

LIQUOR CONTROL REFORM ACT 1998

ENFORCEABLE UNDERTAKING PURSUANT TO SECTION 133F

The commitments in this undertaking are offered to the Victorian Commission for Gambling and Liquor Regulation (the Commission) by Pizza Religion Geelong Pty Ltd (the Licensee).

1. Background

- 1.1 Pizza Religion Geelong, situated at Shops 7-9, 138-140 Pakington Street, Geelong West (the Premises) operates pursuant to Restaurant and Café Licence No 32335574 (the Licence).
- 1.2 The Licensee is the holder of the Licence.
- 1.3 On 27 June 2016 the Licensee applied for a liquor licence for premises situated at Shops 7-9, 138-140 Pakington Street, Geelong West. At that time, Scott Mackay was a director of the Licensee company. That application was the subject of an objection by Victoria Police pursuant to s 39(1) of the *Liquor Control Reform Act 1998* (the Act) on a number of grounds including the making of a false statement by Scott Mackay in signing a Questionnaire, which was a document filed in support of such application. Subsequently, that objection was withdrawn on the basis of a number of special conditions endorsed on the Licence, including conditions to the effect that Scott Mackay have no involvement in the conduct or management of the business of the Licensee and that he not be on the Premises at any time, save for the purpose of fulfilling his obligations as the builder of the Premises.
- 1.4 Subsequently, the Licensee made an application dated 13 March 2017 pursuant to s 29(1) of the Act to vary the relevant licence by removing the special conditions referred to in the previous paragraph, which application was also the subject of objection by Victoria Police on 17 May 2017.
- 1.5 On 1 September 2017 a Delegate of the Commission refused the Application (the Decision) and on 9 October 2017 the Licensee lodged an Application for Review of the Decision.
- 1.6 The Licensee has proposed and the Victoria Police has accepted that the Licensee will enter this Enforceable Undertaking pursuant to s133F of the Act whereby the Licensee will not allow Scott Mackay to have any involvement in the conduct or management of the business of the licensee save that he will be permitted to have a beneficial interest in the shares of the body corporate which holds the licence.

In consequence of such Undertaking, Victoria Police withdraws its objection to the Application for Variation of the licence (as set out in paragraph 1.4 above).

- 1.7 The Commission has therefore accepted this Enforceable Undertaking from the Licensee to give effect to the position of consent reached by the Licensee and the Victoria Police.
- 1.8 The Commission on review accepts this Enforceable Undertaking pursuant to the exercise of its functions under section 157 of the Act.

2. Undertaking

In consideration of the matters referred to in this undertaking, the Licensee will not allow Scott Mackay to have any involvement in the conduct or management of the business of the Licensee save that he will be permitted to have a beneficial interest in the shares of such Licensee.

3. Commencement and duration of the Undertaking

This Undertaking will remain in force and will continue to have effect until the Commission consents to its removal pursuant to s133F(3) of the Act.

4. Acknowledgements

The licensee acknowledges that –

- 4.1 Pursuant to Section 133G of the Act, the Commission will register this undertaking in the Register of Undertakings and the undertaking will be available for public inspection on the internet.
- 4.2 The Licensee, the Commission and/or the Premier or a Minister of the Government of Victoria may from time to time publicly refer to this undertaking.
- 4.3 This undertaking does not fetter the Commission in respect of any other action it may deem appropriate to take, or in any other power or function contained within the Act.

5. Execution

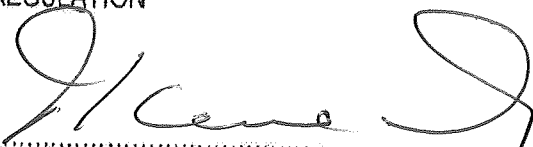
Executed by Pizza Religion (Geelong) Pty Ltd

Director

Mathew Mackay

Dated this 23rd day of January, 2018

Accepted by THE VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR
REGULATION



Mr Ross Kennedy
Chair

Dated this 8th day of Feb. 2018