

Delegate of the Liquor Commission

Decision Notice

MATTER:	APPLICATION FOR A SPECIAL LICENCE
REFERENCE:	LC2018/126
VENUE:	Mataranka Sports Grounds, Rodeo Arena MATARANKA NT 0852
APPLICANT:	Tara Craigie trading as Territory Rodeo Services
EVENT:	NCA Season Finale - Mataranka Rodeo
LEGISLATION:	Section 57 of the <i>Liquor Act</i> , Part VI (“Special Licences”).
DECISION OF:	Ms Sandra Cannon (Commissioner)
DATE OF DECISION:	10 October 2018

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 the special licence to sell liquor to Tara Craigie trading as Territory Rodeo Services (“the applicant”) for the sale of liquor during the following periods:
 - 15:00 hours on Saturday, 20 October 2018 to 01:00 hours on Sunday, 21 October 2018
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 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. **Nominee: Tara Craigie**
 - 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 plastic cups 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.
- l. 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.
- m. All liquor purchased for sale under the authority of this special licence **MUST** be purchased from a licensed retail outlet.
- n. 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.
- o. 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.
- p. 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.
- q. 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.

- r. 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) .
- s. The only liquor that may be sold before 16:00 hours on any day is to be mid-strength or light beer.
- t. The holder of a special licence must 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.
- u. The holder of a special licence must ensure that patrons are inspected on entry to the venue to ensure that they do not bring liquor onto the premises.
- v. The holder of a special licence must ensure that First Aid Services are provided in a clearly defined area, and that First Aid staff can communicate easily with the licensee, event staff and security personnel.
- w. The holder of a special licence must ensure that in addition to the Nominee identified at paragraph 2(a) above, not less than two other persons who have completed a Responsible Service of Alcohol Course approved by the Director-General are involved in the service of alcohol.

Background

- 3 On 30 August 2018 pursuant to section 58 of the Act, Territory Rodeo Services lodged an application to the Director-General of Licensing for the grant of a special licence. The application was incomplete and not accepted until 12 September 2018.
- 4 The applicant is seeking a special licence to permit the sale of liquor to patrons attending an event known as NCA Season Finale Mataranka Rodeo. This rodeo is the Northern Cowboys Association season finale with events such as bull riding, bronco riding and barrel racing and light entertainment to follow at the end of the rodeo event.
- 5 The applicant is seeking the following hours of trade:
 - a. 14:00 hours on Saturday, 20 October 2018 to 01:00 hours on Sunday, 21 October 2018.
- 6 A crowd of approximately 600 persons are expected to attend the NCA Season Finale Mataranka Rodeo at the Mataranka Sport and Recreation Grounds, Rodeo Arena in Mataranka NT. Beer, and spirits are proposed for sale, including beer in light, mid and full-strength varieties.

CONSULTATION

- 7 The following stakeholders were invited to provide comment on the application via email on .30 August 2018:

- a. Department of Health;
 - b. Northern Territory Fire and Rescue;
 - c. Northern Territory Police
- 8 Apart from reminding the Commission that the applicant is required to comply with existing health and safety regulatory systems neither Health nor NTFRS provided any adverse comment in relation to the application.
- 9 On 10 September 2018 the Northern Territory Police, Fire and Emergency Services commented that:

“The OIC has raised several issues that needs consideration of the applicant. Issues are as follows:

The sale of alcohol is only supported by 1600 hours. There are already 4 liquor outlets who would be open during the day and opening at 1400 hours contributes to excessive supply of alcohol. There is large area around Rodeo ground for camping and those people camping already have alcohol with them.

Police support only one (1) bar which will be safe, easy to manage considering it is a family friendly event.

Applicant to confirm if alcohol available in supervised area being sold or given away? Ambulance officers located with the intoxicated people in this area is not supported.

Zone 6 has been identified for people and families who do not drink. This area is very small compared to the number of people expected (600] at the event with their families. Congestion can be detrimental to personnel safety of patrons in this area.

Please request applicant to review the application and provide clarifications.

Finally, Police have information that the same applicant had sold unopened cans of liquor at the last event. Police will not hesitate to close the bar if this is repeated.

- 10 The applicant provided a three-page response to NT Police comment on 13 September 2018 in which it sought to address the concerns that had been raised and agreed to the imposition of further restrictions within the licence.

Assessment of the Application

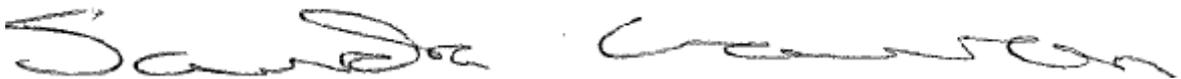
- 11 As previously noted, this is an application for a special licence under section 58 of the Act. That section is within Part VI of the Act. There are no specific criteria prescribed within the Act for consideration of an application for a special licence. Special licences exist under Part VI of the 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.

- 12 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.
- 13 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.
- 14 Section 3 of the Act identifies the ‘Objects’ as follows:
- 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.
 - 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.”
- 15 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.
- 16 I consider that the objects of the Act are served by imposing conditions at this event. I have 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 sports event.
- 17 I have regard that in consideration of stakeholder comments they do not oppose the granting of a special licence to the Mataranka Rodeo.
- 18 When assessing NT Police comments further clarification was sought. The applicant had already agreed to one bar area only (instead of proposed 2), a later starting time plus light/mid strength beer prior to 16.00.

- 19 Further clarity was sought in regard to the camp area and impact of 4 licensing outlets. These outlets cannot sell alcohol at the actual event but take away can be taken to the camping area. The police indicate there have been no major incidents. I have therefore placed a condition for security at the gate.
- 20 The applicant has been granted previous special licences for events in Mataranka and apart from one minor breach (sale of unopened can) which was rectified on the day there have been no further breaches. The applicant is confident that the risk of unauthorised sales has been mitigated this year because it will no longer engage volunteers to serve alcohol.
- 21 There will also be RSA qualified bar staff and licensed crowd controllers in line with industry standards.
- 22 It is clear that this annual event is well attended by the community and is supported by many bush communities surrounding Mataranka which have limited entertainment options. In forming my decision, I have taken into account the need to balance the enjoyment of an all ages event with the need to minimise harm associated with the consumption of alcohol at a large event.

Notice of Rights:

- 23 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.
- 24 120ZC of the Act provides that a person affected by this decision may seek Section 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.
- 25 For the purposes of this decision, and in accordance with section 120ZB(1) (b) and (c) of the Act, the affected person is the applicant.



SANDRA CANNON
Commissioner
Northern Territory Liquor Commission
11 October 2018