

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR A MAJOR EVENT AUTHORITY

REFERENCE NUMBER: LC2021/015

APPLICANT: Summer Junkies Pty Ltd

PREMISES: Darwin Amphitheatre
George Brown Darwin Botanic Gardens
21 Geranium Street
THE GARDENS NT 0820

PROPOSED EVENT: Pure 2021; and
Carl Cox & Eric Powell Mobile Disco

DATE OF EVENT: Saturday, 1 May 2021
Sunday, 2 May 2021

NOMINEE/S: Guy Dunne

OBJECTOR/S: Nil

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

DECISION OF: Ms Amy Corcoran (Community Member)

DATE OF DECISION: 22 April 2021

Decision

1. For the reasons set out below and in accordance with section 48 of the *Liquor Act 2019* (**the Act**) the Commission has determined to issue a licence to Summer Junkies 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 during the below events for consumption on or in the area known as the Darwin Amphitheatre located at George Brown Darwin Botanic Gardens in The Gardens, NT 0820 (**the Premises**):

Pure 2021

Saturday, 1 May 2021 from 15:30 hours to 23:30 hours

Carl Cox & Eric Powell Mobile Disco

Sunday, 2 May 2021 from 15:30 hour to 23:30 hours.

2. The Commission approves Ms Guy Dunne as the designated nominee (**the Nominee**).
3. 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 at the Darwin Amphitheatre 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 as follow:
 - i. no more than four (4) alcoholic drinks may be sold to any one (1) person at any one time from 15:30 to 22:00 hours;
 - ii. no more than two (2) alcoholic drinks sold to any one person at any one time from 22:00 to 23.00 hours;
 - iii. no more than one (1) alcoholic drink sold to any one person at any one time from 23:00 to 23.30 hours and
 - iv. service of alcoholic drinks must cease by 23:30 hours.

To the extent that this condition is inconsistent with the Regulations, this condition prevails.
 - c. No provision of alcoholic drinks that:
 - i. are designed to be consumed quickly and which are commonly referred to as a 'shot or shooters'; or
 - ii. are a cocktail containing more than a 30ml nip of spirit or liquor.
 - d. Liquor or any other beverages must not be sold to patrons in glass containers.
 - e. No pass-outs are permitted.
4. The licence will be issued immediately following the publication of this decision notice.

Reasons

Background

6. On 23 February 2021 pursuant to section 52 of the Act, the Applicant applied to the Commission for a licence with a major event authority to permit the sale of alcohol to patrons attending two events over consecutive days being "Pure 2021" and "Carl Cox & Eric Powell Mobile Disco" at the Premises.

7. Pure 2021, being held on Saturday 1 May 2021, is similar a contemporary electronic dance music concert. The Applicant hopes this event will give global exposure and experience to local DJs and producers as they perform with one of the largest industry names in electronic music.
8. Carl Cox & Eric Powell Mobile Disco, being held on Sunday, 2 May 2021, is a tribute to the last 70 years of music across the 1970s disco, funk, soul and classic house music era. The Applicant believes this event would likely appeal to a wider demographic within Darwin.
9. Tickets have been on sale since early 2021 with a large number from interstate sales to date. The Applicant advised the expected crowd attendance on Saturday, 1 May 2021 was in the vicinity of 3,500 – 4,000 at any one time and up to 6,000 were expected to attend at any one time on Sunday, 2 May 2021.
10. The Applicant proposes the sale of beer (inclusive of light, mid and heavy), spirits in a range of vodka, rum and scotch including ready to drink (RTDs), wine by the glass and cocktails. Cocktails and mixed drinks will have no more than 30ml spirits except RTDs.
11. The Applicant proposes a staggered decline of drinks being sold to any one person at one time as follows:
 - (a) 4 standard drinks per person from 15:30 hours to 22:00 hours;
 - (b) 2 standard drinks per person from 22:00 hours to 23:00 hours;
 - (c) 1 standard drink per person 23:00 to 23:30 hours.
12. All alcohol is to be consumed in aluminium cans, paper or plastic cups. There are to be no glass containers or wine by the bottle. Water and soft drinks will be available for purchase as well as the provision of complimentary water stations.
13. Food will be available to purchase during both events until closing.
14. The Applicant confirms crowd controllers will be employed as per the industry recommended guidelines being two for the first 100 patrons and then one for every 100 after that.
15. First aid will be provided through St John Ambulance.
16. The Darwin Amphitheatre is a non-smoking venue. The Applicant has confirmed there will be visible 'No Smoking' signage throughout the Premises and a designated smoking area will be located just outside the Amphitheatre perimeter but within the fenced event complex forming part of the Premises.

17. In terms of the application before the Commission, it is noted that the Applicant provided the following documents in accordance with section 53(3) of the Act:
- a. Application for a new liquor licence or authority;
 - b. Supplementary information application for a major event authority;
 - c. Site plan;
 - d. Public Interest Criteria and Community Impact Assessment;
 - e. Probity documents and reports, certificates, references, affidavits and statutory declarations relevant to the application in respect to the Nominee and Applicant and to the satisfaction of the Director of Liquor Licensing (**the Director**);
 - f. An affidavit of Guy Dunne, the Nominee, in accordance with the Act regarding influential persons;
 - g. Chief Health Officer (**CHO**) Approval letter, dated 15 February 2021;
 - h. Event Operations Plan;
 - i. NT COVID-19 Event Safety Plan Checklist and CHO Approval Letter; and
 - j. Traffic Management Plan.
5. The proposed nominee for the event is Mr Guy Dunne. Mr Dunne has been involved in the management and operation of licensed premises in the Territory for a number of years, both as a nominee and a licensee.
6. It is noted that the Applicant will be required to comply with any CHO Direction that may apply at the time the event takes place pursuant to section 92 of the Act.

