

Delegate of the Director of Liquor Licensing

Amended Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	S&J George Pty Ltd
PREMISES:	The NT Rock Bar
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 February 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, S&J George Pty Ltd (the licensee) or an employee of the licensee had breached the *Liquor Act 2019* (the Act) on 21 October 2025 by:
 - supplied liquor to another person and that person was in the licensed premises and was intoxicated, contrary to section 285(1) of the Act.
 - failed to remove a person who was disorderly and incapable of controlling their behaviour, contrary to section 141(1) 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 issue the licensee an infringement notice of 5 penalty units (\$925.00) in relation to the complaint for supply of liquor to an intoxicated person.
 - Take no further action in relation to the fail to remove a person.

REASONS

Background

- S&J George Pty Ltd is the holder of liquor licence 80818127 (the licence) for the premises known as "The NT Rock Bar", situated at Shop 2, 78 Todd Street, Alice Springs NT 0870. The nominee is Jolyon William George.
- The licence is issued with the following authorities:
 - Restaurant bar authority
 - Late night authority

5. Section 285(1) of the Act specifies a licensee commits an offence if the licensee's employee intentionally sells or otherwise supplies liquor to another person and the other person is on the licensed premises and is intoxicated and the employee is reckless in relation to those circumstances.
6. 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.
7. On 21 October 2024, Licensing NT inspectors Brian Wingrove and Amber James observed a female sitting on the footpath area between Bojangles Saloon and Dining Room (Bojangles) and The NT Rock Bar, the observations by inspectors of the female suggested she appeared intoxicated.
8. On 23 October 2024, an anonymous individual reported to Licensing NT seeing this same person who they considered to be intoxicated from her behaviour, on 21 October 2024 sat outside of Bojangles and NT Rock Bar for an extended period of time.
9. Consequently, inspectors requested footage from both premises to conduct an investigation into the information and inspectors observations of 21 October 2024. The footage confirmed both incidents were the same person and event.
10. A review of CCTV footage confirmed the person departing Bojangles at 13:10 hours as part of a group and entering The NT Rock Bar at approximately 13:11 hours.
11. The person is then observed in the outdoor area of the The NT Rock Bar before returning to the main bar at 13:35 hours and sitting with the group she entered the premises with. The person is then observed seated, spat on the floor at least 10 times and also attempted to strike and spit at a male she was in the company of.
12. Additionally, the female is observed at one point to be falling asleep whilst seated at the table.
13. At 13:44 hours the female provided money to a male associate and both presented to the bar to purchase a jug of liquor. Whilst the male was being served the person was visible behind him showing obvious signs of intoxication; including being unbalanced and her behaviour was notably impaired.
14. Following service, the male poured himself a drink before the person took possession of the jug and moved to the side of the bar pouring a drink for another person and taking an empty glass and the remainder of the jug outside. This took place directly in front of the bar with few patrons present in the service area. The person should not have been permitted further access to alcohol and the staff had opportunity to make the necessary judgement.
15. Whilst within the premises the person is observed on the CCTV displaying signs of intoxication and disorderly behaviour including losing her balance and walking in an unsteady manner, frequently spitting and leaning on people and furniture for support.
16. The behaviour exhibited by the person begins at 13:13 hours and it is reasonable in the circumstances that her behaviour warranted her removal from the premises prior to being approached by a staff member at 13:54 hours.

17. Upon removal the person sat on the footpath between the two licensed premises for a further 50 minutes at it reasonable to accept this is when the anonymous passerby noticed the person. At 14:46 hours the person stood up and departed the area.

THE COMPLAINT

18. On 19 December 2024, 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.
19. 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.
20. A delegate of the Director accepted the complaint on 23 December 2024 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.
21. As this was during the Christmas period the licensee was granted an extension of time to provide the written response as was reasonable in the circumstances.
22. On 16 January 2025, the licensee provided a response to the particulars of the section 160 complaint. The licensee acknowledged the person should not have been permitted to further consume alcohol but disagreed the person should not have remained on premises.
23. The licensee highlighted the difficulties experienced with running a premises in Alice Springs which is predominantly patronised by indigenous clientele. Further, the licensee questioned the expectation to evict intoxicated patrons as soon as possible noting the amount of time staff spend dealing with evicted patrons on the street.
24. Although there is no requirement to remove a person who is intoxicated, there is no discretion provided to a licensee to remove a person who is violent, quarrelsome or unable to control their behaviour. It is clear from the materials this person's behaviour falls within the mandatory requirement for removal of a person.

DISCIPLINARY ACTION

25. 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.

26. In determining an appropriate disposition in this matter I am required to apply the principles of proportionality, parity and deterrence.
27. 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.
28. Having regards to previous like matters, the objective level of seriousness, the licensee's submission and work to prevent future occurrences, 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 for the first matter and take no further action in relation to the failure to remove a person.
29. Within 14 days of making this decision the Act requires the complainant, licensee and the Commission to be given a copy of the notice.
30. The licensee is placed on notice that future matters of this nature may result in an escalation of penalties.

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 of The NT Rock Bar and the relevant inspector.



Mark Wood
Delegate of the Director of Liquor Licensing

27 February 2025