

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Application for a liquor licence with a major event authority
APPLICANT:	Alice Springs Casino Operations Pty Ltd
PREMISES:	Blatherskite Park Len Kittle Drive ALICE SPRINGS NT 0870
LEGISLATION:	Part 3 Division 4 of the <i>Liquor Act 2019</i>
DECISION OF:	Southern Region Manager – Licensing & Compliance
DATE OF REFERRAL:	07 August 2024

DECISION

1. For the reasons set out below and in accordance with section 60(1) of the *Liquor Act 2019* (the Act), I have determined to grant a liquor licence to the Alice Springs Casino Operations Pty Ltd (the Applicant) with a major event authority for the sale of liquor during the following periods:
 - Saturday, 31 August 2024 – 09:00 hours to 18:00 hours
 - Sunday, 01 September 2024 – 10:00 hours to 17:00 hours
2. The licensed premises is the Blatherskite Park at Len Kittle Drive, Alice Springs NT 0870 and delineated by the red line in the page 58 of the supporting documents provided by licensing officer to the Director of the Liquor Licensing (the Director).
3. I approve Mr Craig William Jervis as the designated nominee of the Applicant.
4. Except otherwise stated below, the liquor licence is subject to the conditions to Part 4 of the Act (Conditions on licences and authorities) and Division 12 (Major event authority conditions) of the *Liquor Regulations 2019* (the Regulations) and the following additional conditions:
 - a) The sale of liquor must be supervised by the persons nominated by the holder of the licence (the Supervisors), at least one of whom must be present during all trading hours and must ensure compliance with these conditions;
 - b) The boundary of the premises must be clearly identified and access to the premises must be restricted in a manner that allows for the effective supervision by the Supervisors;
 - c) No more than four (4) containers of liquor may be sold, served or supplied at the event to one person at a time;
 - d) All liquor sold, served or supplied at the event must be in open containers or plastic cups;
 - e) Spirits must not be sold in containers with more than 5% alcohol by volume;
 - f) Wine (including sparkling wine) must not be sold in containers with more than 150ml;
 - g) The only liquor that may be sold before 13:00 hours is to be mid-strength or light beer;

- h) All persons involved in the sale and supply must hold an RSA certificate and at least age of 18 years;
- i) All patrons to be inspected prior to entry to the venue to ensure that they do not bring any liquor onto the premises;
- j) Liquor must only be sold or supplied to patrons wearing an "18 plus" wristband supplied and applied to patrons by officers engaged by the licensee who are reasonably satisfied that the patron is over 18 years of age.
- k) 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.
- l) The licensee must comply with all requirements and guidelines published by the Liquor Commission (the Commission) or the Director of Liquor Licensing (the Director), including guidelines related to the conduct of entertainment.
- m) Where the licensee is operating from enclosed premises, the holder must prominently display on the 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.
- n) The licensee must comply with the Northern Territory Noise Management Framework Guideline issued by the Northern Territory Environment Protection Authority in September 2018.
- o) The licensee must clearly display signage to delineate Non- Smoking areas from the Smoking Areas and the holder must comply with smoking requirements contained in the *Tobacco Control Act 2002*. Food and drinks are not permitted to be taken into any designated smoking areas.

BACKGROUND

5. The Red CentreNATS is an annual major event in the Northern Territory, which has been operating for 9 years and reaching its tenth anniversary this year. The event includes grass driving, showcasing top-of-the-range street machines, elite show cars, hot rods, classics, exotics, show bikes, show-n - shine, drag racing, burnouts and 4WD (Four-wheel drive) course. The event is regarded as one of the biggest annual sporting events in the calendar of the Central Australia, held for two (2) to three (3) days.
6. On 18 July 2024, pursuant to section 52 of the Act, the Applicant lodged an application with the Director for a major event authority to permit the sale of liquor to patrons attending the Red CentreNATS for the premises known as Blatherskite Park situated at Len Kittle Drive, Alice Springs NT 0870.
7. The event is a ticketed and family friendly event, targeting all members of the local communities within wider Alice Springs region beside participants, competitors and spectators that travel from all over the Australia to attend this iconic event in the Northern Territory.
8. Provision of the sale, supply, service and consumption of the liquor is complementary to the event, where spirits, ready to drink, wine by glass, light, mid and heavy strength beer as well as a range of the non-alcoholic beverages will be available to the people attending the event.
9. The Applicant estimates that 1500 to 1800 will attend the event at any time in the Blatherskite Park based on its experience as the operator of the Red CentreNATS in previous years.
10. The Applicant has provided documentation in respect to the Applicant's operations and facilities and running of the event, the proposed operation of the liquor licence and the experience and character of the proposed nominee.

