

# NORTHERN TERRITORY LIQUOR COMMISSION

## DECISION NOTICE

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**MATTER:** APPLICATION FOR A SPECIAL LICENCE

**REFERENCE:** LC2019/103

**PREMISES:** Mataranka Sport and Recreation Grounds  
Rodeo Arena  
MATARANKA NT 0852

**APPLICANT:** Territory Rodeo Services

**EVENT:** Mataranka Rodeo

**LEGISLATION:** Section 58 of the *Liquor Act 1978*

**DECISION OF:** Ms Pauline Reynolds (Health Member)

**DATE OF DECISION:** 25 July 2019

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### DECISION

1. For the reasons set out below and in accordance with section 59(1) of the *Liquor Act 1978* ("the Act") I have determined to grant the special licence to sell liquor to the Territory Rodeo Services for the sale of liquor at the Mataranka Rodeo, Mataranka Sport and Recreation Grounds, Rodeo Arena, Mataranka on:
  - Saturday 3rd August 2019 10:00 hours until Sunday 4th August 2019 01:00 hours
  - Sunday 4th August 2019 10:00 hours until Monday 5th August 2019 01:00 hours
2. The granting of approval is subject to the following standard conditions, namely:
  - a. The sale of liquor must be supervised by one or more persons nominated by the holder of the special licence (the Nominee/s), who each must hold a Responsible Service of Alcohol certificate, or equivalent qualification approved by the Director-General.
  - b. A Nominee MUST BE present during all Trading Hours and must ensure compliance with these Conditions.
  - c. The Nominee is identified as Ms Tara Craigie.

- d. Persons under the age of 18 years must not be used in the sale or supply of liquor.
- 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. Any person involved in Crowd Control, as defined under *the Private Security Act 1995*, at the premises must be licensed as required by that Act.
- g. Crowd Controllers are to be employed as per industry standards as follows:  
Two (2) licensed crowd controllers for the first 100 hundred patrons and one (1) additional crowd controller for each 100 hundred patrons thereafter.
- h. All liquor must be sold in open containers.
- i. No more than four (4) cans or bottles must be sold to any one person at any one time.
- j. The holder of the special licence must ensure that water, soft drinks, low alcohol beverages and snacks are available during Trading Hours. Commercially bottled water may be sold, otherwise water must be supplied free of charge on request.
- k. Liquor must not be sold or supplied to a person who is drunk, or to a person under the age of 18 years.
- l. The holder of the special licence 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.
- m. The holder of the special licence must comply with all requirements and guidelines published by the Liquor Commission or Director-General, including guidelines related to the conduct of entertainment.
- n. Where the holder of the special licence is operating from enclosed premises, the holder must prominently display on the premises the “Maximum Patron Number” sign (if one has been issued by the Fire and Rescue Service) and must comply with maximum patron numbers as determined by the Northern Territory Fire and Rescue Service from time to time.
- o. The holder of the special licence must not do or permit or suffer any act, matter or thing whatsoever upon the premises or any part thereof, or permit noise at a level, which must or may be to the annoyance, nuisance, grievance or disturbance of the occupiers or owners for the time being of the adjoining properties or the residential neighbourhood.
- p. The holder of the special licence must comply with the requirements of the Liquor Commission or Director-General as specified in this condition, and with the instructions of a Licensing Inspector, a Member of the Police Force, an authorised Member of the Northern Territory Fire and Rescue Service or a delegate of the Chief Health Officer upon production of an identity card or other authorisation.
- q. All liquor purchased for sale under the authority of this special licence MUST be purchased from a licensed retail outlet.
- r. The holder of the special licence must make a record of all liquor obtained for sale under this special licence that identifies the source of the liquor and the type and quantity of each type of liquor so obtained.

