

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	Alice Springs Casino Operations Pty Ltd
PREMISES:	Lasseters Hotel Casino
LEGISLATION:	Part 7, Division 3 of the <i>Liquor Act 2019</i>
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	7 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, Alice Springs Casino Operations Pty Ltd (the licensee) for having breached the *Liquor Act 2019* (the Act) on the 31 August 2025 when:
 - Contrary to section 141(1) of the Act, on two occasions, the licensee or their employees failed to exclude or remove from the licensed premises persons who were quarrelsome or incapable of controlling their behaviour; and
 - Contrary to section 285(1) of the Act, the licensee's employee intentionally sold liquor to another person who was intoxicated.
- 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 an infringement notice in the amount of 3 penalty units and 5 penalty units, respectively ((3 + 5) x \$189.00 = \$1,512.00).

REASONS

Background

- Alice Springs Casino Operations Pty Ltd is the holder of liquor licence 80103004 (the licence) for the premises known as Lasseters Hotel Casino, situated at 112 Barrett Drive, Alice Springs NT 0870. The nominee is Mr Craig William Jervis.
- 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.
- Section 285(1) of the Act specifies the licensee or the licensee's employees commits an offence if they intentionally sell or otherwise supply liquor to another person who is on or in the licensed premises and is intoxicated, and the person is reckless in relation to those circumstances.

6. On 4 September 2025, Licensing NT received information from a Police officer alleging the licensee sold and/or supplied liquor to multiple intoxicated persons on 31 August 2025.
7. On 8 September 2025, an investigation into the incident commenced.
8. Upon reviewing the footage, it was determined Person of Interest 1 (POI1) arrived at the premises at 21:28 hours (CCTV timestamp). At entry, POI1 was not displaying any signs of impairment. POI1 is observed to consume approximately 6 standard drinks whilst in the premises and there is a noticeable decline in their behaviour. POI1 is observed to stumble and his balance and coordination appeared impaired.
9. At 02:13 hours, POI1 falls asleep at a gaming machine for 21 minutes. When woken, POI1 is incapable of walking straight or standing upright and at 02:38 hours, other patrons assist him to leave the premises.
10. POI1 is considered to be incapable of controlling his own behaviour within the premises from 00:42 hours.
11. Upon reviewing the footage, it was determined POI2 was already in the premises at 01:24 hours (CCTV timestamp). At 01:26 hours, POI2 appears to get into an altercation with POI3.
12. Between 01:27 and 01:29 hours and between 01:36 and 01:41 hours, POI2 appears to point her fingers at POI3, wave her hands, and speak to him in a confrontational manner. At 01:29 hours, 2 police members who were already in the premises interfere. Though, they deem the altercation has ceased after 5 minutes and they continue their checks in the premises.
13. At 01:41 hours, POI3 is evicted from the premises for breaking a glass. POI2 remains in the premises until 03:02 hours, and does not appear to have been removed.
14. POI2 was observed to be quarrelsome within the premises from 01:26 hours and was not removed or excluded from the premises.
15. Finally, upon reviewing the footage, it was determined POI3 arrived at the premises at 23:15 hours (CCTV timestamp). At this time, POI3 was not displaying any signs of impairment. POI3 is observed to consume approximately 6 standard drinks whilst in the premises and there is a noticeable decline in POI3's behaviour. POI3 is observed to stumble, his balance and coordination appeared impaired, and it considered that POI3 was served liquor whilst intoxicated at 00:45 hours.

THE COMPLAINT

16. On 25 September 2025, a complaint alleging the three matters 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.
17. 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.
18. On 3 October 2025, an extension of time was sought for the time prescribed in section 161(2) of the Act. That extension was granted by a delegate of the Director pursuant to section 318 of the Act.
19. A delegate of the Director accepted the complaint on 7 October 2025, and the licensee was given a notice in accordance with section 162(1) of the Act.

20. On 21 October 2025, the licensee provided a response to the particulars of the complaint. The licensee denied all breaches and claims the licensee's employees had acted reasonably in terms of all three POI's.
21. On 23 October 2025, the licensee was provided the opportunity to view body word video (BWV) footage provided by Police.
22. On 24 October 2025, Mr Chris Potter, Compliance Manager for the licensee viewed the BWV footage. On the same day, Mr Potter provided an additional response to the BWV, on behalf of the licensee.
23. Mr Potter acknowledged the licensee has a "... young and inexperienced security crew, predominantly recruited from outside the Territory." He also mentioned there has previously been a lack of training which the new Director of Security and Surveillance is rectifying.

