

NORTHERN TERRITORY LIQUOR COMMISSION

DECISION NOTICE

MATTER:	APPLICATION FOR A SPECIAL LICENCE
REFERENCE:	LC2019/044
VENUE:	Darwin Cruise Ship Terminal/Fort Hill Wharf 1 Anchorage Court DARWIN NT 0800
APPLICANT:	Events Buro Pty Ltd
EVENT:	Territory Taste Festival 2019
LEGISLATION:	Section 58 of the <i>Liquor Act 1978</i>
DECISION OF:	Ms Amy Corcoran (Member)
DATE OF DECISION:	14 May 2019

Decision

1. For the reasons set out below and in accordance with section 59(1) of the *Liquor Act 1978 (the Act)* I have determined to grant a special liquor licence to the Event Buro Pty Ltd (**the Applicant**) for the sale of liquor at between the hours of:

Saturday, 25 May 2019 from 1000 hours to 2200 hours; and
Sunday, 26 May 2019 from 1000 hours to 2200 hours.
2. The granting of approval is subject to the following conditions, namely:
 - a. The liquor shall be sold at the event known as the 'Taste Festival' situated at the Darwin Cruise Ship Terminal/Fort Hill Wharf, 1 Anchorage Court in Darwin.
 - b. The sale of liquor must be supervised by one or more persons nominated by the holder of the special licence (the Nominee/s), who each must hold a Responsible Service of Alcohol certificate, or equivalent qualification approved by the Director-General.
 - c. A Nominee **MUST BE** present during all Trading Hours and must ensure compliance with these Conditions.

Nominee/s: BRITTA DECKER

- d. Persons under the age of 18 years must not be used in the sale or supply of liquor.
- e. 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.
- f. Any person involved in Crowd Control, as defined under *the Private Security Act 1995*, at the premises, must be licensed as required by that Act.
- g. 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.
- h. All liquor must be sold in open containers.
- i. No more than four (4) cans or bottles must be sold to any one person at any one time.
- j. 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.
- k. Liquor must not be sold or supplied to a person who is drunk, or to a person under the age of 18 years.
- l. 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.
- m. 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.
- n. 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.

- o. 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.
- p. 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.
- q. All liquor purchased for sale under the authority of this special licence **MUST** be purchased from a licensed retail outlet.
- r. 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.
- s. 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.
- t. 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.
- u. The holder of the special licence must comply with smoking requirements contained in the *Tobacco Control Act 2002*.
- v. Food and drinks are not permitted to be taken into any designated smoking areas.
- w. 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).

Commission's Instructions in accordance with Condition (p):

- No provision of alcohol drinks that:
 - 1. are designed to be consumed quickly and which are commonly referred to as a 'shot or shooters'; or
 - 2. are a cocktail containing more than a 30ml nip of spirit or liquor.

- No alcohol will be permitted to be taken into the licensed venue or removed from the licensed venue by patrons.
- Crowd control arrangements shall comprise of static and roaming crowd controller to diligently monitor and enforce all licensing requirements and regulations pertaining to the sale of alcohol;
- At least 75% of crowd controllers employed must wear clothing that is readily identifiable. For example, high-viz vests with 'Crowd Controller', 'Security' or 'Safe Staff' or similar stated.

Reasons

Background

3. On 22 February 2019 pursuant to section 58 of the Act, Events Buro Pty Ltd (**the Applicant**) lodged an application with the Director-General for the grant of a special licence to permit the sale of liquor to patrons attending an event known as the 'Territory Taste Festival'. The application was then referred to the Liquor Commission and to me pursuant to my delegation to deal with such special licence applications.
4. The Territory Taste Festival is a unique Northern Territory inspired 'foodie' event which includes cooking workshops, stallholders and food vendors. It is an all ages ticketed event with tickets available at the door or online via Eventbrite.
5. The Applicant is seeking a special licence for the following hours of trade:

Saturday, 25 May 2019 from 1000 hours to 2200 hours; and

Sunday, 26 May 2019 from 1000 hours to 2200 hours.
6. Beer, ciders, wine, champagne and a small range of mixed drinks and cocktails are proposed for sale through one bar. Food will be readily available from vendors through the event. Tables and chairs will be placed around the venue in amongst the various stallholder booths and the 'Producer's Pavilion' for people to sit down to both eat and drink.
7. Although the application first envisaged a smaller fenced off 'beer garden' for those who wish to purchase and consume alcohol, given the nature of this event and the availability of wine and beer tastings, the Applicant subsequently sought to increase the footprint of the 'licensed area' to permit these tastings.
8. Approximately 4,000 persons are expected to attend the festival over a two day period.

