

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR A MAJOR EVENT AUTHORITY

REFERENCE NUMBER: LC2021/021

APPLICANT: Nalomian Pty Ltd

PREMISES: Darwin Showgrounds
1 Tate Place
WINNELLIE NT 0820

PROPOSED EVENT: The Darwin 4WD Boating & Camping Expo Concert

DATE OF EVENT: Friday, 25 June 2021
Saturday, 26 June 2021

NOMINEE/S: Alan Rogers

OBJECTOR/S: Nil

LEGISLATION: Sections 42, 47 and 60 of the *Liquor Act 2019*

DECISION OF: Ms Amy Corcoran (Community Member)

DATE OF DECISION: 17 June 2021

Decision

1. For the reasons set out below and in accordance with section 48 of the *Liquor Act 2019* (the Act) the Commission has determined to issue a licence to Nalomian Pty Ltd Pty Ltd (the Applicant). The Applicant will be issued with a major event authority attached to the licence authorising the sale, supply or service of liquor to patrons attending “The Darwin 4WD Boating & Camping Expo Concert” for consumption on or in the area known as the Darwin Showgrounds located at 1 Tate Place in Winnellie NT 0820 (the Premises) for the hours of:

Friday, 25 June 2021 from 17:00 hours to 23:00 hours; and

Saturday, 26 June 2021 from 17:00 hours to 23:00 hours.
2. The Commission approves Mr Alan Rogers the designated nominee (the Nominee).
3. In addition to the major event conditions set out in Division 12 of the Liquor Regulations 2019 (the Regulations), the licence shall also be subject to the following *additional* conditions:

- a. The boundary of the licensed area at the Premises must be clearly identified and access to the licensed area must be restricted in a manner that allows for effective supervision by the Nominee.
 - b. No provision of alcoholic drinks that:
 - i. Are designed to be consumed quickly and which are commonly referred to as a 'shot or shooters'; or
 - ii. Are a cocktail containing more than a 30ml nip of spirit or liquor.
 - c. Patrons under the age of 18 years old must be accompanied by a parent or guardian at all times.
 - d. Liquor or any other beverages must not be sold to patrons in glass containers.
4. The licence will be issued immediately following the publication of this decision notice.

Reasons

Background

5. On 13 May 2021 pursuant to section 52 of the Act, the Applicant applied to the Commission for a liquor licence with a major event authority to permit the sale of alcohol to patrons attending "The Darwin 4WD, Boating & Camping Expo Concert" (the Expo Concert) in the 'main arena' at the Premises.
6. The Applicant has already been granted a Special Event Authority by the Director of Liquor Licensing for "The Darwin 4WD Boating & Camping Expo" (the Expo) from Friday 25 June 2021 through to Sunday 27 June 2021 from 11:00 to 18:00 hours. The Special Event Authority is only for the Expo during the day as it is not expected to attract large volumes of patrons. The Applicant is, on the other hand, expecting around 4,000 patrons to attend the Expo Concert and accordingly a Major Event Authority is required.
7. This is the first year the Applicant is running an Expo Concert as part of the Expo weekend and it is to be held on Saturday 26 June 2021 between the hours of 17:00 to 23:00 hours after the Expo. At this stage, one concert only is intended for the Saturday evening however, the Applicant has also sought a licence for Friday, 25 June 2021 on the basis that ticket sales may necessitate the Friday night concert.
8. The Expo Concert will star Australian Icon Lee Kernaghan and his band. Tickets will be limited. This will be an all ages event with the Applicant indicating its target audience is 25 to 60 year olds.
9. The Applicant proposes the sale of beer (inclusive of light, mid and heavy), spirits in a range of vodka, rum and scotch including ready to drink (RTDs), wine (by the glass only) with the following conditions:
 - a. No BYO alcohol allowed; and
 - b. No more than four (4) alcoholic drinks must be sold to any one person at any one time.

