

LICENSING, REGULATION AND ALCOHOL STRATEGY

Application for the Grant of a Liquor Licence

Liquor Act

Notes to Application

1. The Licensing Commission may determine to conduct a hearing in relation to the application and/or in relation to any objection to the application. Both applicant and objector are entitled to be legally represented at any such hearing.
2. It should be noted that any information contained in this application which is determined by the Licensing Commission to be relevant to the grounds of any legally compliant objection may be included in the compilation of a hearing information package or "brief" which will be furnished to the objector and may be contested by the objector during the course of the hearing.
3. Applicants should note that the grant of a licence will not be considered by the Licensing Commission unless all of the requirements set out in this application form and as may be additionally advised by the Director of Licensing or the Licensing Commission have been satisfied. The list below is intended as a basic guide only – the Director of Licensing and the Licensing Commission may require additional information at any stage of the process.
4. Applicants are entitled to apply for an "in principle" liquor licence in limited circumstances where for example the premises that is to be licensed 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.
5. These Notes to Application and the checklists within are to be submitted with the application.
6. The following are documents that must be lodged with the application:

| | |
|--|------------------------------|
| a) Completed application form | <input type="checkbox"/> Yes |
| b) Payment of the Liquor Licence application statutory fee*. | <input type="checkbox"/> Yes |

LICENSING, REGULATION AND ALCOHOL STRATEGY

Darwin

Level 1, Enterprise House
28-30 Knuckey Street, Darwin
GPO Box 1154, Darwin, NT 0801
Ph: 08 8999 1800
Fax: 08 8999 1888

Katherine

18 Katherine Terrace, Katherine
GPO Box 2138, Katherine NT 0850
Ph: 08 8972 8906
Fax: 08 8972 8910

Alice Springs

1st Floor Belvedere Hse
Cnr Parsons & Bath Sts
GPO Box 8470, Alice Springs NT 0871
Ph: 08 8951 5195
Fax: 08 8951 8591

| | |
|--|------------------------------|
| c) Affidavit referred to in Section 26A of the <i>Liquor Act</i> . The affidavit must be in the form of a Statutory Declaration. Licensing Inspectors are available to offer assistance should it be required. | <input type="checkbox"/> Yes |
| d) Site and Floor Plans (drawn in accordance with the attached approved guidelines.) | <input type="checkbox"/> Yes |
| e) Proof of Title, lease or right to occupy the premises. (Note: if an applicant seeks to provide a copy of a contract for the sale of land or a lease of the relevant premises such documentation <u>must</u> be legally executed.) | <input type="checkbox"/> Yes |
| f) Photocopies of relevant identification of Applicants and nominated Managers, which may be current driver's licence, passport or birth certificate extract. | <input type="checkbox"/> Yes |
| <p>g) Proof that the Applicant(s) have undertaken a fingerprint check and have submitted an Authority to Release Criminal History to the Northern Territory Police, with return address of the fingerprint check noted as:</p> <p>Manager Territory Business Centre (TBC) GPO Box 9800 Darwin NT 0801</p> <p>Or</p> <p>Deputy Director of Licensing (Sth) Licensing, Regulation & Alcohol Strategy Department of Justice PO Box 9800, Alice Springs NT 0871</p> <p>Note: Where the Applicant is a company the Director(s) and proposed nominated Manager(s) must undertake fingerprint checks, unless waived; or Where the Applicant is an incorporated association, a fingerprint check is to be completed by the President, Treasurer, Secretary and proposed nominated Manager.</p> <p>When completing the attached Criminal History Release Form please ensure that:</p> <p>i) The original form is submitted. Photocopy or faxed copies will not be accepted. A photocopy of either a driver's licence or birth certificate must be submitted with every criminal history form.</p> <p>ii) All details are printed clearly.</p> <p>iii) All sections of the form are completed</p> <p>iv) All relevant signatures appear on the form</p> <p>v) No wording of this form is to be altered or deleted in any way</p> | <input type="checkbox"/> Yes |

