

# NORTHERN TERRITORY LIQUOR COMMISSION

## DECISION NOTICE

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**MATTER:** *BASSINTHEGRASS: LIQUOR LICENCES WITH MAJOR EVENT AUTHORITY [2025] NTLiqComm 13*

**REFERENCE NUMBER:** LC2025/012

**APPLICANT:** Fiery Amigos Pty Ltd (ACN 139 448 392)

**PREMISES:** Mindil Beach (Lot 5772)  
73 Gilruth Avenue  
THE GARDENS NT 0820

**EVENT:** BASSINTHEGRASS 2025, 2026, 2027

**DATES OF EVENT:** 17 May 2025, 16 May 2026, 15 May 2027

**NOMINEE:** Ms Danielle Jones

**LEGISLATION:** Part 3 Division 4 of the *Liquor Act 2019* (NT)

**DECISION:** Mr Russell Goldflam (Delegate)

**DATE OF DECISION:** 24 April 2025

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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**) the Northern Territory Liquor Commission (**the Commission**) has determined to issue a liquor licence (**the 2025 licence**) to Fiery Amigos Pty Ltd (**the applicant**). The applicant will be issued with a major event authority attached to the 2025 licence authorising the sale, supply or service of liquor to patrons at the event known as “BASSINTHEGRASS” for consumption at Mindil Beach, 73 Gilruth Avenue, The Gardens, NT 0820 within the area (**the premises**) described in the site plans included in the brief of evidence referred to the Commission by the Director of Liquor Licensing (**the Director**).
2. The sale, supply, service and consumption of liquor is authorised only on Saturday, 17 May 2025 from 14:00 hours to 24:00 hours at all bars except at the Beach Bar, which is authorised to operate from 14:00 hours to 23:00 hours.
3. The Commission approves Danielle Jones as the designated nominee (**the nominee**).
4. In addition to the major event conditions set out in Part 4 Division 12 of the *Liquor Regulations 2019* (**the Regulations**), the 2025 licence shall also be subject to the

following additional conditions:

- a. The boundary of the licensed area 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. A staggered decline of alcohol served must be implemented at all bars except the Beach Bar as follows:
  - i. no more than four (4) alcoholic drinks may be supplied to any one person at any one time from the commencement of trade to 22:00 hours;
  - ii. no more than two (2) alcoholic drinks may be supplied to any one person at any one time from 22:00 to 23:00 hours; and
  - iii. no more than one (1) alcoholic drink may be supplied to any one person at any one time from 23:00 to 24:00 hours with last drinks to be called at 23:45 hours.
- c. For the Beach Bar a staggered decline of alcohol served must be implemented as follows:
  - i. no more than four (4) alcoholic drinks may be supplied to any one person at any one time from the commencement of trade to 22:00 hours;
  - ii. no more than two (2) alcoholic drinks may be supplied to any one person at any one time from 22:00 to 23:00 hours with last drinks to be called at 22:45 hours.
- d. Water, soft drinks, and mid and low alcohol beverages must be available at all bars.
- e. No provision of alcoholic drinks that:
  - i. are designed to be consumed quickly and which are commonly referred to as a 'shot' or 'shooters';
  - ii. are a cocktail or slushie containing more than a 30ml nip of spirit or liquor (this does not include pre-mixed spirits known as Ready to Drink beverages (**RTDs**)); or
  - iii. other than in accordance with paragraph 4(g) below, contain more than 1.6 standard drinks in one vessel.
- f. Wine by the glass is able to be sold in 150 ml containers however liquor or any other beverages must not be supplied in glass containers.
- g. Wine by the bottle can be provided in the VIP area until 22:00 hours however the wine must be poured into a plastic reusable carafe prior to being served.

