

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR LIQUOR LICENCE WITH MAJOR
EVENT AUTHORITY FOR THE 2024 ALICE SPRINGS
MASTERS GAMES OPENING CEREMONY
[2024] NTLiqComm 41

REFERENCE: LC2024/037

APPLICANT: Alice Springs Golf Club Incorporated

PREMISES: TIO Traeger Park
5 Traeger Avenue
ALICE SPRINGS NT 0870

LEGISLATION: Part 3 Division 4 of the *Liquor Act 2019*

HEARD BEFORE: Mr Greg Shanahan (Acting Deputy Chairperson)

DATE OF DECISION: 4 October 2024

Decision

1. In accordance with s 48 of the *Liquor Act 2019* (NT) (**the Act**) and pursuant to the delegation issued on 28 October 2019 authorising a single Member of the Northern Territory Liquor Commission (**the Commission**) to issue a licence with a major event authority, the Commission has determined to issue a liquor licence with a major event authority to Alice Springs Golf Club Incorporated (**the Applicant**).
2. The Commission approves the appointment of Mr Brad Gaddes as the licence nominee.
3. The licence authorises the supply, sale, service and consumption of liquor on Saturday 12 October 2024 from 17:00 hours to 22:00 hours.
4. The licensed premises is the area (**the licensed premises**) bounded in red depicted on the plan at page 47 of the brief of evidence provided to the Commission under cover of a memorandum signed by Mark Wood, Delegate of the Director of Liquor Licensing (**the Delegate of the Director**), dated 26 September 2024.
5. 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 licence nominee.

6. The conditions of the licence include those authority conditions set out in Part 4 Divisions 1 and 12 of the *Liquor Regulations 2019*.
7. The following additional conditions are fixed:
 - a. The nominee or at least one shift supervisor appointed by the nominee must be present during all trading hours to supervise the sale of liquor and ensure compliance with these conditions.
 - b. The sale of liquor must be conducted by persons who hold a Responsible Service of Alcohol certificate, or equivalent qualification approved by the Director of Liquor Licensing.
 - c. Persons under 18 years must not be engaged in the sale or supply of liquor.
 - d. 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.
 - e. Liquor may only be sold in opened cans or plastic containers.
 - f. Wine must not be sold or served in containers larger than 150ml.
 - g. Spirits must not be sold in containers with more than 5% alcohol by volume.
 - h. Soft drinks and water must be available from the bar but must also be available from separate outlets for those patrons under 18 years of age.
 - i. One or more designated 'Dry Area' must be established and maintained.
 - j. The licensee must clearly display signage clearly designating Non-Smoking areas and, if any, Designated Outdoor Smoking Areas.
 - k. The licensee shall exclude or remove from the premises any person who is wearing the colours, insignia or emblems of an outlaw motorcycle gang.
8. The licence will be issued immediately following the publication of this decision notice.

Reasons

The Application

9. On 4 September 2024, pursuant of section 52 of the Act the Applicant, an incorporated association which currently holds liquor licence 81402352 over its premises at the Alice Springs Golf Club applied to the Director of Liquor Licensing (**the Director**) for a liquor licence with a major event authority for the premises at TIO Traeger Park, 5 Traeger Avenue, Alice Springs, NT 0870 for

the Opening Ceremony of the Alice Springs Masters Games (**the Opening Ceremony**).

10. The Opening Ceremony will be held on Saturday 12 October 2024 between 17:00 hours and 22:00 hours. As the Applicant estimates that approximately 2500 patrons will attend the event, the Applicant applied for a liquor licence with a major event authority.
11. The Applicant has entered into an arrangement with NT Major Events Company, which is planning, managing, and presenting the Masters Games, to operate the liquor licence at the Opening Ceremony.
12. The Alice Springs Masters Games has been a significant biennial fixture on the Alice Springs sporting, tourism and social calendar since 1986. The 2024 Masters Games will mark the resumption of this sports carnival following an interruption of five years due to the COVID-19 pandemic. The last such event was in 2018.

