

# NORTHERN TERRITORY LICENSING COMMISSION

## LIQUOR LICENCE NUMBER 81416080

**LICENSEE:** Northern Territory Rugby Union Inc

**NOMINEE:** Kathy Boyd

**NAME OF PREMISES:** Optus Park  
71 Abala Road  
MARRARA NT 0812

### AUTHORITY – CLUB (INCORPORATED)

Subject to the conditions specified below this licence authorises the sale of liquor:

**Sale For Consumption On  
And Away From Club  
Premises**

- (a) For consumption on or at the licensed premises by a member of the club or by a visitor in the presence of such a member.
- (b) For removal and consumption away from the licensed premises **only** to financial members of the Club.

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## CONDITIONS

- Failure To Comply** 1. The licence will be subject to a condition that a breach of the *Liquor Act* by any person employed by or on behalf of the Licensee, shall constitute and be deemed to be a breach of the licence conditions by the Licensee.
- Notice To Be Displayed** 2. The Licensee shall erect and maintain a prominent notice of a size and type satisfactory to the Director specifying:
- The Full name of the Licensee, the Nominee (where the licence is held by a Body Corporate) and the licence number;
  - The hours between which liquor shall be sold;
  - Subject to the conditions of this licence, liquor will not be sold to persons under the age of 18 years;
  - Liquor may be sold only for consumption on the premises to members and their bona-fide guests and for consumption away from the premises to members only;
  - That the licence and its conditions are available for inspection.
- Licence To Be Available For Inspection** 3. This licence or a fair copy of it shall be kept on the licensed premises at all times and shall be immediately available for inspection by any person.

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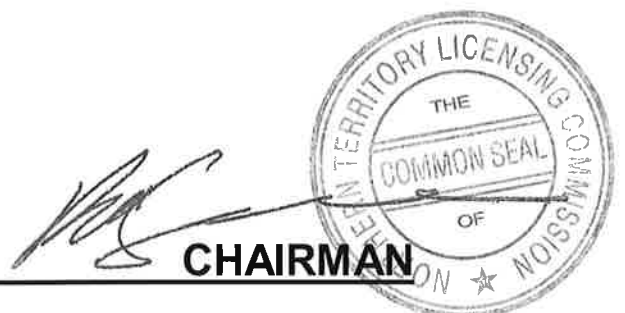
- Liquor Purchase Records To Be Kept** 4. The written record required to be maintained by the Licensee pursuant to Section 111 of the Act shall be kept on the premises in a form approved by the Commission.  
Liquor purchases shall be entered into the record within 28 days of such purchases being made.
- Fire Precautions** 5. The Licensee shall comply with the requirements or instructions of the Chief Fire Officer or his delegates appointed under the *Fire and Emergency Act*.
- Health Requirements** 6. The Licensee shall comply with the requirements of the Chief Health Officer appointed under the *Public Health Act* and his delegates with respect to the requirements of that Act, the *Food Act* and any other Territory legislation.
- Premises To Be Kept In Good Repair** 7. The Licensed Premises and all plant, machinery, equipment, fittings, furniture, furnishings and any other item used in connection therewith shall be kept in good order and repair and the premises and its immediate environs shall be maintained in a neat and tidy appearance.
- Non-alcoholic Drinks To Be Kept** 8. The Licensee shall maintain a reasonable range and stock of soft drinks and fruit juices to the satisfaction of the Director.
- Definitions** 9. In this licence, unless the contrary intention appears:
- (a) the masculine includes the feminine;
  - (b) the singular includes the plural and vice versa;
  - (c) 'the Act' means the *Liquor Act*;

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- (d) 'the licensed premises' means the area delineated as such on the plan initialled and dated by the Director and kept by the Commission at its office in Darwin or Alice Springs;
- (e) 'member' means a member of the Club presently entitled under its rules to exercise the rights and privileges appropriate to his class of membership of the Club;
- (f) 'visitor' means a person who is a bona-fide guest of a member of the Club whose;
  - name and address have been entered in the visitors' book next to the signature of the member whose guest he is; and
  - presence on the Club premises is permitted by the Club's rules.

