

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR A MAJOR EVENT AUTHORITY

REFERENCE NUMBER: LC2020/029 & LC2020/036

APPLICANT: Northern Territory Major Events Company Pty Ltd

PREMISES: **Hidden Valley Motor Sports Complex**
Hidden Valley Road
BERRIMAH NT 0828

PROPOSED EVENT/S: BetEasy Darwin Triple Crown and Darwin SuperSprint

NOMINEE/S: Mr Timothy Watsford, Ms Sally Jarvis and Ms Celia de Latour

OBJECTOR/S: Nil

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

DECISION OF: Ms Amy Corcoran (Community Member)

DATE OF DECISION: 28 July 2020

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 Northern Territory Major Events Company Pty Ltd (**the Applicant**).
2. The Applicant will be issued with a major event authority attached to the licence authorising the sale, supply or service of liquor to patrons for consumption at the events known as the “EasyBet Darwin Triple Crown” and “Darwin SuperSprint” occurring at the premises known as the Hidden Valley Motorsport Complex located at Hidden Valley Road, Berrimah in the Northern Territory (**the Premises**) for the period:

EasyBet Darwin Triple Crown

- a. 0900 hours and 1800 hours on Saturday 8 August 2020; and
- b. 0900 hours and 1800 hours on Sunday 9 August 2020

Darwin SuperSprint

- c. 0900 hours and 1800 hours on Saturday 15 August 2020; and
 - d. 0900 hours and 1800 hours on Sunday 16 August 2020.
3. 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. Drinks must not be served to patrons in glass in general admission areas; and
 - b. Designated 'Dry Area' to be established and maintained.
4. The licence will be issued immediately following the publication of this decision notice.

Reasons

Background

5. On 30 January 2019 pursuant to section 52 of the Act, the Applicant applied to the Commission for a liquor licence with a major event authority in respect to the Supercars event known as the 'BetEasy Darwin Triple Crown' (**BetEasy Supercars**).
6. The BetEasy Supercars in an annual Supercars Championship Series event co-ordinated by the Applicant.
7. On 15 March 2020, the Chief Minister advised that the National Cabinet resolved to enact a series of measures effective from midnight that night, enforceable by Federal, State and Territory law in relation to the current COVID-19 outbreak. The Chief Health Officer (**CHO**) has issued a range of Directions since that time, many of which have been changed or superseded as the health crisis and responses develop.
8. Due to changing COVID-19 restrictions and requirements, the 3 day / 2 night event originally scheduled for mid-July was postponed and has now re-scheduled to take place on Saturday 8 August 2020 between 0900 and 1800 hours and Sunday 9 August 2020 between 0900 and 1800 hours. There will also be no evening concert or 'Nitro Up North' evening drag racing event, as originally planned.
9. There is no statutory provision within the Act to prevent this licence being issued, with section 92 of the Act ensuring licensees comply with any CHO Direction.
10. Further, on 21 July 2020, the Commission was notified by the Director that an additional weekend of Supercar racing would be held on 15 and 16 August 2020 and named the 'Darwin SuperSprint'. This additional meet was scheduled at the last minute due to disruptions caused by COVID-19 to events being held around

the country. The Director requested the Commission consider the application for a liquor licence with the original application for the BetEasy Supercars as they sought the same terms and conditions for this second weekend of racing.

11. Food along with non-alcoholic beverages will be readily available during the events. The Applicant intends to offer a full range of alcoholic beverages including light, mid and full strength alcohol content options with the following conditions:
 - a. No more than four (4) cans or bottles must be sold to any one person at any one time;
 - b. Free bus service pickup area;
 - c. Higher alcohol products such as Smirnoff Double Black will not be sold;
 - d. No drinks are to be served in glass bottles in public / general admission areas;
 - e. Alcohol will only be sold to patrons with appropriate wristbands in corporate areas; and
 - f. Designated water and soft drinks outlets will be available.
12. Liquor is proposed via 11 public bars throughout the venue, with drinks packages or cash bars located within all hospitality areas.
13. A crowd of approximately 45,000 patrons are normally expected to attend the event over the usual three (3) days and it is expected that this two (2) day event would still attract a large crowd. At this stage it is not known what crowd restrictions will be in place, however, the Applicant wishes to apply for this licence in the event that public attendance at this event is permitted and will be required to comply with any CHO Direction.
14. The Applicant has been provided the materials and contact details to undergo their own COVID-19 self-assessment and safety plans. The Applicant has confirmed by email on 1 June 2020 that it is working directly with Department of Health to develop a specific COVID-19 Safety Management Plan for the events.
15. The Applicant has provided the following information in accordance with section 52(3) of the Act:
 - a. Application for a new liquor licence or authority;
 - b. Draft public notice;
 - c. Public interest and community impact;
 - d. Financial statements;
 - e. Company Extract;
 - f. Statutory declaration;