7. Additional documents to be lodged where the 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. | <input type="checkbox"/> Yes |
| b) Nominee Application Form signed by the proposed nominee of the Company (form attached) and two written business references and two personal references | <input type="checkbox"/> Yes |
| c) Separate references attesting to the general reputation and character of each of the Directors, the Secretary and the Executive Officers. | <input type="checkbox"/> Yes |

8. Additional documents to be lodged where the Applicant is an incorporated association (club):

| | |
|--|------------------------------|
| a) Copy of the Certificate of Incorporation | <input type="checkbox"/> Yes |
| b) Copy of the registered constitution of the Incorporated Association, which shall contain relevant clauses and terms as required by the attached guideline | <input type="checkbox"/> Yes |
| c) Nominee Application Form signed by the proposed nominee of the Incorporated Association (form attached) and two written business references and two written personal references. References may be checked and verified. | <input type="checkbox"/> Yes |

9. Additional documents and requirements where the Applicant(s) are in Partnership:

| | |
|--|------------------------------|
| a) Copy of the partnership agreement (if in existence) | <input type="checkbox"/> Yes |
| b) A declaration in the form of a letter to the Director of Licensing and signed by all partners, nominating a partner who will be the sole contact for the Licensing, Regulation and Alcohol Strategy (LRAS) to deal with for all matters relevant to the liquor licence and the licensed premises. | <input type="checkbox"/> Yes |

10. Documents required prior to consideration of application:

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| a) Copies of advertisements of the proposed liquor licence application placed in relevant newspapers or other form of media (where required by the Licensing Commission). Licensing Inspectors will assist the Applicant in drafting the relevant advertisement for the Applicant and advise where the advertisements should be placed i.e. NT News, Centralian Advocate, Katherine Times, Kununurra Times etc. | <input type="checkbox"/> Yes |
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| <p>Applicants should make every effort to attend to this requirement as soon as possible after the application has been lodged, as an application will not be considered until such time as the Advertising period has closed and the Community has had the opportunity to object to the Application. Other documentation and requirements can be submitted while the advertising period is running.</p> | |
| <p>b) Signed declaration (form enclosed) that the “Green Sign” has been erected at a prominent external area of the proposed premises and has been displayed for a 30 day period coinciding with the advertisements.</p> <p>“Green Signs” will be provided by a Licensing Inspector. Random checks are undertaken to ensure that “Green Signs” are erected in a prominent external area of the proposed premises.</p> | <input type="checkbox"/> Yes |

11. Further requirements:

| | |
|--|------------------------------|
| <p>a) Licensee or Nominee to sit examination on knowledge of the <i>Liquor Act</i> and Licence conditions. (Contact LRAS for further details and to book an appointment for the test)</p> | <input type="checkbox"/> Yes |
| <p>b) A Licensee (or if a Body Corporate, its Nominee) will normally be required to have completed a responsible service of alcohol course before commencing trading operations under any liquor licence. (list of providers attached)</p> | <input type="checkbox"/> Yes |
| <p>c) Inspection of proposed licensed premises by Licensing Inspectors</p> | <input type="checkbox"/> Yes |
| <p>d) Certain venues are required to have camera surveillance therefore applicants need to inform themselves of this requirement. Refer to the Camera Surveillance Guidelines fact sheet or inquire at any TBC or LRAS office.</p> | <input type="checkbox"/> Yes |

12. Guidelines – Site and Floor Plans

Where an application is made for the grant of a new liquor licence or the variation of a liquor licence in which the size of the licensed premises will change, Applicants are required to provide the following:

| | |
|--|------------------------------|
| <p>a) A Floor Plan of the proposed or existing premises:</p> <ul style="list-style-type: none"> i) drawn to a scale or scales considered by the Director to be adequate for the relevant detail; ii) showing each level/area of the premises to which the application relates, showing fixtures and the use of all rooms; and iii) shall delineate the proposed licensed premises in red. | <input type="checkbox"/> Yes |
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| <p>b) A Site Plan showing:</p> <ul style="list-style-type: none"> i) showing an outline (delineated in red) of every building to which the application relates; ii) the boundary of the land on which those premises are or are to be situated; iii) the front entrance of every building on those premises; iv) the names of adjacent streets; v) features such as swimming pools and other outdoor areas on those premises. | <input type="checkbox"/> Yes |
| <p>c) The Floor Plan and the Site Plan shall be professionally drawn plans by an appropriately qualified architect, surveyor, town planner, engineer or draftsman.</p> | <input type="checkbox"/> Yes |
| <p>d) The Director of Licensing may in certain limited circumstances waive full compliance with this guideline. If an applicant wishes to apply for a waiver from the Director they should do so in the form of a letter setting out their reasons as to why they cannot fully comply with this guideline.</p> | <input type="checkbox"/> Yes |

