Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Complaint pursuant to section 160 of the *Liquor Act 2019*
LICENSEE:	S&J George Pty Ltd
PREMISES:	The NT Rock Bar
LEGISLATION:	Part 7, Division 3 of the *Liquor Act 2019*
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	9 November 2026

DECISION

1. For the reasons set out below, as a delegate of the Director of Liquor Licensing (the Director) and having considered all the materials, I uphold a complaint against the licensee for conduct contrary to section 293(1) of the *Liquor Act 2019* (Act), that on 25 June 2026, the emanation of noise from the premises was of such nature as to cause unreasonable disturbance to the ordinary comfort of lawful occupiers of the neighbourhood.

2. Pursuant to section 163(1)(b) of the Act, the action I take in relation to this matter is to issue the licensee with a formal warning for the events of that day.

3. Pursuant to section 163(1)(a) of the Act, I take no further action in relation to the matters alleged for the following dates:

    a) 21 May 2026;

    b) 2 July 2026;

    c) 10 July 2026;

    d) 16 July 2026;

    e) 4 September 2026.

REASONS

Background

4. S&J George Pty Ltd is the holder of liquor licence 80818127 for the premises. The nominee is Mr Jolyon William George.

5. On 10 July 2026, an email was sent from the adjoining licensee to Licensing NT regarding a previous telephone conversation with this delegate about the music emanating from The NT Rock Bar.

6. A subsequent formal complaint, in the approved form, was received from the adjoining licensee dated 8 September 2026, alleging weekly music events at The NT Rock Bar during the adjoining licensee's dinner service period were unpleasant and adversely affecting their operations.

7. After undertaking a preliminary investigation into the several allegations, an inspector lodged a complaint with the Director, in the approved manner, with reference to section 160(2) of the Act on 22 September 2026.

8. Central to this matter is a condition on the licence which in part reads:

> "The licensee shall not permit or suffer the emanation of noise from the premises of such nature or at such levels as to cause unreasonable disturbance to the ordinary comfort of lawful occupiers of the neighbourhood."

THE COMPLAINT AND ALLEGATIONS

9. On 22 September 2026, a complaint was lodged 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.

10. 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.

11. A delegate of the Director accepted the complaint on 22 September 2026, within the 14 day prescribed period. 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.

12. On 14 October 2026, the licensee provided a response to the particulars of the complaint.

13. The allegations are broken into six (6) events, all materially similar, which may be described as live or pre-recorded music events generally conducted between 17:00 and 20:00 hours on a Thursday or Friday in the alfresco area at the rear of The NT Rock Bar.

14. The dates of the events alleged to have been in breach of the condition are:

a) 21 May 2026;

b) 25 June 2026;

c) 2 July 2026;

d) 10 July 2026;

e) 16 July 2026;

f) 4 September 2026

15. For completeness, the complainant has contacted Licensing NT on a number of occasions in relation to these events, however, the formal complaint was not lodged in the approved form until 22 September 2026.

ANALYSIS OF EVIDENCE

16. It is not in dispute that the licensee has conducted the events on the dates and times alleged.
17. The adjoining licensee has made the allegations and provided various audio and video recordings of the events from within their premises.
18. These clips are short, however, the music from The NT Rock Bar can be heard inside the adjoining premises. All recordings were made between the hours of 17:16pm and 17:47pm.
19. The videos were taken in an office which has a common wall between the two premises and also from within the rear dining area of the premises and the rear of the premises.
20. Although the music may be heard, in question here is whether it is of such a nature as to cause unreasonable disturbance to the ordinary comfort of the adjoining licensee, especially during the purported dinner service hours.
21. In the recordings there is no ambient or operational noise apparent in the premises where they were made. This will of course contribute to the ability to hear the music from next door.
22. As stated by the licensee their "…primary concern is that this is happening during our dinner service, not simply during late-night entertainment hours". They further submit their clients come to dine during this period to have a meal and converse with their friends and family.
23. It is also alleged, although not substantiated with evidence, that they have "…begun losing dinner customers as a result of the excessive noise".
24. In an earlier email dated 10 July 2026, the adjoining licensee advised of the recordings that had been made of the music and stated:

> "…the music from Rock Bar (sic) is clearly audible through the interior of Bojangles, to the extent that it sounds as though the performance is taking place within our own venue".

25. It was further submitted:

> "This level of noise is having a significant impact on our business operations. It interferes with conversations between patrons and staff, affects the dining experience of our customers, and disrupts our ability to provide an appropriate level of service during one of our busiest trading periods.
>
> This issue has continued despite previous concerns being raised, I respectfully request that Licensing NT please investigate."

