

**NORTHERN TERRITORY LIQUOR COMMISSION**  
**DECISION NOTICE**

---

**MATTER:** APPLICATION FOR A MAJOR EVENT AUTHORITY

**REFERENCE NUMBER:** LC2022/044

**APPLICANT:** LACT Activations Pty Ltd

**PREMISES:** Darwin Amphitheatre  
George Brown Darwin Botanic Gardens  
21 Geranium Street  
THE GARDENS NT 0820

**PROPOSED EVENT:** **Electric Storm**

**DATE OF EVENT:** Saturday, 29 October 2022

**NOMINEE/S:** Danielle Jones

**OBJECTOR/S:** Nil

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

**DECISION OF:** Ms Amy Corcoran (Delegate)

**DATE OF DECISION:** 15 September 2022

---

**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 LACT Activations 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 at the event known as “Electric Storm” for consumption on or in the area known as the Darwin Amphitheatre located at George Brown Darwin Botanic Gardens in The Gardens, NT 0820 (**the Premises**) on:  

Saturday, 29 October 2022 from 16:00 hours to 24:00 hours.
2. The Commission approves Danielle Jones 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 additional conditions:
  - a. The boundary of the licensed area at the Darwin Amphitheatre 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. A staggered decline of alcohol served must be implemented as follow:
  - i. no more than four (4) alcoholic drinks may be sold to any one (1) person at any one time from 16:00 to 21:00 hours;
  - ii. no more than two (2) alcoholic drinks sold to any one (1) person at any one time from 21:00 to 23:00 hours; and
  - iii. no more than one (1) alcoholic drinks sold to any one (1) person at any one time from 23:00 to 24:00 hours;

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

- c. No provision of alcoholic drinks that:
  - i. are designed to be consumed quickly and which are commonly referred to as a 'shot or shooters';
  - ii. are a cocktail containing more than a 30ml nip of spirit or liquor (this does not include pre-mixed spirits known as Ready to Drink beverages (RTDs); or
  - iii. contain more than 1.6 standard drinks in one vessel.
- d. Alcohol or any other beverages must not be sold to patrons in glass containers.
- e. All patrons must have their ID checked upon entry and be at least 16 years of age.
- f. 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.
- g. No patron is to be sold, consume or possess liquor if they are not wearing an 18+ wristband.
- h. Soft drinks and water to be available from the bar but must also be available from separate outlets for those patrons under 18 years of age.
- i. No pass-outs are permitted for unaccompanied patrons under the age of 18 years.
- j. No pass-outs are permitted after 19:00 hours.
- k. A designated 'Dry Area/s' must be established and maintained.

4. The licence will be issued immediately following the publication of this decision notice.

## Reasons

### **Background**

5. On 4 August 2022, 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 an event known as 'Electric Storm' at the Premises being held on Saturday, 29 October 2022.
6. Electric Storm is an outdoor Halloween music festival which the Applicant is hoping to attract locals and visitors alike with the target audience being 16 to 35 years of age.
7. This is a 16+ ticketed event and patrons will be ID checked to gain entry and issued a colour coded wristband depending whether they are minors or not.
8. The Applicant advises there will be no VIP areas, however they are hoping to have some small activations within the event. One will be a silent disco, where local DJs will play, and a Chill Out zone which will be set up with bean bags and lounge style furniture. These areas will be fenced off.
9. The Applicant intends to offer a range of alcoholic and non-alcoholic beverages including light, mid and full-strength alcohol options. The Applicant has volunteered the following conditions additional to that of a major event authority, being:
  - Dry areas available
  - No more than four (4) alcoholic drinks per person between 16:00 hours to 21:00 hours
  - No more than two (2) alcoholic drinks per person between 21:00 hours to 23:00 hours
  - No more than one (1) alcoholic drinks per person between 23:00 hours to 2400 hours.
10. The Applicant has indicated that in order to increase the safety of underage attendees it is currently engaging with 'Dance Wize', which is a specialised alcohol and other drug (AOD) outreach service to be part of the event.
11. The Applicant estimates that a crowd of no more than 5,000 patrons will attend the event and confirms that in accordance with regulation 68(2) sufficient crowd controllers will be present to adhere to the industry standards. Specifically, two licensed crowd controllers for the first one hundred patrons and one additional crowd controller for each one hundred patrons thereafter.
12. The Applicant proposes the sale of beer (inclusive of light, mid and heavy), cider and spirits in a range of vodka, rum, gin and scotch including ready to drink (RTDs). Mixed drinks will have no more than 30ml spirits except RTDs.
13. There will be no glass containers sold. Water and soft drinks will be available for purchase as well as the provision of complimentary water stations. Food will be available to purchase from food vendors throughout the event until closing.

