

## Delegate of the Director of Liquor Licensing

### Decision Notice

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<b>MATTER:</b>	Application for a liquor licence with a major event authority
<b>APPLICANT:</b>	Freds Pass Rural Show Incorporated
<b>PREMISES:</b>	Freds Pass Reserve – Western Side 20A Bees Creek Road Bees Creek, NT 0836
<b>LEGISLATION:</b>	Part 3 Division 4 of the <i>Liquor Act 2019</i>
<b>Decision of:</b>	Southern Region Manager – Licensing & Compliance
<b>DATE:</b>	27 November 2024

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### DECISION

- For the reasons set out below and in accordance with section 60(1) of the *Liquor Act 2019* (the Act), as a delegate of the Director of Liquor Licensing (the Director), I have determined to grant the application for a liquor licence with a major event authority to the Freds Pass Rural Show Incorporated (the Applicant) for the sale of liquor between the hours of:
  - Saturday, 24 May 2025 – 09:00 hours to 22:30 hours
  - Sunday, 25 May 2025 – 09:00 hours to 16:00 hours
- The licensed premises is the Freds Pass Reserve – Western Side located at 20A Bees Creek Road, Bees Creek, NT 0836 and delineated by the red line in the page 38 of the supporting documents provided by a Compliance officer to the Director of the Liquor Licensing (the Director).
- I approve Mrs Linda Masters as the designated nominee of the Applicant.
- Except as otherwise stated below, the licence is subject to the conditions pursuant to Part 4 of the Act (Conditions on licenses and authorities) and Division 12 (Major event authority conditions) of the Liquor Regulations 2019 (the Regulations) and the following additional conditions:
  - All liquor sold, served, or supplied at the event must be in open containers;
  - No more than four (4) containers of liquor may be sold, served, or supplied at the event to one person at a time;
  - A reasonable range of non-alcoholic beverages and low alcoholic content beverages must be available for purchase by patrons during the event;
  - Complimentary potable water must be available to patrons during the event;
  - Snacks must be available for purchase by patrons during the event;
  - Two (2) licensed crowd controllers must be employed for the first 100 patrons attending the event, one (1) additional licensed crowd controller for each additional 100 patrons attending the event up to 5,000 patrons; and one (1) additional licensed crowd controller for each additional 200 patrons attending the event;

- g) At least 75% of the licensed crowd controllers at the event must wear clothing that identifies their function;
5. The granting of the approval is subject to the following additional conditions:
    - a) The licensee must comply with any requirement or directions of the Chief Health Officer in relation to COVID-19 declarations or other health declarations pertaining to the sale of liquor at public gatherings;
    - b) No liquor or other beverages to be sold in glass containers;
    - c) No liquor to be sold to any person without verification of age upon request.
  6. The Liquor Commission delegated the determination several annual major events such as this, to the Director of Liquor Licensing on 17 December 2020. The Director has subsequently delegated the same matters to the Director.
  7. The delegation by the Commission was not without qualification, of relevance to this matter, the granting of a licence by a delegate may only be in circumstances where the "...Applicant has not been the subject of disciplinary action for a previous event." In such circumstances the determination of the licence application must go before the Commission.
  8. The delegation is provided on the understanding that any decision made by a delegate is subject to the *Liquor Commission Act 2018* and the *Liquor Act 2019*, including the right of review of a delegate's decision.

## **BACKGROUND**

9. Freds Pass Rural Show Incorporated has held annual rural shows at the location for many years and is considered an annual iconic event in Darwin.
10. The applicant has been granted previous licences, materially under the same terms and conditions that this approval has been granted. With the commencement of the Act, the appropriate liquor license is that with a major event authority.
11. I take note of previous decisions to grant liquor licences for this event where the most recent application is materially the same as previous applications.

## **NOTIFICATIONS, PUBLIC NOTICES AND OBJECTIONS**

12. 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.
13. Freds Pass Rural Show is an annual major event, which has been running for over 40 years, with no issues in meeting compliance requirements of the liquor licence. The event is widely advertised on Radio, NT News, social media platforms, posters in venues in the surrounding areas, banners and their own website.
14. On 08 May 2024, the Director has exempted the public notice requirements for the reoccurring major events that have been delegated by the Liquor Commission (the Commission) to the Director.

15. Pursuant to sections 56(4) of the Act, the following stakeholders were notified of the application

by the Licensing NT:

- a) Northern Territory Police
- b) Department of Health; and
- c) Litchfield Council

16. With respect to the application:

- a) DOH advised that it has no objections.
- b) NT Police advised that it has no objections.
- c) Litchfield Council advises that it has no objections.

## **COMPLIANCE**

17. Liquor Compliance has informed that the Applicant, which has been granted major liquor licences for many years for Freds Pass Rural Show Incorporated, has no history of non-compliance with the liquor licence conditions.

## **APPLICATION**

- 18. The Applicant has provided a comprehensive suite of materials and documents in support of the application including all materials prescribed by the Act.
- 19. The authority sought by the applicant is in pursuance of section 47(1)(o) of the Act.
- 20. 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.
- 21. The Director further delegated these powers by instrument to me.