26. Inspectors also attended both premises during these periods and a review of their body worn camera's recordings confirm the music from The NT Rock Bar is audible in the adjoining premises.
27. It is clear in the footage that there is some difficulty in conducting a casual conversation due to the level of the music, when inspectors are inside of The NT Rock Bar, however, my observations are that they can conduct a normal conversation whilst in the adjoining premises. They can also be seen talking with patrons within the premises who are seated in the area of the common wall without issue.
28. Both licensees operate late, or have the ability to do so and conduct live and pre-recorded music which may be clearly audible through their common wall during evenings.
29. This complaint is narrow in that it is limited in terms of days and times and does not include the late night activities.
30. The incident of 25 June 2026 is on the balance of probabilities, accepted as proven especially given the admission made by the licensee in their response.
31. When contacted on the day, after the adjoining licensee called Licensing NT to complain, the licensee states they gave instructions to their staff to reduce the volume which was not carried out by the personnel.
32. This failure although by the staff, must sit ultimately with the licensee.

DCOH PTY LTD v NORTHERN TERRITORY LIQUOR COMMISSION

33. On 2 March 2026, the Northern Territory Civil and Administrative Tribunal (the NTCAT) ordered an amended decision of the Commission made 2 May 2025 be set aside[1].
34. That matter involved a complaint relating to live music being performed in an alfresco area of the Frontier Hotel in Darwin.
35. The complainants in that matter were three nearby residents who alleged the music was too loud for them to reasonably enjoy the amenity of their premises.
36. The Commission upheld the complaint and *inter alia*, imposed stringent conditions on the licence as part of the disciplinary outcome.
37. The licensee sought a review of that decision, with the NTCAT setting it aside.

[1] Northern Territory Civil and Administrative Tribunal, *DCOH Pty Ltd v Northern Territory Liquor Commission, Reasons for Decision* 2025-01396-CT, (2 March 2026).

38. Of relevance to this matter, the NTCAT outlined a number of areas in which the investigation of that matter was deficient, recommending additional investigative processes to assist in future matters.

39. Further, the licensee in that matter provided subjective evidence by way of statements (11) from residents also living nearby, stating that they were not disturbed by the live music[2].

40. A critique of the investigation conducted in that matter was:

> "…a lack of investigation of community amenity performed by the Director, because, as there were only three complaints made by residents and there are many other unit residents near the licensed premises, the Director's investigating officers failure to make any inquiries to other residents near to the licensed premises about whether they were concerned by the live music sound level, indicates a failure to perform appropriate nearby resident inquiries of that nature."[3]

41. With reference to the critique of the NTCAT, in conducting the investigation into this matter, inspectors undertook inquiries with 26 unrelated, nearby businesses made up of commercial, retail and hospitality operations as well as non-government agencies and the Alice Springs Town Council, all in the vicinity of The NT Rock Bar.

42. It is acknowledged many of the businesses do not operate beyond approximately 17:30 hours, however only one agency submitted "…sometimes our clients are affected by the loud music on Thursdays".

43. The comment lacks specificity and they were unable to provide more detailed evidence of the issue; they did however express their willingness to give evidence in relation to the noise and anti-social behaviour if required.

44. Other comments related to issues with anti-social behaviour in the vicinity of the premises, noting matters of that nature are outside of the scope of this complaint.

45. It may therefore be accepted the complaint by the adjoining licensee is isolated, with reference to the NTCAT critique.

46. The Commission hearing and subsequent NTCAT decision considered the Northern Territory Noise Management Framework Guideline issued by the Northern Territory Environment Protection Agency.

47. Distinguishing this matter from the Frontier Hotel matter, which was an allegation of a breach of section 93 of the Act, this matter was an allegation of breaches of the conditions of the licence.

48. In the Frontier Hotel matter, they examined and considered noise levels through uncalibrated and unsuitable electronic means, which in and of itself proved problematic and fatal to the argument against the licensee.

49. This matter centres on whether the music caused unreasonable disturbance to the ordinary comfort of lawful occupiers of the neighbourhood.

---

[2] Above n1, at [29].
[3] Above n1, at [38].

50. It is therefore unnecessary, and not practicable, to deal with this matter through the prism of scientific measurements, the consideration of these matters sits squarely within the common law principle of nuisance.

51. This was affirmed by the NTCAT who considered a previous Commission decision in which they held from a Court of Appeal matter in Western Australia:

> "To constitute a nuisance, the interference with the plaintiff's use or enjoyment must be both substantial and unreasonable…
>
> The test of unreasonableness is objective. The reasonableness enquiry involves a balancing exercise between the defendant's right to use his or her land freely, and the right of the plaintiff to enjoy his or her land without interference. The reasonableness requirement thus reflects the need for give and take between neighbours living within a community…
>
> Among the factors relevant to whether interference is unreasonable are the nature and extent of the harm or interference, the social or public interest value in the defendant's activity, any hypersensitivity of the user or of the use of the plaintiff's land, the nature of established uses in and character of the locality, whether all reasonable precautions were taken to minimise any interference, and the type of damage suffered…"[4]

52. The premises share a common wall and it necessarily follows sound, particularly amplified and live music, will be heard through what it likely to be a poorly insulated structure.