ANALYSIS OF EVIDENCE

24. For examination in this matter is whether the action of a patron falling asleep, one that falls within the remit of being unable to control their behaviours.
25. Of relevance to this consideration is that in the ordinary course of life, people become tired and sleepy. It may be accepted that in such a circumstance, that person will control their behaviour by taking suitable steps to either seek rest in an appropriate manner, or remove themselves from the situation.
26. In this matter, it is a circumstance where the person has fallen asleep in the open in a noisy and brightly lit environment, the gaming room. This, in my opinion, is not the actions of a person in control of their behaviour. It is for that reason I have formed the opinion the first allegation is to be upheld.
27. The licensee has significant physical and surveillance resources at the premises, ones that should have, in a timely manner noticed this matter and dealt with it accordingly. The person was ultimately removed by other patrons.
28. The incident between the other patrons does not go so far as to being a fight, or significant altercation but nevertheless, it is a quarrel from the outset and therefore enlivening the provisions of section 141(1) of the Act.
29. It was not until one of the persons broke a glass that they were, quite correctly, removed from the premises.
30. The eventual removal notwithstanding, the quarrelling prior to that action was sufficient to require both parties removal to avoid an escalation of the matter.
31. The second matter of the sale of liquor to an intoxicated person, coincidentally involves a person from the first matter.
32. The evidence of the CCTV footage confirms that person consuming a number of drinks that may be accepted to be liquor, and also that there is an obvious impairment of the person, which likewise may be accepted as being from the consumption of liquor.
33. It has been well-established in previous matters before the Commission, that as the night rolls on, the greater the need for the licensee and their employees to have a heightened awareness of the substantial risk of an intoxicated person seeking to be sold liquor.
34. In such a circumstance greater rigour must be applied to their consideration as to whether it is justifiable to take the obvious risk of serving a patron.

35. I must commend the licensee on their response to these matters, as always, they are well considered and detailed demonstrating the level of seriousness with which the licensee approaches these matters.
36. It is also acknowledged; the licensee operates in a challenging environment and one that necessitates a more cautious approach as the night wears on.
37. For completeness, the licensee has disputed the matters, which is their right and provided their submission in reply, later making some concession for which they should also be afforded the benefit of.
38. Having had many discussions with the licensee on this point, I am confident there is nothing to suggest there is a callous disregard being shown, these matters arise from a position of mistake.
39. The limited breaches for this licensee must be considered in the totality of their operation that otherwise is compliant and again, highly challenging.
40. It is noted in the initial and subsequent response, the licensee refers to “offences”. Whilst the provisions of this Act that I have found to have been breached do have “offences” prescribed, including penalties, what we are dealing with here are a breach of the Act and therefore NOT an offence which would otherwise be dealt with under the criminal standard of the Local Court.
41. Accordingly, a lower standard of proof applies, that being on the balance of probabilities otherwise known as the civil standard. This standard refers to whether on the evidence there is reasonable satisfaction, rather than proof beyond reasonable doubt.
42. With regards to the section 285 matter, as was recently held by the Commission in another matter, the evidence supports the position the licensee did not expressly, tacitly or impliedly authorised or permitted the employee’s contravening conduct¹.
43. The circumstance is the licensee’s employee contravened the provision.
44. It cannot be disputed, at that time of the evening, bar staff would be aware of a substantial risk that the patron was intoxicated and it would be unjustifiable to take the risk and serve them.

DISCIPLINARY ACTION

45. 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.
46. In determining an appropriate disposition in this matter, I am required to apply the principles of proportionality, parity and deterrence.

¹ Northern Territory Liquor Commission, *Disciplinary Action Against Todd Tavern Licensee* [2025] NTLiqComm22, at [65].

47. 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.
48. 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.
49. Within 14 days of making this decision the Act requires the complainant, licensee, and the Commission to be given a copy of the notice.

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 Alice Springs Casino Operations Pty Ltd, the Police officer, and the relevant inspector.



Mark Wood

Delegate of the Director of Liquor Licensing

7 November 2025