**Obligations Of The  
Management Committee**

- 10. The Management Committee of the Club shall:
  - (a) exercise effective supervision and control over the Club's Manager to ensure that no breaches of the Act or the conditions of this licence occur;
  - (b) meet at regular intervals of not less than one month, unless otherwise approved by the Commission in writing;
  - (c) keep an adequate record of its proceedings;
  - (d) advise the Director in writing of the full name of the Club's Public Officer, as appointed from time to time.

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**Consumption By  
Members And Guests**

11. Unless authorised by a Special Licence, liquor shall not be consumed on the licensed premises except by a member of the Club or a visitor in the presence of such a member.

**Sale To Members And  
Guests**

12. Unless authorised by a Special Licence, liquor sold on the licensed premises for consumption thereon shall not be sold to any person other than a member of the Club or a visitor in the presence of such a member.

**Members' Register To Be  
Kept**

13. The Licensee shall keep an up-to-date register of all persons who are members of the Club on the premises at all times during which those premises are open for the sale of liquor. The register shall contain each member's name, residential address, and Club membership number.

**Club's Constitution Not  
To Be Changed Without  
Approval**

14. No alteration or addition shall be made to the Club's objects, purposes, membership provisions, or rules, without written approval of the Director.

**Visitor's Book To Be Kept**

15. The Licensee shall keep and maintain a Visitors' book in a prominent and accessible place on the licensed premises at all times during which those premises are open for the sale of liquor.

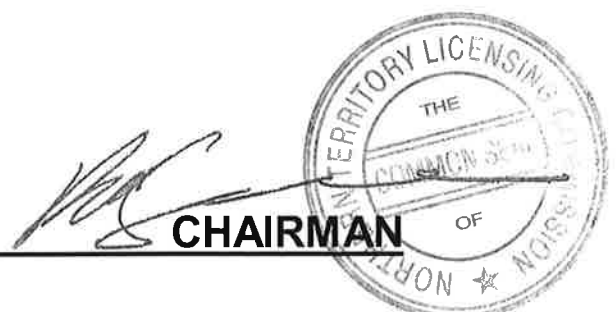
**Maximum Of Six (6)  
Visitors**

16. On any one day a member shall not sign in more than six visitors.

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**Public Advertising**

17. In all external signage wherever located and in all advertising or promotional material of any description by way of any media, whether visual or aural, which indicates or refers to any of the licensee's facilities or services other than takeaway liquor and other than a function or event being staged under the special "Club Condition" of this licence, there shall be included a prominent statement clearly indicating that the sale of liquor for consumption on the premises is limited to members of the club or association and their bona-fide guests.

Where any such signage, advertising or promotional material indicates or in any way suggests or implies the availability of take-away liquor, there shall be included a prominent statement clearly indicating that the sale of take-away liquor is limited to financial members only.

**MEMBERS BAR**

**Trading Hours**

- (a) Trading Hours for Members Bar shall be between:-

Sunday 12:00 and Sunday 22:00

Monday 11:00 and Monday 23:00

Tuesday 11:00 and Tuesday 23:00

Wednesday 11:00 and Wednesday 23:00

Thursday 11:00 and Thursday 23:00

Friday 11:00 and Friday 23:00

Saturday 11:00 and Saturday 23:00

**Exceptions**

- (b) No trading on Good Friday and Christmas Day.

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## **SPECIAL CONDITIONS**

### **Cask and Fortified Wines**

No cask wine or fortified wine sales in containers larger than two (2) litres.

### **Hours of Trade**

Liquor may be sold to the public on any day within member's trading hours but only for a period from one hour before to one hour after an 'advertised fixture'.

### **Additional Liquor Booths**

Liquor may be sold at any time between the approved trading hours of the Member's Bar for an organised function or sporting event, with up to four (4) additional booths, provided notification is made to the Commission at least 72 hours prior.

