

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR A MAJOR EVENT AUTHORITY

REFERENCE NUMBER: LC2022/010

APPLICANT: Summer Junkies Pty Ltd

PREMISES: Darwin Amphitheatre
George Brown Darwin Botanic Gardens
21 Geranium Street
THE GARDENS NT 0820

PROPOSED EVENT: The Midnight Oil Resist Tour

DATE OF EVENT: Saturday, 2 April 2022

NOMINEE/S: Guy Dunne and Alexander Sey

OBJECTOR/S: Nil

LEGISLATION: Sections 42, 47 and 60 of the *Liquor Act 2019*

DECISION OF: Ms Amy Corcoran (Delegate)

DATE OF DECISION: 23 March 2022

Decision

1. For the reasons set out below and in accordance with section 48 of the *Liquor Act 2019* (**the Act**) the Commission has determined to issue a licence to Summer Junkies Pty Ltd (**the Applicant**). The Applicant will be issued with a major event authority attached to the licence authorising the sale, supply or service of liquor to patrons during the below events for consumption on or in the area known as the Darwin Amphitheatre located at George Brown Darwin Botanic Gardens in The Gardens, NT 0820 (**the Premises**):

Saturday, 2 April 2022 from 16:00 hours to 23:30 hours.
2. The Commission approves Guy Dunne and Alexander Sey as the designated nominees (**the Nominees**).
3. In addition to the major event conditions set out in Division 12 of the Liquor Regulations 2019 (**the Regulations**), the licence shall also be subject to the following additional conditions:

- a. The boundary of the licensed area at the Darwin Amphitheatre must be clearly identified and access to the licensed area must be restricted in a manner that allows for effective supervision by the Nominee.
- b. A staggered decline of alcohol served must be implemented as follow:
 - i. no more than four (4) alcoholic drinks may be sold to any one (1) person at any one time from 16:00 to 22:00 hours;
 - ii. no more than two (2) alcoholic drinks sold to any one (1) person at any one time from 22:00 to 23.00 hours;
 - iii. no more than one (1) alcoholic drink sold to any one (1) person at any one time from 23:00 to 23.30 hours; and
 - iv. service of alcoholic drinks must cease by 23:30 hours.

To the extent that this condition is inconsistent with the Regulations, this condition prevails.

- c. No provision of alcoholic drinks that:
 - i. are designed to be consumed quickly and which are commonly referred to as a 'shot or shooters';
 - ii. are a cocktail containing more than a 30ml nip of spirit or liquor (this does not include pre-mixed spirits known as Ready to Drink beverages (**RTDs**);
 - d. Liquor must not be served in vessels containing more than 1.6 standard drinks;
 - e. Liquor or any other beverages must not be sold to patrons in glass containers;
 - f. Soft drinks and water may be available from the bar but must also be available from separate outlet/s for those patrons under 18 years of age;
 - g. All patrons must be issued with colour coded wristbands upon entry clearly identifying patrons who are:
 - i. 18+ years of age; and
 - ii. Under 18 years of age;
 - h. No pass-outs are permitted.
4. The licence will be issued immediately following the publication of this decision notice.