The Applicant and Nominee

7. The Applicant is a registered Australian Proprietary Company limited by shares. There are two shares. These are held by Guy Dunne and Tamara Tasha Nichole Baird. Both hold positions of Director and Secretary within this Company. Both parties have been declared within the Affidavit as interested and beneficial financial parties for this application.
8. The proposed Nominee for the events is Mr Guy Dunne who is a known licensee to the Director. Mr Dunne is involved in the licences attaching to Beachfront Hotel, Humpty Doo Tavern and the Lodge of Dundee.
9. A compliance check was undertaken by the Licensing Compliance in respect to the above three liquor licences. One matter of non-compliance resulted from those inquiries that related to Liquor Licence 80316554 (Humpty Doo Tavern).

10. The breach related to the failure to scan identifications for the Banned Drinkers Register in January 2020 and a suspension of the Humpty Doo Tavern's takeaway licence for 24 hours was issued by the Liquor Commission.

Advertising and Objections

11. The application was advertised in the NT News on Saturday, 27 February 2021 and Wednesday, 3 March 2021.
12. No objections were received from the public.

Consultation

13. 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**).
14. Although not legally bound to do so, the Commission notes that 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**).
15. With respect to this application:
 - a. DOH made no adverse comment noting the Applicant's obligations to complete a COVID-19 Safety Plan as well as comply with directions of the CHO. DOH directed the Applicant clearly display signage to delineate the non-smoking areas from the smoking areas and to ensure food and drinks are not permitted in the designated smoking area/s;
 - b. NT Police had no comments regarding the sale of alcohol at these events however, could not support the application without an appropriate Traffic Management Plan (**TMP**) in place;
 - c. Council advised the Darwin Entertainment Centre now manages the Darwin Amphitheatre who has approved the events;
 - d. NTFRS had no objection to the application subject to approval of the TMP; and
 - e. St John confirmed they were in discussions with the Applicant regarding coverage at their event. Upon subsequent enquiries with the Applicant, they confirmed St John will be providing 2 paramedics along with a minimum of 4 first aid volunteers for the duration of both events.

16. NT Police noted in email on 17 March 2021 that parking at Mindil Beach would be unavailable on Sunday, 2 May due to Mindil Markets being held that evening and further advised by email dated, 22 March 2021, that the car parking issue on the Sunday would need to be addressed in the TMP before a licence could be supported. The Applicant informed Licensing NT that it was continuing to work with Parks NT, Council and Core Traffic Control regarding the TMP. It noted that 70% of the presold tickets for the Sunday event are interstate tickets the expectation of parking requirements would be extremely low and the event planners would encourage patrons to use public transport in the pre-event communications.
17. The Commission has been informed by Council that a meeting of the Applicant and stakeholders was held on 19 April to resolve concerns around the TMP including car parking capacity on the Sunday evening. Council has confirmed that with a number of agreed risk mitigation measures, all stakeholders were satisfied the event could go ahead and the TMP would be amended to reflect those changes.

Hearing

18. Given that no objections were received and this is an application for a major event for this year only, there appears no reason why this application should be referred to a hearing under section 21 of the Act. Accordingly, I have proceeded pursuant to my delegation to deal with such application.

Assessment of the Application

19. Although no objections were made to this application, section 49 of the Act makes clear 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.
20. 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.
21. The Executive Officer of the Applicant and Nominee, Mr Dunne, is very well known to Licensing NT as he has been involved as a licensee and/or nominee of three licensed premises over a number of years in the Northern Territory. A compliance check revealed a significant breach resulting in suspension of the Humpty Doo licence last year relating to the Banned Drinker's Register failure to scan. This seems to be an anomaly in his otherwise good record as a licensee or nominee over along period of time. Accordingly, despite the recent breach, the Commission

is satisfied that the Applicant and Mr Dunne are fit and proper persons to hold the licence.

22. The Premises is a substantial outdoor area that has hosted hundreds of concerts in Darwin over many years. The site plan is similar to many of the events held and run at the Premises showing that the area is equipped with a large toilet block, food stalls, first aid station and a designated smoking area. The Premises has 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.
23. There have been no objections to the event and any issues raised by the stakeholders including the TMP have now been resolved. The Applicant and all stakeholders should be commended for their work in collaborating on the TMP to mitigate risks and resolve any concerns so this event is able to proceed.
24. The main attraction to these events is the music and has received significant interstate interest no doubt because of the calibre of entertainment but also the limited events of this nature being held across the country due to COVID-19. The event, based on current ticket sales, is proving to be a popular event on the Territory's music calendar to both locals and visitors alike and will no doubt bring some economic benefit to the Territory.
25. Having regard to the foregoing, the Commission has had regard to the public interest 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.
26. As a result, the Commission intends to issue the licence with a major event authority as set out at the commencement of this Decision Notice.

Notice of Rights

27. Section 60(3) of the 2019 Act requires the Commission to give a decision notice to the Applicant after making a decision under section 60(1).
28. Section 31 of the Act provides that any decision of the Commission for which a decision notice is required is reviewable by the Northern Territory Civil and Administrative Tribunal (NTCAT) and the following persons may apply to NTCAT for a review:
 - a. a.in all cases - the Director;
 - b. in the case of a decision regarding an application - the applicant; and
 - c. in the case of a submission, complaint or objection that was the subject of a decision - the person who made the submission, complaint or objection.

29. In accordance with the substance of section 31 of the Act any application for review of this decision must be lodged within 28 days of the date of this decision.

A handwritten signature in black ink, consisting of a stylized, cursive 'A' followed by a long horizontal line extending to the right.

AMY CORCORAN
Commissioner
Northern Territory Liquor Commission