### **Takeaway Hours To Financial Members Only**

Liquor shall be sold only for consumption away from the premises to financial members only during the following hours:

- (i) Sunday to Friday inclusive between the hours of 10:00 and 22:00;
- (ii) Saturday and Public Holidays between the hours of 09:00 and 22:00; and
- (iii) No trading on Good Friday or Christmas Day.

### **Responsible Service Of Alcohol Certificate**

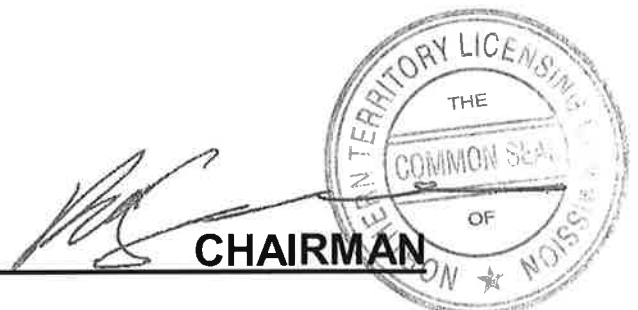
- (a) All staff employed prior to 1 May 2009 who are directly involved in the sale, service or supply of alcohol to the public or the supervision of these activities, are required to hold or obtain a Responsible Service of Alcohol (RSA) Certificate by 1 August 2009.

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- (b) All staff employed on or after 1 May 2009 who are directly involved in the sale, service or supply of alcohol to the public or the supervision of these activities, are required to hold or obtain an RSA Certificate within one (1) month from commencement of that employment.
- (c) An RSA Certificate must be obtained from an accredited service provider within Australia.
- (d) An RSA register in the form approved by the Director must be maintained on the premises at all times with a copy of each staff member's RSA certificate included. This condition applies from 1 August 2009 onwards.

**Fire**

- (a) Liquor shall not be sold or supplied at, on, or from the licensed premises, without the Licensee having a current written recommendation from the Chief Fire Officer of the Northern Territory Fire and Rescue Service, or his delegate, as to the maximum number of persons permitted to occupy the licensed premises, at any one time.
- (b) The Licensee at all times shall display such recommendation of the Chief Fire Officer, or a true copy thereof, in a prominent location in the licensed premises and in each part of the premises to which such a recommendation may discretely relate, all to the satisfaction of the Director of Licensing.
- (c) At all times that the licensed premises are trading or are otherwise open to the public for any purpose, the number of persons in or upon the licensed premises or any part thereof shall not exceed the current recommendation of the Chief Fire Officer.

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- (d) In this condition, a recommendation of the Chief Fire Officer shall not be regarded as current unless it has been obtained by the Licensee subsequent to the most recent fit-out, renovation, refurbishment, or structural alteration of the premises, whichever is the later. The proof of such currency will be upon the Licensee in any proceedings or inquiry.

### **Crowd Controllers**

The Licensee shall keep a record of the full name, residential address and licence number of each licensed crowd controller employed at the licensed premises, which shall be immediately provided on request to an Inspector of licensed premises or an Inspector appointed under the *Private Security Act*.

### **Lease And Management Agreements**

- (a) This licence is subject to the condition that a breach of the *Liquor Act* by any person employed by or on behalf of the Licensee, or by or on behalf of any contracted manager of the Licensee, shall constitute and be deemed to be a breach of the licence conditions by the Licensee.
- (b) This licence does not authorise the sale of liquor on or from any part of the licensed premises by any person other than the Licensee or an employee of the Licensee unless the prior approval in writing of the Commission has been obtained by the Licensee.
- (c) Within twenty four hours of a request by an Inspector of licensed premises, the Licensee shall produce for inspection, by the Inspector, true copies of all agreements and other records establishing or evidencing:

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- (i) the contractual relationship between the Licensee and any current manager, lessee or other operator of the licensed premises or any of any part thereof; and
- (ii) the employer/employee relationship respectively pertaining to all current bar staff and security personnel.

