

# NORTHERN TERRITORY LIQUOR COMMISSION

## DECISION NOTICE

---

<b>MATTER:</b>	<b>APPLICATION FOR A LICENCE WITH A MAJOR EVENT AUTHORITY</b>
<b>REFERENCE:</b>	LC2021/042
<b>VENUE:</b>	Darwin Waterfront – Lawn Area 7 Kitchener Drive DARWIN NT 0800
<b>APPLICANT:</b>	Darwin Waterfront Corporation
<b>EVENT:</b>	New Year's Eve Concert
<b>LEGISLATION:</b>	Section 52 of the <i>Liquor Act 2019</i>
<b>DECISION OF:</b>	Ms Amy Corcoran (Delegate of Commission)
<b>DATE OF DECISION:</b>	22 December 2021

---

### Decision

1. For the reasons set out below and in accordance with section 48 of the *Liquor Act 2019* (**the Act**) the Northern Territory Liquor Commission (**the Commission**) has determined to grant a liquor licence with a major event authority to the Darwin Waterfront Corporation (**the Applicant**) for the sale of liquor to patrons attending the New Year's Eve Concert on the Darwin Waterfront Lawns (**the Premises**) between the hours of:  
  
15:30 on Friday, 31 December 2021 to 00:15 the following day;  
  
or in the event of postponement due to extreme weather  
  
15:30 on Saturday, 1 January 2022 to 00:15 the following day.
2. The granting of approval is subject to the following conditions, namely:
  - a. The conditions set out in Division 12 (Major event authority conditions) of the Liquor Regulations 2019 (**the Regulations**).

- b. The sale of liquor must be supervised by one or more persons nominated by the holder of the major event authority (the Nominee/s), who each must hold a Responsible Service of Alcohol certificate, or equivalent qualification approved by the Director of Liquor Licensing. A Nominee **MUST BE** present on the Premises during all Trading Hours and must ensure compliance with these Conditions.

**Nominee: MR DARREN LYNCH**

- c. Persons under the age of 18 years must not be used in the sale or supply of liquor.
- d. The boundary of the Premises must be clearly identified and access to the Premises must be restricted in a manner that allows for effective supervision by the Nominee.
- e. The licensee will employ at least 40 licensed crowd controllers for the duration of this event. This is in addition to the security that will be provided at the venue through the presence of NT Police Officers and Waterfront Corporation Rangers.
- f. All liquor must be sold in open cans or plastic cups.
- g. No more than four (4) drinks must be sold to any one person at any one time.
- h. Liquor must not be served in vessels containing more than 1.8 standard drinks.
- i. The licensee must comply with the “Industry Code of Practice for the Promotion of Liquor”, provide a safe drinking environment, prevent irresponsible or excessive consumption of liquor and ensure all staff are properly instructed to watch for and prevent drink spiking.
- j. Liquor must only be sold to, supplied to or consumed by patrons wearing an 18 plus wristband supplied and applied to patrons by officers engaged by the licensee.
- k. The certificate of licence must be located at the Premises during Trading Hours and must be produced on demand to a Licensing Inspector, a Member of the Police Force, an authorised Member of the Northern Territory Fire and Rescue Service or a delegate of the Chief Health Officer upon production of an identity card or other authorisation.
- l. The licensee must clearly display signage to delineate Non-Smoking areas from the Smoking Areas and the holder must comply with smoking requirements contained in the *Tobacco Control Act 2002*.
- m. Food and drinks are not permitted to be taken into any designated smoking areas.

- n. The licensee or an employee of the licensee shall exclude or remove from the premises any person who is wearing the colours, insignia or emblems of an outlaw motorcycle gang (Bikie Gang).
- o. The licensee must comply with the NT Noise Management Framework Guideline issued by NT EPA in September 2018.

## **Reasons**

### **Background**

3. On 26 November 2021, pursuant to section 52 of the Act, the Applicant lodged an application with the Director of Liquor Licensing (**the Director**) for a licence with an authority for a major event to permit the sale of liquor to patrons attending the “New Year’s Eve Concert”.
4. On 6 December 2021, pursuant to section 59(1) of the Act, the application was referred to the Commission for consideration and determination. The application was then referred to me pursuant to Commission delegation dated 28 October 2019 to deal with such major event authority application.
5. The Applicant is seeking a major event authority for the following hours of trade:  
15:30 on Friday, 31 December 2021 to 00:15 the following day;  
or in the event of postponement due to extreme weather  
15:30 on Saturday, 1 January 2022 to 00:15 the following day.
6. The Darwin Waterfront New Year’s Eve Concert is an all-ages family friendly event sponsored by the Northern Territory Government featuring a dynamic mix of children’s entertainment, fireworks and musical artists including Amy Shark, The Veronicas, Conrad Sewell and an 8-piece Darwin based disco party band, ‘Disco Polenta’. A variety of food vendors will also be available during the event for patrons to purchase meals and snacks.
7. Access to the Waterfront central public parkland precinct will be restricted by temporary fencing and pre-registration and ticketing (through the use of wristbands) will be required. Wristbands will clearly identify attendees who are over 18 years old and under 18 years old.
8. The bar will be located within the Peninsula Lawn area of the fenced event site and will only be accessible by registered attendees. Security will be permanently stationed at the bar. Service will be limited to 4 drinks per person at any one time. The bar will only serve canned products in the following:
  - full-strength beer and mid-strength beer;
  - full-strength cider and ginger beer;
  - seltzers and one type of spritz;
  - white wine;
  - non-alcoholic beer;
  - soft drinks; and