- s. The holder of the special licence must record all liquor sold, including the type and quantity of that liquor, and must record the manner of disposal of any unsold liquor.
- t. This special licence must be located at the premises during Trading Hours and must be produced on demand to a Licensing Inspector, a Member of the Police Force, an authorised Member of the Northern Territory Fire and Rescue Service or a delegate of the Chief Health Officer upon production of an identity card or other authorisation.
- u. The holder of the special licence 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*.
- v. Food and drinks are not permitted to be taken into any designated smoking areas.
- w. The holder of the special licence or employee of the holder 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 3 June 2019, pursuant to section 58 of the Act, Territory Rodeo Services (the Applicant) lodged an application via email through Territory Business Centre to the Director-General of Licensing for the grant of a Special Licence.
- 5. The Applicant is seeking a Special Licence to permit the sale of liquor to patrons attending the annual event known as Mataranka Rodeo (the Event). The Applicant has managed previous Rodeo events and held Special Licences for these events. This event will be held over two days providing the opportunity for competitors to compete in the Katherine Rope and Barrel Club events, Bull Riding, Bronc Riding as well as Barrel Racing. The Applicant has stated that there will also be entertainment to follow at the end of the Event.
- 6. The Event is a family event, which will be held within the Mataranka Rodeo Arena within the Mataranka Rodeo Grounds. It will commence from 10:00 hours until 01:00 hours the following day over a two-day period.
- 7. It is to be noted that the Rodeo Arena is within the Rodeo Grounds. The Applicant is requesting a Special Liquor Licence for the Rodeo Arena area and not the whole Rodeo Grounds. This does not include the camping areas that fall part within the Mataranka Public Restricted Area.
- 8. The Applicant is managing the event over the proposed following dates:
  - Saturday 3rd August 2019 10:00 hours until Sunday 4th August 2019 01:00 hours.
  - Sunday 4th August 2019 10:00 hours until Monday 5th August 2019 01:00 hours.
- 9. The Applicant is seeking a Special Licence to operate two separate bar areas within the Mataranka Rodeo Arena.

10. An initial site plan and information for the application was provided to Licensing NT regarding the Event.
11. Following initial stakeholder comments from NT Police, Drug and Alcohol, certain matters were raised in their email dated 28 June 2019. The Applicant has provided further information in response to the queries raised by NTPOL.
12. The Applicant is expecting crowd numbers would be up to 500 during the hours of 19:00 hours and 23:00 hours and approximately 100 people between 23:00 hours and 01:00 hours.
13. On Friday 12 July 2019 a revised site map was provided by the Applicant to Licensing NT delineating the proposal of two bar areas along with further detailed information regarding the Event.

- Zone 1 - Main Bar:

Saturday 3rd August 2019 14:00 hours until 01:00 hours on Sunday 4th August 2019.  
Sunday 4th August 2019 14:00 hours until 01:00 hours on Monday 5th August 2019.

The Main Bar will serve light or mid-strength beer in cans only between the hours 14:00 hours and 16:00 hours. After 16:00 hours service of spirits in a can or measured nip of spirit in a plastic cup with the requested mix along with continued service of light or mid-strength beer will be available.

Drinks will be sold up to 4 per person at a time between 14:00 hours and 00:00 hours and then 1 drink per person between 00:00 hours and 12:59 hours. Last drinks will be called at 12:45 hours with the bar closing at 01:00 hours.

- Zone 2 - Sponsors Bar:

Saturday 3rd August 2019 16:00 hours until 22:00 hours on Saturday 3rd August 2019.  
Sunday 4th August 2019 16:00 hours until 22:00 hours on Sunday 5th August 2019.

Service of alcohol in the Sponsors Bar will be from an esky by a staff member with a Responsible Service of Alcohol (RSA) Certificate. Sponsors will have a specific wristband and a lanyard to identify they are a sponsor. There will be a maximum of 15-20 sponsors. Sponsors will have paid between \$500 - \$2000 which is given to competitors as their prize money. As part of being in the Sponsors Bar, they will be provided with drinks (no limit to drinks) but will not be served more than 4 drinks per person at a time. Sponsors will be provided with platters during this time also.

