

NORTHERN TERRITORY LIQUOR COMMISSION

REASONS FOR DECISION

MATTER:	COMPLAINT AGAINST 2SCCP PTY LTD T/A JUMP INN [2025] NTLiqComm 7
REFERENCE:	LC2025/001
LICENCE NUMBER:	FLL1018
LICENSEE:	2SCCP Pty Ltd
NOMINEES:	Mr Sachindra Chaurasiya and Ms Caecelia Chanata
PREMISES:	Jump Inn – Alice Springs 4 Traeger Avenue ALICE SPRINGS NT 0870
LEGISLATION:	Section 164 of the <i>Liquor Act 2019</i>
HEARD BEFORE:	Mr Russell Goldflam (Chairperson) Ms Ebony Abbott-McCormack (Health Member) Mr Denys Stedman (Community Member)
DATE OF HEARING:	13 February 2025
DATE OF DECISION:	14 February 2025

DECISION

1. On 14 February 2025 the Northern Territory Liquor Commission (**the Commission**) issued a decision notice as follows:
 1. Following a public hearing conducted on 13 February 2025 of a complaint under the *Liquor Act 2019* (NT) (**the Act**) against 2SCCP Pty Ltd (**the licensee**), the Northern Territory Liquor Commission (**the Commission**) is satisfied that grounds for disciplinary action exist arising from the licensee’s management of liquor licence FLL1018 (**the licence**) over premises known as “Jump Inn – Alice Springs” at 4 Traeger Avenue Alice Springs (**the premises**).
 2. In accordance with s 165(2) of the Act, the Commission takes the following disciplinary action:
 - a. Suspending the licence on the following dates:

- Friday 14 February 2025
 - Tuesday 18 February 2025
 - Friday 21 February 2025
 - Tuesday 25 February 2025
 - Friday 28 February 2025
 - Tuesday 4 March 2025
- b. Imposing an additional condition on the licence that on days when there is live entertainment at the premises the licensee must employ or hire at least one licensed crowd controller from 18:30 until the premises closes. The licensed crowd controller(s) must wear clothing that identifies their function, and must enforce the provisions of the *Liquor Act 2019* and the *Liquor Regulations 2019* that apply to the premises, and the conditions of the licence.
- c. Directing the licensee to refrain from providing live entertainment at the premises between 14 February 2025 and 4 March 2025.
- d. Directing the licensee to establish and maintain:
- i. a policy manual;
 - ii. a staff training manual;
 - iii. a staff training register; and
 - iv. a register of the steps it takes to ensure the nominees are aware of, understand and comply with all of their powers and duties under the *Liquor Act 2019*, the *Liquor Regulations 2019*, and the licence.
3. The Commission will publish its reasons for this decision in due course.
2. The Commission now publishes its reasons.

STATEMENT OF REASONS

BACKGROUND

3. On 6 September 2024 the Commission upheld several complaints and took disciplinary action against the licensee (**the 2024 disciplinary action**).¹ The Commission's decision notice in those proceedings includes background information about the licensee, the licence and the premises. The Commission found that Mr Sachindra Chaurasiya (**Mr Chaurasiya**) and his wife, who both live in Queensland where they own and operate a Pizza Hut franchise, jointly control the licensee. They had engaged a manager (**Mr Sumang**) to manage the premises, but Mr Sumang had resigned his full-time position on 30 June 2024. As of 27 August 2024, when the 2024 disciplinary action hearing concluded, the licensee had not been successful in

¹ *Complaints against 2SCCP Pty Ltd t/a Jump Inn* [2024] NTLiqComm 36

recruiting a replacement manager, and Mr Chaurasiya was residing temporarily at the premises in order to manage the premises.

4. In the 2024 disciplinary action proceedings the Commission made the following findings adverse to the licensee:

- a. A noise complaint lodged by a neighbouring resident was upheld.
- b. A complaint that the licensee had contravened s 297 of the Act, which prohibits a licensee from employing a child to sell liquor without the permission of the Director of Liquor Licensing (**the Director**), was upheld.
- c. A complaint that the licensee had contravened a condition of the licence, namely “Meals must be available on request from 16:00 until close of business”, was upheld.
- d. The licensee had routinely breached a condition of the licence by failing to provide the neighbours in the vicinity with no less than 24 hours’ notice in writing of any outdoor entertainment.
- e. The licensee had routinely breached a condition of the licence by conducting “Happy Hour” discount liquor sales.
- f. The licensee had routinely breached a prescribed condition on days when the premises remained open until midnight by failing to keep the kitchen open during the hours of operation until 1.5 hours before closing time.
- g. On one occasion the licensee had breached a prescribed condition that liquor must not be consumed off the premises.
- h. The licensee had routinely breached a prescribed condition requiring the licensee not to advertise or encourage the consumption of liquor without the purchase of a meal.
- i. The licensee had routinely breached a prescribed condition requiring the licensed premises to appear to be a café, restaurant or eatery.
- j. The licensee had routinely breached a prescribed condition requiring patrons to be seated while consuming liquor.
- k. Despite the fact that the licensee holds a restaurant bar authority, it had effectively operated as if it held a public bar authority.
- l. Neither Mr Chaurasiya nor Mr Sumang had a proper knowledge of the licence conditions, the applicable regulations or their management responsibilities under the Act.

5. The Commission then proceeded to state, at [93] – [95]:

The Commission has previously reviewed the applicable authorities and concluded that the question of whether a person is fit and proper to hold

a liquor licence involves a determination of whether or not a person “has a proper appreciation of the responsibilities required to fulfil the role of being the holder of the liquor licence, and whether he has the qualities – the character, knowledge, ability and honesty – needed to discharge the responsibilities of a liquor licensee.”²

After careful consideration, the Commission has come to view that although Mr Chaurasiya – and by extension the licensee – did not have a proper appreciation of his responsibilities when the hearing commenced, by the time the hearing concluded his understanding of the role of a nominee had been significantly enhanced. Moreover, the Commission considers that Mr Chaurasiya has the character, knowledge, ability and honesty to continue to upgrade his skills as a nominee. The Commission notes that Mr Wood has offered mentoring by his office to Mr Chaurasiya, and the Commission strongly encourages Mr Chaurasiya to take up that offer. The Commission accepts Mr Chaurasiya’s evidence that when he is successful in recruiting an Alice Springs-based manager, he will seek to have that person appointed as a co-nominee. The Commission also notes his undertaking that while the premises continue to operate, he will remain in Alice Springs to manage the business himself until a co-nominee has been recruited and appointed.

