

Delegate of the Liquor Commission

Decision Notice

MATTER:	APPLICATION FOR A SPECIAL LICENCE
REFERENCE:	2108/097
PREMISES:	Mataranka Sport and Recreation Grounds NT Portion 922 MATARANKA NT 0852
APPLICANT:	Mataranka Fishing, Sporting and Recreation Club
EVENT:	Mataranka Fishing, Sporting and Recreation Club Rodeo
LEGISLATION:	Section 58 of the <i>Liquor Act</i> .
DECISION OF:	Mr Richard Coates (Chairperson)
DATE OF DECISION:	24 July 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 Mataranka Fishing, Sporting and Recreation Club for the sale of liquor between the hours of 16:00 hours on Saturday 4 August 2018 until 1:30 hours on Sunday 5 August 2018 at the event known as "Mataranka Fishing, Sporting and Recreation Club Rodeo" to be held at NT Portion 922 Roper Terrace, Mataranka in the Northern Territory.
2. The granting of approval is subject to the following conditions, namely:
 1. The sale of liquor must be supervised by one or more persons nominated by the holder of the special licence (Nominee), who each hold a Responsible Service of Alcohol certificate, or equivalent qualification approved by the Director-General.
 2. A nominee MUST BE present during all trading hours and must ensure compliance with the conditions.
 3. The Nominee is identified as Ms Judith Ann MacFarlane.
 4. Persons under the age of 18 years must not be used in the sale or supply of liquor.
 5. 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.

6. Any person involved in Crowd Control, as defined under the *Private Security Act*, at the Premises must be licensed as required by that Act.
7. Crowd controllers are to be employed as per industry standards as follows:
 - Two (2) licensed crowd controllers for the first one hundred (100) patrons and one (1) additional crowd controller for each one hundred (100) patrons thereafter.
8. All liquor must be sold in open containers and is confined to light and mid strength beer and ready mixed spirit drinks in cans.
9. No more than four (4) cans or bottles must be sold to any one person at any one time.
10. The holder of the special licence must ensure that water, soft drink, 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
11. Liquor must not be sold or supplied to a drunk person or to a person under the age of 18 years.
12. 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.
13. 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 Service from time to time.
14. 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.
15. The holder of the special licence must comply with the Instructions of a Licensing Inspector, an authorised Member of the Northern Territory Fire and Rescue Service or a delegate of the Chief Health Officer upon production of an identify card or other authorisation.
16. All liquor purchased for sale under the authority of this special licence **MUST** be purchased from a licensed retail outlet.
17. 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.
18. 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.

19. 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 identify card or other authorisation.
20. The venue must clearly display signage to delineate the Non-Smoking area from the Smoking Areas and must comply with smoking requirements contained in the *Tobacco Control Act*.
21. Food and drinks are not permitted to be taken into any designated smoking areas.
22. The holder of the special licence or an employee of the holder of the special licence shall exclude or remove from the Premises any person who is wearing colours, insignia or emblems of an outlaw motorcycle gang ("Bikie Gang").

Reasons

Background

3. Pursuant to section 58 of the *Liquor Act* ("the Act"), Mataranka Fishing, Sporting and Recreation Club lodged an application on 14 June 2018 with the Director-General of Licensing for the grant of a special licence.
4. The applicant is seeking to sell liquor to patrons attending its annual Mataranka Fishing, Sporting and Recreation Club Rodeo held Roper Terrace (NT Portion 922), Mataranka from 16:00 hours on Saturday, 4 August 2018 until 1:30 hours on Sunday, 5 August 2018.
5. Approximately 400 persons are expected to attend the rodeo. The applicant is proposing to sell mid strength beer and ready mixed spirit drinks in cans. Takeaway food will also be on sale.
6. The applicant has successfully conducted similar events in 2017 and 2016.
7. The applicant has engaged five (5) licensed crowd controllers to be in attendance at the event and has undertaken to comply with the smoking requirements contained in the *Tobacco Control Act*.

Consultation

8. The Director-General invited comment on this application from the Department of Health, Northern Territory Police, Fire and Emergency Services and Northern Territory Fire and Rescue Service. None of those agencies registered any objection or adverse comment to the application.
9. There were no adverse compliance issues identified by Licensing NT in respect of the two previous events.

Assessment of the Application

10. 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.
11. 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 as provided for under section 6 of the Act.
12. 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”.
13. 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.”
14. 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.
15. This is a significant event for the Mataranka community. The sale of alcohol is ancillary to the entertainment that the rodeo will provide. It is also relevant that the applicant is not proposing to sell full strength beer.
16. 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 on the conditions contained in paragraphs 1 to 3 of this Decision Notice.

Notice of Rights:

17. 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.
18. 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.
19. 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.

A handwritten signature in black ink, appearing to read 'Richard Coates', with a large, stylized initial 'R'.

RICHARD COATES
Chairperson
Northern Territory Liquor Commission