

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR A LIQUOR LICENCE WITH MAJOR
EVENT AUTHORITY

REFERENCE NUMBER: LC2020/037

APPLICANT: Katherine Turf Club Incorporated

PREMISES: Katherine Showgrounds
Victoria Highway
KATHERINE NT 0851

PROPOSED EVENT: 2020 Katherine Cup Race Day

NOMINEE: Mr Paul Mullins

OBJECTOR: Nil

LEGISLATION: Sections 42, 47 and 60 of the *Liquor Act 2019*

DECISION OF: Ms Amy Corcoran (Community Member)

DATE OF DECISION: 30 July 2020

Decision

1. For the reasons set out below and in accordance with section 48 of the *Liquor Act 2019* (**the Act**) the Commission has determined to issue a licence to the Katherine Turf Club Incorporated (**the Applicant**). The Applicant will be issued with a major event authority attached to the licence authorising the sale, supply or service of liquor to patrons attending the Katherine Cup Race Day for consumption on or in the area commonly known as the “Katherine Showgrounds” for the hours of:

Saturday, 15 August 2020 from 1100 hours to 1900 hours.
2. In addition to the major event conditions set out in Division 12 of the Liquor Regulations 2019 (**the Regulations**), the licence shall also be subject to the following specific conditions that:
 - a. The boundary of the licensed area located at the Katherine Showground 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. The Licensee must ensure crowd controllers are located at all entry/exit points, to amongst other things, ensure liquor is not brought into or removed from the licensed area.
 - c. In relation to liquor, no more than two (2) containers of liquor may be sold to any one person at any one time from 1700 hours (where this is inconsistent with regulation 69(2), this condition will prevail).
 - d. Drinks must not be served to patrons in glass.
3. The licence will be issued immediately following the publication of this decision notice.

Reasons

Background

4. On 2 July 2020 pursuant to section 52 of the Act, the Applicant applied to the Commission for a licence with a major event authority to permit the sale of alcohol to patrons attending the 2020 Katherine Cup Race Day (**Katherine Cup**) at the Katherine Showgrounds, Victoria Highway, Katherine.
5. The event is to be held on Saturday, 15 August 2020 between 1100 hours to 1900 hours.
6. The Katherine Cup is a family friendly race day that takes place annually at the Katherine Showgrounds.
7. The Applicant intends to offer a range of alcoholic and non-alcoholic beverages including light, mid and full-strength alcohol content options with the following conditions:
 - All alcohol to be sold in open containers;
 - A maximum number of four (4) alcoholic drinks to be served at any one time to any one patron;
 - Sales to be monitored and further reductions in limits may be applied in accordance with behaviour of the patrons.
8. Liquor is proposed via two (2) bars, with the main fixed bar being in the Buntine Pavilion and a temporary bar being erected adjacent to the corporate tents. Food will be available for purchase from a number of food vendors during the event.
9. In terms of the application before the Commission, it is noted that the Applicant provided the following documents in accordance with section 53(3) of the Act:
 - Application for new liquor licence
 - Supplementary information for a major event authority
 - Affidavit
 - Public interest and community impact statement
 - References

- Certificate of Currency – Allianz Insurance
- Letter of approval from Katherine Town Council for use of the premises
- Racecourse Licence
- Certificate of Incorporation of Katherine Turf Club Incorporated
- Resume of intended nominee – Paul Mullins
- RSA for Paul Mullins
- Smoking Management materials
- Conditions of Entry for the event
- Smoking Management Plan
- Site Plan
- Bank and Financial Statement for Applicant
- Identification – Paul Mullins.

10. The proposed nominee for the event is Mr Paul Mullins. Mr Mullins is currently a licensed Gaming Machine Manager and has extensive experience within the liquor and hospitality industry and is considered sufficiently qualified to be a nominee.

11. The Applicant has previously been granted special licenses for the Katherine Cup over many years with a very good compliance history. The Commission was advised of one incident from previous events, this arose when corporate tent patrons attempted to take home remaining unopened liquor from their corporate tented areas. It is understood this incident was the catalyst for the cessation of the relationship between a previous caterer and the Applicant. Licensing NT has not informed the Commission of any other compliance issues or concerns.

12. On 15 March 2020 the Chief Minister advised that the National Cabinet resolved to enact a series of measures effective from midnight that night, enforceable by Federal, State and Territory law in relation to the current COVID-19 outbreak. The Chief Health Officer (CHO) has issued a range of Directions since that time, many of which have been changed or superseded as the health crisis and responses develop.