14. Water and soft drinks will also be available for purchase along with food to patrons throughout the event on both days.
15. The Applicant has allocated a No Alcohol area and Games Area for Children.
16. The Applicant has stated that there is also camping areas for the General Public and for the Competitors. The Camping Grounds will have clear signage, parking, toilet and bathroom amenities maintained by Territory Rodeo Services staff. It has been indicated

that there will be sufficient lighting provided by the main arena lights and the area will be monitored by the Roper Gulf Regional Council Night Patrol and Mataranka Local Police.

17. The Applicant has indicated on the site map the points of entry and exit for access into the Rodeo Arena where Security will be stationed during Liquor Licenced hours, outside of Liquor Licenced hours Rodeo staff will be stationed at these points.
18. The Applicant at point 15 of their further submission email on 12 July 2019 have indicated that they will continue to promote the event strictly no 'BYO', as well as providing a security guard on the front gate between the hours of 16:00 hours and 22:00 hours noting that it is not the liquor licenced area and will continue to work with the local police in relation to management of this event.
19. The Applicant is engaging with Security Service providers Cap 22 and Neptune Security and was finalising this on 12 July 2019. The Applicant is seeking to have 2 x security from 14:00 hours until 18:00 hours; 4 x security from 18:00 hours until 20:00 hours and then will have 7 security on from 20:00 hours until 01:00 hours.

## Consultation

20. As this is an application for a special licence there is no requirement under the Act for advertising of such an application, nor is there provision for formal objections to be made concerning such an application. Despite this, a "usual practice" has developed for the Director-General to consult with relevant stakeholders concerning the application, namely Roper Gulf Regional Council, the Department of Health ("DOH"), Northern Territory Fire and Rescue Services ("NTFRS") and NT Police, Fire and Emergency Services ("NT Police") and seek their comment.
21. With respect to this application:
  - a. Department of Health responded on 14 June 2019 advising "The Department of Health has no adverse comment." It is also requested that the applicant be aware of their obligations under the *Tobacco Control Act 2002* and supply signage. This information was forwarded to the applicant on the same day, 14 June 2019.
  - b. Northern Territory Fire and Rescue Service responded to the application on 14 June 2019 advising that they had "no objection."
  - c. NT Police, Drug and Alcohol Policy Unit provided a response via email dated 14 June 2019 requesting a copy of the application including the site map showing the area where alcohol would be served and consumed. It was further stated in this email that this request was discussed with the Licensing Officer who would need to seek Supervisor approval. NTPOL stated that no comment (supportive or not supportive) could be made until this was provided.
  - d. On 14 June 2019, the Licensing Officer provided NTPOL with a copy of the map supplied for the proposed licensed area and pages 2 and 3 of the application forms for the Mataranka Rodeo.
  - e. An email was sent to NTPOL on 25 June 2019 following up on any comments.

- f. On 28 June 2019, NTPOL emailed comments to Licensing NT advising that they did not support the application in the current format.
- g. Licensing NT emailed the Applicant on 4 July 2019 with the comments from NTPOL advising that if the Applicant wished to comment to submit a response accordingly.
- h. The Applicant emailed on 5 July 2019 indicating that they were overseas, however raised concerns with the comments from NTPOL given past management of events and their responsible record as a licensee.
- i. On 7 July 2019, the Applicant sent a further email to Licensing NT with a basic Risk Management Plan and additional information. Senior Licensing Officer, Ms Chin responded to this requesting further information to clarify the application and event management via email dated 11 July 2019 to the Applicant. Licensing NT emailed NTPOL on 12 July 2019, with the further information and new site map for their consideration.
- j. Late on 12 July 2019, Remote Sergeant Chalk discussed the further information provided and the new site map with Senior Licensing Officer Ms Chin. Ms Chin advised that the applicant had attended to addressing the concerns raised by the stakeholder and was committed to managing the event responsibly.
- k. Remote Sergeant Chalk advised he would review the material and would provide a further response over the weekend for submission to the Commission as Ms Chin informed that the matter was being prepared and referred as a priority given timeframes now encroaching for the Commission to review and consider the application.
- l. Further submissions from NTPOL were received on 15 July 2019 stating that there were still some components that they did not support with regard to the application. It was further stated that both emails outlining concerns should be presented to the Commission.
- m. Roper Gulf Regional Council were not notified in writing by Licensing NT of the application, however Chris Williams, representative of Roper Gulf Regional Council signed the application as the Owner/Controller.
- n. On 12 July 2019, Senior Licensing Officer Ms Chin rang Mr Williams and discussed the matter with him. Mr Williams advised that the matter was set for Council meeting within the next week and that it was envisaged it would be supported. Licensing NT emailed Mr Williams confirming these details and requested that following the local Council meeting that it would be appreciate if Roper Gulf Regional Council would advise accordingly.
- o. Roper Gulf Regional Council Emailed Licensing NT on 15 July 2019 advising that Council supported the application for both days “on the proviso they have adequate crowd control measures in place and the support of the local Police”. An updated approval on the application of owner/controller was also provided.

