

# Northern Territory Licensing Commission

## Decision with Reasons

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<b>Applicant:</b>	Mr John Banks
<b>Proceeding:</b>	<i>Liquor Act 1978, Part VIII</i> , Application for Declaration of a Restricted Area, Melville Island
<b>Heard Before:</b>	Mr Peter Allen, Chairman
<b>Date of Hearing:</b>	At Nguiu, 29 July 2003, at Pirlangimpi, 5 August 2003, at Milikapiti, 7 August 2002 and at Wurankuwu, 11 August 2003
<b>Date of Decision:</b>	12 July 2004

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### The Commission for the purposes of this decision:

The *Liquor Act* at Section 51(2A) provides that at a Hearing under the Act, the Commission may be constituted by one Member or three Members.

At the time the application for declaration of a restricted area was lodged with the Director of Licensing and throughout the resultant Hearing the Commission was constituted by three Members.

The resignation from the Commission of one of the three Members has varied the constitution of the Commission from three Members to less than three, effectively reducing it to one Member; a fact that brings into effect the provisions of Section 51 contained at sub-sections 10A, 10B and 10C.

The relevant sub-sections of Section 51 are as follows:

- (10A) *Where the Commission is constituted by one member, a party who is not satisfied with the decision of the Commission may apply, within 14 days after the decision, in writing to the Chairperson for a new hearing.*
- (10B) *Where a party applies, under subsection (10A), for a new hearing the Chairperson may, if he thinks fit, cause a new hearing to be held.*
- (10C) *Where a new hearing is held, under subsection (10B), the Commission –*
  - (a) *shall be constituted by not less than 3 members; and*
  - (b) *may make any decision that it could have made if a hearing had not previously been held.*

### Preamble:

This decision arises from an application lodged with the Director of Licensing to declare Melville Island to be a restricted area pursuant to the provisions of Part VIII of the *Liquor Act 1978*.

As is well known, at least within the Northern Territory, Melville Island lies alongside Bathurst Island and together they form the Tiwi Islands situated to the north of Darwin. The Tiwi Islands are relatively close to Darwin and as a result there is frequent and regular passage of people, goods and materials to and from Darwin and the islands. Aircraft operate regular public transport (RPT) flights and frequent charters; barges ply their trade between the islands' landings and the mainland. The islands, particularly Bathurst are subject to tourism and have established enterprises for this and other commercial purposes. Tiwi Island residents participate regularly in

organised activities on the mainland, such activities include football competitions and the Army's NORFORCE.

There are four main communities and a number of out-stations on the Islands. The main communities are Nguiu, Wurankuwu, Pirlangimpi and Milikapiti. Each of the communities has permanent housing, a school, a store, a council in some form and a licensed premises. The licensed premises are independently managed, each by its own corporate entity.

The Tiwi Islands Local Government is based at Nguiu. There are Police based at Pirlangimpi on Melville Island and a smaller presence situated at Nguiu on Bathurst Island.

The Islands' population is traditionally and predominantly Tiwi. There is however a relatively large minority of non-Tiwi people, particularly in the larger communities of Nguiu and Pirlangimpi. The non-Tiwi population includes Aboriginal people from other regions and persons of European, Asian and Islander descent. Although most of the non-Tiwi residents may be regarded as non-permanent residents located there for short or longer-term work purposes, it is likely that some regard the Tiwi Islands as home. In any event, all persons resident on Bathurst and Melville Islands can be categorised as residents for the purposes of Part VIII of the *Liquor Act*.

It is important to note that the application considered within these reasons relates only to Melville Island, Bathurst Island having been earlier declared a restricted area. The records currently available to the Commission do not readily indicate why one of the two closely proximate islands is a restricted area and the other is not.

## **The Tiwi Islands Alcohol Management Plan**

From time to time throughout these reasons reference will be made to a document titled the "Tiwi Islands Alcohol Management Plan". The face of this document says that it was prepared by Mr Stephen Baldwin for the Tiwi Islands' Drug and Alcohol Committee. It is dated April 2003. The plan was received under cover of correspondence on the letterhead of the Tiwi Islands Local Government, Pirlangimpi Community Management Board. The covering letter signed by Mr John Banks, Manager of Community Services, states that the recommendations of the plan are generally supported by the Tiwi Islands Local Government.

The plan has been the subject of considerable study by Members of the Commission in their corporate role and staff of the Racing, Gaming and Licensing Division of the Northern Territory Treasury. The plan was received at the offices of the Commission on 7 April 2003 and distributed to all Members for their study in advance of the May 2003 business meeting of the Commission.

An objective and enabling strategies are stated at page 3 of the plan and are as follows:

*To promote safe and responsible consumption of alcohol whilst putting in place proactive measures to minimise the harmful effects of irresponsible use and abuse of alcohol.*

*The above objective will be achieved through two basic strategies.*

*By providing access to alcohol to those residents that display responsible drinking habits, and to*

*Restrict access and provide programs of treatment and rehabilitation to those residents that are unable to display responsible drinking habits.*

The plan contains thirteen recommendations, the first of which is directly relevant to these reasons for decision. That recommendation is contained at page 3 of the plan and is as follows:

*That an application be made under Section 76 of the Liquor Act for declaration of the balance of Melville Island as a restricted area under Section 74 of the same Act.*

The word "balance" within the recommendation is important, the Melville Island communities of Pirlangimpi and Milikapiti and their immediate surrounds having been earlier declared as restricted areas except for those areas occupied by licensed premises contained within the declared

restricted areas. Each restricted area has in place its own system of permits to have and consume liquor.

## Coroner's Findings

A second document of significance, also studied in depth by Members of the Commission in their corporate role, is the Findings of the Coroner arising from an Inquest into the deaths of four persons on the Tiwi Islands. The deaths occurred during 1998; the Coroner's Findings were published on 24 November 1999. The Chairman and Members of the Commission at that time made a number of visits to the Islands in order to meet with Council members, Police and other interested parties for the purpose of consulting them regarding the Coroner's Findings, his recommendations, and submissions made at the Inquest.

In their reading of Mr Cavanagh's Findings, Members of the Commission took particular note of Recommendation 5 contained at page 34. The recommendation is stated as follows:

*I recommend that the Northern Territory Liquor Commission consider as a matter of urgency the "needs" of the communities on the Tiwi Islands in relation to alcohol with a view to restricting hours and days of trading as well as closing the "clubs" during the annual June "bush holiday". In this regard I recommend the Commission study the transcript of evidence adduced at the Inquest as well as documentary exhibits and take immediate steps to consult with the newly elected President of the Nguiu Town Council (Mr Barry Puruntatameri) and other Elders.*

Members of the Commission also noted the penultimate paragraph of the final submissions of Mr Colin McDonald QC, Counsel Assisting the Coroner.

