

ENFORCEABLE UNDERTAKING

Liquor Act 2019
Section 159(3)

The commitments in this undertaking are offered to the Director of Liquor Licensing by:

DANIELLE ROBERTA BUSH and BRAUN BULUMBARA BUSH
DIRECTORS (RESPECTIVELY)

For and on behalf of
BAGALA ABORIGINAL CORPORATION
ICN: 8000
Lots 94 and 211 Bagala Road, Barunga

BACKGROUND:

1. The Liquor Commission (the Commission) is charged with various functions under the *Liquor Act 2019* (the Act), including the function of granting liquor licences to appropriate applicants.
2. The Director of Liquor Licensing (the Director) is charged with conducting an investigation into an application as the Director considers appropriate.
3. The Beswick Aboriginal Land Trust as Owner of Lots 94 and 211, Townsite of Barunga (Premises) has leased the premises to Bagala Aboriginal Corporation (ICN 8000) (Bagala).
4. By application dated 8 September 2021, Bagala applied to the Commission for the grant of a liquor licence for the premises to be known as the Bagala Social Club, and located at Premises.

THE DIRECTOR'S CONCERNS

5. In assessing the application for the grant of the liquor licence it came to the attention of the Director that directors of Bagala, Ms Danielle Roberta Bush and Mr Braun Bulumbara Bush, have criminal histories that raise concerns as to their appropriateness to be officers of a corporation holding a liquor licence.
6. The grant of a liquor licence to Bagala is to be subject to a pre-condition, offered in advance by Bagala, that Bagala enter into an enforceable undertaking, pursuant to section 159(3) of the Act to the effect that Ms Bush and Mr Bush are restricted as to their involvement with the day to day operation and management of the business conducted under the liquor licence.

ACKNOWLEDGMENT OF CONCERNS

7. Bagala acknowledges the Director's concerns and believes that they are reasonably held.

UNDERTAKING:

8. Under section 159(3) of the Act, Bagala has offered, and the Director has agreed to accept, as an alternative to the Director refusing to support the grant of the liquor licence to Bagala by the Liquor Commission, the undertaking set out in this Enforceable Undertaking.
9. Bagala undertakes Ms Danielle Roberta Bush, date of birth 26 July 1982 and Mr Braun Bulumbara Bush, date of birth 22 May 1979, in their roles as Directors of Bagala, will have no involvement whatsoever with the day to day management or operations of Bagala Social Club.
10. Bagala also undertakes that Ms Danielle Roberta Bush and Mr Braun Bukumbara Bush will not be authorised to give any instruction or direction to the Nominee (Manager) of the liquor licence granted to Bagala or to any other staff member of Bagala employed at Bagala Social Club.

NON-COMPLIANCE

11. Should the Director believe that Bagala has failed to materially comply with the Enforceable Undertaking as described in clauses 8, 9 and 10 he will write to Bagala setting out the concerns regarding non-compliance.
12. Bagala will have 14 days from the date of the Director's letter referred to in clause 11 to provide evidence satisfactory to the Director that it has remedied such non-compliance.
13. The provisions of clauses 11 and 12 notwithstanding, the Commission and the Director reserve the right to take disciplinary action against the licensee in accordance with the Act for any non-compliance with this undertaking.

ACKNOWLEDGEMENTS

14. Bagala acknowledges that the Director, in accordance with section 159(6) of the Act, will record this Enforceable Undertaking in the Register of Enforceable Undertakings.
15. Bagala also acknowledges, in accordance with section 159(7) of the Act that it may vary or withdraw this Enforceable Undertaking only with the consent of the Director.

COMMENCEMENT DATE:

16. This Enforceable Undertaking will commence operative force from the date it is accepted by the Director.

PROVISION OF DOCUMENTS:

17. The address for providing the Director with any document or notice is:

The Director of Liquor of Licensing
GPO Box 1154
DARWIN SPRINGS NT 0801

18. The address for providing Bagala with any document or notice is:

Aboriginal Investment Group
PO Box 40298
Casuarina NT 0811



STEPHEN SMITH, NOMINEE and CHIEF EXECUTIVE OFFICER
For and on behalf of Bagala Aboriginal Corporation (ICN 8000)

Dated this 3 day of December 2021.

Accepted by the Director of Liquor Licensing under section 159(5) of the
Liquor Act.



Philip John Timney
Director of Liquor Licensing

Dated this 8th day of December 2021.