

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE AND REASONS FOR DECISION

CITATION: ONE MILE BREWERY PTY LTD APPLICATION FOR A LIQUOR LICENCE AND MAJOR EVENT AUTHORITY [2024] NTLiqComm 34

REFERENCE: LC2024/030

APPLICANT: One Mile Brewery Pty Ltd

PREMISES: Darwin Showgrounds
1 Tate Place
WINNELLIE NT 0820

PROPOSED EVENT: Territory Bar-BQ Festival

DATES OF EVENT: 5 and 6 October 2024

NOMINEE: Mr Stuart Brown
Mr Bahadir Bayram

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

DECISION OF: Ms Jodi Truman (Deputy Chairperson)

DATE OF DECISION: 13 August 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 major event authority to One Mile Brewery Pty Ltd (**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 at the 2024 Territory Bar-BQ Festival (**the Festival**).
3. The premises for the event (**the premises**) is the area within the Darwin Showgrounds, 1 Tate Place, Winnellie NT (**the Showgrounds**) bounded in red marked on the plan at "Attachment F", located on page 28 of the referral provided by the Director of Liquor Licensing (**the Director**) to the Commission.
4. The permitted hours of operation for the major event authority are as follows:
 - a. from 10:00 hours until 23:59 hours on Saturday 5 October 2024.

- b. from 10:00 hours until 20:00 hours on Sunday 6 October 2024.
5. The Commission approves Mr Stuart Brown and Mr Bahadir Bayram as the designated joint nominees (**the nominees**).
6. In addition to the major event conditions set out in Part 4 Divisions 1 and 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 of the Festival 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. On Saturday 5 October 2024 a staggered decline of liquor served must be implemented as follows on each of the days of the major event:
 - i. no more than four (4) alcoholic drinks may be sold to any one (1) person at any one time before 21:00 hours.
 - ii. no more than two (2) alcoholic drinks may be sold to any one (1) person at any one time from 21:00 hours to 22:00 hours.
 - iii. no more than one (1) alcoholic drink may be sold to any one (1) person at any one time from 23:00 hours to 23:59 hours with last drinks to be called no later than 23:30 hours.

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

- e. On Sunday 6 October 2024, the conditions under the Regulations apply with respect to the number of containers that may be sold, served or supplied to one person at any one time.
- f. No alcoholic drinks containing more than 1.6 standard drinks may be sold or served.
- g. The licensee shall ensure that there is also a light beer option made available for sale or service.
- h. Liquor or any other beverages must only be sold to patrons in open plastic or aluminium containers.
- i. The licensee 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.

- j. 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.
 - k. 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.
 - l. The licensee must not admit patrons to the Festival unless they have been issued with a branded wristband following production of government issued ID to establish that they are over 18 years of age.
 - m. No patron is to be sold, consume or possess liquor if they are not wearing an 18+ wristband.
 - n. The licensee must remove and exclude from the Festival any person who supplies or attempts to supply a person under the age of 18 years with liquor on the premises.
 - o. The licensee must make soft drinks and water available from the bar and from at least one designated "Alcohol Free Zone".
 - p. The licensee must exclude or remove from the premises any person who is wearing the colours, insignia or emblems of an outlaw motorcycle gang (Bikie Gang)
 - q. No liquor may be served in the form of "shots" or "shooters".
 - r. The licensee 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*. Food and drinks are not permitted to be taken into any designated smoking areas.
 - s. No pass-outs are permitted.
 - t. A designated 'Dry Area' must be established and maintained.
7. The licence will be issued immediately following the publication of this decision notice.

Reasons

Background

8. On 3 June 2024, pursuant to section 52 of the Act, the Applicant applied to the Director for a licence with a major event authority.
9. The applicant is seeking the grant of a liquor licence to permit the sale of liquor to patrons attending the Festival to be held at the Darwin Showground.
10. The applicant is seeking the following hours of trade:
 - a. Saturday 5 October 2024 from 10:00 hours to 23:59 hours.
 - b. Sunday 6 October 2024 from 10:00 hours to 20:00 hours.
11. It was noted that the Festival is a family event that will showcase barbeque style cooking with foods stalls and entertainment. It was also stated to be the “first ever sanctioned BBQ competition in the Northern Territory” running over 2 days with presentations, kids' entertainment and live music throughout the event.
12. The demographic is proposed to be “all ages” as it will be inclusive of families, but also an expectation that most of the people attending will be from 25-50 years of age. The proposed area identified for the event will have a capacity of up to 4000 people and it is anticipated that throughout the day there will be approximately 5000 people attending the event.
13. The applicant proposed in its application the sale of mid-strength and heavy beer, base spirits with a mixer, a range of cocktails by glass and wine by the cup only. It was also noted that “Alcohol will be served in plastic cup” and “water will be available for patrons and soft drink available for purchase”. Food will also be available in the way of food stalls on site throughout the day.
14. As earlier noted, the event will be held at the Darwin Showgrounds. Access will be limited to foot traffic only, with emergency access via Shean Rd, Farrell Cres and Tate Place. St Johns will also be on site to provide first aid. Crowd controllers and security will be onsite in required numbers as per the Regulations.
15. In addition, all bar staff will have RSA's and be following the “Responsible Service of Alcohol” guidelines with both nominees on site throughout each day. The Commission was informed that the proposed nominees for the event were Mr Stuart Brown and Mr Bahadir Bayram and were known to the Director through “One Mile Brewery (NT) Pty Ltd” and licence number 81019401/FLL.
16. It was also noted that the proposed nominees have been organisers and nominees of three (3) other events held over the last year and found suitable as nominees on each occasion. It was on this basis that probity materials were not sought by the Director.