At paragraph 137 of his submissions, Mr McDonald said:

*Perhaps, at the vanguard of the need for change, is the need to address alcohol and marijuana abuse. If the evidence of this Inquest suggests anything, it is that alcohol and marijuana abuse are destructive of all current attempts at ameliorating the unacceptable suicide and attempted suicide statistics.*

## Scope of this Decision

The core of this decision will be limited to the subject application to declare Melville Island to be a restricted area and matters encompassed by Part VIII of the *Liquor Act* that are relevant to the application and to any declaration which may result.

In the event the decision has implications for residents of Bathurst Island or for any or all of the four licensed premises on the Islands such implications may for the purposes of information be referred to within these reasons and/or presented in the form of recommendations.

It is likely reference will be made to the Tiwi Islands' Alcohol Management Plan and to the Coroner's Findings as both documents were referred to by persons who appeared at the Hearing of the application or who provided written opinions. The fact of suicides on the Tiwi Islands was also referred to during the Hearing. As noted earlier, the broader membership of the Commission has at various times studied these documents in some depth. It is likely that both documents will prove relevant in the consideration of recommendations attached to these reasons and to the future activities of the Commission on the Islands.

## Legislation

Part VII of the Act provides for the declaration of a restricted area.

The Commission's power to declare an area to be restricted is contained at Section 74 of the Act and is stated as follows:

- (1) *Subject to this Act, the Commission may declare that a specified area of land shall be a restricted area.*
- (2) *The Commission may, upon the declaration of a restricted area, declare that the restricted area is restricted in respect of liquor other than a specified type of liquor.*

Section 75 of the Act prohibits persons from bringing liquor into a restricted area; Section 75(1) states:

- (1) *Subject to this Part, a person shall not -*
  - (a) *bring liquor into; have liquor in his possession or under his control within; or*
  - (b) *consume, sell or otherwise dispose of liquor within, a restricted area.*

Section 76 requires an application to be in writing, signed by the applicant and lodged with the Director. The Section requires the applicant to include with the application a description of the relevant area and reasons for seeking the declaration. The Section provides the applicant with an opportunity to have the area restricted to a type or types of liquor.

At Sections 77 to 80, the Act details the process to be followed by the Commission in its consideration of an application. The required process may be usefully summarised as follows. The Commission shall conduct a hearing, ensure that licensees and applicants for licences are informed of the application and the hearing, ensure potentially affected licensees are informed, ensure that municipal and community government councils are informed, conduct the hearing within the area of the application or at another convenient place, accept expressions of opinion regarding the application whether in writing or at the Hearing, inform the residents of the area regarding the application and ascertain their opinions, ascertain the advice of municipal and community government councils and consider opinions and advice so ascertained.

In addition, Section 79(2) allows the Commission to conduct such investigations or cause to be conducted such investigations as it thinks fit for the ascertaining of residents' opinions.

Division 2 of Part VII of the Act provides a scheme by which the Commission may grant permits to bring liquor into and to consume liquor within a restricted area.

Subject to the provisions of Section 87, the Commission may grant a permit to a person who resides or lives temporarily within a restricted area. Section 87(3) provides that the Commission may issue permits subject to such conditions as it thinks fit. Section 88 allows a guest of a permit holder to consume liquor at premises owned or occupied by the permit holder. Section 89 allows for the delivery of liquor into a restricted area at the request of a permit holder.

Section 90 requires applications for permits to be in writing, signed by the applicant and lodged with the Director of Licensing. The Section requires the applicant to provide a statement of reasons for seeking a permit. Section 91 requires the Commission to consider permit applications and allows it to conduct or cause to be conducted such investigations as it thinks fit. The Section requires the Commission to ascertain the opinions of the residents of the restricted area regarding permits and to consider such opinions together with the results of any investigations. In the event an application is refused by the Commission it is required by Section 92 (b) to provide a statement of reasons to the applicant.

Section 93 requires the Commission to revoke a permit if its holder contravenes or fails to comply with a condition of the permit. Section 94 allows the Commission to revoke a permit at its discretion.

Section 84 permits the Commission at its discretion, to revoke the declaration of a restricted area.

## **Consideration of the Application**

The application to declare Melville Island as a restricted area is contained in a letter signed by Mr John Banks, Manager of Community Services for the Tiwi Islands Local Government. The letter of

application although addressed to the Chairman was lodged with the Director. The application is dated 30 May 2003. The subject area is specified as “the balance of Melville Island”. The reasons given for the application are “to promote the safe and responsible consumption of alcohol and to minimise the harmful effects of the of the irresponsible use and abuse of alcohol on the Tiwi Islands. Accordingly, the requirements of Section 76 may be regarded as satisfied.

Mr Banks asks that the Commission consider other matters within the hearing process. Such matters included a request that the Commission examine the Alcohol Management Plan and the recommendations made therein. Mr Banks’ letter also referred to a need for consistency of licensed premises trading days with particular reference to the “bush holiday” and “Wednesday” closures of the licensed premises at Nguui. As indicated earlier such matters fall outside the core business of these reasons and thus any consideration must be limited to the making of recommendations.

Section 77 requires the Commission to refuse the application where it is of the opinion that it is of a frivolous, irrelevant or malicious nature or in the alternative, conduct a hearing. In the light of the Coroner’s Findings and its study of the Tiwi Islands’ Alcohol Management Plan, the Commission saw the conduct of a hearing as an appropriate and necessary decision.

In accordance with the requirements of Section 77, licensees and nominees of the four licensed premises and the offices of the Tiwi Islands’ Local Government and its associated local Management Boards were notified of the application and the Commission’s decision to conduct a hearing. In addition, the Commission notified the Police, the Tiwi Land Council, the Islands’ schools and education authorities, health service providers whether located on the Islands or the mainland, the local MLA and a range of commercial entities whether privately or community based.

As required by Section 78, all persons and organisations so notified were advised that they may express an opinion regarding the application, either in writing or by personal appearance at the Hearing. In order to ascertain residents’ opinions as required by Section 79, the Commission caused notices to be prominently displayed in various locations throughout the four main communities and in particular the Melville Island communities of Milikapiti and Pirlangimpi.

