

# Delegate of the Liquor Commission

## Decision Notice

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<b>MATTER:</b>	<b>APPLICATION FOR A SPECIAL LICENCE</b>
<b>REFERENCE:</b>	<b>LC2019/089</b>
<b>PREMISES:</b>	<b>Katherine Show Grounds</b> Lot 3170 Victoria Highway KATHERINE NT 0850
<b>APPLICANT:</b>	Katherine and District Show Society Incorporated
<b>EVENT:</b>	Katherine Show and Rodeo
<b>LEGISLATION:</b>	Section 58 of the <i>Liquor Act 1978</i> .
<b>DECISION OF:</b>	Ms Pauline Reynolds, Health Member
<b>DATE OF DECISION:</b>	21 June 2019

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### 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 the special licence to sell liquor to Katherine and District Show Society Incorporated for the sale of liquor for the following bars between the following hours:

#### Rodeo Bar

- 12:00 hours on Friday 19 July 2019 to 02:00 hours on Saturday 20 July 2019
- 12:00 hours on Saturday 20 July 2019 to 23:59 hours on Saturday 20 July 2019

#### Arena Bar

- 12:00 hours on Friday 19 July 2019 to 20:00 hours on Friday 19 July 2019
- 12:00 hours on Saturday 20 July 2019 to 21:00 hours on Saturday 20 July 2019

2. The granting of approval is subject to the following conditions, namely:
  - a. The liquor shall be sold at the event known as the “Katherine Show and Rodeo” occurring at the Premises known as the Katherine Showgrounds located at Lot 3170 Victoria Highway, Katherine in the Northern Territory.
  - b. 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 Director-General.
  - c. A nominee **MUST BE** present during all trading hours and must ensure compliance with the conditions.
  - d. The Nominees are identified as:
    - i. Patricia Glackin;
    - ii. Kim Oliver; and
    - iii. Anna Kerwin.
  - e. Persons under the age of 18 years must not be used in the sale or supply of liquor.
  - f. 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.
  - g. 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.
  - h. Crowd controllers are to be employed as per the submission lodged by the Applicant and shall include static and roaming crowd controllers.
  - i. All liquor must be sold in open containers.
  - j. No more than four (4) cans or bottles may be sold to any one person at any one time.
  - k. The licensee 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.
  - l. Liquor must not be sold or supplied to an intoxicated person or to a person under the age of 18 years.
  - m. 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.

- n. The Licensee must comply with all requirements and guidelines published by the Director-General including guidelines related to the conduct of entertainment.
- o. 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.
- p. 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.
- q. The Licensee 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.
- r. All liquor purchased for sale under the authority of this licence MUST be purchased from a licensed retail outlet.
- s. 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.
- t. 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.
- u. This 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.
- v. 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 2002*.
- w. Food and drinks are not permitted to be taken into any designated smoking areas.
- x. The Licensee or an employee of the Licensee shall exclude or remove from licensed premises any person who is wearing colours, insignia or emblems of an outlaw motorcycle gang ("Bikie Gang").

- y. The Licensee is not to provide alcoholic drinks that are:
  - i. Designed to be consumed quickly and which are commonly referred to as a “shot” or “shooters”; or
  - ii. A cocktail containing more than a 30ml nip of spirit or liquor.
- z. At least 75% of crowd controllers employed must wear clothing that is readily identifiable. For example: Hi-Viz vests with 'Crowd Controller', 'Security' or 'Safe Staff' or similar stated.