Nevertheless, Mr Chaurasiya should be under no misapprehension: in the event that any further complaints against the licensee are upheld, a readily foreseeable outcome may be that the licence is cancelled and the licensee disqualified from holding a licence on the ground that it is not a fit and proper person to hold the licence.

6. The Commission took disciplinary action by varying the conditions of the licence, imposing additional conditions on the licence and imposing a monetary penalty on the licensee. The details of these actions are set out at Annexure One.
7. The Commission also directed the licensee to take the following specific action:
 - a. only to operate the licence when Mr Chaurasiya is personally managing the business and residing at the premises, unless and until the licensee has, with the written approval of the Director, appointed another person resident in Alice Springs to be a joint licence nominee, and that person has commenced to manage the business; and
 - b. to co-operate and comply with any harm minimisation audit of the premises undertaken by the Director pursuant to Part 6 Division 4 of the Act.

THE COMPLAINT

8. On the evening of Tuesday 15 October 2024, 39 days after the Commission had taken the 2024 disciplinary action, two Liquor Inspectors visited the premises on two occasions, where they detected an apparent breach by the licensee of the

² *Disciplinary action against Wagait Beach Supermarket* [2024] NTLiqComm 10 at [73]

requirement in s 141(1) of the Act for licensees to remove from the premises a person who is violent, quarrelsome or disorderly. Licensing NT subsequently obtained CCTV footage of events that took place on the premises that evening, and in due course laid a complaint against the licensee.

9. On 20 December 2024 the Director referred the complaint to the Commission, with a brief (**the brief**) including the following documents:
 - a. Liquor Licence FLL1018
 - b. Statutory declaration Leticia Da Costa, 1 November 2024 for inspection conducted 15 October 2024
 - c. Statutory declaration Amber James, 11 December 2024
 - d. Footage from six CCTV cameras recorded on 15 October 2024 (**the CCTV footage**)
 - e. Synopsis of contents of the CCTV footage
 - f. Liquor Complaint, 20 November 2024
 - g. Letter to Licensee outlining complaint, 20 November 2024
 - h. Response from Licensee to complaint, 27 November 2024
10. The Director recommended that in the event the complaint was upheld, the Commission suspend the licence for three days.

PRE-HEARING COMMUNICATIONS

11. On 27 November 2024 Mr Chaurasiya responded to the complaint as follows:

[O]n that evening, we were short-staffed and that may be the reason why no staff were not across the situation. Since that time, we have committed to reducing the sale of jugs and had further information sessions with staff about the behaviour of customers as well as the other issues you raised... In addition, there is now an agreement with Caecilia in place that if she cannot be present at Jump Inn for whatever reason on a Tuesday night, and we don't have her replacement then the event will be cancelled or postponed or moved on the roster to another day.

It has been more than one month since this incident that is the basis of the complaint, took place. In the light of the information, I have now provided to you and the time passed between 15 October and no further breaches during this time, it can be said that the measures implemented since 15 October 2024, are working.

12. On 13 January 2025, the Commission notified Mr Chaurasiya that it would hear the complaint on 5 February 2025. On 24 January 2025, Mr Chaurasiya provided a lengthy written response to the complaint, including the following extracts:

I run the Jump Inn and manage it remotely and fly in and out regularly to assist with its management.

I play a pivotal role in ensuring this premises is always trying to meet its obligations under the Liquor Act NT.

As you are well aware there have been major issues in the Northern Territory, especially Alice Springs with alcohol and drug related crimes. This has been rampant and has been a major issue for year.

This has been extremely challenging for myself and those employed at the Jump Inn as this has directly affected us. We have dealt with violence, abuse and racism directly from intoxicated members of the public and those who have addiction issues.

As of 2023 the Northern Territory has the highest rate of alcohol consumption in Australia. Data from the Australian Bureau of Statistics (ABS) and other governmental health bodies revealed that around 20% of the population in the NT consumes alcohol at levels that exceed the guidelines for low-risk drinking. This statistic is significantly higher than the national average, where about 13% of Australians engage in risky alcohol consumption. This shows how difficult it is for someone like me to manage a venue where alcohol is served.

Furthermore, the Northern Territory experiences disproportionately high levels of alcohol-related harm. A report from the Northern Territory Government's Department of Health showed that approximately one in three hospital admissions are linked to alcohol consumption. The burden on healthcare services is major and I can imagine which it is like for health professionals. The social consequences are equally alarming, including higher rates of domestic violence, road accidents, and antisocial behaviour, which has sadly occurred in my premises. Indigenous communities are particularly vulnerable, with alcohol misuse contributing to chronic health issues and social inequities.

The tighter restrictions on alcohol sales, increased health promotion campaigns, and support services aimed at helping individuals and families affected by alcohol-related harm is great for the community, but the measures put in place for licensees such as myself have been difficult. I want to work with the Northern Territory Alcohol Commissioner on making the Northern Territory a better place, but think the proposed three (3) day suspension will be detrimental to my business and the community.

I understand addressing the rise in alcohol use in the Northern Territory will require a sustained, multi-faceted approaches that

includes not only policy changes but also stronger community engagement and education on the dangers of excessive drinking but penalising a small business where we have to pay wages and pay suppliers is not the best way forward.

...

There are large rates of violence in the Northern Territory. I always ensure my staff are well equipped and trained to deal with this violence. I have always ensured they have been safe and well equipped to handle these sorts of situations.

As you are aware, alcohol-related crime rates in the Northern Territory are higher than the rest of the country. In the period from December 2022 to November 2023, the rate of alcohol-related assault per 100,000 people in the NT was 2128.5. This is not only impacting the community, but also my business and staff.

On the night of this incident, my staff took the approach to not interfere as they thought that this was a situation where they could potentially get injured.

There have been instances in the past where we have had to call police and they have taken long amounts of time to respond, and when they do respond, the issue has left the premises. My staff thought this was the same situation.

...

For many businesses, especially those in the hospitality and retail sectors, alcohol sales are a key revenue stream, for my business, it is the main source of revenue. A three-day ban on alcohol sales would directly affect cash flow, leading to a potential loss of profits, especially for my business. I am struggling financial as it is, and this would ruin me. I have wages, suppliers and mouths to feed from this income.

...

I ask that the three (3) day ban be dismissed and that a warning be given.

