

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
LICENSEE:	Iris Todd Operations Pty Ltd
PREMISES:	Todd Tavern
LEGISLATION:	Part 7, Division 3 of the <i>Liquor Act 2019</i>
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	2 July 2025

DECISION

- For the reason set out below as a delegate of the Director of Liquor Licensing (the Director), I am taking no further action against the licensee, Iris Todd Operations Pty Ltd (the licensee) who had allegedly breached the *Liquor Act 2019* (the Act) on the 29 & 31 January 2025 when:
 - Contrary to section 293 of the Act, by contravening a condition of the licence on 4 separate occasions by failing to sell liquor ancillary to a meal.
 - Contrary to section 109(1) of the Act, by failing to produce any record required to be kept by the licensee under the Act to an inspector on request.
- Upon completion of the investigation into the complaint, I am satisfied that the following action should be taken:
 - Pursuant to section 163(1)(a)(ii) the matter does not warrant taking further action.
 - Pursuant to section 163(1)(a)(ii) the matter does not warrant taking further action.

REASONS

Background

- Iris Todd Operations Pty Ltd is the holder of liquor licence 80102200 (the licence) for the premises known as "Todd Tavern" situated at 1 Todd Mall, Alice Springs NT 0870. The nominee is Mr Kevin Delfin Do Nascimento.
- The licence is issued with the following authorities:
 - Restaurant authority
 - Takeaway authority
 - Lodging authority
 - Public bar authority
 - Late night authority
 - Adult entertainment R-rated authority

5. Section 293(1) of the Act specifies a licensee commits an offence if the licensee intentionally engages in conduct and the conduct results in a contravention of a condition of the licensee's licence or authority and the licensee is reckless in relation to that result and the contravention does not constitute another offence against this Act.
6. Section 109(1) of the Act specifies a licensee must, on request of an inspector or a police officer, produce to the inspector or officer any record required to be kept by the licensee under this Act or any other document relating to the sale, supply or service of liquor in the course of the licensee's business.
7. While conducting routine inspections at the premises of Todd Tavern, it had been noted by inspectors on several occasions that patrons consuming liquor in the Pubcaf and Alfresco Dining Area did not have food or a table number indicating food had been ordered. It is a condition of the licensee's licence that liquor be sold ancillary to a meal in both the Pubcaf and Alfresco Dining Area of the licensed premises.
8. On Monday 3 February 2025, CCTV footage was requested from the Todd Tavern for 27, 29 and 31 January 2025, between 1100 and 1500 hours.
9. On Friday 14 February 2025, the CCTV footage was collected from the premises, however footage from the 27 January 2025 was not provided.
10. On Thursday 20 February 2025, an email was sent to the licensee informing them that 27 January 2025 footage had not been provided, and a further request was made for till tape records.
11. On Tuesday 25 February 2025, a USB containing the till tape records was collected from the premises, however the CCTV footage from 27 January 2025 remained outstanding.
12. Upon reviewing the footage, it was determined that the licensee's employees appeared to have served patrons liquor without the purchase of food.

THE COMPLAINT

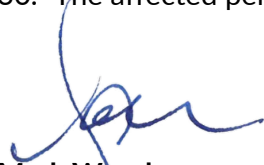
13. On 20 March 2025, an inspector lodged a complaint against the licensee through a delegate of the Director pursuant to section 160 of the Act, the grounds for the complaint being pursuant to section 160(1)(b) in that:
 - (b) The licensee or the licensee's employee contravened another provision of this Act or the regulations, whether or not it constitutes an offence.
14. 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.
15. A delegate of the Director accepted the complaint on 20 March 2025 within the 14 day prescribed period and on 20 March 2025, 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, and invited them to provide a response to the complaint.
16. On 4 April 2025, the licensee provided a response to the particulars of the section 160 complaint. The licensee disputed both allegations set out by Licensing NT.

DISCIPLINARY ACTION

17. 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.
18. In determining an appropriate disposition in this matter I am required to apply the principles of proportionality, parity and deterrence.
19. 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.
20. 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 take no further action.
21. Fore the avoidance of doubt, this decision does not make any finding in relation to the upholding or refusal of the allegations.
22. Within 14 days of making this decision the Act requires the complainant, licensee and the Commission to be given a copy of the notice.
23. An investigation into a complaint must be conducted within 90 days after the complaint is accepted or any longer period allowed by the Commission. The investigation was finalised 6 days outside of the prescribed period. Under section 318 of the Act, I am prepared to use powers available to me to extend the lodgement period until todays date.
24. 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 Todd Tavern and the relevant inspector.



Mark Wood

Delegate of the Director of Liquor Licensing

2 July 2025