

NORTHERN TERRITORY LIQUOR COMMISSION

DECISION NOTICE

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| MATTER: | APPLICATION FOR A SPECIAL LICENCE |
| REFERENCE: | LC2019/042 |
| VENUE: | Bicentennial Park The Esplanade DARWIN NT 0800 |
| APPLICANT: | Greek Orthodox Community of North Australian Incorporated |
| EVENT: | Greek Glenti 2019 |
| LEGISLATION: | Section 58 of the <i>Liquor Act</i> |
| DECISION OF: | Mr Richard Coates (Chairperson) |
| DATE OF DECISION: | 24 April 2019 |

Decision

1. For the reasons set out below and in accordance with section 59(1) of the *Liquor Act (the Act)* I have determined to grant a special licence to sell liquor to the Greek Orthodox Community of North Australian Incorporated (**the Applicant**) for the sale of liquor between the hours of:

10:00 hours on Saturday 8 June 2019 to 23:59 hours on Saturday 8 June 2019;
10:00 hours on Sunday 9 June 2019 to 23:59 hours on Sunday 9 June 2019.

2. The granting of approval is subject to the following conditions, namely:
 - a. The sale of liquor must be supervised by one or more persons nominated by the holder of the special licence (the Nominee/s), who each must hold a Responsible Service of Alcohol certificate, or equivalent qualification approved by the Director-General. A Nominee **MUST BE** present during all Trading Hours and must ensure compliance with these Conditions.

Nominee/s: MR NICK HALKITIS

- b. Persons under the age of 18 years must not be used in the sale or supply of liquor.

- c. 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.
- d. Any person involved in Crowd Control, as defined under *the Private Security Act*, at the premises, must be licensed as required by that Act.
- e. Crowd Controllers are to be employed as per industry standards as follows:
 - Two licensed crowd controllers for the first 100 hundred patrons and one additional crowd controller for each 100 hundred patrons thereafter.
- f. All liquor must be sold in open containers.
- g. No more than four (4) cans or bottles must be sold to any one person at any one time.
- h. The holder of the special licence must ensure that water, soft drinks, 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.
- i. Liquor must not be sold or supplied to a person who is drunk, or to a person under the age of 18 years.
- j. 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.
- k. The holder of the special licence must comply with all requirements and guidelines published by the Liquor Commission or Director-General, including guidelines related to the conduct of entertainment.
- l. Where the holder of the special licence is operating from enclosed premises, the holder must prominently display on the premises the “Maximum Patron Number” sign (if one has been issued by the Fire and Rescue Service) and must comply with maximum patron numbers as determined by the Northern Territory Fire and Rescue Service from time to time.
- 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 requirements of the Liquor Commission or Director-General as specified in this condition,

and with the instructions of 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 identity card or other authorisation.

- o. All liquor purchased for sale under the authority of this special 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 special 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 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 identity card or other authorisation.
- s. The holder of the special licence must clearly display signage to delineate Non-Smoking areas from the Smoking Areas and the holder must comply with smoking requirements contained in the *Tobacco Control Act*.
- t. Food and drinks are not permitted to be taken into any designated smoking areas.
- u. The holder of a special licence or employee of a holder shall exclude or remove from the premises any person who is wearing the colours, insignia or emblems of an outlaw motorcycle gang (Bikie Gang).

Commission's Instructions in accordance with Condition (n):

- No provision of alcohol drinks that:
 - 1. are designed to be consumed quickly and which are commonly referred to as a 'shot or shooters'; or
 - 2. are a cocktail containing more than a 30ml nip of spirit or liquor.
- Provision of licensed crowd controllers with a minimum number as per the submission lodged by the Applicant – being 12;
- Crowd control arrangements shall comprise of static and roaming crowd controller to diligently monitor and enforce all licensing requirements and regulations pertaining to the sale of alcohol;

- 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.
- The Applicant must arrange regular announcements over the public address system which reminds patrons that the event is a smoke free event.
- Noise levels from amplified music and entertainment must be reduced to an acceptable volume from 2200 each day.

Reasons

Background

3. On 12 March 2019 pursuant to section 58 of the Act, the Greek Orthodox Community of North Australia Incorporated (**the Applicant**) lodged an application with the Director-General for the grant of a special licence to permit the sale of liquor to patrons attending an event known as the 'Greek Glenti 2019'. The application was then referred to the Liquor Commission and to me pursuant to my delegation to deal with such special licence applications.
4. The Greek Glenti is an annual event celebrating Greek culture through language, food, dance, clothing, live bands and children's entertainment which has been held for over 30 years.
5. The Applicant is seeking a special licence for the following hours of trade:
10:00 hours on Saturday 8 June 2019 to 23:59 hours on Saturday 8 June 2019;
10:00 hours on Sunday 9 June 2019 to 23:59 hours on Sunday 9 June 2019.
6. The applicant estimates a crowd of approximately 25,000 to 30,000 people are expected to attend the event over the weekend, however last year it was thought that up to 45,000 people may have attended. Beer, wine, spirits, soft drinks and water are proposed for sale.
7. The Applicant is seeking the special licence on substantially the same terms as was applied for and granted by the Director-General in 2018.
8. The Applicant has confirmed that as in previous years, St John's Ambulance first aid officers will be present throughout the event.
9. In relation to private security and crowd controller arrangements, the Applicant indicates that a minimum of 10 licensed private security personnel and crowd controllers will be engaged this year, two less than required and engaged under the 2018 special licence.
10. I have been informed by Licensing NT, that there have been no compliance issues with respect to previous special licenses issued for the event. A report compiled by compliance officers regarding their observations on this night of Saturday 9

June 2018 reveal that alcohol was being served responsibly and that the licensee was complying with all conditions of the Special Licence.