13. In his response, Mr Chaurasiya also submitted that the recommended ban would also adversely affect employment, staff morale, tourism, local patronage and the local economy.
14. On 28 January 2025 the Commission chairperson replied to Mr Chaurasiya stating “I now put you on notice that the Commission is not limited in the disciplinary action it can take to a suspension of a licence for a brief period”, and setting out the passage from the 2024 disciplinary action decision notice extracted at paragraph 5 above. The chairperson also notified Mr Chaurasiya that at the hearing, “the Commission will ask

the parties for an update on the licensee's compliance with all of the conditions and directions set out in the Commission's September 2024 decision notice."

15. At the request of Mr Chaurasiya, the Commission rescheduled the hearing for 13 February 2025.
16. On 31 January 2025 the Commission received a document headed "Agreed Facts" signed by Mr Wood and Mr Chaurasiya's solicitor, Ms Laan. The document included a precis of the facts the subject of the complaint, and the following: "On 30 January 2025, the licensee admitted the breach as alleged and accepted unconditionally the penalty of a license suspension for 3 days as proposed by the Delegate".³ Also on 31 January 2025, Ms Laan made application, unsupported by reasons, but presumably on the basis that the licensee had now abandoned his proposal to be simply given a warning, that the complaint be heard on the papers. Section 21(2) of the Act permits the Commission to dispense with a hearing because the matter is not controversial or because conducting the hearing would not be worthwhile.
17. The Commission refused the application to dispense with a hearing.
18. The Commission has recorded the above communications in detail because they are relevant to its assessment of whether Mr Chaurasiya has a proper appreciation of the responsibilities required to fulfil the role of being the holder of the liquor licence.

THE HEARING

19. The hearing proceeded on 13 February 2025. Mr Chaurasiya attended in person, unrepresented, along with the licence joint nominee, Ms Caecilia Chanata (**Ms Chanata**). Mr Wood appeared for the Director, assisted by Ms Sowerby. The Commission admitted the following documents into evidence:
 - Exhibit 1: the brief (37 pages plus 86 clips of CCTV footage)
 - Exhibit 2: Statutory declaration of Patrick Honan, 29 January 2025
 - Exhibit 3: "Agreed Facts" statement dated 30 January 2025
 - Exhibit 4: Mr Chaurasiya's letter to the Commission dated 24 January 2025
 - Exhibit 5: Security register Nov 2023 to Feb 2025
 - Exhibit 6: "Decibel Reading" book: entries for 15 and 18 October 2024

Oral evidence

20. Section 23(3) of the Act provides that the Commission is not bound by the rules of evidence and may inform, itself in any manner it considers appropriate.
21. The following persons gave oral evidence under oath or affirmation at the hearing:

³ In addition, under the heading "Orders sought", the document signed by Ms Laan also stated "Any other orders made as the Liquor Commission sees fit."

- Ms James
- Mr Honan
- Ms Chanata
- Mr Chaurasiya

22. The Commission summarises the oral evidence of Ms James, which was not challenged in cross-examination by the licensee, and which the Commission accepts, as follows:

- a. Ms James, a Licensing NT Senior Compliance Officer, visits premises and inspects them both during the day and at night for Responsible Service of Alcohol (**RSA**) and cleanliness.
- b. On 15 October 2024, Ms James and a colleague conducted night time checks on Gillen Club, Eastside Club, Casino, Uncles and Jump Inn. At Jump Inn there was a live band. Early in the evening there were not a lot of people, but later there were a lot more people and it was more chaotic. Lots of people were lined up at the bar waiting to be served. Jugs were being sold. At the bar, people were buying multiple drinks. There were a lot of empty cans around, from the Alice Springs Brewery (which are not sold from the premises). There was a man (not a licensed security officer) checking IDs.
- c. There were a lot of people arguing, and people were getting violent, loud and aggressive, raising their arms, hitting other people, yelling and pushing. People were dancing on tables. A patron approached Ms James and asked that another patron be removed. The liquor inspectors asked staff to calm things down and to remove anyone who should be ejected. A staff member asked a woman to leave, but she didn't leave, and he didn't remove her. At about 21:00, when Mr Sumang arrived, staff closed the doors, after which things seemed better. Before this staff did not appear to have any control of the place. The bar supervisor seemed scared to remove people.
- d. At other premises when liquor inspectors see something that leads them to ask for a person to be removed, security or staff remove people.
- e. Towards the end of the shift, at about 21:25 pm, the music seemed very loud. On the couple of other occasions Ms James has done noise checks at the Jump Inn, it wasn't too loud. This time the music was too loud to have a normal conversation inside the premises. It was also very loud outside, in Willshire St.
- f. The Jump Inn opens at 16:00. Liquor inspectors regularly visit the premises at night. It's generally quiet, with 20 or 30 people on the weekend. Since 15 October 2024, Ms James hasn't seen it like it was that night.

- g. During Ms James's evidence, portions of the CCTV footage that had been admitted into evidence was played and watched by the Commission, Mr Chaurasiya and Ms Chanata.

23. The Commission summarises the oral evidence of Mr Honan, which was not challenged in cross-examination by the licensee, and which the Commission accepts, as follows:

- a. Mr Honan has worked as a security officer in licensed premises and at sea since 1986, including the last 16 years in Alice Springs, where he now has a security business. In his opinion he can tell when he enters a venue whether it is being run well.
- b. On 15 October 2025 Mr Honan was working at the Rock Bar, an Alice Springs CBD venue with mainly Indigenous patrons, from 13:00 until about 18:00. After work he decided to go to the Jump Inn for farewell drinks for a Rock Bar staff member who lived at Jump Inn.
- c. Mr Honan arrived at the Jump Inn between 18:30 and 19:00. He noticed a tall Asian gentleman who told Mr Honan that he was looking after the door, but was not a licensed security officer. Mr Honan went inside.
- d. There were at least 15 to 20 people waiting to be served at the bar. There was a large Indigenous crowd. There were a lot of Indigenous people in the garden area. Mr Honan noticed that "80%" of them were people he had refused entry to or removed earlier in the day from the Rock Bar because of no ID or intoxication. They all seemed pretty happy.
- e. Mr Honan went from the bar to the pool area, and then to the outside area and sat down, observing the crowd. There didn't seem to be any manager on duty. Two bar staff were serving. People were walking away from the bar with two or three drinks.
- f. Mr Honan was at the premises for 15 to 20 minutes. The patrons he saw were disorderly. The staff were overwhelmed by the numbers. There was no supervision. There was no management. There was no sense of order or system in place.
- g. This was the first time Mr Honan had attended the Jump Inn since about November 2023. On that occasion nothing seemed out of order, the food and music were good, and people were nice. Mr Honan has not returned to the Jump Inn since 15 October 2024.
- h. Mr Honan has had no discussions with the current licensee about providing security services to the Jump Inn.

