Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the *Liquor Act 2019*
LICENSEE:	Goldfields Eight Pty Ltd
PREMISES:	Goldfields Hotel Motel
LEGISLATION:	Part 7, Division 3 of the *Liquor Act 2019*
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	23 September 2026

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 licensee, Goldfields Eight Pty Ltd (the licensee) for having breached the *Liquor Act 2019* (the Act) on 11 July 2026 when:
   a. Contrary to section 293(1) of the Act, the licensee did contravene a condition of their licence, being the condition referred to as Adequate Security; and
   b. Contrary to section 141(1) of the Act, the licensee and the licensee's employees did not exclude or remove three persons who were quarrelsome or incapable of controlling their 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)(b) give the licensee a formal warning in relation to the complaint; and
   b. Pursuant to section 163(1)(d) of the Act, issue an infringement notice with reference to Schedule 6 of the *Liquor Regulations 2019* (the Regulations) as below for the breaches pursuant to:

      (i) section 293(1) of the Act – 5 penalty units - $194.00 per unit = $970.00 (not including any fees or levies); and

      (ii) section 141(3) of the Act – 3 penalty units - $194.00 per unit = $582.00 (not including any fees or levies.

      In total $1,552.00 (not including any fees or levies)

REASONS

Background

3. Goldfields Eight Pty Ltd is the holder of liquor licence 80102583 for the premises known as Goldfields Hotel Motel, situated at 113 Paterson Street, Tennant Creek. The nominees are Xuehai Yuan and Yinghai Liu.

4. On 14 July 2026, inspectors from Alice Springs attended the premises to conduct compliance checks. It was during this attendance that they received two anonymous reports of issues at the premises on 10 July 2026.

5. The inspectors subsequently made inquiries in relation to the alleged incidents resulting in a complaint being lodged with a delegate of the Director on 24 August 2026, which was accepted on 27 August 2026.

THE COMPLAINT

6. On 24 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 a condition of their licence and that the licensee or their employee had failed to remove or exclude three persons who were quarrelsome or incapable of controlling their behaviour.

7. 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.

8. A delegate of the Director accepted the complaint on 27 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.

9. On 16 September 2026, Mr Luke Gardiner, of Gardiner & Associates Lawyers, as Counsel for the licensee provided a fulsome response to the allegations. He is thanked for his response and assistance in this matter.

10. Mr Gardiner has, on behalf of his client, acknowledged the issues and failures and provided a submission in mitigation of the events.

CONSIDERATION OF THE ISSUES

11. This matter arises from anonymous reports made to inspectors when in attendance at the premises about the conduct of the business on 10 July 2026.

12. The initial concerns expressed by the informants centred on the number of patrons on the premises and the lack of any apparent effective control over the service of liquor and behaviour of patrons.

13. Inspectors conducted a review of the CCTV of the premises which indicated between 14:00 hours and 16:30 hours, no control over the access or egress to the premises allowing unfettered entry to the premises.

14. Estimations of the persons departing the premises through viewing the CCTV system suggests approximately 425 persons departing the premises at 16:30 hours. The approved maximum capacity for the premises is a collective maximum for all areas of 310 persons.

15. At least five patrons are observed leaving the premises unchallenged with liquor in their possession.

16. The submission from the licensee was that the person (unlicensed under the *Private Security Act 1995*) who had been rostered on as "security" made the decision to leave the door and assist behind the bar in serving liquor on the basis "…they could not keep up with the number of patrons in the venue".

17. As has been acknowledged in their response, this is counter-intuitive and caused an exacerbation of the issue.

18. The second branch of this matter centres on three patrons who were quarrelsome or incapable of controlling their behaviour. I must however comment, this branch could easily have been expanded by my viewing of the materials given the behaviours demonstrated and not challenged by staff, of several other patrons in the premises.

19. The three specified in this matter are observed taking drinks from other patrons, sitting on the pool table and interfering with patrons trying to play pool, and unsteady on their feet.

20. As the licensee has admitted to the behaviours as alleged, it serves no material purpose to go exhaustively examine them. I thank the licensee for their candour and also acknowledge the actions they state they have taken to prevent future occurrences.

21. An issue was raised by Mr Gardiner in the response which should be addressed for completeness.

22. It has been submitted that although a concession has been made that security were not monitoring the premises, the actions were not intentional or reckless as prescribed in section 293(1) of the Act.

23. The licensee is not an experienced liquor licensee however, they are a long term business operator and residents of Tennant Creek, therefore they would be acutely aware of the significant issues, particularly around liquor in the town.

24. They are, through their associated businesses, heavily involved in retail in the town and I do not accept a suggestion they could not reasonably foresee the potential spike in patron numbers over the Tennant Creek Show or other regional factors.

25. This is commonplace in all regional areas, including Tennant Creek. I am also certain the licensee would be acutely aware of the significant alcohol problems in the town and the behaviours associated with its misuse.

26. These matters are being dealt with as a breach of the conditions of the licence and the Act, they are not being dealt with in the criminal jurisdiction and therefore evidentially we are considering them on the balance of probabilities.

