

## GUNNER GOVERNMENT ABUSE OF POWER

INDIGENOUS OBJECTIONS IGNORED - LIQUOR COMMISSION BOSS TRUMPED.

INDEPENDENCE OF ICAC AND OTHER STATUTORY BODIES THREATENED.

PRINCIPLE OF 'THE SEPARATION OF POWERS' ABANDONED BY NT GOVERNMENT FOR CHEAPER CHRISTMAS GROG.

Ten indigenous and health related organisations in Darwin have appealed to Woolworths to abandon their plans for a huge Dan Murphy's liquor outlet in northern Darwin suburbs. Larrakia Nation's Danila Dilba health service, NTCOSS and others said they had come too far in the fight against alcohol to see the right procedure bypassed.

"Our community is now on a path to a brighter future. Our kids are safer and our families are healthier with less alcohol washing through our streets," they said.

To bypass the concerns of Aboriginal organisations, and the procedures of the Liquor Commission, the Gunner government fast-tracked the Dan Murphy's application in a sitting of the NT Legislative Assembly in Darwin.

While Bagot Aboriginal Community elder Helen Fejo-Firth remains opposed to the Dan Murphy's outlet, Helen Secretary, chairwoman of the Gwalwa Daraniki Association Inc which tightly controls the Minmarama and Kulaluk Indigenous communities, said: "We have been happy with the discussions we've had with Dan Murphy's so far."

The Liquor Commission's chairman, Richard Coates, described the government move as "a kick in the guts". The commission is an independent statutory authority with extensive powers to regulate liquor licensing. Coates was appointed in February 2018, with an impressive career path as director of Public Prosecutions, chief executive officer of the Department of Justice, Director of NT Legal Aid Commission, NT Magistrate and Principal Lawyer at Central Australian Aboriginal Legal Aid Service (CAALAS) in Alice Springs.

A year of extraordinary powers by governments during the COVID-19 pandemic has emboldened the a dictatorial NT Gunner government to challenge the independence of statutory bodies in "the Territory Context" - a philosophy which Gunner has espoused. This creeping authoritarianism could become a threat to bodies like the Aboriginal Areas Protection Authority (AAPA) and the Independent Commissioner Against Corruption (ICAC), to the detriment of those they defend.

## NT NEWS REPORTS ON DAN MURPHY DECISION BY NT GUNNER LABOR GOVERNMENT, NOVEMBER 2020

Coates in liquor boss role since early 2018

NT News, 14 November, 2020, p.7

Richard Coates was appointed chair of the Liquor Commission in February 2018. With over 40 years experience as a lawyer, Mr Coates was previously the director of Public Prosecutions, chief executive officer of the Department of Justice, Director of NT Legal Aid Commission, NT Magistrate and Principal Lawyer at Central Australian Aboriginal Legal Aid Service (CAALAS) in Alice Springs.

He was appointed to head the Liquor Commission by former Attorney-General Natasha Fyles.

At the time, Ms Fyles said the appointment of the commission was "the first step in sweeping changes to achieve the most significant alcohol reforms in the Territory's history."

The commission was re-established following a key recommendation of the Riley review into the NT's alcohol policies. In announcing Mr Coates' new role at the time, Ms Fyles said: "Acting Judge Richard Coates brings more than 40 years of legal expertise to the position, including experience as the NT Director of Public Prosecutions and CEO of the department of Justice."

"Having someone of Mt Coates' calibre lead the Territory's Liquor Commission membership is a significant win for the government and the territory," she said.

The commission operates as an independent statutory authority with extensive powers to regulate

liquor licensing.

The Opposition Leader said that the new law could compromise natural justice after the Riley Review had recommended that decisions about liquor licensing be through public hearings and a transparent and independent process conducted by an independent liquor commission.

Last ditch bid to stop Dan's plan.

NT News, Thursday, 12 November, 2020, page 1.

by Will Zwar and Madura McCormack

Indigenous communities are reaching out to Woolworths at their Annual General Meeting today, pleading they reconsider their continued appeals to launch a superstore in Darwin.

In an open letter from 10 Indigenous and health related organisations including AMSANT, Danila Dilba, NTCOSS and FARE, the alliance said they had come too far in the fight against alcohol to see the right procedure bypassed.

