

# NORTHERN TERRITORY LICENSING COMMISSION

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

### DECISION

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**Applicant:** Gwalwa Daraniki Association Inc

**Restricted Area:** Kulaluk Community – Lot 8630 Town of Nightcliff

**Heard Before:** Richard O’Sullivan (Chairman)

**Date of Hearing:** Thursday 23 August 2007 at Kulaluk

### Reasons For Decision

#### BACKGROUND

- 1) On 14 April 2007 the Gwalwa Daraniki Association Inc applied for the Kulaluk Community at Lot 8630 Town of Nightcliff to be a General Restricted Area under Part VIII of the *Liquor Act*. Documentation was provided to the hearing establishing that the Gwalwa Daraniki Association is the owner of the land situated at Coconut Grove, commonly referred to as Kulaluk, through a Crown Lease in Perpetuity.
- 2) Notice of the application for the declaration of a General Restricted Area at Kulaluk Community was duly provided in the Northern Territory News on 2 May 2007. Written submissions were sought from residents and interested organisations. Five (5) residents responded to the Public Notice providing varying degrees of support for Kulaluk to be declared a General Restricted Area.
- 3) A hearing was conducted by the Chairman on Thursday 23 August 2007. The hearing was attended by members of the Kulaluk Community, Mr Michael Chin (Solicitor advising Kulaluk), Sergeant Peter Kennon (OIC Casuarina Police Station), Constable Nathan Wilson (Casuarina Police Intelligence), in all around twenty (20) persons were in attendance during the hearing and Licensing and Regulation Officers..
- 4) Ms Helen Secretary, Chairperson of the Gwalwa Daraniki Association Inc, explained that the Association had formed an elected Council which, with Community support, had decided to take action to prohibit drinking in the open or common areas of land at Lot 8630 Town of Nightcliff. Residents who

wish to consume alcohol in their homes will require a permit to do so. Council had also determined that a Permit Committee would be established to vet permit applications and to provide ongoing control over permit holder conduct.

- 5) Strong evidence was provided to support the claim that much of the alcohol consumed on the community, and the resultant violence and anti-social behaviour, is caused by itinerants who frequent the area. In the application of 14 April 2007 the submission states:

*"Itinerants have been coming onto the Kulaluk Community's land and drinking alcohol in the open areas on the land and engaging in anti-social behaviour, domestic violence, fighting, swearing loudly and screaming, squatting, damaging the premises, and disturbing the peace of the community.*

*Press and media reports about such incidents at Kulaluk, which do not involve members of the Kulaluk Community, is damaging the reputation of the Kulaluk Community."*

- 6) Ms Helen Secretary advised that "most of the community are non drinkers". She also advised that the community had two (2) principal residential areas comprising a housing area for families and a separate series of units largely used as single person's quarters. She stated that the Community had in mind the installation of a gate, along with appropriate signage, at the Dick Ward Drive entrance to Kulaluk, assuming the application was approved. Some discussion took place on measures necessary to enforce a "Dry Area" and to keep itinerants out, especially on "pension day".
- 7) Mr Mark Hopkins of the Kulaluk Council advised of recent incidents where Community people had been assaulted. This included a fourteen (14) year old youth being assaulted in his own Community by an unknown assailant and the more recent occasion when a young girl was being dragged onto the beach with evident intent of assault by an Indigenous itinerant, unknown to community members. Mr Hopkins also made reference to a recent stabbing incident where a woman was repeatedly stabbed (36 times) by an assailant.
- 8) Sergeant Peter Kennon provided the hearing with statistical data which outlined 745 incident reports within the Community within the last twelve (12) months. These were separate incidents where Police attended the Community, which included 275 disturbances general, 109 alcohol incidents, 65 domestic disturbances, 31 assaults, 10 aggravated assaults and 34 noise complaints. He estimated that all incidents involved excessive alcohol consumption.
- 9) Both Kulaluk members and others attending the hearing did not appear surprised at these alarming incident figures. It was further added that St John Ambulance attended the Community regularly and their attendance figures would support the general degree of anti-social behaviour and alcohol related social order dysfunctionality of the Community.

- 10) A resident of a Unit opposite the Community, Mr Peter Winterton of Guiseppe Court, outlined the problems associated with noise, fighting and swearing and general anti-social behaviour causing loss of peace and harmony and general amenity of the nearby residents.
- 11) A vote of residents was taken to determine support for the General Restricted Area application and there was an unanimous vote of all residents present in support of the application.
- 12) The Community sought assistance with Restricted Area signage and in setting up a Permit Committee to control drinking in people's homes within the Kulaluk Community. Officers of Licensing and Regulation offered to assist with such issues, should the application be approved.

## **DECISION**

- 13) On the basis of overwhelming support for the application and the strong evidence of the fragility of the Community due to excessive and unregulated alcohol consumption, largely by itinerants, the Chairman determined to approve the application. He urged Community members and the Community Council to ensure the strong and effective operation of a Permit Committee.
- 14) To avoid delay in implementing measures associated with the approval, the Chairman determined that the date of commencement of the General Restricted Area would be the date of gazettal of the approval notice

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.

All that parcel of land near the Town of Nightcliff in the Northern Territory of Australia containing an area of 300 hectares more or less and bounded by lines described as follows:

Commencing at the most south-eastern corner of Lot 8630 Town of Nightcliff; then westerly by the southern boundary of the said Lot to its south-western corner; then westerly and north-westerly by part of a northern and a north-eastern boundary of the Town of Darwin to intersect Low Water Mark of Beagle Gulf; then generally north-easterly by the said Low Water Mark to the westerly prolongation of the northern-most northern boundary of Lot 8630 Town of Nightcliff; then easterly by the said prolongation and boundary to the most northern north-eastern corner of Lot 8630; thence generally southerly by eastern boundaries of the said Lot to the point of commencement.

15) A standard notice approved by the Director of Licensing to be erected at the entrances to Kulaluk which states that it is an offence to bring liquor into the area.

Richard O'Sullivan  
CHAIRMAN

3 September 2007