

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE AND REASONS FOR DECISION

CITATION: *RODEO PROMOTIONS NT PTY LTD APPLICATION FOR A LIQUOR LICENCE WITH A MAJOR EVENT AUTHORITY (Number 2) [2023] NTLiqComm 13*

REFERENCE: LC2023/008

APPLICANT: Rodeo Promotions NT Pty Ltd

PREMISES: Robbie Robbins Reserve
762 Stuart Highway
BERRIMAH NT 0823

PROPOSED EVENT: Rounds 2 and 3 Northern Golden Buckle Rodeo Series

DATE OF EVENT: 8 July 2023, 19 August 2023

NOMINEE/S: Ms Jodi Abela

OBJECTOR/S: Nil

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

DECISION OF: Mr Russell Goldflam (Chairperson)

DATE OF DECISION: 9 May 2023

DECISION

1. For the reasons set out below and in accordance with s 48 of the *Liquor Act 2019* (**the Act**) the Northern Territory Liquor Commission (**the Commission**) has determined to issue a licence to Rodeo Promotions NT 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 the Northern Golden Buckle Rodeo Series located at Robbie Robbins Reserve in Berrimah, NT, 0823 (**the Premises**) on:
 - Saturday, 8 July 2023 from 16:00 hours to 01:00 hours (the following day) and;
 - Saturday, 19 August 2023 from 16:00 hours to 01:00 hours (the following day).

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

2. The Commission approves Ms Jodi Abela 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 Robbie Robbins Reserve 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. 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 may be 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 may be sold to any one (1) person at any one time from 23:00 to 01:00 hours (the following day).
 - d. No provision of alcoholic drinks that contain more than 1.6 standard drinks in one vessel.
 - e. Alcohol or any other beverages must only be sold to patrons in opened cans.
 - f. 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.
 - g. 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.
 - h. No patron is to be sold, consume or possess liquor if they are not wearing an 18+ wristband.

- i. 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.
- j. One or more designated 'Dry Area' must be established and maintained.
- k. 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).

REASONS

BACKGROUND

4. On 7 March 2023, pursuant to s 52 of the Act, the Applicant lodged an application for a liquor licence with a major event authority. Following review of the application, Licensing NT accepted the application.
5. The Applicant is seeking the grant of the liquor licence to permit the sale of liquor to patrons attending Rounds Two and Three of the Northern Golden Buckle Rodeo Series located at Robbie Robbins Reserve, 762 Stuart Highway, Berrimah NT.
6. The Applicant sought the following hours of trade:
 - Saturday, 29 April 2023 from 16:00 hours to 01:00 hours (the following day)
 - Saturday, 19 August 2023 from 16:00 hours to 01:00 hours (the following day)
7. The Northern Golden Buckle Rodeo Series is a community sporting event which includes activities involving a series of riding and roping contests. This is a ticketed event that attracts regular rodeo visitors and offers a new experience for locals and tourists which mainly attracts families.
8. The Applicant advised the event will have competitors aged between 5 years and 60 years including a number of horse and cattle sporting events for the duration of the rodeo. The main rodeo will commence at 17:00 hours and end at 21:00 hours followed by a live band and then a DJ until 01:00 hours the following day.
9. The Applicant intends to offer a range of alcoholic and non-alcoholic beverages including light, mid and full-strength alcohol content options.
10. The sale of liquor is proposed via two bars being the main bar and the VIP bar. The VIP bar will be located in the arena with a four hour drink and food package for the duration of the rodeo. VIP ticket holders are required to be 18 years and over unless accompanied by an adult.
11. The Applicant advised there will be free water refill stations.

12. The Applicant expects a crowd of approximately 2,000 patrons to attend the rodeo. Neptune Security will offer Crowd Controllers as per regulation 68(2) of the Regulations.
13. On 22 February 2023 the Commission issued a liquor licence to the Applicant for a similar event, Round One of the Golden Buckle series, and approved Ms Jodi Abela to be the licence nominee. The Applicant proposes that Ms Abela again be the licence nominee.
14. Licensing NT compliance officers attended Round One of the Golden Buckle, which took place on 29 April 2023, and on 9 May 2023 provided the Commission with a report of their inspection of that event. About 1,600 patrons were on the premises when the inspection was conducted between 20:30 and 21:30 hours. According to the compliance officers' report, only 11 crowd controllers were on the premises. Regulation 68(2) of the Regulations requires there to be 17 crowd controllers for an event with 1600 patrons. Despite this possible breach of the Regulations, the compliance officers' report was generally favourable regarding the sale, supply and consumption of liquor at the event. The only other observation adverse to the licensee was that there were insufficient waste disposal bins, which were overflowing.
15. The Applicant supplied the following supporting documents:
 - Affidavit
 - Public interest and community impact assessment
 - Draft public notice
 - Hazard & Risk assessment
 - Insurance certificate of currency
 - Declaration of associates
 - Neptune Security Services quote
 - Smoking management plan
 - Event management plan
 - Site Plan

PUBLICATION AND CONSULTATION

16. The application was advertised on the website of the Director of Liquor Licensing (**the Director**) and published in the NT News on Saturday, 25 March 2023. A green sign was also erected at the site advising the public of the application. Copies of the NT News and photographs of the green sign erected were supplied.

