

NORTHERN TERRITORY LIQUOR COMMISSION

DECISION NOTICE

MATTER: APPLICATION FOR A LIQUOR LICENCE AND MAJOR
EVENT AUTHORITY

REFERENCE NUMBER: LC2021/023

APPLICANT: Katherine Turf Club Incorporated

PREMISES: Katherine Showgrounds
Victoria Highway
KATHERINE NT 0851

PROPOSED EVENT: 2021 Katherine Cup Race Day

OBJECTOR: Northern Territory Fire and Rescue Service

NOMINEE: Mr Paul Mullins

DATE OF EVENT: 14 August 2021

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

DECISION OF: Mr Russell Goldflam (Member)

DATE OF DECISION: 27 July 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 the Katherine Turf Club Incorporated (“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 attending the Katherine Cup Race Day for consumption on or in the area commonly known as the “Katherine Showgrounds” for the hours of:

Saturday, 14 August 2021 from 11:00 hours to 19:00 hours.
2. 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 specific conditions:
 - a. The boundary of the licensed area as delineated in red on the plan at page 24 of the brief of evidence tendered to the Commission 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. The Licensee must ensure crowd controllers are located at all entry/exit points, to amongst other things, ensure liquor is not brought into or removed from the licensed area.
 - c. In relation to liquor, no more than two (2) containers of liquor may be sold to any one person at any one time from 17:00 hours (where this is more restrictive than Regulation 69(2), this condition will prevail).
 - d. Drinks must not be served to patrons in glass.
 - e. The Applicant comply with any Chief Health Officer (CHO) directions in force at the time of the event.
3. The licence is not to be issued by the Director of Liquor Licensing (“the Director”) unless and until the concerns of the Northern Territory Fire and Rescue Service set out at paragraph 17 of this Decision Notice have been addressed to the satisfaction of the Director or a delegate of the Director.

REASONS

Background

4. On 13 May 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 the 2021 Katherine Cup Race Day (“Katherine Cup”) at the Katherine Showgrounds, Victoria Highway, Katherine.
5. The event is to be held on Saturday, 14 August 2021 between 11:00 hours and 19:00 hours.
6. The Katherine Cup is a celebratory, family friendly race day that has been held annually at the Katherine Showgrounds for over twenty years. The applicant estimates that 2000 to 2300 people will attend at any one time. Accordingly, this event falls within the category of “major event” pursuant to section 47(1)(o)(i) of the Act.
7. Based on its experience running this event in previous years, the Applicant estimates that patrons who consume liquor at the event will purchase between 7.5 and 10 standard drinks. The Applicant intends to offer a range of alcoholic and non-alcoholic beverages including light, mid and full-strength alcohol content options with the following conditions:
 - All alcohol to be sold in open containers;
 - A maximum number of four (4) alcoholic drinks to be served at any one time to any one patron;
 - Sales to be monitored and further reductions in limits may be applied in accordance with behaviour of the patrons.
8. Liquor is proposed via two (2) bars, with the main fixed bar being in the Buntine Pavilion and a temporary bar being erected adjacent to the corporate tents. Food will be available for purchase from a number of food vendors during the event.

9. In terms of the application before the Commission, it is noted that the Applicant provided documents in accordance with section 53(3) of the Act, including:
- Application for new liquor licence
 - Supplementary information for a major event authority
 - Letter of support from Katherine Town Council for use of the premises
 - Affidavit pursuant to section 54 of the Act
 - Public interest and community impact statement
 - Plan of proposed licensed area
 - Certificate of Incorporation of Katherine Turf Club Incorporated
 - Smoking Management Plan
 - COVID Safety Plan
 - Paul Mullins RSA Certificate
 - Paul Mullins References
 - Paulk Mullins Resume
 - Evidence of public notification of application
 - Correspondence with stakeholders
10. The proposed nominee for the event is Mr Paul Mullins. Mr Mullins is currently a licensed Gaming Machine Manager and has extensive experience within the liquor and hospitality industry and is considered sufficiently qualified to be a nominee.
11. The Applicant has previously been granted special licenses for the Katherine Cup over many years with a good compliance history.
12. The Applicant has worked separately with Environmental Health Officers to prepare and implement its own COVID-19 self-assessment and safety plan and will be required to comply with any Chief Health Officer Directions that may apply at the time the event takes place in accordance with section 92 of the Act.

Advertising and Objections

13. The application was advertised in the Katherine Times on 26 May and 2 June 2021. No objections were received from the public.

14. Pursuant to section 56(4) of the Act, the following stakeholders were notified of the application by the Director:
 - The Department of Health (“DOH”)
 - The Commissioner of Police (“NT Police”)
 - Katherine Town Council (“Council”)
15. The Director also forwarded a copy of the application to the Northern Territory Fire and Emergency Services (“NTFRS”) and St Johns Ambulance (“St Johns”) for comment.
16. With respect to this application:
 - DOH made no adverse comment
 - NT Police responded that it had no objection
 - Council had previously written to the Applicant in support of the event
 - St Johns provided no response
17. The NTFRS submitted that as of 26 May 2021 it did not support the application for the following reasons:
 - New Entertainment & Function Pavilion & Showgrounds
 - An Occupancy Permit (OP) has not been issued for this new pavilion
 - When last inspected by NTFRS (November 2020) identified a number of defects that required rectification which haven’t been confirmed as rectified
 - Yet to be assessed for Maximum Patron Numbers
 - Buntine Pavilion
 - Recently had major alterations. NTFRS have not inspected after completion of alterations.
 - Yet to be assessed for Maximum Patron Numbers
18. NTFRS informed the Director that it planned to inspect the premises between 9 and 11 June 2021, but the Commission has not been provided with a report of that inspection.

Procedure

20. On 28 October 2019, the Commission delegated authority to determine an application for a liquor licence with a major event authority to a single member of the Commission. On 17 December 2020, the Commission delegated authority to the Director of Liquor Licensing to determine uncontentious major event authority applications for 21 nominated recurrent Northern Territory events. Against this background, although there is some contention in relation to this application, in my opinion it is appropriate in the circumstances to determine this matter using the authority delegated to me as a member of the Commission without proceeding to a hearing, a procedure that would require the Commission to convene with three or more members.

Assessment of the Application

21. The Commission may only issue a licence or an authority if satisfied that:
 - The Applicant is a fit and proper person;
 - Issuing the licence or authority is in the public interest; and
 - The licence or authority will not have a significant adverse impact on the community.
22. 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.
23. The Applicant has held a liquor licence and has previously run the Katherine Cup successfully. The Commission is satisfied that the Applicant a fit and proper to hold the licence and that the premises, the Katherine Showgrounds, is suitable to once again be licensed.
24. The Commission has received no report of compliance concerns from the previous year's event.
25. The main drawcard to this event is the horseracing and the supply of alcohol is an ancillary feature of the Katherine Cup. This event is an important community event for Katherine locals and surrounds, attracting patrons from across the Territory. The Katherine Cup has a track record of being well managed with no significant compliance concerns being raised by the Director or NT Police.
26. 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, subject to the concerns of the NTFRS being satisfactorily addressed.
27. Accordingly, the Commission has determined to issue the licence with a major event authority as set out at the commencement of this Decision Notice.

Notice of Rights

28. This decision is reviewable by the Northern Territory Civil and Administrative Tribunal (NTCAT) on application within 28 days of the issue of this Decision Notice by any of the following persons:

- The Applicant
- The Director
- The objector, namely NTFRS



RUSSELL GOLDFLAM
Member
Northern Territory Liquor Commission
30 July 2021