

# Application for the Grant of a Kava Retail Licence

Applicants should note that their application will not be considered unless **all** of the requirements set out in this application form or as advised by the Director of Licensing or the Licensing Commission have been satisfied. The list below should be taken as a general guide only – the Director of Licensing and the Licensing Commission reserves the right to request additional information where necessary.

- Applicants are entitled to apply for a “conditional” Kava Retail Licence in limited circumstances where for example the trading premises is under construction. In such circumstances the Licensing Inspector responsible for your application will determine what of the listed requirements must be submitted before your application will be considered.

## DOCUMENTS TO BE LODGED BEFORE APPLICATION WILL BE CONSIDERED

- 1) Application for grant of a Kava Retail Licence duly executed by the applicant (form A attached).
- 2) Application fee of \$5,000.
- 3) Two (2) written business references for each of the applicant/s.
- 4) Evidence of managerial capacity to conduct the proposed business, eg, a curriculum vitae or resume of each of the applicants.
- 5) Proof that the applicant/s have submitted an **Authority to Release Criminal History** to the Northern Territory Police, Peter McAulay Centre, Berrimah, or PO Box 39764, Winnellie, NT, 0801, or the Nhulunbuy Police Station – with return address of the criminal history check noted as:

Manager, Territory Business Centre, PO Box 9800, DARWIN NT 0801  
or Manager, Territory Business Centre, P O Box 9800, ALICE SPRINGS NT 0871

- Note:
- (i) Where the applicant is a company all Directors must undertake criminal history checks.
  - (ii) Where the applicant is an incorporated association or an Aboriginal corporation, a criminal history check is to be completed by each office bearer and the public officer.
  - (iii) Applicants are responsible for payment of the \$28-00 criminal history check fee.
  - (iv) Should the criminal history check show an entry, a finger print check will be required. Finger print checks require the applicant to lodge their prints at a police station and payment of a \$66-00 fee.

When completing the attached Authority Criminal History Release Form please ensure that:

1. The original form is submitted. Police will not accept a photocopy or faxed copies of the completed form. A photocopy of either a driver's licence or birth certificate **MUST** be submitted with every criminal history form.
  2. All details are printed clearly.
  3. All sections of the form are completed.
  4. All relevant signatures appear on the form.
  5. No wording of this form is to be altered or deleted in any way.
- 6) Business name registration, if applicable.
  - 7) Evidence of the financial standing and capacity of the applicants, usually a current statement of assets and liabilities and a letter from the applicant's accountant or banker stating that they believe the applicant to have the financial capacity to carry on the proposed business is acceptable.
  - 8) Business Plan – detailing the proposed business to be conducted and containing details of proposed method of operation including the manner of transportation of the kava within the declared Kava Licence Area, days of trade, hours of trade, style of service, plans for dealing with risks/problems eg. persons demanding more than the daily purchase amount of kava, sales to intoxicated persons and the like.

Note:

1. Assistance in preparing Business Plans can be obtained by contacting the Business Services Division of the Department of Industries and Business.
2. Business Plans should take into account the Kava Management Plan developed for the area for which the retail licence is sought.

- 9) Statement addressing any programs or activities the applicant wishes to include to the support responsible sale, possession and consumption of kava and/or any activities to enhance community amenity.
- 10) A proposal of the applicants proposed price structure.
- 11) A copy of the applicant's signification of clause 8 of the Code of Kava Management.
- 12) Site Plan showing each area of the premises to which the application relates and Floor Plans showing an outline of every building to which the application relates and the boundary of the land on which those premises are or are to be situated.
- 13) Proof of title, lease or right to occupy the premises.  
Note: *If the applicant is a tenant (lessee), and the relevant lease or tenancy agreement does not clearly authorise the use of the premises for an activity such as kava trading, the further consent of the landlord to such use should be provided.*
- 14) Certificate or documentation confirming approval has been given by the local Community Government Council to conduct the retail business at the relevant address of the proposed premises.

Note: It is the responsibility of applicants to obtain any other approvals required for the operation of the licence applied for.


