

# NORTHERN TERRITORY LICENSING COMMISSION

**Matter:** Decision of Northern Territory Licensing Commission on the Future of the Current Permit System at Ngukurr.

**Public Meeting Date:** 28 July 2005 at Ngukurr

**Decision of Members:** John Flynn (Acting Chairman)  
Jill Huck  
Alan Clough

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## Reasons For Decision

- 1) In the past a licensed club operated at Ngukurr and it is understood that disharmony in the Community caused its closure. Liquor permits were issued to both indigenous and non-indigenous residents. Over time, it happened that permits for indigenous residents were either revoked or not re-issued because some permit holders abused the system. Currently, permit holders are non-indigenous residents or their partners and a misperception has developed that only non-indigenous people are eligible to apply for permits. The Director of Licensing has been delegated by the Commission to issue permits to those residents of Ngukurr if Police and the Council approve the applications. Section 91 of the *Liquor Act* allows the Commission to grant permits after investigating the application and ascertaining the opinions of those who reside in the area. Police approval assumes the applicant is a person of good character and Council support indicates that residents are happy that for a permit to be granted.
- 2) The Commission was notified by Yugul Mangi Council that at its meeting on 12 November 2004 “*the members were unanimous in their desire to see all liquor permits revoked from the Ngukurr Community*”. This position was principally supported by a paragraph which read:

*“It is evident that Council are keen to act to limit the impact of alcohol on the community. Therefore the move to revoke liquor permits should be seen as part of a bigger picture. It was made clear in the meeting that all of the non Aboriginal people living at Ngukurr are here to support Aboriginal people. Alcohol is a problem and those with permits should be prepared to abstain in the interest of setting an example.”*
- 3) The Commission has the power to revoke permits at its discretion. Although no real offence to the community by permit holders was alleged, or has ever been alleged, it was decided to further explore the Council’s request that the permit system be revoked. There were

quick responses to the Council's position from permit holders and the Deputy Commissioner of Police. Since that time, several letters to the Commission from permit holders strongly put the view that the status quo should remain for permits. Questions were also raised about general community support for the decision of 12 November 2004 and it was also suggested that the Council was not unanimous in its decision.

- 4) On 8 April 2005, Acting Chairman Flynn and Commission Members Huck and Clough travelled to Ngukurr and attended a public meeting of about 30 people. We heard different opinions including a group who wanted permits for responsible indigenous residents. The meeting discussed a number of options and the Commission left with the understanding that there would be further community consultation. Since that meeting there has been further correspondence to the Commission from individual persons or parties.
- 5) On 18 June 2005, the day of the Northern Territory election for the Legislative Assembly, a voluntary ballot was held in a room adjoining the polling booth at Ngukurr. Those participating in the ballot were asked to vote "yes" or "no" to two questions:
  - a) Should all Yugul Mangi Council region be dry?
  - b) Do you support liquor permits for Yugul Mangi?
- 6) Whilst some concerns were expressed about the validity of the ballot, it appeared to be a genuine attempt by the Community Council to seek the views of the community. It was held on the same day as the Northern Territory election and thus permitted the opportunity for as many voters as possible to have their say. About 350 persons voted and 59% voted in favour of no permits. The ballot was accepted as valid by the Council who argued that, whatever their personal views were about permits, the community had spoken and they were bound by the vote.
- 7) On 28 July 2005 Acting Chairman John Flynn, Commission Members Huck, Monaghan and Clough and Peter Jones and Christine Cakebread from the Racing, Gaming & Licensing Division of NT Treasury, travelled to Ngukurr for a second community consultation. The purpose was to ascertain the opinions of residents of the restricted area on the desirability or otherwise of issuing permits in the future. Separate meetings were held with the Community Council, Police, Teachers and Health Workers and some individuals.
- 8) At the meeting with the Council, speakers were generally opposed to the issuing of any permits. At the other meetings where permit holders were represented, it was argued that the permit holders had abided by permit conditions and caused no harm to the general community. It was also argued that, whether permits were issued or not, the abuse of alcohol and other drugs in the Ngukurr Community would not alter.

The view was also expressed that if no permits were to be issued in future then some people would leave the community and it would be difficult in future to recruit Police, School Teachers and Health Workers.

- 9) A Public Meeting was held in the afternoon attended by about 100 people. There were around 20 speakers. Many described serious problems due to alcohol and drug abuse by some community members with resultant harm to family, community and individuals' health and they felt that something must be done to stop the problems. Some speakers sought an opportunity to apply for a permit and some current permit holders sought an explanation for how they had offended the community. (In fairness to current permit holders, there was no suggestion by any speakers at the meeting that they had abused their rights or privileges as permit holders in any way.)
- 10) The ballot results, consultations with the community and the Public Meeting indicate that the general opinion of the people who reside in the restricted area is that permits should not be granted. The Commission accepts this view and strongly recommends that no further permits be issued until such time as the Commission is satisfied that community opinion is in favour of permits. It is our decision that when the current permits expire on 31 August 2005, any application by permit holders to "renew" them should be refused. Further, no fresh applications should be approved until the community clearly supports the reintroduction of an appropriate permit system.
- 11) The wider issue is the abuse of alcohol by a significant number of Ngukurr residents. The first question on the ballot paper was directed at expanding the present "dry area" presumably to keep intoxicated persons as far away from the community as possible. The Traditional Owners who participated in the community meeting spoke in favour of this initiative.
- 12) The possibility of developing a regional approach to the liquor problems at Ngukurr was raised during consultations. Such a regional approach could involve the expanded restricted area, agreements to restrict the liquor purchases of Ngukurr residents at liquor outlets in the region and a range of other interventions. With the assistance of the Racing, Gaming and Licensing Division of Treasury, a liquor management plan should be prepared by the Yugul Mangi Council, Police and Health for consideration by the Commission.

John Flynn  
ACTING CHAIRMAN

10 August 2005