

Delegate of Director of Liquor Licensing

Decision Notice

MATTER: APPLICATION FOR GRANT OF LIQUOR LICENCE AND MAJOR EVENT AUTHORITY

PREMISES: Noonamah Tavern
1801 Stuart Highway
Noonamah, NT

APPLICANT: Dalkeith AG Company Pty Ltd

LEGISLATION: Sections 47 and 52 of the *Liquor Act 2019*.

DECISION OF: Delegate of Director of Liquor Licensing

DATE: 13 May 2021

DECISION

1. For the reasons set out below and in accordance with the *Liquor Act 2019*, (**the Act**), a Delegate of the Director of Liquor Licensing (**the Delegate**) has determined to approve the grant of a liquor licence.
2. A liquor licence with a major event authority is approved for premises known as Noonamah Tavern located at 1801 Stuart Highway, Noonamah for an event known as the Noonamah Tavern Rodeo. The trading day and hours are approved for
 - Saturday 22 May 2021 18:00 hours to 01:00 Hours the following day
3. In addition to the standard conditions of a Major Event Authority, the following conditions will be included on the licence;
 - The boundary of the area known as "Rodeo Arena" must be clearly identified and access to the Rodeo Arena must be restricted in a manner that allows for effective supervision by the nominee.
 - Crown controllers are to advise Police, if on site, of any persons consuming liquor in the Regulated Area. A regulated area is any public place not included within any licensed premises and in particular includes the carparks, driveways, roadway, entry line up points and any open area in front of the Noonamah Tavern and rodeo grounds within a 2 kilometre radius.
 - The licensee shall ensure crowd controllers are located at all entry/exit points to the Rodeo Area to ensure liquor is not brought onto or removed from the licensed area.
 - In relation to liquor, no more than four (4) cans or bottles sold to any one persons at any one time from 18:00 hours and then no more than two (2) cans or bottles sold to any one persons from 22:00 hours to 01:00 hours (where this is inconsistent with Regulation 69(2) this condition will prevail)
 - All patrons within the Rodeo Arena over the age of 18 years are to be issued with coloured coded wristbands for the purchase of liquor and liquor is ONLY to be sold to those patrons wearing a wristband.

- A RSA Marshall is required at the bar within the Rodeo Arena for monitoring patron's sobriety and is to advise crowd controllers of any refusal of service to a patron
- Drinks must not be served to patrons in glass

BACKGROUND

Application

4. An application was lodged by Mr Anthony Innes on behalf of Dalkeith Ag Co Pty (**the Applicant**) on 30 October 2019 for the annual Noonamah Rodeo Events (x 3). These applications were published as Major Events in the NT News on Wednesday 12 February 2020 and Saturday 15 February 2020. This closed on 6 March 2020 with no objections.
5. Licensing NT provided the relevant and necessary notification to the relevant stakeholders under section 56 of the Act, which extended to:
 - Department of Health;
 - Northern Territory Police;
 - Northern Territory Fire & Rescue Service;
 - St John Ambulance; and
 - Litchfield Council.
6. This application was referred to the NT Liquor Commission on 2 June 2020 listing the proposed event dates of:
 - Saturday 10 May 2020 18:00 hours to 01:00 hours (the following day)
 - Saturday 11 July 2020 18:00 hours to 01:00 hours (the following day)
 - Saturday 12 September 2020 18:00 hours to 01:00 hours (the following day)
7. The applicant confirmed by email on 23 March 2020 that the May date had been cancelled and the events in July and September were uncertain due to the emerging COVID-19 situation. The Liquor Commission considered the application and issued a decision on 24 June 2020 under the Decision of Ms Amy Corcoran (Community Member). Pursuant to section 48 of the *Liquor Act 2019* the Commission determined to issue a licence to Dalkeith Ag Co Pty Ltd with a major event authority approving a single event for the 12 September, 2020. This decision notice also provided for the cancellation of the event and for it to be re-scheduled in 2020.
8. These events did not proceed throughout 2020 resulting in the applicant cancelling the events. Impacting factors to the Applicant in 2020 were experienced due to ongoing developments from national implications of COVID-19, restrictions with interstate competitors and sponsors along with directions of the Chief Health Officer (CHO) in relation to events.
9. The applicant incurred costs in 2020 associated with the publication of the 2020 Rodeos under the Major Event application requirements. The applicant paid costs associated publication for a Major Event. A review of the receipting system shows that this application fee was not refunded.
10. As this event was cancelled and proposed to be held at a later date, it has been determined to apply this decision to the new date and time being;
 - Saturday 22 May 2021 18:00 hours to 01:00 hours (the following day)

