

# Delegate of the Liquor Commission

## Decision Notice

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<b>MATTER:</b>	<b>APPLICATION FOR A SPECIAL LICENCE</b>
<b>REFERENCE:</b>	LC2018/096
<b>VENUE:</b>	<b>SKYCITY Darwin</b> Gilruth Avenue THE GARDENS NT 0800
<b>APPLICANT:</b>	SKYCITY Darwin Pty Ltd
<b>EVENT:</b>	Qantas Darwin Turf Club Gala Ball
<b>LEGISLATION:</b>	Section 58 of the <i>Liquor Act</i> .
<b>DECISION OF:</b>	Mr Richard Coates (Chairperson)
<b>DATE OF DECISION:</b>	25 July 2018

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### **Decision**

1. For the reasons set out below and in accordance with section 59(1) of the *Liquor Act* ("the Act") I have determined to grant the special licence to sell liquor to SKYCITY Darwin Pty Ltd for the sale of liquor at the event known as "Qantas Darwin Turf Club Gala Ball" to be held at the SKYCITY Lawns Little Mindil Beach , an area bound by the Little Mindil car park in the East, little Mindil Creek in the North, the grassed area in front of the beach in the West and the escarpment in the South.
2. The special licence is for the period from 18:00hours on Saturday, 4 August 2018 to 1:00 hours on Sunday, 5 August 2018.
3. The granting of approval is subject to the following conditions:
  - a. For the duration of this Special Licence the conditions of the applicant's existing licence will apply to the area specified in paragraph 1 and the following further conditions also apply to this Special Licence.
  - b. The Licensee shall not do or permit or suffer any act, matter or thing whatsoever which shall cause unreasonable annoyance or disturbance to the occupiers of adjoining properties.

- c. All staff directly involved in the sale, service or supply of liquor to hold a Responsible Service of Alcohol certificate.
- d. Water to be available at all times.
- e. All event patrons to be provided wristbands on entry demonstrating they have been checked to ensure they are over the age of 18. No person is to be supplied with liquor unless they are wearing the appropriate wrist band.
- f. All liquor must be opened completely at the time of sale or supply.
- g. Music is to cease by 01:00 hours on Sunday, 5 August 2018.

## **Reasons**

### **Background**

- 4. Pursuant to section 58 of the *Liquor Act* (“the Act”), SKYCITY Darwin lodged an application with the Director-General of Licensing for the grant of a special licence to permit the sale of liquor at the Qantas Darwin Turf Club Gala Ball to be held on the SYCITY Lawns at Little Mindil Beach, an area adjacent to its existing licensed premise.
- 5. The “Cup Ball” is an integral part of the Darwin racing calendar and is a sit down, black tie event with a substantial ticket price, which includes food, high quality entertainment and alcoholic beverages.
- 6. The applicant is proposing to set up six (6) liquor service areas. Four (4) non-cash service bars situated at the four (4) corners of the event area to facilitate the Food and Beverage package for patrons. Two (2) premium wine and alcohol bars will also be in operation from which alcohol not otherwise included in the beverage package can be purchased.
- 7. The applicant is seeking to provide liquor from 18:00 hours on Saturday, 4 August 2018 to 1:00 hours on Sunday, 5 August 2018.
- 8. Approximately 2200 persons are expected to attend the event which the applicant claims is the largest open air ball in the Southern Hemisphere.

### **Consultation**

- 9. The Department of Health, Northern Territory Police and Northern Territory Fire and Rescue Service were invited to comment on the application.
- 10. The Northern Territory Fire and Rescue Service had no objection to the application. Northern Territory Police supported the application provided the industry standard in relation to crowd controllers was maintained. The Department of Health had no adverse comment but referred to the importance of patrons and community safety and amenity.

11. Records held by Licensing NT do not indicate any adverse compliance history in respect of previous Darwin Turf Club Balls.

## **Assessment of the Application**

12. 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.

13. As a result, it has previously been determined by this 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.

14. 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”.

15. 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.”

16. 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.

17. Although it proceeded by way of a licence variation, a similar extension was permitted in respect of the event last year. It has historically been well managed and is a significant tourist attraction for the Northern Territory.
18. I am satisfied that this application meets the objects of the Act and I have determined to grant the special licence as particularised in paragraph 1. of this Decision Notice.

**Notice of Rights:**

19. 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.
20. 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.
21. 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.

A handwritten signature in black ink, appearing to read 'Richard Coates', with a large, stylized initial 'R'.

**RICHARD COATES**  
Chairperson  
Northern Territory Liquor Commission