

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	Northern Interests Pty Ltd
PREMISES:	Timber Creek Hotel
LICENCE:	80304074
LEGISLATION:	Part 7, Division 3 of the <i>Liquor Act 2019</i>
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	17 May 2025

DECISION

1. For the reasons set out below, as a delegate of the Director of Liquor Licensing (the Director), I uphold a complaint against Northern Interests Pty Ltd (the licensee) or an employee of the licensee had breached the *Liquor Act 2019* (the Act) by:
 - a. On 30 May 2024, supplying liquor to another person and that person was in the licensed premises and was intoxicated, contrary to section 285(1) of the Act; and
 - b. On 11 September 2024, supplying liquor to another person and that person was in the licensed premises and was intoxicated, contrary to section 285(1) of the Act.
2. Upon completion of the investigation into the complaint, I am satisfied that the following action should be taken:
 - a. Regarding the incident of 30 May 2024, pursuant to section 163(1)(d) of the Act, issue the licensee an infringement notice of 5 penalty units in relation to the complaint.
 - b. Regarding the incident of 11 September 2024, pursuant to section 163(1)(b) of the Act, give the licensee a formal warning in relation to the complaint and for it to improve its responsible service of alcohol practices to effectively monitor patron behaviour to ensure liquor is not sold or supplied to a patron who is intoxicated.

REASONS

Background

3. Northern Interests (the licensee) is the holder of liquor licence 80304074 (the licence) for premises known as Timber Creek Hotel, situated at 78 Victoria Highway, Timber Creek, NT (the premises). The nominee is Mr Benjamin Seekamp.

4. The licensee is issued with the following authorities:
 - a. Restaurant authority
 - b. Restaurant bar authority
 - c. Takeaway authority
 - d. Public bar 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.

Incident on 30 May 2024

6. On 5 June 2024, NT Police advised Licensing NT that they were requested to attend the licenced premises due to a disturbance involving 50 to 70 highly intoxicated persons fighting in the adjacent carpark and forecourt on 30 May 2024. As a result, NT Police requested Licensing NT review the licensee's responsible service of alcohol (RSA) practices and if the licensee or its employees were selling liquor to intoxicated persons.
7. Consequently, Licensing NT inspectors Lori McIntyre and Mellyssa Tracey requested CCTV footage and other liquor related documents from the licensee.
8. On review of CCTV footage inspectors identified the following:
 - a. A female patron with dark hair pulled back into a ponytail and wearing black shorts with blue stripes down both sides, red thongs and black shirt with picture of basketball player on the back enter the premises at approximately 12:07 hours (the patron).
 - b. Between entering the premises at 12:07 hours and exiting the premises, the patron purchased and consumed approximately one (1) can of Bundaberg rum and six (6) cans of Victoria Bitter (VB) whilst on the premises.
 - c. At approximately 13:49 hours, the patron is observed to be unsteady on her feet. When seated, the patron is further observed to have unsteady head movements and showing signs of deteriorating, hand and eye coordination.
 - d. At approximately 13:53 hours, the patron is observed to approach and lean against the bar and appears to have difficulty in rolling a cigarette. A short time later, the patron walks unsteadily to her seat and is observed to be swaying in a seated position.
 - e. At approximately 13:55 hours, the patron is observed to approach the bar and purchase a can of VB. While in conversation with the staff member, the patron is observed to be swaying and fumbles when retrieving something from her bra. The staff member places a can of VB on the edge of the bar and turns away. The patron when attempting to pick up the can knocks it off the bar spilling its contents on what appears to be a handwritten register. The staff member then picks up the can of VB and hands it back to the patron who in turn walks unsteadily back to her seat.

- f. At approximately 14:05 hours, the patron is observed to approach and stand against the bar and her swaying becomes noticeably impaired. The patron is then observed to walk unsteadily across the room and exit the premises.
 - g. At approximately 14:14 hours, the patron is observed to re-enter the premises and is noticeably unsteady on her feet, is unable to walk in a straight line and takes a few steps back and forth before making her way back to her table and taking a seat.
 - h. At approximately 14:17 hours, the staff member walks to the table where the patron is seated and appears to have a conversation with her. A short time later, the staff member walks behind the bar and returns to supply the patron a glass of water at approximately 14:21 hours.
 - i. At approximately 14:28 hours, the patron interacts with another staff member who in turn walks over and refills her glass of water. The patron is observed to take a drink from her glass and spill some of its contents on herself.
 - j. At approximately 14:33 hours, the patron gets up from her seat and walks unsteadily towards the bar. While at the bar, the patron is observed to ring the 'cow bell' on two (2) occasions, drink the last of her water, take a few steps and stumble into a bar stool. The patron was not acknowledged by any staff member, and she walks unsteadily away from the bar and towards another group of patrons and takes a seat. A short time later, the patron stands up and exits the premises at approximately 14:34 hours.
9. Based on the review of CCTV footage, it is reasonable to conclude that the patron was intoxicated, and her intoxication was caused by the consumption of liquor while on the premises. It is also reasonable to conclude that the employee who supplied liquor to the patron at approximately 13:55 hours should not have returned the spilled can of VB to the patron.