17. The applicant confirmed that it would comply with the “standard” conditions of licence and offered the following additional conditions:
- a. All liquor must be sold in open containers.
 - b. No more than four (4) cans or bottles of liquor must be sold to any one person at any one time.
 - c. No glass.
 - d. Complimentary tap water must be available to patrons during the hours of operation.
18. In terms of the application before the Commission, it is noted that the Applicant provided the following documents:
- a. Affidavit
 - b. Public Interest and Community Impact Assessment
 - c. Draft public notice
 - d. Site plan
 - e. Smoking Management Plan
 - f. Summary of the event
 - g. Operation Plan
 - h. Declaration of Associates
 - i. Emergency Management Plan
 - j. ASIC extract
19. In relation to traffic, the applicant stated¹:

“There is ample off-street parking, and the use of public transport, taxis and ride share services encouraged.

The event will not require traffic diversion or have significant impact on general traffic flow”.

And²:

“We have not contacted council or police at this stage, the event is on private property, and we will not require traffic diversions. We are aware

¹ See p.35 of the referral to the Commission

² Ibid, p.36

the NT police and other key stakeholders will be notified via our application and will be happy to address any concerns/questions any stakeholders may have”.

Further³:

“We will have traffic parking wardens available to assist/guide people as required in the car park”.

Finally (as part of an email from the applicant to Licensing NT) the following information was also given⁴:

“I have spoken with Rebecca Smales from DIPL, and she has confirmed we will not need a traffic management plan for our event”.

20. The Commission understands the reference to DIPL to be the Department of Infrastructure, Planning and Logistics. There was no suggestion in any of the material referred to the Commission, including the Director’s own information and notice to the Northern Territory Police (**NT Police**), that this assertion concerning traffic was incorrect or that the plans proposed were insufficient.
21. The Commission was informed via the Director’s referral that a check of the records held at Licensing NT revealed there were no adverse compliance matters or concerns on field for the applicant.

Advertising and Objections

22. The application was advertised on 29 June 2024 in the NT News and on the Department of Industry, Tourism and Trade website. Green signs were also displayed at the site. No objections were received from the public.
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. NT Police.
 - c. Darwin City Council (**Council**).
24. 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.

³ Ibid, p.65

⁴ Ibid, p.135

25. With respect to this application:
- a. DOH provided “no objections” but requested “as this is a family event, consideration should be given to offer light beer options”.
 - b. NT Police responded, “Nil objections”.
 - c. Council responded, “no objection”.
 - d. St Johns responded they “will be in attendance, no comments”.
 - e. NTFRS did not respond.

Referral to the Commission

26. On 1 August 2024, the Director referred the application to the Commission.
27. 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 formal objections have been received, I consider that it would not be worthwhile to conduct a public hearing.
28. 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

29. 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.
30. 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.

31. I am satisfied that the applicant has complied with the requirements of ss 54 and 55 of the Act.
32. In accordance with s 49 of the Act, I have also considered whether issuing the licence is in the public interest, and whether the licence will have a significant adverse impact on the community.
33. As noted previously, the Applicant has held a liquor licence for several years and there are no adverse compliance matters. This also includes conducting a number of special events for which additional authority has been granted and there has been no adverse history. There is therefore nothing in the material that prevents the Commission from being satisfied that the Applicant is fit and proper to hold the licence.
34. The showgrounds are a well-known public location, easily accessible and with ample parking available. Given that DIPL have stated no traffic management is required, there is also nothing in the material that prevents the Commission from finding that the Premises for this event are suitable.
35. The Site Plan provided clearly marks the boundary of the event and I am satisfied that the proposed premises are suitable for the supply and consumption of liquor in the manner set out in the application.
36. I agree with the DOH that there should be a light beer option available and note that the applicant has agreed to this. I have therefore also included this within the conditions.
37. Having regard to the primary and secondary purposes of the Act pursuant to section 3(4), I consider that the issue of the licence with such an authority with the conditions imposed is consistent with the purposes of the Act and accordingly as the Commission I have 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
13 August 2024