

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION TO MAKE A MATERIAL ALTERATION

LICENCE NUMBER: 80103004

REFERENCE: LC2019/101

LICENSEE: Ford Dynasty Pty Ltd

PREMISES: Lasseters Hotel Casino
93 Barrett Drive
ALICE SPRINGS NT 0870

APPLICANT: Ford Dynasty Pty Ltd

NOMINEE: Craig William Jervis

LEGISLATION: Section 119(2), Parts I, IV and V of the *Liquor Act 1978*

HEARD BEFORE: Mr Russell Goldflam (Acting Deputy Chairperson)
Ms Pauline Reynolds (Health Member)
Ms Sandra Cannon (Community Member)

DATE OF HEARING: 16 August 2019

DATE OF DECISION: 16 August 2019

DECISION

1. For the reasons set out below and in accordance with section 119(8) of the *Liquor Act 1978* (the Act), the Commission has determined to approve a material alteration to the licensee's liquor licence 80103004 by extending the licensed premises to include the area designated by a red dotted line and marked "Red CentreNats" on page 41 of Exhibit One tendered at the hearing of the application (the Lasseters lawn), during the following periods:
 - 15:30 hours to 22:00 on 28 August 2019
 - 10:00 hours to 20:00 hours on 29 August 2019
 - 10:00 hours to 18:00 hours on 30 August 2019
 - 10:00 hours to 14:00 on 1 September 2019
2. A condition is fixed that during the above period, all patrons are to be inspected prior to entry to the Lasseters lawn to ensure that they do not bring any liquor onto the premises.

REASONS

BACKGROUND

3. Ford Dynasty Pty Ltd (the licensee) holds a liquor licence authorising it to sell and supply liquor as a public hotel at the Lasseters Hotel Casino (the premises) in Alice Springs. The licence authorises the sale, supply and consumption of liquor on the premises from nine designated indoor and outdoor areas for, in the case of most of those areas, from 10:00 hours until, depending on the venue and the day of the week, between 01:00 hours and 06:00 hours the following morning.
4. By an application lodged with Licensing NT on 28 June 2019, the licensee applied to extend the licensed premises to incorporate the Lasseters lawn, a grassed area of approximately 1,100 square metres at the front of the Casino, between the existing licensed area of “The Juicy Rump” bistro, deck and beer garden, and Barrett Drive. The licensee proposes to mark the boundary between the Lasseters lawn and the existing licensed area with bunting flags, and to erect fencing panels to separate the Lasseters lawn from Barrett Drive. There will be one designated entry/exit point to the Lasseters lawn.
5. An alteration to licensed premises which increases the area used for the sale or consumption of liquor is a "material alteration" pursuant to s4 of the *Liquor Act 1978* (the Act); and, pursuant to s119(1) of the Act requires the approval of the Liquor Commission (the Commission).
6. The application is brought in order to permit the licensee to operate as a venue for the 2019 Red CentreNats, a major Alice Springs motorsport event described by its promoters as “a family friendly festival of all things wheels” featuring “high octane extreme auto action”, and by the licensee as “a rev head’s paradise”. The licensee proposes to host pre-judging of entrant vehicles, scrutineering of vehicles, a “twilight family carnival” and a “motorkhana”.
7. In addition to the Lasseters lawn, the organisers will utilise two other licensed venues for the Red CentreNats: Blatherskite Park, and the Alice Springs Inland Dragway, the premises of the Central Australian Drag Racing Association, where the Commission has granted special liquor licences for the event¹.
8. The licensee estimates that up to 350 people will attend the premises each day of the event. The licensee proposes to sell liquor from The Juicy Rump for consumption on the Lasseters lawn; and, on 28 August 2019 only, from a beverage tent on the Lasseters lawn. The licensee proposes to roster 2 security staff at the Lasseters lawn for the duration of the event, in addition to the usual complement of security staff on duty at the Casino. A security officer will be stationed at the entry/exit point to the Lasseters lawn. In addition, the licensee will intensify its surveillance of the Lasseters lawn during the event using its existing extensive CCTV system. All bar staff will be RSA trained.

¹ See Northern Territory Liquor Commission, *Decision Notice: Application for a Special Licence* (2 August 2019), accessed at https://justice.nt.gov.au/_data/assets/pdf_file/0005/717782/Decision-Notice-NT-Major-Events-Company-Pty-Ltd-Red-CentreNATS.pdf; and *Decision Notice: Application for a Special Licence* (13 August 2019) https://justice.nt.gov.au/_data/assets/pdf_file/0010/719578/Decision-Notice-Central-Aust-Drag-Racing-Ass.pdf

9. On 12 July 2019, following consultation, together with an assessment by Licensing NT of the application, a Delegate of the Director-General of Licensing referred the application to the Commission for hearing pursuant to sections 119(6A) and 50(d) of the Act.
10. The Director-General provided the Commission with a brief of evidence (the brief) including:
 - Application for material variation dated 11 April 2019
 - The licensee's existing liquor licence 80103004
 - Community Impact and Public Interest Assessment statement
 - Affidavit for the purpose of s26A of the Act deposed by Craig Jervis, the Applicant's executive officer, on 26 June 2019
 - Site plan of proposed licence area
 - Correspondence from Licensing NT to Alice Springs Town Council (ASTC)
 - Correspondence between Licensing NT and NT Police

