

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR A SPECIAL LICENCE

REFERENCE: 2018/004

PREMISES: **Royal Flying Doctors Service Visitor's Centre**
Stokes Hill Wharf

APPLICANT: Karen Sheldon Group Pty Ltd

LEGISLATION: Section 57 of the *Liquor Act*

HEARD BEFORE: Mr Richard Coates (Chairperson)
Mr Kenton Winsley (Health Member)
Ms Amy Corcoran (Community Member)

DATE OF HEARING: 6 April 2018

DATE OF DECISION: 6 April 2018

Background

1. Pursuant to section 58 of the *Liquor Act* (the Act), Karen Sheldon Group Pty Ltd lodged an application to the Director-General of Licensing for the grant of a special licence to permit the sale of liquor at a private function at the Royal Flying Doctors Service Visitor's Centre at Stokes Hill Wharf on 9 April 2018.
2. The applicant is seeking a special licence to permit the sale and supply of liquor to patrons attending an event known as "Welcome reception in honour of his Royal highness the Prince of Wales".
3. The applicant is seeking a special licence for the following hours of trade:
1900 hours to 2100 hours on Monday, 9 April 2018.
4. Approximately 130 invited guests, including his Royal Highness Prince Charles, are expected to attend an event at the Royal Flying Doctors Service Visitor's Centre at the Stokes Hill Wharf, Darwin. Beer, wine, spirits and non-alcoholic drinks will be supplied.

5. The event is not open to the public and relevant security arrangements will be in place commensurate for a Royal Visit.
6. This application would ordinarily have been determined by the Director-General pursuant to a delegation from the Commission under section 37 of the Act but was referred to the Commission because of uncertainty over the validity of the delegation. That issue has now been clarified and fortunately applications such as this, will in the future be decided by the Director-General.

Current Situation

7. The Department of Health and the Northern Territory Police, Fire and Emergency Services were invited to provide comment on the application. Health indicated they had no adverse comment and Police supported the application.

Assessment of the Matter

8. The applicant has an established record as a high quality catering service and has no negative compliance history in relation to any of its past functions.
9. The Commission heard from Amanda Swift and Sarah Hickey, the officers from the applicant company that will be responsible for the conduct of this function. They spoke of the potential benefits of the event in showcasing the Territory and encouraging tourism. It is clear that the provision of liquor is ancillary to the principal purpose of the function which is to welcome a visiting dignitary.
10. The Act requires the Commission to have regards to the objects of the Act in determining this application.

Decision

11. Pursuant to section 59(1)(a) of the Act, the Commission issues a special licence to sell liquor to Karen Sheldon Group Pty Ltd on Monday, 9 April 2018 from 1900 hours to 2100 hours at the Royal Flying Doctors Service Visitor's Centre, Stokes Hill Wharf, Darwin on the following conditions:

1. The sale of liquor must be supervised by one or more persons nominated by the Licensee (Nominee), who each hold a Responsible Service of Alcohol certificate, or equivalent qualification approved by the Northern Territory Liquor Commission. A Nominee **MUST BE** present during all Trading Hours and must ensure compliance with these Conditions.

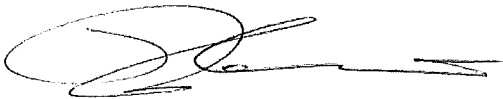
Nominee: Sarah Hickey
Amanda Swift

2. Persons under the age of 18 years must not be used in the sale or supply of liquor.
3. 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.

4. Any person involved in Crowd Control, as defined under *the Private Security Act*, at the Premises, must be licensed as required by that Act.
5. Crowd Controllers are to be employed as per industry standards as follows: Two licensed crowd controllers for the first one hundred patrons and one additional crowd controller for each one hundred patrons thereafter.
6. All liquor must be sold in open containers.
7. No more than four (4) cans or bottles must be sold to any one person at any one time.
8. The licensee 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.
9. Liquor must not be sold or supplied to an intoxicated person or to a person under the age of 18 years.
10. The Licensee 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.
11. The Licensee must comply with all requirements and guidelines published by the Director-General, including guidelines related to the conduct of entertainment.
12. Where the Licensee is operating from enclosed premises, the Licensee must prominently display on the licensed 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.
13. The Licensee 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.
14. The Licensee must comply with the requirements of the Northern Territory Liquor Commission 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.
15. All liquor purchased for sale under the authority of this licence **MUST** be purchased from a licensed retail outlet.
16. The licensee must make a record of all liquor obtained for sale under this licence that identifies the source of the liquor and the type and quantity of each type of liquor so obtained.
17. The licensee must record all liquor sold, including the type and quantity of that liquor, and must record the manner of disposal of any unsold liquor.

Review of Decision

12. Section 120ZA of the *Liquor Act* (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 special licence subject to conditions is a reviewable decision.
13. 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 (NTCAT). Any application for review of this decision must be lodged within 28 days of the date of the decision.
14. 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.



RICHARD COATES
Chairperson
Northern Territory Liquor Commission

17 April 2018