27. This not being a criminal matter notwithstanding, section 43AK of the *Criminal Code Act 1983* prescribes a person is reckless in relation to a result if the person is aware of a substantial risk and having regards to the circumstances known to the person, it is unjustifiable to take the risk.

28. Further, a person is reckless in relation to a circumstance if they are aware of a substantial risk that the circumstance exists and it is unjustifiable to take the risk.

29. On the balance of probabilities, I am of the opinion this licensee will be acutely aware of the substantial risk of the outcome and the circumstances given their experience living and operating businesses in Tennant Creek.

30. I therefore do not accept the submission there was no reasonable foreseeability to this matter and form the opinion the licensee was reckless in terms of their actions.

31. Accordingly, I find the allegations made out as particularised.

32. As written earlier, I acknowledge the licensee for the measures they state they have and are implementing in an attempt to prevent any future incidents.

33. I must however express my significant concern through this matter and other dealings with the licensee by not only myself but inspectors, that the licensee may not have the necessary knowledge, skills and abilities to operate what is acknowledged as a very challenging licence.

34. I strongly recommend the licensee invest in hiring suitably qualified and experienced staff, who have dealt with similar operations which will assist them in ensuring these issues do not arise again.

DISCIPLINARY ACTION

35. 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.

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

37. 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.

38. It is a benefit that this licensee has not previously been the subject to disciplinary action no doubt as a result of their short tenure as licensee. It is this short tenure that is, however, conversely of particular concern as I have not previously had a licensee being disciplined so soon after taking over a licence.

39. The time as licensee notwithstanding, the licensee should be afforded the benefit of acknowledging the issues in the first instance and it is for that reason I am satisfied that the appropriate disposition in these two matters is the issuing of an infringement notice and the formal warning.

40. The licensee is placed on notice that concerns have been raised as to the conduct of the licence. Any future disciplinary actions may result in them being escalated to the Commission for determination.

41. In imposing the infringement notice I also formally warn the licensee that it is clear their systems are insufficient in terms of controlling and managing the premises. The licence contains the following conditions relevant to this matter:

Adequate Security	Adequate security at licensed premises shall be provided in the manner approved by the Director of Liquor Licensing. The Licensee shall keep a record of the full name, residential address and licence number of each licensed crowd controller employed at the licensed premises, which shall be immediately provided on request to an Inspector of Licensed premises or an Inspector appointed under the *Private Security Act*.

and

Variation of Conditions by Liquor Commission 28 May 2021	a) The licensee must install, maintain and operate a camera surveillance system in compliance with the requirements and guidelines prescribed by the Director, including CCTV camera surveillance at the point of sale designed and operated so as to record information regarding the items purchased, the use of the BDR scanner, interactions between the purchaser and the salesperson, the appearance of the purchaser and the appearance of the salesperson. The licensee must retain all data captured by the camera surveillance system for not less than 14 days. The licensee must maintain a register of the CCTV including a daily log of the date and time check, as well as any use of the system by the licensee, an employee of the licensee, inspector or police officer. The system is to be protected from unauthorised use, and the register must be produced to the Director on request.

42. Inspectors have been advised the licensee is "working on" a CCTV plan for the approval of the Director, but at this time they are not compliant with the requirements.

43. Likewise, there is no security plan in place and it is evident from the materials that the licensee has no personnel who are licensed under the *Private Security Act 1995*. Although not being dealt with in this matter, that Act reads:

> **13 Requirement to be licensed**
>
> (1) A person shall not:
>
> (a) carry out the functions of a security provider; or
>
> (b) advertise, or in any way hold out, that the person carries out or is willing to carry out, the functions of a security provider, unless the person holds the appropriate licence.
>
> Penalty: In the case of a natural person – 100 penalty units.
>
> …
>
> (1A) An offence against subsection (1) is a regulatory offence.
>
> (2) A person shall not, directly or indirectly, engage another person to carry out the functions of a security provider unless the other person holds the appropriate licence.
>
> Penalty: In the case of a natural person – 100 penalty units.
> In the case of a body corporate – 500 penalty units.
>
> (2A) An offence against subsection (2) is a regulatory offence.

44. From this, the person who purportedly was holding themselves out to be security on that day may be subject to a penalty of $19,400 and the licensee for employing them, $97,000.

45. Accordingly, the licensee is warned to ensure they have a security plan prepared and approved by the Director or their delegate as a matter of urgency, and they are not to employ any person to perform duties prescribed under that Act unless they are suitably licensed.

46. The licensee and personnel not only open themselves to the penalties prescribed in that Act, but also significant civil penalties in the event of an incident where a person suffers harm or worse as a result of their unlicensed actions.

47. Regrettably, there has been a number of catastrophic incidents in this jurisdiction involving both licensed and unlicensed personnel and we do not wish for this licensee to expose themselves to the potential for a failure to comply 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 Northern Interests Pty Ltd and the relevant inspector.

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