

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Application for the granting of liquor licence with a major event authority
APPLICANT:	Darwin Lions Beer Can Regatta Incorporated
LEGISLATION:	Part 3, Division 4 of the <i>Liquor Act 2019</i>
DECISION OF:	Southern Region Manager – Licensing & Compliance
DATE OF DECISION:	20 March 2024

DECISION

1. For the reasons set out below and pursuant to section 60 of the *Liquor Act 2019* (the Act), as delegate of the Director of Liquor Licensing (the Director) I have determined to grant the application for a liquor licence with a major event authority to Darwin Beer Can Regatta Incorporated (the Applicant) for the sale of liquor.

Sunday 18 August 2024 10:00 hours to 18:00 hours

2. The granting of this approval is for the annual Darwin Lions Beer Can Regatta and is subject to the provisions of Part 4, Division 12 of the *Liquor Regulations 2019* (the Regulations) and include:
 - (a) All liquor must be sold in open containers
 - (b) No more than four (4) cans or bottles of liquor must be sold to any one person at any one time
 - (c) No spirits will be available for sale.
 - (d) No BYO alcohol
 - (e) A reasonable range of non-alcoholic beverages must be available for purchase by patrons during the hours of operation
 - (f) Complimentary tap water must be available to patrons during the hours of operation
 - (g) No drinking or eating is permitted within an Outdoor Smoking Area (OSA), as per Regulation 15D of Tobacco Control Regulations
 - (h) A reference made under the Tobacco Control Act 2002 that relates to smoke or smoking of tobacco products is to be read as including vaping or the other use of e-cigarettes as per section 4A of the Tobacco Control Act 2002
 - (i) Provision of licensed crowd controllers with a minimum number as per the submission lodged by the Applicant – being 7
 - (j) Crowd control arrangements shall comprise of static and roaming crowd controller to monitor and enforce all licensing requirements and regulations pertaining to the sale of alcohol

- (k) At least 75% of crowd controllers employed must wear clothing that is readily identifiable. For example, high-viz vests with 'Crowd Controller', 'Security or 'Safe Staff' or similar stated
 - (l) The licensee must comply with any requirement or directions of the Chief Health Officer pertaining to the sale of liquor at public gatherings
3. The granting of the approval is also subject to additional conditions. These extra conditions are:
- No BYO liquor
 - No spirits to be available for sale

BACKGROUND

4. The Darwin Lions Beer Can Regatta has held annual events in Darwin for almost 50 years during the dry season each year.
5. The applicant has been granted previous special licences under the *Liquor Act 1978*, materially under the same terms and conditions this approval has been granted. With the commencement of the *Liquor Act 2019*, the appropriate liquor licence is that with a major event authority.
6. Guidance is taken from previous Northern Territory Liquor Commission (the Commission) decision notices wherein the Commission granted a licence materially the same as previous applications and approvals.

CURRENT SITUATION

7. The event attracts thousands of patrons which, by effect of section 47(1)(o) of the Act requires a major event authority. The Applicant expects 6,000 to 8,000 patrons to attend the event over the course of the day.
8. Noting the extensive history of this event, there has been no recorded compliance issues with respect of previous events, as well as no adverse comments from Police arising from its conduct.

Publication of the application

9. The application was published in the NT News in 2022 along with signage being placed at the proposed locations. The application was also published on the Director's application website. A delegate of the Director subsequently determining to exempt the applicant from further public notices for this year's event.
10. No objections were received in relation to the application.
11. As required by the Act, the Commissioner of NT Police, the CEO Department of Health and the CEO of City of Darwin were notified of the event. For completeness the NT Fire & Rescue Service. And St Johns Ambulance were also notified.
12. No stakeholders as outlined in the previous paragraph provided any negative responses or objections

Licensee's record of compliance

13. As written previously there are no adverse compliance matters noted in relation to any of the previous events.

Referral to the Liquor Commission

14. On 17 December 2020 the Commission delegated the determination applications for a major event authority *inter alia* for this Applicant, in the absence of objections or contentious matters and where the Applicant has not been subject to disciplinary action to the Director.

15. That power has subsequently been further delegated to me by the Director.

16. As no objection, contentious matter or disciplinary action is evident this matter may be determined by me as a delegate of the Director without referral to the Commission.

ASSESSMENT OF MATTER

17. In accordance with section 59 of the Act, I have considered:

- (a) the applicant's affidavits required by section 54;
- (b) the results of an investigation into the applications conducted by Licensing NT personnel;
- (c) in the absence of objections, the responses of the stakeholders to which notification was provided;
- (d) the suitability of the area; and
- (e) the financial stability and general reputation and character of the applicant and the nominee, Ms Valerie Cannell.

