

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR A LIQUOR LICENCE WITH MAJOR
EVENT AUTHORITY

REFERENCE NUMBER: LC2022/25

APPLICANT: Katherine Turf Club Incorporated

PREMISES: Katherine Showgrounds
Victoria Highway
KATHERINE NT 0851

PROPOSED EVENT: 2022 Katherine Cup Race Day

DATE OF EVENT: 13 August 2022

NOMINEE/S: Mr Paul Mullins

OBJECTOR/S: Nil

LEGISLATION: Sections 52, 47 and 60 of the *Liquor Act 2019*

DECISION OF: Ms Amy Corcoran (Community Member)

DATE OF DECISION: 10 June 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 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, 13 August 2022 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. 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 11:00 to 17:30 hours;
 - ii. no more than two (2) alcoholic drinks sold to any one (1) person at any one time from 17:30 to 19:00 hours;

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

- d. Alcohol must not be served in vessels containing more than 1.6 standard drinks;
- 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'; or
 - ii. are a cocktail containing more than a 30ml nip of spirit or liquor; and
- f. Alcoholic drinks or any other beverages must not be sold to patrons in glass containers.

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

Reasons

Background

- 4. On 8 April 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 the 2022 Katherine Cup Race Day (**Katherine Cup**) at the Katherine Showgrounds, Victoria Highway, Katherine (**the Premises**).
- 5. On 8 April 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 the 2022 Katherine Cup Race Day (**Katherine Cup**) at the Katherine Showgrounds, Victoria Highway, Katherine (**the Premises**). [SEP]
- 6. The event is to be held on Saturday, 13 August 2022 between 11:00 hours to 19:00 hours.

7. The Katherine Cup is a family friendly race day that takes place annually at the Premises.
8. The Applicant intends to offer a range of alcoholic and non-alcoholic beverages including light, mid and full-strength alcohol content options. Wine will only be sold by the 'glass'. Drinks will not be served in any glass containers.
9. Alcohol 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.
10. The Applicant expects a crowd of about 2,000 to attend the event. Crowd Controllers will be employed in accordance as per regulation 68(2) of the *Liquor Regulations 2019* (the Regulations).
11. The proposed nominee for the event is Mr Paul Mullins, who has previously been a nominee for this event. Mr Mullins is currently a licensed Gaming Machine Manager and has extensive experience within the liquor and hospitality industry.
12. 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 with a major event authority
 - Affidavit
 - Declaration of Associates
 - Public interest and community impact statement
 - Probity documents and reports, certificates, references, affidavits and statutory declarations relevant to the application in respect to the Nominee and Applicant and to the satisfaction of the Director of Liquor Licensing (**the Director**)
 - Certificate of Currency of Insurances
 - Letter of approval from Katherine Town Council for use of the premises
 - Renewal of Registered Race Club
 - Certificate of Incorporation of Katherine Turf Club Incorporated
 - Smoking Management Plan
 - Site Plan
 - Bank and Financial Statement for Applicant
 - COVID-19 Event Safety Plan Checklist.
13. In support of Mr Mullins as nominee, the following has been provided in support of the application:
 - a. Statutory Declaration
 - b. Criminal History check list
 - c. Photographic Identification
 - d. RSA and Refresher Certificate
 - e. References
 - f. Resume.

14. The Applicant has previously been granted special licenses for the Katherine Cup over many years with a very good compliance history.

The Applicant and Nominee

15. The Applicant is an incorporated association under the *Associations Act (NT)*. It has held liquor licenses and successfully ran the Katherine Cup previously. The Commission is satisfied that the Applicant is fit and proper to hold the licence and that the Premises is suitable to be once again licensed.
16. 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.

Advertising and Objections

17. The application was advertised on the Director's applications website and also published in the Katherine Times on Wednesday, 20 April 2022.
18. No objections were received from the public regarding this 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. Katherine Town 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 did not object to the application although it raised some concerns regarding recommended weekly alcohol consumption and confirmed that at major events, consumption of food and drinks are not permitted in smoking areas;
 - b. NT Police had no objection to the application;
 - c. Council did not respond at the time of this decision however has given the Applicant permission (as the landowner) to use the Premises for the event; and

- d. NTFRS advised via email that the application is supported on the condition that the Pavilions not be occupied, being:
 - i. Katherine Turf Club Pavilion (New Entertainment/Function Pavilion) - an Occupancy Permit (OP) has not been issued for this new pavilion.
 - ii. Buntine Pavilion - Previously identified (22/7/2021) fire hydrant defects for this building are yet to be rectified.
- e. The Applicant was forwarded a copy of NTFRS comments and advised:

“We have had ongoing issues trying to address the building's compliance, however, the matter is outside our hands as the Katherine Town Council is the owner of the buildings and they are in control of such compliance matters.”
- f. St John has confirmed it will be attending 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.
- 25. For the reasons outlines above, the Commission is satisfied that the Applicant and the Nominee are fit and proper to hold the licence and that the Premises is suitable to be once again licensed.
- 26. In respect to the NTFRS requiring the Applicant not to use two Pavilions due to non-compliance concerns, regulation 68(1)(a) of the Regulations requires a licensee with a major event authority comply with orders and directions given by an officer exercising their authority under the *Fire and Emergency Act 1996*. The Applicant has confirmed that it will comply with any such lawful direction/s given if this licence is approved. It is the Commission's view that it is the responsibility of the NTFRS to exercise its powers under the *Fire and Emergency Act 1996* in

relation to any prohibitions to occupy any buildings on the Premises. If such directions are issued, the Applicant will be required under law to comply with them, notwithstanding the issuing of a liquor licence by the Commission. A copy of this decision will be sent to NTFRS to inform them of the Commissions position.

27. In regards to regulating the consumption of alcohol by patrons throughout the day, the Applicant has stated:

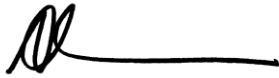
“Sales to be monitored and further reductions in limits may be applied in accordance with behaviour of the patrons.”

28. Last year’s licence staggered the decline of drinks per person from four (4) (pursuant to Regulation 69(2)) down to two (2) at 17:00 hours. The last race was roughly 17:15 hours. In my view, it is reasonable that after the last race has run and closure of the event a staggered decline of drinks commence afterwards. I have imposed a decline to two (2) drinks per person from 17:30 hours.
29. 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 surrounding residents 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.
30. 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.
31. 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

32. 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.
33. 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).
34. 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. 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.

35. 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 initial 'A' followed by a long horizontal line.

AMY CORCORAN
Commissioner
Northern Territory Liquor Commission