

**LIQUOR CONTROL REFORM ACT 1998**  
**ENFORCEABLE UNDERTAKING**  
**SECTION 133F**

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

**CHELTENHAM CRICKET CLUB INC.**  
**REGISTRATION NUMBER A0022532F**  
**CHELTENHAM RECREATION RESERVE**  
**WEATHERALL ROAD,**  
**CHELTENHAM VIC 3192**

**1. Description of the licensee and other relevant particulars**

- 1.1 Cheltenham Cricket Club Inc. (**the Licensee**) is an incorporated association of persons, registered pursuant to the *Associations Incorporations Act 1981*, on 5 February 1991.
- 1.2 The Licensee predominately carries on its activities as a sporting club from premises located at Cheltenham Recreation Reserve, Weatherall Road, Cheltenham (**the premises**).
- 1.3 The Licensee holds a renewable limited licence number 36108157 pursuant to the Act (**the Licence**), which authorises the Licensee to supply liquor:
  - (a) on the licensed premises to a member of the club or a guest of a member for consumption on the licensed premises;
  - (b) on a part or parts of the licensed premises to a person attending a pre-booked function for consumption in the area where the function is being conducted;
  - (c) to a person from a specified point/s of sale during a sporting event.
- 1.4 The Licence authorised the Licensee to supply liquor from part of a building on the premises known as 'Cheltenham Reserve Pavilion', comprising the main function room, bar and kitchen of the building (**the licensed premises**).
- 1.5 In this undertaking:

**the Act** means *Liquor Control Reform Act 1998*;

**Authorised person** means either the Director, a compliance inspector, or a member of Victoria Police;

**the Director** means Director of Liquor Licensing;

**RAV** means Responsible Alcohol Victoria.

## 2. Description of matters relevant to this undertaking

- 2.1 On 12 February 2011, compliance inspectors from RAV conducted an inspection at the premises.
- 2.2 Compliance inspectors requested a representative of the Licensee to produce a list of members of the club for inspection. This list could not be produced. Compliance inspectors also requested the production of a copy of the authorised plan of the premises depicting the area within which alcohol was authorised to be supplied (**the authorised plan**). This plan could not be produced either.

## 3. Explanation as to why the Director considers that the conduct contravenes the Act or is of concern

- 3.1 The Director considers that the failure to produce a copy of the authorised plan of the premises contravenes section 101B of the Act (failure to produce a copy of plan for inspection).
- 3.2 The Director also considers that:
- (a) the failure to produce a list of members inhibits the ability of compliance inspectors to conduct an inspection and ensure that the Licensee is complying with the requirements of the Licence (including the requirement that liquor may only be supplied to members or their guests); and
  - (b) it is important that the Licensee (and any persons who supply liquor on the Licensee's behalf) are familiar with the requirements of the Licence, and the area within which liquor is authorised to be supplied and consumed pursuant to the Licence.

## 4. Acknowledgement of contraventions/concerns

- 4.1 The Licensee acknowledges the contraventions of the Act and the Director's concerns set out in paragraph 3 above, and admits the facts, matters and circumstances described in paragraph 0 above.

## 5. Undertakings

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

- 5.1 The Licensee will ensure that a member of the committee of management shall undertake (at the Licensee's expense) the course entitled 'Licensee Compliance Certificate' delivered by 'Franklyn Scholar'.

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

- 5.2 The Licensee will ensure that it keeps on the licensed premises, in a form and manner approved by the Director, a register (**the Members Register**) containing:
- (a) Up-to-date details of the names and addresses of all its current members; and
  - (b) particulars of payment of the last subscription for membership paid by each member.

The Licensee will ensure that the Members Register is available for inspection at any time by any authorised person.

The Licensee will give effect to this provision **at any time that the Licence (or any other licence authorising the supply of liquor to members or their guests) is in force.**

- 5.3 The Licensee will ensure that it keeps on the licensed premises a copy of the authorised plan of the premises at all times.

The Licensee will give effect to this provision **at any time that the Licence (or any other licence authorising the supply of liquor to members or their guests) is in force.**

## 6. Commencement and duration of the undertaking

- 6.1 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.

## 7. Acknowledgements

- 7.1 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.

8. Execution

EXECUTED BY CHELTENHAM )  
CRICKET CLUB A0022532F in )  
accordance with its Constitution or Rules )

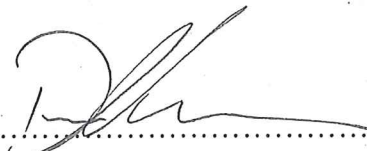
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Signature of Committee Member

PRESIDENT  
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Office held (print)

AND BY

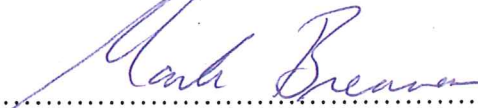
DARREN ANDERSON  
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Name of Committee Member / Public  
Officer (print) (delete as applicable)

  
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Signature of Committee Member / Public  
Officer (delete as applicable)

SECRETARY  
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...  
Office held (print)

Dated the 26<sup>th</sup> day of JULY 2011

ACCEPTED BY:

  
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Director of Liquor Licensing

Dated the 18<sup>th</sup> day of AUGUST 2011