It should be understood that these plans will be made available for inspection by members of the public at all stages of the application and approval process. In the event that the Commission grants a liquor licence, the plans will be held by the Director and will remain available for public inspection, upon request.

13. Licensing Commission requirements for “club” constitutions.

Applicants seeking to apply for a class of liquor licence known as a Club Licence are required to submit to the Licensing Commission a copy of their constitution which shall contain clauses or provisions as follows:

| | |
|--|------------------------------|
| <p>a) The rules of a club must provide that a visitor to a club must not be supplied with liquor in the club premises unless the visitor is a guest in the company of a member</p> | <input type="checkbox"/> Yes |
| <p>b) The rules of a club, except in the case of a club primarily for a sporting purpose; must provide that a person under the age of 18 years shall not be admitted to the membership of the club</p> | <input type="checkbox"/> Yes |
| <p>c) The rules of the club must provide for a management committee of the club be elected for a term of not less than 12 months by members or a class of members constitutionally entitled.</p> | <input type="checkbox"/> Yes |
| <p>d) The rules of the club must provide for the keeping of records of guests</p> | <input type="checkbox"/> Yes |
| <p>e) The rules of the club must provide for the appointment of a secretary</p> | <input type="checkbox"/> Yes |
| <p>f) Acceptable procedures for the admission of new members that are consistent with the club’s core objectives and operations</p> | <input type="checkbox"/> Yes |

14. Who may sign the application form?

Where the Applicant is:

- a) a natural person – the natural person
- b) a partnership – as per the partnership agreement, otherwise, all of the partners
- c) a company – at least one of the Directors and the Secretary (common seal not required)
- d) an incorporated association – the Secretary and one other member of the Committee

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

15. Do you intend to apply for a gaming machine licence?

Under section 24(1)(d) of the *Gaming Machine Act*, an Applicant can apply for a Gaming Machine Licence at the same time as their application for a liquor licence if the liquor licence they have applied for is:

- a) a hotel liquor licence; or
- b) a club liquor licence

You may make an application for a Gaming Machine Licence concurrent with this application and have both applications considered by the Commission at one time.

If you wish to exercise this option please ask for a supplementary Gaming Machine Licensing application form. It should be noted that you will not be required to satisfy requirements already met in the Liquor Application.

16. Do you intend selling tobacco products?

If you intend selling tobacco products you are required to obtain a Tobacco Retail Licence.

You should make yourself aware of your obligations to comply with the *Tobacco Control Act* and Regulations.

Information can be obtained from the smoke free website, www.smokefree.nt.gov.au

An application form can be obtained from any TBC or from the LRAS website www.nt.gov.au/justice/licenreg

17. This application form, application fee* and accompanying documents must be lodged at your TBC.

Responsible Service of Alcohol Course Providers as at April 2009

| Training Providers | Phone and Email | Method of Delivery | | |
|---|--|--|--|---------|
| | | Per-son | Post | On-line |
| International College of Advanced Education ABN: 56 080 035 221 46 Smith Street Darwin NT 0800 GPO Box 2776 Darwin NT 0801 NTIS code: 4546 | Phone: 8941 5959 Fax: 8941 5960 alison.lambert@icae.org.au | √ | √ | √ |
| Training Plus NT ABN: 37 620 097 688 Caretakers' Residence Nakara Primary School Nakara Terrace Nakara NT 0810 PO Box 42023 Casuarina NT 0811 NTIS code: 70035 | Phone: 0411 824 964 Fax: 89 818456 Attention Jazzi hodsonholdings@bigpond.com | √ | | |
| Charles Darwin University ABN: 54 093 513 649 Darwin Tourism, Hospitality, Sport & Recreation (Top End) Palmerston Campus University Avenue Palmerston NT 0830 Alice Springs Tourism & Hospitality (Central) Grevillea Drive Alice Springs NT 0870 NTIS code: 0373 | Palmerston Campus Phone: 8946 7954 Fax: 8946 7833 sandy.smith@cdu.edu.au Alice Springs Campus 89595 200 8959 5 240 nick.desilva@cdu.edu.au | √ √ | √ √ | |

