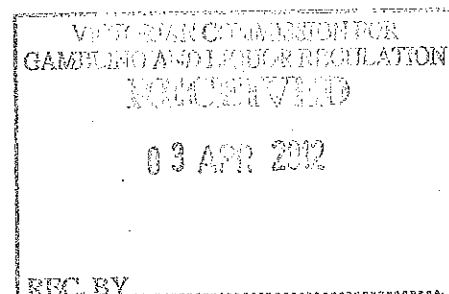


Liquor Control Reform Act 1998
Enforceable Undertaking
Section 133F

The commitments in this undertaking are offered to the Victorian Commission for Gambling and Liquor Regulation by:

Kim Louise Wines
Licensee
Welshpool Supermarket
18 Main Street, WELSHPOOL VIC 3966



1. Description of the Licensee and other relevant particulars

- 1.1 Welshpool Supermarket carries on its activities from licensed premises at 18 Main Street, Welshpool (**Premises**).
- 1.2 Kim Louise Wines (**Licensee**) holds a Packaged Liquor Licence (**32020925**) (**Licence**) which authorises the Licensee to supply liquor in sealed containers, bottles or cans on the Premises for consumption off the Premises during the trading hours specified in the Licence.
- 1.3 In this undertaking—

Act means the *Liquor Control Reform Act 1998* (Vic);

Gambling and Liquor Inspector has the same meaning as in the Act;

Commission means the Victorian Commission for Gambling and Liquor Regulation;

Compliance Inspector means a compliance inspector appointed under section 172A of the Act as in force immediately before the day on which s 64 of the *Victorian Commission for Gambling and Liquor Regulation Act 2011* commenced;

RSA means Responsible Service of Alcohol; and

VCAT means the Victorian Civil and Administrative Tribunal.

2. Description of matters relevant to this undertaking

- 2.1 On 31 October 2011 an inspection of the Premises was conducted by a Compliance Inspector.
- 2.2 During the inspection, the Compliance Inspector observed that:
 - (a) the Licensee failed to display a copy of the most recent Licence in a manner inviting public attention; and

- (b) the Licensee failed to maintain an approved RSA register; and
- (c) liquor was displayed for sale alongside groceries in the area set aside as the licensed premises; and
- (d) the layout of the premises did not reflect the red line plan; and
- (e) the Licensee had no authorisation for a remote checkout.

3. Brief details of the investigation by Responsible Alcohol Victoria

- 3.1 As part of the inspection, the Compliance Inspector conducted an interview with the Licensee.
- 3.2 The Licensee provided the following information:
 - (a) the Licensee was unaware of any requirements in relation to remote checkout authorisation; and
 - (b) the Licensee had never had a checkout in the area set aside as the licensed premises and had never sought remote checkout authorisation.

4. Explanation as to why the Commission considers that the conduct contravenes the Act or is of concern.

- 4.1 The Commission considers that the conduct described in paragraph 2.2(a) of this undertaking contravenes s 101 of the Act which provides that a licensee or permittee must cause a copy of the licence or BYO permit most recently issued to and received by a licensee or permittee to be displayed in a conspicuous place on the licensed premises in a manner that invites public attention;
- 4.2 The Commission considers that the conduct described in paragraph 2.2(b) of this undertaking contravenes s 108AD(2) of the Act which provides that a licensee must establish and maintain an approved RSA program register in accordance with s 108AD(3);
- 4.3 The Commission considers that the conduct described in paragraphs 2.2(c) and 2.2(d) of this undertaking contravene s 11(3) of the Act which states that a packaged liquor licence is subject to the requirement that the predominant activity carried on in the area set aside as the licensed premises is the sale by retail of liquor for consumption off the licensed premises; and
- 4.4 The Commission considers that the conduct described in paragraph 2.2(e) of this undertaking contravenes s 11(2) of the Act which provides that a licensee is not authorised to receive payment for liquor supplied on the licensed premises at a remote checkout in the supermarket without a determination by the Commission which is specified on the licence.

5. **Voluntary admissions**

- 5.1 The Licensee acknowledges the contraventions of the Act set out in paragraph 4 and admits the facts, matters and circumstances described in paragraphs 2 and 3.

6. **Undertakings given by the Licensee**

The Licensee agrees to undertake the following remedial action with the aim of ensuring that it does not contravene the Act in future:

- 6.1 The Licensee will submit an application for approval to the Commission to vary the red line area to reflect present use of the Premises;

The Licensee will give effect to this provision **within three (3) months of the date of execution of this undertaking.**

- 6.2 The Licensee will submit an application to the Commission for remote checkout authorisation;

The Licensee will give effect to this provision **within three (3) months of the date of execution of this undertaking.**

- 6.3 The Licensee will cease to display grocery items in the area set aside as the licensed premises;

The Licensee will give effect to this provision **within forty-eight (48) hours of the date of execution of this undertaking.**

- 6.4 The Licensee will complete an approved RSA refresher program;

The Licensee will give effect to this provision **within one (1) month of the date of execution of this undertaking.**

- 6.5 The Licensee will establish and maintain a RSA register;

The Licensee will give effect to this provision **within one (1) month of the date of execution of this undertaking.**

- 6.6 The Licensee will develop and a set of 'House Rules' which set out the responsibilities of staff in the sale and supply of alcohol in accordance with Responsible Service of Alcohol principles;

The Licensee will give effect to this provision **within one (1) month of the date of execution of this undertaking.**

- 6.7 The Licensee will develop and retain on the premises a documentation folder containing:

(a) a copy of the red line plan approved by the Commission; and

- (b) a copy of the 'House Rules'; and
- (c) a copy of the Code of Conduct for Packaged Liquor Licenses;
- (d) a copy of this undertaking.

The Licensee will ensure that the documentation folder is available for inspection at any time by a Gambling and Liquor Inspector.

The Licensee will give effect to this provision **within one (1) month of the date of execution of this undertaking.**

7. Commencement and duration

7.1 This undertaking:

- (a) comes into effect when it is executed by the Licensee and the Commission accepts and signs the undertaking; and
- (b) continues in effect for a period of two years from the date of commencement.

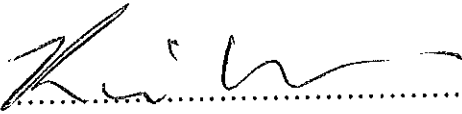
8. Acknowledgements by the Licensee

8.1 The Licensee acknowledges that:

- (a) Any contravention of this undertaking constitutes grounds for disciplinary action within the meaning of section 90 of the Act.
- (b) The Commission may undertake disciplinary action against the licensee for a contravention of this undertaking pursuant to Division 1 of Part 6 of the Act.
- (c) Pursuant to section 133G of the Act, the Commission will register this undertaking in the register of undertakings;
- (d) The undertaking will be available for public inspection and may be published on the Commission's website;
- (e) The Commission and/or Minister for Consumer Affairs may from time to time publicly refer to this undertaking; and
- (f) 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 which is the subject of this undertaking, or a breach of the Act or regulations.

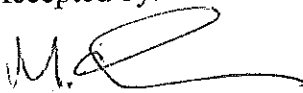
9. Execution of undertaking

Executed by:


.....
KIM LOUISE WINES

Dated the 29.3.12 day of 2012

Accepted by:

 MARTIN WALTER TONEY,
.....
**VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR
REGULATION**

Dated the 3rd day of April 2012