## **Hearing at Nguui and at Wurankuwu**

In electing to conduct portions of the hearing on Bathurst Island, at Nguui and at Wurankuwu, the Commission was cognisant of the provisions of Section 77(3)(b) which allow for a hearing to be conducted at a convenient location in the vicinity of the relevant area. The Commission was moved to this arrangement by its understanding that the lives and work of many of the Islands’ residents and the activities of numerous organisations and agencies are conducted across the breadth of the Melville and Bathurst Islands. In the Commission’s view it would have been inappropriate and potentially limiting to restrict the hearing process to Melville Island alone. The Commission also hoped that by providing opportunity for persons and organisations on Bathurst Island to be heard, it might be better informed as to any likely effects or unintended consequences that might arise if Melville Island was declared as a restricted area.

Although the proceedings were well attended at both Nguui and Wurankuwu, speakers at both locations concentrated on local issues they saw as arising from any move by the Commission or others to immediately implement the recommendations contained within the Alcohol Management Plan. The proceedings provided little by way of useful response to the restricted area application and certainly no clearly stated concerns as to any potential flow-on effects of a declaration.

Notwithstanding the limited value of the Nguui portion of the proceedings to the Commission’s consideration of the subject application it is important to record that residents and organisations in attendance at Nguui and Wurankuwu were clearly assured by the Commission that any change to the licence conditions of their local premises, whether recommended within the Alcohol Management Plan or somehow arising from the hearing of the subject application, can only be dealt with by way of a separate and specific process as is plainly required by the *Liquor Act*.

## Hearing at Pirlangimpi

The first person to address the Commission was Mr Peter Jones, a Senior Policy Officer of the Racing, Gaming and Licensing Division of the Northern Territory Treasury.

Mr Jones spoke regarding the development of the Tiwi Islands Alcohol Management Plan and the role of its consultant author, Mr Stephen Baldwin. Mr Jones referred to the Coronial Inquest and the Police reports of liquor-related problems on both Bathurst and Melville Islands and how liquor was transported, sometimes in a dangerous manner between the two islands. He also referred to projected material to provide statistical and other information in support of his comments. In closing his remarks, Mr Jones plainly stated that the Division “was not here to have the club closed”.

The next person to address the Commission was Ms Libby Ward, a Policy Officer of the Racing, Gaming and Licensing Division. Ms Ward’s address was in the form of a report on the finances of the Pirlangimpi Progress Association and its compliance with various reporting requirements. In the Commission’s view, Ms Wards’ submission and the material on which she relied is not immediately relevant to this consideration of the restricted area application. In the event the Commission pursues an interest in Ms Wards’ report it may only do so by way of a separate activity initiated pursuant to a relevant section of the Act.

First Constable Troy Harris appeared on behalf of the Northern Territory Police. Constable Harris clearly stated that the Police point of view was that the local club should remain open and that take-away liquor should remain available to members of the Pirlangimpi community. He stated that the club is in his view well run and that patrons within the club are well behaved. Constable Harris was however concerned by the incidence of assault, attempted suicides, general disturbances and domestic disturbances within the region and attributed 80 to 90 percent of these incidents to intoxicated persons. He was particularly concerned that community members were by various legal means currently able to obtain the equivalent of 28 cans of beer per day, an amount the Constable described as “ridiculous”. He was also concerned regarding the transport of liquor from the community to Nguuiu in the Bathurst Island restricted area and cited incidents that he had observed. The Constable’s concerns included persons banned from other clubs obtaining liquor from the club or from other persons at Pirlangimpi. Constable Harris referred to the closure of the Nguuiu club on Wednesdays and stated that as a result Nguuiu residents travel to other communities and clubs on this day for the purpose of obtaining liquor. The Constable emphasised the potential for danger arising as residents attempt to return to Nguuiu via vehicle and by boat across the Apsley Strait, particularly if such travellers are intoxicated.

It was Constable Harris’s very firm opinion that the policing of liquor and liquor related matters would be greatly enhanced if Melville Island were to be declared a restricted area.

The next person to give evidence sought a definition of a restricted area and was informed that liquor must not be taken into a restricted area “unless there is a permit for it and if the person who has that grog doesn’t have a permit they can be arrested”. This person expressed concerns that the declaration of Melville Island as a restricted area would prevent residents “going out fishing or camping for the weekend and taking alcohol”. There was also concern that a restricted area declaration would act against residents visiting relatives or having a few drinks at home with friends. At this point reference was made to the Alcohol Management Plan referred to earlier and to the recommendations contained within that plan. The plan recommends that liquor be able to be “consumed at the home of the permit holder or another permit holder and at any listed recreation area including coastal fishing”. It was indicated that at this stage, the Commission was likely to support this recommendation. The person addressing the Commission indicated his satisfaction with the Commission’s position but nevertheless emphasised his concerns, stating that the club was “not a family orientated setup at the moment”. He clearly indicated that drinking at the club was a very expensive practice.

The next person to address the Commission advised that he was a non-drinker but it was nonetheless his opinion that to close the club “would be hard for this community”. The speaker indicated that the absence of the club would cause problems in Darwin as residents would simply relocate there, “causing more problems”. The speaker spoke of the need for permits as they

provided an opportunity for people to “sit down and relax in a relaxing atmosphere”. In his opinion, if the permit system was “taken away, people are still going to smuggle it in”.

This speaker clearly affirmed his support for a restricted area inclusive of a permit system. He said, “I believe this should be a restricted area with a permit system. I believe those people that are given permits should be assessed every year. The permit system, I believe, has got to be policed or managed very strictly”. The speaker expressed his concern regarding the reported levels of violence and assault and stated that “a bloke who bashes his wife should be barred from the club, should have all his permits taken off him”. The speaker also referred to the closure of the club at Nguiu on Wednesdays. He stated, “We should stop people from coming here to drink”. In his opinion residents from elsewhere are not invited to Pirlangimpi to drink and if they do come, their keys to boats and cars should be “taken off them by the club manager”.

The next speaker informed the Commission that while liquor was a problem, cannabis had “made things worse”. He reported that users employ violence to extort funds from relatives including grandmothers and then purchase cannabis for \$30 a stick. This speaker expressed concerns regarding the combined effects of liquor and cannabis that in his opinion included malnutrition and other neglect of the community’s children.

The next person to address the Commission spoke briefly but emphasised the high costs of drinks at the local club and the likelihood of binge drinking due to the limited hours of trade. He also referred to the Wednesday closure of the Nguiu club and his belief that a similar closure was not necessary for the club at Pirlangimpi.

