

Northern Territory Liquor Commission

Addendum Decision Notice

MATTER:	APPLICATION FOR A SPECIAL LICENCE
REFERENCE:	LC2019/079
PREMISES:	Garden Amphitheatre George Brown Botanic Gardens The Gardens NT 0820
APPLICANT:	Darwin Symphony Orchestra Incorporated
EVENT:	Conoco Phillips Symphony: Aussie Rock Legends
LEGISLATION:	Section 58 of the <i>Liquor Act 1978</i>
DECISION OF:	Ms Pauline Reynolds (Commissioner)
DATE OF DECISION:	25 June 2019

Decision

1. For the reasons set out below and in accordance with section 59(1) of the *Liquor Act 1978* (**the Act**) the Commission has determined to amend the grant of the special licence under Decision Notice issued on 3 June 2019 to Darwin Symphony Orchestra Incorporated (**the Applicant**) as follows:
 - a. to revoke the following condition from the special licence:

“Crowd controllers are to be employed as per industry standards as follows:

Two (2) licensed crowd controllers for the first one hundred (100) patrons and one (1) additional crowd controller for each one hundred (100) patrons thereafter”.
 - b. replace the above condition with:

“16 licensed security officers and crowd controllers are to be engaged to provide security for the event and a safe and secure environment”.

Assessment of the Application

1. The *Liquor Act 1978* (**the Act**) is silent on the consideration of “applications” such as these.
2. The Commission however is required in considering the application to have regard to the Objects of the Act, as set out in section 3 of the Act which includes the regulation of the sale and provision of liquor so as to minimise the harm associated with the consumption of liquor.
3. This community concert is a family event where the sale of alcohol is not the primary purpose of the event. The nature and purpose of the event is to entertain the general public of Darwin and to promote the Darwin Symphony Orchestra and its sponsors. Entry is by gold coin donation.
4. The event is a fusion of classical music and Australian rock and does not attract the same crowd as other major events in the Territory such as “Bass in the Grass” or “V8 Supercars”. The profile of the audience is an aging/family demographic who are not seen as heavy drinkers.
5. In making a decision, I must take into account the need to balance the enjoyment of participants with the need to minimise harm associated with the consumption of alcohol and further to protect and enhance community amenity, social harmony and wellbeing.
6. It is evident that positive mitigation initiatives are in place such as the screening of patrons and bag searches on entry, caps on the number of drinks that can be purchased at one time, and conclusion of the concert at 2200 hours.
7. In relation to private security and crowd controller arrangements, the Applicant indicates that RMI Security has been previously engaged to provide security for events and will be engaged for this event. 16 licensed security officers and crowd controllers will be deployed who have worked at the site and event previously.
8. Based on previous events, 16 licensed officers have been sufficient to provide a safe and secure environment.
9. Licensing NT has advised that there have been no compliance issues with respect to previous special licences issued to the Applicant
10. For the reasons set out above, including the number of mitigation initiatives already in place by the Applicant, I accept the Applicant’s request to review the security officer requirements and impose a revised condition that 16 security officer and crowd controllers be engaged. The special licence will be amended accordingly.

Notice of Rights:

11. 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.
12. 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.
13. 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.



PAULINE REYNOLDS
Commissioner
Northern Territory Liquor Commission