

# NORTHERN TERRITORY LIQUOR COMMISSION

## DECISION NOTICE

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**MATTER:** *KATHERINE TURF CLUB INCORPORATED  
APPLICATION FOR A LIQUOR LICENCE AND MAJOR  
EVENT AUTHORITY [2023] NTLiqComm 14*

**REFERENCE NUMBER:** LC2023/012

**APPLICANT:** Katherine Turf Club Incorporated

**PREMISES:** Katherine Showgrounds  
Victoria Highway  
KATHERINE NT 0850

**PROPOSED EVENT:** 2023 Katherine Cup Race Day

**NOMINEE:** Mr Paul Mullins

**OBJECTOR(S)** Nil

**DATE OF EVENT:** 19 August 2023

**LEGISLATION:** Part 3, Division 4 of the *Liquor Act 2019*

**DECISION OF:** Mr Greg Shanahan (Member)

**DATE OF DECISION:** 16 June 2023

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### **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 the Katherine Turf Club Incorporated (**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 Katherine Cup Race Day for consumption on or in the area commonly known as the "Katherine Showgrounds" (**the Premises**) for the hours of:  
  
Saturday, 19 August 2023 from 11:00 hours to 19:00 hours.
2. The Commission approves Mr Paul Mullins as 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 specific conditions:

- a. The boundary of the licensed area as delineated in red on the plan at page 39 of the brief of evidence tendered to the Commission 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. The Nominee or an RSA certified person appointed by the Nominee as a bar manager must be present during all trading hours, supervise the sale of liquor and ensure compliance with these conditions.
- c. The Licensee must ensure crowd controllers are located at all entry/exit points, to amongst other things, ensure liquor is not brought into or removed from the licensed area.
- d. A staggered decline of alcohol served must be implemented as follows:
  - i) no more than four (4) alcoholic drinks may be sold to any one (1) person at any one time from 11:00 to 17:30 hours;
  - ii) no more than two (2) alcoholic drinks sold to any one (1) person at any one time from 17:30 to 19:00 hours;

To the extent that this condition is inconsistent with the Regulations, this condition prevails.

- e. Alcohol must not be served in vessels containing more than 1.6 standard drinks.
- f. 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.
- g. Alcoholic drinks or any other beverages must not be sold to patrons in glass containers.
- h. Alcohol or any other beverages must only be sold to patrons in opened cans.
- i. All patrons must be issued with colour coded wristbands upon entry clearly identifying patrons who are:
  - i) 18+ years of age; and
  - ii) under 18 years of age.
- j. No patron is to be sold, consume or possess liquor if they are not wearing an 18+ wristband.

## **REASONS**

### **Background**

4. On 2 May 2023, pursuant to section 52 of the Act, the Applicant applied to the Commission for a licence with a major event authority to permit the sale of alcohol to patrons attending the 2023 Katherine Cup Race Day (**Katherine Cup**) at the Katherine Showgrounds, Victoria Highway, Katherine.
5. The event is to be held on Saturday, 19 August 2023 between 11:00 hours and 19:00 hours.
6. The Katherine Cup is a family friendly race day that has been held annually at the Katherine Showgrounds for over twenty years. The applicant estimates that up to 2200 people will attend at any one time. Accordingly, this event falls within the category of “major event” pursuant to section 47(1)(o)(i) of the Act.
7. The Applicant intends to offer a range of alcoholic and non-alcoholic beverages including light, mid and full-strength alcohol content options with the following conditions:
  - All alcohol to be sold in open containers;
  - A maximum number of four (4) alcoholic drinks to be served at any one time to any one patron;
  - Sales to be monitored and further reductions in limits may be applied in accordance with behaviour of the patrons.
8. Liquor is proposed via three (3) bars, with the main fixed bar being in the Buntine Pavilion, the second adjacent to the Corporate Tents near the running rails of the race track and the third in the Katherine Turf Club Pavilion.
9. Food will be available for purchase from a number of food vendors during the event.
10. The Applicant advised there will be free water available all day.
11. In terms of the application before the Commission, it is noted that the Applicant provided documents in accordance with section 53(3) of the Act, including:
  - Application for new liquor licence
  - Supplementary information for a major event authority
  - Paul Mullins Criminal History Check
  - Paul Mullins RSA Certificate
  - Paul Mullins References
  - Paul Mullins Resume
  - Paul Mullins Declaration of Associates

