

## GENERAL RESTRICTED AREAS INFORMATION

### Background

Since 1979, many Northern Territory Aboriginal communities have been using the restricted areas (now called General Restricted Areas) provisions of the *Liquor Act* to support liquor management in their communities. Under Part VIII of the *Liquor Act*, a community may apply to the Licensing Commission to have a restricted or 'dry' area declared. It is illegal to possess (apart from transporting liquor through an area) or consume liquor in a General Restricted Area unless a liquor permit has been issued.

Penalties for breaking the restricted area law include the forfeiture and possible loss of any vehicles, ie cars or boats, used to transport liquor into or inside a General Restricted Area. Persons found guilty may also be fined up to \$1000 or gaoled for up to six months for a first offence and fined up to \$2000 or gaoled for up to one year for a second and subsequent offences.

Currently there are over 100 General Restricted Areas in place, all of which are on Aboriginal land.

### Types of General Restricted Areas

General Restricted Areas may take a number of forms including:

- A total absence of liquor where no permits are available (most General Restricted Areas are like this).
- Liquor may be brought into a General Restricted Area under the conditions stated on a permit, eg for consumption at permit holders' homes, where there is no licensed liquor outlet within the restricted area (Ali Curung, Lajamanu, Maningrida, Ngukurr, Wadeye, Yirrkala and Yuendumu).
- Liquor is available from a local community outlet within the General Restricted Area for consumption at a defined drinking area (Beswick) or away from the point of sale (Barunga). Consumption is not allowed at the point of sale and there is no licensed club.
- Liquor is available at a licensed club within the General Restricted Area for consumption within the boundary of the club's licensed premises, with no takeaway sales allowed (Gunbalanya, Kalkaringi).
- Liquor is available from a licensed premises within the restricted area for consumption at that licensed premises. Takeaway liquor is also available if the purchaser has a permit. Permits may specify where takeaway liquor may be consumed, eg at the residences of permit holders or other identified locations, and the type of liquor that may be purchased, eg beer and/or wine, no spirits (Daly River, Milikapiti, Nguiu, Peppimenarti, Pirlangimpi, Wurankuwu).

### Permit Assessment Committees

Applications for a liquor permit within a General Restricted Area should be sent to the local community council within the restricted area for comment. The council will forward the permit request with a recommendation to the Director of Licensing in Darwin or the Deputy Director of Licensing in Alice Springs.

Where a community has decided to allow liquor access within a General Restricted Area, community councils are encouraged to establish a Permit Assessment Committee. These committees are recognised by the Licensing Commission as an appropriate body to receive and comment on permit applications on behalf of a community or area, before being forwarded to Racing, Gaming and Licensing in Darwin or Alice Springs.

The composition of Permit Assessment Committees may vary from community to community. In some places, the local Community Safety or Justice Committee may also be the Permit Assessment Committee. Permit Assessment Committees may be composed of representatives from the:

- community council;
- homelands resource centre;
- traditional landowners or clan leaders;
- police;
- health clinic;
- school;
- women's centre;
- licensed club committee or liquor licensee; or
- other community organisation/s.

The purpose of Permit Assessment Committees includes the following.

- Provide information to the community about the General Restricted Area and the requirements of liquor permits that apply within the restricted area.
- Make liquor permit application forms available.
- Receive applications for liquor permits.
- Consult with relevant community groups about whether or not the permit application should be supported.
- Make recommendations to the Licensing Commission about the persons who should and who should not receive a liquor permit.
- Forward all liquor permit applications, (both those supported and those not supported), to Racing, Gaming and Licensing. Where a permit application is supported, make recommendations about any specific conditions that should be attached to a permit, eg light beer only. Where a permit application is not supported, state the reasons why the application is not supported. The reasons for not supporting an application must be based on the criteria as advised by the Licensing Commission. The criteria is included at the end of this Information Paper.
- Make recommendations to Racing, Gaming and Licensing if a permit holder has behaved in an inappropriate manner such that the permit should be revoked or revoked and re-issued with conditions, eg the permit holder only allowed access to light beer or a reduced amount of liquor. Reasons for recommending that a permit be revoked or revoked and re-issued with conditions must also be stated by the Permit Assessment Committee when making a recommendation to Racing, Gaming and Licensing. Again, the criteria as advised by the Licensing Commission should be used.
- Advise Racing, Gaming and Licensing about issues affecting the General Restricted Area and/or the operation of the liquor permit system.

The Licensing Commission takes careful note of the recommendations from Permit Assessment Committees. In instances where a Permit Assessment Committee is unable to agree and make a recommendation to the Licensing Commission, individual members of a Permit Assessment Committee, including Police, may make their own recommendation to the Commission. In these instances the Director of Licensing or the Licensing Commission is unlikely to act on a recommendation that was not supported by Police.

In cases where immediate action is required due to unacceptable behaviour, eg an outbreak of community violence caused by liquor and the Permit Assessment Committee is unable to meet in a short period of time, the Licensing Commission may take action. This may be to revoke individual permits or all permits within the General Restricted Area either on a recommendation from Police or on its own volition.

Where a liquor permit is revoked or revoked and re-issued with conditions by Licensing Commission, the permit holder may appeal in writing to the Licensing Commission. The appeal to the Commission may involve the permit holder appearing before the Commission to present their case.

**NOTE:** When a Permit Assessment Committee considers whether or not to recommend to the Licensing Commission that a liquor permit be granted, revoked or revoked and re-issued with conditions, the Committee must make its recommendation based on the criteria approved by the Licensing Commission, that a person has:

- a) caused substantial annoyance or disrupted community order and peace, assaulted a person or was involved in an alcohol related domestic or family violence or traffic or vehicular incident;
- b) brought liquor into, or possessed liquor in, a restricted area;
- c) brought a dangerous drug (defined in the *Misuse of Drugs Act*) into, or possessed a dangerous drug in, a restricted area;
- d) supplied liquor to another person who lives in the General Restricted Area but who was not a liquor permit holder;
- e) supplied a dangerous drug to another person;
- f) is banned from a licensed premises;
- g) the permit holder has breached any of the other conditions of their permit.

If a Permit Assessment Committee believes that the grant of a liquor permit will not meet the above criteria, granting of a permit should not be recommended. If a person who has a liquor permit acts in a way that is in conflict with the criteria a) to g) above, a Permit Assessment Committee may recommend to the Licensing Commission that the permit be revoked.

### Further information

Website: [www.nt.gov.au/ntt/licensing/liquor](http://www.nt.gov.au/ntt/licensing/liquor)

Director of Licensing

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