

Northern Territory Licensing Commission

Application for Public Restricted Area

Applicant:	Commissioner of Police
Date of Decision:	28 April 2010
Legislation:	Part VIII, Division 1B <i>Liquor Act</i>
Members:	Mr Philip Timney (Presiding Member) Ms Jane Large Mr Wally Grimshaw
Appearances:	Police Community Council Members and Residents of Daly River

Reasons for Decision on Application by the Commissioner of Police for a Declaration of Public Restricted Area for the Town of Maranunga, Daly River area

The Application

1. The Licensing Commission has been requested to consider an application by the Commissioner of Police for the declaration of a Public Restricted Area pursuant to Section 76 of the *Liquor Act* ("the Act").
2. By letter dated 4 August 2009 the Commissioner applied to the Director of Licensing for the declaration of a Public Restricted Area in respect of land known as the Town of Maranunga in the Daly River area. The Town of Maranunga is an area of land set aside for the possible future location of the Daly River Township due to the flood prone nature of the current location and comprises a parcel of land of 492.1 hectares. The land is colloquially known as "Tent City" amongst people residing in the area as a result of the Army setting up tents to house the residents of the Daly River community during a flood period. The land in question is undeveloped land containing little or no structural improvements.
3. The application was advertised in the NT News on 3 March 2010. The advertisement advised that written submissions could be lodged with the Licensing Commission ("the Commission") on or before Wednesday 7 April 2010 and that a public meeting would be held at the Nauiyu Community Centre, Daly River, at 10.00 am on Wednesday 14 April 2010.
4. No written submissions were received by the Commission prior to the deadline for submissions. However, a submission by Mr Mark Mullins, Registered Nurse, Nauiyu Health Centre was received and accepted by the Commission prior to the commencement of the Hearing at Daly River.

Background

5. Most of the land surrounding the Daly River Township is pastoral land. The nearby Malak Malak Aboriginal Land Trust Land is prescribed land under the *NT National Emergency Response Act* ("the NTNER Act"). NT Portion 4028, which abuts the Town of Maranunga, is privately owned and includes the Community of Nauiyu Nambiyu. That Portion was declared a General Restricted Area under the Act in 1998 and has also been declared as Prescribed Land under the NTNER Act. As a result, the majority of land surrounding the

relevant area is either private property or land on which the consumption of alcohol is restricted or prohibited.

6. However, due to the tenure of the land comprising the Town of Maranunga the area does not fall within the restricted or declared areas described above. As a result, that parcel of land was not subject to restrictions on the possession or consumption of alcohol and was utilised as a defacto drinking paddock by some members of the Daly River community and nearby areas who did not wish to comply with the restrictions in respect of low and mid strength alcohol that may be consumed legally in the official drinking paddock located at Daly River. Those people were making regular trips to Adelaide River and beyond to purchase alcohol for consumption within the boundaries of the Town of Maranunga.
7. Licensing Inspectors engaged in consultations with key stakeholders in the area including Police, Health, Education, Government Business Managers and the Nauiyu Nambiyu Corporation. All of those stakeholders expressed concern at the level of drinking that was occurring at the Town of Maranunga and expressed their support for the area to be declared a Public Restricted Area.
8. As an interim measure, pending the consideration of the application for the declaration of a Public Restricted Area, the Minister for Racing, Gaming and Licensing declared the Town of Maranunga to be a Special Restricted Area pursuant to section 101AD of the Act. That declaration took effect from 1 January 2010 and is due to expire on 1 June 2010.

Public Meeting

9. A public meeting in respect of the application by the Commissioner of Police for the declaration of a Public Restricted Area was held at the Nauiyu Community Centre, Daly River, at 10.00 am on Wednesday 14 April 2010. A significant number of community members and representatives of various government and non-government authorities attended the meeting.
10. The Presiding Member introduced the Commissioners to those present at the Public Meeting and outlined the nature of the application, including that a decision in support of a declaration of the Public Restricted Area application would result in a complete and on-going ban on the bringing, possession and consumption of alcohol in the Town of Maranunga.