## FURTHER REQUIREMENTS

Before a Retail Licence will be granted:

- a) the Manager/Nominee will be required to demonstrate to a Licensing Inspector that he/she has sufficient understanding of the *Kava Management Act* and licence conditions. A Licensing Inspector will contact the nominated Manager/Nominee when necessary.
- b) Licensing Inspectors will inspect and need to approve the trading premises as meeting Licensing Commission requirements.

## ADDITIONAL DOCUMENTS TO BE LODGED WHERE APPLICANT IS A COMPANY

- a) Original recent company search document issued by the Australian Securities and Investment Commission (ASIC) showing particulars of the applicant company's directors, shareholders, registered company address and securities registered against company assets; and
- b) Manager/Nominee application form signed by the proposed Nominee (form B) and two (2) written business references and two (2) written personal references.
- c) Two (2) written business references of each company director.

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- a) Copy of the Certificate of Incorporation; and
  - b) Copy of the registered constitution of the Incorporated Association or Aboriginal Corporation which shall contain relevant clauses and terms as required by the attached guideline.
  - c) Manager/nominee application form signed by the proposed nominee of the Incorporated Association or Aboriginal Corporation (form B) and two (2) written business references and two (2) written personal references.

Note: *References may be checked/verified.*

### **ADDITIONAL DOCUMENTS AND REQUIREMENTS WHERE APPLICANT'S ARE IN A PARTNERSHIP**

- a) Copy of the partnership agreement (if in existence); and/or
- b) A declaration in the form of a letter to the Director of Licensing signed by all partners nominating a partner who will be the single reference point for the Department of Industries and Business and the Licensing Commission to deal with for all matters relevant to the kava licence and the trading premises.

### **WHO MAY SIGN THE APPLICATION FORM?**

Where the applicant is:

- (a) a natural person – the natural person;
- (b) a partnership – all of the partners;
- (c) a company – at least one of the Directors and the Secretary (common seal not required);
- (d) an incorporated association or Aboriginal corporation – the Secretary and one other Office Bearer.

Note: 1. When the signatory is the sole proprietor of a company, this should be noted alongside the proprietor's single signature.

Note:2. If a hearing is required in relation to the application the applicant although not a requirement may be legally represented at such hearing, and any objector may also be legally represented at any hearing.

Note 3. Any information supplied in this application may be used in the compilation of a hearing brief and be referred, considered at or the subject of cross examination at a hearing.

**Application Details for the  
Grant of a Kava Retail Licence – Form A**

**OFFICE USE**

DATE RECEIVED / /2001  
FILE NO.....

1. Full name and address of applicant.....  
..... Postcode.....

Phone..... Fax..... E Mail.....

2. Full name and address of Nominee (If applicable)  
.....  
..... E Mail .....

3. Address / location of proposed trading premises.....  
..... Postcode.....

4. Postal address of applicant.....  
..... Postcode.....

5. Nature of business associated with licence applied for (e.g. council, store, etc.).....  
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6. Will any other person or entity have a financial interest in the business? If so, provide details .....

7. Is applicant or any member of the applicant directly or indirectly interested in or concerned with any other licence? If so, provide details.....

8. Have any of the applicants (including Directors of Companies or Office Bearers) ever been arrested, charged or summonsed for an offence? excluding spent convictions. If so, provide details .....

9. Have any of the applicants (including Directors of Companies or Office Bearers) ever been a defendant in a civil lawsuit for breach of duty of care? If so, provide details .....

10. Have any of the applicants (including Directors of Companies or Office Bearers) ever been the subject of any action pursuant to the provisions of bankruptcy legislation? If so, provide details .....

**I/We the applicant(s) described above, hereby apply for the grant of the above licence.**

Signature of Applicant/s..... Date.....

Signature of Applicant/s..... Date.....

Signature of Applicant/s..... Date.....

**Application to Appoint Manager / Nominee – for a  
Kava Retail Trading Premises - Form B**

Name of applicant/organisation.....

Postal address of applicant.....

.....Postcode.....

**Nominated Persons Details:**

1. Full name and any aliases of proposed Manager/Nominee.....

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2. Date of birth.....

3. Address.....

Postcode ..... E Mail .....

4. Occupation.....

5. Length of time resident in the NT.....

6. Period resident in Australia.....

7. If naturalised, can papers be produced?.....

8. Married or single.....

9. Name of husband / wife / defacto.....

10. Occupation.....

11. Has proposed Manager/Nominee had experience in the conduct of licensed premises? YES/NO.

If so, provide details.....

