

# Northern Territory Licensing Commission

## Application for a Restricted Area Pursuant to Part VIII of the *Liquor Act*

### Decision

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<b>Applicant:</b>	Ngaliwurru-Wuli Association, Timber Creek
<b>Restricted Area:</b>	Gilwi Community NT Portion 3368
<b>Heard Before:</b>	Richard O'Sullivan (Chairman)
<b>Date of Hearing:</b>	Thursday 22 May 2007 at Gilwi

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#### Reasons for Decision

- 1) The Ngaliwurru-Wuli Association through its General Manager, Mr Chris Martin, made an application dated 16 November 2006 to have the area known as Gilwi declared dry pursuant to Part VIII of the *Liquor Act*.
- 2) The relevant NT Portion is 3368 which has an area of 86 hectares 260 square metres.
- 3) Gilwi is a small community of about 35 children and adults occupying about ten (10) houses and situated not far from the township of Timber Creek. It has no other facilities other than its houses and relies on Timber Creek for all other matters.
- 4) The Gilwi people own the land through their Nungali-Jaminjung Aboriginal Corporation.
- 5) The need for the dry area was express in the application as follows:

“There has been significant unrest in the community caused over time by alcohol abuse. This problem has led to property damage, stealing, school and work absenteeism, domestic violence and bullying. This can be confirmed by local institutions, including Police. The Gilwi problems have been discussed by the newly formed Timber creek Alcohol Advisory Committee and the Committee will be looking for other solutions to complement the dry area.

The community believes that the declaration of this land to be a General Restricted Area will be a major step towards rehabilitating the Gilwi community.”
- 6) The letter of 16 November 2006 from the General Manager of the Ngaliwurru-Wuli Association advised that it may be necessary in the future to provide a drinking area outside NT Portion 3368 and outside the Ngaliwurru-Wuli Aboriginal Land Trust area. That correspondence also advised that the site, if developed for a drinking area, was “far enough away from the Gilwi houses to minimise any disturbance from drinkers”. This issue was only briefly discussed at the hearing and no immediate action on this matter is proposed.
- 7) Evidence of the community desire to have NT Portion 3368 restricted was demonstrated at a meeting at Gilwi on Friday 20 October 2006 of the Nungali-Jaminjung Aboriginal Corporation, owners of the land. At that meeting a petition was signed by twenty-one (21) of the Gilwi community residents and three (3) Traditional Owners of the area.
- 8) On 22 May 2007 a hearing was conducted at Gilwi which was attended by approximately thirteen (13) adults. Residents advised the hearing of theft, humbugging and general anti social behaviour which had occurred when persons, either from the community or related to members at the community, entered the area under the influence of alcohol or entered the area to consume alcohol. This behaviour has resulted in distress to members of the community and had at times disturbed the sleeping children making it difficult to get them off to school in the morning.

- 9) Comment was also made that drinkers had entered the community and taken cigarettes, food and other goods from the homes. The people at the hearing wished to prevent such behaviour in the future.
- 10) At hearing it was noted that there is only one road accessing the community, which is a private road, making Restricted Area sign posting on entry easy to provide.
- 11) On the basis of:
- The overall support indicated for the Restricted Area application, both through the signed petition and through evidence presented at the hearing,
  - Police support for the application verbally conveyed to the Chairman on 22 May 2007 at a meeting at the Timber Creek Police Station:
  - No opposition from within the community or other affected agencies:
- the Commission's decision is that:
- 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.
- All that parcel of land at Gilwi near Timber Creek in the Northern Territory of Australia containing an area of 86 hectares 260 square metres being the whole of Northern Territory Portion 3368 more particularly delineated on Survey Plan S87/220 lodged with the Surveyor General, Darwin.
- 12) Pursuant to s.82 of the *Liquor Act*, this declaration shall come into effect by publication of an approved notice in the Gazette and in the NT News.
- 13) A standard notice approved by the Director of Licensing to be erected at the entrance to Gilwi which states that it is an offence to bring liquor into the area.

Richard O'Sullivan  
Chairman

28 May 2007