

**NORTHERN TERRITORY LIQUOR COMMISSION**  
**DECISION NOTICE AND REASONS FOR DECISION**

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**CITATION:** *KATHERINE TURF CLUB INCORPORATED APPLICATION FOR A LIQUOR LICENCE AND MAJOR EVENT AUTHORITY* [2024] NTLiqComm 26

**REFERENCE:** LC2024/022

**APPLICANT:** Katherine Turf Club Incorporated

**PREMISES:** Katherine Showgrounds  
11 Murray Street  
KATHERINE EAST NT 0850

**PROPOSED EVENT:** Katherine Cup 2024

**DATE/S OF EVENT:** Friday 16 August 2024 & Saturday 17 August 2024

**NOMINEE:** Mr Paul Mullins

**LEGISLATION:** Part 3, Division 4 of the *Liquor Act 2019*

**DECISION OF:** Ms Jodi Truman (Deputy Chairperson)

**DATE OF DECISION:** 19 June 2024

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**Decision**

1. For the reasons set out below and in accordance with section 48 of the *Liquor Act 2019* (**the Act**) Northern Territory Liquor Commission (**the Commission**) has determined to issue a licence to the Katherine Turf Club Incorporated (**the Applicant**).
2. 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 2024 (**the Katherine Cup**) for consumption on or in the area commonly known as the “Katherine Showgrounds” (**the Premises**) for the hours of:
  - a. Friday 16 August 2024 from 1800 hours to 2200 hours; and
  - b. Saturday 17 August 2024 from 1100 hours to 1900 hours.
3. The Commission approves Mr Paul Mullins 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 specific conditions:
  - a. The boundary of the licensed area (as delineated in red on the plan at page 48 of the brief of evidence referred 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 Nominee or an RSA certified person appointed by the Nominee as a bar manager must be present during all trading hours, supervise the sale of liquor and ensure compliance with these conditions.
  - c. 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.
  - d. A staggered decline of alcohol served must be implemented as follows:
    - i. On Friday 16 August 2024:
      - no more than four (4) alcoholic drinks may be sold to any one (1) person at any one time from 18:00 to 20:30 hours;
      - no more than two (2) alcoholic drinks may be sold to any one (1) person at any one time from 20:30 to 22:00 hours.
    - ii. On Saturday 17 August 2024:
      - no more than four (4) alcoholic drinks may be sold to any one (1) person at any one time from 11:00 to 17:30 hours;
      - no more than two (2) alcoholic drinks sold to any one (1) person at any one time from 17:30 to 19:00 hours.

To the extent that this condition is inconsistent with the Regulations, this condition prevails.

5. Alcohol must not be served in vessels containing more than 1.6 standard drinks.
6. No provision of alcoholic drinks that:
  - a. are designed to be consumed quickly and which are commonly referred to as a 'shot or shooters'; or
  - b. are a cocktail containing more than a 30ml nip of spirit or liquor
7. Alcoholic drinks or any other beverages must not be sold to patrons in glass containers.
8. Alcohol or any other beverages must only be sold to patrons in opened cans.

9. All patrons must be issued with colour coded wristbands upon entry clearly identifying patrons who are:
  - a. 18+ years of age; and
  - b. under 18 years of age.
10. No patron is to be sold, consume or possess liquor if they are not wearing an 18+ wristband.

## **Reasons**

### **Background**

11. On 26 April 2024, pursuant to section 52 of the Act, the Applicant applied to the Director of Liquor Licensing (**the Director**) for a licence with a major event authority to permit the sale of alcohol to patrons attending the Katherine Cup at the Katherine Showgrounds located at 11 Murray Street, Katherine South NT 0850.
12. The event is to be held on Friday 16 August 2024 between 18:00 hours and 22:00 hours and Saturday 17 August 2024 between 11:00 hours and 19:00 hours.
13. It was submitted to the Commission that the license sought by the licensee is to cater to patrons attending “the most prestigious annual event the Katherine Cup on the Katherine’s social calendar attracting over 2,000 racegoers to Katherine.
14. The Katherine Cup has been held annually at the Katherine Showgrounds for over twenty years. Due to the numbers of people that attend at the event, this event falls within the category of “major event” pursuant to section 47(1)(o)(i) of the Act.
15. A wide range of alcoholic drinks including light, medium and full strength beers, wines, RTDs and a range of non-alcoholic drinks will be available. Food stalls will also be available for patrons throughout the event.
16. The event will be a ticketed event having no wristband no service policy for the sale of liquor. The applicant has also volunteered extra conditions to those required for a major event authority including:
  - a. sales to be monitored and further reductions in limits may be applied in accordance with the behaviour of the patrons; and
  - b. no glass products.
17. To alleviate the impact on the local neighbourhood, the applicant has also arranged public transport to and from the event with taxi companies also being notified.

