

ENFORCEABLE UNDERTAKING

Liquor Act 2019
Section 159(3)

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

RUI XU
DIRECTOR
For and on behalf of
SHINING SPACE DEVELOPMENT PTY LTD
13 Wagait Tower Road, Cox Peninsula NT 0822

BACKGROUND:

1. The Liquor Commission (the Commission) is charged with various functions under the *Liquor Act 2019* (the Act), including taking disciplinary action against licensees.
2. The Director of Liquor Licensing (the Director) is charged with various functions under the Act including referring matters of non-compliance to the Commission for disciplinary action and inviting a licensee to give an enforceable undertaking for the prevention of a contravention of the Act.
3. Shining Space Development Pty Ltd, (ACN 654 715 509) is the licensee for Wagait Beach Supermarket, located at 13 Wagait Tower Road, Cox Peninsula, NT 0822 (the licensed premises).
4. The licensee holds liquor licence 80904232/FLL with a grocery store authority.
5. On 18 March 2024, the Commission conducted a hearing into a complaint against the licensee and found the licensee had contravened *inter alia*, the *Liquor Act 2019*, the *Liquor Regulations 2019* and conditions of the licence.
6. The Commission imposed new and varied existing conditions on the licence, as well as conditionally suspending the licence.
7. On 2 November 2024, Shining Space Development Pty Ltd registered a change of company details and appointment of Ms Rui Xu as director and Mr Chen Zhang and Ms Hongmin Wang as shadow directors with the Australian Securities and Investments Commission.

THE DIRECTOR'S CONCERNS:

8. The conditions placed on the lifting of the suspension of the licence by the Commission included the following:
 - a) The Commission is satisfied that the licensee has become a fit and proper person to hold the licence; and

- b) The Director has confirmed to the licensee in writing that the director is satisfied that compliance with the Community Agreement condition has been achieved; and
 - c) The Director has confirmed to the licensee in writing that the Director is satisfied that compliance with the CCTV Condition has been achieved; and
 - d) The Director has confirmed to the licensee in writing that the Director is satisfied that a point-of-sale system and record management system has been installed, can operate and will be maintained that enables records and documents requested by an inspector pursuant to the Act and the *Liquor Regulations 2019* (the Regulations) to be stored, retrieved and produced in a timely manner.
9. Before the Director is able to provide the written approvals contained in the conditions imposed by the Commission, the Director must be satisfied the licensee has complied with the requirements and will continue to do so.

ACKNOWLEDGEMENT OF CONCERNS

10. Shining Space Developments Pty Ltd acknowledges the Director's concerns and believes that they are reasonably held.

UNDERTAKING:

11. Under section 159(3) of the Act, Shining Space Developments Pty Ltd has offered, and the Director has agreed to accept, as an alternative to the Director refusing to support the lifting of the suspension of the licence by the Liquor Commission, the following undertaking.
12. Shining Space Developments Pty Ltd undertakes that:
- a) Mr Cheng Zhang, date of birth 15 September 1973 (Mr Zhang) and Ms Hongmin Wang, date of birth 1 January 1977 (Ms Wang) will have no involvement whatsoever with the day-to-day management or operations of the licensed premises; and
 - b) Mr Zhang and Ms Wang will not be authorised to give any instruction or direction to Rui Xu as director of Shining Space Developments Pty Ltd, or the nominee as stated on the licence, or to any other staff member employed by the licensee at the licensed premises; and
 - c) In the event a nominee is not physically present at the licensed premises during the approved hours of trade, the licensee will cease the sale of liquor until such time as a nominee is present; and
 - d) A register of daily liquor sales, in a format approved by the Director, of sales of liquor to residents of Belyuen Community will be maintained; and

- e) A monitor of its percentage of daily liquor sales and in the event the 25% threshold is reached, liquor sales will be suspended until the start of the next calendar month.

NON-COMPLIANCE:

- 13. Should the Director believe that Shining Space Developments Pty Ltd has failed to materially comply with the undertaking particularized in this document she will write to Shining Space Developments Pty Ltd setting out the concerns regarding non-compliance.
- 14. Shining Space Developments Pty Ltd will have 14 days from the date of the Director's letter referred to in clause 19 to provide evidence satisfactory to the Director that it has remedied such non-compliance.
- 15. The provisions relating to rectification of non-compliance 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:

- 16. Shining Space Development Pty Ltd acknowledges that the Director, in accordance with section 159(6) of the Act, will record this Enforceable Undertaking in the Register of Enforceable Undertakings.
- 17. Shining Space Development Pty Ltd also acknowledges, 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:

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

PROVISION OF DOCUMENTS:

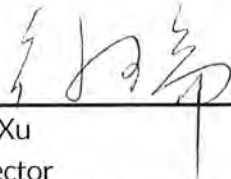
- 19. The address for providing the Director with any document or notice is:

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

20. The address for providing Shining Space with any document or notice is:

Shining Space Development Pty Ltd
CMB 1
DARWIN NT 0811
shop@wagaitbeachsupermarket.com

SIGNED BY:



Rui Xu

Director

For and on behalf of Shining Space Development Pty Ltd (ACN 654 715 509)

Dated this 20 day of February 2025.

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



Mel Garde

Director of Liquor Licensing

Dated this 28 day of February 2025.