Incident on 11 September 2024

10. Prior to the event of 11 September 2024, Licensing NT received additional information from NT Police advising of their continued attendance to alcohol related incidents in the Timber Creek area that they attribute to the responsible service of alcohol (RSA) practices of the licensee and its employees.
11. Consequently, Licensing NT Katherine based inspectors were tasked with attending the Timber Creek area to observe and report on liquor related incidents and in particular, the responsible service of alcohol practices of the licensee and its employees.
12. On 11 September 2024, from approximately 18:00 hours to 20:00 hours, Licensing NT inspectors Lori McIntyre and Mellyssa Tracey attended the premises and commenced their observations. The licensee and its employees were not given prior notice of, nor were they aware of the inspector's attendance on the day.
13. As a consequence of their observations, inspectors McIntyre and Tracey requested CCTV footage and other liquor related documents from the licensee.

14. CCTV footage and the inspector's observations identified the following:

- a. A male patron wearing boots, dark blue cargo pants, grey/white shirt depicting a basketball player in yellow uniform and "BRYANT 24" on the front and back and a black and white baseball (patron 1) is observed to enter the premises at approximately 17:40 hours. Patron 1 remains on the premises until approximately 19:18 hours.
- b. At approximately 17:46 hours, another male patron wearing a white shirt, black baseball cap, black pants and pale tan boots (patron 2) is observed to supply patron 1 a can of VB.
- c. At approximately 17:59, patron 1 is observed to get up from the bench and support himself by leaning against the wall and look out of a window. A short time later, patron 1 is observed to take a few steps backwards and sit on the bench. While seated, the patron is observed to be in a forward slumped position, both arms resting on both legs, and his head is in a downward facing position. He remains in this position, with minimal body movement until approximately 18:03 hours when he repositions himself against the wall and continues to consume his can of VB.
- d. At approximately 18:04 hours, inspectors McIntyre and Tracey are observed entering the premises and seat themselves at a table in the bar area.
- e. At approximately 18:04 hours, patron 1 is observed to acknowledge patron 2 and they appear to have a conversation from a distance. Patron 2 walks towards the wall near the pool table and places a can of RTD rum on the shelf. As patron 2 walks back towards the bar, patron 1 stands up and walks to the where the can of RTD rum was placed and takes a large drink from it. Patron 1 then places the RTD can back on the shelf. At the time patron 1 is observed to be unsteady on his feet.
- f. Between 18:05 hours and 18:21 hours, both patron 1 and patron 2 commence playing a game of pool. During this time patron 1 is observed to be unsteady on his feet and stumble several times.
- g. At approximately 18:14 hours, another male patron wearing dark camouflaged t-shirt, black shorts and black baseball cap purchase three (3) cans of VB, he then supplies one (1) can to another patron and the other to patron 1.
- h. At approximately 18:33 hours, inspectors observed and overheard patron 1 'humbug' other patrons for change and tally-ho papers. During this time, patron 1 is observed to be unsteady on his feet.
- i. At approximately 18:36 hours, patron 1 approached the bar and purchased a can of Great Northern beer. After being served, inspector's observed patron 1 walk unsteadily around the bar area and overheard him request money from other patrons.

15. CCTV footage identified that patron 1 had consumed liquor on the premises between 17:40 hours and 19:18 hours. During this time, patron 1 was only sold and supplied liquor by an employee of the licensee on the single occasion and all other times, liquor was supplied by other patrons.

THE COMPLAINT

16. On 18 March 2025, an inspector lodged a complaint with the Director pursuant to section 160 of the Act, the grounds for the complaint being pursuant to subsection 160(1)(b) in that:
 - b. The licensee or the licensee's employee contravened another provision of this Act of 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 on 19 March 2025 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 25 March 2025, the licensee provided a response to the particulars of the section 160 complaint.
20. Regarding the incident of 30 May 2024, the licensee acknowledged that the person did show signs of intoxication, and their staff member recognised this and ceased serving drinks and offered water. The licensee further acknowledged that their staff member was possibly too late to offer water, and it is not easy to always get the timing right.
21. Regarding the incident of 11 September 2024, the licensee acknowledged that the patron was only served one drink and based on the observations of the inspectors, they should have asked him to leave the premises.
22. The licensee also highlighted the difficulties they experience in identifying intoxicated people and proper dealing with them can also be problematic. While they do their best to get it right most of the time, it is inevitable that they will make mistakes. To get better at this, they are developing additional methods and processes to ensure that our staff continue to improve.
23. The licensee further submits that their organisation is very proactive and will continue to work with local police and Licensing NT to take actions that are best suited to the community and not what is best for their bottom line.

DISCIPLINARY ACTION

24. .On completion of an 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.

25. In determining an appropriate disposition in this matter, I am required to apply the principles of proportionality, parity and deterrence.
26. 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.
27. I am cognisant of the difficulties a licensee may experience with running a licensed premises in Timber Creek which is predominantly patronised by indigenous clientele. However, I must also have regards to the objective level of seriousness of the allegations, the licensee's submission, the work to prevent future occurrences and its compliance history.
28. Having considered the circumstances of this complaint, I have determined the appropriate action to take against the licensee is to issue an infringement notice for the incident of 30 May 2024 and give a formal warning for the incident of 11 September 2024.
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 penalty such as referring the matter to the Northern Territory Liquor Commission for disciplinary action.

REVIEW OF DECISION

31. As a decision of a delegate of the Director, this notice must state the decision and reasons for it, as well as advise an affected person of their right to seek a review of the decision and the manner in which it may be done.
32. Section 27 of the Act provides for a licensee or the complainant to seek a review of the decision within 28 days after the written notice is given to the person, and the application must be in the approved form and state the grounds for the review, and the facts relied upon to establish the grounds.
33. The affected persons in this matter are the licensee of the Timber Creek Hotel, NT Police and the relevant inspector.



Bernard Kulda
Delegate of the Director of Liquor Licensing

31 May 2025