

NORTHERN TERRITORY LIQUOR COMMISSION
AMENDED¹ DECISION NOTICE

MATTER: *BASSINTHEGRASS: LIQUOR LICENCE WITH MAJOR EVENT AUTHORITY [2024] NTLiqComm 13*

REFERENCE NUMBER: LC2024/008

APPLICANT: Fiery Amigos Pty Ltd (ACN 139 448 392)

PREMISES: Mindil Beach (Lot 5772)
73 Gilruth Avenue
THE GARDENS NT 0820

EVENT: BASSINTHEGRASS 2024

DATE OF EVENT: Saturday, 18 May 2024

NOMINEE: Danielle Jones

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

DECISION: Mr Greg Shanahan (Delegate)

DATE OF DECISION: 22 March 2024

Decision

1. For the reasons set out below and in accordance with section 48 of the *Liquor Act 2019* (**the Act**) the Northern Territory Liquor Commission (**the Commission**) has determined to issue a licence to Fiery Amigos 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 “BASSINTHEGRASS” for consumption at Mindil Beach, 73 Gilruth Avenue, The Gardens, NT 0820 within the area (**the Premises**) described in the site plans included in the brief of evidence referred to the Commission by the Director of Liquor Licensing (**the Director**).
2. The sale, supply, service and consumption of liquor is authorised only on:

Saturday, 18 May 2024 from 12:00 hours to 24:00 hours at all bars except at the Beach Bar which is authorised to operate from 13:00 hours to 23:00 hours.

¹ This Decision Notice was amended on 3 April 2024 to remove the requirement for snacks to be sold at the bars.

3. The Commission approves Danielle Jones as the designated nominee (**the Nominee**).
4. 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 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 at all bars except the Beach Bar as follows:
 - i. no more than four (4) alcoholic drinks may be supplied to any one person at any one time from 12:00 to 21:00 hours;
 - ii. no more than two (2) alcoholic drinks may be supplied to any one person at any one time from 21:00 to 22:00 hours; and
 - iii. no more than one (1) alcoholic drink may be supplied to any one person at any one time from 22:00 to 24:00 hours with last drinks to be called at 23:30 hours;

To the extent that this condition is more restrictive than the Regulations, this condition prevails.

- c. For the Beach Bar a staggered decline of alcohol served must be implemented as follows:
 - i. no more than four (4) alcoholic drinks may be supplied to any one person at any one time from 13:00 to 21:00 hours;
 - ii. no more than two (2) alcoholic drinks may be supplied to any one person at any one time from 21:00 to 22:00 hours; and
 - iii. no more than one (1) alcoholic drink may be supplied to any one person at any one time from 22:00 to 23:00 hours with last drinks to be called at 22:30 hours;

To the extent that this condition is more restrictive than the Regulations, this condition prevails.

- d. Water, soft drinks, and mid and low alcohol beverages are to be available at all bars.
- e. 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 or slushie 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.
- f. Wine by the glass is able to be sold in 150 ml containers however liquor or any other beverages must not be supplied in glass containers.
 - g. Wine by the bottle can be provided in the VIP area until 21:00 hours however the wine must be poured into a plastic reusable carafe prior to being served.
 - h. All patrons must have their ID checked upon entry and persons 13 years and under must be under the direct supervision of a ticket holding parent or legal guardian at all times.
 - i. 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.
 - j. No patron is to be sold, consume or possess liquor if they are not wearing an 18+ wristband.
 - k. 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.
 - l. No pass-outs are permitted.
 - m. A designated 'Dry Area' must be established and maintained.
5. The licence will be issued immediately following the publication of this decision notice.

Reasons

Background

- 6. On 21 February 2024 pursuant to section 52 of the Liquor Act 2019 (the Act), Fiery Amigos Pty Ltd (**the Applicant**) applied to the Director of Liquor Licensing (**the Director**) for a licence with an authority for a major event for BASSINTHGRASS 2024, an iconic outdoor music festival that has been presented in Darwin since 2003.
- 7. The event is open to all ages with children under 13 years of age allowed free entry however they must be accompanied by a ticket holding responsible adult.
- 8. Whilst it is an all ages event the Applicant is marketing to locals and visitors with the target audience being 16 to 40 years of age.

9. This is a ticketed event and patrons will be ID checked to gain entry and issued a colour-coded wristband with the colour depending on whether they are over 18.
10. 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 the prescribed major event authority conditions:

- Dry areas available

All Bars except Beach Bar:

- No more than four (4) alcoholic drinks per person between 12:00 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 24:00 hours with last drinks to be called at 23:30 hours.

