

# Delegate of the Liquor Commission

## Decision Notice

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<b>MATTER:</b>	<b>APPLICATION FOR A SPECIAL LICENCE</b>
<b>REFERENCE:</b>	LC2019/043
<b>PREMISES:</b>	<b>Hidden Valley Motor Sports Complex</b> Hidden Valley Road BERRIMAH NT 0828
<b>APPLICANT:</b>	Northern Territory Major Events Company Pty Ltd
<b>EVENT:</b>	BetEasy Darwin Triple Crown Supercars
<b>LEGISLATION:</b>	Section 58 of the <i>Liquor Act 1978</i>
<b>DECISION OF:</b>	Ms Amy Corcoran
<b>DATE OF DECISION:</b>	28 May 2019

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### Decision

1. For the reasons set out below and in accordance with section 59(1) of the *Liquor Act 1978* (**the Act**) I have determined to grant the special licence to sell liquor to Northern Territory Major Events Company Pty Ltd (**NTMEC**) for the sale of liquor between the hours of:
  - a. 0900 hours and 1800 hours on Friday 14 June 2019;
  - b. 0900 hours and 2030 hours on Saturday 15 June 2019;
  - c. 0900 hours and 2030 hours on Sunday 16 June 2019.
2. The granting of approval is subject to the following conditions, namely:
  - a. The liquor shall be sold at the event known as the “EasyBet Darwin Triple Crown Supercars” occurring at the premises known as the Hidden Valley Motorsport Complex located at Hidden Valley Road, Berrimah in the Northern Territory (**the Premises**).
  - b. The sale of liquor must be supervised by one or more persons nominated by the Licensee (**Nominee**), who each hold a Responsible Service of Alcohol certificate, or equivalent qualification approved by the Director-General.

- c. A nominee MUST BE present during all trading hours and must ensure compliance with the conditions.

Nominee: Mr Timothy Watsford.

- d. Persons under the age of 18 years must not be used in the sale or supply of liquor.
- e. 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.
- f. Any person involved in Crowd Control, as defined under the *Private Security Act 1995* at the Premises must be licensed as required by that Act.
- g. Crowd controllers are to be employed as per the submission lodged by the applicant of 60 per day.
- h. No more than four (4) cans or bottles may be sold to any one person at any one time during the hours of 0900 to 1800 hours. These may be sold unopened.
- i. No more than four (4) cans or bottles may be sold to any one person at any one time during the hours of 1800 to 2030 hours on Saturday 15 and Sunday 16 June 2019. These must be sold opened.
- j. The holder of the special licence must ensure that water, soft drink, low alcohol beverages and snacks are available during Trading Hours. Commercially bottled water may be sold, otherwise water must be supplied free of charge on request.
- k. Liquor must not be sold or supplied to an intoxicated person or to a person under the age of 18 years.
- l. 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.
- m. The holder of the special licence must not do or permit or suffer any act, matter or thing whatsoever upon the Premises or any part thereof, or permit noise at a level, which must or may be to the annoyance, nuisance, grievance or disturbance of the occupiers or owners for the time being of the adjoining properties or the residential neighbourhood.
- n. The holder of the special licence must comply with the Instructions of a Licensing Inspector, an authorised Member of the Northern Territory Fire and Rescue Service or a delegate of the Chief Health Officer upon production of an identify card or other authorisation.

- o. All liquor purchased for sale under the authority of this licence MUST be purchased from a licensed retail outlet.
- p. The holder of the special licence must make a record of all liquor obtained for sale under this licence that identifies the source of the liquor and the type and quantity of each type of liquor so obtained.
- q. The holder of the special licence must record all liquor sold, including the type and quantity of that liquor and must record the manner of disposal of any unsold liquor.
- r. This holder of the special licence must be located at the Premises during Trading Hours and must be produced on demand to a Licensing Inspector, a Member of the Police Force, an authorised member of the Northern Territory Fire and Rescue Service or a delegate of the Chief Health Officer upon production of an identify card or other authorisation.
- s. The Premises must clearly display signage to delineate the Non Smoking area from the Smoking Areas and must comply with smoking requirements contained in the *Tobacco Control Act 2002*.
- t. Food and drinks are not permitted to be taken into any designated smoking areas.
- u. The holder of the special licence or an employee of the holder shall exclude or remove from licensed premises any person who is wearing colours, insignia or emblems of an outlaw motorcycle gang (**Bikie Gang**).
- v. The holder of the special licence is not to provide alcoholic drinks that are:
  - i. Designed to be consumed quickly and which are commonly referred to as a “shot” or “shooters”; or
  - ii. A cocktail containing more than a 30ml nip of spirit or liquor.
- w. All patrons to be issued with coloured coded wrist bands upon entrance to the RACE & ROCK concerts clearly indicating:
  - i. 18+ years of age; or
  - ii. Under 18 years of age.
- x. Designated ‘Dry Area’ to be established and maintained;
- y. At least 75% of crowd controllers employed must wear clothing that is readily identifiable. For example: Hi-Viz vests with 'Crowd Controller', 'Security' or 'Safe Staff' or similar stated.