53. An element for consideration by NTCAT in terms of amenity was "…the need to weigh up the deemed to be worthwhile aim of making live music available as a community amenity"[5].

Licensing NT – considerations for noise complaints policy

54. Following on from the Frontier Hotel matter, the Director expanded on the information provided to the public around liquor licence breaches.

55. The information was expanded to specifically outline our policy and requirements for a noise complaint, and can be found below:

https://nt.gov.au/law/alcohol-rules-and-restrictions/report-liquor-licence-breaches

> **Considerations for noise complaints**
>
> The below considerations aim to ensure that only genuine and substantiated complaints are escalated for formal investigation.
>
> - Order of occupancy – consider whether the licensed premises or the complainant occupied the area first. This helps balance the rights of long-standing venues against newer developments or residents.

[4] Northern Territory Liquor Commission, *Pint Club Disciplinary Action pursuant to the Liquor Act 2019* LC2020/042 (18 January 2021) at [35].
[5] Above n1, at [16].

- Requirement of 3 complaints required to trigger a formal investigation – a minimum of 3 separate complaints is now required before a formal investigation is initiated. This ensures that enforcement resources are focused on persistent or widespread issues.
- One complaint per residence – to maintain fairness, only one complaint per household or family group will be counted toward the above consideration.
- Intensification of use of the premises – changes in the nature or scale of activities at a venue will be considered when assessing the legitimacy of complaints.
- Sound testing – a distinction will be made between the noise level at the venue and the level experienced at the site of the complaint, ensuring evidence-based assessments.
- Positive actions taken by the complainant to resolve the issue with the licensee – complainants will be expected to demonstrate that they have taken reasonable steps to resolve the matter directly with the licensee before escalating the issue.

56. There has been no other parties lodge complaints in relation to these events.

57. The NT Rock Bar has operated at their location for several decades, and has infrequently held live or pre-recorded music events in the alfresco area throughout their life.

58. The adjoining premises likewise has long been operated as licensed premises; however, the former licence was cancelled by the Commission on 11 January 2021 for significant disciplinary reasons.

59. The premises remained closed and without a licence until one was granted to the current licensee by NTCAT on 8 June 2022.

60. It may therefore be argued they have brought themselves to the nuisance and the Agent of Change principle must also be considered.

61. No formal sound testing has been conducted in relation to this matter as no party has the appropriate scientific equipment, nor professional training to undertake such measurements.

62. As suggested, parties are encouraged to work together to resolve issues of this nature. Regrettably, the relationship between the parties is of such a nature that there is unlikely to ever be a consensus on any matter.

63. As submitted by the licensee in their response to the allegations, the now discontinued matters rested "…substantially on the complainants' own subjective descriptions – such as noise being 'uncomfortable to his ears' or making it 'hard to hold a conversation'- rather than on any objective or measured reading".

64. I must agree, and this subjective/objective consideration was examined by the NTCAT.

65. I accept that the sound and levels will subjectively be uncomfortable to the ears of the complainants, this does not however make out an objective consideration that on the balance of probabilities, the licensee has breached the condition on their licence.

66. The conduct of the businesses must be weighed in this matter, and although the complaint has been narrowed in terms of day and time, both licensees conduct significant live and recorded music events, on a weekly basis, which will by their nature from time to time be able to be heard in the adjoining premises.

67. An example of these events is the World Record attempt by the complainant where over 100 motorcycles rode through their premises, revving their engines and creating significant noise.

68. At the same time, this licensee had a band playing in the front of the premises with the windows open for people to listen to the music and watch the motorcycles.
69. Both premises have long been entertainment establishments with live and recorded music played throughout their operations, often at high volume and easily heard outside of their premises.
70. I cannot therefore form the reasonable belief that the conduct of the events on the days listed, save for 25 June 2026, was of such volume and nature as to cause unreasonable disturbance to the ordinary comfort of the adjoining licensed premises.

REVIEW OF DECISION

71. The above decision is made in my capacity as a delegate of the Director of Liquor Licensing.
72. Section 27 of the Act provides for a person prescribed in that section to seek a review by the Director of a delegate's decision.
73. An application for a review of the decision must be made within 28 days of the written notice of the delegate decision being given to the affected person.



Mark Wood
Delegate of the Director of Liquor Licensing

9 November 2026