

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

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**MATTER:** ALICE SPRINGS RODEO: LIQUOR LICENCE WITH MAJOR EVENT AUTHORITY [2023] NTLiqComm 28

**REFERENCE:** LC2023/031

**APPLICANT:** Alice Springs Dingo Cubs Rugby Union Football Club Inc.

**PREMISES:** Blatherskite Park  
Len Kittle Drive  
ALICE SPRINGS NT 0870

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

**HEARD BEFORE:** Mr Russell Goldflam (Chairperson)

**DATE OF DECISION:** 28 September 2023

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**Decision**

1. In accordance with s 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, the Commission has determined to issue a liquor licence with a major event authority to Alice Springs Dingo Cubs Rugby Union Football Club Inc. (**the applicant**).
2. The Commission approves the appointment of Mr Aaron Blacker as the licence nominee.
3. The license authorises the supply, sale, service and consumption of liquor on 7 October 2023 from 14:00 hours to 23:59 hours.
4. The licensed premises is the area (**the licensed premises**) bounded in red depicted on the plan at page 66 of the brief of evidence provided to the Commission under cover of a memorandum signed by Ms Michelle Ganzer, Delegate of the Director of Liquor Licensing, dated 25 September 2023 (**the brief**), excluding the area shaded in blue depicted on the plan at page 62 of the brief.
5. 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 licence nominee.

6. The conditions of the licence include those authority conditions set out in Part 4 Divisions 1 and 12 of the *Liquor Regulations 2019* (**the Regulations**).
7. The following additional conditions are fixed:
  - a. The nominee must be present during all trading hours, supervise the sale of liquor and ensure compliance with these conditions.
  - b. 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.
  - c. Persons under 18 years must not be engaged in the sale or supply of liquor.
  - d. 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.
  - e. Liquor may only be sold in opened cans or plastic containers.
  - f. Wine must not be sold or served in containers larger than 150ml.
  - g. Spirits must not be sold in containers with more than 5% alcohol by volume.
  - h. 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.
  - i. No patron is to be sold, consume or possess liquor if they are not wearing an 18+ wristband.
  - j. Soft drinks and water must be available from the bar but must also be available from separate outlets for those patrons under 18 years of age.
  - k. One or more designated ‘Dry Area’ must be established and maintained.
  - l. The licensee must clearly display signage that the premises are a Non-Smoking area.
  - m. The licensee shall exclude or remove from the premises any person who is wearing the colours, insignia or emblems of an outlaw motorcycle gang.

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

## Reasons

### The Application

9. The applicant, which is an incorporated association, applied for a licence to sell liquor at Blatherskite Park, Alice Springs, at the 2023 Alice Springs Rodeo on Saturday 7 October 2023 between 14:00 hours and 23:59 hours. As the applicant estimated that 1500 patrons might attend the event at any one time, the applicant applied for a liquor licence with a major event authority.
10. The applicant, a rugby union football club, has entered into an arrangement with the rodeo manager and operator, the Aileron Bush Club Inc., to operate the associated liquor licence, as a fundraiser for the benefit of the Alice Springs Dingo Cubs Rugby Union Football Club.

### Consultation

11. As required by s 57 of the Act, notices of the application were published in the NT News on 9 September 2023, on the Northern Territory Government website and by way of a green sign displayed at the proposed premises. No objections were received.
12. In accordance with s 56 of the Act, notification was given to the 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**) and St John Ambulance.
13. The Director informed the Commission that:
  - DOH responded with a suggestion that as Blatherskite Park is a smoke free zone, no-smoking signage be displayed.
  - NT Police advised that it had no objection to the application.
  - No response was received from the Alice Springs Town Council.
  - NTFRS responded that it had no objection to the application.
  - St John Ambulance confirmed that they would attend the event.

### The licensee's record of compliance

14. The Director informed the Commission that the Alice Springs Rodeo had been managed by a different licensee in 2022. Mr Blacker informed the Commission that the applicant has previously been granted liquor licenses with a special event authority for various fundraisers it has held. The Commission has not

been notified of any previous breaches by the applicant of the conditions of liquor licences it has been granted.

### **The referral**

15. On 25 September 2022, pursuant to s 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.
16. The Director provided the following documents to the Commission with the referral (**the brief**):
  - a. Affidavit and Declaration of Associates pursuant to s 54 of the Act
  - b. Public Interest and Community Impact Assessment summary pursuant to ss 49 to 52 of the Act
  - c. Certificate of Incorporation
  - d. Event management plan
  - e. Risk management plan
  - f. Site plan
  - g. Applicant's financial records
  - h. Evidence of identity and probity of proposed nominee
  - i. Evidence of public notification of the application
  - j. Correspondence with stakeholders

### **ASSESSMENT OF THE APPLICATION**

17. 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;  
and
  - d. whether the applicant, including the nominee designated by an applicant, is a fit and proper person to hold a licence.

18. 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.

### **The applicant**

19. The applicant has provided adequate documentation regarding planning and management of the event. I consider that the applicant is a suitable body to operate the liquor licence for this event.

### **The applicant's associates**

20. 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 s 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**

21. 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**

22. 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**

23. 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, and Mr Blacker to be a fit and proper person to be the licence nominee.

### **Public notice and consultation**

24. I am satisfied that public notice of the application was given and consultation was undertaken in accordance with s 57 of the Act.

## **Whether issuing the licence is in the public interest**

25. To determine whether the issue of the license is in the public interest, I am required to consider how the issue of the licence would advance the following objectives set out in s 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.

26. Having considered each of these objectives, and having particular regard to the brief duration of the event and its location in a non-residential area, 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**

27. To determine whether I am satisfied that the issue of the licence will not have a significant adverse impact on the community, I must consider the matters set out at s 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 s 50;
- (j) any other matter prescribed by regulation.

28. I note there are no such “other” matters prescribed by regulation. In my view, there are currently no s 50 community impact assessment guidelines in force.

29. 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.

30. Having considered all of these matters, I am satisfied, in accordance with s 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**

31. In fixing the conditions set out at paragraph 6) 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 Alice Springs rodeo and the 2023 Northern Golden Buckle Rodeo events in Berrimah, and the public interest and community impact assessments.

32. I note that a condition of the licence issued for the 2022 Alice Springs Rodeo was that full strength beer not be supplied. I have however determined to allow full strength beer to be supplied for the 2023 Alice Springs Rodeo to facilitate the applicant’s wish to enter into a sponsorship arrangement with the Alice

Springs Brewing Co, which supplies several types of full-strength beer, but only one type of mid-strength beer. The licence issued earlier this year to similar events in the Darwin area permitted the supply of heavy beer.

33. I remind the applicant that reg 68(2) of the Regulations requires the licensee to employ or hire at least 2 licensed crowd controllers for the first 100 patrons attending the event, and one additional licensed crowd controller for each additional 100 patrons attending the event, up to 5,000 patrons.

### **The objects of the Act**

34. Section 3(4) of the Act provides that in performing its function to decide whether to issue a licence, the Commission must have regard to the primary and secondary purposes of the Act. I consider that the issue of the licence and authorities with the conditions imposed is consistent with the purposes of the Act.

35. For these reasons, I have determined that the application should be granted, and that a licence and authority be issued on the conditions set out at the commencement of these reasons.



RUSSELL GOLDFLAM  
CHAIRPERSON  
NORTHERN TERRITORY LIQUOR COMMISSION  
28 September 2023