24. The Commission summarises the evidence of Ms Chanata, which was not challenged in cross-examination by the licensee, and which the Commission accepts, as follows:

- a. Ms Chanata commenced part-time employment at the Jump Inn as a bartender in May 2023, before being appointed as venue manager in mid-

October 2024 and becoming a joint licence nominee on 13 October 2024. Ms Chanata initially described her employment as “casual full-time”. However, she subsequently testified that she usually works five three hour shifts a week, including Tuesday and Friday evenings, the premises’ busiest trading days, and that she is only permitted by her visa conditions to work up to 24 hours a week.

- b. Previously, Ms Chanata had done bar work at Lasseters Casino in Alice Springs, and had then worked as the restaurant and bar supervisor at the Alice Springs Turf Club for 18 months, until it closed down in about March 2023.
- c. Ms Chanata holds a Bachelor of Hospitality & Tourism from Indonesia (her country of origin), and a Certificate in Kitchen Management (including food handling). The focus of Ms Chanata’s degree was on restaurant management, not bar management.
- d. Before commencing as the venue manager, Ms Chanata was inducted into the role by Mr Sumang and Mr Chaurasiya over a period of about two weeks.
- e. Ms Chanata manages the restaurant and bar, and is responsible for the supervision, training and rostering of staff.
- f. There is no staff training manual or a formal training program, but staff are instructed to comply with RSA practices.
- g. Ms Chanata has on occasion asked disorderly patrons to leave. If they decline to do so, she calls the police.
- h. There are usually about 100 patrons at the premises on Tuesdays, and about 80 on Fridays. Mondays and Saturdays are also sometimes busy.
- i. On 15 October 2024, Ms Chanata was rostered on, but fell ill and at short notice was unable to work. She assigned Natalia Suarez-Grandi (**Ms Suarez**), the bar supervisor, to manage the venue that evening. At that time, Ms Suarez was usually assigned to manage the premises when Ms Chanata was not on shift. Ms Suarez went on holiday soon after 15 October 2024, and never returned.
- j. On 15 October 2024, there were two staff (including Ms Suraez) serving at the bar, one “glassy”, a person conducting ID checks at the door, a sound technician, and three or four staff in the kitchen.
- k. Having viewed the CCTV footage, Ms Chanata stated that she has never seen the Jump Inn as busy as it was on 15 October 2024.
- l. After the events of 15 October 2024, Mr Chaurasiya and Ms Chanata agreed that if there were ever any such incidents again, the bar would be closed early.
- m. Ms Chanata identified the following measures that Jump Inn had taken in response to the September 2024 disciplinary action decision:

- Hourly measurement and recording of noise levels
 - Employment of a sound technician
 - Establishment and maintenance of a complaint and incident register
 - Cessation of happy hours
 - Cessation of the promotion of alcohol without food
 - Use of social media to notify the community of all live music events
- n. Despite having read the licence and the September 2024 disciplinary action decision notice, Ms Chanata was unaware of the prescribed condition (reg 84(8)) that patrons must be seated when consuming liquor. Ms Chanata agreed that, having viewed footage of the events of 15 October 2024, the premises looked more like a public bar than a restaurant.

25. Much of Mr Chaurasiya's evidence repeated Ms Chanata's evidence and the written responses he had provided to the complaint. The Commission summarises the additional evidence given by Mr Chaurasiya as follows:

- a. Mr Chaurasiya and his wife continue to jointly own and control the licensee.
- b. On 15 October 2024, Mr Sumang called Mr Chaurasiya, who was in Rockhampton, at about 21:00. Mr Sumang wasn't working for Jump Inn at the time. He was there for a drink. From what he said, Mr Chaurasiya decided to immediately close the bar. The following day Mr Chaurasiya telephoned Licensing NT to ask for assistance and advice.
- c. Mr Chaurasiya admitted the truth and accuracy of the facts found by the Commission in relation to events at the premises on 15 October 2024 as set out at paragraph 30 below.
- d. In response to the September 2024 decision, Ms Chaurasiya identified the following measures that Jump Inn had taken, in addition to those identified by Ms Chanata:
- Staff were directed and trained to keep the kitchen open for meals until closing time
 - Bar staff were spoken to about dealing with intoxicated patrons
 - Staff were directed to call police if patrons became violent
 - Staff were directed only to sell jugs of beer to a group
 - Staff were directed to check IDs against a list provided by police of persons on the Banned Drinkers Register
- e. Mr Chaurasiya said that a licensee can request an intoxicated, violent, quarrelsome or disorderly patron to leave the premises, but "we can't touch them to force them to leave".
- f. Mr Chaurasiya was unaware of ss 4, 5 and 13 of the *Private Security Act 1995* (NT) (the effect of which is to prohibit the engagement of an unlicensed person to carry out crowd controller functions on licensed premises).
- g. Mr Chaurasiya agreed that it is preferable to have licensed security staff to remove patrons, rather than relying on other staff for this. Jump Inn has not

engaged a security company as they are too expensive, but does employ licensed security officers privately on a casual basis. Every Tuesday and Friday since 31 January 2025, the licensee has employed a licensed security officer to be on duty from 18:30 to closing.

- h. Since leaving Alice Springs in mid-October 2024, Mr Chaurasiya had not returned until his appearance at the Commission hearing on 13 February 2025.⁴ He contacts Ms Chanata on the days she is working to discuss business and operational issues.
- i. Since 15 October 2024, Mr Chaurasiya has arranged for additional seating to be installed in the beer garden/dance floor, to promote compliance with reg 84(8). However, Mr Chaurasiya agreed that the premises still appear to be more like a public bar than a restaurant.
- j. Mr Chaurasiya suggested that to remedy this ongoing breach of reg 84(7) and (8), the licensee could install more seating and signage directing patrons to be seated while consuming alcohol.

Submissions

26. On behalf of the Director, Mr Wood submitted that a three day suspension was appropriate for the contravention of s 141 of the Act on 15 October 2024, as alleged in the complaint. Mr Wood also submitted that it was open to the Commission to take additional disciplinary action, including further suspension, pursuant to s 166(4) of the Act, which confers power on the Commission to hear a matter not referred to it but which arises from a matter that was referred to it. He proposed that the licence conditions be varied by imposing a requirement that a licensed security officer be engaged on Tuesdays and Fridays (or on other days when more than 100 patrons were expected). Mr Wood did not submit that the Commission find that the licensee or its nominees are not fit and proper to hold and operate the licence.