13. The Applicant has worked separately with Environmental Health Officers to prepare and implement its own COVID-19 self-assessment and safety plan and will be required to comply with any CHO Direction that may apply at the time the event takes place in accordance with section 92 of the Act.

Advertising and Objections

14. The application was advertised in the Katherine Times on 19 and 24 June 2020.

15. No objections were received from the public.

16. 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. Katherine Town Council (**Council**).
17. Although not legally bound to do so, the Commission notes that the Director also forwarded a copy of the application to the Northern Territory Fire and Emergency Services (**NTFRS**) for comment.
18. With respect to this application:
- a. DOH made no adverse comments;
 - b. NT Police supported to application contingent to:
 - i. Applicant must comply with CHO's directions
 - ii. Industry standard security/crowd controllers for expected crowd numbers and security at the gate all times and to remain at the event until all patrons have left
 - iii. Traffic Management Plan
 - iv. Patrons leave/enter through one gate (unless there is an emergency)
 - v. 'Defined Boundaries' to be clear for patrons
 - vi. Secure storage of alcohol at all times
 - vii. Last drinks to be implemented
 - viii. Maximum 4 drinks per transaction with a staggered decline in drinks per transaction towards the conclusion of the event
 - ix. Alcohol volume to be one standard drink or less per serve
 - x. Low to mid strength alcohol
 - xi. No glass.
 - c. Council had no objections to this application; and
 - d. NTFRS did not oppose this application.
19. The Applicant has advised Licensing NT that St John Ambulance will be attending the event.

Hearing

20. Given that no objections were received and this is an application for a major event for this year only, there appears no reason why this application should be referred to a hearing under section 21 of the Act. Accordingly, I have proceeded pursuant to my delegation to deal with such application.

Assessment of the Application

21. Although no objections were made to this application, section 49 of the Act makes clear 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.
22. The Commission has had regard to the relevant considerations listed in section 59(3) of the Act as to the suitability of the Applicant to hold this licence.
23. The Applicant has held a liquor licence and successfully ran the Katherine Cup previously. The Commission is satisfied that the Applicant a fit and proper to hold the licence and that the premises, the Katherine Showgrounds, is suitable to be once again licensed.
24. In respect to the NT Police, the Applicant was informed of NT Police's comments and has agreed to all suggested conditions except for limiting alcohol to low and mid-strength only and standard drink sizes. The Commission is also informed that the Applicant has been liaising with the NT Police leading up to the event to ensure compliance and the smooth running of the event.
25. The Commission acknowledges that the NT Police has suggested a move to low and mid strength alcohol and the provision of just one standard drink per vessel. There is nothing before the Commission to indicate that the Applicant has not complied with its obligations as to the responsible service of alcohol in the past.
26. I confirm there have been no compliance concerns reported from last year's event and there have been no substantial changes to this licence application or the event format which would raise concerns regarding the continued sound management of the event. I therefore find there is no basis to support the finding that there is a need to impose such conditions this year and I decline to do so.
27. The main drawcard to this event is the horse racing and I am satisfied that the supply of alcohol is an ancillary feature of the Katherine Cup. This event is an important community event for Katherine locals and surrounds even attracting patrons from across the Territory. The Katherine Cup has a track record of being well managed with no significant compliance concerns being raised by Licensing NT or NT Police.
28. Having regard to the foregoing, the Commission has had regard to the public interest requirements of section 49 of the Act and is satisfied that issuing the licence with a major event authority is in the public interest and will not have a significant adverse impact on the community.
29. As a result, the Commission intends to issue the licence with a major event authority as set out at the commencement of this Decision Notice.

Notice of Rights

30. Section 31 of the Act provides for any decision of the Commission for which a decision notice is required under the Act is reviewable by Northern Territory Civil and Administrative Tribunal (NTCAT) and the following persons.
31. Section 60(3) of the 2019 Act requires the Commission to give a decision notice to the Applicant after making a decision under section 60(1).
32. Section 31 of the Act provides that any decision of the Commission for which a decision notice is required is reviewable by NTCAT (relevantly) may apply to NTCAT for a review.
 - a. In all cases - the Director;
 - b. In the case of a decision regarding an application - the applicant; and
 - c. In the case of a submission, complaint or objection that was the subject of a decision - the person who made the submission, complaint or objection.
33. In accordance with the substance of section 31 of the Act any application for review of this decision must be lodged within 28 days of the date of this decision.

A handwritten signature in black ink, consisting of a stylized, cursive 'A' followed by a long horizontal line extending to the right.

AMY CORCORAN
Commissioner
Northern Territory Liquor Commission

30 July 2020