- p. A check of the records held at Licensing NT indicate that there is no previous adverse history on the applicant or associated persons. The applicant held a Special Licence for the Mataranka Rodeo on 20 October 2018 and has been associated with Rodeo's for a period of time and granted Special Liquor Licenses for past events.

### **Assessment of the Application**

22. As previously noted, this is an application for a special licence under section 58 of the Act. That section is within Part VI of the Act. There are no specific criteria prescribed within the Act for consideration of an application for a special licence. Special licences exist under Part VI of the Act and are therefore not part of the definition of "licence" pursuant to section 4 of the Act, namely "a licence issued under Part III" of the Act.
23. As a result, it has previously been determined by the Commission that an application for a special licence is **not** a licence with respect to which I am bound to apply the public interest and community impact test as provided for under section 6 of the Act.
24. The Commission has previously noted however that pursuant to section 3(3) of the Act it is clear that when "exercising a power or performing a function under (the Act) (the Commission) must have regard to the objects of (the Act) and must exercise the power and perform the function in a way that is consistent with those objects".
25. Section 3 of the Act identifies the "Objects" as follows:
- (1) The primary object of this Act is to regulate the sale, provision, promotion and consumption of liquor:
    - (a) so as to minimise the harm associated with the consumption of liquor; and
    - (b) in a way that takes into account the public interest in the sale, provision, promotion and consumption of liquor.
  - (2) The further objects of this Act are:
    - (a) to protect and enhance community amenity, social harmony and wellbeing through the responsible sale, provision, promotion and consumption of liquor;
    - (b) to regulate the sale of liquor in a way that contributes to the responsible development of the liquor and associated industries in the Territory; and
    - (c) to facilitate a diversity of licensed premises and associated services for the benefit of the community.
26. As I have been delegated the authority to make this decision, I too am bound by these objects and they have been considered carefully by me when determining this application.
27. Based on the material before me, I find there is no basis to believe the applicant would not comply with the usual conditions of the special licence as sought.

28. This is a significant event for the Mataranka community. The sale of alcohol is ancillary to the entertainment that the rodeo will provide.
29. Given the nature of this event and for the reasons outlined above; I am, on balance, satisfied that the objects of the Act have been sufficiently addressed and I have decided to grant the special licence as outlined at the start of this Decision Notice.

**Notice of Rights:**

30. Section 120ZA of the Act provides that a reviewable decision is a Commission decision that is specified in the Schedule to the Act. A decision to issue a special licence subject to condition pursuant to section 59 of the Act is specified in the Schedule and is a reviewable decision. I am exercising the power to make a Commission decision pursuant to the delegation made to me by the Commission.
31. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision.
32. For the purpose of this decision, and in accordance with section 120ZB(1)(b) and (c) of the Act, the affected person is the Applicant.



**PAULINE REYNOLDS**  
HEALTH MEMBER  
NORTHERN TERRITORY LIQUOR COMMISSION