The next person to address the Commission returned to concerns raised by an earlier speaker regarding a need to permit the consumption of liquor at camping and fishing locations. This speaker was also concerned regarding the closure of the Nguiu club on Wednesdays as in his opinion Nguiu residents came to Pirlangimpi on Wednesdays to drink at the club where they caused problems that the club had to control. He was very concerned that no one appeared to accept responsibility to “stop people coming into the community”.

The next person to address the Commission clearly stated that permits should be abolished. This person also referred to a time when the club “didn’t order enough beer and they had to limit their beer intake for the people to about six cans a night”. In the speaker’s opinion, “all the people were happy that night, they were happy, sharing with each other”. Without such a limit this speaker saw the drinkers as “fighting”, “squabbling” making “noises all hours of the night”. The speaker reasoned that liquor obtained via a permit system would simply add to these problems. In response to a question from the Commission, the speaker indicated a level of satisfaction if Melville Island were to be declared as a dry area without permits and patrons of the club strictly limited to beer only. As a final comment this speaker also expressed concerns regarding a perceived lack of food money for families and for young children in particular.

The next person to address the Commission indicated that in his view the advantage of a permit system was that it allowed people to have a social drink, to go to friend’s house and to have a barbecue or similar activities. This speaker stated, “The majority of people that have got their permits are very capable of doing that sort of thing, having a social drink. It’s a minority, which we need, as a community to crack down on, to take their permits away from these people because it’s the same people that cause the problems every time”. In this speaker’s view the community should be able to manage a permit system with a committee or its local council and should not need to rely on the Police or the Commission.

Mr Henry Dunn addressed the Commission in his role as President of the local community management board. He agreed that Melville Island should be a “dry area” and that a “permit system should stay”. Mr Dunn firmly opposed any move to close the Pirlangimpi club on Wednesdays. In his view, the Pirlangimpi community should not be punished for incidents that occurred outside the community. He also referred to difficulties experienced on Wednesdays when Nguiu residents came to drink at the Pirlangimpi club. Mr Dunn referred specifically to the transport of liquor into the community by aircraft. He stated, “We’re the only community in the Northern Territory than enjoys this privilege and not everybody abuses it, there’s always those few people,

same as permit system, there's good and bad, but we're trying to rectify that as well". Mr Dunn also spoke of the need to set up some form of committee "to handle bans and punitive measures".

First Constable Troy Harris again addressed the Commission and referred to the need to reduce the amount of liquor in the community but clearly stated that this did not mean that there should be no permits or that permits would be removed "from those that do the right thing". Constable Harris referred to permits being removed from permit holders for matters such as supplying liquor to a non-permit holder and to such persons also being banned from the club for a period. Constable Harris also indicated that Police were not opposed to permit holders taking liquor out of the community for camping and fishing trips.

The next speaker stated that she was a non-drinker and addressed the Commission with concerns that her adult children would not be able to bring liquor on their visits to her home. The speaker was advised that in the event Melville Island was declared a restricted area and a permit committee established, she should apply for a permit and that her visitors would also need to be permit-holders.

Sergeant Owen Blackwell, OIC of the Northern Territory Police on the Tiwi Islands addressed the Commission regarding his experience in a range of Aboriginal communities where restricted areas and various permit systems applied. The Sergeant indicated that he had seen a permit system work well providing people were prepared to be responsible. He provided details of the permit committee set up at Maningrida and listed the broad range of community organisations represented on that committee. In his view it is important that the community "gets a say" regarding who has and who doesn't have a permit and the reasons why. In response to a question from the Commission, Sergeant Blackwell explained the difficulties of law enforcement in the current situation and provided details of incidences of "grog-running" by persons able to import liquor onto Melville Island who then transport the liquor into the Bathurst Island restricted area.

The final person to address the Commission at Pirlangimpi tendered a letter on the letterhead of the Tiwi Land Council. The letter referred specifically to the Alcohol Management Plan described earlier in these reasons. The letter stated that. "After lengthy discussion, the Tiwi Land Council resolved to support all 11 recommendations in what was then the draft report". The recommendations supported by the Tiwi Land Council include recommendations that Melville Island be declared a restricted area, that a permit system should apply within the area and that permits should be revoked for certain forms of misbehaviour.

## **Hearing at Milikapiti**

The first person to address the Commission was Mr Peter Jones who in essence presented the same information and material as he had done earlier at Pirlangimpi, the purpose of his presentation being to inform the different audience at Milikapiti.

Ms Ward also addressed the Commission, her presentation being similar in scope to that provided at Pirlangimpi. As stated previously, Ms Ward's submission and the material on which she relied is not immediately relevant to the Commission's consideration of the restricted area application. In the event the Commission pursues an interest in Ms Ward's report it may only do so by way of a separate activity initiated pursuant to a relevant section of the Act.

The Commission was again addressed by First Constable Troy Harris who referred to Police statistics arising from incidents in the Milikapiti community. The nature of the incidents included assaults by males on females, domestic disturbances, breaches of domestic violence orders and disturbances on licensed premises, specifically the club at Milikapiti. On the latter point the Constable pointed out that the number of disturbances on licensed premises had been greater under the previous management of the club. Constable Harris also referred to breaches of the *Liquor Act* and significantly, five attempted and one actual suicide. The Constable referred to blackmarket sales of liquor at prices of \$50 for a six-pack and to liquor being flown into another location on Melville Island. He was concerned that some community members might be benefiting from this through an arrangement with the importer.



Constable Harris was concerned by the apparent lack of support for the community's ACPO (Aboriginal Community Police Officer). Returning to the Police statistics, Constable Harris reported that the number of liquor-related incidents in the community had reduced since the club on its own initiative reduced the days of sale for take-away liquor. Constable Harris also reported on persons banned from the club apparently harassing family members, the club committee and the Police in order to be removed from the banned list. He referred to a specific person who although the subject of Court matters pending, nevertheless continues to drink at the club due to his family harassing and threatening the club's committee.

In Constable Harris's view, the declaration of Melville Island as a restricted area "will aid the Police and aid the community in general to curb the constant running of beer from Pirlangimpi and spirits from Darwin". Constable Harris expressed the strong view that liquor should "not ever be allowed to be brought in from Darwin by barge or by plane". Subject to the club running properly, he believes it should be responsible for all liquor sales in and to the community.

