

NORTHERN TERRITORY LIQUOR COMMISSION
REASONS FOR DECISION

MATTER: APPLICATION FOR LIQUOR LICENCE WITH A MAJOR EVENT AUTHORITY

REFERENCE: LC2022/050

APPLICANT: Tara Craigie

PREMISES: Alice Springs Rodeo Grounds
Blatherskite Park
ALICE SPRINGS NT 0870

PROPOSED EVENT: **Alice Springs Rodeo 2022**

DATE OF EVENT: Saturday, 8 October 2022

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

DECISION OF: Mr Russell Goldflam (Delegate)

DATE OF DECISION: 3 October 2022

Decision

1. On 3 October 2022, I issued the following decision:
 - a. In accordance with section 48 of the *Liquor Act 2019* (NT) (**the Act**) and pursuant to the delegation issued on 28 October 2019 authorising a single Member of the Northern Territory Liquor Commission (**the Commission**) to issue a licence with a major event authority, I have determined to issue a licence with a major event authority to Tara Craigie (**the applicant**).
 - b. The applicant is only authorised to supply, sell and serve liquor between 15:00 hours on 8 October 2022 and 00:30 hours on 9 October 2022.
 - c. The consumption of liquor supplied or sold under this licence is permitted on the premises until 01:00 hours on 9 October 2022.
 - d. The licensed premises is the area (**the licensed premises**) bounded in red depicted on the plan at page 31 of the brief of evidence provided to the Commission on 30 September 2022 under cover of a memorandum signed by Mark Wood, Delegate of the Director of Liquor Licensing, dated 28 September 2022.

- e. 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.
- f. The nominee for the licence is Tara Craigie.
- g. The conditions of the licence include those authority conditions set out in Part 4 Divisions 1 and 12 of the *Liquor Regulations 2019*.
- h. The following additional conditions are fixed:
 - i. The nominee must be present during all Trading Hours, supervise the sale of liquor and ensure compliance with these Conditions.
 - ii. The sale of liquor must be conducted by persons who hold a Responsible Service of Alcohol certificate, or equivalent qualification approved by the Director of Liquor Licensing.
 - iii. Persons under 18 years must not be engaged in the sale or supply of liquor.
 - iv. 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.
 - v. Liquor may only be sold in opened cans or plastic containers.
 - vi. Wine must not be sold or served in containers larger than 150ml.
 - vii. Spirits must not be sold in containers with more than 5% alcohol by volume.
 - viii. The only beer that may be sold is to be mid-strength or low-strength.
 - ix. No more than four alcoholic drinks may be sold to any one person at any one time.
 - x. No liquor may be served in glass containers.
 - xi. 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*. Food and drinks are not permitted to be taken into any designated smoking areas.

- xii. 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).
 - i. The licence will be issued immediately following the publication of this decision notice.
2. When issuing the decision, I stated that I proposed to issue and publish a statement of reasons for the decision. These are the reasons.

Reasons

The Application

3. The applicant, who is the manager and organiser of this event, applied for a licence to sell liquor at the Alice Springs Rodeo Grounds at Blatherskite Park, Alice Springs for the Alice Springs Rodeo 2022 on Saturday, 8 October 2022 between 15:00 hours and 01:00 hours the following day. As the applicant estimated that 2000 patrons might attend the event at any one time, the applicant applied for a liquor licence with a major event authority.

Consultation

4. As required by section 57 of the Act, notices of the application were published in the NT News on 17 September 2022, on the Northern Territory Government website and by way of a green sign displayed at the proposed premises.
5. In accordance with section 56 of the Act, notification was given to Department of Health (**DOH**), NT Police and the Alice Springs Town Council. The Director of Liquor Licensing (**the Director**) also notified the Northern Territory Fire and Rescue Service (**NTFRS**).
6. The Director informed the Commission that:
 - DOH responded that it had no objection to the application.
 - NT Police advised that it supported the application, but suggested that no liquor be served after 00:30 hours, to “give time for people to finish their last drinks before the end of the event and leave in an orderly manner”.
 - No response was received from the Alice Springs Town Council.
 - NTFRS indicated that it had no concerns with the application.
 - No objections from the public were received to the application.

The licensee’s record of compliance

7. The Director informed the Commission that the applicant had no record of non-compliance with the Act, and that feedback from police regarding a similar event

that the applicant had managed as a liquor licensee in May 2022 at Mataranka was positive: “good security was in place and it all seemed to be run quite well”.

The referral

8. On 28 September 2022, pursuant to section 59 of the Act, the Director referred this application to the Commission. Pursuant to the Commission’s delegation issued on 28 October 2019, I determined the application as a single member of the Commission “on the papers” without a public hearing, which I considered would not have been worthwhile.
9. The Director provided the following documents to the Commission with the referral (**the brief**):
 - a. Affidavit and Declaration of Associates pursuant to section 54 of the Act;
 - b. Public Interest and Community Impact Assessment summary pursuant to sections 49 to 52 of the Act;
 - c. Various registrations and plans;
 - d. Liquor licence FLL 1881 issued to the applicant for the Mataranka Never Never Festival Rodeo in May 2022, with a special event authority;
 - e. Correspondence with stakeholders.

