

NORTHERN TERRITORY LIQUOR COMMISSION

DECISION NOTICE

MATTER: APPLICATION FOR A MAJOR EVENT AUTHORITY

REFERENCE NUMBER: LC2021/023

APPLICANT: Ford Dynasty Pty Ltd

NOMINEE: Mr Craig Jervis

PREMISES: **Blatherskite Park**
Len Kittle Drive
ALICE SPRINGS NT 0870

EVENT: Red CentreNATS

DATE OF EVENT: 4 & 5 September 2021

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

DECISION OF: Mr Russell Goldflam (Member)

DATE OF DECISION: 30 July 2021

Decision

1. For the reasons set out below and in accordance with section 60 of the *Liquor Act 2019* (“the Act”) the Northern Territory Liquor Commission (“the Commission”) has determined to grant a licence and a major event authority to Ford Dynasty Pty Ltd (“the Applicant”), the operator of Lasseters Hotel Casino, for the sale of liquor during the following periods:
 - 11:00 hours to 19:00 hours on Saturday, 4 September 2021
 - 11:00 hours to 21:30 hours on Sunday, 5 September 2021
2. The licence is subject to the general conditions of all liquor licences as prescribed in the *Liquor Regulations 2019* (“the Regulations”) and the conditions set out at Part 4 Division 12 of the Regulations (“Major event authority conditions”).
3. **Additional Conditions**
 - a. 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.

- b. Spirits must not be sold in containers with more than 5% alcohol by volume.
- c. Wine (including sparkling wine) must not be sold in containers with more than 150 ml.
- d. The only liquor that may be sold before 13:00 hours is to be mid-strength or light beer.
- e. After 20:30 hours on 5 September 2021, only two alcoholic drinks may be sold to any one person at any one time.
- f. All patrons to be inspected prior to entry to the venue to ensure that they do not bring any liquor onto the premises.
- g. Liquor must only be sold or supplied to patrons wearing an "18 plus" wristband supplied and applied to patrons by officers engaged by the licensee who are reasonably satisfied that the patron is over 18 years of age.
- h. The holder of the special licence 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.
- i. The licensee must clearly display signage to delineate Non-Smoking areas from the Smoking Areas and the holder must comply with smoking requirements contained in the *Tobacco Control Act 2002*. Food and drinks are not permitted to be taken into any designated smoking areas.
- j. The licensee or employee of the licensee shall exclude or remove from the premises any person who is wearing the colours, insignia or emblems of an outlaw motorcycle gang (Bikie Gang).
- k. The licensee must comply with the Northern Territory Noise Management Framework Guideline issued by the Northern Territory Environment Protection Authority in September 2018.
- l. The licensee must submit a COVID-19 Safety Plan to the Department of Health by close of business on 6 August 2021.
- m. The licensee must comply with any Chief Health Officer directions in force on 4 or 5 September 2021.

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

Reasons

Background

5. Pursuant to section 52 of the Act, the Applicant applied on 18 June 2021 for a licence and authority to permit the sale of beer, wine, and RTD cans of spirits to persons attending the Red CentreNATS, an annual motorsport event in Alice Springs conducted by NT Major Events Company Pty Ltd ("NTMEC") in association with

SUMMERNATS. RedCentreNATS incorporates driving events and displays, a street parade and a concert, and is described by the Applicant as “a rev head’s paradise”. The application is for a licence to sell and consume liquor at Blatherskite Park. Other RedCentreNATS events are scheduled to be held at Lasseters Hotel Casino and the Alice Springs Inland Dragway, venues where liquor is sold and consumed under existing licences.

6. On 8 July 2021, in accordance with section 56(1) of the Act, a delegate of the Director of Liquor Licensing (“the Director”) accepted the application for consideration. On 19 July 2021, the Director referred the application to the Commission.
7. The Applicant estimates that 1,500 to 2,000 people will attend the Red CentreNATS at any one time. It is accordingly a “major event” as defined at section 47(1)(o)(i) of the Act.
8. The proposed nominee for the event is Mr Craig Jervis. Mr Jervis is the nominee of the existing Lasseters Hotel Casino liquor licence.
9. Liquor licences for this event were granted to NTMEC in 2016, 2017, 2018, 2019 and 2020, and Licensing NT reports that there have been no previous compliance or liquor-related issues with respect to the event.

Advertising and Objections

10. The application was advertised online in the Alice Springs News on 25 June and 26 June 2021, as well as on the website of the Department of Industry, Tourism and Trade. No objections were received from the public.
11. Pursuant to section 56(4) of the Act, the following stakeholders were notified of the application by the Director:
 - The Department of Health (“DOH”)
 - The Commissioner of Police (“NT Police”)
 - Alice Springs Town Council (“Council”)
12. With respect to this application:
 - DOH made no adverse comment.
 - NT Police responded that it had no objection.
 - Council did not provide a response.