NOTIFICATIONS, PUBLIC NOTICES AND OBJECTIONS

11. Amendment to the Act in November 2021 inserted section 57(2A) which provides the Director with a discretion to exempt an applicant from the public notice requirements if the Director is of the opinion that the application discloses no public interest issues.
12. The Red CentreNATS is an annual major sporting event, running for 9 years and on the way to its tenth anniversary this year. The event is advertised through various media such as television, national media, social media, own website and print coverage. There is highly likely that general public will have any issues in relation to the sale and supply of the alcohol at the event given the location of the premises, being approximately five (5) kilometres from the township and no neighbours the occupy the property other than some caravan parks. Most of the guests staying at these caravan parks will be participants, competitors and spectators of the event.
13. On 08 May 2024, the Director has exempted the public notice requirements for the reoccurring major events that have been delegated by the Commission to the Director.
14. Pursuant to sections 56(4) of the Act, the following stakeholders were notified of the application by the Licensing NT:
 - a) The Department of Health (DOH);
 - b) Northern Territory Police (NT Police);
 - c) Alice Springs Town Council (Council)
 - d) Northern Territory Fire and Rescue Service (NTFRS); and
 - e) St John Ambulance Australia (NT) Incorporated (St John).
15. With respect to the application:
 - a) No response was received from DOH, NT Police, NTFRS, Council and St John.

COMPLIANCE

16. Liquor Compliance has informed that the Applicant, which has been granted major event liquor licences for previous years for the Red CentreNATS, has no history of non-compliance with the licence conditions.

APPLICATION

17. The Applicant has provided a comprehensive suite of documentation in support of the application including all materials prescribed by the Act.
18. The authority sought by the Applicant is pursuant to section 47(1)(o) of the Act.
19. The determination of applications under section 60(1) of the Act has been conditionally delegated by the Commission to the Director. The limitation including the authorities which may be granted under delegation being a reoccurring major event.
20. The Director further delegated these powers to me by instrument.

DISCLOSURES OF PERSONS

21. Section 54 of the Act requires the applicant to make an affidavit disclosing each person who, if the licence is issued, may:
 - a) Be able to influence the applicant; or
 - b) Expect a direct or indirect benefit from the applicant.
22. I am satisfied with the materials provided by the Applicant in relation to this requirement.

RESULTS OF INVESTIGATION

23. Section 58 of the Act enables the Director to conduct an investigation into an application as considered appropriate. No materials have been discovered or provided to indicate there are any adverse matters in relation to this application.
24. A fulsome public interest and community impact assessment and operations plan were provided detailing the exclusive nature of the premises and comprehensive services to be offered.

FINANCIAL STABILITY

25. The Applicant is known to the Director and the Commission, and holds full liquor licence 80103004 for the premises Lasseters Hotel Casino located at Barrett Drive, Alice Springs NT 0870.
26. Accordingly, as the Applicant is already known and have gone through extensive probity examination, without any adverse findings, no additional materials were sought in respect to this application.

FIT AND PROPER PERSON

27. Subsection 59(3)(g)(i) of the Act requires the decision maker to consider whether the applicant and as the applicant is a body corporate, their nominated licensee, are fit and proper to hold a licence.
28. The Applicant has nominated Mr Craig William Jervis as the nominee.
29. The Applicant and proposed nominee are known to the Director and the Commission, no further documents were requested in relation to this application.

PUBLIC INTEREST AND COMMUNITY IMPACT

30. Section 49 of the Act requires the decision maker to be satisfied the applicant is fit and proper, the licence or authority is in public interest and will not have a significant adverse impact on the community.
31. The first branch of the requirement has already been addressed.
32. It remains to consider whether the application is in the public interest, to do so consideration must be given to the objectives prescribed in section 49(2) of the Act which include:
 - a) minimizing the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
 - b) ensuring liquor is to be 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 training suitable to the person's role in the business;
 - h) preventing the giving the credit in sales of liquor to people;
 - i) preventing the practices that encourage irresponsible drinking;
 - j) reducing or limiting increased in anti-social behavior.

33. In determining whether there would be a “significant adverse impact on the community” section 59(3) of the Act prescribes the decision maker “must consider the following”:
- 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 licenses 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 section 50;
 - j) any other matter prescribed by regulation.
34. The Act is clear in that the applicant bears the onus of satisfying the decision maker of the relevant matters, irrespective of whether no objections were received as in the case in this matter.
35. In relation to the issue of the community impact and public interest, those matters have previously been published under section 6A of the *Liquor Act 1978* and in force immediately before the commencement of the *Liquor Act 2019*, and are taken to be community impact assessment guidelines issued under section 50 of the Act.
36. Those matters remain as previously published in numerous decisions by the Commission and I am guided by these decisions.