The applicant provided a statement of display. There were no objections to the application.

17. The following stakeholders were invited to provide comment on the application:

- Department of Health
- Northern Territory Police
- Northern Territory Fire & Rescue Service
- St John Ambulance
- City of Palmerston

18. None of these stakeholders objected to the application.

REFERRAL TO COMMISSION

19. On 22 April 2023 the Director referred the application to the Commission.

20. Given that no objections were received, that this is an application for a licence for two major events which will each take place over a period of only seven hours, and that a similar previous event has been conducted with only a single non-compliance issue, 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

1. In accordance with s 59 of the Act, I have considered:

- a. the Applicant's affidavit required by s 54;
- b. the suitability of the premises to be licensed, having regard to any law of the Territory regulating the sale, supply, service or consumption of liquor or the location, construction or facilities of those premises;
- c. the financial stability, general reputation and character of the Applicant;
- d. whether the Applicant and the Nominee are fit and proper persons to hold a licence;

21. In accordance with s 49 of the Act, I have also considered whether issuing the licence is in the public interest, and whether the licence will have a significant adverse impact on the community.

22. I am satisfied that the Applicant has complied with the requirements of ss 54 and 55 of the Act.

23. The Robbie Robbins Reserve has hosted numerous licensed events in the past, including rodeos, and has all the facilities necessary to ensure that only liquor purchased from one of the two licensed bars is consumed on the reserve by patrons wearing an over 18+ wristband. The reserve is securely fenced to ensure that only ticket holders can enter and arrangements have been made to engage an appropriate complement of security guards to attend the event.
24. I am satisfied that the proposed premises of Robbie Robbins Reserve are suitable for the supply and consumption of liquor in the manner set out in the application.
25. The Commission recently assessed the Applicant and the Nominee as being suitable to hold a liquor licence with a major event authority at the same premises for a similar event. In doing so, the Commission referred to the following statement by the Applicant:

Rodeo Productions NT is a not-for-profit equine sporting business formed in 2022. The business directors have been involved in the rodeo industry over the past 40 years. All four directors operate their own successful companies and established the not-for-profit to give back to the rodeo community. The company will be holding clinics and other activities focussed on youth and the sport's growth.
26. Accordingly, I find that the Applicant's financial stability, general reputation and character are satisfactory for the purpose of this application.
27. The Commission finds that subject to a possible failure to comply with reg 68(2) of the Regulations, the Applicant's major event in April 2023 was conducted in compliance with the Act and the licence conditions. Accordingly, the Commission considers that the Applicant and Nominee continue to be fit and proper persons to be granted a liquor licence with a major event authority.
28. I have also had regard to the public interest and community impact requirements in s 49 of the Act. I particularly take into account the following matters:
 - The premises are located in a non-residential area
 - The two proposed events are of relatively short duration
 - The Applicant has demonstrated the capacity to run a similar event successfully
 - All the junior rodeo events are scheduled to take place in the morning well before the licensed bars open at 16:00 hours
 - The licence conditions imposed are calculated to reduce the risk that patrons will drink to excess and cause alcohol-related harm

29. I am 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. I note that the Licensing NT report of the rodeo held by the applicant on 29 April 2023 contained observations adverse to the applicant. I have considered whether to delay the issue of this decision in order to provide the applicant with an opportunity to respond to that report. However, as I have in any event now decided to issue a licence to the applicant, I consider that any prejudice to the applicant in not being given the opportunity to respond is outweighed by the advantage to the applicant in being granted a licence more quickly.
31. The report's author recommended that Licensing NT meet with the applicant to discuss:
 - Security requirements for a Major Event
 - Increased security numbers at bar area once entertainment commences
 - Waste disposal bins to be emptied in a timely manner
 - Additional waste disposal bins to be provided for future events
32. I encourage the applicant to meet with Licensing NT to discuss these matters, and remind the applicant that a contravention of the Regulations or the conditions of the licence is a ground for complaint and potential disciplinary action under Part 7 Division 3 of the Act. This in turn might reduce the prospects of success for any future similar applications. In particular, the requirements regarding the number of crowd controllers must be strictly adhered to. Not having heard from the applicant about why there were apparently only 11 crowd controllers present on 29 April 2023, I make no finding as to whether there was a contravention of the Regulations on that occasion.
33. Section 3(4) of the Act provides that in performing its function to decide whether to issue the licence, the Commission must have regard to the primary and secondary purposes of the Act.
34. Throughout my consideration of this application, I have steadily borne the purposes in s 3 of the Act in mind. I consider that the issue of the licence and authority with the conditions imposed is consistent with the purposes of the Act.
35. As a result, the Commission has determined to issue the licence with a major event authority on the conditions set out at the commencement of this Decision Notice.

NOTICE OF RIGHTS

36. Section 60(3) of the Act requires the Commission to give a decision notice to an applicant after making a decision under s 60(1).
37. 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). In this instance the Director and the applicant are entitled to apply to NTCAT for a review of this decision.
38. In accordance with s 94(3) of the *Northern Territory Civil and Administrative Tribunal Act 2014*, any application for review of this decision must be lodged within 28 days of the date of this decision.



Russell Goldflam
CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
9 May 2023