

Northern Territory Licensing Commission

Application for a Restricted Area Pursuant to Part 8 of the *Liquor Act* Reasons for Decision

Applicant:	Traditional Owners and Residents of a Number of Outstations in an Area Between the Maningrida and Ramingining Restricted Areas
Restricted Area:	Corridor between Maningride and Ramingining Restricted Areas
Heard Before:	John Flynn (Chairman)
Date of Hearing:	13 October 2005 at Maningrida

- 1) On 7 December 2004, an application was received by the Director of Licensing for a restricted area between the Maningrida and Ramingining Restricted Areas. The area of the land to be included in the proposed restricted area is bounded by the existing Ramingining area to the east and the Maningrida dry area to the west which boundary is in fact the Blyth River. The northern boundary is the sea and the southern boundary is a line which begins at the intersection of the Imimbar Creek and the Blyth River running east but slightly north to the boundary of the Ramingining dry area at about 12 degrees 25 minutes south.
- 2) It is anomalous that the area was not included when there was a declaration in respect of one of the adjoining two areas. This has legally allowed people to travel with alcohol through restricted areas in order to consume alcohol in the "Wet" area now under consideration. This is the reason for the present application as traditional owners are unhappy with people attending their outstations uninvited, consuming alcohol and then causing trouble in their communities. It is understood that they were wrongly under the impression that the area was in fact "Dry".
- 3) As a result of this misapprehension, there was a meeting between Licensing Inspector Marc MacKenzie of Racing, Gaming & Licensing and Sergeant Ray Musgrave with a group of traditional owners on 4 December 2004 and this application resulted from that meeting.
- 4) There were no objections to the application. A Notice of Hearing was sent to Ramingining, Maningrida and Milingimbi Community Government Councils. There was no specific representation from these bodies at the hearing and it can be assumed therefore that they would have no objections to the application. The police were present at the hearing and support the application.
- 5) The hearing was conducted at Maningrida in the Community Hall. A large map was shown to the almost forty (40) people at the meeting and the traditional owners indicated on the map their lands which are within the area under consideration. In 2 areas, the traditional lands in question extend beyond the boundaries of the application but are within the other restricted areas. The outstations named were Gamadi, Wudeja, Jimardi, Meiwiribi, Gamurra Gu-Yurra, Gumu-Gumuk Yinangarduwa, Dam Dam and Yilan.
- 6) The effect of a declaration was explained to those present at the hearing in detail and was repeated to them in language by an Aboriginal Community Police Officer (ACPO) who was a traditional owner of one of the areas. In addition, smaller groups were spoken to and the desire to have the area declared "Dry" was unanimous.
- 7) There was, however, an expressed desire for liquor permits and for alcohol to be procured as it is in Maningrida. The meeting wanted their own Permit Committee separate from the Maningrida Permit Committee and wanted traditional owners to be on the committee. The Commission approves having such a committee and leaves it up to the traditional owners to

establish the members or deputy members of the committee and request that the Police and Health authorities assist in the permit process.

- 8) It is important that any permits clearly indicate the outstation on which alcohol can be consumed and it is important that there be separate permits for both Maningrida and the new area as it may be that a person could be a permit holder for each place. It was made clear at the meeting that alcohol could not be consumed by future permit holders en route and perhaps that should be included on each permit.
- 9) The Commission's decision is that:
 - a) Pursuant to s.74(1), s.81(1)(b) and s.81(2)(b) of PART VIII of the *Liquor Act*, a declaration is made declaring the following parcel of land a restricted area.

The area of the land to be included in the proposed restricted area is bounded by the existing Ramingining dry area to the east and the Maningrida dry area to the west which boundary is in fact the Blyth River. The northern boundary is the sea and the southern boundary is a line which begins at the intersection of the Imimbar Creek and the Blyth River running east but slightly north to the boundary of the Ramingining dry area at about 12 degrees 25 minutes south. The restricted area created includes all roads passing through or contained therein.

Pursuant to s.82 of the *Act*, this declaration shall have effect from the date of publication of the notice in the Gazette.

John Flynn
Chairman

21 October 2005