## Reasons

### Background

3. Pursuant to section 58 of the *Liquor Act (the Act)*, Northern Territory Major Events Company Pty Ltd (**NTMEC**) applied to the Director-General of Licensing on 30 January 2019 for a special licence to permit the sale of liquor to patrons attending an event known as the “EasyBet Darwin Triple Crown Supercars” occurring at the premises known as the Hidden Valley Motorsport Complex located at Hidden Valley Road, Berrimah in the Northern Territory.
4. The application was then referred to the Licensing Commission on 8 April 2019 and then to me pursuant to my delegation to deal with such special licence applications.
5. The EasyBet Darwin Triple Crown Supercars is an annual Supercars Championship Series event coordinated by NTMEC. NTMEC is a Northern Territory Government owned company chartered with attracting major sporting and cultural events that provide substantial economic benefits to the Northern Territory.
6. Although EasyBet Darwin Triple Crown Supercars is a motorsport event, NTMEC highlights that the event offers attractions and activities for all individuals and is orientated towards a family crowd offering additional “fun” activities such as “Merchandise Alley”, “Disney Fun Zone”, “Australian Defence Force static”, aerial displays and the “RACE & ROCK” concerts on the Saturday and Sunday evenings.
7. The EasyBet Darwin Triple Crown Supercars event runs for three (3) days from Friday 14 June 2019 until Sunday 16 June 2019 at the Hidden Valley Motorsport Complex and NTMEC estimates that approximately 40,000 persons will attend the event over those three (3) days.
8. NTMEC is seeking to sell liquor between the hours of:
  - a. 0900 hours and 1800 hours on Friday 14 June 2019;
  - b. 0900 hours and 2030 hours on Saturday 15 June 2019;
  - c. 0900 hours and 2030 hours on Sunday 16 June 2019.
9. Food along with non-alcoholic beverages will be readily available throughout the period of the special licence. NTMEC also proposes to sell liquor via eleven (11) bars, with drink packages or cash bars located within all hospitality areas.
10. The application contains a raft of detailed documentation for the minimisation of risk including Crisis Management Plan, Traffic Control Plan and Smoking Management Plan.

11. NTMEC intend to offer a full range of alcoholic beverages including light, mid and full strength alcohol content options. It was also proposed that only four (4) cans or bottles would be sold:
  - a. unopened to any one person at any one time during the hours of 0900 to 1800 hours; and
  - b. opened to any one person at any one time during the hours of 1800 to 2030 hours.

Cocktails will be sold in premium ticketed areas only.

12. NTMEC intend to employ sufficient crowd controllers to adhere to industry standards on each day.
13. The Commission was previously been advised by Licensing NT that there are “no records of incidents arising from previous special licences” ... “nor any recorded compliance issues”. This year, Licensing NT has informed me that “there were NIL compliance issues arising from last year’s event. Additional enquiries were also made with the Compliance Officers who conducted inspections at last year’s event, and they have further supported that there were NIL compliance issues arising from their inspection/s.”

### **Consultation**

14. As this is an application for a special licence there is no requirement under the Act for advertising of such an application, nor is there provision for formal objections to be made concerning such an application. Despite this, a “usual practice” has developed for the Director-General to consult with relevant stakeholders concerning the application, namely the Department of Health (**DOH**), St John Ambulance (**SJA**), NT Fire and Rescue Service (**NTFRS**), and NT Police, Fire and Emergency Services (**NT Police**) and seek their comment.
15. With respect to this application:
  - a. DOH had “no adverse comment”.
  - b. SJA advised there were “no issues” with this event and they will have Paramedics and Volunteers at the event.
  - c. NTFRS advised that they had “no objections” and would liaise with NTMEC to arrange a pre-event inspection once it was set up.
  - d. NT Police advised that they support the event on the same conditions as agreed between them and NTMEC for last year’s event being:
    - “From commencement of the event up until 5pm full strength alcohol can be served and following 5pm only mid to low strength alcohol is to be provided (No UDL products).
    - Liquor to be sold at a maximum number to an one person at any one time as follows:

- i. From 900 hours to 1700 hours no more than four (4) cans or bottles must be sold to any one person at one time;
  - ii. From 9000 hours to 1700 hours no more than four (4) cans or bottles must be sold to any one person at one time;
- Industry standard security for expected crowd numbers.”

