

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR A MAJOR EVENT AUTHORITY

REFERENCE NUMBER: LC2020/027

APPLICANT: Dalkeith Ag Co Pty Ltd

PREMISES: 1801 Stuart Highway
NOONAMAH NT 0837

PROPOSED EVENT/S: Rodeo - Saturday 12 September 2020

APPLICANT: Dalkeith Ag Co Pty Ltd

NOMINEE/S: Mr Anthony Innes

OBJECTOR/S: Nil

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

DECISION OF: Ms Amy Corcoran (Community Member)

DATE OF DECISION: 24 June 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 Dalkeith Ag Co Pty Ltd (**the applicant**). 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 on or in the area commonly known as the “Rodeo Arena” for the period:
 - a. From 18:00 hours on Saturday 12 September 2020 to 01:00 hours on Sunday 13 September 2020; or
 - b. In the circumstances that the applicant notifies the Director of Liquor Licensing (**the Director**) in writing that event is not able to proceed on 12 September 2020 and also gives the Director at least 28 days’ notice of an alternate date in 2020, that date and for the hours of 18:00 hours to 01:00 hours the following day.
2. 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. The boundary of the area known as “Rodeo Arena” must be clearly identified and access to the Rodeo Arena must be restricted in a manner that allows for effective supervision by the Nominee.
 - b. Crowd controllers are to advise Police, if on site, of any persons consuming liquor in the Regulated Area. A Regulated Area is any public place not included within any licensed premises and in particular includes the car parks, driveways, roadway, entry line up points and any open area in front of the Noonamah Tavern and rodeo grounds within a 2 kilometre radius.
 - c. The Licensee shall ensure crowd controllers are located at all entry/exit points to the Rodeo Arena to ensure liquor is not brought onto or removed from the licensed area.
 - d. In relation to liquor, no more than four (4) cans or bottles sold to any one person at any one time from 18:00 hours to 22:00 hours and then no more than two (2) cans or bottles sold to any one person at any one time from 22:00 hours to 01:00 hours (where this is inconsistent with Regulation 69(2), this condition will prevail).
 - e. All patrons within the Rodeo Arena over the age of 18 years are to be issued with colour coded wristbands for the purchase of liquor and liquor is ONLY to be sold to those patrons wearing a wrist band.
 - f. A RSA Marshall is required at the Bar within the Rodeo Arena for monitoring patron’s sobriety and is to advise crowd controllers of any refusal of service to a patron.
 - g. Drinks must not be served to patrons in glass.
3. The licence will be issued immediately following the publication of this decision notice.

Reasons

Background

4. On 30 October 2019 pursuant to section 52 of the Act, Mr Anthony Innes on behalf of the applicant applied to the Commission for a licence with a major event authority in respect to the rodeo grounds adjacent to the Noonamah Tavern (**Rodeo Arena**) for the sale of liquor while conducting rodeos with live entertainment (amplified music) between the hours of 18:00 hours to 01:00 hours (the following day) for the following dates and times:
- Saturday 10 May 2020
 - Saturday 11 July 2020
 - Saturday 12 September 2020.

5. The applicant currently holds a "Tavern" liquor licence authorising the sale of liquor for consumption on or at the licensed premises known as the Noonamah Tavern and Mr Innes is the nominee of that licence.
6. The application was then referred by the Director to the Commission on 22 April 2020 and to me pursuant to my delegation to deal with such applications. It is noted that delay has occurred due to the complications caused by COVID-19.
7. In terms of the application before the Commission, it is noted that the applicant provided the following documents in accordance with section 53(3) of the Act:
 - a. Application for a new liquor licence or authority
 - b. Supplementary information application for a Major Event
 - c. Application to vary a liquor licence
 - d. Site plans
 - e. Public Interest Criteria and Community Impact Assessment
 - f. Photo ID
 - g. Alcohol, Safety and Event Management Plan (NT Police)
 - h. Affidavit
 - i. Public Interest and Community Assessment
 - j. Declaration of Associates
 - k. Smoking Management Plan.
8. The applicant submits the rodeo events are family-orientated during the rodeo and over 18's after 22:30 hours. The rodeo event is a competitive rodeo with additional entertainment of free style MotoX display and then live music following the finishing of the rodeo at 22:30 hours. The rodeos usually attract both the rural and city people as well as tourists.
9. The applicant estimated in its application that a crowd of approximately 3,000 patrons will attend each event with maximum patronage of 2,500 adults and 500 kids through the gate.
10. The applicant proposes the sale of beer, cider and ready to drink (RTD's) with the following conditions:
 - a. 4 drinks per person for a group purchase from 18:00 hours to 22:00 hours;
 - b. 2 drinks per person from 22:00 hours to midnight;
 - c. 1 drink per person from midnight until 01:00 hours;
 - d. Purchase by cash only;