Consideration

27. As in the 2024 disciplinary action decision, in considering the evidence it received in the hearing, the Commission has applied the “Briginshaw test”, which is to say that the Commission must be satisfied that an allegation is made out to the reasonable satisfaction of the Commission. “In such matters ‘reasonable satisfaction’ should not be produced by inexact proofs, indefinite testimony, or indirect inferences.”⁵

28. The Commission determined that pursuant to s 166(4), it would extend the scope of the hearing to inquire into compliance with the orders it had made in the 2024 disciplinary action. As stated at paragraph 14 above, on 28 January 2025 the Commission had notified Mr Chaurasiya that it intended to adopt this course.

29. In doing so, the Commission had regard to:

⁴ Contrary to the assertion in his response dated 24 January 2025 that “I... fly in and out regularly to assist with its management”.

⁵ *Briginshaw v Briginshaw* (1930) 60 CLR 336 per Dixon J.

- a. the nature and number of adverse findings against the licensee in the 2024 disciplinary action;
- b. the occurrence of the events the subject of the complaint so soon after the 2024 disciplinary action;
- c. the contents of the CCTV footage of the events of 15 October 2024; and
- d. Mr Chaurasiya's responses to the complaint.

THE s 141 COMPLAINT

30. The agreed facts are set out at Annexure Two. The Commission finds them to be proven. However, in addition to the admitted facts, the Commission finds the following additional facts, which taken together significantly elevate the seriousness of the breach. The Commission finds that at the premises on the evening of 15 October 2025:

- a. there were in excess of 100 patrons on the premises;
- b. a band was playing;
- c. staffing comprised:
 - i. two females serving at the bar, including Ms Suarez;
 - ii. one female collecting and washing glassware;
 - iii. one unlicensed male performing the functions of a security provider by checking the ID of patrons on entry to the premises;
 - iv. two or three staff in the kitchen preparing and placing meals on a servery counter in the dining room;
 - v. one male operating the sound system with an iPad;
- d. a female patron (**F1**) entered the premises at 19:24 and exited the premises at 21:42;
- e. a male patron (**M1**) entered the premises at 19:33 and exited the premises at 21:42;
- f. over a period of approximately two hours, F1 struck M1 at least fifty times on the face or head with her open hand, her fist, her open-toed sandals and a mobile phone;
- g. on several occasions F1 raised a glass container (a bottle, a jug and a glass) with the apparent intention of throwing it at M1 or striking M1 with it;

- h. during the same period, M1 struck F1 on several occasions by slapping and punching her;
- i. many of the assaults committed by F1 occurred within one or two metres of staff members;
- j. on many occasions staff members had an unobstructed view of the assaults;
- k. on several occasions other patrons intervened to prevent F1 from assaulting M1 by stepping between M1 and F1, pulling or pushing F1 away, or grabbing F1's arm;
- l. on no occasion did staff intervene to stop F1 or M1 assaulting each other;
- m. it was only after liquor inspectors recommended to staff that intoxicated and disorderly patrons be removed that staff approached F1 and M2 and talked to them, requesting they leave; and
- n. after being spoken to by staff, F1 and M2 remained on the premises for a further 15 minutes.

31. The Commission upholds the single ground of complaint. The Commission finds that the licensee breached s 141(1) of the Act by failing to remove from the licensee two persons who were violent, quarrelsome and disorderly.

32. Mr Chaurasiya was seriously mistaken in his beliefs regarding the powers and duties of licensees to exclude and remove persons from licensed premises. Section 141 establishes a duty on licensees to exclude and remove from the premises any person (other than a lodger) who is violent, quarrelsome, disorderly or incapable of controlling their behaviour. Section 142 confers on licensees and their employees the power to use the force that is reasonably necessary to carry out their duty to remove and exclude persons from premises. Sections 141 and 142, which are found in Part 6 Division 3 of the Act ("Responsible drinking") also contain other important provisions relating to licensees' responsibilities. All licensees should familiarise themselves with all of the provisions of Part 6 Division 3, and ensure that their employees are trained to comply with these provisions.

33. The Commission finds that the licensee and its nominees/managers failed to comply with their duty to gain an understanding of their powers and duties in dealing with violent, quarrelsome and disorderly patrons. The Commission further finds that the licensee failed to engage a person to carry out security functions in accordance with the *Private Security Act 1995*. The Commission finds that the breach of s 141(1) on 15 October 2025 was in large part a consequence of these failures. This significantly aggravates the seriousness of the breach.

COMPLIANCE WITH THE 2024 DISCIPLINARY ACTION

Noise

34. In its 2024 disciplinary action decision notice, the Commission requested the Director to fix the approved maximum sound pressure level referred to at item 2.1 of the noise condition imposed by the Commission.

35. Subsequently, the Director appended a Schedule to the licence that relevantly provides:

With reference to... the decision of the Liquor Commission dated 6 September 2024 the approved maximum sound pressure level as determined by the Director is... 85 dB(A) LAeq but not to exceed 95 dB(A) LAeq measured at front of house (4 metres from the stage)

36. Mr Wood explained to the Commission that this wording was based on a passage in a previous decision of the Commission fixing the following noise condition:⁶

...sound levels at events or functions conducted using the sound-shell *shall be permitted to exceed* 85 dB(A) LAeq but not to exceed 95 dB(A) LAeq measured at front of house (4 metres from the stage). [Emphasis added]

37. The Commission considers that the current wording of the licence set out above is unsatisfactory. It is self-contradictory and does not accurately reflect the condition on which it is purportedly based. Furthermore, the Commission is not satisfied that a maximum sound pressure level of 95 dB(A) LAeq measured at front of house is consistent with the following request made by the Commission to the Director at paragraph 101 of the September 2024 disciplinary action decision notice:

...to measure, over a period of fifteen minutes of continuous music, the noise level as measured in the evening 4 metres from the front of the stage in the beer garden, that results in an LAeq (i.e. average) noise level of 45 dB(A) at [the complainant's] back door.

38. This concern arises from:

- a. the evidence received at the hearing that sound levels at “the fence” (which the Commission assumes is the boundary fence between the premises and the yard of the complainant in the 2024 disciplinary action matter) were recorded on 15 October 2024 and 19 October 2024 as being between 49.7 and 58.4 dB;⁷ and
- b. Senior Compliance Officer James’ observations about noise levels on 15 October 2024.

