



Northern Territory of Australia

# Government Gazette

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## General information

The Gazette is published by the Office of the Parliamentary Counsel.

The Gazette will be published every **Wednesday**, with the closing date for notices being the previous Wednesday at 4.00 pm.

Notices not received by the closing time will be held over until the next issue.

Notices will not be published unless a Gazette notice request form together with a copy of the signed notice and a clean copy of the notice in Word or PDF is emailed to [gazettes@nt.gov.au](mailto:gazettes@nt.gov.au)

Notices will be published in the next issue, unless urgent publication is requested.

## Availability

The Gazette will be available online at 12 Noon on the day of publication at <http://www.nt.gov.au/ntg/gazette.shtml>

Unauthorised versions of *Northern Territory Acts* and Subordinate legislation are available online at <http://www.legislation.nt.gov.au>

Northern Territory of Australia

*Liquor Act*

Conditions about Identification System

Exemptions from Conditions of Licence

I, Malcolm Richardson, the Director Compliance and Investigations, under section 31A(8) of the *Liquor Act*, exempt a licence to which section 31A(1) applies from the requirements in section 31A(5)(a) and (b) of the *Liquor Act* for twelve months from the date of the publication of this notice.

Dated 01/08/2015

M. Richardson  
Director Compliance and Investigations

**Note**

Licensees are still required to comply with any other condition of their licence that is not linked to establishing whether a person has a prohibition covered by section 31A(2)(b) – (d) of the *Liquor Act*. That is, they are still required to comply with conditions of their licence that necessitate establishing the identity of a person. For example: a licensee may still have to scan identification documentation in order to ensure compliance with local permits and product controls.

Northern Territory of Australia

*Energy Pipelines Act*

Expiry of Pipeline Licence No. 17

I, Debby Anne James, the delegate of the Minister of Mines and Energy, give notice that Pipeline Licence No. 17 granted 10 May 1994 to N.T. Gas Pty Limited (ABN 27 050 221 415) has expired.

Dated 9 May 2015

D. A. James  
Delegate of the Minister for Mines and Energy  
Pursuant to an Instrument of Delegation dated 15 June 2015

Northern Territory of Australia

*Energy Pipelines Act*

Grant of Pipeline Licence No. 33

I, Debby Anne James, the delegate of the Minister of Mines and Energy, in pursuance of section 43(5) of the *Energy Pipelines Act*, give notice that Pipeline Licence 33 has been granted to APT Pipelines (NT) Pty Limited (ABN 40 075 733 336).

Dated 30 July 2015

D. A. James  
Delegate of the Minister for Mines and Energy  
Pursuant to an Instrument of Delegation dated 15 June 2015

Northern Territory of Australia  
*Crown Lands Act*  
Notice of Determination of Grant  
Lease of Crown Land

Notice is given, under section 12(6) of the *Crown Lands Act*, that the Minister for Lands, Planning and the Environment determined under section 12(3) of the Act to grant a lease of Crown land, details of which are specified in the Schedule.

Dated 6 August 2015

Melissa Jayne Chudleigh  
Director Land Administration  
Department of Lands, Planning and the Environment

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Schedule

Details of Determination

Description of Crown land the subject of the proposed grant	:	Proposed NT Portion 7224, Beagle Gulf locality
Person to whom proposed grant is to be made	:	Paspaley Pearling Company Pty Ltd (ACN 009 591 708)
Price	:	Nil, subject to rental provisions under the Crown lease
Proposed Development	:	Holding and farming of pearl oysters for the purpose of pearl culture.

*Superannuation Act*

## NTGPASS 2014-15 Final Investment Returns Notice

I, Sarah Louise Rummery, the Commissioner of Superannuation, under Section 41A (1)(a) and (2)(a), give notice that, for the financial year ending on 30 June 2015, the net rate of investment return corresponding to each investment option was:

Investment Option	Accumulation Accounts	Pension Accounts <i>to 31 January 2015</i>
Managed Cash	2.03%	2.52%
Conservative	6.40%	6.65%
Cautious	8.56%	8.18%
Growth	10.79%	10.05%
Assertive	11.79%	10.57%
Aggressive	12.92%	11.22%

Note: Pension account returns reflects part-year to 31 January 2015. NTGPASS pension accounts were transferred to AustralianSuper under a successor fund transfer on 1 February 2015.

Dated 10 August 2015

S. Rummery  
Commissioner of Superannuation

## Director-General of Licensing

### Decision Notice

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<b>Matter:</b>	<b>Application for Declaration of Public Restricted Area Bagot Court and Progress Drive, Nightcliff</b>
<b>Applicant:</b>	Mr Brendan Dowd, Chief Executive Officer, City of Darwin
<b>Location:</b>	Bagot Court Park and the area of footpath on the southern side of Progress Drive between Nightcliff Road and Dick Ward Drive.
<b>Legislation:</b>	Part VIII, Division 1B of the <i>Liquor Act</i>
<b>Decision of:</b>	Director-General of Licensing
<b>Date of Decision:</b>	4 August 2015

