

## Delegate of the Director of Liquor Licensing

### Decision Notice

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<b>MATTER:</b>	Complaint pursuant to section 160 of the <i>Liquor Act 2019</i>
<b>LICENSEE:</b>	Blacken Pty Ltd
<b>PREMISES:</b>	The Black Wreath Venue
<b>LEGISLATION:</b>	Part 7, Division 3 of the <i>Liquor Act 2019</i>
<b>DECISION OF:</b>	Delegate of the Director of Liquor Licensing
<b>DATE OF DECISION:</b>	26 August 2025

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### DECISION

1. For the reasons set out below as a delegate of the Director of Liquor Licensing (the Director), I upheld a complaint against the licensee, Blacken Pty Ltd (the licensee) for having breached the *Liquor Act 2019* (the Act) on 3 May 2025 when:
  - a. Contrary to section 93 of the Act, the licensee caused or permitted its employees and patrons to cause undue and unreasonable noise on or in the licensed premises which affected the amenity of the neighbourhood.
2. Upon completion of the investigation into the complaint, I am satisfied that the following action should be taken:
  - a. Pursuant to section 163(1)(b) of the Act, issue a formal warning to the licensee in relation to the complaint.
3. This decision notice serves at that formal warning document.
4. For completeness, the three other allegations set out below, are dismissed.

### REASONS

#### Background

5. Blacken Pty Ltd was the holder of licence FLL2694 under a special event authority (the licence) for the premises known as "The Black Wreath Venue" situated at 2 Smith Street, Alice Springs NT 0870. The nominee listed on the liquor licence was Mr Nicholas Rossiter.
6. Section 93 of the Act specifies a licensee must not cause or permit its employees or patrons to cause undue and unreasonable noise on or in the licensed premises that affects the amenity of the neighbourhood.

7. Section 293 of the Act specifies a licensee commits an offence if the licensee intentionally engages in conduct resulting in a contravention of a condition of the licensee's licence or authority, the licensee is reckless in relation to that result and the contravention does not constitute another offence against this Act.
8. On 3 and 4 May 2025, the licensee, Blacken Pty Ltd, held a live music event at the premises which was licensed to sell liquor between 1400 and 0200 hours on both days.
9. On 3 May 2025, at 2205 hours inspectors attended the premises with a further two inspectors attending in the early hours of 4 May 2025 at 00:35 hours, for the purpose of conducting compliance inspections.
10. The live music was found to be at a volume which made it hard to hear or hold a conversation, which created difficulty when inspectors engaged with crowd controllers and the nominee.
11. On the second occasion, an inspector considered the music too loud to enter and subsequently neither inspector entered the premises. On 4 May 2025, comments were made on social media after a member of the public posted on a community forum questioning where the music was coming from on a Sunday night at midnight.

## THE COMPLAINT

18. On 29 May 2025, 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) of the Act 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, 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 11 June 2025, within the 14 day prescribed period, and the licensee was given a notice of the substance of the complaint and invited to provide a response in compliance with section 162(1) of the Act.
21. Following a conversation on 27 June 2025, the licensee provided a response to the particulars of the complaint disputing the allegations and requesting a meeting to review supporting evidence and discuss the allegations.
22. On 21 July 2025, the licensee met with a delegate of the Director to discuss the allegations and review body worn footage.
23. The licensee disputed the noise allegation with live music being played during the licensed hours and sound management practices in place, including the regular monitoring of volume levels. Given the premises is located in an industrial area with very few residents close by the nominee sought advice from Licensing NT as to how they can better manage this.
24. For completeness, as the other allegations have been discontinued no further analysis of them is necessary.

## 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, I have considered the allegations, response of the licensee and also the other mitigating factors including the licensees acknowledgement of the need to be cautious over sound volumes and security operations at events.
29. In upholding allegation one, conduct contrary to section 93 of the Act, that being undue and unreasonable noise which affected the amenity of the neighbourhood proved and I find the appropriate action to take against the licensee is to issue a formal warning in relation to the complaint and dismiss all other allegations.
30. Within 14 days of making this decision the Act requires the complainant, licensee and the Commission to be given a copy of the notice.
31. The licensee is placed on notice that future matters of this nature may result in an escalation of penalties.

## REVIEW OF DECISION

32. Section 27(1) of the Act provides that an affected person for a delegate decision may apply to the Director for a review of the decision.
33. Section 27(2) of the Act 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.
34. The affected persons in this matter is the licensee of Blacken Pty Ltd and the relevant inspector.



**Mark Wood**  
Delegate of the Director of Liquor Licensing  
26 August 2025