⁶ Northern Territory Liquor Commission, *Disciplinary action against PINT Club Incorporated* (LC2020/042), 18 January 2021, p 2

⁷ Exhibit 6

39. The Commission renews its request to the Director to fix a maximum sound pressure level that results in the noise at the former complainant neighbour's back door not exceeding 45 dB(A), a level, which, as the Commission explained in the September 2024 disciplinary action decision notice at paragraph 101, is based on and is consistent with the Northern Territory Noise Management Framework Guideline.
40. Although the Commission has not been informed of any noise complaints against the licensee since the 2024 disciplinary action, it entertains significant doubts that the licensee has in fact ceased to cause undue and unreasonable noise that affects the amenity of the neighbourhood.
41. However, the Commission makes no finding adverse to the licensee regarding its noise emissions. Indeed, the Commission commends the licensee for its conscientious and conspicuous efforts to comply with the noise condition in the licence that was re-issued following the September 2024 disciplinary action.

Management

42. Having considered the CCTV footage it has viewed, together with the evidence of Ms James and Mr Honan, who were eye witnesses, the Commission finds that on 15 October 2024 there was a serious failure of management at the premises. The Commission further finds that this resulted in the licensed premises being used in a way that caused disorderly conduct on the premises, a ground of complaint set out at s 160(1)(m)(i) of the Act. Although this was not a ground specified in the Director's complaint, it is a matter which arises from the Director's complaint.
43. If the Commission had received evidence that enabled it to be reasonably satisfied that the manner in which the premises were operated on 15 October 2024 was typical of the operation of the premises since the 2024 disciplinary action, the Commission would have revoked the authority of the licensee to continue to operate the premises.
44. However, the Commission received no such evidence, and has proceeded to take disciplinary action on the basis that the events of 15 October 2024 were, as Mr Chaurasiya characterised them, an isolated "bad night".
45. The 2024 disciplinary action decision notice also addressed the issue of the licensee's deficient management. The Commission directed that the licensee:
- Only... operate the licence when Mr Sachindra Chaurasiya is personally managing the business and residing at the premises, unless and until the licensee has, with the written approval of the Director, appointed another person resident in Alice Springs to be a joint licence nominee, and that person has commenced to manage the business;
46. The licensee has complied with this direction, which the Commission considers remains in force and effect. In the event that Ms Chanata (who is not a permanent resident of Australia) moves on, the licensee will only be permitted to operate the licence if Mr Chaurasiya either returns to reside in and manage the premises, or another manager approved by the Director to be a nominee, is engaged.

47. Ms Chanata impressed the Commission as a diligent and competent employee. However, the Commission is disconcerted by the fact that both Ms Chanata and Mr Chaurasiya demonstrated a fundamental misunderstanding of the powers and duties of licensees with respect to violent, quarrelsome and disorderly patrons.
48. The Commission is also concerned that Mr Chausariya exercises his functions as the owner and manager of the premises from his home and principal workplace in Queensland, but has not employed a full-time manager on site at the premises. As a result, there is an elevated risk that there will be future breaches of the Act, the Regulations and the licence conditions.

A restaurant bar

49. The licensee has a kitchen that prepares and serves meals, and the licensee prominently promotes and advertises this service online.
50. The CCTV footage viewed by the Commission that was recorded over a two hour period on 15 October 2024 shows that some patrons purchased meals, which they picked up from the servery and took elsewhere on the premises to consume. However, these patrons were very much in the minority. In the beer garden, at least 40 patrons could be seen. Almost all were standing, most of them were dancing, many of them were drinking and none (or almost none) of them was eating. In the bar, there were at least 25 patrons, almost all of whom were standing, and many of whom were drinking or waiting to be served at the bar.
51. The evidence of Ms James and Mr Honan corroborated these observations.
52. The dining room of the premises is furnished with long tables and benches, which were mainly unoccupied. In the most crowded part of the premises, the beer garden, seating was around the edges, presumably to create a large open area where patrons could dance while a band was playing. That is a suitable arrangement for a licensee with a public bar authority. It is unsuitable for a licensee with a restaurant bar authority.
53. The Commission finds that the licensee has continued to breach the condition prescribed by reg 83(7) of the Regulations requiring licensed premises operating with a restaurant bar authority “to appear to be a café, restaurant or eatery”, and the condition prescribed by reg 83(8) requiring patrons to be seated while consuming liquor. Mr Chaurasiya and Ms Chanata unequivocally admitted these breaches when confronted with them in cross-examination.
54. As the Commission found in the 2024 disciplinary action decision, despite the fact that the licensee holds a restaurant bar authority, it effectively operates as if it held a public bar authority.
55. The Commission finds that the licensee has failed to take reasonable steps to address these serious breaches identified by the Commission in the 2024 disciplinary action proceedings.
56. In this context, the s 141 breach is all the more serious. The Commission is satisfied that the breach of s 141 was a natural and probable consequence of the licensee’s

decision to run a de facto pub without adequate management, staffing, security, care, responsibility or lawful authority.

IS THE LICENSEE FIT?

57. Section 160(1)(h) of the Act establishes a ground of complaint that a licensee is not a fit and proper person to hold a licence. Section 160(1)(i) provides that a complaint may be made on the ground that the licensee's nominee is not a fit and proper person and the licensee should reasonably know that.
58. The Commission has received no evidence that leads it to question Mr Chaurasiya's propriety. However, it is not enough for a licensee to be a proper person. A licensee must be not only proper but fit, in the sense discussed at paragraph 5 above.
59. Having given him the benefit of its doubts regarding his fitness to operate the licence in September 2024, the Commission now finds that Mr Chaurasiya has continued to display a failure to properly appreciate the responsibilities required to fulfil the role of being the holder of the liquor licence.
60. In making this finding the Commission has taken into account both the evidence it has received of the events of 15 October 2024, and Mr Chaurasiya's responses, firstly to the Director on 27 November 2024,⁸ and then to the Commission on 24 January 2025.⁹ In those responses, Mr Chaurasiya displayed a signal failure to understand the core responsibility of a liquor licensee to provide patrons with a safe environment in which to consume alcohol. Mr Chaurasiya was expansive in describing the dangerous problems of alcohol consumption and associated harm in Alice Springs, but seemingly oblivious to his own responsibility to manage the premises in a manner that would not contribute to these problems.
61. Nevertheless, the Commission considers that Mr Chaurasiya's misconceived, unhelpful and ineffective responses to the complaint, which were prepared without professional advice, must be assessed in the context of his conduct in response to the 2024 disciplinary action, which has been, on the whole, responsive and responsible. The licensee complied with all the specific directions of both the Commission and the office of the Director in relation to trading hours, advertising and promotion, the availability and service of meals, the reduction of noise emissions, and the appointment of a manager. The licensee has also, albeit very belatedly, adopted the appropriate practice of engaging a licensed crowd controller to be at the premises on days when live entertainment is provided and business is busier.
62. In addition, for the reasons set out above, the Commission does not proceed on the basis that the events of 15 October 2024 were part of a pattern of ongoing unsatisfactory practice. Accordingly, for the purpose of considering whether the licensee is a fit and proper person to hold the licence, and whether the licensee's nominees are fit and proper persons, the Commission reduces the weight of its adverse findings against the licensee and the nominees arising from the events on that "bad night".

