

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE AND REASONS FOR DECISION

CITATION: *DARWIN PRIDE FESTIVAL APPLICATION FOR A LIQUOR LICENCE WITH A MAJOR EVENT AUTHORITY* [2024] NTLiqComm 18

REFERENCE: LC2024/011

APPLICANT: SRO Group of Companies Pty Ltd

PREMISES: Fort Hill Parkland
Anchorage Court
DARWIN CITY NT 0800

PROPOSED EVENT: Darwin Pride Music Festival

DATE OF EVENT: 22 June 2024

NOMINEE: Ms Danielle Jones

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

DECISION OF: Mr Russell Goldflam (Chairperson)

DATE OF DECISION: 10 May 2024

DECISION

1. For the reasons set out below and in accordance with s 48 of the *Liquor Act 2019* (**the Act**) the Northern Territory Liquor Commission (**the Commission**) has determined to issue a licence to SRO Group of Companies 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 at the 2024 Darwin Pride Music Festival (**the Festival**).
2. The premises for the events (**the premises**) is the area within the Fort Hill Parkland, Anchorage Court, Darwin City NT bounded in red marked on the plan at page 109 of the brief of evidence provided by the Director of Liquor Licensing (**the Director**) to the Commission, or such varied area within the Fort Hill Parkland that may be approved in writing by the Director.

3. Trading in liquor is permitted from 15:00 hours to 23:59 hours on Saturday, 22 June 2024.
4. The Commission approves Ms Danielle Jones as the designated nominee (**the nominee**).
5. In addition to the major event conditions set out in Division 12 of the *Liquor Regulations 2019 (the Regulations)*, the licence is subject to the following additional conditions:
 - a. The boundary of the licensed area at the premises 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. The nominee or an RSA certified person appointed by the nominee as a bar manager must be present during all trading hours, supervise the sale of liquor and ensure compliance with these conditions.
 - c. A staggered decline of alcohol served must be implemented as follows:
 - i. no more than four alcoholic drinks may be sold to any one person at any one time before 21:00 hours;
 - ii. no more than two alcoholic drinks may be sold to any one person at any one time from 21:00 to 23:00 hours; and
 - iii. no more than one alcoholic drink may be sold to any one person at any one time from 23:00 to 23:59 hours.
 - d. With the exception of plastic wine carafes containing up to 6.4 standard drinks, which may be supplied until 21:00 hours, no alcoholic drinks containing more than 1.6 standard drinks may be sold or served.
 - e. Alcohol or any other beverages must only be sold to patrons in opened metal or plastic containers.
 - f. 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.
 - g. The licensee must not admit patrons to the premises unless they have been issued with a branded wristband following production of government issued ID to establish that they are over 18 years of age.
 - h. The licensee must remove and exclude from the premises any person under 18 years of age who is in possession of liquor or who attempts to obtain liquor.

- i. The licensee must remove and exclude from the premises any person who supplies or attempts to supply a person under the age of 18 years with liquor on the premises.
 - j. The licensee must make soft drinks and water available from the bar and also from at least one designated “Alcohol Free Zone”.
 - k. The licensee must exclude or remove from the premises any person who is wearing the colours, insignia or emblems of an outlaw motorcycle gang (Bikie Gang).
6. The licence will be issued immediately following the publication of this decision notice.

REASONS

BACKGROUND

7. On 1 March 2024 the applicant lodged an application for a liquor licence with a major event authority.
8. The applicant seeks a liquor licence to permit the sale of liquor to patrons attending the second annual Darwin Pride Music Festival, a ticketed 18yo+ event in the DP24 program presented by Top End Pride, a non-profit association that since 1985 has organised an annual program of events “celebrating the Top End’s diverse LGBTQIA+ communities”.¹
9. The applicant seeks to trade on Saturday, 22 June 2024 from 15:00 hours to 23:59 hours from six bars at the premises, which will be situated within the Fort Hill Parkland in the Darwin waterfront precinct.
10. The applicant intends to offer a range of alcoholic and non-alcoholic beverages including light, mid and full-strength alcohol content options.
11. The applicant states that food vendors will operate throughout the licensed area, and that free water refill stations will be provided.
12. The applicant expects a crowd of 3,000 people. The applicant states that it will engage Performance Services to provide sufficient Crowd Controllers to comply with regulation 68(2) of the Regulations.
13. The Director has informed the Commission that the applicant has no adverse compliance history. The Commission notes that the applicant’s proposed nominee, Ms Danielle Jones, has been the licence nominee for several previous similar major events at which, as far as the Commission is aware, no issues of non-compliance have arisen.

¹ <https://topendpride.com.au/about-us>

14. The applicant supplied supporting documents, including:
- Information about the proposed nominee, Ms Danielle Jones
 - Affidavit in accordance with s 54 of the Act and declaration of associates
 - Public interest and community impact assessment
 - Draft public notice
 - Event Risk assessment
 - Smoking management plan
 - Alcohol ABV list
 - Insurance certificate of currency
 - Extract from ASIC company register
 - Event management plan
 - Waste management plan
 - Emergency Response plan
 - Site plan
 - Certificate of registration of the applicant company

PUBLICATION AND CONSULTATION

15. The application was advertised on the Director's website and published in the NT News on Saturday 6 April 2024. A green sign was also erected at the site advising the public of the application. There were no objections to the application.
16. The following stakeholders were invited to provide comment on the application:
- Department of Health
 - Northern Territory Police
 - Northern Territory Fire & Rescue Service
 - St John Ambulance
 - City of Darwin
17. None of these stakeholders objected to the application.

