

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: *MASTERS GAMES 2024 LAUNCH: LIQUOR LICENCE WITH MAJOR EVENT AUTHORITY*
[2023] NTLiqComm 29

REFERENCE: LC2023/032

APPLICANT: Alice Springs Casino Operations Pty Ltd

PREMISES: ANZAC Oval
Wills Terrace
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

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 Casino Operations Pty Ltd (**the applicant**).
2. The Commission approves the appointment of Mr Craig Jervis as the licence nominee.
3. The license authorises the supply, sale, service and consumption of liquor on Saturday 14 October 2023 from 14:00 hours to 22:00 hours.
4. The licensed premises is the area (**the licensed premises**) bounded in red depicted on the plan at page 47 of the brief of evidence provided to the Commission under cover of a memorandum signed by Michelle Ganzer, Delegate of the Director of Liquor Licensing, dated 25 September 2023.
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*.
7. The following additional conditions are fixed:
 - a. The nominee or at least one shift supervisor appointed by the nominee must be present during all trading hours to 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. 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.
 - i. One or more designated ‘Dry Area’ must be established and maintained.
 - j. The licensee must clearly display signage clearly designating Non-Smoking areas and, if any, Designated Outdoor Smoking Areas.
 - 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.
8. The licence will be issued immediately following the publication of this decision notice.

Reasons

The Application

9. On 7 September 2023, the applicant, a registered business corporation which currently holds liquor licence 80103004 over its premises at the Lasseters Casino, applied for a licence to sell liquor at ANZAC Oval, Alice Springs, for “The Warm Up”, an event at which the 2024 Alice Springs Masters Games will be launched, on Saturday 14 October 2023 between 14:00 hours and 22:00

hours. As the applicant estimates that 1500 to 1800 patrons will attend the event, the applicant applied for a liquor licence with a major event authority.

10. The applicant has entered into an arrangement with NT Major Events Company, which is planning, managing, and presenting the Masters Games, to operate the liquor licence at The Warm Up.
11. The Alice Springs Masters Games has been a significant biennial fixture on the Alice Springs sporting, tourism and social calendar since 1986. The 2024 Masters Games will mark the resumption of this sports carnival following an interruption of five years due to the COVID-19 pandemic. The last such event was in 2018.

Consultation

12. As permitted by s 57 of the Act, the Director of Liquor Licensing (**the Director**) exempted the applicant from the usual public notification requirements for the application.
13. 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.
14. The Director informed the Commission that:
 - DOH responded with a suggestion that adequate 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

15. The Commission has not been provided with information regarding the history of the applicant's compliance with the Act or its liquor licence conditions. The Commission notes that previously, the liquor licence for Alice Springs Masters Games opening and closing events at ANZAC Oval have been operated by local sporting and service clubs. The Commission also notes that the applicant's parent company is the Iris Capital Group, which owns several licensed premises in Alice Springs, some of which have been the subject of disciplinary action for breaching liquor licence conditions in recent years.

16. The applicant has previously operated liquor licences for major events operated by NT Major Events Company, including the Red Centre Nats motorsports event.

The referral

17. On 25 September 2023, pursuant to s 59 of the Act, the Director referred the application to the Commission. Pursuant to the Commission's delegation issued on 28 October 2019 I have 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.
18. The Director provided the following documents to the Commission with the referral (**the brief**):
 - a. Application for liquor licence with major event authority
 - b. Applicant's current liquor licence 80103004
 - c. Affidavit of Associates pursuant to s 54 of the Act
 - d. Public Interest and Community Impact Assessment summary pursuant to ss 49 to 52 of the Act
 - e. Event operations plan
 - f. Site plan
 - g. Certificate of registration of food business
 - h. Director's waiver of public notification of the application
 - i. Correspondence with stakeholders

ASSESSMENT OF THE APPLICATION

19. 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.

20. 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

21. The applicant has provided adequate documentation regarding planning and management of the event. I consider that the applicant, which is amongst the most well-established and substantial suppliers of hospitality, food and beverages in Alice Springs, is a suitable body to operate the liquor licence for this event.

The applicant's associates

22. 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

23. The premises are immediately adjacent to the Alice Springs CBD, on a large, well-equipped sports field. ANZAC Oval has long been a venue for similar events. 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

24. Although this application has not been supported by any financial statements or records, I am satisfied that for the purpose of this application the applicant, which operates a very substantial licenced accommodation, hospitality, tourism and gaming venue in Alice Springs, has a satisfactory business reputation and is financially stable.

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

25. 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 Jervis to be a fit and proper person to be the licence nominee.

Public notice and consultation

26. I am satisfied that public notice of the application was exempted, and consultation was undertaken in accordance with ss 56 and 57 of the Act.

Whether issuing the licence is in the public interest

27. 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.

28. 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 significance of the Alice Springs Masters Games to the local community, 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

29. 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.

30. 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.

31. Having considered each of these matters, and having particular regard to the brief duration of the event, its location in a non-residential area and the benefits to the community occasioned by the return of the Alice Springs Masters Games, I am satisfied that the issue of the licence will not have an adverse impact on the community.

32. 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

33. The condition set out at paragraph 7.j) above is necessarily somewhat vague. That is because on the one hand, the applicant states that there will be no Designated Outdoor Smoking Area because “this is a Free Smoking event” (sic). However, according to the event website, “Smoke-free areas on site are appropriately signed. There are also designated smoking areas.”¹

34. In issuing liquor licences with a major event authorities for other similar events, the Commission has, on occasion, imposed a condition that all patrons be issued with colour-coded wristbands, and that service of liquor only be

¹ Accessed at <https://www.alicespringsmastersgames.com.au/the-warm-up/the-warm-up-faqs>

permitted to patrons wearing a wristband designating them as being over the age of 18 years. I have imposed no such condition on this occasion. That is because entry to The Warm Up will be free of charge, and I consider that it would be unnecessarily burdensome to impose on either the organisers of the event or the attending public a requirement that attendees be issued with and wear a wristband.

35. The applicant has committed to administering refresher Responsible Service of Alcohol training to all bar staff who will be on duty at this event. That is commendable. It is of particular importance that all bar staff are diligent in ensuring that liquor is not sold, supplied or served to any persons under the age of 18 years at this event.

The objects of the Act

36. 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.

37. 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