ASSESSMENT OF THE APPLICATION

10. In accordance with section 59 of the Act, I have considered:
 - a. the applicant's affidavit required by section 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, including the nominee designated by an applicant, is a fit and proper person to hold a licence.
11. In accordance with section 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.

The applicant

12. The applicant has provided adequate documentation regarding planning and management of the event. The applicant has previously been granted a liquor licence.

The applicant's associates

13. Section 54 of the Act requires applicants to depose an affidavit disclosing whether certain persons may be able to influence the applicant, or expect a benefit from the applicant, if the licence is granted. I am satisfied that the applicant has complied with the disclosure requirements of section 54, and that for the purpose of this application no issues of concern arise concerning any associates of the applicant.

The suitability of the applicant's premises

14. The premises are on the site of the Alice Springs showgrounds, several kilometres south of the Alice Springs CBD, in a semi-rural area. I assess the premises as suitable for the supply and consumption of liquor in the manner set out in the application.

The financial stability, general reputation and character of the body corporate

15. I assess the applicant as having a satisfactory business reputation and as being financially stable for the purpose of this application.

Whether the applicant and nominee are a fit and proper person to hold a licence

16. Section 51(3) of the Act provides that an applicant is assumed to be a fit and proper person in the absence of evidence to the contrary. No such evidence was provided to the Commission. I assess the applicant to be a fit and proper person to hold a licence. The applicant has nominated herself as the licence nominee.

Public notice and consultation

17. I am satisfied that public notice of the application was given and consultation was undertaken in accordance with section 57 of the Act. I note that the Director accepted the applicant's request that owing to the lateness of her application, time for public notification be abridged.

Whether issuing the licence is in the public interest

18. To determine whether the issue of the licence is in the public interest, I am required to consider how the issue of the licence would advance the following objectives set out in section 49(2) of the Act:
 - (a) minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
 - (b) ensuring liquor is sold, supplied, served and consumed on or in licensed premises in a responsible manner;
 - (c) safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises;

- (d) protecting the safety, health and welfare of people who use licensed premises;
- (e) increasing cultural, recreational, employment or tourism benefits for the local community area;
- (f) promoting compliance with this Act and other relevant laws of the Territory;
- (g) ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business;
- (h) preventing the giving of credit in sales of liquor to people;
- (i) preventing practices that encourage irresponsible drinking;
- (j) reducing or limiting increases in anti-social behaviour.

19. Having considered each of these objectives, and having particular regard to the brief duration of the event, its location in a non-residential area, and the applicant's satisfactory record of successfully conducting such events, I am satisfied that it is in the public interest to issue the licence.

Whether the issue of the licence will have a significant adverse impact on the community

20. To determine whether it is satisfied that the issue of the licence will not have a significant adverse impact on the community, I must have consider the matters set out at section 49(3) of the Act:

- (a) the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
- (b) the geographic area that would be affected;
- (c) the risk of harm from the excessive or inappropriate consumption of liquor;
- (d) the people or community who would be affected;
- (e) the effect on culture, recreation, employment and tourism;
- (f) the effect on social amenities and public health;
- (g) the ratio of existing liquor licences and authorities in the community to the population of the community;
- (h) the effect of the volume of liquor sales on the community;
- (i) the community impact assessment guidelines issued under section 50;

(j) any other matter prescribed by regulation.

21. I note there are no such “other” matters prescribed by regulation.
22. Having considered each of these matters, and having particular regard to the brief duration of the event and its location in a non-residential area, I am satisfied that the issue of the licence will not have an adverse impact on the community.
23. Having considered all of these matters, I am satisfied, in accordance with section 49 of the Act, that:
 - a. the applicant is a fit and proper person; and
 - 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.

Conditions

24. In fixing the conditions set out at paragraph 1.h) above, I have had regard to the nature, scale, location and time of the event, the conditions that have been fixed for other similar events (including the liquor licence issued for the 2022 Mataranka Never Never Festival Rodeo), the public interest and community impact assessment and the suggestion by NT Police referred to at paragraph 5 above.

The objects of the Act

25. Finally, 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.
26. Throughout my consideration of this application, I have steadily borne the purposes in section 3 of the Act in mind. I consider that the issue of the licence and authorities with the conditions imposed is consistent with the purposes of the Act.
27. For these reasons, I determined that the application should be granted, and that a licence and authorities be issued on the conditions set out at the commencement of these reasons.



Russell Goldflam
MEMBER
NORTHERN TERRITORY LIQUOR COMMISSION
10 October 2022