22. Within 14 days of making this decision the Act requires the complainant, licensee and the Commission to be given a copy of the notice.
23. It is noted this notice is not being issued within the prescribed period however, with reference to section 318 of the Act I extend the time for the issuing of this notice as a delegate of the Director to 28 days.
24. The licensee is placed on notice that future matters of this nature may result in an escalation of penalties.

REVIEW OF DECISION

28. 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.
29. 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.
30. The affected persons in this matter are the licensee of the Tennant Creek Memorial Club and the relevant inspector.



Mark Wood

Delegate of the Director of Liquor Licensing

17 April 2025