

Northern Territory Licensing Commission

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

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| Applicant: | Walangerry Ngumpinku Community Government Council |
| Restricted Area: | Pigeon Hole |
| Heard Before: | John Flynn (Chairman) |
| Date of Hearing: | 2 August 2006 at Pigeon Hole |

- 1) The Walangerry Ngumpinku Community Government Council through its Chief Executive Officer, Mr Nick Ladd made an application dated 1 September 2005 to have the area known as Pigeon Hole declared dry pursuant to Part 8 of the *Liquor Act*.
- 2) The application was made as a result of a Council meeting held on 26 June 2005 which resolved that the Pigeon Hole Community be an alcohol-free area.
- 3) The relevant NT Portions are 3732 and 4780 which have an area of approximately 121 square kilometres.
- 4) Pigeon Hole is a small community of about eighty (80) residents. It has a Health Centre, a school and a community store and is adjacent to the Victoria River.
- 5) The need for the dry area was expressed in the application as follows:

“There has been a growing feeling within the community to implement a complete and total ban on alcohol. There have been increasing cases of anti-social behaviour occurring and local residents, particularly the elderly and the school children are being kept awake. The level of drunkenness also increases the number of attacks and general domestic violence in the community. Furthermore, adults are tending not to complete their work as they have been drinking too much and sometimes don't go to work at all. The community leaders believe that enough is enough and that a total alcohol ban is the only way to move forwards.”
- 6) On 2 August 2006 a hearing was conducted at Pigeon Hole which was attended by thirty (30) local residents and members of the Northern Territory Police Force, Sergeant Shane Warden of Kalkiringi and Brevet Sergeant Tyrone Belman from Timber Creek. Traditional Owners were present and there was no opposition to the area being declared a restricted area.
- 7) The main reason given by those at the meeting was the noise and disturbance created at night by the drinkers which disturbed the sleep of the children. Drinkers doing wheelies in the community area was another reason given.
- 8) Some of those present wanted a drinking paddock and the proposed area was almost adjacent to the community. The meeting was told by the Chairman that there would be no point in a declaration if the drinking paddock was so close to the community.
- 9) The Chairman adjourned the hearing and both he and staff member removed themselves at the request of the residents so they could further discuss the matter. On reopening the hearing the Chairman was escorted to an area where the road entered the Pigeon Hole Community from Top Springs. That road travelled through the Pigeon Hole Station and it was said that whilst they could drink on the station side of the road, they did not feel that

this was appropriate as it could perhaps harm their good relationship with the station owners and staff.

- 10) It was proposed that a drinking paddock of an area of about fifty (50) metres by fifty (50) metres adjacent to the Pigeon Hole Station lease be excised from the proposed restricted area so that people could drink alcohol.
- 11) It was further proposed that a lean-to and some facilities be constructed so that the drinkers would be able to sleep there before returning to the community.
- 12) Given the fact of overall support for the application, 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.

All that parcel of land at Pigeon Hole near Victoria River Downs in the Northern Territory of Australia containing an area of 3177 hectares more or less being the whole of Northern Territory Portion 3732 together with the adjoining 100 metre wide Public Road more particularly delineated on survey plans S89/306A to C inclusive lodged with the Surveyor General, Darwin but excluding there-from a fenced area 50 metres square, the north-western, north-eastern, south-eastern and south-western corners of which are located at or about Zone 52 Map Grid of Australia co-ordinates 736159 metres East 8139361 metres North, 736206 metres East 8139377 metres North, 736222 metres East 8139330 metres North and 736175 metres East 8139313 metres North respectively.

- 13) 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 as soon as the following steps have been taken:
 - a. the proposed drinking area is clearly delineated by fencing and some sleeping facility constructed to the satisfaction of the Director of Licensing.
 - b. a standard notice approved by the Director of Licensing has been erected at the entrance to Pigeon Hole which states that it is an offence to bring liquor into the area.

John Flynn
Chairman

12 September 2006