| | | | | |
|---|---|---|---|--------------------|
| <p>Drug and Alcohol Services Association Alice Springs Inc (DASA) ABN: 60 309 230 808 4 Schwarz Crescent Alice Springs NT 0870 PO Box 3009 Alice Springs NT 0871 NTIS code: 4699</p> | <p>Phone: 8952 8412 Fax: 8953 4686 sam.adams@dasa.org.au</p> | √ | | |
| <p>ClubsNT ABN: 88 397 537 069 3 Maluka Street Palmerston NT 0830 PO Box 1925 Palmerston NT 0831 NTIS code: 6226</p> | <p>Andrew Hay Phone: 8939 0627 8939 0600 Fax: 89329 599 gm@casclub.com.au</p> | √ | √ | √ (from 1/6/09) |
| <p>Liquor Stores Association NT ABN: 74 926 150 707 Unit 9/ 63 Marina Boulevard Cullen Bay NT 0820 PO Box 240 Darwin NT 0801 NTIS code: 6226</p> | <p>Col Newman Phone: 0439 810 383 Fax: 8941 3306 cnewman2@vtown.com.au</p> | √ | √ | √ (from 1/6/09) |
| <p>Australian Hotels Association, NT Branch ABN: 48 911 463 427 20-24 Cavenagh Street Darwin NT 0800 PO Box 3270 Darwin NT 0801 NTIS code: 3045</p> | <p>Phone: 8981 3650 Fax: 8981 5754 ed@ahant.com.au</p> | | | √ |
| <p>Karen Sheldon Catering Pty Ltd* ABN: 21 117 356 779 Kantillas Function Centre Level 3 TIO Stadium Marrara NT 0812 PO Box 2351 Parap NT 0804 *Expecting NTIS registration shortly</p> | <p>Phone: 8945 6048 Mobile: 0417 824 701 Fax: 8927 5799 karen@karensheldoncatering.com</p> | √ | | |

Application Details

Full Name of Applicant

Address of Applicant

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| |
| |
| Postcode |

Postal Address of Applicant

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| |
| |
| Postcode |

Telephone

Fax

Email

Website

Full Name and Address of Nominee (if applicable)

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Address/Location of Proposed Licensed Premises

| |
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| |
| |
| Postcode |

Trading Name of Proposed Licensed Premises

Nature of Business Associated with Licence applied for (e.g. supermarket, hotel, etc.)

Type of Licence Applied for:

| | | | |
|----|---|------------------------------|-----------------------------|
| 1. | For consumption on premises | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. | For consumption away from premises | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. | For consumption on and away from premises | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Proposed conditions sought or volunteered by the Licensee

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Will any other person or entity have a financial interest in the Business? If so, provide details:

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

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Have any of the Applicants (including Directors of Companies or Committee Members of Club) ever been arrested, charged or summonsed for an offence (exclude spent convictions)? If so, provide details:

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Have any of the Applicants (including Directors of Companies or Committee Members of Club) ever been a defendant in a civil lawsuit for breach of duty of care? If so, provide details:

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| |

Have any of the Applicants (including Directors of Companies or Committee Members of Club) ever been the subject of any action pursuant to the provisions of bankruptcy legislation? If so, provide details:

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| |

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

For Office Use Only

File Number

Date received

Application by a Body Corporate to Appoint Manager/Nominee

Full Name of Applicant

Trading Name of Premises

Address/Location of Premises

| | |
|----------|--|
| | |
| | |
| Postcode | |

Nominated Persons Details

Full Name and any alias(es) of proposed Manager/Nominee

Date of birth

Place of birth

| | | |
|---|---|--|
| / | / | |
|---|---|--|

Address

| | |
|----------|--|
| | |
| | |
| Postcode | |

Occupation

Telephone

Fax

Mobile

Email

Length of time in NT

Period of residence in Australia

| | |
|--|--|
| | |
|--|--|

If naturalised, can papers be produced?