⁸ Exhibit 1, p 31

⁹ Exhibit 2

63. Furthermore, the Commission is satisfied that the serious failures referred to at paragraph 32 above were failures occasioned by ignorance, and were not deliberate. This is also relevant to the Commission's consideration of the licensee's fitness.

64. Finally, the Commission has had regard to Mr Wood's submissions on behalf of the Director. Mr Wood and his team, who have provided substantial supervision, counselling and support to Mr Chausariya, are well placed to evaluate whether the licensee has the potential to operate the premises in an appropriately compliant manner. Mr Wood's submissions were to the clear effect that this licensee should be permitted to continue to operate the licence.

65. Having regard to all of these considerations, the Commission is not satisfied that there is sufficient basis to find that the licensee or its nominees are not fit and proper to hold and operate the licence.

DISCIPLINARY ACTION

66. The Commission finds that the following grounds of complaint are made out:

- a. the licensee contravened a provision of the Act, namely s 141(1), by failing to remove from the licensee two persons who were violent, quarrelsome and disorderly (s 160(1)(b));
- b. the licensee contravened a provision of the regulations, namely reg 83(7), which provides that premises with restaurant bar authority must appear to be a café, restaurant or eatery (s 160(1)(b));
- c. the licensee contravened a provision of the regulations, namely reg 83(8), which provides that patrons must be seated when consuming liquor (s 160(1)(b));¹⁰ and
- d. the licensed premises were used in a way that caused disorderly conduct on the premises (s 160(1)(m)(i)).

67. The Commission now turns to consider the appropriate disciplinary action.

68. In *Nulite Pty Ltd v Northern Territory Liquor Commission; Director of Liquor Licensing* [2023] NTCAT 20, Member McCrimmon conveniently summarised the Australian case law in relation to the fixing of civil penalties. It is well established that the primary if not sole purpose of imposing civil penalties is deterrence. In addition, the authorities have identified twelve factors applicable to the fixing of a civil penalty. In determining what disciplinary action to take, the Commission has considered each of these factors, as follows:

¹⁰ This requirement is subject to subregulation (9), which is not engaged in the circumstances of this matter.

1. The nature and extent of the contravening conduct

The Commission considers that the contravening conduct is in the mid range of seriousness.

2. The amount of loss or damage caused

The Commission received no evidence as to the amount of harm caused. However, the Commission is satisfied that the contravening conduct on 15 October 2024 resulted in a real risk of consequential serious or even catastrophic harm. The Commission refers to the death of Kumarn Rabuntja on 7 January 2021 at the hands of her partner Malcolm Abbott soon after their attendance at licensed premises in Alice Springs where they had both become intoxicated and Mr Abbott had become quarrelsome.¹¹ In his response to the complaint dated 24 January 2025, Mr Chaurasiya adverted in detail to the appallingly high rates of alcohol-related harm and violence in the Northern Territory. Liquor licensees have a key role to play in reducing this harm.

3. The circumstances in which the conduct took place

The Commission has particular regard to the failure of the licensee to effectively manage the premises. Had the licensee put in place effective management, all of the contravening conduct may have been avoided.

4. The size of the contravening company

The licensee is a small family business.

5. The degree of power it has, as evidenced by its market share and ease of entry into the market

The licensee acquired this long-established business and liquor licence in 2023. It is among the oldest licenced premises in Alice Springs, but is also one of the town's smaller venues.

6. The deliberateness of the contravention and the period over which it extended

The Commission does not consider that the contravening conduct was deliberate. In this matter, the Commission has proceeded on the basis that where some of the contravening conduct was persistent, some of it was not.

7. Whether the contravention arose out of the conduct of senior management or at a lower level

¹¹ *Inquests into the deaths of Miss Yunupingu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood* [2024] NTLC 14, [251] ff

The contravention arose substantially out of the conduct of senior management, albeit in a very small business.

8. Whether the company has a corporate culture conducive to compliance with the Act, as evidence by educational programs and disciplinary or other corrective measures in response to an acknowledged contravention

The licensee has made some progress towards developing a compliant corporate culture, but further measures are required.

9. Whether the company has shown a disposition to co-operate with the authorities responsible for the enforcement of the Act in relation to the contravention

The licensee has shown that it is disposed to be co-operative with both Licensing NT and the Commission.

10. Whether the respondents have engaged in similar conduct in the past

The licensee engaged in similar conduct in 2024.

11. The financial position of the respondents

The Commission has not been provided with evidence of the licensee's financial position, but accepts the licensee's submission that it is struggling to prosper.

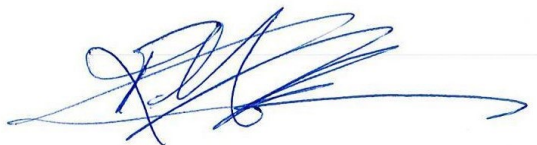
12. The deterrent effect of the proposed penalty

The financial impact of the penalty the Commission has determined to impose will be substantial. In September 2024 the Commission warned the licensee that it risked being disqualified from holding a licence, and the Commission now issues a further warning. As the licensee has engaged in continuing contravening conduct so soon after have been the subject of disciplinary action by the Commission, the importance of specific deterrence – discouragement of this licensee – is particularly high. In addition, the Commission intends that the disciplinary action it has taken will send a message to other licensees of the seriously adverse consequences that flow from failing to comply with the Act and the Regulations in the way the licensee has done.

69. The Commission is satisfied that grounds for disciplinary action exist, and that the disciplinary action it determined to take is appropriate to those grounds.

OBJECTS OF THE ACT

70. Section 3(4) of the Act requires the Commission to have regard to the primary and secondary purposes of the Act when dealing with these complaints. The Commission has done so, and considers that it has dealt with these complaints in a way consistent with the purposes of the Act.



