

NORTHERN TERRITORY LIQUOR COMMISSION
DECISION NOTICE

MATTER: APPLICATION FOR GENERAL RESTRICTED AREA
OVER MULGGAN [2025] NTLiqComm 36

FILE NO.: LC2025/037

APPLICANT: Residents of Mulgga Town Camp

AREA: Mulgga Town Camp
170 Martin Rd
Mataranka
NT 0852

LEGISLATION: Part 8 Division 3 of the *Liquor Act 2019* (NT)

HEARD BEFORE: Mr Russell Goldflam (Chairperson)
Professor Phillip Carson (Health Member)
Ms Katrina Fong Lim (Community Member)

DATE OF HEARING: 22 October 2025

DATE OF DECISION: 20 November 2025

Decision

1. For the reasons set out below and in accordance with s 177 of the *Liquor Act 2019* (NT) (**the Act**) the Northern Territory Liquor Commission (**the Commission**) has determined to declare a general restricted area (**the GRA**) over the Mulgga Town Camp community situated on land owned by the Aboriginal Development Foundation pursuant to a Special Lease.
2. In accordance with s 172 of the Act, the Commission will declare the GRA by *Gazette* notice specifying that:
 - (a) The boundary of the GRA is the area bounded in yellow on Northern Territory Land Information System Plan survey plan S2023/334.¹
 - (b) Other than in accordance with a permit issued under s 201 of the Act (**a liquor permit**) that has not been revoked or suspended, the following are prohibited in the GRA:
 - i. The bringing of liquor into the area;

¹ Accessed at <https://www.ntlis.nt.gov.au/hpa-services/surveyplans?planname=S2023/334>

- ii. The possession of liquor in the area;
 - iii. The consumption of liquor in the area; and
 - iv. The sale, supply and service of liquor in the area.
- (c) The Director of Liquor Licensing (**the Director**) must consult with the residents of the GRA and have regard to the Mulgga Town Camp Community Alcohol Plan (**the Mulgga CAP**) supported by the community on 29 November 2024, and as may be varied from time to time² when considering:
- i. an application for a liquor permit;
 - ii. the conditions of a liquor permit, including the places at which liquor may be possessed and consumed by the permit holder;
 - iii. suspension of a permit; or
 - iv. revocation of a permit.
- (d) The Director may on their own initiative, provided they have taken reasonable steps to consult with the residents of the GRA, suspend a liquor permit of a resident of the GRA for a period of up to six months with immediate effect.
- (e) The declaration of the GRA expires in 99 years.
3. By way of compliance with s 178 of the Act, the Commission has determined to publish information about the GRA by posting this decision notice on the Commission's website, and by sending a copy of this decision notice to:
- (a) The administrator of the Aboriginal Development Foundation
 - (b) Northern Land Council
 - (c) NT Police
 - (d) Attorney-General and Minister for Tourism and Hospitality
 - (e) Minister for Alcohol Policy
 - (f) Alcohol Policy, Northern Territory Department of Health
 - (g) Harm Minimisation Unit, Northern Territory Department of Health
 - (h) National Indigenous Australians Agency

² Exhibit One, pp 20 to 36

4. The declaration of the GRA will take effect on the date of publication of the *Gazette* notice referred to above.
5. The Commission requests the Director, the Director of the Harm Minimisation Unit and the residents of the GRA take reasonable steps to erect signs where a road or other customary route enters the GRA warning the public of the GRA in accordance with s 181(2)(a) and (b) of the Act.

Reasons

Introduction

6. Mulggan Town Camp is a small homelands community with about twenty permanent adult residents on the outskirts of the Mataranka township.
7. The relevant history, circumstances and legal issues pertaining to this matter are similar to those set out in the decision of the Commission dated 19 June 2024 to declare a GRA for Itchy Koo Park.³ It is unnecessary to now repeat the detailed consideration of those matters set out in that decision.

