

ENFORCEABLE UNDERTAKING

Liquor Act 2019
Section 159(3)

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

Kyle Pearson
Director
For and on behalf of
ALICE SPRINGS BREWING CO PTY LTD
ACN: 625 618 814
6 Cromwell Drive, Alice Springs NT 0870

BACKGROUND:

1. The Director of Liquor Licensing (the Director) is charged with various functions under the *Liquor Act 2019* (the Act), including inviting a licensee to give an enforceable undertaking to prevent a risk of potential harm even if no contravention of the Act has occurred or is alleged to have occurred.
2. On 19 January 2024 as a result of discussions between a director of the Alice Springs Brewing Co Pty Ltd, licensee of Alice Springs Brewing Co and a representative of the Director, the licensee wrote to the Director seeking the installation of the identification scanning system known as a BDR system into their premises.
3. The licensee holds liquor licence FLL1051, with producers and public bar authorities.
4. The producers authority provides for the licensee to sell liquor produced by themselves on the premises for consumption away from the premises.
5. Although the producers authority provides a limited form of takeaway liquor sales, it is not an authority prescribed by regulation 106(1) of the *Liquor Regulations 2019* (the Regulations).
6. Regulation 106(1) of the Regulations prescribes those authorities which must use and maintain the identification system (the BDR) established by the Minister.

THE DIRECTOR'S CONCERNS

7. Discussions between Licensing NT personnel and the licensee have identified a potential risk of harm, despite no contravention of the Act having occurred or is alleged to have occurred at this time.
8. The licensee has requested the implementation of the identification system referred to in Part 6, Division 1 of the Act.
9. Although supportive of the request, it is the Director's belief any implementation of the identification system must be subject to the operational provisions of section 130 and section 131 of the Act.
10. Those sections prescribe the operation of the identification system and the penalty provisions in the event of non-compliance with section 130 of the Act.
11. The Director acknowledges the need for a mechanism to ensure the efficient and proper use of the identification system, and prevent an unintentional contravention of the Act.

ACKNOWLEDGEMENT OF CONCERNS

12. Alice Springs Brewing Co Pty Ltd acknowledges the Director's concerns and believes that they are reasonably held.

UNDERTAKING:

13. Under section 159(3) of the Act, Alice Springs Brewing Co Pty Ltd has offered, and the Director has agreed to accept, in an effort to prevent the risk of harm to individuals under a banned drinker order from purchasing liquor for consumption away from the premises, the undertaking set out in this Enforceable Undertaking.
14. To use the patron identification system operated by the licensee in accordance with the original undertaking given 10 March 2024 so as to ensure compliance with regulation 98B of the *Liquor Regulations 2019* (the Regulations), which prohibits the sale or supply of liquor for consumption off the premises to a customer who has already been sold or supplied liquor on that day by the licensee or another licensee authorised to sell or supply liquor for consumption off the premises.
15. In the event that the licensee establishes or operates a home delivery service for the supply of liquor, that it complies with regulation 97 of the Regulations, which applies in relation to a licensee who delivers liquor to a person off the licensed premises.

NON-COMPLIANCE

16. Should the Director believe that either party has failed to materially comply with the Enforceable Undertaking as described in clause 14 he will write to the parties setting out the concerns regarding non-compliance.
17. The parties will have 14 days from the date of the Director's letter referred to in clause 15 to provide evidence satisfactory to the Director that it has remedied such non-compliance.
18. The provisions of clause 14 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

19. The parties acknowledge that the Director, in accordance with section 159(6) of the Act, will record this Enforceable Undertaking in the Register of Enforceable Undertakings.
20. The parties also acknowledge, 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:

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

PROVISION OF DOCUMENTS:

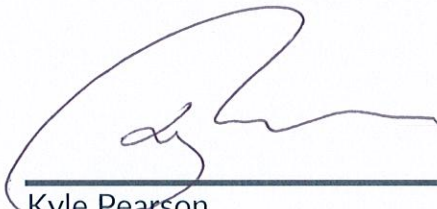
22. The address for providing the Director with any document or notice is:

The Director of Liquor of Licensing
GPO Box 1154
DARWIN NT 0801
DirectorLiquorLicensing.DITT@nt.gov.au

23. The addresses for providing Alice Springs Brewing Co Pty Ltd with any document or notice is:

Alice Springs Brewing Co Pty Ltd
6 Cromwell Drive
Alice Springs NT 0870
kyle@alicespringsbrewingco.com.au

SIGNED BY:

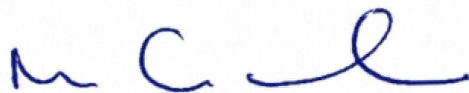


Kyle Pearson
Director

For and on behalf of Alice Springs Brewing Co Pty Ltd (ACN 625 618 814)

Dated this 3rd day of October 2024.

Accepted by the Director of Liquor Licensing under section 159(5) of the
Liquor Act 2019.



Mel Garde
Director of Liquor Licensing

Dated this 03 day of October 2024.