If the Licensee is unwilling to give the Inspector permanent custody of such copy of documentation, the Inspector shall be entitled to remove all documentation produced as aforesaid for the purpose of taking photocopies thereof before returning the produced documentation to the Licensee as soon as reasonably practicable, provided always that such copy of documentation shall remain confidential between the Licensee and the Commission.

### **Credit**

Without the written consent of the Commission, no liquor shall be sold for consumption off or away from the licensed premises unless payment for the sale shall be made before or at the time of the supply or delivery of the liquor.

For the purposes of this condition, payment shall mean payment only by one or more of the following methods:

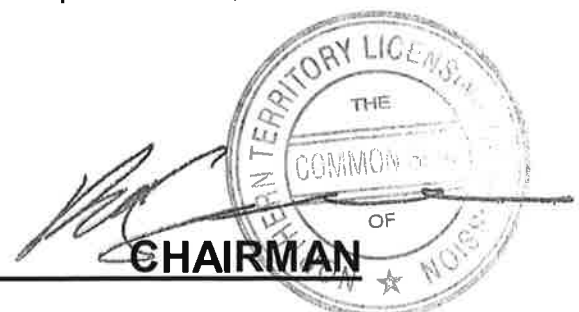
- (i) by legal tender within the meaning of Australian currency legislation (ie: Australian banknotes and/or coins);
- (ii) by cheque drawn by the purchaser and banked by the Licensee in the normal course of business, the cheque to be neither post-dated nor held by the Licensee against future availability of sufficient funds in the account on which the cheque is drawn;

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- (iii) by any nationally recognised charge card, whether a credit card or debit card; or
- (iv) by authorised debit to a pre-existing account with the Licensee in the name of and operated by, a body incorporated under any Commonwealth, State or Territory Law.

Following the point-of-sale processing of the sale by credit card or debit card, the Licensee shall not retain possession of the card or store any data or information taken from or in any way relating to the card except only as may be essential for the purpose of completing the transaction with the Licensee's bank in accordance with normal commercial practice. Without in any way limiting the generality of this requirement, in no circumstances shall the Licensee seek to know or record a purchaser's PIN in relation to any card or bank account.

**Special Conditions  
Prevail**

Notwithstanding anything contained in this licence, where there is a conflict between a general and special condition, the special condition prevails.

**Temporary Variations**

Procedure for adding temporary conditions to licence from time to time rather than issuing special licences.

This licence shall be subject to and inclusive of such additional conditions as may at any time be:

- (i) Requested in writing by the Licensee;
- (ii) approved by the Chairman or by the Commission, as the case may require, or imposed by the Chairman or by the Commission as a condition of the granting of such a request by a Licensee; and

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- (iii) notified in writing by the Director to the Licensee.

And such additional conditions shall be deemed to be embodied in this licence and to be conditions of this licence for the expressed duration of their applicability.

For the purposes of this condition "writing" shall include facsimile and e-mail transmission.

### **Club Condition**

Where the Licensee shall be a club or association incorporated under the *Associations Incorporation Act* or a manager of premises being operated as a club, the restriction of sales of liquor to members and guests shall not apply to the following events and circumstances:-

- (a) (i) A member's private function on the premises, being a function hosted by a member for invited persons on a complimentary basis only (such as a wedding or birthday party in the member's family, or a farewell for a member's workmate). There are no restrictions on the number of such functions which may be held;
- (ii) The hiring or use of all or part of the premises by a charitable organisation for a function the purpose of which is to raise money for a recognised charity and attendance at which is only by personal invitation or pre-sold ticket. There are no restrictions on the number of such functions which may be held.