"Our community is now on a path to a brighter future. Our kids are safer and our families are healthier with less alcohol washing through our streets," they said.

The NT Government this week said it would table legislation that would see a decision made on the new store before Christmas.

P. 6 FULL STORY

#### GOVT ACTION "KICK IN GUTS"

NT News, Saturday, 14 November, 2020, pages 6&7

The head of the Northern Territory's independent Liquor Commission has launched a broadside against Chief Minister Michael Gunner and his government over controversial new grog shop licensing rules designed to fast-track decision making for the proposed Dan Murphy's superstore.

The new laws, which were rammed through parliament on Thursday night, effectively take four liquor licensing applications out of the Liquor Commission's hands and grant the director of Liquor Licensing extraordinary approval powers.

The move has angered the commission's chairman, Richard Coates, who in a statement earlier told to the ABC, said some board members had considered resigning. "I think some of the commissioners – using Mr Gunner's parlance – feel the reform Bill has been a 'kick in the guts' to the hard work they've done administering this complex legislative regime, which is the Northern Territory's new Liquor Act," he said. "(The reform Bill) does fly in the face of the Riley Review, which recommended harm minimisation is paramount and that to restore community trust in the decisions that were made about liquor licensing, we need to have public hearings and we need to have a transparent and independent process that's conducted by an independent liquor commission."

The NT News also reached out to the 14 other members of the commission. Those that responded declined to comment, directing media to Mr Coates.

Commission member Russell Goldflam, a prominent Alice Springs-based lawyer, in a social media post, described the day as "extraordinary".

"As a conscientious member of the independent NT Liquor Commission, I ordinarily avoid commenting on alcohol policy, but today is extraordinary: I stand with Chairperson Richard Coates," he said.

...Opposition Leader Lia Finocchiaro criticised the process the government had taken in allowing the new legislation to pass and the decision taken off the liquor commission's hands.

"When the government came to the parliament this week with urgent legislation and claiming it was time to get Dan Murphy's to Darwin, it was just incredulous given the painstaking and costly process the proponents have gone through to get it done," she said. "Now after all the pain, the Gunner Labor government wants to 'fast-track' the development through new legislation this week."

Ms Finocchiaro feared fast tracking the decision could compromise natural justice... An ntnews.com.au poll of more than 4200 voters, as of last night, shows 85 per cent want a Dan Murphy's, 11 per cent do not and 4 per cent are undecided.

Objectors now in favour of outlet after site switched

NT News, Saturday, 14 November, 2020, page 6.

by Will Zwar

Indigenous communities Minmarama, Kulaluk and Bagot have retracted their opposition to a Dan Murphy's liquor application, with the liquor giants moving 1.3 kilometers further way from their communities.

Helen Secretary, chairwoman of the Gwalwa Daraniki Association, which looks after Minmarama and Kulaluk Indigenous communities, said as long as Dan Murphy's addressed the traffic concerns they had no issues with the proposal.

"Members of Kulaluk and Minmarama communities are supportive of Dan Murphy's" she said. "In regards to a new location, we are happy if it satisfies people in regards with safety to the roads. We have been happy with the discussions we've had with Dan Murphy's so far."

While Bagot Community elder Helen Fejo-Firth still opposes the development of a Dan Murphy's store in Darwin, the NT News understands the Bagot community, in an official letter to Dan Murphy's, have withdrawn their formal opposition following news of the relocation.

Traffic works planned for the Bagot Road and Osgood Drive intersection near the original site will be reworked so they can be adapted to suit the new location.

"There has been a significant amount of work done by traffic and pedestrian safety consultants at the previous site," Endeavour Group Corporate Services general manager Shane Tremble said.

"We will need to re-do that work and await the advice of the traffic experts before we determine what traffic infrastructure work will be required to ensure a smooth flow of traffic and pedestrian safety at the new site."

Photo: Helen Secretary.

#### LIQUOR COMMISSION MEMBERS

Chair: Richard Coates

Deputy Chair: Jodi Truman

Members: Russell Goldflam, Dr Rob Parker, Dr Charles Douglas, Kenton Winsley, Lindsay Carmichael, Pauline Reynolds, Sandra Cannon, Amy Corcoran, Blair McFarland, Christine Hart, Dr Phillip Carson, Elizabeth Stephenson, Bernard Dwyer.