

# Northern Territory Licensing Commission

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

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<b>Applicant:</b>	Tangentyre Council on behalf of Mpwetyerre Aboriginal Corporation
<b>Restricted Area:</b>	Mpwetyerre Town Camp (Abbott's Camp)
<b>Heard Before:</b>	John Flynn (Chairman)
<b>Date of Hearing:</b>	18 October 2005 in Alice Springs

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- 1) On 30 May 2005 an application was received by the Deputy Director of Licensing (South) for the declaration of a restricted area at Mpwetyerre Town Camp (Abbott's Camp).
- 2) The area of the land to be included in the proposed restricted area is a Special Purpose Lease approximately 1.5 hectares in size and is located on South Terrace in Alice Springs. (Land Titles Office, Register Book Volume 191 Folio 63, Lot 2664). Its sole access is off South Terrace. The registered proprietor of the Lease is Mpwetyerre Aboriginal Corporation (the Corporation).
- 3) There have been two (2) previous applications, one in 1999 and another in the year 2000 that were both rejected by the Commission principally on the basis of the objection of the Northern Territory Police. It was contended that any issues of uninvited drinkers and bad behaviour could be handled by the Police without it having to be a restricted area. The Police however support the present application.
- 4) The reasons for the application are well known and can be shortly described as unwelcome visitors bringing alcohol into the Camp resulting in over indulgence, "humberging", violence and other bad behaviour including drunks doing wheelies in cars. These problems have been happening continuously for years despite efforts by the residents to curtail the behaviour.
- 5) There is wide general community support for the application and one cannot but be impressed with the contents of the support letters provided by the Alice Springs Town Council, Central Land Council, NTCOSS NT Shelter, Quality of Life Project Group, Quality of Life Project Group (Substance Misuse Action Group), Central Australian Aboriginal Congress Inc and re Connect.
- 6) There are five (5) residential houses in the camp each with a "boss" who report to a governing committee. The desire of residents to have their Camp become a "dry" area was clearly expressed at a special meeting on 2 August 2005. The governing body of the Corporation and a variety of people including staff members of Racing, Gaming & Licensing attended this meeting. At that meeting, the impact of making the Camp a restricted area were clearly emphasised. The residents know that if the area is declared "Dry", then any alcohol found in the Camp may be seized, vehicles used to bring alcohol into the area may be seized and not returned to the owner and fines, including gaol terms may be imposed on any individuals breaking the restriction. There is no doubt that the residents fully understand and are aware of the consequences of a declaration.
- 7) It was also pointed out to the applicants that the declaration of the restricted area would not necessarily solve their problems overnight. It would not, for example, stop drunks coming onto the land and causing disturbances.

- 8) One cannot be other than impressed with the enthusiasm of the applicants and their plans for the future which includes widely circulating to communities the fact that no alcohol will be allowed in the Camp upon it being declared a “dry” area.
- 9) Commander Mark Coffey, in supporting the application, said that it should assist in improving the quality of life in the Camp and considered that the Abbott’s Camp governing body showed strong management and leadership skills. He stated that the fact that the Camp was a clearly defined area would ensure ease of enforcement. He also confirmed that if the area is declared “dry”, the Police will appoint a Liaison Officer to assist the community and they will also ensure that the Camp is regularly patrolled. He did comment that Aboriginal Community Police Officers (ACPOs) may not always have the right to arrest offenders if attending the Camp.
- 10) Commander Coffey indicated that Police will want to review the effects of any declaration in conjunction with the Office of Racing, Gaming and Licensing. Such a suggestion is supported and I consider that the review should take place one (1) year after the declaration is made.
- 11) There were eight (8) Camp residents at the hearing, which included the President of the Mpwetyerre Aboriginal Corporation, Kevin Wirri. I emphasised my view that if there were any thought that a permit or permits could or should be granted to residents, this would negate the reason for the application. The residents at the hearing were adamant that they did not want any permits and would oppose them. A recommendation is made to any future Commission faced with a permit application that they take into account the Community’s expressed wish that no permits be allowed.
- 12) It should be noted that all the licensed premises located nearby were notified of the application and none responded other than Lasseters Casino, which supported the application.
- 13) Given the fact of overall support for the application and the consent of the local Council to such a step, 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.
 

*Special Purpose Lease approximately 1.5 hectares in size and is located on South Terrace in Alice Springs. The registered proprietor of the Lease is Mpwetyerre Aboriginal Corporation (Land Titles Office, Register Book Volume 191 Folio 63, Lot 2664).*
- 14) Pursuant to s.82 of the *Liquor Act*, this declaration shall be implemented by causing a notice to be published in the Gazette declaring this area a restricted area. This declaration will take effect as soon as the following steps have been taken:
  - a) the declaration has been properly advertised and gazetted in the manner approved by the Deputy Director of Licensing (South); and
  - b) a standard notice approved by the Director of Licensing has been erected at the entrance to Abbott’s Camp which states that it is an offence to bring liquor into the area.

It is also recommended that in addition to the normal standard notice, an additional notice be erected containing a slogan such as “*No Grog-It’s against the Law*” and a stylised carton of wine, a wine bottle, beer bottle and beer can with a big red “X” through the sign. Whilst this recommendation is not a requirement for the commencement of the Dry area, it may assist in emphasising to ALL visitors that they must obey the rules of the community on this issue.

John Flynn  
Chairman

19 October 2005