## **Assessment of the Application**

16. As previously noted, this is an application for a special licence under section 58 of the Act. That section is within Part VI of the Act. There are no specific criteria prescribed within the Act for consideration of an application for a special licence. Special licences exist under Part VI of the Act and are therefore not part of the definition of “licence” pursuant to section 4 of the Act, namely “a licence issued under Part III” of the Act.
17. As a result, it has previously been determined by this Commission that an application for a special licence is **not** a licence with respect to which I am bound to apply the public interest and community impact test as provided for under section 6 of the Act.
18. The Commission has previously noted however that pursuant to section 3(3) of the Act; it is clear that when “exercising a power or performing a function under (the Act) (the Commission) must have regard to the objects of (the Act) and must exercise the power and perform the function in a way that is consistent with those objects”.
19. Section 3 of the Act identifies the “Objects” as follows:
- “(1) The primary object of this Act is to regulate the sale, provision, promotion and consumption of liquor:
    - (a) so as to minimise the harm associated with the consumption of liquor; and
    - (b) in a way that takes into account the public interest in the sale, provision, promotion and consumption of liquor.
  - (2) The further objects of this Act are:
    - (a) to protect and enhance community amenity, social harmony and wellbeing through the responsible sale, provision, promotion and consumption of liquor;
    - (b) to regulate the sale of liquor in a way that contributes to the responsible development of the liquor and associated industries in the Territory; and
    - (c) to facilitate a diversity of licensed premises and associated services for the benefit of the community.”

20. As I have been delegated the authority to make this decision, I too am bound by these objects and they have been considered carefully by me when determining this application.

21. The Applicant was forwarded a copy of the NT Police's comments and initially responded as follows:

"This is not correct. We requested the ability to continue serving full strength alcohol throughout the event. This was approved in our license. We have submitted our application to request the same conditions in 2019.

The reduction of service hours are also incorrect..."

22. A further response from the Applicant was also received as follow:

"I ... wanted to clarify a couple of things around what we believe was the outcome from last year Darwin Triple Crown Supercars Special License application.

NT Police requested that the event adhere to the "one standard drink" condition. NT Major Events acknowledged this request but did not agree with NT Police to incorporate this condition. In our submission we reiterated the safe reputation of the event, the already limited trading hours (concerts concluding by 2030), the low reports of incidents and the robust safety and management plans in place

NT Major Events requested the license reflect an ability to continue serving full, mid and light products throughout the event's trading hours

NT Major Events did suggest that the maximum number of drinks that can be served was reduced from 6 to 4.

From our understanding the license reflected the decision made by Ms Truman. There were no arrangements made by NT Police and NTMEC that were omitted from this license.

I have attached a copy of this year's security roster. This is an established roster and we do adhere to the industry standard."


23. I have considered the Decision Notice and Special Licence SLL1152 issued by Ms Jodi Truman as delegate of the Commission on 30 April 2018 in respect to last year's event.

24. I agree with and endorse all of the reasons given in that Decision Notice to approve the issue of a special licence in 2018 to the Applicant and, to the extent that those reasons are applicable to the current application, I adopt them.

25. There have been no compliance concerns raised by Licensing NT or the NT Police in respect to last year's event. Accordingly, I have determined to issue a special licence for this year's event in the same terms (save as to the days of trading) as Special Licence SLL1152 and as outlined at the start of this Decision Notice.

**Notice of Rights:**

26. 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. I am exercising the power to make a Commission decision pursuant to the delegation made to me by the Commission.
27. 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.
28. For the purpose of this decision, and in accordance with section 120ZB(1)(b) and (c) of the Act, the affected person is NTMEC.

A handwritten signature in black ink, consisting of a stylized, cursive 'A' followed by a long horizontal line extending to the right.

**AMY CORCORAN**  
Member  
Northern Territory Liquor Commission

Amended 12 June 2019