

NORTHERN TERRITORY LICENSING COMMISSION

APPLICATION FOR A RESTRICTED AREA PURSUANT TO PART 8 OF THE *LIQUOR ACT*

DECISION

Applicant:	Terence Dumoo on behalf of landowners from Perrederr and Nardirri via Daly River
Restricted Area:	Perrederr and Nardirri Area
Heard Before:	John Flynn (Acting Chairman) Alan Clough Brenda Monaghan
Date of Hearing:	9 June 2005 at Perrederr

Reasons For Decision

- 1) On 9 August 2004, an application was received by the Director of Licensing for a restricted area in the Perrederr and Nardirri homeland area. Further information was supplied to the Director of Licensing upon request.
- 2) The area of the land to be included in the proposed restricted area can be loosely described as the parcel of land south of the Peppimenarti/Nardirri Road from the Perrederr turn off to the Old Barge Landing abounded to the south by the Moyle River. The written application confirms that the land is owned by the Dumoo Clan who are the Traditional Owners. The application is signed by a number of persons as representative landowners for the areas in question. The signatories include members from the Dumoo, Gumbaduck, Namarluk and Mullumbuk families.
- 3) Perrederr and Nardirri are small Communities located in an area some 40km North West of Peppimenarti. Access is via the main Daly River/Port Keats Road. The relative isolation of the area is clear from the observation that the time it takes to reach the nearest Police Station at Wadeye is 25 minutes by small aircraft or 3 to 4 hours by road. Services are generator-supplied power, a phone and some houses.
- 4) On 7 December 2004, Licensing Inspectors Paul Mitchener and Paul Laverty met with Mr Harold Anderson, a representative from the Community. Mr Anderson put forward a number of reasons why the Community were requesting a restricted area. He advised that the two Communities have a combined population of some 40 people, including

children. They also have a floating population of up to 80 people.

- 5) Mr Anderson's comments on the reason for wanting a restricted area accorded with those in the written application. They included concerns about the problems created by people bringing alcohol into the community and its impact on the local people. Further, the elders wished to encourage families to return to the communities by creating an environment that is relatively free from the problems associated with excessive drinking.
- 6) Following this meeting on 7 December, the Director of Licensing advised the Daly River Roadside Inn, the Thamarrurr Regional Council, The Nauiyu Club, the Northern Territory Police and the Peppimenarti Club of the application for a restricted area and sought their comments. No objections were received and arrangements were made for a hearing on 9 June 2005.
- 7) As part of the hearing process on 9 June, members of the Thamarrurr Council including Martin Mullumbuk, Felix Gumbaduk and Lawrence Kolumboort, Dominic McCormack (interpreter) and Terry Bullemor (CEO Thamarrurr Regional Council) met with the Commission at Wadeye. The Commission heard that the Thamarrurr Council supported the application. Felix Gumbaduk, a council member and traditional owner of the land in question, confirmed that currently there was no problem-drinking in the proposed restricted area. In the recent past however, young people had been known to swim across the Moyle River from a restricted area in order to drink at Nardirri. The Moyle River has a healthy population of crocodiles and it was a real concern to him not only that someone may be killed but that his family might be blamed.
- 8) Following this meeting, the Commission spoke to Sergeant Shane Taylor who is the Officer- In- Charge of Wadeye and the surrounding area including the proposed restricted area. Sergeant Taylor discussed alcohol problems affecting the community generally but he expressed no concerns about this particular application.
- 9) The Commission then travelled to Perrederr by light plane. There they met with Traditional Owners, Felix Gumbaduk and Terence Dumoo in the presence of a large number of extended family and community members of all ages. Whilst waiting for people to assemble, the Commission spoke to Harold Anderson (Community adviser) who has resided at Perrederr for approx 19 years and has raised his children there. Mr Anderson advised that he had himself imposed a restricted area on Perrederr for approx 10 years and he had erected a sign to prevent people from bringing alcohol onto the land. Mr Anderson advised however, that he still encountered problems with liquor from time to time and he felt that it was time for a legal restricted area to be declared so as to entice families and young people back to the land. He indicated six or so houses that had been recently renovated and expressed the hope that 10 or 11 families would be living at Perrederr by the end of the year. Ultimately, Mr Anderson saw a

future income for the community from both cattle and tourism but he considered that the first step to ensure that the area is a dry area.

- 10) Commission members then spoke to Terence Dumoo with the assistance of Dominic McCormack as required. Mr Dumoo confirmed many of Mr Anderson's comments. His vision was for families to return to the land with their children but he considered that first the elders needed a restricted area to give them the ability to control drinkers with the assistance of Police. Mr Dumoo expressed his concern that his people were not following their culture and not listening. The elders wanted the opportunity to pass on their knowledge and skills including producing artefacts, hunting, fishing and knowledge about bush tucker to the young people. Ultimately the vision for the community was for a health clinic, a School and a healthy community living and working on their land. The community were not intending to support a liquor permit system.
- 11) At the conclusion of the meeting, the Commission was satisfied that the elders fully understood the implications of having their land declared a restricted area and that this was an appropriate case for such a declaration to be made. The community were told that their application would be granted and that they could anticipate having a restricted area within a relatively short space of time. The Commission were impressed by the Community who appear to have strong leaders and a clear vision for a better future for their members.
- 12) The Commission's decision is that:
- a) Pursuant to s.74(1), s.81(1)(b) and s.81(2)(b) of PART VIII of the Liquor Act, a declaration is made declaring the following parcel of land a restricted area.

*All that parcel of land near Peppimenarti in the Northern Territory of Australia
being that part of Northern Territory Portion 1637 (Daly River/Port Keats
Aboriginal Land Trust) bounded by lines described as follows:*

*Commencing at the intersection of the centrelines the road to Perrederr
with the road known as the Nadirri road being a point situated at or about
MGA94 (Zone 52)
co-ordinate 8 456 000 metres North, 596 300 metres East; thence
southwesterly by a line perpendicular to the centreline of the said road to
the centreline of the Moyle River; thence generally northwesterly by the
said centreline to the centre of its mouth at Mean Low Water; thence
generally northerly by the Mean Low Water Mark of Timor Sea to intersect
the northwesterly prolongation of the centreline of the straight section of
the road known as Nadirri road; thence southeasterly by the said
prolongation and centreline to the point of commencement.*

- b) Pursuant to s.82 of the *Act*, this declaration shall be implemented by causing a notice to be published in the Gazette declaring this area a restricted area. This declaration will take effect from the 1 July 2005.
- c) No liquor permits are required for the possession and consumption of liquor in the new restricted area and a recommendation is made to any future Commission that the Community's expressed wish that no permits be allowed be taken into account.

John Flynn
(Acting Chairman)
1 July 2005