

Delegate of the Liquor Commission

Decision Notice

MATTER:	APPLICATION FOR A SPECIAL LICENCE
REFERENCE:	LC2019/070
PREMISES:	Territory Netball Stadium 235 Abala Road MARRARA NT 0812
APPLICANT:	Netball NT Incorporated
EVENT:	Suncorp Super Netball
LEGISLATION:	Section 58 of the <i>Liquor Act 1978</i>
DATE OF DECISION:	29 May 2019

Decision

1. For the reasons set out below and in accordance with section 59(1) of the *Liquor Act 1978* (**the Act**) I have determined to grant the special licence to sell liquor to Netball NT Incorporated for the sale of liquor between the trading hours of 1200 hours on Saturday, 8 June 2019 to 1700 hours on Saturday, 8 June 2019 to patrons attending the event known as Suncorp Super Netball at Territory Netball Stadium, 235 Abala Road, Marrara.
2. The granting of approval is subject to the following conditions, namely:
 - a. The liquor shall be sold at the event known as the “Suncorp Super Netball” occurring at the premises known as the Suncorp Super Netball at Territory Netball Stadium, 235 Abala Road, Marrara in the Northern Territory (**the Premises**).
 - b. The sale of liquor must be supervised by one or more persons nominated by the Licensee (**Nominee**), who each hold a Responsible Service of Alcohol certificate, or equivalent qualification approved by the Director-General.
 - c. A nominee **MUST BE** present during all trading hours and must ensure compliance with the conditions.

Nominee: Mr Michael Mouzourakis

- d. Persons under the age of 18 years must not be used in the sale or supply of liquor.
- e. The boundary of the Premises must be clearly identified and access to the premises must be restricted in a manner that allows for effective supervision by the Nominee.
- f. Any person involved in Crowd Control, as defined under the *Private Security Act 1995*, at the Premises must be licensed as required by that Act.
- g. There are to be at least (5) accredited crowd controllers on duty throughout the event.
- h. All liquor must be sold in open containers.
- i. No more than four (4) cans or bottles may be sold to any one person at any one time.
- j. The holder of the special licence must ensure that water, soft drink, low alcohol beverages and snacks are available during Trading Hours. Commercially bottled water may be sold, otherwise water must be supplied free of charge on request.
- k. Liquor must not be sold or supplied to an intoxicated person or to a person under the age of 18 years.
- l. The holder of the special licence 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.
- m. The holder of the special licence must comply with all requirements and guidelines published by the Liquor Commission or Director-General, including guidelines related to the conduct of entertainment.
- n. Where the holder of the special licence is operating from enclosed premises, the Licensee must prominently display on the licensed premises the “Maximum Patron Number” sign (if one has been issued by the Fire and Rescue Service) and must comply with maximum patron numbers as determined by the Northern Territory Fire and Rescue Service from time to time.
- o. The holder of the special licence must not do or permit or suffer any act, matter or thing whatsoever upon the Premises or any part thereof, or permit noise at a level, which must or may be to the annoyance, nuisance, grievance or disturbance of the occupiers or owners for the time being of the adjoining properties or the residential neighbourhood.

- p. The holder of the special licence must comply with the requirements of the Liquor Commission or Director-General as specified in this licence, and with the instructions of a Licensing Inspector, a Member of the Police Force, an authorised Member of the Northern Territory Fire and Rescue Service or a delegate of the Chief Health Officer upon production of an identity card or other authorisation.
- q. All liquor purchased for sale under the authority of this licence MUST be purchased from a licensed retail outlet.
- r. The holder of the special licence must make a record of all liquor obtained for sale under this licence that identifies the source of the liquor and the type and quantity of each type of liquor so obtained.
- s. The holder of the special licence must record all liquor sold, including the type and quantity of that liquor and must record the manner of disposal of any unsold liquor.
- t. This special licence must be located at the Premises during Trading Hours and must be produced on demand to a Licensing Inspector, a Member of the Police Force, an authorised member of the Northern Territory Fire and Rescue Service or a delegate of the Chief Health Officer upon production of an identify card or other authorisation.
- u. The holder of the special licence must clearly display signage on the Premises to delineate the Non Smoking area from the Smoking Areas and must comply with smoking requirements contained in the *Tobacco Control Act 2002*.
- v. Food and drinks are not permitted to be taken into any designated smoking areas.
- w. The holder of the special licence or an employee of a holder shall exclude or remove from licensed premises any person who is wearing colours, insignia or emblems of an outlaw motorcycle gang (Bikie Gang).