The Application

8. On 29 November 2024, Mr Matthew Ah Mat (**Mr Ah Mat**), an officer with the Harm Minimisation Unit in the Mental Health, Alcohol and Other Drugs branch of the Northern Territory Department of Health, submitted an application on behalf of the residents to apply for a declaration that Mulggan Town Camp be declared a GRA. The application was endorsed by Mr Johnny Billy, Ms Emily Hood and six other residents and traditional owners of the area. On 29 November 2024 an additional 22 residents and 4 visitors staying in the community signed a petition in support of the application. The petition was appended to the Mulggan Town Camp Community Alcohol Management Plan.
9. On 4 December 2024, a statement in support of the application was signed by 35 persons identified as “community residents”. In the view of the Commission, it is likely that some of these signatories were visitors rather than community members. .

Consultation

10. Section 175 of the Act requires the Director to give notice of a proposed GRA to:

(a) Any licensee whose licensed premises are in the area.

Although there are four nearby licensed premises in Mataranka, none of them lies within the area of the proposed GRA. The Commission agrees

³ *Application for General Restricted Area over Itchy Koo Park* [2024] NTLiqComm 25

with the Director's submission that accordingly, this provision is not engaged in the circumstances of this application.

- (b) Any applicant for a licence whose proposed licensed premises are in the area – there are no such applicants.
 - (c) Any licensee whom the Director considers may be affected adversely by the proposed restriction – the Director considered that no licensees would be adversely affected.
 - (d) Any local council in the proposed area – the Director notified the Roper Gulf Regional Council and the Northern Land Council.
11. Although not required to do so, Licensing NT also notified the NT Police and the Department of Health.
12. In addition, at the suggestion of the Commission, the Director notified the licensees of the four licensed premises at Mataranka of the application. Two of them supported the application, and two made no comment.
13. None of these stakeholders raised concerns about the application.
14. Section 175 also requires the Director to take reasonable steps to consult with the people who reside in the area. Mr Ah Mat, who is engaged by the NT Department of Health to assist communities to prepare community alcohol plans, visited the community and consulted with Mulggan residents. At a community meeting on 24 November 2024 the community overwhelmingly voted to support the community alcohol plan and the GRA application. The Commission is satisfied that the community members are well aware of the circumstances of the application, and support it.

Director's Report

15. In accordance with s 176 of the Act, on 24 September 2025, the Director provided the Commission with a report (**the report**) including:
- (a) Application for general restricted area dated 29 November 2024
 - (b) Record of Administrative Interests and Information for Mulggan Town Camp
 - (c) Northern Territory Land Information System Plan survey plan S2023/334
 - (d) Mulggan CAP
 - (e) Residents' petition
 - (f) Notices of application sent to Roper Gulf Regional Council, Northern Land Council, NT Police and Adelaide River PHC Centre
 - (g) Response from Roper Gulf Regional Council

The hearing

16. On 22 October 2025, the application proceeded as a public hearing. Mr Johnny Billy appeared for the applicant, with Mr Ah Mat. Ms Da Costa appeared for the Director. Also in attendance from the Northern Territory Department of Health were Ms Surinder Crichton, who assists communities to prepare their community alcohol plans, Ms Ameina Brunker (Director, Harm Minimisation Unit) and Ms Emily McDougall (on behalf of the Director, Alcohol Policy). The Commission thanks them all for their attendance and assistance.
17. The Commission conducted the hearing with a minimum of formality.
18. The Commission admitted the report into evidence, without objection.
19. The Director and the Department of Health supported the application.
20. On behalf of the applicant, Mr Billy and Mr Ah Mat provided the following information at the hearing:
 - (a) Although 20 adults live at Mulgga full time, there are a lot of people who transit through. Following a turnover of police, who now work very closely with the community, the community has quietened right down in recent months.
 - (b) No-one in the community currently has a liquor permit, and about 10 community members intend to apply for one. The availability of permits would reduce the incidence of people travelling to buy alcohol elsewhere, and the resulting risk of road accidents. The community wants to leave permit decisions in the hands of police, which will reduce “humbug”.
 - (c) The community does not seek quantity or product limits to be imposed as a condition of the GRA, or as a general condition of any liquor permits that are issued.
 - (d) The community wants signage to be installed to notify visitors that Mulgga is a GRA.
 - (e) Most of the area of the existing Mulgga Interim Alcohol Protected Area (**IAPA**) is uninhabited paperbark bush, where people visit, fish and forage.
21. The Commission noted that the statement in the Mulgga CAP that “police issues permit to members that are found suitable” is incorrect. The Director issues permits, and before doing so is required to comply by s 203 of the Act take reasonable steps to consult with residents, the local council, the police and (if there is one) the permit committee.
22. The Commission encourages communities to become actively involved in assessing applicants for a liquor permit, for two reasons. Firstly, local residents have local knowledge that well equips them for this task. Secondly, becoming actively involved is supportive of the principles of self-determination and self-management. That said, the Commission accepts that in Mulgga – and no