- g. RSA's;
 - h. References;
 - i. Site plans;
 - j. Smoking Management Plan;
 - k. Declaration of Associates;
 - l. Supplementary information;
 - m. Affidavit;
 - n. Risk/Crisis Management Plan.
16. The Applicant is a Northern Territory Government owned company chartered with attracting major sporting and cultural events that provide substantial economic and social benefits of the Northern Territory.
17. The proposed nominees for the events are Timothy Watsford, Sally Jarvis and Celia de Latour. All nominees are employees of NTMEC and are known to the Director of Liquor Licensing (**the Director**), and as such are well-qualified to be nominees of this event.
18. The Applicant indicates there will be sufficient crowd controllers present at the events to adhere to the industry standard for crowd controllers. Specifically, this is two licensed crowd controller for the first one hundred patrons and one additional crowd controller for each one hundred patrons thereafter.

Advertising and Objections

19. The application for the BetEasy Supercars was advertised in the NT News on Wednesday 14 March 2020 and Saturday 18 March 2020.
20. No objections were received from the public in the objection period.
21. Pursuant to section 56(4) of the Act, the following stakeholders notified of the application by the Director:
- a. the Department of Health (**DOH**);
 - b. the Commissioner of Police (**NT Police**); and
 - c. Darwin City Council (**Council**).
22. Although not legally bound to do so, the Commission notes that the Director also forwarded a copy of the application to the Northern Territory Fire and Emergency Services (**NTFRS**) and St John Ambulance (**St John**) for comment.

23. With respect to this application:

- a. DOH made no adverse comment;
- b. Council did not respond at the time of the referral or this decision;
- c. NTFRS supported the application and advised that any temporary structure erected for this event needs to go through the NT Building approval process and have an occupancy certificate issued. The NTFRS also noted it would conduct site inspections before the event;
- d. St John advised “we will be providing coverage ... and have no objections”;
- e. The NT Police supported the application, contingent to:
 - i. *Applicant must comply with current CHO’s*
 - ii. *Compliance with an approved Covid-19 Safety Plan*
 - iii. *No alcohol consumption before 10am*
 - iv. *Low to mid strength alcohol*
 - v. *Alcohol volume to be one standard drink or less per serve*
 - vi. *No BYO and no alcohol to exit the event - eskies/bags to be checked for alcohol upon entry*
 - vii. *Industry standard security/crowd controllers for expected crowd numbers - security at the gate at all times and to remain at the event until all patrons have left*
 - viii. *RSA for all staff handling alcohol*
 - ix. *Water and food to be available*
 - x. *Secure storage of alcohol at all times*
 - xi. *Liquor to be sold at a maximum number to any one person at any one time as follows;*
 - 1. *From 10:00 hours to 16:00 hours no more than four (4) alcoholic drinks must be sold to any one person at any one time.*
 - 2. *From 16:00 hours to 18:00 hours no more than two (2) alcoholic drinks must be sold to any one person at any one time.*
 - xii. *Last drinks to be implemented*

- xiii. *Clear defined family friendly zones*
- xiv. *Updated Traffic Management Plan (Hostile & Errant Vehicle Mitigation Strategies)*
- xv. *Updated Smoking management plan*
- xvi. *No glass.*

Hearing

- 24. Given that no objections were received to the application and the application is for this year only, there is no reason why this application should be referred to a hearing under section 21 of the Act.
- 25. Accordingly, I have proceeded pursuant to my delegation to deal with the BetEasy Supercars and Darwin SuperSprint application.

