

NORTHERN TERRITORY LICENSING COMMISSION

APPLICATION FOR GENERAL RESTRICTED AREAS PURSUANT TO PART VIII OF THE *LIQUOR ACT*

REASONS FOR DECISION

- Applicant:** Waite River Holdings Pty Ltd (Aileron Station) and Pine Hill Station
- Restricted Area:** NT Portion 703 (Aileron Station) and NT Portion 725 (Pine Hill Station)
- Heard Before:** Richard O'Sullivan (Chairman)
- Appearances:** Inspector Tony O'Donohoe for Director of Licensing
Mr Gilbert Bowman, Owner Pine Hill Station
Mr Garry Dann, Owner Aileron Station
Brevet Sergeant Justin Harbour
Acting Superintendent John Nixon
- Date of Hearing:** Tuesday 16 July 2009 at Ti Tree Council Chambers
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BACKGROUND

- 1) Mr Gilbert Bowman, owner of Pine Hill Station and Mr Garry Dann, Director of Waite River Holdings Pty Ltd, owner of Aileron Station, have applied to have their stations declared as General Restricted Areas. Both applications seek the exclusion of the station homesteads and the incorporation of the Stuart Highway and other roads (Napperby Access Road and Mount Coniston Road) in the General Restricted Areas.
- 2) In a letter of 25 February 2009 Mr Garry Dann of Aileron Station, NT Portion 703 outlines concerns over increasing levels of anti social behaviour, drink driving and rubbish on the station property. His correspondence referred to incidents where large groups congregate next to the highway *"causing potential danger to themselves and passing motorists and in some locations, drinkers have damaged fences in order to find a hidden drinking spot, away from Police patrols. This in turn causes my cattle to escape from paddocks."*

- 3) Mr Dann's application excludes the homestead, which is defined by a surrounding boundary fence.
- 4) Mr Gil Bowman of Pine Hill Station, NT Portion 725 in his application of 25 February 2009 outlined that he had owned the station for almost forty (40) years and has never seen the problem of drinking and associated litter and other problems as bad as it is today. *"It's my understanding that the Federal Intervention has introduced additional Liquor Prescribed Areas. I believe that this in itself has pushed grog runners, through my area I don't believe that I should now have to wear the consequences of the Federal government introducing additional liquor restricted areas."*
- 5) The General Restricted Area sought by Mr Bowman would exclude an area of two hundred (200) metre radius around the Pine Hill Station homestead itself which evidently is not defined by homestead boundary fencing.
- 6) Support for the application was provided by Brevet Sergeant Justin Harbour in correspondence of 26 February 2009. *"I have been the Officer in Charge of Ti Tree Station since August 2006. Since that time, I have seen many of the alcohol issues from this Police district increase. With this trend comes traffic related incident such as drink driving, anti social behaviour and alcohol fuelled domestic violence."* Brevet Sergeant Harbour cites evidence of an increased grog run largely from alcohol purchased in Alice Springs. His submission holds that the declaration of both Aileron and Pine Hill Stations as General Restricted Areas will be an effective tool in reducing alcohol consumption in the area and act as a preventative for grog running generally.
- 7) Following advertising of the applications submissions of support were received from the Chief Executive Officer of the Central Desert Shire (which includes Ti Tree, the affected Pastoral Properties and nearby communities) and the Superintendent of the Tennant Creek Police Station.

HEARING

- 8) Inspector Tony O'Donohoe on behalf of the Director of Licensing, outlined the nature of the applications for General Restricted Areas and advised the Commission that all processes required under Section 77 of the *Liquor Act* (the Act) have been met, ie all interested parties had been notified of the application, advertisements were placed in appropriate newspapers circulated in the area and relevant Licensees advised of the application.
- 9) He advised that the application included the road reserves but exclude the homesteads and Telstra facility areas located within the properties.
- 10) Mr Gil Bowman of Pine Hill Station advised of the increasing impact on his property of alcohol consumption and grog running, which in his evidence had increased since the Federal Intervention. He mentioned that Mount Coniston Road and a number of bore roads are now being used to drink and run grog to nearby communities. This activity was causing increases in litter, damage

to his fence lines and adversely affecting the operations of the station generally.

- 11) Mr Garry Dann of Aileron Station outlined a similar situation to that referred to by Mr Bowman above.
- 12) Brevet Sergeant Harbour spoke in support of both applications and tabled a map showing grog running routes to Yuendumu, Napperby, Laramba, Mount Allen, Willowra and other communities. He tabled reports following road blocks on the Stuart Highway, of vehicles caught with large quantities of alcohol, with the most recent significant incidents being the 20 March 2009 and 16 April 2009.
- 13) He stated that most of the alcohol involved in this grog running and the consumption on the stations and roadsides generally came from Alice Springs. He further added that ninety to ninety-five percent (90 – 95%) of Ti Tree Police activities related to alcohol fuelled incidents. Police support for the application extends to the inclusion of the road reserves as General Restricted Areas.

