

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

CITATION: *REQUEST TO VARY MAJOR EVENT AUTHORITY FOR DARWIN RIVER TAVERN RODEO [2025] NTLiqComm 21*

REFERENCE: LC 2025/019

APPLICANT: Oceanview Developments NT Ltd

LICENCE NUMBER: 80304941

PREMISES: Darwin River Tavern
185 Darwin River Road
DARWIN RIVER NT 0841

NOMINEES: Paul David Winter and Fiona Agnes McGregor

LEGISLATION: *Liquor Act 2019, Liquor Commission Act 2018*

HEARD BEFORE: Mr Russell Goldflam (Delegate)

DATE OF DECISION: 7 June 2025

Decision

1. Pursuant to the power conferred by s 6(3) of the *Liquor Commission Act 2018* (NT) (**the Liquor Commission Act**) and the delegation issued on 28 October 2019 authorising a single Member of the Northern Territory Liquor Commission (**the Commission**) to issue a major event authority, the Commission has determined to vary the major event authority it issued on 7 May 2025 with licence 80304941 (**the licence**) to Oceanview Developments NT Ltd (**the licensee**) for the rodeo to be held on 14 June 2025 (**the June rodeo**) by extending the premises for the event to the area bounded in a red line and depicted in the plan at Annexure Two to this decision notice.

Reasons

Background

2. On 7 May 2025 the Commission delivered a decision notice to the licensee approving the issue of a major event authority for rodeos at its Darwin River premises to be held on 10 May 2025 (**the May rodeo**) and 14 June 2025 (**the June rodeo**). On 13 May 2025 the Commission published a statement of reasons for the decision.¹

¹ *Application for major event authority for Darwin River Tavern rodeos [2025] NTLiqComm 19*

3. The Commission fixed the area of the licensed premises for the May and June rodeos as then proposed by the licensee, and as depicted at Annexure One to this decision notice.

4. At paragraph [25] of its statement of reasons, the Commission stated:

Regulation 68(2) of the *Liquor Regulations* prescribes the minimum number of crowd controllers who must be hired or employed for a major event authority. On 16 April 2025, the licensee wrote to Licensing NT requesting that this requirement be waived for these events. The Commission is of the view that it has no power to exempt licensees from complete or partial compliance with the conditions prescribed by the Regulations.

5. In its original application to the Commission, the applicant estimated that 1,500 people would be in attendance at the May and June rodeos at any one time. However, the May rodeo sold out, and on 27 May 2025 the licensee, having revised its estimate of attendance at the June rodeo to between 2,000 and 3,000 persons,² wrote to the office of the Director of Liquor Licensing (**the Director**) requesting an enlargement by approximately 60% of the premises, to the area depicted at Annexure Two to this decision notice.

6. On 30 May 2025, an officer of the Director wrote to the following stakeholders seeking their comments on the licensee's request:

- Department of Health
- Northern Territory Fire and Rescue Service
- Northern Territory Police
- St Johns Ambulance
- Litchfield Council

7. On 2 June 2025, the Litchfield Council Planning and Development Program Leader responded on behalf of the Litchfield Council. The application was supported, but the responder commented on the requirement to comply with reg 68(2), and made additional comments regarding the provision of complimentary drinking water, parking, public transport, traffic management and roadside advertising.

8. On 2 June 2025 NT police also responded, stating that their support was conditional on security numbers at the event being substantially increased, and noting that there is no police station in the area.

9. The remaining stakeholders did not add in substance to the comments they had made to the original application.

² In an email dated 5 June 2025 to a delegate of the Director, the licensee further revised its estimate of patron numbers to "2500 capped ticket sales".

The licensee applies to waive compliance with crowd controller requirements

10. Having been provided with these responses, on 2 June 2025 the licensee sent an email to the office of the Director “formally requesting a waiver from The Commissioner of NT Liquor Licensing [sic], for the Security Personnel requirements for our upcoming Rodeo event, scheduled for the 14th June 2025.”
11. The licensee supported this request with submissions that explained in some detail why it should be exempted from compliance with the Regulations. The licensee did not, however, address the primary reason given by the Commission on 13th May 2025 for rejecting the licensee’s previous request for this exemption, namely that the Commission has no power to dispense with compliance with government regulations.
12. On 4 June 2025 a delegate of the Director referred the licensee’s request to the Commission pursuant to s 19(g) of the *Liquor Act 2019* (NT) (**the Act**). On the same day the Commission requested the delegate of the Director to invite the licensee to provide further submissions and material in support of the application, particularly in relation to the question of whether the Commission has power to waive compliance with reg 68(2). The delegate of the Director immediately complied with this request.
13. In response, on 5 June 2025 the licensee sent further submissions to the delegate of the Director, in which it addressed in detail all the issues raised by the Litchfield Council and NT Police. In relation to s68(2), the licensee stated “For the previous event [the Darwin River Tavern] was granted a waiver to reduce the crowd controller numbers, we have planned this event based on a similar waiver being granted.”
14. The licensee did not inform the Commission which authority waived or purported to waive compliance with reg 68(2), or on which occasion or occasions, and it did not advance any other argument in support of its claim that the Commission has power to waive compliance.