## **Reasons**

### **Background**

3. Pursuant to section 58 of the *Liquor Act 1978* (the Act), Katherine and District Show Society Incorporated applied to the Director-General of Licensing on 12 March 2019 for a special licence to permit the sale of liquor to patrons attending an event known as the “Katherine Show and Rodeo” occurring at the Premises known as the Katherine Showgrounds located at Lot 3170 Victoria Highway, Katherine in the Northern Territory.
4. The Director-General was unaware of this application until the Applicant enquired of the status on 31 May 2019, it was then discovered that the application had been misplaced in-between the Katherine Territory Business Centre and Darwin Licensing NT office and not received. The application was found, and the action officer commenced processing immediately.
5. The application was referred to the Liquor Commission on 17 June 2019 and to me pursuant to my delegation to deal with such special licence applications.
6. The Katherine Show and Rodeo is an annual agricultural show with attractions and entertainment including equestrian, camp draft, rodeo, sideshow alley and public stalls.
7. This is a family friendly event trading over two days with an expected number of 20,000 people attending throughout the duration of the weekend. There are two ‘main arenas’ at the showgrounds where the main entertainment of the Katherine Show and Rodeo will be, multiple pavilions showcasing local businesses and schools, multiple agriculture area’s housing animals, arts and craft areas, food and drink stalls, a show bag alley and a large area for show rides.
8. The Applicant is seeking to sell liquor from the following bars between the following hours:

#### **Rodeo Bar**

Maximum patron numbers of 400 patrons at any one time is expected in the Rodeo bar area, the expected average being 200 patrons at any one time.

- 12:00 hours on Friday 19 July 2019 to 02:00 hours on Saturday 20 July 2019

- 12:00 hours on Saturday 20 July 2019 to 23:59 hours on Saturday 20 July 2019

### Arena Bar

Maximum patron numbers at any one time in the Arena bar area being 50 patrons.

- 12:00 hours on Friday 19 July 2019 to 20:00 hours on Friday 19 July 2019
- 12:00 hours on Saturday 20 July 2019 to 21:00 hours on Saturday 20 July 2019

9. The material filed with the application identified:
  - a. The licensed area for the Arena bar is undercover with bunting type fencing, approximately 20m x 10m. There will be chairs and tables available for patrons to sit with numerous food stalls open for the duration of the licensed trading hours that are nearby for easy access.
  - b. The licensed area for the Rodeo bar is an open bar area with temporary fence panels forming a border around the proposed licensed area. This area is approximately 40m x 25m. There are also numerous food stalls open for most of the trading hours and there will be at least one food stall immediately opposite to the Rodeo Bar that will be open for the entire duration of licensed trading hours.
10. The Applicant wishes to offer a full range of alcoholic beverages including beer, wine and spirits are proposed for sale, including beer in mid and full-strength varieties in cans only. There will be a maximum number of four (4) cans sold at any one time to each patron.
11. In relation to crowd control, the material set out in the application sets out that there will be:
  - a. Five (5) crowd controllers on Friday 19 July 2019 and
  - b. Five (5) on Saturday 20 July 2019.
12. The referral from the Deputy Director-General identified that special licences have been issued for Katherine Show and Rodeo events in recent years for the same bars and there were no compliance issues noted from the previous events.

### **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,

(NT Police), NT Fire and Rescue Service (NTFRS) and Katherine Town Council and seek their comment.

14. With respect to this application:

- a. The Department of Health responded on 31 May 2019 advising “The Department of Health has no adverse comment.” It is also requested that the Applicant be aware of their obligations under the *Tobacco Control Act 2002* and supply signage, this information was forwarded to the Applicant on the same day, 31 May 2019.
- b. The NTFRS responded to the application on 03 June 2019 and advised that they had “no objection”.
- c. The NT Police, Drug and Alcohol Policy Unit responded to the application on 03 June 2019 advising “No objections from NTPOL.”
- d. Katherine Town Council was advised of the application on 31 May 2019 and have not responded.

### **Assessment of the Application**

15. 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.

16. 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.

17. 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”.

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 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.

20. 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 outlined at the start of this Decision Notice.

### **Notice of Rights:**

21. 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.

22. 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.

23. 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.



**Pauline Reynolds**  
Health member  
Northern Territory Liquor Commission  
24 June 2019