- h. 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.
    - i. All patrons must be issued upon entry with colour coded wristbands that are clearly identifiable at night identifying patrons who are:
      - i. 18+ years of age; and
      - ii. under 18 years of age.
        - j. No patron is to be sold, consume or possess liquor if they are not wearing an 18+ wristband.
        - k. Soft drinks and water to be available from the bar but must also be available from separate outlets for those patrons under 18 years of age.
  - l. No pass-outs are permitted.
    - m. A designated 'Dry Area' must be established and maintained.
    - n. The licensee must supervise the Designated Outdoor Smoking Areas (**DOSAs**) to ensure that liquor is not consumed in DOSAs.
5. The 2025 licence will be issued immediately following the publication of this decision notice.
  6. The Commission has also determined to issue liquor licences to the applicant to operate:
    - a. On Saturday, 16 May 2026 from 12:00 hours to 24:00 hours at all bars except at the Beach Bar which is authorised to operate from 13:00 hours to 23:00 hours (**the 2026 licence**); and
    - b. On Saturday, 15 May 2027 from 12:00 hours to 24:00 hours at all bars except at the Beach Bar which is authorised to operate from 13:00 hours to 23:00 hours (**the 2027 licence**).
  7. The 2026 licence and the 2027 licence will each be issued with a major event authority and be subject to the same conditions as the 2025 licence.
  8. The 2026 licence will not issue unless and until the Director has provided written confirmation to the applicant that the Director is satisfied that the applicant:
    - a. substantially complied with the conditions of the 2025 licence;
    - b. has been contracted and is authorised to manage and operate BASSINTHEGRASS 2026; and
    - c. has substantially completed the planning and preparation required to successfully manage and operate BASSINTHEGRASS 2026.
  9. The 2027 licence will not issue unless and until the Director has provided written

confirmation to the applicant that that the Director is satisfied that the applicant:

- a. substantially complied with the conditions of the 2026 licence;
- b. has been contracted and is authorised to manage and operate BASSINTEGRASS 2027; and
- c. has substantially completed the planning and preparation required to successfully manage and operate BASSINTEGRASS 2027.

## **Reasons**

### **Background**

10. On 20 March 2025 pursuant to s 52 of the Act, the applicant applied to the Director for a licence with an authority for a major event for BASSINTEGRASS an iconic outdoor music festival that has been presented in Darwin since 2003. Unusually, the application was for each of the planned BASSINTEGRASS events for 2025, 2026 and 2027.
11. BASSINTEGRASS is auspiced by the Northern Territory Major Events Company, which contracted the applicant to produce the event in partnership with Standing Room Only Events, the business name of SRO Group of Companies Pty Ltd, which is a 50% shareholder of the applicant.
12. The event is open to all ages with children under 13 years of age allowed free entry provided they are accompanied by a ticket holding responsible adult.
13. Whilst it is an all ages event the applicant is marketing to locals and visitors with the target audience being 16 to 40 years of age.
14. This is a ticketed event and patrons will be ID checked to gain entry and issued a colour-coded wristband with the colour depending on whether they are over 18.
15. The applicant intends to offer a range of alcoholic and non-alcoholic beverages including light, mid and full-strength alcohol options. The applicant has volunteered the following conditions additional to the prescribed major event authority conditions:
  - Dry areas available

*All Bars except Beach Bar.*

  - No more than four (4) alcoholic drinks per person between 14:00 hours and 22:00 hours
  - No more than two (2) alcoholic drinks per person between 22:00 hours and 23:00 hours
  - No more than one (1) alcoholic drink per person between 23:00 hours and 24:00 hours with last drinks to be called at 23:45 hours.

*Beach Bar:*

- No more than four (4) alcoholic drinks per person between 14:00 hours and 22:00 hours
  - No more than two (2) alcoholic drinks per person between 21:00 hours and 22:00 hours
  - No more than one (1) alcoholic drink per person between 22:00 hours and 23:00 hours with last drinks to be called at 22:45 hours.
16. The applicant estimates that a crowd of up to approximately 17,500 patrons will attend. Regulation 68(2) of the *Liquor Regulations 2019* (**the Regulations**) requires two licensed crowd controllers for the first one hundred patrons, one additional licensed crowd controller for each one hundred patrons up to 5,000 patrons and one licensed crowd controller for each additional 200 patrons thereafter.
  17. The applicant proposes the sale of wine, beer (light, mid and heavy), cider and spirits in a range of vodka, rum, gin and scotch including ready to drink (RTDs). Mixed drinks will have no more than 30ml spirits except RTDs.
  18. There will be no glass containers sold. Water and soft drinks will be available for purchase as well as the provision of complimentary water stations. Food will be available to purchase from food vendors throughout the event until closing.
  19. The applicant has confirmed that first aid and paramedics will be provided through St John Ambulance, who will be in attendance for the duration of the event.
  20. Liquor will be supplied from eleven bars, eight of which will be open to the public bars.
  21. The event will be supported by Music NT's All Good Project, a peer harm reduction program delivered by approximately 40 peer educators who will circulate amongst patrons, providing practical advice to maximise patron safety.
  22. DOSAs will be located on the premises, in accordance with the applicant's Smoking Management Plan.
  23. The Director provided the Commission with a brief (**the brief**) that included:
    - a. Application for liquor licence with major event authority
    - b. Declaration of associates
    - c. Public Interest and Community Impact Assessment
    - d. Applicant's company profile
    - e. Draft operations plan