Reasons

Background

6. On 11 February 2022 pursuant to section 52 of the Act, the Applicant applied to the Commission for a licence with a major event authority to permit the sale of alcohol to patrons attending a Midnight Oil concert at the Premises as part of the band's national "Resist Tour".
7. The concert is being held on Saturday 2 April 2022 and as well as Midnight Oil, supporting acts will perform including Busby Marou and Emily Wurrama.
8. The Applicant has advised that this concert will appeal to a wide demographic within Darwin and will be an all ages event; however, minors must be accompanied by a legal guardian or parent to attend.
9. All patrons attending the event will receive branded event wristbands upon entry to identify them as either over or under 18 years old. Patrons under 18 years must hold a ticket and be accompanied by a parent or guardian and remain in their care at all times. Any patrons inside the venue without a wristband will be subject to eviction if they do not comply.
10. The Applicant originally estimated that a crowd of approximately 5,000 patrons will attend the concert, however, more recent advice suggests that the crowd will be less. The Applicant confirms that in accordance with regulation 68(2) sufficient crowd controllers will be present to adhere to the industry standards for crowd control. Specifically, two licensed crowd controllers for the first one hundred patrons and one additional crowd controller for each one hundred patrons thereafter.
11. The Applicant proposes the sale of beer (inclusive of mid and heavy), spirits in a range of vodka, rum and scotch including ready to drink (RTDs) and cocktails. Cocktails and mixed drinks will have no more than 30ml spirits except RTDs. A list of the alcoholic beverages to be sold was provided by the Applicant to the Commission on request.
12. The Applicant proposes a staggered decline of alcoholic drinks being sold to any one person at one time as follows:
 - (a) 4 standard drinks per person from 16:00 hours to 22:00 hours;
 - (b) 2 standard drinks per person from 22:00 hours to 23:00 hours; and
 - (c) 1 standard drink per person 23:00 to 23:30 hours.
13. All alcohol is to be consumed in aluminium cans, paper or plastic cups. There are to be no glass containers or wine by the bottle. Water and soft drinks will be available for purchase as well as the provision of complimentary water stations.

14. Food will be available to purchase from a number of food vendors throughout the event until closing.
15. First aid will be provided through St John Ambulance who will be in attendance for the duration of the event.
16. The Darwin Amphitheatre is a non-smoking venue. The Applicant has confirmed there will be visible 'No Smoking' signage throughout the Premises and a designated smoking area will be located just outside the Amphitheatre perimeter but within the fenced event complex forming part of the Premises.
17. The proposed nominees for the event is Mr Guy Dunne and Mr Alexander Sey.
18. In terms of the application before the Commission, it is noted that the Applicant provided the following documents in accordance with section 53(3) of the Act:
 - a. Application for a liquor licence;
 - b. Supplementary information application for a major event authority;
 - c. Site plans;
 - d. Public Interest and Community Impact Assessment;
 - e. Probity documents and reports, certificates, references, affidavits and statutory declarations relevant to the application in respect to the Nominees and Applicant and to the satisfaction of the Director of Liquor Licensing (**the Director**);
 - f. An affidavit of Guy Dunne, the Nominee, in accordance with the Act regarding influential persons;
 - g. Event Management Plan;
 - h. NT COVID-19 Event Safety Plan;
 - i. Smoking Management Plan; and
 - j. Traffic Management Plan (**TMP**).
5. It is noted that the Applicant will be required to comply with any CHO Direction that may apply at the time the event takes place pursuant to section 92 of the Act.

The Applicant and Nominee

6. The Applicant is a registered Australian Proprietary Company limited by shares. There are two shares. These are held by Guy Dunne and Tamara Tasha Nichole Baird. Both hold positions of Director and Secretary within this Company. Both parties have been declared within the Affidavit as interested and beneficial financial parties for this application.

7. One of the proposed nominees for the events is Mr Guy Dunne who is a known to the Director. Mr Dunne has previously been nominee for similar major events and is involved in the licenses attaching to the Beachfront Hotel and Humpty Doo Tavern. The other proposed nominee is Alexander Sey who has also supplied all relevant supporting documents to the satisfaction of the Director.

Advertising and Objections

8. The application was advertised on the Director's applications website and also published in the NT News on Saturday, 19 February 2022.
9. No objections were received from the public to the application.