Submission at the Public Meeting in favour of the Declaration of a Public Restricted Area: Mark Mullins

11. At the commencement of the Hearing, Licensing Inspector Borg provided Commissioners with a copy of a written submission received from Mr Mark Mullins, Registered Nurse, Nauiyu Health Centre, dated 14 April 2010. Mr Mullins was unable to attend the Hearing due to work demands and submitted that the drinking habits at "Tent City" are dehumanising and that resulting violence to others and to self is of an unacceptable level. He added that the community is almost dysfunctional due to the large number of drinkers and that these persons are not appropriate role models for the community's children. Mr Mullins also submitted that with the approach of the dry season and an increase in traffic in the Town of Maranunga vicinity there is a potential for a disaster involving people travelling to and from the drinking area, becoming intoxicated and then travelling back to Daly River on the busy main road.

Police

12. The Officer in Charge of Daly River, Senior Constable Steve Bott spoke in favour of the application. Mr Bott has been engaged at Daly River since December 2009 and was previously stationed at neighbouring Wadeye (Port Keats). He submitted that "Tent City" should stay as it has been since its declaration as a Special Restricted Area, that is the ban on possession and consumption of alcohol should be imposed permanently. He advised

that Tent City is bounded by a major road with a 110 kph speed limit. Drinking in the area of the Town of Maranunga presented a significant traffic hazard and “a death waiting to happen” with drunks travelling to and from that location, including lying on the road in an intoxicated state.

13. Mr Bott advised the Commission that the restriction on drinking at Tent City since January 2010 had greatly assisted in policing that area and the wider community. Police call outs had fallen by 50% since the declaration of the Special Restricted Area and no police jobs had been logged for Tent City since the declaration took effect. He noted that the Nauiyu Nambiyu Community owns the Daly River Roadside Inn and the associated drinking paddock and that Police can more effectively control manner and volume of alcohol consumption in those areas than it could at Tent City which was the source of significant police interventions. In response to a query, Mr Bott advised that incidents of people being placed in protective custody had fallen to almost zero since the closure of Tent City and that self-harm incidents had also fallen dramatically.
14. Mr Bott submitted that he supported the application wholeheartedly and that, in the interests of the well-being of the community at large, the Town of Maranunga should be permanently declared a Public Restricted Area.

Community Business Manager

15. Mr Scott Surrige, Community Business Manager, Daly River stated that there has been significant improvement in the community since the closure and banning of drinking at Tent City, both in the control of consumption of alcohol and general safety of the people in the community. He supports the application for a Public Restricted Area and is opposed to the re-opening of Tent City as a drinking area.

Donna Sullivan

16. Ms Sullivan is an employee of the Department of Family and Children and resides at 5 Mile near Daly River. Ms Sullivan advised that whilst Tent City was being used as a drinking paddock she observed many drunks on the road, including people sleeping on the road. She also submitted that Tent City was an area where fighting and violence occurred and where under age persons consumed alcohol. Ms Sullivan informed the Commission that persons who used to visit Tent City left their children behind in the community, resulting in those children being neglected. She also referred to safety issues with drunks swimming across the flooded Tommy Creek on occasions. Ms Sullivan stated that there had been significant improvements in the wellbeing of the community since the declaration of Tent City as a Special Restricted Area.

Community Residents

17. Several community residents in attendance at the Public Hearing voiced their support for the declaration of a Public Restricted Area over the Town of Maranunga. Their issues and concerns expressed included the following:
 - The task of the Police in monitoring and regulating drinking within the community was far simpler following the closure of Tent City to drinkers;
 - The fall in Police call outs to Tent City enabled Police to focus on more routine policing activities within the community;
 - The declaration of Tent City as a Special Restricted Area has not resulted in the undesirable activities from the de facto drinking paddock moving into the community;
 - Incidents of self-harm and attempted suicides had fallen since the temporary closure of Tent City.