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| What is your marital status (including defacto)? |
| Name of Spouse (including defacto): |
| Occupation of spouse/defacto: |

| | | |
|---|------------------------------|-----------------------------|
| If licence granted, does proposed Manager/Nominee intend to follow another trade or profession? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Has proposed Manager/Nominee had experience in the conduct of Licensed premises? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If yes, provide details: | | |
| | | |
| Will the proposed Manager/Nominee have a financial interest in the Business? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is the proposed Manager/Nominee directly or indirectly interested in or concerned with any other Licence? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If so provide details: | | |
| | | |

Has the proposed Manager/Nominee ever been arrested, charged or summonsed for an offence anywhere (exclude spent convictions)? If so, provide details:

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Has the proposed Manager/Nominee ever been convicted of any offence anywhere (exclude spent convictions)? If so, provide details:

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Has the proposed Manager/Nominee ever been a party in a civil lawsuit (exclude spent convictions)? If so, provide details:

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Has the proposed Manager/Nominee ever been dismissed / discharged or asked to resign from any employment? If so, provide details:

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| Has the proposed Manager/Nominee completed a patron Care Course? If yes, attach relevant certificate. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|------------------------------|-----------------------------|

Please provide one personal Profile / Resume (detailing a minimum of last 10 years work history) and four (4) written references to be made up of two (2) business references and two (2) personal references. These are to be attached with this application.

Signature of Proposed Manager/Nominee

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Date

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Statement of Display

To be completed after the expiry of the 30 day display period of the Green Sign erected at a prominent part of the proposed premises to be licensed.

I,
(full name)

of.....

In the Northern Territory, being the Applicant or acting for and behalf of the Applicant, who has applied for the grant/variation of a licence for the premises known or to be known as:

.....

and situated at

state that:

1. The above application was lodged with the Director of Licensing on the
..... day of20.....

2. A Public Notice (Green Sign) was displayed on the premises or site to which the application relates on the
..... day of20.....

3. The public notice was continuously and conspicuously displayed during the period of 30 days until
..... day of20.....

Signature

[Signature box]

Date

[Date box: / /]

Full Name (in block letters)

[Full Name box]

Notice In Accordance with the Information Act (Information Privacy Principle 1)

Licensing, Regulation and Alcohol Strategy (LRAS – a division of NT Department of Justice) 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.

- a) You are able to access your personal information that you have provided by making a written request to the Director of Licensing.
- b) The information is required pursuant to the *Liquor Act*. The *Act* requires that certain matters must be considered when deciding whether or not to approve an application.
- c) The information will be kept confidential except as follows:
 - i. 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 verify information about you and your application.
 - ii. If a hearing is involved, information will be released to the parties, Commission or the Court, as required by the *Act*.
 - iii. Registers of licences and permits will be maintained and may be made available to the public on request.
- d) 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/justice/licenreg

**Please refer to the relevant schedule of fees.*

TERRITORY BUSINESS CENTRES

TOLL FREE LINE: 1800 193 111 (Australia Wide)

| Darwin | Katherine | Tennant Creek | Alice Springs | Postal Address |
|---|--|--|---|--|
| Development Hse 76 The Esplanade Darwin NT 0800 Phone: (08) 8982 1700 | 1 Randazzo Bldg 18 Katherine Tce Katherine NT 0850 Phone: (08) 8972 8906 | Shop 2, Barkly Hse Cnr Paterson & Davidson Sts Tennant Creek NT 0860 Phone: (08) 8962 4411 | Peter Sitzler Bldg 67 Nth Stuart Hwy Alice Springs NT 0870 Phone: (08) 8951 8524 | GPO Box 9800 Darwin NT 0801 territory.businesscentre@nt.gov.au |

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