- bottled water (with hydration stations and refilling facilities spread throughout the event).
9. Approximately 7,000 patrons are expected to attend the event. Extensive security services will be deployed throughout the event, including entry points utilising Corporation Rangers and security contractor Territory Protective Services. CCTV network over 200 actively monitored cameras will also support event management. The Applicant is in effect seeking a reduction of the prescribed minimum security personnel. Regulation 68(2) would require it to engage at least 71 security guards whereas the Applicant is only proposing to deploy 40 licensed crowd controllers. Applicants should take note that the Regulations now prescribe what used to be referred to as the “Industry Standard” in relation to the required number of crowd controllers for major events. If an applicant is intending to deviate from those standard prescribed conditions then it should make it clear in the application that a variation is being sought and provide justification for the imposition of special conditions.
  10. In terms of the application before the Commission, it is noted that the Applicant provided the following documents:
    - Application for a new liquor licence
    - Supplementary information
    - Affidavit
    - Public interest criteria
    - Outdoor Event Pro-forma
    - Risk Management
    - Event Safety Plan
    - Traffic Management Plan
  11. The proposed nominee for the event is Mr Darren Lynch. Mr Lynch is known by the Director as being the nominee at The Precinct and Wharf One licensed premises at The Waterfront. As such, he was not required to provide further probity documents in this application.
  12. St Johns Ambulance will be in attendance as well as four staff from Surf Life Saving NT to manage the Recreation Lagoon.
  13. I have been informed by Licensing NT, that there have been no compliance issues with respect to previous licenses issued to the Applicant for similar events. Noting however, that last year’s event was limited to low and mid-strength alcohol with no full-strength beers, ciders, wines and spirits being served.

## **Publication**

14. Due to the nature of the event and good compliance record for similar events held by the Applicant, the Director exempted the Applicant from the public notice requirements of section 57 of this application.

## **Consultation**

15. Stakeholders were invited to provide comment on the application:

- The Chief Executive Officer of the Department of Health;
  - The Commissioner of Police;
  - Northern Territory Fire and Rescue Service; and
  - St Johns Ambulance.
16. No local council governs this area as it is governed by The Darwin Waterfront Corporation who is the Applicant. As such, no local council was notified.
  17. On 3 December 2021, the Department of Health advised of no adverse comment and asked that given it is a major event, with the opportunity to reach a large population cohort, promotion of the National Health and Medical Research Council's (NHMRC) safe drinking guidelines would be a very positive enhancement to the event
  18. On 29 November 2021, Northern Territory Police advised of no objection to the application.
  19. On 29 November 2021, the Northern Territory Fire and Rescue Service advised they supported the application.
  20. St Johns Ambulance had not responded at the time of this decision however, the Applicant has confirmed that they will be in attendance with a high presence for the duration of the event.

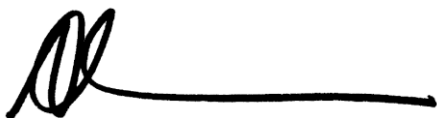
### **Assessment of the Application**

21. Although no objections were made to this application, section 49 of the Act makes clear that the Commission may only issue a licence or an authority if satisfied that:
  - a. the Applicant is a fit and proper person;
  - b. issuing the licence or authority is in the public interest; and
  - c. the licence or authority will not have a significant adverse impact on the community.
22. The Commission has had regard to the relevant considerations listed in section 59(3) of the Act as to the suitability of the Applicant to hold this licence.
23. The Applicant is the responsible governance body for the Waterfront Precinct and has successfully conducted licensed events in the past. The Commission is satisfied that the Applicant is a fit and proper person to hold a licence and that the Premises, the Darwin Waterfront - Lawn Area, is suitable to once again be licensed premises.
24. The main drawcards to this family friendly event is the fireworks and entertainment and the Commission is satisfied that the supply of liquor is an ancillary feature of the New Year's Eve event.

25. Having considered the nature of this event, in particular the existing high level of CCTV security coverage of the venue and the fact that there will also be a significant contingent of police and Corporation rangers in attendance, the Commission considers that the proposed reduction of the number of licensed crowd controllers is reasonable. It will therefore be a condition of this licence that the licensee engage at least 40 licensed crowd controllers for the event. All other requirements in the Regulations related to crowd controllers will continue to apply.
26. In regards to alcoholic products sold, the Applicant has provided the Commission a detailed list of those products. It is noted that one of the wine products appears to contain 2.3 standard drinks in a single vessel. All of the other products contain around 1.6 or less standard drinks. In considering the nature of the event and the Trading Hours, I have determined to place a condition in the licence that maximises the number of standard drinks per vessel to 1.8. This condition does not prohibit wine being sold, however does limit the volume permitted in one serve or vessel.
27. Having regard to the foregoing, the Commission has had regard to the public interest requirements of section 49 of the Act and is satisfied that issuing the licence with a major event authority is in the public interest and will not have a significant adverse impact on the community.
28. It is noted the Applicant made a request for this licence to be issued for a 5 year term on the same conditions. Given the 5 year application was not advertised and that the stakeholders were not notified that the Applicant had requested a 5 year term, I am reluctant to issue the licence for more than 1 year.

**Notice of Rights:**

29. Section 31 of the Act provides that any decision of the Commission for which a decision notice is required is reviewable by NTCAT and the following persons (*relevantly*) may apply to NTCAT for a review:
  - a. in all cases – the Director;
  - b. in the case of a decision regarding an application – the Applicant.
30. In accordance with the substance of section 31 of the Act any application for review of this decision must be lodged within 28 days of the date of this decision.
31. Section 60(3) of the Act requires the Commission to give a decision notice to the Applicant after making a decision under section 60(1).



**AMY CORCORAN**  
Commission member  
Delegate of Northern Territory Liquor Commission