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12. Will the proposed manager/nominee have a financial interest in the business? YES/NO

13. Has the proposed manager (nominee) ever been arrested, charged or summonsed for an offence anywhere? If so, provide details (not including spent convictions)

14. ....

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15. Has the proposed manager (nominee) ever been convicted of any offence anywhere? (not including spent convictions). If so, provide details

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16. Has the proposed manager (nominee) ever been a party in a civil lawsuit? (not including spent convictions) If so, provide details

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17. Has the proposed manager (nominee) ever been dismissed / discharged or asked to resign from any employment? If so, provide details

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18. Please provide one personal profile / resume (detailing a minimum of last 10 years work history) and four (4) written references

- a) two (2) business (to be attached to application forms)
- b) two (2) personal (to be attached to application forms)

Signature of proposed manager/nominee.....

Date.....

Photocopies endorsed by a Licensing Inspector of relevant identification of applicants (where natural persons) which may be current driver's licence, passport, or birth certificate extract.

**SUBMIT APPLICATIONS TO:**

**FOR ENQUIRIES OR ASSISTANCE CONTACT:**

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**DARWIN**

Territory Business Centre  
Development House, Ground Floor  
76 The Esplanade  
Darwin NT 0800  
PO Box 9800  
Darwin NT 0801  
Phone: (08) 89821700  
Facsimile:(08) 8921725

**DARWIN**

Racing, Gaming and Licensing  
1<sup>st</sup> Floor, Enterprise House  
Cnr Knuckey & Woods Streets  
Darwin NT 0800

Phone: (08) 8999 1800  
Facsimile: (08) 8999 1888

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**ALICE SPRINGS**

Territory Business Centre  
Peter Sitzler Building  
67 North Stuart Highway  
Alice Springs NT 0870  
PO Box 9800  
Alice Springs NT 0871  
Phone: (08) 8951 8524  
Facsimile:(08) 8951 8591

**ALICE SPRINGS**

Racing, Gaming and Licensing  
Peter Sitzler Building  
67 North Stuart Highway  
Alice Springs NT 0870

Phone: (08) 8951 8452  
Facsimile: (08) 8951 8591

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**TENNANT CREEK**

Shop 2, Barkly House  
Cnr Davidson and Paterson Streets  
Tennant Creek NT 0860  
PO Box 9800  
Tennant Creek NT 0871  
Phone: (08) 8962 4411  
Facsimile:(08) 8962 4413

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**KATHERINE**

Territory Business Centre  
Shop 1 Randazzo Building  
18 Katherine Terrace  
Katherine NT 0850  
PO Box 9800  
Katherine NT 0851

Phone: (08) 8973 8180  
Facsimile:(08) 8973 8188

## **KAVA MANAGEMENT ACT**

### **NOTICE IN ACCORDANCE WITH THE INFORMATION ACT (INFORMATION PRIVACY PRINCIPLE 1)**

Racing, Gaming and Licensing (RGL – a division of NT Treasury) is seeking information from you for the purposes of your application.

Information Privacy Principle 1 (IPP 1) requires that a public sector organisation must not collect personal information unless the information is necessary for one or more of its functions or activities. If personal information about an individual is collected from the individual, the organisation must take reasonable steps to ensure that the individual is aware of certain matters. For the purposes of IPP 1, the following advice is provided.

- You are able to access your personal information that you have provided by making a written request to the Director of Licensing.
- The information is required pursuant to the Kava Management Act. The Act requires that certain matters must be considered when deciding whether or not to approve an application.
- The information will be kept confidential except as follows:
  - (a) Information may be sought from Police, government agencies, interstate licensing authorities, or referees or other persons nominated by you. Information may be released to those sources to the extent necessary to obtain information about you and your application.
  - (b) If a hearing is necessary, information will be released to the parties, Commission or the Court, as required.
  - (c) Registers of licences and permits will be maintained and may be made available to the public on request.
- You do not have to provide information if you do not wish to do so. However, an application may not be approved if there is insufficient information to properly determine the matter in accordance with the Act.

**Website:** [www.nt.gov.au/ntt/licensing](http://www.nt.gov.au/ntt/licensing)