- e. Food will be available until closure of event; and
 - f. All alcohol is consumed in aluminium cans and plastic cups.
11. The applicant advises there will be approximately 25-35 security guards per event and approximately 12-15 gate staff, 20-25 bar staff and 8-10 stock livestock workers.
 12. 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.
 13. At this time, the applicant is seeking to hold the rodeos, which will be required to comply with any CHO Direction that may still apply at the time the rodeo is planned to take place. 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.
 14. The applicant has been provided the materials and contact details to undergo their own COVID- 10 self-assessment and safety plans.
 15. The applicant confirmed by email on 23 March 2020 the May date had been cancelled and the events for July and September were uncertain.
 16. The applicant advised Licensing NT by email on 28 April 2020 and 05 May 2020 he would like the applications to proceed for both July and September Rodeos with the potential to alter both dates if required and with standing that all government requirements are met. However, on 18 June, the applicant confirmed the July date will also not be proceeding and just one rodeo event is intended to be held this year in September or October.

Advertising and Objections

17. The application was advertised in the NT News on Wednesday 12 February 2020 and Saturday 15 February 2020. Copies of the newspaper and photographs of the green sign were erected at the premises. No objections were received from the public in the objection period.
18. 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. Litchfield Council (**Council**).
19. 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.

20. With respect to this application:

- a. The DOH made no adverse comment;
- b. The NT Police requested that the same conditions as set out in the last year's decision "notwithstanding we would again would ask the Commission to consider low and mid strength alcohol only for the general admission areas as a condition of the licence as a harm minimisation strategy".
- c. The Council supported the application;
- d. The NTFRS supported the application as long as the applicant complies with their Special Event requirements. They also requested a copy of the Traffic Management Plan which was subsequently provided; and
- e. St John did not provide a comment at the time of the referral to the Commission nor prior to this decision.

Hearing

21. Given that no objections were received and this is an application for a major event for this year only, there is no reason why this application should be referred to a hearing under section 21 of the Act. Accordingly, I have proceeded pursuant to my delegation to deal with such application.

Assessment of the Application

22. 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.

23. 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 is currently holds a liquor licence in respect to the Noonamah Tavern and no adverse compliance issues have been raised with the Commission. The applicant has successfully ran both the Noonamah Tavern and conducted these rodeo events over nine years. The Commission is satisfied that the applicant is fit and proper to hold the licence and that the premises being the Rodeo Arena adjacent to the Noonamah Tavern, is suitable to be once again licensed.

24. This application is similar to applications made by the applicant previously for the same type of event in past years. No compliance concerns have been raised regarding last year's three rodeo events and only very "minor compliance issues" have been raised in the past which were resolved through the applicant's

cooperation with Senior Compliance Officers and Police assisting and educating Crowd Controllers throughout the running of the event.

25. The Commission acknowledges that the NT Police requested the Commission to consider a move to low and mid strength alcohol. There is nothing before the Commission to indicate that the applicant has not complied with its obligations as to the responsible service of alcohol in the past. Noting, the applicant is placing staggered reduction in the number of drinks being purchased at one time over the course of the evening. There are no breaches or compliance issues alleged. Accordingly, the Commission is satisfied that there is no need to put in place conditions such restrictions on the strength of the alcohol available at the event.
26. 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.
27. 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

28. 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).
29. 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. 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.
30. 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
PRESIDING MEMBER
NORTHERN TERRITORY LIQUOR COMMISSION

24 June 2020