

## Delegate of the Director of Liquor Licensing

### Decision Notice

---

<b>MATTER:</b>	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
<b>LICENSEE:</b>	Iris Gap View Operations Pty Ltd
<b>PREMISES:</b>	Gap View Hotel
<b>LEGISLATION:</b>	Part 7, Division 3 of the <i>Liquor Act 2019</i>
<b>DECISION OF:</b>	Delegate of the Director of Liquor Licensing
<b>DATE OF DECISION:</b>	11 November 2025

---

### 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 Gap View Operations Pty Ltd (the licensee) for having breached the *Liquor Act 2019* (the Act) on 12 September 2025 when:
  - Contrary to section 141(1) of the Act, the licensee's employee failed to remove a person who was violent, disorderly and unable to control their 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 the licensee an infringement notice in the amount of 3 penalty units (3 x \$189 = \$567.00) in relation to the complaint.

### REASONS

#### Background

- Iris Gap View Operations Pty Ltd is the holder of liquor licence 80102399 (the licence) for the premises known as "Gap View Hotel" situated at 123 Gap Road, The Gap NT 0870. The nominee is Uttam Kumar Paudel.
- The licence is issued with the following authorities:
  - Restaurant Bar authority
  - Takeaway authority
  - Public Bar authority
  - Late Night authority

5. 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.
6. On 12 September 2025, Licensing NT received information from NT Police about a male person of interest (POI) who was located at the Gap View Hotel, placed into protective custody and conveyed to the Alice Springs Hospital. Police stated the male was 'slumped bent over backwards over a stool in the front bar of Gap View near the front toilets in the corner. He was hard to be roused, couldn't stand and had to be physically escorted out'.
7. A review of CCTV footage obtained from the premises shows the POI arriving at 1901 hours. Upon entry into the front door the male trips up the step and is assisted by male companions to keep his balance. The POI enters through the front door of the bar area at 1903 hours and appears unsteady on his feet. He stands to the right of the door with 2 companions. The POI's 2 male companions go to the bar service area and return with 3 drinks in hand and pass one of to the POI. The POI walks unsteadily along the glass doors using them to keep balance before sitting down on a stool in the front corner near the toilets.
8. At 1944 hours the POI stands up and falls over hitting the glass doors behind him and requires assistance to get back to his feet again. At 1945 hours the POI strikes a female patron who has approached the group. While the POI is sitting on the stool and over a period of approximately 1 hour 20 minutes the POI spits on either himself or the floor approximately 25 times.
9. At 2043 hours the POI appears to fall asleep, with a male patron coming over to try and wake him a couple of times without success. At 2048 hours the POI loses balance and starts to fall off the stool, he struggles to get his balance and sit up right before finally falling to the floor and remaining there, apparently falling asleep again. At 2050 hours a crowd controller comes over to the POI and tries to wake him up.
10. Police arrive at the premises at 2056 hours with the first officer entering the main front door at 2058 hours. The officer is alerted to the POI at 2059 hours by a staff member who was previously vetting ID's on the door. The POI was escorted out of the premises by Police and taken into protective custody before being transported to the Alice Springs Hospital.
11. During his time at the premises the POI displays signs of intoxication and disorderly behaviour, with CCTV footage showing him off balance, tripping up the entrance stairs, being unable to stand unassisted, spitting on himself and the floor, and falling asleep. The behaviour exhibited by the male is imminent upon arrival to the premises and it is reasonable in the circumstances that he should have been removed from the premises prior to Police removing him at 2100 hours.

## THE COMPLAINT

12. On 2 October 2025, a complaint alleging one matter 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 8 October 2025 within the 14 day prescribed period and on 8 October 2025, 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 them to provide a response to the complaint.
15. On 21 October 2025, the licensee provided a response to the particulars of the complaint. The licensee does not dispute the POI showed signs of intoxication when approaching the front entrance and found it concerning, that he was permitted entry despite the indicators. The licensee is currently undertaking an internal investigation into the conduct of the security personnel on duty that night, and appropriate action will be taken based on the findings.
16. The licensee conceded that a crowd controller attempted to engage with the POI prior to Police arriving, however, the length of time the POI was permitted to remain on the premises while showing obvious signs of intoxication indicates the POI shouldn't have been permitted entry or should have been removed prior to Police attendance.

## ANALYSIS OF EVIDENCE

17. It is not in dispute the person showed signs of intoxication at their time of entry to the premises. Section 141(2) of the Act provides a discretion to the licensee to exclude a person showing these signs, however, it is an accepted principle that no person should be admitted when displaying these signs.
18. Had the licensee, or their employees taken a cautious approach at the point of entry, this matter would not have resulted.
19. There is however no discretion in terms of section 141(1) of the Act which is explicit in terms of placing a positive obligation on the licensee and their employees to exclude or remove a person.
20. This matter is in many ways similar to a recent matter involving a related licensed premises, whereby a patron had fallen asleep. In that matter there is no suggestion the patron was violent, is the case in this matter when he is observed striking the female patron.
21. On that matter the complaint was upheld on the basis that a person falling asleep does fall within the remit of being unable to control their behaviours.
22. This matter distinguishes that matter, and arguably takes it to a higher level of outcome by the overall behaviour of the patron, which included violence.
23. Despite the failure of the licensee and their employees on this occasion, the licensee has been frank and forthcoming in terms of their response.
24. They have accepted their failure and it is acknowledged the company overall is taking real steps to avoid future issues. The licensee therefore is entitled to the benefit of such actions in terms of a disposition in this matter.

## DISCIPLINARY ACTION

25. 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.
26. In determining an appropriate disposition in this matter I am required to apply the principles of proportionality, parity and deterrence.
27. 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.
28. 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.
29. Within 14 days of making this decision the Act requires the complainant, licensee and the Commission to be given a copy of the notice.
30. 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 is the licensee of Gap View Hotel, the Police officer, and the relevant inspector.



**Mark Wood**

Delegate of the Director of Liquor Licensing

11 November 2025