doubt, in some other small, remote communities – the delegation of responsibility for assessing and determining liquor permit applications to agencies such as police and the Director can be effective to reduce the risk of harmful conflict within the community. The Commission acknowledges with gratitude Ms Brunker’s nuanced and sensitive statement to the hearing on this issue. To paraphrase Ms Brunker, the pathway a community travels to take control over these matters is not always short, smooth or straight.

23. The Director urged the Commission to take the simple course of adopting the same boundary for the GRA as the existing IAPA boundary. The Commission accepts this submission.

ASSESSMENT OF THE APPLICATION

24. Section 177 of the Act requires the Commission to consider:

- a. the application;
- b. the Director’s report;
- c. the public interest and community impact requirements.

The application

25. The Commission finds that the application complies with the requirements for applicants set out at s 174 of the Act. Section 3 of the application (“Consent of the registered owner of the area”) is signed by several people who the Commission accepts are traditional owners and residents of Mulggan. As the registered owner of the area is the apparently defunct Aboriginal Development Foundation, the application is in this respect irregular. A similar issue arose in similar circumstances when the Commission considered an application for a GRA over Itchy Koo Park. For the reasons given at [2024] NTLiqComm 25 [41] to [49] and [52] to [54] in that matter, the Commission now finds that despite the irregularity, the application now under consideration is valid.

26. The Commission now turns to consider the substance of the application.

27. In addition to requiring that an application be in the approved form, s 174 provides that it must include:

- (a) A detailed explanation of the restriction being proposed.
- (b) A detailed description of the proposed general restricted area.
- (c) The reasons for the proposed restriction.
- (d) A copy of a community alcohol plan, if any.

28. The Commission is satisfied that the applicant has provided sufficient detail of the restrictions it proposes, and, noting that they are supported by the Director, the Commission considers that those restrictions are appropriate, as reflected in this decision.

29. The Commission notes that its determination of the boundary it has specified is solely for the limited purpose of declaring the GRA. The Commission does not intend or purport to determine, declare or affect the property rights of Mulggan traditional owners vis a vis the property rights of traditional owners of any neighbouring community areas, or of any other person.
30. The Commission is satisfied with the applicant's reasons for imposing the restrictions that have been proposed.
31. The applicant has prepared and provided a community alcohol plan. GRA applicants are not required to develop a community alcohol plan, but the Commission commends the applicant for having done so, and strongly encourages any future applicants to do so. The Commission accepts the submissions of the applicants, the Director and the Harm Minimisation Unit that the Mulggan CAP has been developed by the community, has the support of the community, and is strong. The Commission notes that the plan is compliant with regulation 111B(2) of the *Liquor Regulations*, which prescribes that a community alcohol plan must include measures aimed at:
- (a) Managing the supply of alcohol in the community.
 - (b) Reducing demand for alcohol in the community.
 - (c) Reducing harm or risks of harm that may be caused by the consumption of alcohol in the community.
32. The Commission finds that the Mulggan CAP is fit for purpose and thoughtfully formulated.

Whether issuing the licence is in the public interest

33. To determine whether the declaration of the GRA is in the public interest, the Commission is required to consider how the issue of the licence would advance the following objectives set out in s 49(2) of the Act:
- (a) minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
 - (b) ensuring liquor is sold, supplied, served and consumed on or in licensed premises in a responsible manner;
 - (c) safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises;
 - (d) protecting the safety, health and welfare of people who use licensed premises;
 - (e) increasing cultural, recreational, employment or tourism benefits for the local community area;
 - (f) promoting compliance with this Act and other relevant laws of the

Territory;

- (g) ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business;
- (h) preventing the giving of credit in sales of liquor to people;
- (i) preventing practices that encourage irresponsible drinking;
- (j) reducing or limiting increases in anti-social behaviour.