18. Liquor is proposed to be sold via 3 bars:
  - a. The public bar being in the Buntine Pavilion;
  - b. A second being near the running rails of the track;
  - c. The third situated inside the Katherine Turf Club Pavilion.
  
19. In terms of the application before the Commission, it is noted that the Applicant provided the following documents:
  - a. Photographic identification
  - b. Resume
  - c. Two (2) references
  - d. A Nationally Coordinated Criminal History Check Certificate
  - e. Responsible Service of Alcohol certificate including NT Refresher Course certificate
  - f. Public interest and community impact assessment
  - g. Noise management plan
  - h. Smoking management plan
  - i. Racecourse licence RCL1002, expiry 30 June 2024. Renewal will be considered by the Racing Commission in July.
  - j. Business insurance – certificate of currency
  - k. Site plan
  - l. Draft Public Notice of application
  - m. Request for event health services application form
  
20. The proposed nominee for the event is Mr Paul Thomas Mullins (**Mr Mullins**). Mr Mullins is known to the Director and the Commission as the nominee for the previous Katherine Cup series.
  
21. A check of the records held at Licensing NT reveals that there are no major issues in relation to the Katherine Cup series in previous years. In fact the Commission notes that in 2023 it was recorded that the Applicant had “previously been granted special licenses for the Katherine Cup for over 20 years with a good compliance history”.

## Advertising and Objections

22. The application was advertised on 6 May 2024 in the NT News and on the Department of Industry, Tourism and Trade website. A green sign was also displayed at the premises.
23. It was submitted before the Commission that the Director was satisfied that the applicant had complied with the requirements of public notice of the application. No objections were received from the public.
24. 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. Northern Territory Police (**NT Police**)
  - c. Katherine Town Council (**Council**)
25. The Director also forwarded a copy of the application to the Northern Territory Fire and Rescue Services (**NTFRS**) and St Johns Ambulance (**St Johns**) for comment.
26. With respect to this application:
  - a. DOH responded that it had no objection.
  - b. Council responded that it had no objections or comments.
  - b. No response was received from NT Police or St Johns.
  - c. NTFRS provided the following comment:

“NTFRS support this application.

### **NOTE**

- The Katherine Turf Club Pavilion (KTCP) has never been granted a permit to occupy since its construction in 2021 due to it not having accessible ablutions, contravening the Building Act.
  - The KTCP complies with the requirements of this Department in accordance with the *Fire And Emergency Regulations*.”
- d. This response was provided to the applicant who stated as follows:

“Yes this has been ongoing for a few years, we are attempting to build an ablution, but it's on council land and we have had a few hurdles such as money, as long as they don't oppose the event,

we have porta loos put in place on the day as the council show grounds don't have enough toilets for licensed functions”.

### **Referral to the Commission**

27. On 28 May 2024, the Director referred the application to the Commission.
28. 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. Given no objections have been received and that this event has been conducted for over 20 years with a good compliance history, I consider that it would not be worthwhile to conduct a public hearing.
29. I note that there is an additional day sought (and in turn an additional four (4) hours of supply) within this application which is further to the application made in 2023, however I do not consider this to be a reason for not dealing with this matter. Accordingly, I have dealt with the matter on the papers pursuant to s 21(3) of the Act and pursuant to my delegation to deal with such an application as a single member.

### **Assessment of the Application**

30. Section 49(1) of the Act provides that the Commission may only issue a licence or an authority under section 48 of the Act 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.
31. In accordance with s 59(3) 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 the general reputation and character of the applicant's executive officers; and
  - d. whether the applicant and the nominee are fit and proper persons to hold a licence.
32. As noted previously, the Applicant has held a liquor licence and has previously run the Katherine Cup successfully for over 20 years. I am satisfied that the Applicant is a fit and proper to hold the licence and that the Premises, the Katherine Showgrounds, is suitable to once again be licensed.

33. I have received a report that there are no significant compliance concerns from the previous year's event. The Applicant has responded appropriately to the matters raised by NTFRS and identified what is being done to address these matters for this year's event.
34. As noted in previous decisions about this event, the main drawcard is the horseracing and the supply of alcohol is an ancillary feature of the Katherine Cup. This event is clearly an important community event for Katherine locals and the surrounds and is beneficial to the economy of the local community, attracting participants and 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.
35. In these circumstances, I am 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.
36. Section 3(4) of the Act provides that in performing its function to decide whether to issue the licence, the Commission must have regard to the primary and secondary purposes of the Act. I consider that the issue of the licence and authority with the conditions imposed is consistent with the purposes of the Act.
37. 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**

38. Section 60(3) of the Act requires the Commission to give a decision notice to an applicant after making a decision under s 60(1).
39. Section 31(1) 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**).
40. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the Director and the applicant.



JODI TRUMAN  
DEPUTY CHAIRPERSON  
NORTHERN TERRITORY LIQUOR COMMISSION  
19 June 2024