The Commission was then addressed by Sergeant Blackwell who reiterated his considerable experience in Aboriginal communities and with matters involving liquor, restricted areas and permit systems. Sergeant Blackwell indicated his support for the declaration of a restricted area but also indicated that he could not support a permit system for take-away liquor due to "the huge problem here". He felt that with a permit system, "people who should not get alcohol are going to get it". In regard to the Wednesday closure of the club at Nguiu, Sergeant Blackwell referred to "drunks from Bathurst Island" attempting to enter the club at Milikapiti because there had been a funeral at Bathurst and "we want to have a drink for that poor person who has passed away". Further on the closure of clubs, Sergeant Blackwell was of the firm view that "if one of the clubs is closed, then all of the clubs should be closed on the same day". On the question of clubs closing for the "bush-holidays, the Sergeant saw this as a matter for the community to determine.

Later in the Hearing, Sergeant Blackwell sought the opportunity to clarify his position regarding permits and stated that his opposition as stated above was to the permit system described in the Liquor Management Plan and not to the system in place at the Milikapiti club.

The next person to address the Commission referred to the statistics collected by the Police, to deaths and to "sad times" experienced by the community. This speaker also referred to the mix of liquor and drugs causing problems. The speaker indicated his concerns regarding the lack of support for change by some members of the community and the pressures on the management and staff of the club to break the rules. This speaker was very clear in his assertion that it's time to make some decisions "that will strengthen our people". He indicated that the Milikapiti Management Board had discussed the Alcohol Management Plan and that they would prefer to see that residents remain able to drink at certain recreation areas and swimming places. This speaker was one of many who referred to persons travelling from Bathurst Island and then humbugging and threatening Melville community residents in an endeavour to obtain liquor. In reference to permits, this speaker saw the council and the club committee as being competent to decide on permit applications and called for the revocation of permits for "those people that cause problems" and for rules to be drawn up for permits, warnings and penalties. The speaker also called for residents to support the club, its committee and management and to "stop putting pressure on them". In response to a question from the Commission, this speaker acknowledged that the reduction in trading hours from take-away liquor had reduced the level of problems experienced by residents. In his view, "It's been a lot quieter".

The next person to address the Commission asked for a Police Station to be established at Milikapiti and made no other comments.

Ms Lynette De Santis, the nominee of the club at Milikapiti, addressed the Commission. Ms De Santis advised she had been appointed as nominee some five or six months previously. Ms De Santis spoke of the "enormous help" provided by security staff and also of the support given by the community's ACPO (Aboriginal Community Police Officer) and members of the club's committee. In response the Commission indicated that it had not heard any complaints regarding the conduct of the club for "quite a while" although it had once been "the most complained about premises in the Territory". Ms De Santis informed the Commission regarding her last-drink strategies and the

voluntary reduction of the club's take-away trading hours was again referred to. Ms De Santis reiterated the views of Constable Harris regarding liquor being imported from Darwin and alluded to problems that arise when "there's hot stuff in the community".

In regard to the possible declaration of Melville Island as a restricted area, Ms De Santis asked the Commission to consider the needs of outstations and to consider issuing special permits for families visiting from Darwin. Ms De Santis also referred to the need to consider permits or some other means of dealing with fishing, barbecues and recreational areas. She affirmed support for a permit system and a decision-making regime that would involve the Police, the council, the health clinic, the club and the school. In answer to a question from the Commission, Ms De Santis agreed that the "only grog in the community should come from the club" and "that the money should then stay in the community". As to the closure of clubs, Ms De Santis was of the firm view that the closure of the Nguuu club on Wednesdays was no reason to close her club. She also referred to the humbugging of the Milikapiti community by residents of Bathurst Island. As to the "bush holiday", Ms De Santis saw this as a matter for the community to decide.

The next person to address the Commission spoke on behalf of a commercial forestry situated on Melville Island. While the Commission noted the arrangements in place at the time it is apparent that in the event the Island is declared a restricted area other arrangements will need to be made including, if necessary, an application for the grant of a licence to the entity responsible for the enterprise.

The next person to address the Commission was Ms Pamela Warlapinni, the Milikapiti community ACPO. Ms Warlapinni reported that she saw a great deal of the effects of violence, especially domestic violence and people doing harm to themselves. In response to questions from the Commission and from Sergeant Blackwell, Ms Warlapinni reported that the reduction in take-away trading hours had brought about a "big change".

The next person to address the Commission was a traditional owner. She plainly stated that she thought the area should be restricted and that a permit system should apply to the sale of take-away liquor. She was equally clear in her view that the purchase of liquor on permit should be restricted to the club at Milikapiti. This speaker praised the manner of the club's operations since the appointment of Ms De Santis as nominee.

The Commission was then addressed by a Health Worker who referred to the ten years she has served at the clinic and the many injuries she has seen, injuries she attributes to liquor-related violence.

The Commission was then addressed by a person who at one stage worked for "mental health" and had been concerned that her clients although on medication, nevertheless wanted to drink. This speaker referred as did earlier speakers to the lessening of problems in the community since the reduction in take-away trading hours by the club. In her view, "the club is running smoothly at the moment and we don't need to close it up as long as we have strong supporters backing each other up and families talking to families".

Mr John Drew, manager of the store at Milikapiti informed the Commission that in his opinion the community was "just about running properly at the moment". He stated that sales at the club have steadied, that they are definitely not increasing and that the club is selling much less than it was six or seven years ago.

Mr Drew spoke in favour of a restricted area declaration because of the "blackmarket stuff coming in" but was concerned that local residents continue to be able to enjoy the right to have a few drinks while hunting and fishing. Mr Drew's concerns regarding the Wednesday closure of club at Nguuu were congruent to those expressed throughout the hearing. Mr Drew also spoke in praise of the current nominee and management group of the club.

First Class Constable Troy Harris again addressed the Commission. He referred to the lessening of problems in the community since the reduction in take-away liquor trading hours and repeated his earlier statement that the Police did not want to see the club shutdown. He referred again to

concerns regarding Nguiu residents travelling to Milikapiti and stated that if any club is to be closed on a particular day then all clubs should close on that day.

Other speakers, including Sergeant Owen Blackwell and Mr Peter Jones of the Racing, Gaming and Licensing Division referred to the improvements in the operation of the club at Milikapiti.

The final person to address the Commission at Milikapiti was a sports and recreation officer. This speaker referred to improvements at the club and within the community. He stated that his major concern was no longer alcohol alone but the combination of alcohol and other drugs. This speaker was very keen that the club “put something back” into the community. He saw this as being potentially beneficial and “something that hadn’t really happened over the last several years”.

