

Northern Territory Licensing Commission

Reasons for Decision

Application by Mataranka Community Government Council for a Public Restricted Area

Applicant:	Mataranka Community Government Council
Date of Hearing:	24 January 2008
Date of Decision:	7 February 2008
Legislation:	Part V111 Divisions 1B, and 2 of the Liquor Act
Member:	Mr Richard O'Sullivan (Chairman)
Appearances:	Mr Mark Hagger, Chief Executive Officer, Mataranka Community Government Council Sergeant Lenora Giles, Northern Territory Police

Background

- 1) An initial application for a Public Restricted Area under the *Liquor Act* ("Dry Town") was made by the Chief Executive Officer of the Mataranka Community Government Council, Mr Mark Hagger on 20 April 2007.
- 2) This initial application was for parcels of land within the Community Government Council's Municipal boundaries. Following discussions with Department of Planning and Infrastructure over vacant Crown Land and discussions with the Northern Territory Land Corporation over NT Portions 3670 and 3671, application was subsequently made for a larger area within the Municipal boundaries.
- 3) This application received on 24 August 2007 was for an area generally described as the Mataranka Township, defined as follows:

All that parcel of land at Mataranka in the Northern Territory of Australia bounded by lines described as follows:

Commencing at the most northern northeastern corner of NT Portion 6403, being a point on the Mataranka Community Government Council boundary as gazetted in *NTG G50 18/12/1991*; thence northerly, northeasterly, southeasterly, easterly and again northeasterly by a western, a northwestern, a northeastern, a northern and part of a northwestern boundary of the said Council boundary to the most western corner of NT Portion 3858; thence southeasterly by southwestern boundaries of the said Portion and NT Portion 1371 to the most western corner of NT Portion 4092; thence generally northeasterly, southeasterly and southwesterly by northwestern, northeastern and southeastern boundaries of the said Portion to the most northern northwestern corner of NT Portion 922; thence easterly, generally southeasterly, generally southwesterly and southerly by a southern, southwestern, northwestern and western boundaries of NT Portion 3859 and a western boundary of NT Portion 2255 to a southwestern corner of NT Portion 2255; thence westerly across an unnamed road to the southeastern corner of NT Portion 3671; thence westerly and northerly by the southern and part of the western boundary of said Portion to the easterly prolongation of a southern boundary of NT Portion 2255; thence westerly by the said prolongation, across the Stuart Highway to a southeastern corner of the said Portion; thence westerly and northerly by southern and western boundaries of NT Portion 2255 and across intersecting roads to the point of commencement.

- 4) This area comprises contiguous or adjoining Lots / Portions and is in the view of the Commission more coherent than the series of land Portions initially applied for. It is also likely that the area applied for in the final (24 August 2007) application would be more readily managed and policed.
- 5) Following lodgement of the final application Public Notices were duly placed advising the public of the application to declare public places within the Town area of Mataranka, Public Restricted Areas.
- 6) Submissions from the public on the application were sought with a number of organisations providing comment. Support for the application has been provided by the Northern Territory Land Corporation, Mataranka Police and the Mataranka Tourism Development Organisation. There were no adverse comments received by the Commission.
- 7) Police advice was provided that the Jilkminggan and Minyerri Aboriginal Communities also supported the measure.
- 8) All Licensees within the area were also written to and advised of the application and no comment was received in response to this correspondence.
- 9) Personnel from the Department of Justice attended the Communities of Jilkminggan, Minyerri and Ngukurr and outlined to the Community members the nature and implications of the application by the Mataranka Community Government Council for the declaration of public areas in Mataranka to be "dry".
- 10) Fliers were also produced and distributed to residents in nearby communities advising of the application and likely impact.
- 11) On 23 January 2008 the Chairman of the Licensing Commission conducted community consultations at the Mataranka Community Government Council offices. Implications of the application and measures able to be adopted to enforce the Restricted Area status were outlined. Only three (3) parties attended the community consultation and none spoke against the application.
- 12) On 24 January 2008 a hearing was conducted at the Mataranka Community Government Council.

Submissions

Mr Mark Haggar

- 13) At hearing Mr Mark Haggar outlined why the Mataranka Community Government Council had applied for the "dry" area status. His submission was that the primary purpose of the application was to minimise anti social behaviour due to the adverse impacts on the social amenity of Mataranka local residents and visitors alike.
- 14) Evidence was provided that tourists visiting or taking a travel break in the township were both puzzled and concerned by the evidence of public and sometimes harmful drinking and intoxication.
- 15) Mr Haggar stated that tourists increasingly are getting humbugged by drinkers including being asked for money. Increasingly tourists are making use of Stan Martin Park when stopping over for resting at Mataranka as this park is the area of public parkland closest to the Police Station. It evidences a concern by visitors for their safety.
- 16) The status of nearby Town Camps was raised at hearing and it is apparent that Mulgan Camp was not initially prescribed under the Federal Intervention measures, however evidence was tendered that action is under way with the Federal Government to have its status formalised as "prescribed".

Sergeant Lenora Giles

- 17) Sergeant Lenora Giles outlined that since 2005 sixty-five (65) drinking under the influence charges had been laid in Mataranka and that there had been at least five (5) fatalities in that period as well as a large number of accidents, all involving drink drivers. Levels of domestic violence and domestic disturbances involving alcohol were also high in the area.
- 18) Sergeant Giles stated that the majority of Police callouts were alcohol related. These callouts and the incidents of alcohol related disturbances spike on welfare pay days.
- 19) Sergeant Giles referred to the application as having a possible effect of pushing drinkers to the nearby Mulgan Camp (which while currently not prescribed as outlined above in Paragraph 16, is likely to be prescribed in the future).
- 20) While the hotel will provide an outlet to consume alcohol, Sergeant Giles submitted that this may not be suitable for all drinkers. She foreshadowed that this may give rise to a request for a drinking camp near to the township and alcohol takeaway outlets. This issue was not under consideration at hearing but the Chairman did note that an application for a drinking camp / paddock may be pursued in the future and given the prescribed nature of indigenous held land this would require the consent of non indigenous land holders.
- 21) The Chairman advised that in any consideration of a drinking camp the parties concerned would need to very carefully consider appropriate and codified rules, ie children not to be present, shade protection to be provided, drinking hours to be determined, alcohol products to be determined. Distance of any proposed drinking paddock from the Mulgan Community also needed to be a consideration.
- 22) In her final comments Sergeant Giles also raised the issue of the attitude of locals and local Licensees to the recently amended alcohol takeaway hours for Katherine. She mentioned there was a wide degree of support for Mataranka to come under the same takeaway hours and restrictions as Katherine. The Chairman advised that while this was not a consideration at this hearing he urged parties to provide evidence of Mataranka support for takeaway hours to match Katherine to the Commission which was to review the Katherine takeaway hours and Dry Town decision shortly.

Decision

- 23) As all evidence submitted and presented at hearing was in support of the application for a Public Restricted Area a decision to approve the application is made. To allow sufficient time for public information, education and the preparation of signage, the declaration of the Public Restricted Area for the Mataranka Township is to apply from Monday 21 April 2008.

Richard O'Sullivan
Chairman

07 February 2008