RUSSELL GOLDFLAM
CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
17 February 2025

On behalf of Commissioners Goldflam, Abbott-McCormack and Stedman

ANNEXURE ONE: THE 2024 DISCIPLINARY ACTION

Extract of *Complaints against 2SCCP Pty Ltd t/a Jump Inn* [2024] NTLiqComm 36:

2. The Commission has decided to take disciplinary action against the licensee pursuant to s 165(2) of the *Liquor Act 2019* (NT) (**the Act**) by: varying the conditions of the licence, imposing additional conditions on the licence, directing the licensee to take specific action, and imposing a monetary penalty on the licensee, as follows.
3. The existing Trading Hours are replaced with the following:

Trading hours for **Jump Inn – Alice Springs** shall be between:

Sunday 16:00 and Monday 01:00
Monday 16:00 and Tuesday 01:00
Tuesday 16:00 and Wednesday 01:00
Wednesday 16:00 and Thursday 01:00
Thursday 16:00 and Friday 01:00
Friday 16:00 and Saturday 01:00
Saturday 16:00 and Sunday 01:00

4. The conditions of the licence are varied by omitting:

Meals

Liquor may only be served or consumed between 11:30 and 16:00 hours ancillary to a meal

Meals must be available on request from 16:00 until close of business

and substituting:

Meals

A full meal must be available on request from 16:00 until 1.5 hours before the close of the licensed premises.

A light meal must be available at all times when the licensed premises are open.

5. The conditions of the licence are varied by omitting:

Noise

The licensee will at all times ensure that the locality is not disturbed by noise from the premises

Outdoor Entertainment

The licensee will provide the neighbours in vicinity with no less than 24 hours' notice in writing of any outdoor entertainment

and substituting:

Noise

1 Introduction and Interpretation

- 1.1 The object of this special condition is to ensure that the licensee does not cause or permit its employees or patrons to cause undue or unreasonable noise on or in the licensed premises that affects the amenity of the neighbourhood.
- 1.2 For the purpose of this Condition:
- 1.2.1 "Director" means the Director of Liquor Licensing or their delegate
- 1.2.2 "a musical event" means an occasion at the licensed premises when live or pre-recorded music is played using amplified sound emitted by a loudspeaker
- 1.2.3 "the approved maximum sound pressure level" means the maximum sound pressure level approved by the Director
- 1.2.4 "special function" means a musical event for which prior written approval has been given by the Director in accordance with paragraph 5.2 below

2 Arrangements for noise management

- 2.1 The licensee must install a noise limiting device to prevent noise being emitted in excess of the approved maximum sound pressure level measured at front of house (4 metres from the stage), even if the volume is turned up by the sound system operator.
- 2.2 The licensee shall only cause or permit music to be played at events or functions with the noise limiting device engaged.
- 2.3 The licensee must not cause or permit any musical events or special functions to take place at the licensed premises unless and until the Director has provided the licensee with written confirmation that it is satisfied that the noise limiting device has been properly installed, engaged and locked.

3 Advertising and notice of events

- 3.1 Notification of all musical events and special functions including the time of the event or function must be given at least five days in advance on the licensee's website, Facebook page and any other social media platform the licensee uses to promote the event and the licensed premises.

4 Noise Complaint management

- 4.1 The licensee shall publish on its website, Facebook and Social Media pages an email address to which noise complaints can be addressed.

- 4.2 The licensee must monitor that email address daily, and acknowledge receipt to the complainant.
- 4.3 The licensee must print out all noise complaints received and place them in a noise complaints register that the licensee must produce to a Licensing Inspector upon request.
- 4.4 In addition, the licensee must document at the time of receipt any noise complaint received by telephone or in person and place the documented record of the complaint in the noise complaints register.

5 Hours of operation of music

- 5.1 Subject to paragraph 5.2, the licensee must ensure that no live or pre-recorded music is played after 22:00.
- 5.2 The licensee must, by prior written notice to the Director, seek the Director's consent to a special function at which music will be played after 22:00 hours. The notice must be given at least seven business days before the proposed date of the special function. The licensee must not hold a special function if the Director gives the licensee written notice that they refuse to consent to the holding of the special function. The Director is taken to have consented to a special function if the licensee has sought the Director's consent with at least seven business days notice, and the Director has not, within two business days of receiving the notice, notified the licensee that they refuse to consent to the holding of the special function. The licensee must not hold more than six special functions in a calendar year.

6 Director's review

The Director on their own initiative may review noise issues pertaining to the licensed premises, and notwithstanding compliance by the licensee with the foregoing, the licensee shall implement such sound attenuation and noise mitigation measures as the Director in their discretion may notify to the licensee in writing at any time as having become in the Director's view a reasonable requirement in the circumstances then prevailing.

6. The licensee is directed:
 - a. only to operate the licence when Mr Sachindra Chaurasiya is personally managing the business and residing at the premises, unless and until the licensee has, with the written approval of the Director, appointed another person resident in Alice Springs to be a joint licence nominee, and that person has commenced to manage the business; and
 - b. to co-operate and comply with any harm minimisation audit of the premises undertaken by the Director pursuant to Part 6 Division 4 of the Act.
7. A monetary penalty of five penalty units is imposed on the licensee payable within 28 days after this notice is given to the licensee.

ANNEXURE TWO: STATEMENT OF AGREED FACTS

1. 2SCCP Pty Ltd holds liquor licence FLL1018 for the premises known as Jump Inn, 4 Traeger Avenue, The Gap in the Territory.
2. The licence operates under a restaurant bar authority and late night (2:00am) authority.
3. Mr Sachindra Chaurasiya and Ms Caecilia Chanata are joint nominees of the licence on behalf of the licensee.
4. At approximately 19:35 hours, 15 October 2024 inspectors attended the premises to conduct compliance operations.
5. Upon entry to the premises the inspectors heard a female arguing with other patrons.
6. A short time later that same female was observed by the inspectors arguing with a male whose face she pushed and struck. The female was standing over the male who was seated at the time.
7. A subsequent review of CCTV footage by the inspectors showed the male at 19:33 hours striking the female across the face and both engaging in a physical altercation by the front door of the premises.
8. Inspectors observed both patrons striking each other and engaging in violent and quarrelsome behaviour and were not removed from the premises by the licensee nor employees of the licensee.
9. A complaint pursuant to section 161(2)(b) of the Liquor Act 2019 was subsequently accepted by a delegate of the Director of Liquor Licensing on 20 November 2024
10. The complaint alleged conduct contrary to section 141(1) of the Liquor Act 2019 in that: 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 on lodging at residential accommodation on or in the licensed premises.
11. There is residential accommodation contained within these licensed premises.
12. On 30 January 2025, the licensee admitted the breach as alleged and accepted unconditionally the penalty of a license suspension for 3 days as proposed by the Delegate.