Submission at the Public Meeting against the declaration of a Public Restricted area:

18. No-one in attendance at the Public Meeting spoke against the Declaration of the Town of Maranunga as a Public Restricted Area. No written submissions opposing the declaration were received by the Commission.

Consideration of the Issues

19. The Commission is not aware of any potential difficulties or shortcomings of the application, if granted. Following advertising to the proposed declaration and the conduct of a Public Meeting held in the Daly River community, Commission has received no submissions opposing the application. The persons who spoke at the Public Meeting were unanimously in support of the declaration.
20. It is the Commission's view that :
- The application for the declaration of a Public Restricted area for the Town of Maranunga was lodged with the Commission by way of a letter from the Commissioner of Police dated 4 August 2009 to the Director of Licensing;
 - It is a valid application and in accordance with section 76 of the Act;
 - There has been no opposition to the declaration expressed before the Commission;
 - The declaration has the support of Police, community groups and agencies and local residents who attended the Public Meeting; and
 - It has been adequately demonstrated that the impact of public drinking at the Town of Maranunga had a significantly detrimental impact on the wellbeing and safety of people residing or working in the areas under application.

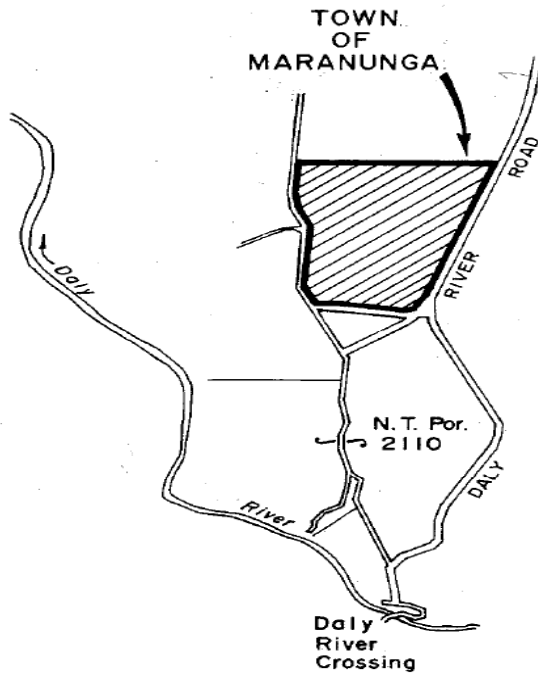
Decision

21. The Commission grants the Application and declares the Town of Maranunga to be a Public Restricted Area pursuant to Section 86E of the Act. The effective date of the declaration is on the expiry of the current Special Restricted Area Declaration, namely 1 June 2010. In so doing the Commission is encouraged by community support for the declaration evidenced by the support demonstrated at the Public Meeting by members of the community.
22. On completion of the Hearing, and in consideration of the written and oral material presented, the Commission is satisfied that it has been presented with material sufficient to satisfy Section 87D of the Act.
23. The Declaration will add to the enforcement powers in dealing with unlawful drinking in the area the subject of the Application.
24. The effect of the Declaration means that it will be an offence against Section 75 of the Act to consume liquor in the Public Restricted Area. The penalties for consuming liquor in the Public Restricted Area without a permit will range from forfeiture of the liquor, to the issue of a \$100 infringement notice and up to a maximum fine of \$500 if the matter proceeds to Court. Repeat offenders appearing before the Court of Summary Jurisdiction may also be referred to the Alcohol Court.
25. The Public Restricted Area will formally be defined as follows:

Town of Maranunga

All that area comprising the Town of Maranunga, being a place named under the Place Names Act and more particularly delineated on Survey Plan S85/128 lodged with the Surveyor-General, Darwin. Refer Figure 1.

DALY RIVER LOCALITY



Philip Timney
Presiding Member

13 May 2010