CONSULTATION

11. Pursuant to s119(3) of the Act, if the Director-General considers it to be in the public interest, she may require an Applicant for a material alteration to publish notice of the application. In this instance, a Delegate of the Director-General, in the exercise of his discretion, determined not to require the applicant to publish notice of the application, on the basis that: the risk was assessed as being "extremely low"; the event is a special annual event attracting significant visitors; the application is for the extension of an existing licensed area; and the licensee has an established security system in place and will engage crowd controllers for the event.
12. As required by s119(5) of the Act, on 1 July 2019 the Director-General notified the ASTC of the application. The Commission is informed that no response has been received.
13. The Commission is informed that the licensee is currently being prosecuted on charges laid by NT Police in the Local Court of the Northern Territory for four offences of failing to remove a person who was drunk from the premises, contrary to s121 of the Act. The Commission is further informed that the licensee has indicated to the prosecutor that it intends to plead guilty to three of these charges on 19 August 2019, and that the remaining charge will be withdrawn. If found guilty, the licensee could be fined up to 100 penalty units for each offence, but the Local Court does not have power to suspend or cancel the licence, or disqualify the licensee from holding a licence.
14. The Commission is informed that there is no other pending compliance action against the licensee, and the Commission has not been informed of any previous compliance issues. The licensee has previously been granted a material alteration for this event, which has always proceeded without incident.

HEARING

15. On 16 August 2019 the application proceeded as a public hearing. Mr Jervis and Mr Duffell appeared on behalf of the Applicant, and Mr Verinder appeared for Licensing NT. The Commission thanks them all for their attendance and assistance.

16. The brief was tendered and admitted into evidence without objection. It was marked Exhibit One. No further documentary evidence was adduced.

ASSESSMENT OF THE APPLICATION

17. In considering the application, the Commission has had regard to the objects of the Act (s3), the application of the public interest and community impact test (s6), the community impact assessment guidelines issued by the Attorney-General and Minister for Justice on 2 March 2018 pursuant to s6A, and the onus on the Applicants to satisfy the Commission that the approval of the application meets the public interest and community impact test (s6B).

18. The Commission considers that the current proceedings against the Applicant referred to; at paragraph 13 above have little bearing on the assessment of this application, which relates to an event of a very different character to the Applicant's usual casino operations.

19. The Commission, having considered the application and the Applicant's history of supplying liquor at similar events, assesses the community impact of the proposed alteration as being low.

20. Accordingly, the Commission determines that approval of the application satisfies the public interest and community impact test, and the Commission grants the application.

21. The Commission has had regard to the conditions imposed on the other licensees operating at different venues for the same event, as noted at footnote one above, namely:

- 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. After 20:30 hours on 1 September 2019, only two alcoholic drinks may be sold to any one person at any one time.
- f. All patrons to be inspected prior to entry to the venue to ensure that they do not bring any liquor onto the premises.
- g. Liquor must only be sold or supplied to patrons wearing an "18 plus" wristband supplied and applied to patrons by officers engaged by the licensee who are reasonably satisfied that the patron is over 18 years of age.

22. The Commission has considered whether to impose all or some of these conditions on the licensee. One reason for doing so would be to provide consistent conditions for the licensees of the three Red CentreNats venues, and for their patrons.

23. However, unlike the licensees of the other two venues, the licensee has a well-established and extensive network of licensed facilities and associated services on its premises. The Commission accepts that there are benefits in making the conditions applicable to the licensee's trade in liquor on its existing premises consistent with the trade it conducts on the Lasseters lawn. If, for example, the Commission imposed a condition restricting the type of liquor that could be sold for consumption on the Lasseters lawn before 13:00 hours to mid-strength beer, patrons could simply get around this by purchasing full-strength beer from The Juicy Rump and consuming it on The Juicy Rump deck, a few metres from the Lasseters lawn.
24. The Commission also accepts that there would be significant practical difficulties in imposing the condition referred to; at paragraph 21(g) above, because patrons to other parts of the licensee's premises will also be required to pass through the security checks that will be in place for patrons entering the Lasseters lawn.
25. Ultimately, the Commission considers that the most appropriate course is not to impose any additional conditions on the licensee for the purpose of this temporary material alteration, except the condition referred to; at paragraph 22(f) above.

NOTICE OF RIGHTS

26. 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 approve a material alteration pursuant to s119(8) of the Act is specified in the Schedule and is a reviewable decision.
27. 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.
28. For the purpose of this decision, and in accordance with section 120ZB(1)(b) and (c) of the Act, the affected persons are the Applicants.



Russell Goldflam
MEMBER, NORTHERN TERRITORY LIQUOR COMMISSION
22 August 2019

On behalf of Commissioners Goldflam, Reynolds and Cannon