Procedure

13. On 28 October 2019, the Commission delegated authority to determine an application for a liquor licence with a major event authority to a single member of the Commission. On 17 December 2020, the Commission delegated authority to the Director of Liquor Licensing to determine uncontentious major event authority applications for 21

nominated recurrent Northern Territory events, including the RedCentreNATS, provided “the applicant has not been the subject of disciplinary action under a former licence”.

14. In this instance, although there is no history of non-compliance associated with the RedCentreNATS, and although there are no objectors to the current application, in previous years the licence has been issued to NTMEC, whereas the instant application is made by Ford Dynasty Pty Ltd, whose record in relation to the operation of its liquor licence at the Lasseters Hotel Casino is not without blemish.
15. In October 2018, a delegate of the Commissioner of Police issued a written warning to the Applicant that unless it improved its then current practices regarding the service of alcohol and management of Lasseters patrons, the Applicant’s licence would be suspended for 48 hours pursuant to section 48B of the Act. In December 2018, on three occasions the Applicant committed the offence of failing to exclude an intoxicated person from Lasseters. On 2 September 2019, the Applicant pleaded guilty to these offences in the Local Court and was fined a total of \$15,000.
16. In these circumstances, the Commission considers that it was appropriate for the Director to refer the instant application to the Commission, rather than for the Director to determine the application pursuant to his delegated authority.
17. However, noting that the instances of non-compliance by the applicant occurred nearly three years ago, and that the Applicant has for several years supplied liquor under licence to patrons of the RedCentreNATS without attracting complaint, in my opinion a public hearing of the instant application would not be appropriate, because the matter is not controversial, and conducting the hearing in public would not be worthwhile. A public hearing would have required the Commission to convene with three or more members.
18. Accordingly, in my opinion it is appropriate to determine this matter using the authority delegated to me as a member of the Commission without proceeding to a hearing.

Assessment of the Application

19. The Commission may only issue a licence or an authority if satisfied that:
 - The Applicant is a fit and proper person;
 - Issuing the licence or authority is in the public interest; and
 - The licence or authority will not have a significant adverse impact on the community.
20. In assessing the application, the Commission has had regard to the following documents:
 - Application for liquor licence with major event authority
 - Supplementary information for a major event authority

- Affidavit pursuant to section 54 of the Act
 - Event program schedule
 - Public interest and community impact statement
 - Plan of proposed licensed area
 - Evidence of display and publication of notice of the application
 - Correspondence with stakeholders
 - Decision notices issued by the Commission for RedCentreNATS liquor licences in 2019 and 2020.
21. The Commission is satisfied that public notice of the application was given and consultation was undertaken in accordance with section 57 of the Act.
 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 Commission has had regard to the size, location and configuration of the venue, the proposed hours of trading, the anticipated number of patrons, and the nature of the event. As in previous years, the Commission has formed the view that the premises, Blatherskite Park, are suitable to be licensed.
 24. Noting that the Applicant is the operator of Lasseters Hotel and Casino, a long-standing and well-established enterprise, the Commission is satisfied as to the financial stability and business reputation of the Applicant. The Commission is satisfied that the Applicant, a body corporate, is a fit and proper person to hold the licence, and that Mr Jervis is a fit and proper person to be the licence nominee.
 25. The Commission considers that this event is a significant community event for motoring enthusiasts and their families, attracting competitors and spectators not only from across the Territory, but also (at least in pre-COVID times) from across Australia. Having considered the objectives set out in section 49(2) of the Act, and as well as the successful operation of this event under similar licence conditions in previous years, the Commission is satisfied that it is in the public interest to issue the licence.
 26. Having considered the matters set out in section 49(3) of the Act, the Commission is satisfied that issuing the licence with a major event authority will not have a significant adverse impact on the community.
 27. Section 3(4) of the Act provides that in performing its function to decide whether to issue the licence, the Commission must have regard to the primary and secondary purposes of the Act. The Commission is satisfied that the issue of the licence is consistent with the purposes of the Act.
 28. Accordingly, the Commission has determined to issue the licence with a major event authority as set out at the commencement of this Decision Notice.

Conditions

29. Having regard to the size, location and configuration of the venue, the proposed hours of trading, the anticipated number of patrons, and the nature of the event, the Commission has determined to impose conditions similar to those that were imposed when licences were issued for this event in previous years.

Notice of Rights

30. This decision is reviewable by the Northern Territory Civil and Administrative Tribunal (NTCAT) on application within 28 days of the issue of this Decision Notice by the Applicant and the Director.



RUSSELL GOLDFLAM

Member

Northern Territory Liquor Commission

30 July 2021