Assessment of the Application

- 26. 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.
- 27. 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. The Applicant has conducted and managed this event for many years now and no adverse compliance issues have been raised with the Commission. The Commission is satisfied that the Applicant is a fit and proper to hold the licence and that the Premises is suitable to be once again licensed.
- 28. This application is similar to applications made by the Applicant previously for the same type of event in past years however this year two events will be run on consecutive weekends and those events have been scaled back due to COVID-19 with both Supercar racing weekends running over 2 days instead of the usual 3 and no evening concerts are being held unlike previous years. With no compliance concerns having been raised in respect to past events, it is clear to the Commission that the event has been well run and managed by the Applicant and there is no indication that this will not be the case this year.

29. The Applicant was provided a copy of NT Police's comments and responded to each matter raised as set out below in italics.

- i. Applicant must comply with current CHO's directions

We are working closely with DoH and the event will only proceed with spectators pending a COVID Management Plan signed off by the CMO.

- ii. Compliance with an approved Covid-19 Safety Plan

Copy of plan can be provided once signed off. DoH have made a commitment to be on site to assist with compliance.

- iii. No alcohol consumption before 10am

Can we please provide comment on this one we have timings for the event. Currently we are waiting confirmation of the program from Supercars. Traditionally bars are opened from 9am

- iv. Low to mid strength alcohol

Given the track record of alcohol related incidents at the event, NTMEC request this be reconsidered

- v. Alcohol volume to be one standard drink or less per serve

As per above, there are very few alcohol related incidents at the event, request that this is reconsidered.

- vi. No BYO and no alcohol to exit the event - eskies/bags to be checked for alcohol upon entry

Yes this is standard practice for NTMEC

- vii. Industry standard security/crowd controllers for expected crowd numbers - security at the gate at all times and to remain at the event until all patrons have left

Yes this is standard practice for NTMEC

- viii. RSA for all staff handling alcohol

Yes this is standard practice for NTMEC

- ix. Water and food to be available

Yes this is standard practice for NTMEC

- x. Secure storage of alcohol at all times

Yes this is standard practice for NTMEC

- xi. Liquor to be sold at a maximum number to any one person at any one time as follows;

- 1. From 10:00 hours to 16:00 hours no more than four (4) alcoholic drinks must be sold to any one person at any one time.

Pending third point re opening time confirmation

- 2. From 16:00 hours to 18:00 hours no more than two (2) alcoholic drinks must be sold to any one person at any one time.

Noted and happy to accept

- xii. Last drinks to be implemented

Noted and happy to accept

- xiii. Clear defined family friendly zones

Yes this is standard practice for NTMEC Updated Traffic Management Plan (Hostile & Errant Vehicle Mitigation Strategies)

Yes this is standard practice for NTMEC

- xiv. Updated Smoking management plan

Yes this is standard practice for NTMEC

- xv. No glass

Yes this is standard practice for NTMEC

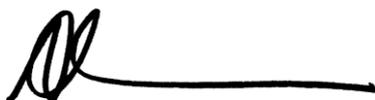
30. It appears the only items in contention relate to the commencement of the hours of trade, the strength of the alcohol to be served and the volume of alcohol to be served.

31. It is noted that the Applicant has agreed to place a staggered reduction in the number of drinks being purchased at one time over the course of the evening and implement "last drinks" as requested by NT Police is commended.

32. The Commission acknowledges that the NT Police requested alcohol not be served until 10.00am, that alcohol be served in one standard drink portions and only low and mid strength alcohol be available. Such conditions have not been imposed in the past at this event and there is nothing before the Commission to indicate that the Applicant has not otherwise complied with its obligations as to the responsible service of alcohol in the past. On the basis that the Applicant has a good compliance history and the two events this year will have substantially less trading hours than previous events of the same nature in year's gone by, the Commission is satisfied that there is no need to put in place such restrictions.
33. 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.
34. 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

35. 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).
36. 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).
37. 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.
38. 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.



AMY CORCORAN
Commissioner
Northern Territory Liquor Commission
28 July 2020