Consultation

11. 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**), NT Police, Fire and Emergency Services (**NT Police**) and NT Fire, Rescue Service (**NTFRS**), St John’s Ambulance (**SJA**) and seek their comment.

12. With respect to this application:

a. The NT Police advised that it “...supports the application contingent to:

- *Secure storage of alcohol at all times – any alcohol that is left overnight needs to be secured away*
- *Industry standard security for crowd numbers – security to ensure no alcohol is entering/exiting the event*
- *RSA for all staff handling alcohol*
- *Maximum 4 drinks per transaction with a staggered decline in drinks per transaction towards the conclusion of the event*
- *Alcohol volume to be one standard drink or less per serve*
- *Low to mid strength beer – no full strength”*

I will address these requests separately below.

b. The NTFRS had no objection.

c. SJA had “no concerns from St John Ambulance perspective”.

d. The DOH had no adverse comment, but requested consideration of patron and community safety and amenity when determining the application and provided the comment on the understanding the Applicant acknowledges the *venue is a smoke free venue*.

Assessment of the Application

13. As noted above, this is an application for a special licence under section 58 of the Act within Part VI of the Act. There are no specific criteria prescribed by 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.

14. 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 under section 6 of the Act.

15. However, pursuant to section 3(3) of the Act, the Commission when “exercising a power or performing a function under (the Act) 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”.

16. 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.”

17. As a delegate of the Commission, I am also bound to have regard to the objects of the Act when determining this application.

18. In respect to the various conditions requested by NT Police, I’ll address them each separately below:

a. *Secure storage of alcohol at all times*

The Applicant has advised Licensing NT that alcohol will be stored in padlocked cool rooms and refrigerators after-hours as well as monitored by security overnight.

I am satisfied that the Applicant is fully aware of its obligations and the risks of storing alcohol and safeguarding it against theft and do not believe it necessary to make it an additional licensing condition.

b. *Industry standard security for crowd numbers – security to ensure no alcohol is entering/exiting the event*

Last year, a minimum of 12 crowd controllers were required to be engaged to supervise the event under the Special Licence. This year, the Applicant has reduced minimum crowd controller engagement to 10 however, there has been no justification for reducing the minimum number of security personnel. Given the increasing number of patrons attending the Glenti and the difficulty with estimating crowd numbers, I am satisfied that the engagement of a minimum of 12 crowd controllers should remain a condition of the licence.

- c. NT Police have requested that all staff handling alcohol have a Responsible Service of Alcohol (**RSA**) certificate.

I note that the standard condition of a special licence requires that the sale of liquor must be supervised by one or more persons that hold a RSA certificate. Such condition was imposed on the Applicant last year.

Given there were no compliance issues or patron safety concerns raised from last year's event, I do not see the need to require all staff handling alcohol to have an RSA certificate and the supervision of all bar staff by an RSA certified person in accordance with the standard condition will again be sufficient at this year's event.

- d. *Maximum 4 drinks per transaction with a staggered decline in drinks per transaction towards the conclusion of the event*

The Applicant has accepted that no more than 4 drinks be sold in one transaction and this condition was imposed last year. However, staggering the number of drinks per transaction towards the conclusion of the event was not imposed as a condition last year.

Again, as I have received no adverse reports regarding the running of the event last year from either Licencing NT or NT Police, I am not minded to change the status quo. The event appears to be well run and has not required such condition to be imposed previously.

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

This condition has not been imposed in the past however, as in previous year's, the Applicant has confirmed that light beer will be readily available, as well as numerous non-alcoholic options including complimentary water.

The Applicant in response to this request and (f) below advised that:

- *"We sell beer in bottles and wine in 187ml bottles*
- *We sell 10% of Greek beer which is full strength beer".*

Although it is clear that some of the alcoholic products sold would contain more than one standard drink per serve, given there have been no adverse matters reported to me as a delegate of the Commission regarding the management and compliance of previous events, I see no

reason to impose such a condition for this year's event and I decline to do so.

f. *Low to mid strength beer – no full strength*

This condition was also not imposed in last year's special licence and accordingly, for the reasons set out in (e) above, I do not intend to impose such a condition this year.

19. It is as a result of the matters outlined above that I am, on balance, satisfied that the objects of the Act have been sufficiently addressed and for the reasons outlined I have decided to grant the special licence as set out at the start of this Decision Notice.

Notice of Rights:

20. 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.

21. 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.

22. 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.



RICHARD COATES

Chairperson

Northern Territory Liquor Commission

24 April 2019