9. Wine and beer companies will be providing free product tastings in the 'Stall Holder Area'. These tastings will be limited to 30ml for each product per person. The Applicant also anticipates offering wine and cheese pairing workshops, Green Ant Gin Cocktails with Daniel Motlop and Champagne workshops. The workshops that include alcohol will only make up a small percentage of the full workshop program.
10. No alcohol will be permitted to be taken out of the venue.
11. In relation to security and crowd control arrangements, the Applicant indicates there will be sufficient crowd controllers present at the event to adhere to the industry standard for crowd control. Specifically, this is two licensed crowd controllers for the first one hundred patrons and one additional crowd controller for each one hundred patrons thereafter.
12. I have been informed by Licensing NT, that the Applicant has not previously applied for or been granted a special licence.

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, namely the Department of Health (**DOH**), NT Police, Fire and Emergency Services (**NT Police**) and NT Fire, Rescue Service (**NTFRS**), St John's Ambulance Australia (NT) Inc (**SJA**) and seek their comment.
14. With respect to this application:
 - a. The NT Police advised that it supported the event on the following conditions:
 - *Secure storage of alcohol at all times (overnight storage is a concern).*
 - *No BYO or alcohol to exit the event.*
 - *Maximum 4 drinks per transaction with a staggered decline in drinks per transaction towards the conclusion of the event.*
 - *Minors in a full strength Beer Garden is not supported.*
 - *Industry standard security/crowd controllers for expected crowd numbers.*
 - b. The NTFRS had no objection to the event on the proviso that the 'Special Event Requirements (Outdoor)' are met. A copy of NTFRS' email and these Requirements have been emailed to the Applicant.

- c. SJA advised it has received a request to cover the event with first aid volunteers.
- d. The DOH had no adverse comment, but requested consideration of patron and community safety and amenity when determining the application. DOH also requested the venue clearly displays signage to delineate the Non Smoking areas from the Smoking Areas.

Assessment of the Application

- 15. As noted above, this is an application for a special licence under section 58 of the Act within Part VI of the Act. There are no specific criteria prescribed by 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 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 under section 6 of the Act.
- 17. However, pursuant to section 3(3) of the Act, the Commission when “exercising a power or performing a function under (the Act) 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.”

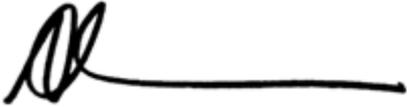
19. As a delegate of the Commission, I am also bound to have regard to the objects of the Act when determining this application.
20. Of note, there were no objections by the stakeholders to the granting of this special licence. I note that the Applicant will need to comply with any lawful directions of NTFRS. In respect to the comments provided by NT Police, the Applicant agreed with all points raised except minors not being permitted in a 'full strength' beer garden. In respect to that point, the Applicant advised:

"We will have light beers, mid strength beers available as well. The Territory Taste Festival beer garden will have a family focus similar to other events like Glenti, Italian Festival, etc. Food will be consumed in the beer garden. Music will be sophisticated suitable for a family audience."
21. After being provided with the Applicant's response, NT Police advised *that "If food is also served in the beer garden then Police has no issues with the presence of minors with the families."*
22. The Applicant submits the Territory Taste Festival is a family orientated event primarily concentrated around the appreciation of food complimented with boutique local beers and wines and it is noted that the marketing and promotional material for the event aligns with such submission.
23. In regards to the NT Police conditions that are agreed by the Applicant, I have inserted into the special licence a clause requiring the industry standard for crowd controllers and limiting the number of drinks at 4 per person per transaction. I will leave it to the Applicant to keep alcohol securely stored and to stagger a decline in the drink service as requested by NT Police in accordance with their own policy.
24. It is as a result of the matters outlined above that 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 as set out at the start of this Decision Notice.

Notice of Rights:

25. 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.
26. 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.

27. 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, consisting of a stylized, cursive 'A' followed by a long horizontal line.

AMY CORCORAN

Member

Northern Territory Liquor Commission

14 May 2019