

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Application for a Major Event Authority Liquor Licence
APPLICANT:	Alice Springs Casino Operations Pty Ltd (ACN 649 019 107)
LEGISLATION:	Part 3, Division 4 of the <i>Liquor Act 2019</i>
DECISION OF:	Principal Licensing Officer - Liquor, Gaming & Racing
DATE OF DECISION:	24 August 2022

DECISION

1. For the reasons set out below and in accordance with section 60 of the *Liquor Act 2019* (the Act), as delegate of the Director of Liquor Licensing I have determined to grant the application for a major event authority to Alice Springs Casino Operations Pty Ltd (ACN 649 019 107) (the Applicant) for the sale of liquor between:
 - Saturday, 3 September 2022, 11:00 hours to 19:00 hours and;
 - Sunday, 4 September 2022 11:00 hours to 18:00 hours.
2. The granting of this approval is for the annual Red Centre Nats event held at Blatherskite Park and is subject to the provisions of Part 4, Division 12 of the *Liquor Regulations 2019* (the Regulations).
3. The granting of the approval is also subject to the following additional conditions:
 - (a) 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 Nominee;
 - (b) Spirits must not be sold in containers with more than 5% alcohol by volume;
 - (c) Wine (including sparkling wine) must not be sold in containers with more than 150ml;
 - (d) The only liquor that may be sold before 13:00 hours is to be mid-strength or light beer;
 - (e) Patrons are not permitted to bring liquor into the licensed premises;
 - (f) 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;
 - (g) 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;

- (h) 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;
- (i) The licensee must comply with the Northern Territory Noise Management Framework Guideline issued by the Northern Territory Environment Protection Authority in September 2018;
- (j) All persons involved in the sale and supply of liquor must hold an RSA certificate;
- (k) All liquor sold, served or supplied at the event must be in open containers;
- (l) No more than 4 containers of liquor may be sold, served or supplied at the event to one person at a time.

BACKGROUND

- 4. The Northern Territory Major Events Company Pty Ltd is the event organiser for Red Centre Nats which is considered an iconic annual event in Alice Springs that began in 2015.
- 5. Previously, on 27 July 2021, Ford Dynasty Pty Ltd (Lassetters Hotel Casino) was issued a liquor licence with a major event authority (FLL1639) for the Red Centre Nats events held at Blatherskite Park on 4 and 5 September 2021.
- 6. On 20 October 2021, Ford Dynasty transferred liquor licence 80103004 for Lassetters Hotel Casino to Alice Springs Casino Operations Pty Ltd after the sale of the business.
- 7. The proposed licensee for events held at Blatherskite Park for Red Centre Nats 2022 is Alice Springs Casino Operations Pty Ltd (ACN 649 019 107).
- 8. I take note of previous decisions to grant liquor licences for this event where this most recent application is materially the same as previous applications.

CURRENT SITUATION

- 9. It is estimated that approximately 1500–1800 persons will be in attendance for the events held at Blatherskite Park for Red Centre Nats on Saturday the 3rd and Sunday the 4th of September 2022. Therefore. As per section 47(1)(o) of the Act the Applicant requires a major event authority liquor licence.

PUBLICATION OF THE APPLICATION

- 10. On Friday, 15 July 2022, the Applicant provided a written submission seeking an exemption for the public notice requirements under section 57(2A) of the *Liquor Act 2019* for the Director of Liquor Licensing to consider.
- 11. On Tuesday, 19 July 2022, a Delegate of the Director of Liquor Licensing responded to the applicant's written submission and exempted the Applicant pursuant to section 57(2A) of the *Liquor Act 2019*.

CONSULTATION

12. The following Stakeholders were notified of the application.

- Department of Health;
- Northern Territory Police;
- Northern Territory Fire and Rescue Service; and
- Alice Springs Town Council.

13. No objections were received in relation to the application.

COMPLIANCE

14. There has been no recorded disciplinary action or contentious matters from past events or in relation to the current Applicant or nominated person.

ASSESSMENT OF MATTER

15. On 17 December 2020 the Liquor Commission delegated the determination applications for a major event authority *inter alia* for this Applicant, in the absence of objections or contentious matters, where the Applicant has not been subject to disciplinary action to the Director.

16. On 17 February 2021 that power has subsequently been further delegated to me by the Director.

17. As no objection, contentious matter or disciplinary action is evident, with reference to the instrument of 17 February 2021 this matter may be determined by me as Delegate of the Director without referral to the Liquor Commission.

18. In accordance with section 59 of the Act, I have considered:

- (a) the applicant's affidavit as 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 applicants and their nominee Craig Jervis.

19. 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 have a significant adverse impact on the community.

20. Accompanying the application are the Public Interest and Community Impact Assessment, Red Centre Nats (RCN) Operations Plan 2021 (*the RCN Operation Plan for 2022 was not published at the time the application was submitted, but will be similar to the 2021 plan*) and other materials evidencing the appropriateness of the granting of this matter.

21. I am satisfied on the basis of the conduct from the Applicant and nominee to date along with the issue of the previous licences, granted for the same event, and the material presented in this application, that approval of this matter is appropriate in the circumstances.

Whether issuing the licence is on the public interest

22. 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 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.

23. Having considered each of these objectives, and having particular 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.

24. I also note and adopt the previous considerations and approvals in relation to their approval of this event.

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

25. 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.

26. 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 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.

27. The applicants also bear the onus of satisfying me of the relevant matters, irrespective of whether any objections were received.

28. 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.

29. 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.

30. 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.

31. 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.

32. As a result of the matters 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

33. Section 26 of the Act requires a delegate of the Director to as soon as practicable after making a decision, to 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.

34. 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.
35. 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.
36. Accordingly the affected persons in relation to this decision are Alice Springs Casino Operations Pty Ltd, NT Police, the Department of Health, and the Alice Springs Town Council.



Jeff Verinder
Principal Licensing Officer - Liquor, Gaming & Racing
Delegate of the Director of Liquor Licensing

24 August 2022