

LIQUOR CONTROL REFORM ACT 1998
ENFORCEABLE UNDERTAKING
SECTION 133F

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

BALLAM PARK CRICKET CLUB INC.
Organisation Number A0046638D
Ballam Park Cricket Club Pavilion
Ballam Park,
FRANKSTON VIC 3199

1. Description of the licensee and other relevant particulars

- 1.1 Ballam Park Cricket Club Inc. (**the Licensee**) is an incorporated association registered pursuant to the *Associations Incorporations Act 1981*.
- 1.2 The Licensee carries on activities as a sporting club, primarily organising teams to compete in local cricket competitions. The Licensee carries on such activities from premises located at Ballam Park, Frankston, (**the premises**), including a building on the premises which houses club social rooms, canteen, change rooms and other amenities for the use of the Licensee (**the pavilion**).
- 1.3 The Licensee holds a Restricted Club licence (number 36104789) (**the licence**), which authorises the Licensee to supply liquor on the licensed premises during certain trading hours to both members of the club and guests of members for consumption on the licensed premises.
- 1.4 The licence is currently in force up to and including 31 December 2011.
- 1.5 In this undertaking-

Act means the Liquor Control Reform Act 1998;

Director means the Director of Liquor Licensing;

Licensed premises has the same meaning as in the Act; and

RAV means Responsible Alcohol Victoria.

2. Description of the conduct that Responsible Alcohol Victoria investigated

Supplying liquor or permitting liquor to be supplied other than in accordance with the licence and the Act contrary to section 108(1)(a) of the Act

- 2.1 Section 108(1)(a) of the Act provides that a licensee must not supply liquor or permit or cause liquor to be supplied on the licensed premises except in accordance with the licence and the Act.

- 2.2 The licence only authorises the Licensee to supply liquor for consumption on the licensed premises. By virtue of this condition, the Licensee is required to take reasonable steps to ensure that liquor supplied pursuant to the licence is only consumed on the licensed premises, and is not removed from this area.
- 2.3 The licensed premises is comprised of part of the pavilion which is delineated by a red line on the most recent authorised plan of the premises approved by the Director (**the red line plan**). A copy of the red line plan is attached at **Schedule A** to this undertaking. The licensed premises extends to an area outside of the front of the pavilion facing the 'main' oval described on the red line plan as 'Viewing Deck Paving'.
- 2.4 On Saturday 29 January 2011, a compliance inspector from RAV conducting an unannounced inspection of the premises observed male patrons consuming alcoholic drinks outside the rear of the pavilion.
- 2.5 A member of the committee of management of the Licensee, stated to the compliance inspector that he wasn't aware of what the 'red line plan' (authorised area) was and that the patrons were watching the match out the back because it's the only one on.

3. **Brief details of the investigation by RAV**

- 3.1 A Compliance inspectors from RAV conducted an inspection of the premises on 29 January 2011. An interview was conducted with a committee member of the Licensee during this inspection in relation to the above matters.
- 3.2 The Licensee was fully co-operative with compliance inspectors in the course of conducting their inspection of the premises.
- 3.3 On 17 March 2011 a Compliance inspector met with the Licensee and Club President who was fully co-operative and said he wanted to address any issues to ensure future compliance.

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

- 4.1 The Director is of the view that the conduct described in paragraph 2 constitutes a contravention of the following provision of the Act:

Section 108(1)(a) of the Act: Supplying liquor or permitting liquor to be supplied other than in accordance with the licence or the Act.

5. Acknowledgement of the breach

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

6. Undertakings

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 do all things reasonably necessary to register for and participate in the Australian Drug Foundation's 'Good Sports' program (**the Good Sports program**), including ensuring that relevant persons complete a responsible service of alcohol (**RSA**) program or course approved by the Director in accordance with the requirements of the Good Sports program.

(**NB:** the Good Sports program may require bar staff, members of the committee of management, or other persons associated with the Licensee to undertake an approved RSA program or course).

The purpose of this provision is to assist the Licensee to comply with the requirements of the Act and the licence.

The Licensee will do all things necessary to register for the 'Good Sports' program **within 2 months of the date of execution of this undertaking** and will provide evidence of its attempts to the Director.

