

Delegate of the Liquor Commission

Decision Notice

MATTER:	APPLICATION FOR A SPECIAL LICENCE
REFERENCE:	LC2018/057
VENUE:	TIO Stadium Marrara Sports Grounds, 70 Abala Road MARRARA NT 0812
APPLICANT:	ARLC NT Limited
EVENT:	“2018 NRL Telstra Premiership Game Parramatta Eels v North Queensland Cowboys”
LEGISLATION:	Section 58 of the <i>Liquor Act</i> .
DECISION OF:	Ms Jodi Truman (Deputy Chairperson)
DATE OF DECISION:	1 June 2018

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 ARLC NT Limited for the sale of liquor on Saturday 9 June 2018 between the hours of 1500 hours to 2100 hours.
2. The granting of approval is subject to the following conditions, namely:
 - a. The liquor shall be sold at the event known as “2018 NRL Telstra Premiership Game Parramatta Eels v North Queensland Cowboys” occurring at TIO Stadium, Marrara Oval Sports Ground, 70 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.

- d. The Nominee is identified as Mr Nigel Roy.
- e. Persons under the age of 18 years must not be used in the sale or supply of liquor.
- f. 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.
- g. Any person involved in Crowd Control, as defined under the *Private Security Act*, at the Premises must be licensed as required by that Act.
- h. Crowd controllers are to be employed as per industry standards as follows:
 - i. 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.
- i. All liquor must be sold in open containers.
- j. No liquor or other beverages to be sold in glass containers
- k. No more than four (4) cans or bottles must be sold to any one (1) person at any one time.
- l. Designated 'Dry Area' (Family Friendly Areas) to be established and maintained.
- m. The licensee must ensure that water, soft drink and snacks are available during Trading Hours. Commercially bottled water may be sold, otherwise water must be supplied free of charge on request.
- n. Liquor must not be sold or supplied to an intoxicated person or to a person under the age of 18 years.
- o. 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.
- p. Where the Licensee 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 Service from time to time.
- q. The Licensee 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.

- r. The Licensee must comply with the Instructions of a Licensing Inspector, 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.
- s. All liquor purchased for sale under the authority of this licence MUST be purchased from a licensed retail outlet.
- t. The licensee 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.
- u. The licensee must record all liquor sold, including the type and quantity of that liquor and must record the manner of disposal of any unsold liquor.
- v. This 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.
- w. The Premises must clearly display signage to delineate the Non Smoking area from the Smoking Areas and must comply with smoking requirements contained in the *Tobacco Control Act*.
- x. Food and drinks are not permitted to be taken into any designated smoking areas.
- y. The Licensee or an employee of the Licensee shall exclude or remove from licensed premises any person who is wearing colours, insignia or emblems of an outlaw motorcycle gang (“Bikie Gang”).
- z. All liquor sold from the seven (7) public bars is to be of mid-strength alcohol content.
- aa. All public bars must close half way into the second half of the match, i.e. where a standard NRL match consists of two (2) separate forty (40) minute halves, trading at all public bars is to cease twenty (20) minutes into the second half of play.
- bb. At least 75% of crowd controllers employed must wear clothing that is readily identifiable. For example: Hi-Viz vests with 'Crowd Controller', 'Security' or 'Safe Staff' or similar stated.

Reasons

Background

3. Pursuant to section 58 of the *Liquor Act* (“the Act”), ARLC NT Limited applied to the Director-General of Licensing on 17 April 2018 for a special licence to permit

the sale of liquor to patrons attending an event known as the “2018 NRL Telstra Premiership Game Parramatta Eels v North Queensland Cowboys” occurring at TIO Stadium, Marrara Oval Sports Ground, 70 Abala Road, Marrara in the Northern Territory (“the Premises”).

4. For some reason not discernible on the material provided to the Commission, the application was only subsequently referred to the Commission on 31 May 2018 and to me in accordance with my delegation to deal with applications of this nature. Whilst reasonable investigations must be done by Licensing NT into such applications, such delays in transferring matters to the Commission result in matters having to be addressed by the Commission in a very short period of time with a limited amount of resources. It would assist greatly not to have such short time periods placed upon the Commission in future otherwise it may result in applications not being able to be dealt with in time.
5. The applicant is seeking to sell liquor between the hours of 1500 hours to 2100 hours on Saturday 9 June 2018. It was stated in the application that it was anticipated by the applicant that a crowd of 10,500 persons would be in attendance. The event is coordinated by ARLC NT Limited and Northern Territory Major Events Company Pty Ltd.
6. The sale of liquor is intended to occur via seven (7) public bars located throughout the premises. Mid-strength alcoholic beverages are intended to be sold to patrons. In relation to security and crowd control arrangements, the Applicant has stated that they will comply with the industry standard.
7. I am informed that the Applicant has obtained similar special licences for similar events. In terms of compliance history, the evidence before me indicates that following the 2017 NRL Telstra Premiership Match (Round 14) Parramatta Eels v North Queensland Cowboys, it was reported that most aspects of the event were sufficiently managed but that the *Tobacco Control Act* and *Regulations* were not adhered to in respect to appropriate signage and food/drinks being taken into designated smoking areas.
8. It should be made clear to the Applicant from the outset of these reasons that such non-compliance will not be tolerated and ALL conditions of this licence must be complied with. Smoking is a serious health issue and the conditions of this licence which include smoking must be taken seriously.

Consultation

9. As this is an application for a special licence there is no requirement under the Act for advertising of such an application, nor is there provision for formal objections to be made concerning such an application. Despite this, a “usual practice” has developed for the Director-General to consult with relevant stakeholders concerning the application, namely the Department of Health (“DOH”), Northern Territory Fire and Rescue Service (“NTFRS”), St John Ambulance (NT) Incorporated (“SJA”) and Northern Territory Police, Fire and Emergency Services (“NT Police”) and seek their comment.

10. With respect to this application:

- a. The DOH had “no adverse comment” however requested that the applicant be reminded of their obligations in relation to smoking and display signage to delineate the Non-Smoking from Smoking areas, together with ensuring no food or drinks were taken into the designated smoking areas. This was passed on to the Applicant by Licensing NT together with the relevant signs.
- b. The NTFRS had “no objection” to the application, but requested a traffic management plan and this has subsequently been provided.
- c. The SJA had “no concerns”.
- d. The NT Police “support the application contingent to the same terms and conditions imposed last year, are the same this year”.

Assessment of the Application

11. 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.
12. 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.
13. 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”.
14. 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.”

15. 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.
16. In relation to this application, I have considered the matters referred to above and the application carefully. I have already indicated my clear warning about the need to comply with the provisions of the *Tobacco Control Act and Regulations* which are included as part of the conditions of this licence. There should be no doubt in the mind of the applicant as to the need for compliance.
17. It is otherwise clear however that the Applicant is able to appropriately conduct and manage this event and in such circumstances I see no reason not to grant the special licence as sought on similar terms and condition as those previously provided for in past years.
18. It is as a result of the matters outlined above that 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:

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 'Jodi Truman', with a long horizontal flourish extending to the right.

JODI TRUMAN
Deputy Chairperson
Northern Territory Liquor Commission