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#### Background

- 1) On 12 November 2014 Mr Brendan Dowd, Chief Executive Officer, City of Darwin applied to the Director-General<sup>1</sup> pursuant to section 76(2) of the *Liquor Act* (“the Act”) for a declaration of the area referred to as ‘Bagot Court Park’ and the area of footpath on the southern side of Progress Drive between Nightcliff Road and Dick Ward Drive (“the subject area”) as a Public Restricted Area. The application was accompanied by a map and aerial photograph adequately delineating the area the subject of the application.
- 2) In summary, the application lodged on behalf of City of Darwin raised the following issues in support of the declaration of the subject area as a public restricted area. The subject area is under the control of Council and the City of Darwin, at its Ordinary Council meeting held on 26 August 2014, determined to write to the (former) NT Licensing Commission to seek the declaration of a public restricted area in order to reduce the impacts of public intoxication on community amenity and community life.
- 3) In support of the declaration the application noted that on-going incidents of antisocial behaviour and disturbances have been recorded for the subject area with alcohol consumption associated with the majority of incidents. This is despite the fact the subject area is presently a place regulated place, being situated within the 2 kilometre radius of 8 licensed premises. The application states that since 2012 numerous complaints have been referred to City of Darwin by residents living in homes adjacent to the subject area and that the declaration of a public restricted area will

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<sup>1</sup> The application was initially lodged with the former NT Licensing Commission which was subsequently abolished following the repeal of the *NT Licensing Commission Act*.

enhance the powers of Police to deal with alcohol related antisocial behaviour and disturbances.

- 4) The application states that it is the intention of the City of Darwin that this public space is reclaimed for residents as a safe neighbourhood amenity, free from refuse, antisocial behaviours and offending that goes hand in hand with this type of public alcohol consumption.
- 5) On 31 March 2015, the Director-General of Licensing determined to consider the application and to conduct an inquiry into the application pursuant to section 86C of the Act in order to assess the criteria set out in section 86D and determine whether the declaration should be made.
- 6) A Notice of Application for Declaration of Public Restricted Areas was published in the Northern Territory News on 15 April 2015 requesting that submissions be lodged by 16 May 2015. In addition, a letter box drop was conducted within the immediate area informing approximately 200 residents of the application.
- 7) On 17 April 2015, the Notice of Application was forwarded to the stakeholders identified in section 86D of the Act, including Department of Housing, Department of Health and NT Police, advising them of the application.

#### **Investigations and Consultations**

- 8) Section 86C of the Act requires the Director-General to conduct an inquiry into an application of this type and section 86D of the Act prescribes the matters the Director-General must take into account in considering an application for the declaration of a public restricted area.
- 9) In respect of those matters, the Department of Business has provided quarterly data of wholesale volumes of alcohol sold for the period March 2013 to September 2014 for each of the licensed premises within the immediate vicinity of the neighbourhood to which the application relates.
- 10) In addition, NT Police has provided information regarding incidents of crime for the surrounding region of the proposed public restricted area (Nightcliff, Rapid Creek and Coconut Grove), as well as John Stokes Square and Litchfield Court specifically. Mr Reece Kershaw, who was at the time Acting Commissioner of Police, provided a letter of support in relation to the application to declare the subject area a public restricted area and stated:

*“Public Restricted Areas provide police with additional legislative tools to reduce anti-social behaviour in our community. A reduction in anti-social behaviour has obvious follow-on effects with regard to the reduction of other crimes, such as assaults and domestic violence”.*

- 11) A submission was also received from Mr Kenneth Warford, who resides at 18 Progress Drive, Nightcliff. Mr Warford confirmed his support for the declaration of a public restricted area, stating:

*“I have personally witnessed the continuous violence, drunken behaviour, and regular malicious damage to property specifically to the public phone box within this area as a resident (long time 30 years) I absolutely support this action”.*

- 12) As stated above, notice of the application was published in the NT News on 15 April 2015 and approximately 200 notices were hand delivered to individuals and licensed premises within the immediate area inviting individuals and bodies to lodge written submission in relation to the application. No submissions were received opposing the declaration.

### **Decision**

- 13) Having considered the content of the application lodged on behalf of City of Darwin and the submissions received from NT Police and Mr Warford, I am satisfied that the declaration of the subject area as a public restricted area is clearly in the public interest and is consistent with the objects of the Act. I am also satisfied that the declaration will assist the social amenity of the neighbourhood and contribute to increased community safety through the restriction of public drinking and drunkenness and the anti-social behaviour that regularly results from that type of behaviour. The additional powers available to Police to enforce alcohol bans in public restricted areas will also assist in that regard. Also of relevance is the fact the canvassing of the views of the residents of the immediate neighbourhood resulted in no adverse comment opposing the declaration of a public restricted area.
- 14) As a result I have determined, in accordance with section 86E(1)(a) of the Act to declare, by Gazette notice, that the area referred to as ‘Bagot Court Park’ and the area of footpath on the southern side of Progress Drive between Nightcliff Road and Dick Ward Drive, as identified in the map and aerial photograph submitted by Mr Dowd, as a Public Restricted Area. The declaration shall take effect 28 days from the date of publication of the Gazette notice. Signage advising of the declaration will be erected at appropriate sites within the public restricted area.



## Review of Decision

15) Section 120ZA of the Act provides that a decision of the Director-General, as specified in the Schedule to the Act, is a reviewable decision. A decision to declare a public restricted area pursuant to section 86E of the Act is specified in the Schedule and is a reviewable decision. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision. For the purpose of this decision, and in accordance with section 120ZB(c) of the Act, the affected persons are the applicant, Mr Dowd on behalf of City of Darwin and each person who lodged a submission, namely Commissioner of Police Reece Kershaw and Mr Kenneth Warford.

Seán Parnell OAM  
Director-General of Licensing

4 August 2015