## Written Opinions

Written opinions as permitted by Section 78(1)(a) were received from Mr Peter Jones of the Racing, Gaming and Licensing Division of Treasury; the Top End Group School; Mr Lawrence Andrew Liddy of the Yimpunarra Outstation; Bob Woodward and Associates; the Hon Marion Scrymgour MLA, Member for Arafura; the Tiwi Land Council; Dr Paul Snelling of Top-End Renal Services; Superintendent Don Fry for the Northern Territory Police; the Tiwi Health Board; Mr John Byrne for the Wurankuwu Community, Dr Robert Parker, Consultant Psychiatrist; Mr Mal Parker for Sylvatech, and the Alcohol and Other Drugs Program, Department of Health and Community Services.

The paper submitted by the Alcohol and Other Drugs Program appears to be a critical evaluation of the Tiwi Islands Alcohol Management Plan; it does not address the application and is therefore of minimal value in the context of the Commission’s current considerations.

The letter submitted by Mr Mal Parker informs the Commission that Sylvatech Forestry operates a remote camp approximately twenty-nine kilometres south of Pirlangimpi. The company holds “a permit to bring liquor from the mainland to take directly to its headquarters” and operates a user-pays system for the liquor. Employees are limited to three cans person per night. On the face of the letter it appears the company may be in breach of the *Liquor Act*. An exemption is sought from any rulings that may arise from the Commission’s consideration of the application however it seems likely the company will need to apply for some form of limited or special licence.

The written opinions of the Tiwi Health Board are in fact a “Response to Issues Raised in the Proposed Tiwi Alcohol Management Plan”. The Board does however support the “thrust” of the plan and appears supportive of the plan’s proposals for liquor permits.

The letter received from Dr Robert Parker, although referenced and containing what may be regarded as expert opinions does not specifically address the subject application.

The submission lodged by Mr John Byrne for the Wurankuwu Community is informative of a wide range of issues but does not specifically address the subject application. The submission includes requests for the Commission’s assistance and understanding regarding several local licensing issues that can be separately addressed by the Commission in the normal course of business.

The Tiwi Land Council’s submission provides a number of useful comments on licensing issues generally and in its final paragraph states, “After lengthy discussion, the Tiwi Land Council resolved to support all eleven recommendations of the draft report”. (The report being the draft Tiwi Island Alcohol Management Plan.) This correspondence was referred to by a speaker at Milikapiti.

The submission of Bob Woodward and Associates addresses each of the recommendations contained in the Alcohol Management Plan. As to the subject application, Mr Woodward “totally agrees with and supports the proposal” for Melville Island to become a restricted area. With regard to permits to have liquor within a restricted area, Mr Woodward details several problems experienced under past permit regimes and asks that if permits are issued, sales should be from the clubs so that profits can be retained in the community. For the record, Mr Woodward declares an interest as the Nguiu licensee’s financial adviser and accountant; this declaration is plainly stated at the head of the correspondence.

The submission of Superintendent Fry is in the form of an unsworn statement. He states, "We agree the whole of the Tiwi Islands needs to be a restricted area". Mr Fry provides a range of useful comments for consideration by the Commission in the event a permit system is introduced for the Nguui community.

The submission of Dr Paul Snelling can be read as being supportive of any measures that will decrease the amount of alcohol abuse in the community. In his opinion, which may be regarded as an expert opinion, "measures which reduce alcohol consumption and result in more responsible drinking practices are imperative".

The comments provided by the Hon Marion Scrymgour MLA address the Alcohol Management Plan as distinct from the application before the Commission.

Ms Scrymgour is concerned to have the Commission ensure that Tiwi women are adequately consulted on the measures contained in the plan.

The letter received from Mr Lawrence Andrew Liddy urges the Commission that in event that permits are approved, conditions are enacted which prevent the transport of liquor by air.

The submission of the Top End Group School clearly details the negative impact of excessive liquor consumption on the well-being of school students on Melville Island

The submission lodged by Mr Peter Jones of the Treasury's Racing, Gaming and Licensing Division is lengthy and informative. The document provides information including some statistics on liquor-incidents including suicide, attempted suicide and deaths arising from attempted crossings of the Aspley Strait. The submission provides an assessment of liquor sales figures, summaries of Northern Territory Government Policy and the portions of the Tiwi Islands' Alcohol Management Plan. On behalf of the Division, Mr Jones supports the declaration of Melville Island as a restricted area and the orderly introduction of a properly considered system of liquor permits along the lines proposed in the plan. His submission also provides details of the finances and management regimes of each licensee on the Islands. As indicated earlier in the light of Ms Ward's reports, this material is not immediately relevant to the Commission's consideration of the restricted area application. In the event the Commission pursues an interest in the financial and managerial capacities of the licensees it may only do so by way of a separate activity initiated pursuant to a relevant section of the Act.

## **Decision as to Declaration of Restricted Area and Grant of Permits**

The opinions of residents of Melville Island as heard at the Hearing conducted at Milikapiti and Pirlangimpi are overwhelmingly in favour of declaring the Island to be a restricted area within which a system of permits applies. The opinions of respondents to the opportunity to lodge written opinions are clearly in favour of the declaration and a system of permits.

The differing extents to which those heard at the Hearing and those lodging written opinions clearly favoured the declaration may be explained by the fact that those who sought to be heard focussed their submissions on the subject application whereas a number of those who lodged written opinions appeared to be responding to the Alcohol Management Plan.

## **Declaration**

Given the clarity of residents' opinions in favour of the application it is determined pursuant to Section 71(1) of the *Liquor Act 1978* that that portion of Melville Island not already declared to be a restricted area and not occupied by the Island's two licensed premises is now declared restricted.

As the existing restricted areas are contiguous with the subject area, the effect of this determination will be such that other than for the two existing licensed areas Melville Island is able to become a restricted area in its entirety.

In this context it is important to note the provisions of the Act at Section 81. Section 81(2)(b) provides that a declaration by the Commission may be in relation to the relevant area (in this

instance the area applied for) or land that in area is equal to, greater than or less than the relevant area. It is thus sensible and useful to determine that this declaration applies to the entirety of Melville Island, (except for the licensed premises previously referred to), and pursuant to Section 84 to simultaneously revoke the restricted area declarations that currently apply in respect of the Milikapiti and Pirlangimpi communities.

It is important to note that the declaration does not take immediate effect upon the handing down of this decision. Section 82 of the Act describes the required notification process. The Section requires a notice to the public to be published within 14 days of a declaration, that is, within 14 days of the date of this decision. Section 83 allows the declaration to have effect on and from the date specified in the declaration.

