

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:	30 June 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, **Iris Todd Operations Pty Ltd** (the licensee) for having breached the *Liquor Act 2019* (the Act) on the 12 March 2026 by:
 - a. Contrary to section 141(1) of the Act, the licensee failed to remove a person who was quarrelsome.
2. Pursuant to section 163(1) of the Act, on completion of the investigation I am satisfied on the balance of probabilities, that the licensee or their employees have acted contrary to section 141(1) of the Act on 12 March 2026.
 - a. I take into account the licensee's response and also their overall compliance history. It is on the basis of all the materials that it is my decision to dismiss the allegations of breach one and two as set out below, and issue an infringement notice for the third breach pursuant to section 163(1)(d) of the Act and with reference to Schedule 6 of the *Liquor Regulations 2026* being:
 - a) section 141(1) of the Act – 3 penalty units (\$567.00).

REASONS

Background

3. Iris Todd Operations Pty Ltd is the holder of liquor licence 80102200 for the premises known as "Todd Tavern", situated at 1 Todd Street, Alice Springs NT 0870. The nominee is Mr Kevin Delfin Do Nascimento.
4. 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.

5. On 12 March 2026, inspectors attended Todd Tavern for the purpose of conducting after hours inspections of licensed premises. Upon attending the premises at 19:44 hours and making observations, inspectors formed the opinion some patrons appeared intoxicated and disorderly.
6. After reviewing inspectors' body worn footage and CCTV footage from 12 March 2026, inspectors alleged the licensee breached section 141(1) of the Act by failing to remove three persons who were violent, quarrelsome, disorderly or incapable of controlling their behaviour.
7. The first alleged breach involved a female wearing a navy-blue t-shirt, black shorts and thongs who soon after entering at 18:01 hours, displayed signs of intoxication by walking around the premises in an unsteady and poorly composed manner. At 19:47 hours, at the request of inspectors, the duty manager removed the female from the premises however after returning at 20:42 hours she was permitted to re-enter the premises. The female continued to display signs of intoxication and being unable to control her behaviour by dancing provocatively, having poor composure when seated, further to this she was able to consume liquor provided to her by another patron.
8. During the female's time within the premises she walked in and out the front doors of the premises and spoke with the duty manager at the front and within the premises on several occasions. There were at least four staff members on duty during this time who observed as often being within the proximity of the female. Despite there being ample opportunity, staff twice failed to assess her as disorderly and incapable of controlling her behaviour and remove her from the premises. The female remained on premises when the reviewed footage ended at 21:00 hours.
9. The second alleged breach involved a male who entered the premises at 20:01 hours wearing a black 'Utopia' singlet, long black pants and thongs. Soon after entering he was observed stumbling and bumping into furniture and fittings. At 20:05 hours after swapping his shirt with another male wearing a black 'Brooklyn' t-shirt he stumbled directly in front of a staff member who appeared undeterred by this behaviour.
10. At 20:11 hours, Police removed the male and brought this to the attention of security. Although security initially refused his attempted re-entry, he swapped his shirt for a second time and returned at 20:30 hours. After speaking with security, he was permitted to re-enter and proceeded to stumble throughout the premises before leaving on his own accord at 20:44 hours.
11. With at least four staff members on duty during the male's time within the premises, staff twice failed to assess him as disorderly and remove him from the premises.
12. The third breach involved a male wearing a black cap, 'Magpies' AFL top and long black pants who entered the premises at 19:13 hours in the company of a female with short purple hair. Soon after entering the premises the male got into a disagreement with another male and his partner which required staff intervention. A short time later he called the same couple toward him and the disagreement continued with one of the same staff members and the duty manager intervening.
13. This quarrelsome behaviour enlivened the obligation of the licensee and their employee to remove this patron.
14. The male was later approached by another female and they appeared to have an ongoing disagreement which was twice brought to staff's attention. At 19:32 hours the male again approached the couple and continued the disagreement they had earlier which prompted other patrons to intervene before the duty manager removed him at 19:34 hours.
15. At 20:52 hours the male returned to the premises and although security was present when the male was removed earlier, the male was permitted to re-enter after being assessed by security.
16. Although the male was only within the premises for a short period of time, he had three altercations with the same two patrons and numerous other altercations with another female, the

male should have been removed earlier due to his quarrelsome behaviour of which staff were aware.

THE COMPLAINT

17. On 8 May 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.
18. 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.
19. A delegate of the Director accepted the complaint on 22 May 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.
20. On 6 June 2026, the licensee provided a response to the particulars of the section 160 complaint. The licensee disputed the first and second alleged breaches set out by Licensing NT and made admissions to the third.

DISCIPLINARY ACTION

21. 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.
22. In determining an appropriate disposition in this matter, I am required to apply the principles of proportionality, parity and deterrence.
23. 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.
24. 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 dismiss alleged breaches one and two and issue an infringement notice for the third breach which was admitted.
25. Within 14 days of making this decision the Act requires the complainant, licensee and the Commission to be given a copy of the notice.

26. The licensee has acknowledged that all the persons of interest should have been removed or not been granted entry admitting that staff did not act appropriately in accordance with their obligations under section 141 of the Act. The licensee did not however agree that the first and second breach met the threshold of disorderly conduct as intended by the act. Further the licensee reiterated patrons entering a premises intoxicated or re-entering after removal does not constitute a breach under section 141 of the Act.
27. The licensee has, with qualifications disputed the first and second alleged breaches and made admission to the third. Licensing NT conceded the allegations of disorderly behaviour in the first and second breach were inaccurate and 'incapable of controlling their own behaviour' would have been more appropriate in the circumstances. The licensee should therefore be afforded the benefit of such a concession, which has strongly influenced the disposition taken.
28. For completeness, although section 141 of the Act does not prohibit a licensee from allowing a person who is intoxicated from entering their premises, as posed by the licensee in their response, the Director strongly recommends against such a position, as it is likely to result in a breach of the Act or their licence conditions as has happened in this matter.
29. Licensing NT maintains its position that licensees should take a cautious approach to patron's levels of intoxication and further, although it is only an obligation to remove a patron once they have met the threshold of behaviours described in subsection 141(1) of the Act, with subsection (2) providing a discretion if the patron is simply intoxicated, if a patron is identified as being intoxicated they should likely be removed as soon as is practicable to prevent enlivening subsection (2).

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 Todd Tavern and the relevant inspector.



Mark Wood

Delegate of the Director of Liquor Licensing

30 June 2026