14. The Applicant has confirmed that first aid and paramedics will be provided through St John Ambulance who will be in attendance for the duration of the event.
15. The Darwin Amphitheatre is a non-smoking venue. The Applicant has confirmed there will be visible 'No Smoking' signage throughout the Premises and a designated smoking area will be located just outside the Amphitheatre perimeter but within the fenced event complex forming part of the Premises.
16. 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 liquor licence;
  - b. Supplementary information application for a major event authority;
  - c. Site plan;
  - d. Detailed information for the event management which includes bar staff information sheet, Alcohol BV list, emergency response plan, event operations plan, risk report, financial report, public notice and security roster;
  - e. Public Interest and Community Impact Assessment;
  - f. Probity documents and reports, certificates, references, affidavits and statutory declarations relevant to the application in respect to the Nominees and Applicant and to the satisfaction of the Director of Liquor Licensing (**the Director**);
  - g. An affidavit of Danielle Jones, the Nominee, in accordance with the Act regarding influential persons;
  - h. Smoking Management Plan; and
  - i. Traffic Management Plan (**TMP**).
17. The proposed nominee for the event is Ms Danielle Jones. Ms Jones has provided the following:
  - a. Photographic identification
  - b. National Police Certificate
  - c. Character references
  - d. RSA/Refresher Certificate.
18. 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**

19. The Applicant is a registered Australian Proprietary Company limited by shares. There are 12 shares. All 12 shares are held by Mr Russell Temple. Mr Neil Wilson is a Director as well as Ms Caitlin Temple who also holds the position of Secretary within this Company. All parties have been declared within the Affidavit as interested and beneficial financial parties for this application.

20. The Applicant held a major event authorities at the Darwin Amphitheatre previously. Licensing NT Compliance Officers have not reported any compliance concerns regarding previously run events.
21. The proposed nominee for this event is Ms Danielle Jones who is a known to the Director. Ms Jones has previously been nominee for similar major events.

### **Advertising and Objections**

22. The application was advertised on the Director's applications website and also published in the NT News on Saturday, 6 August 2022. A green sign was also erected at the site advising the public of the application.
23. No objections were received from the public to the application.

### **Consultation**

24. 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**).
25. 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**).
26. With respect to this application:
  - a. DoH advised that it had no objection to the application;
  - b. NT Police advised it supported the application;
  - c. Council supported the application;
  - d. NTFRS supported the application on the proviso that the outdoor special event requirements are adhered to and NTFRS members will inspect prior to the event. The Applicant was provided with a copy of the Special Event Requirements (Outdoors); and
  - e. St John advised it had no issue and confirmed their attendance at the event.

### **Hearing**

27. 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

28. 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.
29. 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.
30. The Applicant has held licenses for similar events in the past including the recent Ministry of Sound Classical at the Darwin Amphitheatre in June 2022 with no known compliance issues. Electric Storm was previously run in past years at the Darwin Ski Club at 20 Conacher Street, Fannie Bay. No concerns have been raised regarding the management of these events by the Director or NT Police save for a noise complaint by neighbours. It is understood this is the reason why the event has been moved to this new venue.
31. The nominee, Ms Jones, is known to Licensing NT as has been a nominee of similar events in the past. The Commission is satisfied that the Applicant and Ms Jones are fit and proper persons to hold the licence.
32. The Premises is a substantial outdoor area that has hosted hundreds of concerts in Darwin over many years. The site plan is similar the many of the events held and run at the Premises showing that the area is equipped with a large toilet block, merchandise and food stalls, water stations, first aid station and designated smoking areas. The Premises has a perimeter fence and entry will only be permitted from 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.
33. The Applicant has proposed a staggered decline of the sale of alcoholic drinks to any one person at one time at this event and I have included this condition as proposed in the licence accordingly.
34. One final issue that was not addressed by the Applicant but is of particularly relevance to an all ages event, is pass-outs, that is, allowing patrons to leave the event and re-enter at a later time. Historically, NT Police have informed the Commission that pass-outs increase the risk of contraband (including alcohol and drugs) being smuggled into the venue or provided opportunity for persons to access such substances while outside the venue.
35. At events of a similar nature, restrictions on pass-outs have been imposed and I intend to impose restrictions on pass-outs such that no unaccompanied minors will be permitted pass-outs from the event at all and no pass-out will be permitted for any patrons after 7:00pm.
36. 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.

37. 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**

38. 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).
39. Section 31 of the Act provides that any decision of the Commission for which a decision notice is required is reviewable by the Northern Territory Civil and Administrative Tribunal (NTCAT) and the following persons 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.
40. 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