

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	J AN R Jenkins Pty Ltd
PREMISES:	Tennant Creek Hotel
LEGISLATION:	Part 7, Division 3 of the <i>Liquor Act 2019</i>
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	12 August 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, J AN R Jenkins Pty Ltd (the licensee) for having breached the *Liquor Act 2019* (the Act) on 11 June 2026 when:
 - a. Contrary to subsections 137(1)(a) & (b) of the Act, the licensee did not ensure that every employee whose responsibilities involve serving patrons liquor held an approved responsible service of alcohol certificate and completes a refresher course on the responsible service of alcohol from a body approved by the Commission if the certificate is more than 5 years old; and
 - b. Contrary to section 137(3)(b) of the Act, the licensee must keep a copy of each employee's certificate.
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)(a)(ii) of the Act, the matter does not warrant taking further action.

REASONS

Background

3. J AN R Jenkins Pty Ltd is the holder of liquor licence 80102044 for the premises known as Tennant Creek Hotel, situated at 146 Paterson Street, Tennant Creek NT 0860. The nominee is Mr Jon Russell Jenkins.
4. Section 137 of the Act specifies:
 - (1) A licensee must ensure that every employee whose responsibilities involve serving patrons or supervising the serving of patrons:
 - (a) holds a responsible service of alcohol certificate issued by a body:
 - (i) accredited by the Australian Skills Quality Authority; or
 - (ii) approved by the Commission; and

(b) completes a refresher course on the responsible service of alcohol from a body approved by the Commission if the certificate is more than 5 years old.

...

(3) A licensee must keep the following:

- (a) a record, in the approved form, of the names of all employees who hold the certificate;
- (b) a copy of each employee's certificate.

5. On 11 June 2026, inspectors were attending the premises for the purposes of conducting an audit of the premises and requested the production of the licensee's RSA register and all employee's certificates. It was at this time it was discovered two employee's required certificates were not maintained in the register in accordance with the Act.

THE COMPLAINT

6. On 6 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.
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 6 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 11 August 2026, the licensee provided a response which included one staff member's original certification dated 7 May 2019 and evidence of the enrolment of the other staff member in the unit of competency SITHFAB002 between March and September 2018.
10. The latter is accepted as being compliant with the requirements of section 137(1)(a)(i) of the Act.
11. In the licensee's response he does not appear to accept or refute the allegation. He simply provided the materials.

CONSIDERATION OF THE ISSUES

12. The issue here is that of the two staff members, the register contained on of the staff member's refresher course certificate, but not their original as required and neither of the second staff member's certificates being the original and refresher.
13. Mr Jenkins was dealt with for a similar issue regarding staff with RSA certification in 2025. Although a discretely different matter where that staff member had no qualification, the issues around the requirements will have been made abundantly clear to him following that matter.
14. For completeness, the licensee was issued with a formal warning in that matter.
15. The provisions of section 137 of the Act were introduced in 2019 when the Act was commenced, imposing a requirement of the licensee to maintain a register of the certifications of their staff which includes not only their original qualification, but any refresher course as provided for in subsection 137(1)(b) of the Act.
16. This change to the obligation has been in place since 2019, with the industry being widely consulted. Furthermore, the provision is clearly contained on the department's website for all persons to see and the licensee was dealt with previously for similar matters.
17. This matter arises from an audit of the premises by inspectors which identified the licensee's non-compliance. Although non-compliant, the inspectors sought to assist Mr Jenkins to become

compliant by emailing him on 15 June 2026 listing a number of matters that required his attention, including the certificates for the two staff.

18. The licensee was given until 29 June 2026 to provide the materials, with no response being received from the licensee.
19. Although open to take action at that time, the licensee was afforded further time to respond with a reminder being sent on 13 July 2026.
20. On 21 July 2026, the licensee provided a response which included the missing refresher certification for one of the staff members and a submission that neither original were available as they were undertaken 20 and 12 years ago respectively.
21. It is accepted the original certifications will have been undertaken many years ago, however, the requirement to maintain a register containing the original certification has been in place in terms of this licensee, since they obtained the licence.
22. A copy of their licence dated 13 October 2015 reads in the conditions:
Responsible Service of Alcohol Certificate
 - (a) All staff, who are directly involved in the sale, service or supply of alcohol to the public or the supervision of these activities, are required to hold or obtain a Responsible Service of Alcohol (RSA) Certificate within one (1) month from commencement of employment.
 - (b) An RSA Certificate must be obtained from an accredited service provider within Australia.
 - (c) An RSA register in the form approved by the Director-General must be maintained on the premises at all times with a copy of each staff member's RSA certificate included.
23. Although the timeframes have changed throughout the years, the base requirement has not and the licensee should be aware of this.
24. It was not until a formal complaint had been lodged for the licensee to finally provide the materials.
25. Although this matter may seem at the lower level of administrative issues, the significant risk that exists at the premises strengthens the need for this type of harm minimisation requirement. That is, ensuring staff are suitably qualified to deal with the environment and legislative requirements of their premises.
26. The nature of this operation would in my opinion take the level of seriousness higher for this licensee than for a licensee of a small restaurant, where the risk of harm is minimal.
27. In his response to the previous matter Mr Jenkins suggested "...Licensing try to help licensees and not just try to find some minor infringement to Wack (sic) us with".
28. In this matter, inspectors were taking his suggested path and supporting the licensee without success. Mr Jenkins did not originally respond and it was not until our method of last resort was used that he provided the materials.

DISCIPLINARY ACTION

29. 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.
30. In determining an appropriate disposition in this matter, I am required to apply the principles of proportionality, parity and deterrence.
31. 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.
32. The licensee has previously been given a formal warning for a similar matter in October 2025 and therefore there is an argument that any penalty should be escalated to reflect the second and subsequent issue. It would ordinarily therefore suggest an appropriate disposition in this matter is to issue an infringement notice.
33. For completeness, although the Act generally provides for an infringement notice as a disposition, section 137 is not a matter prescribed for which an infringement notice may be given¹. Accordingly, that option is not open to the Director for this matter.
34. As the licensee has now complied with the requirements, and his previous non-compliance notwithstanding, I am satisfied it is appropriate in the circumstances to take no further action as the matter does not warrant it at this time.
35. The licensee is however placed on notice; such an accommodation is unlikely to occur for any further like non-compliance.

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 J AN R Jenkins Pty Ltd and the relevant inspector.



Mark Wood

Delegate of the Director of Liquor Licensing
12 August 2026

¹ *Liquor Regulations 2019*, Schedule 6.