## **DISCLOSURES OF PERSONS**

- 22. 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.
- 23. I am satisfied with the materials provided by the Applicant in relation to this requirement.

## **RESULTS OF INVESTIGATION**

- 24. Section 58 of the Act enables the Director to investigate an application as considered appropriate. No materials have been discovered or provided to indicate there are any adverse matters in relation to this application.
- 25. A fulsome Event Management Plan was provided detailing the exclusive nature of the premises and comprehensive services to be offered.

## **FINACIAL STABILITY**

26. I am satisfied with the materials provided of the financial stability and business reputation of the Applicant.

## **FIT AND PROPER PERSON**

27. Section 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 Mrs. Linda Masters as the nominee. The Applicant has provided the sufficient materials to demonstrate they are suitable and meets the requirements in relation to financial stability.

29. Having considered the materials provided I am satisfied the Applicant and Mrs. Linda Masters remains a fit and proper person to hold a licence and act as the nominee.

## **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 the 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) minimising 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 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 the practices that encourage irresponsible drinking;
- j) reducing or limiting increases in anti-social behaviour.

33. In determining whether there would be a "significant adverse impact on the community" section 49(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 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 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 is 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 Liquor Commission and I am guided by these decisions.

## **CONSIDERATION CRITERIA**

37. In accordance with section 59 of the Act, I have considered:
- (a) The applicant's affidavits required by section 54;
  - (b) The results of an investigation into the applications conducted by Licensing NT personnel;
  - (c) In the absence of objections, the responses of the stakeholders to which notification was provided;
  - (d) The suitability of the area; and
  - (e) The financial stability and general reputation and character of the applicant and their nominee being Linda Masters.
38. In accordance with section 49 of the Act, I have also considered whether issuing the authority to the Applicant is in the public interest, and whether the granting of the authority will a significant adverse impact on the community.
39. Accompanying the application are Community Impact Assessment, Event Management Plan, Traffic Management Plan and other materials evidencing the appropriateness of the granting of this matter.
40. I am satisfied on the basis of the conduct of the previous licenses, granted for the same event, and the material presented in this application, that the approval of this matter is appropriate in the circumstances.

### ***Whether issuing the licence is on the public interest***

41. Section 49(2) of the Act requires me to determine whether issuing the authority is in the public

interest and how it will advance the following objectives:

- (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 a licensed premises in a responsible manner;
  - (c) Safeguarding public order and safety, particularly when large numbers of people would be attracted to the licensed premises or an area adjacent to those premises;
  - (d) Protecting the safety, health and welfare of people who use the 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 the 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.
42. Having considered each of these objectives and having regard to the stringent controls placed on the consumption of liquor and the conduct of previous events, I am satisfied that it is in the public interest to issue the authority.
43. I also note and adopt the previous considerations and approvals in relation to their approval of this event.
44. In the absence of material changes to the application, I consider it inappropriate to revisit or dissent from the previous considerations.

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

45. Section 49(3) of the Act prescribes the matters which must be considered when determining whether the issuing of the authority would have a significant adverse impact on the community.
46. These include:
- (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 of 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 section 50;
  - (j) Any other matter prescribed by regulation.

47. The applicant also bears the onus of satisfying me of the relevant matters, irrespective of whether any objections were received.
48. Again, noting and adopting the previous considerations and approval for liquor licences for this event, I am satisfied the conditions placed on the approval, along with the conditions prescribed by the Regulations will ensure liquor is consumed in an appropriate manner, the risk of harm is minimal and there is no apparent significant adverse impact on the community.
49. In considering this application I am obliged to consider the purposes prescribed in the Act, primary being, to minimise the harm associated with the consumption of liquor in a way that recognises the public's interest in the sale and consumption of liquor.
50. Secondary purposes include, a protection of the community amenity and wellbeing, regulation of the sale of liquor in a way that contributes to the responsible development of the industry and associated businesses, and of particular relevance, facilitating a diversity of associated services for the benefit of the community and stimulating the tourism and hospitality industries.
51. I am satisfied the applications are in line with the purposes of the Act, particularly in providing a diversity of services and stimulation to the tourism and hospitality industries.
52. As a result, outlined above, I am on balance, satisfied that the approval of this application is appropriate, in the public interest and will not have a significant adverse impact on the community.

## REVIEW OF DECISION

53. Section 26 of the Act requires a delegate of the Director to, as soon as practicable after deciding, give a written notice of the decision to an affected person being a licensee, applicant or person who made a submission, complaint or objection, the subject of the decision.
54. Section 11 of the Act provides for the Director to delegate powers and functions under this Act by instrument, to a person from time to time holding, acting in or performing the duties of the position specified in that instrument. This decision was made by a person referred to in that instrument.
55. Section 27 of the Act provides that an affected person for a delegate decision may apply to the Director for a review of the decision. This application for review must be made within 28 days after written notice of the delegate decision is given to the affected person, or within any additional time that the Director allows.
56. Accordingly, the affected persons in relation to this decision are Freds Pass Rural Show Incorporated, NT Police, the Department of Health and the Litchfield Shire Council.



**Mark Wood**  
Southern Region Manager – Licensing & Compliance  
Delegate of the Director of Liquor Licensing  
27 November 2024