- 6.2 The Licensee will undertake, at his own cost, to complete the course entitled "Licensees Compliance Certificate" delivered by Franklyn Scholar at a place and time to be determined but in any event before 1 November 2011.
- 6.3 The Licensee will erect and maintain, at its own expense, signage at all the rear exit points to the licensed premises displaying the words:

"NO ALCOHOL ALLOWED PAST THIS POINT"--

in letters no less than 20mm in height, followed by the words:

"THE LIQUOR CONTROL REFORM ACT 1998 REQUIRES THAT ALCOHOL PURCHASED FROM THESE PREMISES ARE TO BE CONSUMED INSIDE THE AUTHORISED AREA ONLY.

NO ALCOHOL ALLOWED PAST THIS POINT. PENALTIES MAY APPLY"

in letters no less than 15mm in height.

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

In the event that the Director grants an application to vary the licence (for example, by varying the category of licence, or the area of the licensed premises) so that persons are permitted to consume alcohol outside of the pavilion, then this paragraph shall no longer apply.

- 6.4 The Licensee will ensure that, at all times when alcohol is being supplied by the Licensee, a member of the committee of management or a club member engaged by the committee of management (being a person over the age of 18 years) will conduct a check of the premises every hour to ensure that patrons do not remove alcoholic drinks from the licensed premises.

The Licensee will commence such action **immediately upon execution of this undertaking.**

- 6.5 The Licensee will retain on the premises a folder in respect of the licence containing the following:

- (a) Evidence of completion of any RSA program or course approved by the Director that has been completed by any relevant persons for the purposes of the Good Sports program;
- (b) A copy of the plan of the licensed premises last approved by the Director in respect of the licence; and
- (c) A copy of this enforceable undertaking executed by both the Licensee and the Director.

This folder must be available and produced for inspection by any authorised person conducting an inspection of the premises. The folder is to be completed to the satisfaction of the Director **within one (1) month of the date of execution of this undertaking.**

7. Commencement and duration of the undertaking

- 7.1 This undertaking:

- (a) comes into effect when:
 - (i) it is executed by the Licensee; and
 - (ii) the Director of Liquor Licensing accepts and signs the undertaking.
- (b) continues in effect for a period of two (2) years from the date of commencement.

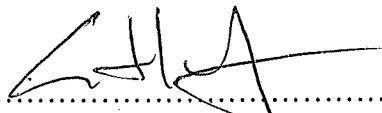
8. Acknowledgement of compliance to undertaking

- 8.1 The Licensee acknowledges that:

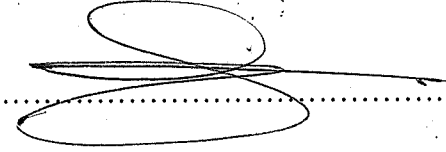
- (a) The Director and other relevant parties specified in the Act may make an application to the Victorian Civil and Administrative Tribunal to conduct an enquiry pursuant to section 90(1)(bb) on the basis of any contravention of this undertaking by the Licensee;
- (b) Pursuant to section 133G of the 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 which is the subject of this undertaking, or a breach of the Act or Regulations.

9. Execution

EXECUTED BY:



 for and on behalf of BALLAM
 PARKCRICKET CLUB INC. A0046638D in
 accordance with its Constitution or Rules



GARY HOFERT

 Name of Committee Member (Print)

Malcolm Loney

 Name of Committee Member / Public
 Officer (Please delete as applicable)

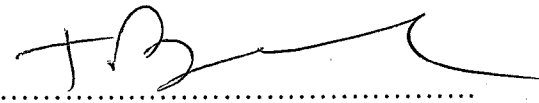
PRESIDENT

 Office held (Print)

Triantafyllidis

 Office held (Print)

IN THE PRESENCE OF:



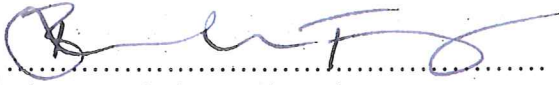
 Signature of witness

Timothy BRYANT

 Name of witness (Print)

Dated the 3rd Day of June 2011

ACCEPTED BY:



.....
A | Director of Liquor Licensing

Dated the 15th day of June.....2011