

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR A MAJOR EVENT AUTHORITY

REFERENCE NUMBER: LC2022/13

APPLICANT: Summer Junkies Pty Ltd

PREMISES: Darwin Amphitheatre
George Brown Darwin Botanic Gardens
21 Geranium Street
THE GARDENS NT 0820

PROPOSED EVENT: Flight Facilities

DATE OF EVENT: Saturday, 23 April 2022

NOMINEE/S: Guy Dunne

OBJECTOR/S: Nil

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

DECISION OF: Ms Amy Corcoran (Delegate)

DATE OF DECISION: 19 April 2022

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 Summer Junkies Pty Ltd (**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 for consumption on or in the area known as the Darwin Amphitheatre located at George Brown Darwin Botanic Gardens in The Gardens, NT 0820 (**the Premises**) on:

Saturday, 23 April 2022 from 17:00 hours to 23:30 hours.
2. The Commission approves Guy Dunne as the designated nominee (**the Nominee**).
3. 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 additional conditions:

- a. The boundary of the licensed area at the Darwin Amphitheatre 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 as follow:
 - i. no more than four (4) alcoholic drinks may be sold to any one (1) person at any one time from 17:00 to 22:00 hours; and
 - ii. no more than two (2) alcoholic drinks sold to any one (1) person at any one time from 22:00 to 23.30 hours.

To the extent that this condition is inconsistent with the Regulations, this condition prevails.

- c. 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 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. contain more than 1.6 standard drinks in one vessel;
- d. Alcohol or any other beverages must not be sold to patrons in glass containers;
- e. All patrons must be issued with a wristband upon entry, which will confirm that they have been ID checked, and are 18+ years of age. No alcohol is to be served to patrons not wearing such wristband; and
- f. No pass-outs are permitted.

4. The licence will be issued immediately following the publication of this decision notice.

Reasons

Background

5. On 21 February 2022 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 an event known as 'Flight Facilities' at the Premises being held on Saturday, 23 April 2022.
6. Flight Facilities is an electronic music production duo featuring Hugo Gruzman and James Lyell. This is an 18+ ticketed event and patrons will be ID checked to gain entry and issued a wristband.
7. The Applicant estimates that a crowd of approximately 4,000 patrons will attend

the event and confirms that in accordance with regulation 68(2) sufficient crowd controllers will be present to adhere to the industry standards for crowd control. Specifically, two licensed crowd controllers for the first one hundred patrons and one additional crowd controller for each one hundred patrons thereafter.

8. The Applicant proposes the sale of beer (inclusive of 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. A list of the alcoholic beverages to be sold was provided by the Applicant to the Commission on request.
9. There are to be no glass containers sold. Water and soft drinks will be available for purchase as well as the provision of complimentary water stations.
10. Food will be available to purchase from food vendors throughout the event until closing.
11. 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.
12. The Darwin Amphitheatre is a non-smoking venue. The Applicant has confirmed there will be visible 'No Smoking' signage throughout the Premises and a designated smoking area will be located just outside the Amphitheatre perimeter but within the fenced event complex forming part of the Premises.
13. 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:
 - a. Application for a liquor licence;
 - b. Supplementary information application for a major event authority;
 - c. Site plans;
 - d. Event Management Plan which includes Public Interest and Community Impact Assessment;
 - e. Probity documents and reports, certificates, references, affidavits and statutory declarations relevant to the application in respect to the Nominees and Applicant and to the satisfaction of the Director of Liquor Licensing (**the Director**);
 - f. An affidavit of Guy Dunne, the Nominee, in accordance with the Act regarding influential persons;
 - g. Smoking Management Plan; and
 - h. Traffic Management Plan (**TMP**).
14. It is noted that the Applicant will be required to comply with any CHO Direction that may apply at the time the event takes place pursuant to section 92 of the Act.

The Applicant and Nominee

15. The Applicant is a registered Australian Proprietary Company limited by shares. There are two shares. These are held by Guy Dunne and Tamara Tasha Nichole Baird. Both hold positions of Director and Secretary within this Company. Both parties have been declared within the Affidavit as interested and beneficial financial parties for this application.
16. The proposed nominee for this event is Mr Guy Dunne who is a known to the Director. Mr Dunne has previously been nominee for similar major events and is involved in the licenses attaching to the Beachfront Hotel and Humpty Doo Tavern.

Advertising and Objections

17. The application was advertised on the Director's applications website and also published in the NT News on Saturday, 26 February 2022. A green sign was also erected at the site advising the public of the application.
18. No objections were received from the public to the application.

Consultation

19. 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**).
20. Although not legally bound to do so, the Commission notes that the Director also forwarded a copy of the application for comments to:
 - a. Northern Territory Fire and Rescue Service (**NTFRS**); and
 - b. St John Ambulance (**St John**).
21. With respect to this application:
 - a. DoH advised that it had no adverse comment.
 - b. NT Police advised it supported the application;
 - c. Council supported the application and advised that the Darwin Entertainment Centre now manages the Darwin Amphitheatre who is responsible for approval of event applications at this site;
 - d. NTFRS supported the application on the proviso that the outdoor special event requirements are adhered too and NTFRS members will inspect prior to the event. The Applicant was provided with a copy of the Special Event Requirements (Outdoors); and

- e. St John did not respond at the time of writing this decision however, the Applicant did confirm their attendance at the event.

Hearing

- 22. 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

- 23. 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.
- 24. 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 and the Premises to be licensed.
- 25. The Applicant has held licenses for similar events over the past few years and no compliance issues have been raised with the Commission by the Director or NT Police. The nominee, Mr Dunne, is well known to, and well respected by, Licensing NT, as he has been involved as a licensee and/or nominee of licensed premises over a number of years in the Northern Territory. The Commission is satisfied that the Applicant and Mr Dunne are fit and proper persons to hold the licence.
- 26. The Premises is a substantial outdoor area that has hosted hundreds of concerts in Darwin over many years. The site plan is similar the many of the events held and run at the Premises showing that the area is equipped with a large toilet block, merchandise and food stalls, water stations, first aid station and designated smoking areas. The Premises has a perimeter fence and entry will only be permitted from one access point. The Commission assesses the Premises as suitable for the supply and consumption of liquor in the manner set out in the application.
- 27. Although the Applicant did not propose a staggered decline of the sale of alcoholic drinks to any one person at one time at this event, it is my view that such a condition should be included in the licence in line with similar events of this nature. I have included a condition accordingly as set out in paragraph 3 above.
- 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 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).

31. Section 31 of the Act provides that any decision of the Commission for which a decision notice is required is reviewable by the Northern Territory Civil and Administrative Tribunal (NTCAT) and the following persons 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.

32. 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.



AMY CORCORAN

Commissioner

Northern Territory Liquor Commission