

NORTHERN TERRITORY LICENSING COMMISSION

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

DECISION

Applicant:	Georgina Pastoral Company Pty Ltd
Restricted Area:	Alpurrurulam Community Part of NT Portions 3115 and 4400
Heard Before:	Richard O'Sullivan (Chairman)
Date of Hearing:	Wednesday 15 August 2007 at Alpurrurulam

Reasons For Decision

BACKGROUND

- 1) An application for a General Restricted Area was made on 29 June 2004 by Mr George Scott, Director of the Georgina Pastoral Company Pty Ltd, for part of the Lake Nash Station (NT Portion 3115) and part of NT Portion 4400. The Restricted Area applied for was to exclude the area comprising the Lake Nash Homestead complex and was to be surrounding the Alpurrurulam Community, an area of approximately ten (10) square kilometres already declared restricted. Alpurrurulam Community (NT Portion 1949) is surrounded by and was subject to an earlier excision from the Lake Nash Pastoral Lease.
- 2) On 29 July 2005 Mr Scott again applied for a General Restricted Area involving an area larger than that originally applied for on 29 June 2004. From information provided by the applicant, this was to avoid the boundary being close to the Lake Nash Homestead with the potential for drinking within the vicinity of the Homestead complex. The use of alcohol is strongly controlled by Lake Nash Station through a social club. This social club has very restricted hours of operation for service of alcohol to employees and allows a limited number of drinks during opening hours and permission to take two (2) cans only back to their rooms. No alcohol is allowed to be consumed outside the social club or accommodation block. If members of Alpurrurulam Community were able to drink at the boundary of the Restricted Area applied for, this would result in drinking near the Homestead with the potential to compromise the current arrangement which appears to work well for Lake Nash Station and the nearby Indigenous Community.

- 3) This application included evidence of unanimous support for the application from the Alpururulam Community (at Council meeting of 3 May 2005).
- 4) Public Notices advising of the application appeared in Queensland and Northern Territory newspapers relevant to the areas. Nearby properties and Licensees were also written to advising of the application and inviting comment.
- 5) This application is for a larger area extended the Restricted Area applied for to the Queensland border. The Queensland Government, through the Director General of the Department of Tourism, Fair Trading and Wine Industry Development made submission on the application on 16 December 2005 and sought leave to “express an opinion” at the Licensing Commission hearing into the matter. The Queensland Government submitted that it is a stakeholder in the matter as residents of Alpururulam visit and consume alcohol in the nearby communities of Urandangi, Camooweal, Mt Isa and Dajarra. Many stay in these communities thereby putting pressure on Police, medical, rehabilitation and other community services. The Queensland submission also expressed the view that with such an enlarged Restricted Area, a number of the Alpururulam community members would semi permanently relocate to the outskirts of the nearby Queensland townships.
- 6) In the Queensland submission, aligning the eastern boundary of the area applied for with the Queensland border would likely result in drinkers utilising a roadside area within Queensland for drinking purposes to avoid illegal drinking within the Restricted Area. Queensland submitted that this had implications for Policing by that State. It was suggested that the area applied for be reduced back from the Queensland border.
- 7) Following correspondence and discussions with Licensing Regulation staff, the applicant has amended the area applied for through a letter received on 5 June 2006, so it no longer extends to the Queensland border, but is parallel to and one (1) kilometre inside the Northern Territory border boundary. The letter advised of Alpururulam Community support for the revised application. It did, however, note the logic in having the border as the boundary of the application due to there being a clearly discernable boundary fence along the Northern Territory / Queensland border. The Commission was advised that on the basis of the revised application, the Queensland Government had withdrawn its intention to make submission at hearing. The hearing proceeding on this basis.

HEARING

- 8) Licensing Regulation staff have undertaken consultation with Alpururulam Community, Lake Nash Station, Avon Downs Police and other stakeholders in the area. From information contained in the Hearing Brief, it is evident that there is strong support within the Alpururulam to extend the “dry” area beyond its existing boundary. At present residents visit Camooweal,

Urandangi and other licensed outlets to consume alcohol and bring alcohol back to the boundary of the Alpururulam Community, which is less than two hundred (200) metres from the centre of the township. It is apparent that some residents consume alcohol outside the township boundary to avoid breaching the law. This boundary is within view of the township and evidence has been supplied indicating numerous incidents and disruptions to community life, which have resulted from intoxicants walking from the boundary into the community causing humbug, family fights, creating community disturbance, violent behaviour etc.

- 9) On 15 August 2007 a Hearing was conducted at Alpururulam Community which was attended by approximately fifty (50) adults. The Chief Executive Officer of the Community, Mr Tom Kairupan, outlined the history of the application by the Georgina Pastoral Company and ongoing support for a wider Restricted Area by the Community Government Council. Mr Kairupan outlined to the meeting and to the Chairman of the Licensing Commission an incident which had occurred the previous night from drinkers returning from the Restricted Area boundary, necessitating intervention by the Night Patrol to curb the violent anti social behaviour which resulted.
- 10) The meeting was reminded of the Community Council's concern over anti social behaviour involving humbug, violence and family feuding caused by people who had consumed alcohol outside the Restricted Area boundary. This behaviour has resulted in distress to members of the Community, particularly the women and children.
- 11) The Chairman sought verbal responses to the issues or comments from residents attending the Hearing, however none were forthcoming. The Chairman has therefore relied to a significant degree on the documented evidence rather than submissions at the Hearing
- 12) Community members at the hearing were asked to vote through a show of hands on support for the proposed Restricted Area and around fifty percent (50%) indicated support by putting their hands up. When members who opposed the application were asked to indicate their opposition by a similar show of hands, no member put his or her hand up. There was evidently a small number of people (drinkers) who had reservations about the application but did not voice their concerns at the Hearing.
- 13) In making his decision the Chairman noted the previous unanimous support by Council for the application. It was also significant that the Traditional Owner of the area, Mr Nugget Smith, approached the Chairman to indicate his strong support for the application on behalf of the wide majority of community members.

DECISION

14) On the basis of:

- a) The support for the application evidenced through material contained in the Hearing Brief;
- b) Evidence of support through Community members attending the Hearing on 15 August;
- c) Support from other stakeholders such as Police, neighbouring pastoral property and Licensees;

the Commission's decision is:

Pursuant to Section 74(1), Section 81(1)(b) and Section 81(2)(b) of PART VIII of the *Liquor Act*, a declaration is made declaring the following parcel of land a Restricted Area.

The Proposed Liquor Restricted Area Lake Nash Locality is at Attachment A.

- 15) Pursuant to Section 82 of the *Liquor Act*, this declaration shall come into effect by publication of an approved notice in the Gazette and in the NT News.
- 16) A standard notice approved by the Director of Licensing to be erected at the entrances to Alpurrurulam which states that it is an offence to bring liquor into the area.
- 17) The Restricted Area is to come into effect on 15 October 2007.

Richard O'Sullivan
CHAIRMAN

20 August 2007