

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:	25 July 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 an employee of the licensee had breached the *Liquor Act 2019* (the Act) between 28 May 2025 and 2 July 2025 by:
 - failing to produce on the request of an inspector, any record required to be kept by the licensee, or any other document relating to the sale, supply or service of liquor in the course of the licensee's business contrary to section 109(2) of the Act.
- 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 of 1 penalty unit (\$189.00).
- For completeness, the second allegation of the licensee and the licensee's employees failing to remove a person who is violent, quarrelsome, disorderly or incapable of controlling their behaviour pursuant to section 141(1) of the Act is dismissed.

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. The nominee is Mr Craig Jervis.
- Section 109(1) of the Act requires a licensee to produce on the request of an inspector, any record required to be kept by the licensee or any other document relating to the sale, supply or service of liquor in the course of the licensee's business.

6. Section 109(2) of the Act provides a strict liability offence provision if the licensee fails to comply with a request.
7. 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.
8. On 18 May 2025, inspectors were undertaking compliance activity in the Alice Springs CBD which included this licensee's premises.
9. Two inspectors observed a patron Mr E, at 22:53 hours within the premises with no discernible behavioural issues, or obvious signs of significant impairment.
10. At 01:11 hours the following day, the inspectors observed Mr E asleep in an area of the premises known as the Juicy Rump and alerted a crowd controller who attempted to wake the male.
11. Once he had been awakened, he was removed by the crowd controller without incident.
12. On 20 May 2025, a request was made to the licensee pursuant to section 109 of the Act for CCTV footage of the evening which included the event involving Mr E.
13. The licensee was given seven (7) days to provide the record.
14. On 27 May 2025 Mr James Cameron, Director of Security for the licensee rang the offices of Licensing NT to advise the footage would be provided in the coming days and was reminded that it was now due. No extension of time was formally requested or provided.
15. On 19 June 2025, the record still had not been provided, nor had any formal extension of time been provided.

THE COMPLAINT

16. On 19 June 2025, in the absence of the provision of the record, an inspector lodged a complaint with the Director pursuant to section 160 of the Act, the grounds for the complaint being pursuant to section 160(1)(b) 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. A delegate of the Director accepted the complaint within the 14 day prescribed period, and 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, inviting them to provide a response to the complaint.
19. On 2 July 2025, the licensee provided the record as requested and a response to the complaint on 11 July 2025.

20. The licensee disputed the allegation of a breach of section 141(1) of the Act however, acknowledged the breach of section 109(1) of the Act and offered their sincere apologies, providing a submission in mitigation of the matter.
21. As written earlier, the allegation of breaching section 141(1) is dismissed as I am guided by a recent decision of the Northern Territory Liquor Commission in which they found no breach of a duty to remove a person from those premises, being the Todd Tavern¹.
22. The facts of this allegation are not dissimilar to those examined in the Todd Tavern matter and although I am not bound to their decision, I must be persuaded by their findings given the similarity in the matters. It is for those reasons, as in the Todd Tavern matter, I find no breach of duty to have been breached pursuant to section 141(1) of the Act.
23. Having dismissed it, I consider it unnecessary to further ventilate the facts of that allegation.
24. The requirements of section 109(1) are in Part intended to provide a power to inspectors to obtain records, which includes CCTV that are required to be held by the licensee to assist in investigations and other matters.
25. The duty is imposed on the licensee to provide the records and breaches have been found proved conversely, there are many examples where it was thought a breach may have occurred, but upon viewing the CCTV it was clear there had been no breach.
26. It is accepted there had been a proliferation of requests for footage from this licensee, all of which arose from incidents that warranted investigation, no request is made simply on a chance.
27. It is submitted by the licensee the failure to provide the record was an oversight and not an attempt to withhold information.
28. With respect to the licensee, I take no issue with their corporate position of it being an oversight however, the actions of Mr Cameron do not support this submission.
29. Mr Cameron had been advised of the request and met with Ms Michelle Ganzer, Senior Director Liquor at the premises on 23 May 2025.
30. In the meeting Ms Ganzer and Mr Cameron discussed this request and another that had been made for footage for an unrelated incident.
31. I later spoke with Mr Jervis in relation to the footage issue for both matters and expressed my concerns over the failure to provide the records as requested.
32. On 27 May 2025 Mr Cameron wrote to all parties advising they "...are currently sourcing USB drives with the capacity to hold the volume of data associated to each request". He also rang the inspector and advised it would soon be ready.

¹ Northern Territory Liquor Commission, *DISCIPLINARY ACTION AGAINST TODD TAVERN LICENSEE* [2025] NTLiqComm 22 at [46]-[48].

33. Further, "...we will have this resolved by the end of the week, at the latest and ask for your continued patience as we facilitate these requests. My apologies if there was any indication that we were somehow attempting to withhold this data.
34. It can therefore not be accepted Mr Cameron's actions are simply an oversight, the evidence and actions suggest it is more likely than not he remained aware of the matter throughout. It was not until the complaint was advised to the licensee that Mr Cameron provided the records.
35. The role of Director of Security for the licensee is a significant position, one that must be approved by the Minister for Racing and Gaming, by effect of the Alice Springs Casino Operators Agreement. It necessarily follows that person must be held to a high standard of behaviour, one that reflects the level of seriousness warranted for such a position.
36. The behaviour of Mr Cameron in this matter may appear to fall short of what is expected of such a position.


DISCIPLINARY ACTION

37. 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.
38. In determining an appropriate disposition in this matter I am required to apply the principles of proportionality, parity and deterrence.
39. 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.
40. This matter is somewhat unique in that there has been no recent similar breaches for failing to provide records of this nature.
41. I am however comforted that the licensee has taken steps to prevent future occurrences and has demonstrated their willingness to co-operate at all times with investigations.
42. It is regrettable that it appears this matter is a result of the actions of a staff member who has chosen to be obstructionist notwithstanding the licensee is held to account for those actions.
43. Having regards to facts of this matter, the objective level of seriousness, the licensee's submission and work to prevent future occurrences, I have determined the appropriate action to take against the licensee is to issue an infringement notice for the breach of section 109(1) of the Act.

44. 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 *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, Alice Springs Casino Operations Pty Ltd, Mr Cameron and the relevant inspector.



Mark Wood
Delegate of the Director of Liquor Licensing

25 July 2025