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- (iii) The commercial hiring of all or part of the premises by any person or body for a function the attendance at which is only by personal invitation and does not involve door sales (such as a business or trade conference or a product promotion) provided that the Licensee shall have given written notice of the proposed function or event to the office of the Director at least two clear days before the holding of the function or event, and provided that no person on behalf of the Licensing Commission shall have notified the Licensee that the holding of the proposed function or event is not consented to by the Commission. There are no restrictions on the number of such functions that may be held;
- (iv) A club fundraising or promotional event open to the general public, provided that there shall not have been more than five such events at the licensed premises within the six month period immediately preceding any such event or promotion, and provided that the Licensee shall have given written notice of the proposed function or event to the office of the Director at least seven clear days before the holding of the function or event, and no person on behalf of the Licensing Commission shall have notified the Licensee that the holding of the proposed function or event is not consented to by the Commission.

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- (b) Liquor may be sold or supplied to persons attending all such functions or events as above described until 2.00am of the morning following the commencement of such function or event. Without in any way limiting the generality of the need for compliance with the *Liquor Act* and the conditions of the licence, while any function or event as above described is in progress the Licensee shall regard the issues of adequate security and undue noise abatement as prime concerns.
- (c) The functions or events described in paragraphs (a)(i) and (a)(iii) of this condition shall not be publicly advertised, and any such advertising shall void the consent of the Commission which may otherwise have been able to be implied by virtue of this condition.
- (d) Details of all functions or events held or staged pursuant to the provisions of this condition shall be recorded in a register book kept by the Licensee for such purpose and which shall be readily available on the licensed premises for inspection at any time by an Inspector of Licensed Premises. In the case of a member's private function, the name, address and membership or badge number of such member shall be clearly shown as part of the relevant entry.
- (e) Any temporary or special variation of trading hours or other conditions sought by the Licensee outside the ambit of this condition can only take effect upon receipt by the Licensee of the approval in writing of the Commission first had and obtained.
- (f) For the purposes of this condition, "written" shall include notification by facsimile or email to a facsimile number or email address published or provided by the Commission for the purpose of such communication.

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**Criminal Charge Or  
Conviction Of Person  
Engaged By Licensee**

- (a) Upon the Licensee learning of the charging or conviction of any person working for or on behalf of or at the direction of the Licensee in the licensed premises, for an offence in any way related to violence or unlawful possession of drugs for any purpose, the Licensee shall immediately advise the Director of the charge or conviction, as the case may be, regardless of whether or not the event giving rise to any such charge or conviction occurred within the licensed premises.
- (b) In relation to any person charged or convicted as aforesaid, the Licensee shall comply with the written directions of the Director as to any limitation of duties within the licensed premises which may be assigned to such person or any limitation of direct contact permitted between such person and any patrons on the licensed premises until such time as the matter is considered and dealt with by the Commission, whose powers in that situation shall include but not be limited to the extension or variation of the directions which have been issued by the Director.

**Changes In Corporate  
Structure**

- (a) Where the Licensee is a corporate entity it shall notify the Director in writing, no later than fourteen days after the relevant event, whenever a person assumes a position of authority or ceases to hold a position of authority.
- (b) Upon receipt of any such notification, the Director and the Commission may re-examine the question of the Licensee's fitness to hold the licence, and for that purpose to conduct such reasonable further investigation as thought fit.
- (c) A person occupies a position of authority in a corporate entity if the person –

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- (i) is a director of the corporate entity;
  - (ii) exercises, or is in a position to exercise, control or have substantial influence over the corporate entity in the conduct of its affairs;
  - (iii) manages, or intends to manage, the business of the corporate entity conducted under the licence and is not the nominee under Section 25 of the *Liquor Act*;
  - (iv) if the corporate entity is a club or association – is a member of the Committee of Management;
  - (v) if the corporate entity is a proprietary company, either private or public – is a shareholder owning or controlling more than ten per centum (10%) of the issued voting stock of the company.
- (d) A minor who is a shareholder in a company is not for that reason to be regarded as a person occupying a position of authority.

\_\_\_\_\_ End of Licence \_\_\_\_\_

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**CHAIRMAN**