Consultation

10. Pursuant to section 56(4) of the Act, the following stakeholders were notified of the application by the Director:
 - a. The Department of Health (**DoH**);
 - b. The Commissioner of Police (**NT Police**); and
 - c. Darwin City Council (**Council**).
11. Although not legally bound to do so, the Commission notes that the Director also forwarded a copy of the application for comments to:
 - a. Northern Territory Fire and Rescue Service (**NTFRS**); and
 - b. St John Ambulance (**St John**).
12. With respect to this application:
 - a. DoH advised via email on 4 March 2022 that the event generally looks well managed and it has no formal objection. However, it suggested the application could be improved by:
 - i. Improving RSA supervision ratios to 1:3
 - ii. Adjusting their risk matrix
 - iii. Promoting availability of water, non-alcoholic and low alcohol beverages
 - iv. Displaying NHMRC responsible drinking guidelines
 - v. Making snacks and/or food available at the point of sale
 - vi. Not offering high strength RTDs or straight spirit shots
 - vii. Strict 4 standard drinks per transaction limit;
 - b. NT Police advised it supported the application;
 - c. Council supported the application and advised that the Darwin Entertainment Centre now manages the Darwin Amphitheatre who is responsible for approval of event applications at this site;

- d. NTFRS supported the application subject to the approval of the TMP; and
- e. St John confirmed that they (including 'some very excited members') will be in attendance for the duration of the event.

Hearing

13. Given that no objections were received and this is an application for a major event for this year only, there appears no reason why this application should be referred to a hearing under section 21 of the Act. Accordingly, I have proceeded pursuant to my delegation to deal with such application.

Assessment of the Application

14. Although no objections were made to this application, section 49 of the Act makes clear that the Commission may only issue a licence or an authority if satisfied that:
- a. The Applicant is a fit and proper person;
 - b. Issuing the licence or authority is in the public interest; and
 - c. The licence or authority will not have a significant adverse impact on the community.
15. The Commission has had regard to the relevant considerations listed in section 59(3) of the Act as to the suitability of the Applicant to hold this licence and the Premises to be licensed.
16. The Applicant has held licenses for similar events over the past few years and no compliance issues have been raised with the Commission by the Director or NT Police. One of the nominees, Mr Dunne, is well known to, and well respected by, Licensing NT, as he has been involved as a licensee and/or nominee of licensed premises over a number of years in the Northern Territory. Mr Sey's resume outlines he has significant experience in hospitality management and no concerns have been raised regarding his suitability to act as a nominee. The Commission is satisfied that the Applicant, Mr Dunne and Mr Sey are fit and proper persons to hold the licence.
17. The Premises is a substantial outdoor area that has hosted hundreds of concerts in Darwin over many years. The site plan is similar the many of the events held and run at the Premises showing that the area is equipped with a large toilet block, merchandise and food stalls, water stations, first aid station and designated smoking areas. The Premises has a perimeter fence and entry will only be permitted from one access point. The Commission assesses the Premises as suitable for the supply and consumption of liquor in the manner set out in the application.
18. In regards to DoH's suggestions, the Applicant responded to the matters they raised and confirmed amongst other things that all staff are RSA trained and they are in fact implementing a further layer of supervisors to ensure responsible

service. The Commission is satisfied that the Applicant has thoughtfully considered and implemented appropriate harm minimisation strategies for this event which alleviates the concerns of DoH.

19. The drawcard to this event is live music by well-known Australian rock band, Midnight Oil, and will no doubt be a welcomed event to the Territory's live music calendar for both locals and visitors alike.
20. Having regard to the foregoing, the Commission has had regard to the public interest requirements of section 49 of the Act and is satisfied that issuing the licence with a major event authority is in the public interest and will not have a significant adverse impact on the community.
21. As a result, the Commission intends to issue the licence with a major event authority as set out at the commencement of this Decision Notice.

Notice of Rights

22. Section 60(3) of the 2019 Act requires the Commission to give a decision notice to the Applicant after making a decision under section 60(1).
23. Section 31 of the Act provides that any decision of the Commission for which a decision notice is required is reviewable by the Northern Territory Civil and Administrative Tribunal (NTCAT) and the following persons may apply to NTCAT for a review:
 - a. In all cases - the Director;
 - b. In the case of a decision regarding an application - the applicant; and
 - c. In the case of a submission, complaint or objection that was the subject of a decision - the person who made the submission, complaint or objection.
24. In accordance with the substance of section 31 of the Act any application for review of this decision must be lodged within 28 days of the date of this decision.



AMY CORCORAN
Commissioner
Northern Territory Liquor Commission