Given that sufficient time must be made available for permits to be applied for, investigated and considered in the light of any necessary investigations and residents' opinions, it is determined that the date of effect of this declaration and the accompanying revocations applicable to the Milikapiti and Pirlangimpi restricted areas shall be 20 September 2004.

## **Grant of Liquor Permits**

It is determined that all permits presently in force for the existing restricted areas of Melville Island shall remain in force until 19 September 2004 after which date they shall stand revoked.

Residents of the area to be notified as declared are at liberty to apply for new permits to have and consume liquor on Melville Island subject to the processes and conditions described within these reasons for decision.

All permits issued by the Commission will be subject to conditions. The conditions will include a limit on the quantity of permitted liquor, a specification as to the permitted types and containers of liquor and a requirement for the permit holder to nominate their preferred liquor retailer. Further, all permits issued by the Commission will be subject to conditions as to where the permitted liquor may be held, transported and consumed.

Places of permitted consumption will include the permit holder's residence within Milikapiti and Pirlangimpi or elsewhere and may include designated fishing and recreational areas. The designation of fishing and recreational areas will be a matter for the Commission's consideration following the receipt of recommendations from the community management boards, the Police and the Director of Licensing.

A further effect of the declaration will be that the Tiwi Islands, both Melville and Bathurst will be restricted areas and thus the provisions of Part VIII the *Liquor Act* will apply in their entirety throughout the Islands. It will therefore be appropriate for the Commission to consider, separately from this decision, any action on its part that may be necessary to implement a similar system of permits for the residents of Bathurst Island. A recommendation to this effect is contained at the tail of these reasons.

All persons over the age of 18 years who are residents of Melville Island are eligible to apply for a permit to have and consume liquor away from those premises already licensed.

A permit application form approved by the Commission will be available for distribution to residents of Melville Island at the earliest practicable opportunity. Applicants will be required to satisfy the Commission they have attained the age of 18 years and are residents of Melville Island.

Applicants can seek a permit that allows them to purchase liquor from the licensed premises located in their community or from a liquor retailer located elsewhere in the Northern Territory. Applicants will be required to nominate their preferred supplier at the time of application.

A system of maximum permissible purchase quantities will apply to all permit holders. The quantities and types of liquor that may be held and consumed by permit holders are shown in the schedule included in these reasons.

It should be noted that the purchase limits shown (in Italics) in the schedule for the Bathurst Island premises situated at Wurankuwu and Nguiu are not subject to this decision. They are included for information only, for possible consideration in the light of a recommendation to be found later in these reasons.

### Schedule of Permitted Purchase Types, Quantities and Containers:

Liquor type and container type	Maximum quantity of liquor that may be purchased in any week				
	Wurankuwu Aboriginal Corporation	Nguiu Club	Milikapiti Sports & Social Club	Pirlangimpi Community Club	Another licensed retailer in the NT
Light beer in 375ml cans	1 x 6-pack	1 x 6-pack	1 x 6-pack	4 x 6-packs	4 x 6-packs
or					
Middle-strength beer in 375ml cans	1 x 6-pack	1 x 6-pack	1 x 6-pack	4 x 6-packs	4 x 6-packs
or					
Full-strength beer in 375ml cans	1 x 6-pack	1 x 6-pack	1 x 6-pack	4 x 6-packs	4 x 6-packs
or					
Pre-mixed spirits in 375ml cans	1 x 6-pack	1 x 6-pack	1 x 6-pack	4 x 6-packs	4 x 6-packs
or					
Pre-mixed alcoholic soda in bottles up to 300ml	1 x 4-pack	1 x 4-pack	1 x 4-pack	4 x 4-packs	4 x 4-packs
or					
Wine (red or white) in 750ml bottles	1 bottle	1 bottle	1 bottle	4 bottles	4 bottles
White wine in four litre or two litre casks	Nil	Nil	Nil	Nil	Nil
Fortified wine	Nil	Nil	Nil	Nil	Nil
Spirits other than pre-mixed	Nil	Nil	Nil	Nil	Nil
Liquor in any other form	Nil	Nil	Nil	Nil	Nil

The amounts permitted to a permit holder in each community have been determined following consideration of current supply practices and the types of liquor currently sought by residents.

Also considered, as a matter of importance, were the National Health and Medical Research guidelines for alcohol consumption. These guidelines, when followed, allow users to minimise the risks to their health in both the short-term and long-term and to gain any long-term benefits from alcohol use. In summary, the guidelines imply that men should consume not more than 26 standard drinks per week and women not more than 14 standard drinks per week if desirable health outcomes are to be achieved. These estimates do not however take into account the fact that Melville Island residents may also choose to consume liquor at licensed premises on the Islands. Hence the schedule of permitted quantities shown above may require revision following an appropriate period of trial and competent study.

In the implementation of a permit system it is necessary to consider the timing of the availability of permitted liquor as an important factor in the management and necessary enforcement of the system. Therefore the sale of liquor by community licensees to permit holders will be restricted to those Thursdays on which the premises is open for trade. Subject to Commission action to vary the conditions of licences or by agreement by the respective licensees, retailers will be required to maintain a register of sales to permit holders. The register should include the permit holder's name and permit number together with details of the quantity and type of liquor purchased. Other variations to licence conditions which may be necessary to facilitate the system of liquor permits are referred to later in these reasons.

When liquor is purchased from a nominated retailer situated elsewhere in the Northern Territory the transport of such liquor to permit holders shall be limited to the Tiwi Barge. The carriage of liquor into the restricted area by aircraft will not be permitted; several persons at the Hearing spoke specifically regarding issues arising from the use of air transport. The Commission is of the view that policing the use of such transport may be so difficult as to be unmanageable. The Commission is informed that the Tiwi Barge services the Island on a weekly basis and that such service is usually on a Thursday. Tiwi Barge management have indicated that they are prepared to allocate a separate container to convey liquor purchased in accordance with a permit provided that distribution of the liquor when the barge arrives at Melville Island will be a managed process.

The specification of Thursday as the day on which permitted liquor becomes available will assist with enforcement of the permit system and ensure that all permit holders have access to the alcohol they purchase on the same day with no perceived or actual disadvantage to any group. It is understood that Sunday is a family day for the Island's residents and thus to allow the distribution of permitted liquor on Saturdays may disrupt this family day.

