

## ENFORCEABLE UNDERTAKING

*Liquor Act*  
Section 72A(1)(b)

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

Mr Keith Hanson  
Chief Executive Officer  
For and on behalf of  
Aminjarrinja Enterprises Aboriginal Corporation  
ABN: 3631 1427 825 ICN: 4688  
PO Box 443, Alyangula, NT 0885

### Background

1. The Director-General of Licensing ("the Director-General") is charged with various functions under the *Liquor Act*, including the function of granting liquor licences to appropriate applicants.
2. Aminjarrinja Enterprises Aboriginal Corporation ("Aminjarrinja") manages and operates premises located at 378 Stuart Highway, Winnellie in the Northern Territory known as the Leprechaun Resort.
3. By application dated 9 April 2015 the Aminjarrinja applied to the Director-General for the grant of a restaurant liquor licence for a restaurant known as Shillelagh's Restaurant which is located at the Leprechaun Resort.
4. By decision dated 15 October 2015 the Director-General determined to grant a restaurant liquor licence to Aminjarrinja authorising the on-premises sale of alcohol at Shillelagh's Restaurant.

### The Director-General's Concerns

5. In assessing the application for a liquor licence it came to the attention of the Director-General that a director of Aminjarrinja, Mr Nesman Barra, has a criminal history that raises concerns as to his appropriateness to be officer of a corporation holding a liquor licence.
6. The grant of the liquor licence to Aminjarrinja was subject to a pre-condition that Aminjarrinja enter into an enforceable undertaking, pursuant to section 72A(1)(b) of the *Liquor Act* to the effect that Mr Barra's involvement with the day to day operation and management of the business conducted at Shillelagh's Restaurant.

## **Acknowledgment of Concerns**

7. Aminjarrinja acknowledges the Director-General's concerns and believes that they are reasonably held.

## **Undertaking**

8. Under section 72A(1)(b) of the *Liquor Act* Aminjarrinja has offered, and the Director-general has agreed to accept, as an alternative to the Director-General refusing to grant the liquor licence to Aminjarrinja, the undertaking set out in this Enforceable Undertaking.
9. Aminjarrinja undertakes Mr Nesman Barra, in his role as a Director of Aminjarrinja, will have no involvement whatsoever with the day to day management or operations of Shillelagh's Restaurant.
10. Aminjarrinja also undertakes that Mr Nesman Barra will not be authorised to give any instruction or direction to the Nominee (Manager) of the liquor licence granted to Aminjarrinja or to any other staff member of Aminjarrinja employed at Shillelagh's restaurant.

## **Non-Compliance**

11. Should the Director-General believe that Aminjarrinja has failed to materially comply with the Enforceable Undertaking as described in clauses 9 and 10 she will write to Aminjarrinja setting out the concerns regarding non-compliance.
12. Aminjarrinja will have 14 days from the date of the Director-General's letter referred to in clause 11 to provide evidence satisfactory to the Director-General that it has remedied such non-compliance.

## **Acknowledgements**

13. Aminjarrinja acknowledges that the Director-General, in accordance with section 72B of the *Liquor Act*, will record this Enforceable Undertaking in the Register of Enforceable Undertakings.
14. Aminjarrinja also acknowledges that the Register of Enforceable Undertakings may be inspected by any person, as required by section 72B(3) of the *Liquor Act*.
15. Aminjarrinja further acknowledges, in accordance with section 72A(3) of the *Liquor Act* that it may vary or withdrawn this Enforceable Undertaking only with the consent of the Director-General.

**Commencement Date**

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

**Provision of Documents**

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

The Director-General of Licensing  
GPO Box 1154  
DARWIN NT 0801

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


Mr Keith Hansen  
Chief Executive Officer  
Aminjarrinja Enterprises Aboriginal Corporation  
PO Box 443  
Alyangula, NT 0885

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Mr Keith Hansen, Chief Executive Officer  
For and on behalf of Aminjarrinja Enterprises Aboriginal Corporation

.....  
Date

16/10/15

Accepted by the Director-General of Licensing under section 72A(1)(b) of the  
*Liquor Act.*

  
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Cindy Bravos  
Director-General of Licensing

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Date

16 October 2015