- f. Draft bar menu
- g. Bar staff manual
- h. Work health and safety management plan
- i. Site plan
- j. Traffic management plan
- k. NT Major Events Company letter of support, 6 March 2025
- l. Licensing NT compliance report 18 May 2024
- m. Correspondence with stakeholders
- n. Applicant's response to stakeholder comments

24. The proposed nominee for the event is Ms Danielle Jones, who is well known to Licensing NT and the Commission.

### **The applicant and nominee**

25. The applicant is a registered Australian Proprietary Company limited by shares. The Directors are Ms Jones and Mr Michael Burns, who also holds the position of Secretary. The applicant has declared that no persons other than the applicant, Mr Burns, Ms Jones and NT Major Events Company expect any benefit from the operation of the licence.
26. The applicant has held a major event authority for this event previously. Licensing NT Compliance Officers have not reported any serious compliance concerns regarding previously run events.
27. The proposed nominee for this event is Ms Danielle Jones, who has previously been the nominee for similar major events. Ms Jones is the Managing Director of both the applicant and Standing Room Only.

### **Advertising and Objections**

28. The Director required the applicant to notify the public of the application by erecting a sign at the site of the premises, and publishing a notice in the NT News, on 29 March 2025. Notice of the event was also posted on the Director's website. In 2024, the Director did not require the same applicant to notify the public of BASSINTHEGRASS. However, on this occasion the applicant had taken the additional step of applying to be licensed to conduct three major events over three years, and in these circumstances the Commission commends the Director for not exempting the applicant from the usual public notification requirements.

### **Consultation**

29. 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. the Commissioner of Police (**NT Police**); and
  - c. Darwin City Council (**Council**).
30. Although not legally bound to do so, the Director also forwarded a copy of the application for comments to:
- a. Northern Territory Fire and Rescue Service (**NTFRS**);
  - b. St John Ambulance (**St John**); and
  - c. Crown Land Management, NT Department of Lands, Planning and Environment (**Crown Lands**).
31. Several of the stakeholders responded with constructive comments about the proposed event. No objections to the application were received.

### **Determination by a single member of the Commission**

32. On 2 July 2024 the Commission delegated to the Director the power to issue a liquor licence with a major event authority for 26 regular major events, including BASSINTHE GRASS. The delegation is subject to a proviso that it is limited to matters where “there have been no objections or contentious matters raised or where the applicant has not been the subject of disciplinary action under a former licence.” On this occasion, the Director declined to accept the delegation in light of the applicant’s single application in relation to three successive major events. The Director’s delegate who referred this application to the Commission stated that the application “may be considered a significant change to the previous approvals and therefore a contentious matter”.
33. Section 47(1)(o) of the Act establishes a major event authority in the following terms:
- Major event authority, which authorises the licensee to sell liquor, for consumption on or in licensed premises, to patrons attending a single event that is expected:
- (i) to have at least 1 500 attendees; or
  - (ii) to have a significant effect on public transport or local amenities; or
  - (iii) to require more than a usual amount of emergency services or police supervision.
34. The Commission considers that the Act does not debar an applicant from seeking licensing approval for more than one major event in a single application. However, the Commission is of the view that a liquor licence with a major event authority can only authorise the sale of liquor for “a single event”. Accordingly, the Commission has determined to proceed by issuing three separate but similar licences to the applicant.
35. The Commission has also delegated to an individual member of the Commission

the power to determine an application for a liquor licence with a major event authority. Given that no objections were received and the applicant has an impressive record of success in running BASSINTHEGRASS in previous years, in accordance with section 21 of the Act I formed the opinion that it would not be appropriate in the circumstances to conduct a public hearing. This is because, firstly, to do so would not be worthwhile. Secondly, notwithstanding the Director's appropriately cautious characterisation of the application as one that "may be... contentious" I have formed the view that the application, despite its novelty, is not actually controversial.