## **Permit Committee**

Section 91 of the Act requires the Commission to investigate permit applications and to ascertain the opinions of residents regarding applications. To this end the Commission will seek to establish a permit committee at Milikapiti and at Pirlangimpi. The membership of the committees will be a matter to be determined by the Commission in consultation with each community and the Police. The principal role of the committees will be to assess and consider each application on its relative merits and to make a recommendation as to approval or non-approval to the Commission.

The tasks of the Committee are likely to include but not necessarily be limited to the following:

1. To meet as regularly as is necessary to properly conduct and record the business and decisions of the committee.
2. To make permit application forms available to residents of Milikapiti, Pirlangimpi and as appropriate, to other residents and temporary residents of the restricted area.
3. To provide relevant information to residents regarding the permit system and the application process.
4. To receive permit applications and verify:
  - (a) The name, place of birth, identification, age and community of residence.
  - (b) That the applicant has nominated the licensed premises in the community where they are resident or a premises located elsewhere in the Northern Territory.
  - (c) The bona-fides of applicants claiming temporary resident status.
5. To ascertain the opinions of residents by consulting with health service providers, community health workers, education workers, licensees and other relevant community representatives.

6. To provide reasons for not supporting an application for a permit or for recommending that a permit holder's approval is limited to a lesser amount of liquor than that allowed for in the schedule.
7. To maintain records of permits approved and applications refused and any special conditions that may attach to specific permits, and to assist licensees to ensure that their records are current and properly maintained.
8. To assist the Commission to determine a schedule of matters or issues that may lead to the revocation of a permit and to recommend revocation when appropriate to do so.
9. To oversight the distribution of permitted liquor from the Tiwi Barge into the possession of approved permit holders.

Applications supported by the permit committee may be signed off by a Police representative and the President of the management committee of the community in which the applicant is resident or such other process as the Commission may from time to time determine.

All applications whether supported or otherwise by the committees are to be lodged with the Director of Licensing for consideration by the Commission. The Commission is able to delegate approval to the Director or an appropriate member of his staff.

A person whose application for a permit is refused, limited by the Commission or revoked is able to seek a review of such a decision in accordance with the provisions contained at Part 4 of the *Northern Territory Licensing Commission Act*.

Where a permit holder elects to nominate a liquor retailer situated elsewhere in the Northern Territory the holder will remain responsible for forwarding a copy of their permit to liquor retailers located elsewhere in the NT.

It will be important for the Commission to ensure that in addition to the residents of the declared area all persons and organisations that may have an interest in the declaration and the associated permit system are fully informed regarding the declaration. Such persons and organisations are likely include barge operators, airline and charter operators, Australia Post, government departments, organisations employing and deploying consultants to Melville Island and private entities operating tourist or other commercial entities within the restricted area.

## **Variation of Licence Conditions**

As indicated earlier it may be necessary for the Commission to vary the conditions of liquor licences held by premises on Melville Island in order to facilitate the implementation and effectiveness of the permit system described in these reasons. Such variations are a matter for separate action by the Commission. The Commission is able to vary licence conditions on its own motion subject to the provisions of Section 33 of the Act.

Possible variations include consent for the sale of liquor to permit holders in accordance with the schedule of the liquor quantities, types and containers, specific trading hours for sales to permit holders, the maintenance of records of purchases by permit holders, the ready availability of such records for inspection and reporting requirements in respect of persons banned from premises.

## **Recommendations**

1. That in the interests of consistency across the Tiwi Islands' restricted areas the Commission implements a system of permits within the Bathurst Island restricted area that is as far as practicable identical to that to be implemented on Melville Island.
2. That the Commission monitors the effects of the declaration, the availability of permits and any changes to liquor licence conditions, and that some formal and regular consultative process is established for this purpose.



3. That the Commission takes no action to set licence conditions pertaining to funerals and the mid-year “bush holiday” period and removes any such conditions from Tiwi Islands’ liquor licences.

*As indicated by several speakers at the Hearing, these issues can be viewed as important local and cultural matters able to be determined through consultation at the community level.*

4. That the Commission varies the licence conditions of the Nguiu Club Association Inc so as to permit trade on Wednesdays.

*The closure on Wednesdays was imposed by the Commission in mitigation of penalty arising from a complaint heard by the Commission.*

*It is appropriate to remove this condition from the licence in the light of Recommendation 5 and the extended passage of time since the Wednesday closure condition was imposed.*

5. That the Commission varies the licence conditions of all four licensed premises situated on the Tiwi Islands so as to close the premises for trade on Mondays.

*It is abundantly and sadly clear from the available material that residents of the Tiwi Islands face a significant and concerning level of liquor-related problems, problems that many residents and agencies work courageously and tirelessly to overcome.*

*The intent of this recommendation is to provide a day of respite that back to back with the Sunday closure of licensed premises may assist residents and those who work with them to better deal with the issues they face.*

*It is further recommended that in the event this recommendation is implemented by the Commission its usefulness is monitored together with matters referred to in Recommendation 2.*

6. That the Commission places all licensed premises on Bathurst and Melville Islands on notice that the Commission will have regard to their financial and managerial capabilities if they fail to attend to the reporting requirements required of them by the applicable legislation and regulations.

*It clear from information put to the Commission at the Hearing that licensees have or at least had, outstanding reporting requirements to attend to.*

*The intent of this recommendation is to provide licensees with a reasonable period of time in which to satisfactorily demonstrate compliance or to face such consequences as may be appropriate to their individual circumstances.*

*Given that licensees and/or nominees were in attendance at that part of the Hearing held in their location and heard the information put to the Commission it can be argued that their progress towards satisfactory compliance should be well advanced.*

7. That the Commission considers the matter of “staff drinks” on licensed premises on the Tiwi Islands and sets appropriate licence conditions.

*A submission to this effect was made during the Hearing at Nguiu and requires a Commission response. While that submission pertained only to the Nguiu Club Association Inc it will be useful for the Commission to examine current practices at each of the four licensed premises and to set appropriate licence conditions.*

## **Notes on the Recommendations**

While a number of the above recommendations flow naturally from consideration of the subject application and are thus self-explanatory, those recommendations that refer to regulatory compliance and suggest the closure of all four premises on Mondays go well beyond matters able to be considered in these reasons and can only be the subject of separate statutory process.

In the event the Commission is minded to consider such recommendations it is recommended that it refer in detail to the transcripts of the Hearing, the information provided to the Hearing by the staff of the Director, the Tiwi Islands Alcohol Management Plan, the Findings of the Coroner and the written opinions received in response to the application now determined.

Peter R Allen