- Smoking Management Plan
  - Katherine Turf Club Racecourse Licence
  - Katherine Turf Club insurance certificates
  - Plan of proposed licensed area
  - Public interest and community impact statement
  - Evidence of public notification of application
  - Letter of support from Katherine Town Council for use of the Premises
  - Correspondence with stakeholders
  - Certificate of Incorporation of Katherine Turf Club Incorporated
  - Correspondence with stakeholders
12. The Commission subsequently requested copies of previous financial statements of the Applicant that were duly provided.
13. The proposed nominee for the event is Mr Paul Mullins. Mr Mullins is currently a licensed Gaming Machine Manager and has extensive experience within the liquor and hospitality industry and is considered sufficiently qualified to be a nominee.
14. The Applicant has previously been granted special licenses for the Katherine Cup for over 20 years with a good compliance history.

### **Advertising and Objections**

15. The application was advertised on the Director of Liquor Licensing applications website and in the Katherine Times on 10 May 2023. No objections were received from the public.
16. Pursuant to section 56(4) of the Act, the following stakeholders were notified of the application by the Director:
- The Department of Health (**DOH**)
  - Northern Territory Police (**NT Police**)
  - Katherine Town Council (**Council**)
17. The Director also forwarded a copy of the application to the Northern Territory Fire and Rescue Services (**NTFRS**) and St Johns Ambulance (**St Johns**) for comment.

18. With respect to this application:

- DOH made no adverse comment but provided the following suggestions which have been forwarded to the Applicant:
  - Promotion of the availability of both non-alcohol and low alcohol beverages
  - Promotion of the availability of free water
  - Displaying NHMRC responsible drinking guidelines
  - Including in the application how the licence holders will monitor alcohol being purchased and taken off site and if there will be any security or staff that will be monitoring this while the event is in operation
  - A reminder to the licence holders advising that vaping is considered smoking and to ensure compliance by monitoring vaping in addition to traditional cigarette smoking
- NT Police responded that it had no objection
- Council wrote to the Applicant in support of the event
- NTFRS advised that previous fire safety concerns had been addressed
- St Johns provided no comment but confirmed that it will be in attendance

### **Referral to Commission**

19. On 29 May 2023, the Director referred the application to the Commission.

20. On 28 October 2019, the Commission delegated authority to determine an application for a liquor licence with a major event authority to a single member of the Commission. Given that no objections were received, that this is an application for a licence for a single major event which will take place over a period of only eight hours, and that the event has been conducted for over 20 years with a good compliance history, I consider that it would not be worthwhile to conduct a public hearing. Accordingly, I have dealt with the matter on the papers pursuant to s 21(3) of the Act and pursuant to my delegation to deal with such an application as a single member.

### **Assessment of the Application**

21. Section 49 of the Act provides that the Commission may only issue a licence or an authority under section 48 of the Act if satisfied that:

- The Applicant is a fit and proper person;
- Issuing the licence or authority is in the public interest; and
- The licence or authority will not have a significant adverse impact on the community.

22. The Commission has also 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 has held a liquor licence and has previously run the Katherine Cup successfully for over 20 years. The Commission is satisfied that the Applicant is a fit and proper to hold the licence and that the Premises, the Katherine Showgrounds, is suitable to once again be licensed.
24. The Commission has received no report of significant compliance concerns from the previous year's event. The Applicant has been reminded of some minor issues that were noted and has confirmed that these will be addressed for this year's event.
25. The main drawcard to this event is the horseracing and the supply of alcohol is an ancillary feature of the Katherine Cup. This event is an important community event for Katherine locals and surrounds and is beneficial to the economy of the local community, attracting participants and patrons from across the Territory. The Katherine Cup has a track record of being well managed with no significant compliance concerns being raised by the Director or NT Police.
26. 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.
27. Further the Commission is of the view that the Applicant is financially stable.
28. Accordingly, the Commission has determined to issue the licence with a major event authority as set out at the commencement of this Decision Notice.

### **Notice of Rights**

29. This decision is reviewable by the Northern Territory Civil and Administrative Tribunal (NTCAT) on application within 28 days of the issue of this Decision Notice by any of the following persons:
  - The Applicant
  - The Director.

*Greg Shanahan*

Greg Shanahan  
MEMBER  
NORTHERN TERRITORY LIQUOR COMMISSION  
16 June 2023