The request to waive compliance is beyond the Commission’s power to grant

15. As stated above at paragraph [4], the Commission did not grant a waiver to the licensee to reduce crowd controller numbers for the May rodeo. The only other occasion on which the Commission has issued a major event authority to the licensee was in 2024 for the “Eden Festival”. No waiver was granted to reduce crowd controller numbers for that major event.³ Since 2020, the Commission has issued major event authorities under the Act for rodeos at various locations across the Northern Territory on nine occasions, and on every one of those occasions the conditions imposed by the Commission have included a requirement to comply with reg 68(2).

³ *Oceanview Developments Pty Ltd application for a liquor licence and major event authority* [2024] NTLiqComm 29

16. Nevertheless, on a single occasion the Commission did waive or purport to waive compliance with a licence condition prescribed by regulation,⁴ namely reg 93(1), which prohibits the sale of liquor to anyone other than pre-booked patrons of a licensee operating with a special venture authority. In that matter, the Commission fixed a condition permitting the supply of liquor to bona fide spectators and guests of customers of the licensee's services.

17. For the reasons that follow I respectfully disagree with this part of that decision, which was made by a differently constituted Commission panel, apparently without the benefit of submissions that there was no power to exempt the licensee from compliance with the regulations.

18. Section 82(2) of the Act provides:

To avoid doubt, a licence or an authority must not be made subject to a condition or an authority that is contrary to, or purports to displace, any provision of this Act or the Regulations.

19. Section 83(1) of the Act provides:

Each licence and authority is subject to the conditions prescribed for it by regulation.

20. I consider that to impose conditions upon a licence or authority that are more permissive than those contained in the Act and Regulations would be contrary to these express provisions in s 82(2) and s 83(1).

21. This construction is supported by consideration of s 87(1) of the Act, which provides:

The Commission may, *in accordance with the regulations*, make a licence or an authority subject to the conditions the Commission considers necessary or appropriate (emphasis added).

22. Having further considered the scope of the Commission's powers, I remain of the view that it has no power to waive compliance with the regulations.

23. Moreover, I am unable to identify a source of power that would authorise the Director, the Commissioner of Police or any other agency to waive compliance with the reg 68(2).

24. Accordingly, irrespective of the merits of the licensee's request to be exempted from compliance with reg 68(2), I have come to the conclusion that the Commission must refuse that request.

⁴ *Happiness Beyond the Green Pty Ltd application for liquor licence* [2023] NTLiqComm 8 at [5(b)], [75] – [77].

The request to enlarge the premises is within power to grant

25. By contrast, I consider that the Commission does have the power to allow the licensee's request to enlarge the area within the existing premises for the purpose of accommodating the June rodeo, for the following reasons.
26. As explained at paragraphs [13] and [14] of the Commission's statement of reasons for the decision it issued on 13 May 2025 in this matter:
- a. a single member of the Commission acting under delegation made the Commission decision issued on 7 May 2025 without conducting a public hearing; and
 - b. the Commission determined the licensee's application not by issuing a new liquor licence, but by adding a new major event authority to the licensee's existing licence.
27. The Commission issued the major event authority over an area wholly contained within the existing premises. Similarly, the request now before the Commission does not seek to enlarge the area for the major event authority beyond the boundary of the existing licensed premises.
28. Section 19(g) of the Act provides that Commission is responsible for deciding "any other matter the Director refers to the Commission".
29. Section 6(3) of the Liquor Commission Act provides:
- The Commission has the power to do all things that are necessary or convenient to be done for, or incidental to, the performance of its functions.
30. The Act does not establish a procedure for the making of requests such as the one now requiring determination. It is a function of the Commission to decide this matter that has been referred to it by the Director, and it is convenient on this occasion to exercise that function as the Commission did when making its decision issued on 7 May 2025.
31. Having satisfied itself that the Commission, constituted by myself as a single member, had the power to make its decision issued on 7 May 2025 without a public hearing, I now consider that, similarly constituted, the Commission has the power, similarly exercised, to consider and determine the request to enlarge the premises for the June rodeo.
32. Moreover, s 3(4) of the Act provides that in performing its functions, the Commission must have regard to the primary and secondary purposes of the Act. I have done so, and consider that to determine the request is consistent with the purposes of the Act.

33. Having formed the view that as a delegate of the Commission I have the power to vary my decision of 7 May 2025, I now turn to consider whether I should do so.
34. The Director has informed the Commission that there are no issues of previous relevant non-compliance with its licence conditions. None of the stakeholders objected to the proposed enlargement of the premises for the purpose of the June rodeo. Apart from the requirements considered above in relation to security staff, I consider that the licensee has responded satisfactorily to all of the issues raised by stakeholders.
35. I am satisfied that it is in the public interest to enlarge the premises as requested by the licensee, and that to do so will not have a significant adverse impact on the community.
36. The licensee is to be commended for promptly addressing the challenge that arose when it became apparent that patron numbers were likely to significantly exceed those initially anticipated, by making a request to enlarge the premises. Similarly, the Commission extends its thanks to the office of the Director and the stakeholders who responded to the request so quickly.



RUSSELL GOLDFLAM

CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
7 June 2025

ANNEXURE B: Boundary of premises varied by Commission on 7 June 2025

