

LIQUOR CONTROL REFORM ACT 1998
ENFORCEABLE UNDERTAKING
SECTION 133F

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

Ms Iman Ali
Abesha Ethiopian Restaurant
327 Barkly Street
FOOTSCRAY VIC 3011

1. Description of the Licensee and other relevant particulars

- 1.1 Ms Iman Ali (**the Licensee**) holds a Restaurant and Café Liquor Licence No. 32287218 (**the Licence**), which authorises the Licensee to supply liquor on the licensed premises, for consumption on the licensed premises, up to and including 31 December 2011, in accordance with the conditions of the licence.
- 1.2 The Licensee trades in respect of the Licence under the name Abesha Ethiopian Restaurant, and operates from a Licensed Premises, located at 327 Barkly Street, Footscray in the State of Victoria (**the Licensed Premises**).
- 1.3 In this Undertaking –
- (a) *Act* means the *Liquor Control Reform Act 1998*;
 - (b) **Director** means the Director of Liquor Licensing;
 - (c) **Licence** has the same meaning as in the *Act*; and
 - (d) **Licensed Premises** has the same meaning as in the *Act*.

2. Description of the conduct engaged in by the Licensee

- 2.1 In accordance with Section 101B(2) of the *Act*, the Licensee must produce a copy of the plan or depiction for inspection if asked to do so by a member of the police force or a compliance inspector. On 3 July 2011, the Licensee was not able to do so.
- 2.2 Pursuant to the Licence, liquor must only be supplied and consumed within a defined area, which is illustrated by a red line on the licensed premises plan, that has been approved by the Director. On 3 July 2011, patrons attending the Licensed Premises, consumed liquor outside of the approved area.
- 2.3 The Café and Restaurant Licence was, relevantly, subject to the following condition:

Tables and chairs must be placed in a position on the Licensed Premises so as to be available for at least 75% of the patrons attending the premises at any one time.

2.4 On 3 July 2011, the Licensee did not provide 75% tables and chairs for the patrons attending at the Licensed Premises.

3. Details of investigation by Responsible Alcohol Victoria

3.1 On 3 July 2011, Compliance Inspectors from Responsible Alcohol Victoria conducted an inspection of the Licensed Premises.

3.2 During the inspection, Compliance Inspectors requested that the Licensee produce a copy of the Licensed Premises plan, which she was unable to do.

3.3 Compliance Inspectors observed patrons consuming alcohol in an outdoor area to the rear of the premises. This location was not within the authorised area, illustrated on the Licensed Premises plan.

3.4 Compliance Inspectors identified that tables and chairs were not provided for at least 75% of the patrons in attendance.

3.5 On 21 July 2011, Compliance Inspectors conducted a Record of Interview with the Licensee. During this Interview, the Licensee indicated that she did not know what the plan of the premises was; patrons sometimes go outside for a cigarette and take their drink with them; and, she did not know about providing tables and chairs for 75% of patrons attending.

4. Explanation as to why the Director considers that the conduct contravenes the Act

4.1 The Director considers that the conduct described in paragraph 2 of this Undertaking contravenes the following sections of the *Act* –

4.1.1 Section 101B(2) The Licensee was not able to produce a copy of the plan or depiction for inspection, when asked to do so by a compliance inspector; and

4.1.2 Section 108(1)(a)(i) The Licensee has supplied liquor other than in accordance with the Licence, in that:

-Alcohol supplied by the Licensee was being consumed outside the authorised area; and

- Tables and chairs were not provided for 75% of the patrons attending the Licensed Premises at the time of the inspection.

5. Voluntary admissions

5.1 The Licensee acknowledges that she has contravened sections 101B(2) and 108(1)(a)(i) of the *Act*, by reason of the conduct described in paragraph 2 of this Undertaking.

6. Undertakings given by the Licensee

6.1 The Licensee agrees to undertake the following remedial action, in addition to adhering to the Licence conditions stipulated on the Liquor Licence, with the aim of ensuring that she does not contravene the *Act* in the future:

- (a) The Licensee will place signs to the effect that "No alcohol to be removed past this point" at all exits from the licensed area.
- (b) The Licensee or staff member shall conduct patrols of the courtyard area every hour, to ensure patrons are not consuming liquor outside the licensed area;
- (c) The Licensee will maintain a log book in relation to the courtyard patrols. The log book will contain the following information: date, time, comments and signature of the person completing the patrol. The log book must remain at the licensed premises at all times and be made available for inspection at any time, upon the request of a Compliance Inspector, or member of the Victoria Police;
- (d) The Licensee will implement and maintain a private function bookings register that must include the following information for each private booking made: date, time, name, contact information, guest numbers, and description of the event. The log book must remain at the licensed premises at all times and be made available for inspection at any time, upon the request of a Compliance Inspector, or member of the Victoria Police; and
- (e) For the duration of a private function, the Licensee will erect a notice at the front entrance to the effect that "The event being held is a private function only, and no members of the public are permitted to attend".
- (f) The Licensee will undertake, at her own cost, to complete the course 'Licensees Compliance Certificate,' delivered by Franklin Scholar, at a place and time to be determined, but in any event within (2) months of the date of execution of this undertaking.

7. Commencement and duration

7.1 This Undertaking comes into effect when:

- (a) it is executed by the Licensee; and
- (b) the Director accepts and signs the Undertaking

7.2 This Undertaking continues to have effect for 90 days from the date on which the Director approves and signs the Undertaking.


8. Acknowledgements by the Licensee

8.1 The Licensee acknowledges that:

- (a) The Director and other interested parties specified in the *Act* may make an application to the Victorian Civil and Administrative Tribunal to conduct an enquiry pursuant to section 90(1)(bb) of the *Act*, on the basis of any contravention of this Undertaking by the Licensee;
- (b) Pursuant to section 133G of the *Act*, the Director will register this Undertaking in the register of Undertakings on the Department of Justice Website and the Undertaking will be available for public inspection;
- (c) The Director and/or Minister for Consumer Affairs may from time to time, publicly refer to this Undertaking; and
- (d) This Undertaking in no way derogates from any of the rights and remedies available to any other person in the State of Victoria arising from the conduct that is the subject of this Undertaking, or a breach of the *Act* or regulations.

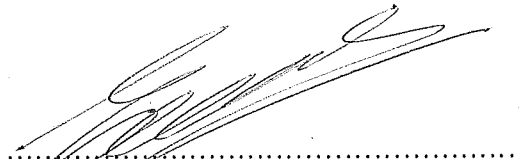
9. Execution of Undertaking

Executed by:


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Iman Ali
Licensee of Liquor Licence: 32287218

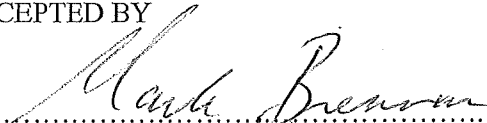
IN THE PRESENCE OF

IYOB TESFU
.....
Name of witness (print)


.....
Signature of witness

Dated the *22* day of *09* 2011

ACCEPTED BY


.....
Mark Brennan
Director of Liquor Licensing

Dated the *27th* day of *SEPTEMBER* 2011