18. In accordance with section 49 of the Act, I have also considered whether issuing the authority to the Applicant is in the public interest, and whether the granting of the authority will have a significant adverse impact on the community.

19. Accompanying the application is a comprehensive risk assessment plan, traffic management plan and other materials evidencing the appropriateness of the granting of this matter.

20. I am satisfied on the basis of the conduct of the previous special licences, granted under the previous Act, along with prior decision notices for the same event, and the material presented in this application, that approval of this matter is appropriate in the circumstances.

21. The applicant has advised previous entry to the event was by a \$5 fee, which they have raised for this year's event to \$20. This is of no particular relevance to my considerations and a commercial matter for the applicant.

Whether issuing the licence is on the public interest

22. Section 49(2) of the Act requires me to determine whether issuing the authority is in the public interest and how it will advance the following objectives:

- (a) minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
- (b) ensuring liquor is sold, supplied, served and consumed on or in licensed premises in a responsible manner;

- (c) safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises;
- (d) protecting the safety, health and welfare of people who use licensed premises;
- (e) increasing cultural, recreational, employment or tourism benefits for the local community area;
- (f) promoting compliance with this Act and other relevant laws of the Territory;
- (g) ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business;
- (h) preventing the giving of credit in sales of liquor to people;
- (i) preventing practices that encourage irresponsible drinking;
- (j) reducing or limiting increases in anti-social behaviour.

23. Having considered each of these objectives, and having particular regard to the stringent controls placed on the consumption of liquor and the conduct of previous events, I am satisfied that it is in the public interest to issue the authority.

24. I also note and adopt the previous considerations of the former Director-General of Licensing and the Liquor Commission in relation to their approval of this event.

25. In the absence of material changes to the application, I consider it inappropriate to revisit or dissent from the previous considerations.

Whether the issue of the authority will have a significant adverse impact on the community

26. Section 49(3) of the Act prescribes the matters which must be considered when determining whether the issuing of the authority would have a significant adverse impact on the community.

27. These include:

- (a) the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
- (b) the geographic area that would be affected;
- (c) the risk of harm from the excessive or inappropriate consumption of liquor;
- (d) the people or community who would be affected;
- (e) the effect on culture, recreation, employment and tourism;
- (f) the effect on social amenities and public health;
- (g) the ratio of existing liquor licences and authorities in the community to the population of the community;

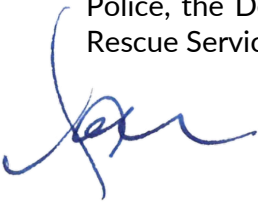
- (h) the effect of the volume of liquor sales on the community;
- (i) the community impact assessment guidelines issued under section 50;
- (j) any other matter prescribed by regulation.

28. The applicants also bear the onus of satisfying me of the relevant matters, irrespective of whether any objections were received.
29. Again, noting and adopting the previous considerations of the former Director-General of Licensing and Commission in relation to this matter, I am satisfied the conditions placed on the approval, along with the conditions prescribed by the Regulations will ensure liquor is consumed in an appropriate manner, the risk of harm is minimal and there is no apparent significant adverse impact on the community.
30. In considering this application I am obliged to consider the purposes prescribed in the Act, primary being, to minimise the harm associated with the consumption of liquor in a way that recognises the public's interest in the sale and consumption of liquor.
31. Secondary purposes include, a protection of the community amenity and wellbeing, regulation of the sale of liquor in a way that contributes to the responsible development of the industry and associated businesses, and of particular relevance, facilitating a diversity of associated services for the benefit of the community and stimulating the tourism and hospitality industries.
32. I am satisfied the application is in line with the purposes of the Act, particularly in providing a diversity of services and stimulation to the tourism and hospitality industries. The event is a Nationally known and celebrated tourist activity.
33. As a result of the matters outlined above, I am on balance satisfied that the approval of this application is appropriate, in the public interest and will not have a significant adverse impact on the community.

REVIEW OF DECISION

34. Section 26 of the Act requires a delegate of the Director to as soon as practicable after making a decision, to give a written notice of the decision to an affected person, being a licensee, applicant or person who made a submission, complaint or objection, the subject of the decision.
35. Section 11 of the Act provides for the Director to delegate powers and functions under this Act by instrument, to a person from time to time holding, acting in or performing the duties of the position specified in that instrument. This decision was made by a person referred to in that instrument. .
36. Section 27 of the Act provides that an affected person for a delegate decision may apply to the Director for a review of the decision. This application for review must be made within 28 days after written notice of the delegate decision is given to the affected person, or within any additional time that the Director allows.

37. Accordingly the affected persons in relation to this decision are Darwin Beer Can Regatta, NT Police, the Department of Health, the City of Darwin, St Johns Ambulance and NT Fire & Rescue Service.



Mark Wood
Delegate of the Director of Liquor Licensing