36. Accordingly, I have decided to proceed to determine this matter using my delegated power as a single member of the Commission.

### **Assessment of the Application**

37. Section 49 of the Act provides that the Commission may only issue a licence or an authority 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.

38. The Commission has had regard to the relevant considerations listed in section 59(3) of the Act, including the suitability of the applicant and the premises.

39. The applicant has previously held licenses for similar events with no known significant compliance issues. BASSINTHEGRASS has been conducted since 2003 at this and other venues. No recent concerns have been raised regarding the management of these events by the Director or NT Police.<sup>1</sup>

40. The Commission is satisfied that the applicant and Ms Jones are fit and proper persons to hold the licences.

41. The premises are located in a well-serviced outdoor area that has been the venue for large-scale events in Darwin over many years. The site plan shows that the event will provide a large parking area, merchandise and food stalls, a substantial toilet block as well as temporary toilets, water stations, a first aid station, a dry area and designated outdoor smoking areas. The premises will have a perimeter fence and entry will only be permitted from one secure and supervised access point. The Commission assesses the premises as suitable for the supply and consumption of liquor in the manner set out in the application.

42. The conditions fixed by the Commission are in accordance with the applicant's proposal for a staggered decline of the sale of alcoholic drinks to any one person at one time over the latter hours of the event.

43. To minimise the risk of harm the Commission has retained the condition that there be no pass-outs.

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<sup>1</sup> NT Police did however seek clarification of some details of the application.

44. The Commission has had regard to the requirements of section 49 of the Act, and is satisfied that issuing the licences with a major event authority is in the public interest and will not have a significant adverse impact on the community.
45. As a result, the Commission approves the issue of the licences with a major event authority with the conditions set out at the commencement of this Decision Notice.

### **2024 event compliance issues**

46. Licensing NT compliance officers attended BASSINTHEGRASS 2024 in two two-person shifts covering the entire period from 16:00 hours to 02:00 hours the following morning. The Commission has considered their ensuing detailed report. Notably, the event, which was attended by over 14,000 people, proceeded smoothly and peacefully, and no instances of non-compliance by the licensee were detected.
47. The Commission recommends that the applicant take the following steps to address issues noted in the compliance report:
  - Patron wristbands should be provided in colours that are easily detectable at night
  - On entry, crowd controllers should either warn the head of patrons wearing hats, or ask patrons to remove their hat
  - Crowd controllers should more intensively patrol the boundary to prevent people jumping the fence
  - Crowd controllers should ensure that no patrons smoke or vape outside DOSAs
  - Crowd controllers should ensure that no patrons consume liquor or food inside DOSAs
  - The licensee should encourage all staff and volunteers, including All Good Project staff, to share information on request by liquor inspectors
  - The Wellness area should be signed as being an alcohol-free area

### **The objects of the Act**

48. Section 3(4) of the Act provides that in performing its function to decide whether to issue a licence, the Commission must have regard to the primary and secondary purposes of the Act. I consider that the issue of the licences and authorities with the conditions imposed is consistent with the purposes of the Act.
49. For these reasons, I have determined that the application should be granted, and that licences and authorities be issued on the conditions set out at the commencement of these reasons.

## **NOTICE OF RIGHTS**

50. Section 31(1) read with s 60(3) of the Act provide that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal (**NTCAT**). Section 94(3) of the *NTCAT Act* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.
51. In accordance with s 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the Director and the applicant.

A handwritten signature in blue ink, appearing to read 'R. Goldflam', with a horizontal line underneath.

### **Russell Goldflam**

Chairperson  
Northern Territory Liquor Commission

24 April 2024