CONSIDERATION CRITERIA

37. Consideration must be made of the applicant’s affidavit, the results of any investigation, objections and responses, the suitability of the premises along with the appropriateness of the applicant to be a licensee.
38. With regards to the matters raised in section 49(2) of the Act, I note following:
- a) minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor is to be minimised:

I am satisfied the provision of the alcohol is complementary to the overall facilities management provision associated with the proposal and is not the significant attractor.
 - b) ensuring liquor is to be sold, supplied, served and consumed, on or in licensed premises in a responsible manner:

Having considered all the materials provided by the Applicant, it is unlikely any liquor sold, supplied, served and consumed will be done so in an irresponsible 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:

The ticketed event and given the location of the premises make it improbable that the public order and safety are likely to be jeopardized by the operation of the licence, also the Applicant has prepared a suitable public interest and community impact assessment including processes to safeguard against harm.

- d) protecting the safety, health and welfare of people who use licensed premises:
Public interest and community impact assessment, operations plan and policies developed by the Applicant in relation to the premises are considered to adequately protect the safety, health and welfare of people who are likely to use the licensed premises during its hours of operation.
- e) increasing cultural, recreational, employment or tourism benefits for the local community area:
Red CentreNATS is an annual family friendly major event attracting 1500 to 1800 patrons at any time, therefore many of the overall patrons will not be consuming liquor and are there to enjoy the motor events. This event clearly promotes recreation, employment or tourism benefits to the wider Alice Springs region.
- f) promoting compliance with this Act and other relevant laws of the Territory:
There are no materials provided which would suggest the Applicant will not comply with the Act and any other relevant laws.
- g) enduring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business:
I am satisfied the Applicant will appropriately manage and supervise service staff.
- h) preventing the giving of credit in sales of liquor to people:
No issues have been raised to suggest that there is any concern in relation to this objective.
- i) preventing the practices that encourage irresponsible drinking:
No issues have been raised to suggest there is any concern in relation to this objective.
- j) reducing or limiting increases in anti-social behaviour:
No issues have been raised to suggest there is any concern in relation to this objective.

39. Turning to matters under section 49(3):

- 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 work in the vicinity of the proposed licensed premises or who are suing, or travelling to from, a place of public worship, a hospital or a school:
There are no materials to suggest there is a significant risk of undue offence, annoyance, disturbance or inconvenience likely to be caused by the granting of this authority. The site is remote and access is ticket.
- b) the geographic area that would be affected:
There are no other residents within the immediate vicinity of the premises and therefore no adverse impact will result from this licence.
- c) the risk of harm from the excessive or inappropriate consumption of liquor:
Provision of sale and supply of the liquor is ancillary to the event where primary activity is to watch the elite show cars and bikes. Most of the patrons attend the event to have a good quality family time and watch hot rods and classics rather than attend the event to consume the liquor inappropriately or excessively. There has been no incidents or records related to the excessive or inappropriate consumption of liquor in this event for 9 years.
- d) the people or community who would be affected:
Given the location of the premises it is unlikely there will be significant adverse impact on the community by the granting of this licence.
- e) the effect on culture, recreation, employment and tourism:
It is anticipated that 1500-1800 people will attend this event at any given time attracting local and people all over the country, which will highly likely boost the recreation, employment and

tourism. This increase in the number of tourists is unlikely to have any adverse impact in the Alice Springs region.

f) the effect on social amenities and public health:

It is unlikely there will be any significant adverse impact on the social amenities and public health by the granting of this licence to the Applicant.

g) the ratio of existing liquor licences and authorities in the community to the population of the community:

Targeted customers of this authority are the motorsports, elite cars and bikes enthusiasts and families and accordingly this may likely not to impact on 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:

As the event is a family friendly targeting elite cars and bikes enthusiasts and followers, its operation is unlikely to significantly increase the volume of liquor sales in the wider Alice Springs regional area.

i) the community impact assessment guidelines issued under section 50:

These have been considered and referred to earlier in this notice.

40. Having regards to the foregoing, I am satisfied that the issuing of the major event authority as sought is in the public interest and will not have an adverse effect on the community.

REVIEW OF DECISION

41. Section 27 of the Act provides for the Applicant or a person who made a submission the subject of the decision, to seek a review of a decision made by the delegate of the Director.

42. The Director delegated the determination of applications made under section 52 of the Act by instrument to the person from time to time holding, acting in or performing the duties of the position listed in the Schedule of that instrument. This decision was made by a person referred to in that schedule.

43. An application for review must be lodged with the Director within 28 days after written notice of the decision to the person and must be in the form approved by the Director, stating the grounds for the review and the facts relied on to establish the grounds.

44. Accordingly, the affected persons in relation to this decision are Alice Springs Casino Operations Pty Ltd, DOH, NT Police and NTFRS.



Mark Wood
Southern Region Manager – Licensing & Compliance
Delegate of the Director of Liquor Licensing
7 August 2024