

# Delegate of the Licensing Commission

## Decision Notice

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<b>MATTER:</b>	<b>APPLICATION FOR A SPECIAL LICENCE</b>
<b>REFERENCE:</b>	LC2018/100
<b>VENUE:</b>	Blatherskite Park Len Kittle Drive ALICE SPRINGS NT 0870
<b>APPLICANT:</b>	Northern Territory Major Events Company Pty Ltd
<b>EVENT:</b>	Red Centre Nats
<b>LEGISLATION:</b>	<i>Liquor Act</i> , Part VI (“Special Licences”).
<b>DECISION OF:</b>	Mr Russell Goldflam (Acting Deputy Chairperson)
<b>DATE OF DECISION:</b>	10 August 2018

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### Decision

1. For the reasons set out below and in accordance with section 59(1) of the *Liquor Act* (“the Act”) the Commission has determined to grant the special licence to sell liquor to the Northern Territory Major Events Company Pty Ltd (“the applicant”) for the sale of liquor during the following periods:
  - 11:00 hours to 21:30 hours on Saturday, 1 September 2018
  - 11:00 hours to 21:30 hours on Sunday, 2 September 2018
2. The granting of approval is subject to the following standard conditions, namely:
  - a. The sale of liquor must be supervised by one or more persons nominated by the holder of the special licence (the Nominees), 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.

**i. Nominees:**      **Tim Watsford**  
                                 **Jati Wixted (nee Harburn)**  
                                 **Celia de Latour**

- 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*. Food and drinks are not permitted to be taken into any designated smoking areas.
- t. 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).

### 3. Additional Conditions

- a. Liquor may only be sold in opened cans or plastic cups.
- b. Spirits must not be sold in containers with more than 5% alcohol by volume.
- c. Wine (including sparkling wine) must not be sold in containers with more than 150 ml.
- d. The only liquor that may be sold before 13:00 is to be mid-strength or light beer.
- e. Notwithstanding the condition at paragraph 3(g) above, after 20:30 hours, only two alcoholic drinks may be sold to any one person at any one time.

### Reasons

#### Background

4. Pursuant to section 58 of the *Liquor Act* ("the Act"), the applicant applied to the Director-General of Licensing on 16 May 2018 for a special licence to permit the sale of beer, wine and spirits to persons attending the Red Centre Nats, a motorsport event in Alice Springs incorporating a concert, children's entertainment, displays, driving events and an award ceremony, and described by the applicant as "a family friendly festival of all things wheels" featuring "high octane extreme auto action". The application is for a licence at Blatherskite Park, one of three venues at which it is proposed liquor will be sold and consumed during the event. The other two venues are premises over which Alice Springs Inland Drags and Lasseters Casino respectively currently hold liquor licences.

5. I proceed on the basis that the Red Centre Nats is a “major event”. The Notes to the Special Liquor Licence Application published by the Northern Territory Department of Business (“the Application Notes”) state:

A major event or function is essentially an event where “Risk” of impact on amenity, public safety and order is considered to be high due to the nature of the function and the potential size of the crowd. Some examples of functions that would be classed as major events are: New Year’s Eve Street Party, Greek Glenti and V8 Supercar’s.

6. The Application Notes provide that a special liquor licence for a major event must be lodged no later than 3 months before the event. The applicant has complied with this requirement.
7. I note that the Application Notes also specify a requirement in relation to special liquor licences for major events that:

The Licensee must, no later than two weeks before the function, provide the Director-General of Licensing with the number and names of security persons to be employed for the function. The special licence may be cancelled if adequate security is not provided during the function.

The applicant is expected to comply with this requirement in a timely manner.

8. The applicant has complied with other provisions in the Application Notes applicable to major events.
9. The Application estimates that up to 5000 people will attend the event at any one time.
10. The Applicant proposes to:
- adopt and promote a zero tolerance policy to prevent antisocial behaviour, including the barring of entry to the venue by intoxicated persons, and the removal and supervision of any minors found in possession of liquor
  - require patrons to wear overage wristbands in order to obtain liquor service at the “Rock n Rumble” concert
  - make water and soft drinks widely available
  - provide sufficient food catering stalls
  - provide a free bus service between the three event venues and the Alice Springs CBD
  - establish and maintain designated outdoor smoking areas (DOSAs)
  - serve liquor in cans or plastic cups, but not glass containers
11. The applicant has previously been issued special licences for past Red Centre Nats events in 2016 and 2017, as well as for other large motor sports events in Darwin. Licensing NT reports that there have been no previous compliance or liquor-related issues with respect to the applicant.
12. In the Application, the applicant identified pre-mixed spirits, light, mid-strength and heavy beer, and wine as the types of alcoholic beverages it proposed to sell.

## Consultation

13. 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. , Accordingly, comment was sought from the Department of Health (“DOH”), NT Police, Fire and Emergency Services (“NT Police”) Northern Territory Fire and Rescue Services (“NTFRS”) and Alice Springs Town Council (“ASTC”).
14. With respect to this application:
  - a. The DOH had “no adverse comment” but requested that the applicant be reminded of its obligations in relation to smoking.
  - b. The NT Police indicated their support for the application after meeting with the applicant, who, in response to suggestions by police, agreed to a staggered reduction of service on each evening of the event.
  - c. The NTFRS indicated it had no concerns with the application.
  - d. The ASTC indicated it does not object to the application.

## Assessment of the Application

15. 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.
16. As a result, it has previously been determined by the 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.
17. 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”.
18. 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.”

19. 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.

20. The Commission considers that the objects of the Act are served by imposing restrictions on the supply of liquor in addition to the “standard conditions” at this event. The Commission has determined conditions calculated to reduce the risk of harm associated with the consumption of liquor while at the same time permitting the sale and responsible consumption of liquor at this popular sporting event.

21. The Commission has regard to conditions imposed on holders of special licences for other recent motor sports events, including Nitro Up North (CC2018/079), the Finke Desert Race (LC2018/044), the Desert Nationals (LC2018/093) and Gazzanats (LC2018/095).

22. The Commission has regard to the size, location and configuration of the venue, the proposed hours of trading, the anticipated number of patrons, and the nature of the event.

23. In the Commission’s view, an appropriate limit for an event such as this is one and a half standard drinks (15 grams of pure alcohol) per serve. That is approximately the same amount of alcohol as in a can or stubby of full-strength beer, a glass of wine in a restaurant (150 ml), or a 375ml can of medium strength mixed spirits.

24. The Commission also considers that there is merit in the NT Police proposal that there should be a staggered decline in drinks towards the conclusion of the event.

25. Similarly, and although this measure has not been proposed by the applicant or any of the stakeholders who were consulted, the Commission considers that there should be a restriction on the strength of liquor sold before 1300 hours. The Commission notes that this condition has been imposed on recently issued special licences for similar events. In the view of the Commission, this measure should be imposed for the following reasons:

- to reduce the risk that patrons (and in particular patrons who intend to participate in or attend competitive driving events later in the day) will consume liquor to harmful excess at the event
- to reduce the risk that patrons, and particularly children, attending the event at lunchtime will be confronted by or exposed to intoxicated persons
- to discourage a culture of heavy and sustained liquor consumption at public events in the Northern Territory
- to be consistent with the conditions of licences that have been recently granted for similar events

26. Taking these matters into account, the Commission has determined that the conditions set out at paragraph 3 (a), (b), (c), (d) and (e) above should be imposed.

**Notice of Rights:**

27. 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.

28. 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.

29. 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.



**RUSSELL GOLDFLAM**  
Acting Deputy Chairperson  
Northern Territory Liquor Commission

10 August 2018