REFERRAL TO COMMISSION

18. On 1 May 2024 the Director referred the application to the Commission.
19. Given that no objections had been received, that this is an application for a licence for a major event that will take place on a single day, and that the proposed nominee has successfully managed previous similar events, I consider that it would not be worthwhile to conduct a public hearing. Accordingly, I have dealt with the matter on the papers pursuant to s 21(3) of the Act and pursuant to my delegation to deal with such an application as a single member of the Commission.

ASSESSMENT OF THE APPLICATION

20. 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 the general reputation and character of the applicant's executive officers; and
 - d. whether the applicant and the nominee are fit and proper persons to hold a licence;
21. 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.
22. I am satisfied that the applicant has complied with the requirements of ss 54 and 55 of the Act.
23. The Fort Hill Parkland within the Darwin Waterfront precinct is managed by the Darwin Waterfront Corporation. I am satisfied that the Darwin Waterfront Corporation approves of and supports this event. I find that there is ample public parking within the precinct, and the applicant's Event Management Plan includes appropriate arrangements for traffic management, procedures for the admission, management, exclusion and removal of patrons, ticketing, crowd control, emergency services and response, site management and hospitality operations. Temporary fencing will be installed at the premises to ensure that only ticket holders can enter and arrangements have been made to engage an appropriate complement of security guards to attend the Festival.
24. The Site Plan provided to the Commission includes the following notation: "This is to be amended and an update will be sent once finalised." To accommodate the possibility that the boundary of the premises will be varied, I have imposed

the condition set out at paragraph 2 above. The applicant is strongly encouraged to submit any proposed amendment to the boundary of the premises as soon as possible.

25. I am satisfied that the proposed premises are suitable for the supply and consumption of liquor in the manner set out in the application.
26. I have not been provided with material regarding the applicant company's financial stability, general reputation or character. The applicant only recently came into existence, having been registered with the Australian Securities & Investments Commission on 12 February 2024. I accept that it is too young to have achieved financial stability, established a reputation, or acquired a character.
27. It would however have been of assistance to the Commission to have been provided with financial information for the purpose of satisfying the Commission that the applicant has the means to successfully present this event. On the other hand, I also have regard to the fact that the application has been endorsed by the Top End Pride Committee and the Darwin Waterfront Corporation. In addition, a principal of the applicant, Ms Danielle Jones, was approved by the Commission as the licence nominee for at least two recent similar events, the "Red Hot Summer" concert in May 2023 at the Gardens Amphitheatre, and the "Electric Storm" Halloween music festival at Mindil Beach. On those occasions the approved licensee was LACT Activations Pty Ltd, a company with two of the same principals – Ms Jones and Mr Russell Temple – as the current applicant.
28. Having considered these matters, notwithstanding the lack of material regarding the applicant company's financial stability, general reputation or character, I am satisfied in all the circumstances that the applicant is an appropriate person to be issued with a liquor licence for this major event.
29. Ms Jones is a Director, the Secretary and a significant shareholder of the applicant. Ms Jones has provided evidence of her good character, which I accept. I note that Ms Jones has recently been nominated as a finalist in the inaugural NT News People's Choice Woman of the Year. Having regard to the detailed, comprehensive and well prepared plans for the management of the Festival that have been provided to the Commission, I am satisfied that the applicant and the nominee have the skills and competencies required to produce and present this event. Accordingly, I am satisfied that the applicant and nominee are fit and proper persons to be granted this liquor licence with a major event authority.

30. I have also had regard to the public interest and community impact requirements in s 49 of the Act. I particularly take into account the following matters:
- The premises are in a tourism and entertainment precinct area which includes several residential apartment blocks at a distance of about 350 metres northeast of the premises. The applicant has provided a noise management plan, including the control of noise emissions by performers to 100 dB at the side of house position. The stage will face southwest, towards Darwin harbour, and away from the residential area of the precinct.
 - The proposed event is of relatively brief duration.
 - The licence conditions imposed and the arrangements made by the applicant are calculated to reduce the risk that patrons will drink to excess and cause alcohol-related harm.
31. Commendably, the applicant has provided a detailed Illicit Drug Control Policy, including measures intended to detect and respond to any incidents of drink spiking.
32. I am 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.
33. Section 3(4) of the Act provides that in performing its function to decide whether to issue the licence, the Commission must have regard to the primary and secondary purposes of the Act. I consider that the issue of the licence and authority with the conditions imposed is consistent with the purposes of the Act.
34. Accordingly, the Commission has determined to issue the licence with a major event authority on the conditions set out at the commencement of this Decision Notice.

NOTICE OF RIGHTS

35. Section 60(3) of the Act requires the Commission to give a decision notice to an applicant after making a decision under s 60(1).
36. 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**). In this instance the Director and the applicant are entitled to apply to NTCAT for a review of this decision.

37. In accordance with s 94(3) of the *Northern Territory Civil and Administrative Tribunal Act 2014*, any application for review of this decision must be lodged within 28 days of the date of this decision.



Russell Goldflam
CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
10 May 2024