

## ENFORCEABLE UNDERTAKING

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

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

Mr Craig Lambert  
Director  
For and on behalf of  
Katherine Regional Cultural Precinct Ltd  
ACN: 151 148 104  
3 Maluka Road, Katherine East NT 0850

### BACKGROUND:

1. The Director-General of Licensing ("the Director-General") is charged with various functions under the *Liquor Act* ("the Act"), including the function of granting liquor licences to appropriate applicants.
2. Katherine Regional Cultural Precinct Ltd (KRCP) has a Crown Lease 2405 for the premises known as Lot 3287, Town of Katherine, being 3 Maluka Road, Katherine East commencing 31 May 2013 and expiring on 30 May 2018 with a right of renewal.
3. By application dated 7 April 2017 KRCP applied to the Director-General for the grant of a liquor licence for the premises known as Godinymayin Yijard Rivers Arts & Culture Centre, and located at 3 Maluka Road, Katherine East.
4. The application listed the Directors of KRCP to be:

Mr Anthony Peter Clementson  
Ms Lisa Mumbin  
Mr Craig Justin Lambert  
Mr Bill Harney  
Ms Jessie Brown  
Ms Joanne Elizabeth Nicol  
Mr John Fedde De Konig  
Mr David Katherine  
Mr Robert Jennings  
Ms Sally Winberr  
Mr Phillip William Harris

5. The Act requires directors of applicant companies to undergo a probity examination including a nationwide Fingerprint and Name check for the stated purpose of a Liquor Licence and the provision of a National Police Certificate.
6. The applicant seeks only to provide the probity materials referred to in Clause 5 of this Undertaking for the following Directors:

Mr John Fedde De Konig  
Mr Craig Justin Lambert  
Ms Joanne Elizabeth Nicol

7. Probity materials have been provided for the operational personnel in satisfaction of the requirements.

#### **THE DIRECTOR-GENERAL'S CONCERNS**

8. In assessing the application for the grant of a liquor licence the Act requires the Director-General, amongst other things to make an assessment of the character and general reputation of the officers of the body corporate. As several officers of the body corporate are unable to be examined as to their appropriateness to be associated with a liquor licence, it raises concerns as to the entity's appropriateness to hold a liquor licence.
9. The grant of the liquor licence to KRCP is subject to a pre-condition, offered in advance by KRCP, that KRCP enter into an enforceable undertaking, pursuant to section 72A(1)(b) of the Act to the effect that those persons listed in clause 12 of this Undertaking are restricted as to their involvement with the day to day operation and management of the business conducted under the liquor licence held by Katherine Regional Culture Precinct Ltd.

#### **ACKNOWLEDGMENT OF CONCERNS**

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

#### **UNDERTAKING:**

11. Under section 72A(1)(b) of the Act KRCP has offered, and the Director-General has agreed to accept, as an alternative to the Director-General refusing to grant the liquor licence to KRCP, the undertaking set out in this Enforceable Undertaking.
12. KRCP undertakes that:

|                             |                          |
|-----------------------------|--------------------------|
| Mr Anthony Peter Clementson | Date of Birth 01/02/1954 |
| Ms Lisa Mumbin              | Date of Birth 01/03/1969 |
| Mr Bill Harney              | Date of Birth 12/01/1931 |
| Ms Jessie Brown             | Date of Birth 03/10/1952 |
| Mr David Katherine          | Date of Birth 01/01/1945 |
| Mr Robert Jennings          | Date of Birth 23/12/1971 |
| Ms Sally Winberr            | Date of Birth 01/07/1942 |
| Mr Phillip William Harris   | Date of Birth 25/03/1959 |

will have no involvement whatsoever with the day to day management or operations of the Godinymayin Yijard Rivers Arts & Culture Centre, located at 3 Maluka Road, Katherine East.

13. KRCP also undertakes that:

|                             |                          |
|-----------------------------|--------------------------|
| Mr Anthony Peter Clementson | Date of Birth 01/02/1954 |
| Ms Lisa Mumbin              | Date of Birth 01/03/1969 |
| Mr Bill Harney              | Date of Birth 12/01/1931 |
| Ms Jessie Brown             | Date of Birth 03/10/1952 |
| Mr David Katherine          | Date of Birth 01/01/1945 |
| Mr Robert Jennings          | Date of Birth 23/12/1971 |
| Ms Sally Winberr            | Date of Birth 01/07/1942 |
| Mr Phillip William Harris   | Date of Birth 25/03/1959 |

will not be authorised to give any instruction or direction to the Nominee (Manager) of the liquor licence granted to KRCP or to any other staff member of KRCP employed at the Godinymayin Yijard Rivers Arts & Culture Centre, located at 3 Maluka Road, Katherine East.

## **NON-COMPLIANCE**

14. Should the Director-General believe that KRCP has failed to materially comply with the Enforceable Undertaking as described in clauses 15 and 16 she will write to KRCP setting out the concerns regarding non-compliance.
15. KRCP will have 14 days from the date of the Director-General's letter referred to in clause 17 to provide evidence satisfactory to the Director-General refuting the concerns, or that it has remedied such non-compliance.

## **ACKNOWLEDGEMENTS**

16. KRCP acknowledges that the Director-General, in accordance with section 72B of the Act, will record this Enforceable Undertaking in the Register of Enforceable Undertakings.
17. KRCP also acknowledges that the Register of Enforceable Undertakings may be inspected by any person, as required by section 72B(3) of the Act.
18. KRCP further acknowledges, in accordance with section 72A(3) of the Act, that it may vary or withdraw this Enforceable Undertaking only with the consent of the Director-General.

## **COMMENCEMENT DATE:**

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

## **PROVISION OF DOCUMENTS:**

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

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

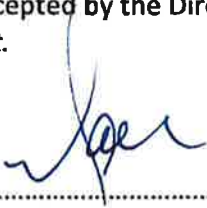
21. The address for providing KRCP with any document or notice is:

Mr Craig Lambert  
Director  
Katherine Regional Cultural Precinct Ltd  
3 Maluka Road, KATHERINE EAST NT 0851



.....  
Mr Craig Lambert  
For and on behalf of Katherine Regional Culture Precinct Ltd

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



.....  
Mr Mark Wood  
A/Director – Liquor, Gambling & Racing

16/08/2017

.....  
Date