CONSIDERATION OF THE ISSUES

- 14) The Commission accepts the statements submitted and evidence provided at Hearing by the pastoral property owners and Police that the situation with excessive alcohol consumption and grog running in the area is untenable and is increasing.
- 15) The Commission also accepts that the applications are made validly under Section 76 of the Act and all procedural requirements under Section 77 have been met.
- 16) The Commission therefore on the evidence before it, has no issue with the granting of NT Portion 703 known as Aileron Station and Portion 725 known as Pine Hill Station as General Restricted Areas.
- 17) The Commission notes that Anyungyumba Community, NT Portion 3523, located within Pine Hill Station has been gazetted as a Restricted Area and that Animburra (Alyuen) Community, NT Portion 3697, within Aileron Station has also been declared a Restricted Area.
- 18) An issue brought to the Commission's attention is the desirability of inclusion of the road corridors within and bordering the stations, including the Stuart Highway, to be part of the General Restricted Declaration. The Commission is cognisant by the logic of this argument but has the need to ascertain the status of these roads especially the section of the Stuart Highway and whether the relevant owning or controlling authority has a view on the matter.
- 19) An additional issue is that the section of the Stuart Highway sought for inclusion in the General Restricted areas application includes a number of

roadside stops which are tourism information bays and which are popular with tourists and travellers. These information bays provide a themed outline of the history, geology and general attractions of the area under the “Explorer Highway” concept. Any consideration of imposing a General Restricted Area states should also therefore consider the tourism impact of declaring these areas dry. The information bays are within the Stuart Highway Road Reserve which forms a two hundred (200) metre wide strip (one hundred (100) metre either side of the road centre).

- 20) Following Hearing and as part of further investigations the Commission has sought the views of the Delegated Officer with authority to comment on the status of the road reserves and their inclusion in the General Restricted Area application.
- 21) That Delegated Officer, Senior Director Roads Network, Department of Planning and Infrastructure advises that there are four (4) major road reserves within the application area:
 - the Stuart Highway;
 - the Mount Dennison Road;
 - the Napperby Access Road; and
 - the Pine Hill Horticultural Block Access Road (declared but not yet named).
- 22) The Horticultural Block Access Road accesses a number of allotments which have already been excluded from Pine Hill Station and are not included within the General Restricted Area Application.
- 23) People who are travelling to their homesteads or blocks which are not alcohol restricted or prescribed may carry alcohol through to their home destination without breaching the Act. Similarly people who have permits to consume alcohol may travel through restricted or prescribed areas with alcohol in their possession, as long as they do not consume until reaching their destination where the permit applies.
- 24) On the basis that permit holders or people travelling to their unrestricted residences are not excluded from having alcohol in their possession, the Delegated Officer has no formal objection to the inclusion of the Mount Coniston Road, the Napperby Access Road and the Pine Hill Horticultural Block Access Road in a General Restricted Area declaration. The inclusion of the Stuart Highway is more problematic.
- 25) Given the status of the Stuart Highway and its joint promotion with South Australia as a tourism route, incorporating consistent and themed signage and information bays, the impact on travellers and tourism needs to be carefully considered before declaring the Aileron and Pine Hill sections “dry”. The Delegated Officer was not able to give endorsement or support for the inclusion of the Highway in the application because of these wider considerations. Under these circumstances the Commission is not minded to include the Stuart Highway in any declaration.

DECISION

26) On the basis of:

- a) The support for the application evidenced through material contained in the Hearing Brief;
- b) Evidence of support through Community Government members attending the Hearing on 16 July 2009;
- c) Support from Police and no opposition from other stakeholders;

the Commission's decision is:

Pursuant to Section 74(1), Section 81(1)(b) and Section 81(2)(b) of PART VIII of the Act, a declaration is made declaring the following parcels of land as General Restricted Areas:

Portions 703 and 725 (the precise and legal definition of the areas to be included in Gazettal and Public Notices) inclusive of all access and through roads, but excluding those sections of the Stuart Highway which pass through Portions 703 and 725 and also excluding the homesteads of each station as defined in the Gazette notice.

27) Pursuant to Section 82 of the Act, this declaration shall come into effect by publication of an approved notice in the Gazette and in the NT News.

28) A standard notice approved by the Director of Licensing to be erected at the entrances to Pine Hill and Aileron Stations and other areas as appropriate which states that it is an offence to bring liquor into the area.

29) The Restricted Area is to come into effect on 1 February 2010.

Richard O'Sullivan
CHAIRMAN

10 December 2009