Consultation

13. On 4 September 2024, the Delegate of the Director abridged the time provided for an objection in section 61(6) of the Act from the prescribed period of 14 days to 7 days pursuant to section 318 of the Act.
14. The application was advertised on 17 September 2024 in The NT News and on the Department of Industry, Tourism and Trade website. A green sign was displayed at the premises. The Delegate of the Director advised that he is satisfied that the Applicant has complied with the requirements of public notice of the Application.
15. In accordance with s 56 of the Act, notification was given to the Department of Health (**DOH**), NT Police and the Alice Springs Town Council. The Director also notified the Northern Territory Fire and Rescue Service (**NTFRS**).
16. The Director informed the Commission that:
 - DOH advised that it had no objection.
 - NT Police advised that it had no objection to the application.
 - No response was received from the Alice Springs Town Council.
 - NTFRS responded that it had no objection to the application.

The licensee's record of compliance

17. The Commission has not been provided with information regarding the history of the Applicant's compliance with the Act or its liquor licence conditions although the Delegate of the Director advised the Commission that the

Applicant and the proposed nominee are known to the Delegate of the Director through the licence currently held by the Applicant and did not express any concerns with their compliance with the licence conditions.

18. The delegate of the Director further advised the Commission that there are no known compliance issues with previous iterations of this event noting it has been several years since this has been held.

The referral

19. On 26 September 2024, pursuant to s 59 of the Act, the Delegate of the Director referred the application to the Commission. Pursuant to the Commission's delegation issued on 28 October 2019 I have determined the application as a single member of the Commission "on the papers" without a public hearing, which I considered would not have been worthwhile.

20. The Delegate of the Director provided the following documents to the Commission with the referral (**the brief**):

- a. Application for liquor licence with major event authority
- b. Affidavit of Associates pursuant to s 54 of the Act
- c. Applicant's current liquor licence 81402352
- d. Probity documents for the proposed nominee
- e. Public Interest and Community Impact Assessment summary pursuant to ss 49 to 52 of the Act
- f. Event operations plan
- g. Smoking management plan
- h. Certificate of Incorporation
- i. Permission letter to occupy the premises
- j. Financial documents
- k. Site plan
- l. Delegate of the Director's decision to abridge the period for public notification of the application
- m. Application advertisements
- n. Correspondence with stakeholders

ASSESSMENT OF THE APPLICATION

21. In accordance with s 59 of the Act, I have considered:

- a. the Applicant's affidavit required by s 54;
- b. the suitability of the premises to be licensed, having regard to any law of the Territory regulating the sale, supply, service or consumption of liquor or the location, construction or facilities of those premises;
- c. the financial stability, general reputation and character of the Applicant; and
- d. whether the Applicant, including the nominee designated by an Applicant, is a fit and proper person to hold a licence.

22. In accordance with s 49 of the Act, I have also considered whether issuing the licence is in the public interest, and whether the licence will have a significant adverse impact on the community.

The applicant

23. The Applicant has provided adequate documentation regarding planning and management of the event. I consider that the Applicant, which is a longstanding licensee of one of Alice Springs' premier sporting facilities, is a suitable body to operate the liquor licence for this event.

The applicant's associates

24. Section 54 of the Act requires applicants to depose an affidavit disclosing whether certain persons may be able to influence the applicant, or expect a benefit from the applicant, if the licence is granted. I am satisfied that the Applicant has complied with the disclosure requirements of s 54, and that for the purpose of this application no issues of concern arise in respect of any associates of the Applicant.

The suitability of the applicant's premises

25. The premises are in a central part of Alice Springs, on a large, well-equipped sports field. Traegar Park has long been a venue for major sporting events in Alice Springs. I consider the premises to be suitable for the supply and consumption of liquor in the manner set out in the application.

The financial stability, general reputation and character of the body corporate

26. I am satisfied that for the purpose of this application the Applicant, which operates a very substantial licenced sporting venue in Alice Springs, has a satisfactory business reputation and is financially stable.