Reasons

Background

3. On 23 April 2019 pursuant to section 58 of the Act, Netball NT Incorporated lodged an application to the Director-General of Licensing for the grant of a special licence.

4. The applicant is seeking a special licence to permit the sale of liquor to patrons attending the event known as Suncorp Super Netball. It is a national netball sporting event. Local and interstate teams will be travelling to Darwin to participate, the Adelaide Thunderbirds and Sunshine Coast Lightning game is to be the main event of the day in addition to local teams competing. The games will all be held inside the stadium building on the main court.
5. The applicant is seeking the following hours of trade:
 - 1200 hours on Saturday, 8 June 2019 to 1700 hours on Saturday, 8 June 2019.
6. A crowd of approximately 2,000 people are expected to attend this event at the Territory Netball Stadium, 235 Abala Road, Marrara.
7. Beer, wine and spirits are proposed for sale, including beer in mid and full strength varieties in cans only. There will be a maximum number of four (4) cans sold at any one time to each patron.
8. The licensed area will be within the indoor netball stadium, which houses the main court and the bar/ kiosk as well as the grassed area outside.

Consultation

9. The following stakeholders were invited to provide comment on the application via email on 23 April 2019:
 - i. Department of Health;
 - ii. Northern Territory Fire and Rescue.
 - iii. Northern Territory Police, Fire and Emergency Services;
 - iv. Darwin City Council
10. Department of Health responded on 23 April 2019 advising *“The Department of Health has no adverse comment. However, Health asks the Director-General of Licensing to consider patron and community safety & amenity when determining this application. Health provide the comment on the understanding the applicant is aware of their responsibility with regard to smoking compliance at the venue. Licensing is requested to remind the applicant that food and drinks are not permitted to be taken into any identified smoking area. Appropriate signage is provided for the convenience of the applicant.”*
11. This comment was forwarded to the applicant on 23 April 2018 and on the same day the applicant responded. *“Please refer to below and attached sent to Tania Chin to a previous similar feedback on our Authority - On Licence application. Good morning Tania, Thank you for your email. Please find attached a current copy of the Netball NT Smoke Free Policy, and a range of photographs at entrances to the complex and a Smoking Area away from main pedestrian traffic flows.”*

12. On 24 April 2019 the Northern Territory Fire and Rescue Service responded to the application advising “*no objection.*”
13. NT Police, Drug and Alcohol Policy Unit responded to the application on 24 April 2019 advising “*NTPOL support this application contingent to: - Industry standard security for expected crowd*”
14. The applicant responded to NT Police, Drug and Alcohol Policy Unit comment on 24 April 2019 advising “*There will be five (5) accredited crowd controllers on duty throughout the event. It is expected the crowd capacity of 2200 would be in place around 2:00pm for the main match commencing at 2:30pm. The curtain fixture commencing at 12:30pm is not anticipated to draw a huge number of patrons and the after match will see the crowd slowly dissipate after the normal player autograph signings.*”
15. Darwin City Council responded on 26 April 2019 advising “*City of Darwin have reviewed the application. City of Darwin are not owner/controller of this land however we have reviewed the application and have 'no issues'.*”

Licensee History

16. Netball NT Incorporation have not previously applied for a Special Licence however the proposed Nominee for the event, Michael Mouzourakis has been the Nominee on other granted special licences at the Territory Netball Stadium with no compliance issues noted.

Assessment of the Application

17. 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.
18. 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.
19. 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”.
20. 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.”

21. 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.
22. The applicant is only intending to sell beer, cider, wine and ready mixed spirits. The hours of trade are limited to five hours and the provision of alcohol is very much ancillary to the main purpose of the event which will be the playing of top level netball.
23. I am assuming that Netball NT will be hoping to raise funds through the operation of the bar, however given the limited hours of the licence sought I am satisfied that this is not an event where there is a high risk of excessive alcohol consumption.
24. In all the circumstances and as a result of the matters outlined above I am on balance, satisfied that the objects of the Act have been sufficiently addressed and for the reasons outlined I have decided to grant the special licence as outlined at the start of this decision notice.

Notice of Rights:

25. 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.
26. 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.

27. 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