34. Having considered each of these objectives, and having particular regard to the contents of the Mulgga CAP, the Commission is comfortably satisfied that it is in the public interest to declare the GRA.

Whether the issue of the licence will have a significant adverse impact on the community

35. To determine whether it is satisfied that the declaration of the GRA will not have a significant adverse impact on the community, the Commission must consider the matters set out at s 49(3) of the Act, which are:

- (a) the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
- (b) the geographic area that would be affected;
- (c) the risk of harm from the excessive or inappropriate consumption of liquor;
- (d) the people or community who would be affected;
- (e) the effect on culture, recreation, employment and tourism;
- (f) the effect on social amenities and public health;
- (g) the ratio of existing liquor licences and authorities in the community to the population of the community;
- (h) the effect of the volume of liquor sales on the community;
- (i) the community impact assessment guidelines issued under section 50;⁴
- (j) any other matter prescribed by regulation.⁵

36. The Commission is satisfied that the declaration of the GRA will have a modestly beneficial impact on the community, having particular regard to the

⁴ In the view of the Commission, no such guidelines are currently in force.

⁵ There are no such "other" matters prescribed by regulation.

s 49(3)(d) and (e) matters. If the declaration were not made, the interim alcohol protected area would continue, and the Mulgga traditional owners and other residents would justifiably feel frustrated and disempowered. Conversely, issuing the GRA is a gesture of respect and acknowledgement to the Mulgga community. Noting that the regulation of liquor on Aboriginal land in the Northern Territory has in recent years been subject to various statutory changes, the Commission considers that the declaration of the GRA will provide a measure of certainty to the community regarding the management of alcohol into the future.

The liquor permit scheme

37. Part 8 Division 6 of the Act establishes a permit scheme administered by the Director, who determines applications by persons to bring liquor into a GRA, possess or control liquor in a GRA, and consume liquor in a GRA. The Director also has the power to revoke a liquor permit.
38. Mulgga community members who drink alcohol can do so at the local hotel, which is within easy walking distance of the community. If they obtain a liquor permit, they are also able to lawfully drink alcohol at home. The exercise of these rights will be modestly improved once the GRA declaration has been published in the *Government Gazette*.
39. Pursuant to this decision, in addition to their existing power to revoke a liquor permit, the Director is conferred the power to suspend a liquor permit for up to six months.
40. Moreover, the Director will be required to administer the permit scheme for the GRA in consultation with the community and in accordance with the Mulgga CAP. This decision requires the Director to administer the permit scheme for the GRA in consultation with the community and in accordance with the community alcohol plan.

Expiry

41. Section 172(3)(c) of the Act provides that the declaration of a general restricted area must specify when the declaration expires. If the law clearly authorised the Commission to decline to fix an expiry date for a general restricted area declaration, the Commission would not have fixed an expiry date in this matter. The Commission has specified an expiry date in the distant future.

Warning of general restricted area

42. Section 181 of the Act provides:

- (1) The Commission must take all steps it considers necessary to warn the public of a general restricted area at:

- (a) The places where a road or other customary route enters the general restricted area; and
 - (b) The customary departure locations for any vessels or aircraft travelling into the general restricted area.
- (2) The warning must state the following:
- (a) the details of the declaration;
 - (b) a summary of the offence against section 173;
 - (c) any other matters the Commission considers appropriate.

43. As requested by the applicant, the Commission has determined that warning signage should be erected. The residents of Mulgga have the option to provide input into the design of the signage, provided that the details specified at s 181(2) of the Act are included.

The objects of the Act

44. Section 3(4) of the Act provides that in performing its function to decide whether to issue the licence, the Commission must have regard to the primary and secondary purposes of the Act.
45. The Commission considers that making the GRA declaration together with the conditions it has determined to impose, is consistent with the purposes of the Act.

NOTICE OF RIGHTS

46. Section 31(1) read with section 60(3) of the Act provide that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal (**NTCAT**). Section 94(3) of the *NTCAT Act 2014* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.
47. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of this decision are the applicant, the Director and the Chief Executive Officer of the Department of Health.



Russell Goldflam
CHAIRPERSON
NORTHERN TERRITORY LIQUOR COMMISSION
20 November 2025
On behalf of Commissioners Goldflam, Carson and Fong Lim