MATTERS TO BE TAKEN INTO ACCOUNT IN MAKING DETERMINATION:

11. Section 59 of the 2019 Act provides that the Director must determine the applications on the basis of the following information:
- a) *the applications as lodged;*
 - b) *any objections lodged in relation to the applications;*
 - c) *any submissions made to or evidence received by the Director in relation to the application*
 - d) *the applicant's affidavit*
 - e) *results of any investigations*
 - f) *suitability of the premises*
 - g) *financial stability of business reputation of the applicant*
 - h) *general reputation and character of the secretary and executive officers of the Applicant*
 - i) *whether the Applicant is fit and proper to hold a licence*
 - j) *if the Director considers it appropriate – whether each associate of the applicant is a fit and proper person to be an associate of the license*

CONSIDERATIONS BY THE DELEGATE

12. The background and supporting material to the application by the Applicant for the grant of a licence is set out previously in the Decision Notice issued by the Liquor Commission on the 24 June 2020. The Applicant was issued with a liquor licence and major event authority based on that Decision Notice. The fact that the event did not go ahead as planned was not in any way the fault of the Applicant but a combination of COVID-19 related issues and compliance with relevant health directions, both locally and interstate. I have reviewed this documentation and find that the information contained in the application complies with the requirements of the Act and there is no reason why I cannot consider and take notice of the prior decision of the NT Liquor Commission and any information within that Decision Notice.
13. I also consider that due to the cancellation of the event that was previously approved, that I can now approve the re-issuing of that liquor licence and major event authority for a new date. This can be viewed as a re-allocation of dates of a previously approved licence without the need of an applicant in making a fresh application. I believe this notion also supports the view of the Director of Liquor Licensing and of the wider NT Government in supporting local business and tourism. I also make reference to Section 43 of the *Interpretation Act 1978* which provides for amendments of decisions. The Liquor Commission in their decision notice provided for the re-allocation of a date in the case of a cancellation of the event to a new date in 2020. By use of Section 43 of the *Interpretation Act 1978* I amend that decision to include a fresh date in 2021 where the use of that provision is clearly in the public interest and also in the purposes of the Liquor Act.
14. I note that The Noonamah Rodeo Events have been held over the past nine years with the exception of 2020. Confirmation was obtained from Compliance Staff at Licensing NT that the Applicant has not had any compliance issues in the past 12 months and that there were no compliance issues raised at the last Noonamah Tavern Rodeo conducted in September 2019 when Senior Compliance Officers were in attendance.
15. I am required by the Act to consider the community impact of this liquor licence application against the primary purpose of this Act to minimise the harm associated with the consumption of liquor in a way that recognises the public's interest in the sale, supply, service, promotion and consumption of liquor. Having considered this application I do not find any evidence to

show that the application would have any significant adverse impact and concur with the previous assessment and approval of the NT Liquor Commission without further assessments.

16. In considering the application the Director, is obliged to consider the purposes prescribed in Part 1, Section 3 of the Act, namely:

(1) The primary purpose of this Act is to minimise the harm associated with the consumption of liquor in a way that recognises the public's interest in the sale, supply, service, promotion and consumption of liquor.

The secondary purposes of this Act are:

(1) to protect and enhance community amenity, social harmony and community wellbeing through the responsible sale, supply, service, promotion and consumption of liquor;

(2) to regulate the sale, supply, service, promotion and consumption of liquor in a way that contributes to the responsible development of the liquor industry and associated businesses in the Territory;

(3) to facilitate the diversity of licensed premises and associated services for the benefit of communities in the Territory; and

(4) to regulate the sale, supply, service, promotion and consumption of liquor in a way that stimulates the tourism and hospitality industries.

17. In considering these purposes I take note of the Applicant's prior good conduct in holding the events in the past and its pro-active measures in ensuring future events are well managed in a safe and orderly fashion. I further note that the Applicant is the holder of a full liquor licence at the Noonamah Tavern and is well acquainted with the requirements of the *Liquor Act* and *Liquor Regulations*.

REVIEW OF DECISION

18. 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.

19. 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.

20. 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.

21. Accordingly the affected persons in relation to this decision are the Applicant, Dalkeith AG Company Pty Ltd, NT Police, Department of Health and Litchfield Council.


Jeff Verinder

Delegate of Director of Liquor Licensing
13 May 2021.