Whether the applicant and nominee are a fit and proper person to hold a licence

27. Section 51(3) of the Act provides that an applicant is assumed to be a fit and proper person in the absence of evidence to the contrary. No such evidence was provided to the Commission. I assess the Applicant to be a fit and proper person to hold a licence, and Mr Gaddes to be a fit and proper person to be the licence nominee.

Public notice and consultation

28. I am satisfied that public notice of the application was validly abridged, and consultation was undertaken in accordance with ss 56 and 57 of the Act.

Whether issuing the licence is in the public interest

29. To determine whether the issue of the licence is in the public interest, I am required to consider how the issue of the licence would advance the following objectives set out in s 49(2) of the Act:

- (a) minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
- (b) ensuring liquor is sold, supplied, served and consumed on or in licensed premises in a responsible manner;
- (c) safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises;
- (d) protecting the safety, health and welfare of people who use licensed premises;
- (e) increasing cultural, recreational, employment or tourism benefits for the local community area;
- (f) promoting compliance with this Act and other relevant laws of the Territory;
- (g) ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business;
- (h) preventing the giving of credit in sales of liquor to people;
- (i) preventing practices that encourage irresponsible drinking;
- (j) reducing or limiting increases in anti-social behaviour.

30. Having considered each of these objectives, and having particular regard to the brief duration of the event, its location at a venue at which major sporting events are held and the significance of the Alice Springs Masters Games to the local community, I am satisfied that it is in the public interest to issue the licence.

Whether the issue of the licence will have a significant adverse impact on the community

31. To determine whether I am satisfied that the issue of the licence will not have a significant adverse impact on the community, I must consider the matters set out at s 49(3) of the Act:
- (a) the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
 - (b) the geographic area that would be affected;
 - (c) the risk of harm from the excessive or inappropriate consumption of liquor;
 - (d) the people or community who would be affected;
 - (e) the effect on culture, recreation, employment and tourism;
 - (f) the effect on social amenities and public health;
 - (g) the ratio of existing liquor licences and authorities in the community to the population of the community;
 - (h) the effect of the volume of liquor sales on the community;
 - (i) the community impact assessment guidelines issued under s 50;
 - (j) any other matter prescribed by regulation.
32. I note there are no such “other” matters prescribed by regulation. In my view, there are currently no s 50 community impact assessment guidelines in force.
33. Having considered each of these matters, and having particular regard to the brief duration of the event, its and the benefits to the community of the Alice Springs Masters Games, I am satisfied that the issue of the licence will not have an adverse impact on the community.
34. Having considered all of these matters, I am satisfied, in accordance with s 49 of the Act, that:
- a. the applicant is a fit and proper person; and
 - 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.

Conditions

35. In issuing liquor licences with major event authorities for other similar events, the Commission has, on occasion, imposed a condition that all patrons be issued with colour-coded wristbands, and that service of liquor only be permitted to patrons wearing a wristband designating them as being over the age of 18 years. I have imposed no such condition on this occasion. That is because entry to Opening Ceremony will be free of charge, and I consider that it would be unnecessarily burdensome to impose on either the organisers of the event or the attending public a requirement that attendees be issued with and wear a wristband.
36. The Applicant is required to ensure that all bar staff who will be on duty at this event have undertaken Responsible Service of Alcohol training. It is of particular importance that all bar staff are diligent in ensuring that liquor is not sold, supplied or served to any persons under the age of 18 years at this event.

The objects of the Act

37. Section 3(4) of the Act provides that in performing its function to decide whether to issue a licence, the Commission must have regard to the primary and secondary purposes of the Act. I consider that the issue of the licence and authorities with the conditions imposed is consistent with the purposes of the Act.
38. For these reasons, I have determined that the application should be granted, and that a licence and authority be issued on the conditions set out at the commencement of these reasons.

Notice of Rights

39. Section 31(1) read with section 60(3) of the Act provide that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal (**NTCAT**). Section 94(3) of the *NTCAT Act 2014* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.
40. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the Licensee and Director.



GREG SHANAHAN
ACTING DEPUTY CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
4 OCTOBER 2024