

NORTHERN TERRITORY LICENSING COMMISSION

REASONS FOR DECISION

Revocation of Liquor Permits – Ali Curung

Applicant: Barkly Shire Council

Legislation: Section 94 of the *Liquor Act*

Date of Hearing: 23 February 2010

Members: Mr Richard O’Sullivan (Chairman)
Ms Brenda Monaghan (Legal Member)
Mr Wally Grimshaw

BACKGROUND

- 1) The Barkly Shire Council (“the Council”) on the 11 October 2009 sought the revocation of all liquor permits applying to the Ali Curung Prescribed Area on the basis that such permits are discriminatory and are inconsistent with the purpose behind restricting alcohol in Prescribed Areas .
- 2) Permits in recent times have largely been issued to public sector employees and contractors and at the time of the Commission considering the Ali Curung request there were only four (4) existing permit holders in the community.
- 3) The Council has maintained that if the Federal Government intends to continue with alcohol restrictions on Prescribed communities, then the restriction should apply equally to all residents. On this basis Council has sought that all existing permits be revoked.
- 4) All existing permit holders have been afforded an opportunity to respond to the Councils’ application. Two (2) permit holders, Mr Leon Syme and Ms Susan Hogan, have provided written responses.
- 5) Mr Syme maintains that he is a responsible drinker who has had a liquor permit in other Prescribed communities. The position put by Mr Syme is that revoking permits would make it harder to recruit and hold staff. Mr Syme is the Principal of Alekarenge School.
- 6) Ms Hogan also sought that her permit not be revoked on the basis of being a responsible citizen who applied for and was granted a permit in good faith. Ms Hogan advises that she only consumes alcohol enabled through her permit in a social environment in her own home.
- 7) The Commission determined to have an airing of the views of the parties (both the applicant for the permit revocation and permit holders against the proposal) through a Hearing.

8) Section 94 of the *Liquor Act* states:

“A permit may be revoked by the Commission at its discretion.”

HEARING

- 9) The Hearing Commission made telephone contact with the Manager of the Barkly Shire Council, Mr Michael Gravener, on the 23 February 2010. The Commission attempted to contact Mr Leon Syme during the Hearing on 23 February 2010 but this was unsuccessful and Mr Syme subsequently contacted the Chairman on 24 February 2010 to outline his submission for retention of his permit.
- 10) Mr Gravener apologised for the absence of Mr Noel Hayes a Traditional Owner who was to be a party to the telephone conversation but who had been called away due to pressing community issues.
- 11) Mr Gravener outlined that prior to the Federal Intervention there was strong lobbying in the community for the permits to be discontinued. Women in the community were the leaders in this move due to the level of domestic violence resulting from alcohol consumption.
- 12) Mr Gravener advised that a clear majority of the community do not want the continuation of permits and do not want alcohol in the community. He added, in discussion of a potential canteen or social club, there was a nervous and strong reaction against the suggestion.
- 13) In respect of the behaviour of the permit holders he stated that there was no problem with permit holders abusing their entitlement and that permit holders, particularly the current ones, have acted responsibly. He mentioned there had been break-ins on four (4) occasions to teachers' homes by community members looking for alcohol.
- 14) In summary Mr Gravener stated that the community view is that the permits should be revoked and that permit entitlements for a few was viewed as discriminatory.
- 15) In a telephone conversation with the Chairman on 25 February 2010, Mr Syme outlined the reasons for opposing the revocation of his liquor permit. He stated that he and other holders of permits in the community had always acted properly and consumed alcohol in moderation and in privacy. He also maintained that recruitment of school staff at his school would be made harder if permits were not available.
- 16) When asked why only four (4) people had permits in a community of around forty public sector employees and contractors, he opined that most of the community were of the view that liquor permits were unavailable (this is erroneously based on the evident widespread community opposition to the permits and an assumption that they are therefore no longer available).

17) Mr Syme informed the Chairman that the other person that had put in a submission opposing the revoking of her permit, Ms Hogan, had since left the community to take up employment elsewhere. He added that a contributor to the decision to move was the possibility or likelihood of her permit being revoked.

DECISION

18) The Commission noted with the departure of Ms Hogan there were only three (3) permit holders in the community. The Commission also noted that the majority of the community of approximately one thousand (1000) residents were opposed to the liquor permits. It further noted that out of a non indigenous population of around forty (40) public sector employees and contractors, that only three (3) were permit holders. This in the Commission's view indicates that the community is able to attract and sustain personnel without the need to maintain liquor permits.

19) All liquor permits in the Ali Curung Prescribed Area are therefore revoked effective as of Monday 5 April 2010. This time frame is to enable existing permit holders to make arrangements to have all alcohol removed from their premises and possession.

Richard O'Sullivan
CHAIRMAN

2 March 2010