10. The Applicant has confirmed there will be sufficient crowd controllers to adhere to industry standards. Specifically, two licensed crowd controllers for the first one hundred patrons and one additional crowd controller for each one hundred thereafter.
11. The application states that water and soft drinks will also be available as well food for purchase at the Expo Concert and on-site first aid will be provided by St John Ambulance.
12. The Applicant states that the venue will be completely non-smoking with no designated smoking area.
13. The proposed nominee for the Expo Concert is Mr Alan Rogers.
14. In terms of the application before the Commission, it is noted that the Applicant provided the following documents in accordance with section 53(3) of the Act:
 - a. Application for a new liquor licence or authority;
 - b. Supplementary information application for a [major] event authority;
 - c. Site plan;
 - d. Public Interest and Community Impact Assessment Summary;
 - e. Probity documents and reports, certificates, references, affidavits and statutory declarations relevant to the application in respect to the Nominee and Applicant and to the satisfaction of the Director of Liquor Licensing;
 - f. An affidavit of Alan Rogers, the Nominee, in accordance with the Act regarding influential persons;
 - g. Event Operation Plan; and
 - h. Risk Management Plan.
15. It is noted that the Applicant will be required to comply with any CHO Direction that may apply at the time the event takes place pursuant to section 92 of the Act.

The Applicant and Nominee

16. The Applicant is a registered Australian Proprietary Company limited by shares and proposed Nominee for the event is Mr Alan Rogers.
17. No adverse material has been provided by the Director of Liquor Licensing in regards to both the Applicant or the Nominee. The Applicant and Nominee were granted a special event licence for the Expo over the same weekend and accordingly, the Director must be satisfied as to the fitness of both to hold a liquor licence.

Advertising and Objections

18. The application was advertised in the NT News on Saturday, 22 May 2021 and Wednesday, 26 May 2021.
19. No objections were received from the public.

Consultation

20. Pursuant to section 56(4) of the Act, the following stakeholders were notified of the application by the Director:
 - a. The Department of Health (DOH);
 - b. The Commissioner of Police (NT Police); and
 - c. Darwin City Council (Council).
21. Although not legally bound to do so, the Commission notes that the Director also forwarded a copy of the application for comments to:
 - a. Northern Territory Fire and Rescue Service (NTFRS); and
 - b. St John Ambulance (St John).
22. With respect to this application:
 - a. DOH made no adverse comment noting the event is a smoke-free event;
 - b. NT Police had no objections to the application;
 - c. Council had no objections to the application;
 - d. NTFRS supported the application; and
 - e. St John did not provide a response at the time this application was referred to the Commission.

Hearing

23. Given that no objections were received and this is an application for a major event for this year only, there appears no reason why this application should be referred to a hearing under section 21 of the Act. Accordingly, I have proceeded pursuant to my delegation to deal with such application.

Assessment of the Application

24. 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.
25. 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 and the Premises to be licensed.
26. Given the Director of Liquor Licensing has recently granted a special event licence to the same Applicant and Nominee, Mr Rogers, for the Expo being held during the same weekend, the Commission is satisfied that the Applicant and Mr Rogers must be fit and proper persons to hold the licence.
27. The Premises is a substantial outdoor area that is purpose built to hold royal shows and similar expo and concert events. The site plan shows that the event is equipped with a large toilet block, food stalls and first aid station. The licensed area will have a perimeter fence and entry will only be limited to one access point. The Commission assesses the Premises as suitable for the supply and consumption of liquor in the manner set out in the application.
28. The main attraction of the Expo Concert is the music of country singer, Lee Kernaghan, being a National headlining act. I am satisfied that alcohol will be an ancillary feature of the Expo Concert. The event will be a welcomed addition to Darwin's music calendar being a family friendly event and will no doubt attract both locals and visitors alike bringing some economic benefit to the Territory.
29. 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.
30. As a result, the Commission intends to issue the licence with a major event authority as set out at the commencement of this Decision Notice.

Notice of Rights

31. Section 31 of the Act provides for any decision of the Commission for which a decision notice is required under the Act is reviewable by Northern Territory Civil and Administrative Tribunal (NTCAT) and the following persons.
32. Section 60(3) of the 2019 Act requires the Commission to give a decision notice to the Applicant after making a decision under section 60(1).

33. Section 31 of the Act provides that any decision of the Commission for which a decision notice is required is reviewable by NTCAT (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; and
 - c. In the case of a submission, complaint or objection that was the subject of a decision - the person who made the submission, complaint or objection.
34. 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.



AMY CORCORAN
Commissioner
Northern Territory Liquor Commission