Beach Bar:

- 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 22:00 hours
- No more than one (1) alcoholic drinks per person between 22:00 hours to 23:00 hours with last drinks to be called at 22:30 hours.

11. The Applicant has indicated that in order to increase the safety of underage attendees it has engaged 'DanceWize', a specialised alcohol and other drug (AOD) outreach service, to be part of the event.
12. The Applicant estimates that a crowd of approximately 17,500 patrons will attend. Regulation 68(2) of the Regulations requires two licensed crowd controllers for the first one hundred patrons, one additional licensed crowd controller for each one hundred patrons up to 5,000 patrons and one licensed crowd controller for each additional 200 patrons thereafter.
13. The Applicant proposes the sale of wine, beer (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.
14. 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.

15. 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.
16. Designated outdoor smoking areas will be located on the premises, in accordance with the applicant's Smoking Management Plan.
17. The Applicant provided the following documents in accordance with section 53(3) of the Act:
 - a. Application for liquor licence with major event authority;
 - 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, beverage list, emergency response plan, event operations plan, risk report, financial report, public notice, traffic management plan and crowd controller plan;
 - e. Public Interest and Community Impact Assessment;
 - f. Probity documents and reports, certificates, references, affidavits and statutory declarations for the nominee and applicant;
 - g. Affidavit of Danielle Jones, regarding persons of influence; and
 - h. Smoking Management Plan.
18. The proposed nominee for the event is Ms Danielle Jones. As Ms Jones has held licenses for other venues and events in the past twelve months, Ms Jones was only required to provide the following which she duly did:
 - a. Photographic identification;
 - b. Statutory declaration stating that she has not received any criminal or court convictions in last 12 months; and
 - c. Resume.

The Applicant and Nominee

19. The Applicant is a registered Australian Proprietary Company limited by shares. The Directors are Ms Caitlin Temple and Mr Michael Burns who also holds the position of Secretary. All parties have been declared within the Affidavit as interested and beneficial financial parties for this application.
20. The Applicant has held a major event authority for this event 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 has previously been the nominee for similar major events.

Advertising and Objections

22. The Delegate of the Director of Liquor Licensing exempted the application from public notice pursuant to section 57(2A) of the Act, as the event is annual and does not disclose a public interest issue.

Consultation

23. 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**).

24. Although not legally bound to do so, 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**).

25. No objections to this application were received.

Hearing

26. Given that no objections were received and this is an application for a major event of short duration, in accordance with section 21 of the Act I formed the opinion that it would not be appropriate in the circumstances to conduct a public hearing because to do so would not be worthwhile, and I do not consider the application to be controversial. Accordingly, I have proceeded pursuant to the delegation given by the Commission to an individual member to determine an application for a liquor licence with a major event authority.

Assessment of the Application

27. Section 49 of the Act provides 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.

28. 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.
29. The applicant has previously held licenses for similar events with no known compliance issues. BASSINTEGRASS has been conducted since 2003 at this and other venues. No recent concerns have been raised regarding the management of these events by the Director or NT Police.
30. The Commission is satisfied that the Applicant and Ms Jones are fit and proper persons to hold the licence.
31. The Premises are located in a well-serviced outdoor area that has been the venue for large-scale events in Darwin over many years. The site plan shows that the event will provide a large parking area, merchandise and food stalls, a substantial toilet block as well as temporary toilets, water stations, a first aid station, a dry area and designated outdoor smoking areas. The Premises will have 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.
32. The conditions fixed by the Commission are in accordance with the Applicant's proposal for a staggered decline of the sale of alcoholic drinks to any one person at one time over the latter hours of the event.
33. To minimise the risk of harm the Commission has retained the condition that there be no pass outs.
34. The Commission has had regard to the 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.
35. As a result, the Commission approves the issue of the licence with a major event authority with the conditions set out at the commencement of this Decision Notice.

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.

NOTICE OF RIGHTS

38. Section 31(1) read with s 60(3) of the Act provide that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal (**NTCAT**). Section 94(3) of the *NTCAT Act* provides that an application

for review of a reviewable decision must be lodged within 28 days of the date of the decision.

39. In accordance with s 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the Director and the applicant.

A handwritten signature in blue ink, appearing to read 'Greg Shanahan', with a long horizontal stroke extending to the right.

Greg Shanahan
Acting Deputy Chairperson
Northern Territory Liquor Commission

22 March 2024