

# Liquor Commission

## Addendum Decision Notice

---

<b>MATTER:</b>	<b>APPLICATION FOR A SPECIAL LICENCE</b>
<b>REFERENCE:</b>	<b>LC2019/020</b>
<b>VENUE:</b>	Mindil Beach 73 Gilruth Avenue THE GARDENS NT 0820
<b>APPLICANT:</b>	Fiery Amigos Pty Ltd
<b>EVENT:</b>	2019 People's Choice Credit Union BASSINTHEGRASS Music Festival
<b>LEGISLATION:</b>	Section 58 of the <i>Liquor Act 1978</i>
<b>DECISION OF:</b>	Ms Amy Corcoran (Commissioner)
<b>DATE OF DECISION:</b>	17 March 2019

---

### Decision

1. For the reasons set out below and in accordance with section 59(1) of the *Liquor Act 1978* (**the Act**) the Commission has determined to amend the grant of the special licence under Decision Notice issued on 21 March 2019 to Fiery Amigos Pty Ltd (**the Applicant**) as follows:
  - a. to revoke the following condition from the special licence:

“All alcohol will be sold as one standard drink or less per serve with the exception of pre-mix cans (**RTDs**) at all 6 bars in general admission. The bars in the ticketed premium hospitality areas will not be subject to this condition, however, any alcohol sold in the premium hospitality area that is not otherwise available from the bars in general admission is not permitted to be possessed or consumed in the general admission area”; and
  - b. replace the above condition with:

“All alcohol will be sold as one standard drink or less per serve with the exception of pre-mix cans (**RTDs**) at 1.2 standard drinks and 150ml glasses of wine at all 6 bars in general admission. The bars in the ticketed premium hospitality areas will not be subject to this condition

except for wine, which cannot be served in portions of more than 150ml. Any alcohol sold in the premium hospitality area that is not otherwise available from the bars in general admission is not permitted to be possessed or consumed in the general admission area”.

2. All other conditions as those set out in the Decision Notice issued on 21 March 2019 apply.

## **Reasons**

### **Background**

1. On 21 March 2019, pursuant to my delegation to deal with special licence applications, I granted a special licence to the Applicant to permit the sale of liquor to patrons attending an event known as ‘2019 People’s Choice Credit Union BASSINTHEGRASS Music Festival’ on Saturday, 18 May 2019.

2. The granting of approval was subject to a number of conditions including:

“All alcohol will be sold as one standard drink or less per serve with the exception of pre-mix cans (**RTDs**) at all 6 bars in general admission. The bars in the ticketed premium hospitality areas will not be subject to this condition, however, any alcohol sold in the premium hospitality area that is not otherwise available from the bars in general admission is not permitted to be possessed or consumed in the general admission area.”

3. On 4 May 2019, the Applicant wrote to the Liquor Commission advising that it had inadvertently overlooked requesting an exemption to the “one standard drink per serve” condition for wine and requested “approval to allow the standard 150ml serve of wine to be allowed as part of the liquor licence”.
4. This request was referred to me on 7 May 2019. Given that the special licence condition relating to a one standard drink policy was included in the licence on the understanding it was by agreement between the Applicant and NT Police, I sought the NT Police’s views in order to consider the request.
5. On 16 May 2019, after very short notice, the NT Police were able to provide the following response:

“120 ml in a plastic glass is preferred. Consistent with the existing staggered provisions and drinks between 1.0 and 1.2 alcoholic standard drinks.

150 ml will be 1.4 standard drinks or above and therefore inconsistent with existing provisions.”

## Assessment of the Application

6. The *Liquor Act 1978 (the Act)* is silent on “applications” such as these. This is not a matter of exercising “the slip rule” as this is not an accidental slip or omission by the Commission. The Commission was asked to consider the special licence application and at the relevant time those were the dates that were sought. It is the Applicant who has made the error.
7. However, it is the view of this Commission that it also cannot be the case that it would be the intention of the legislature for the operation of the Commission and the Act to be so unwieldy that a simple matter of a date requires an entire new assessment of the matter. In this regard the Commission takes some comfort from the fact that section 20(3) of the *Liquor Commission 2018* provides (inter alia) that the procedures of the Commission are as the Commission determines.
8. In addition, the “Objects” of the Act have also already been addressed.
9. It is in these circumstances that this Commission considers itself able to deal with this application.
10. This event is not only all ages event but an event which is targeted at the younger demographic. In making a decision, I must take into account the need to balance the enjoyment of the all-ages event with the need to minimise harm associated with the consumption of alcohol and further to protect and enhance community amenity, social harmony and wellbeing.
11. When assessing this event it is evident that numerous and positive mitigation initiatives are in place such as age identifying wristbands, screening of patrons and bag checks, designated bar lanes, dry zones and zero tolerance policy to under-age drinking and anti-social behaviour. Further, caps on the number of drinks that can be purchased at one time will be implemented including a staggered decline of those numbers from 20:00 hours.
12. A presence from licensed crowd controllers, NT Police and St John Ambulance for first aid, in conjunction with event emergency procedures and traffic management arrangements, it is evident patron and community safety has been considered.
13. I note that for a number of years prior to 2018, bars at this event were not open prior to 17:00 hours however, in 2018 the Applicant applied for, and was granted, trading hours from 14:00 hours with a condition as agreed to with NT Police that alcohol is served as one standard drink only with the exception of RTDs at 1.2 standard drinks.
14. From correspondence with the Applicant, it would appear that the exception to wine was inadvertently overlooked last year. The Applicant has stated in an email to NT Police on 16 May the following:

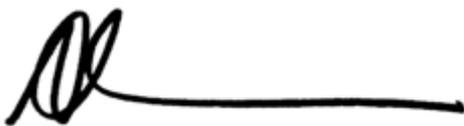
*“In the past, we have requested for the standard 150ml serve of wine to be exempt from the one standard drink rule...”*

*Based on previous experiences, wine is generally purchased by an older demographic as a social drink; rather than a binge drink among the younger generation.”*

15. The event is well established and attracts attendees of all ages including minors to watch some of “Australia’s hottest music acts”. It is designed for a wide range of community members to enjoy. The supply of liquor at the event is an ancillary function and not relied upon as a significant attractor to the event.
16. Licensing NT have confirmed a “review of previous years’ compliance activity at the event returned no adverse findings or matters of concern relating to the conduct of the special licences.” NT Police have also not raised any adverse compliance issues from last year’s event.
17. For the reasons set out above, including the number of mitigation initiatives already in place by the Applicant, I accept the Applicant’s reasons for, and will agree to its request, to permit the exception to the one standard drink per serve condition to include wine in 150ml servings at general admission bars and amend the special licence accordingly. I will also amend the special licence to clarify that wine cannot be served in portions greater than 150ml in the ticketed premium hospitality areas.

### **Notice of Rights:**

18. Section 120ZA of the Act provides that a reviewable decision is a Commission decision that is specified in the Schedule to the Act. A decision to issue a special licence subject to condition pursuant to section 59 of the Act is specified in the Schedule and is a reviewable decision.
19. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision.
20. For the purpose of this decision, and in accordance with section 120ZB(1)(b) and (c) of the Act, the affected person is the Applicant.



**AMY CORCORAN**  
Commissioner  
Northern Territory Liquor Commission