

**LIQUOR CONTROL REFORM ACT 1998 (the Act)
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:

Curpol Pty Ltd
ACN 103 556 065
C/- Philip J Eddy & Partners Pty Ltd
61 High Street,
Eaglehawk VIC 3556

and

Bendigo Bat and Ball Pty Ltd
ACN 117 558 344
C/- Philip J Eddy & Partners Pty Ltd
61 High Street,
Eaglehawk VIC 3556

(collectively, the Companies)

1. Background

- 1.1. The Albert Hotel, 131 McCrae Street, Bendigo (**the Hotel**) operates pursuant to Late Night (General) Licence 31900025 (**the Licence**).
- 1.2. Mr Andrew John Curran is the holder of the Licence.
- 1.3. By letter dated 7 May 2012, Inspector Mark Edwards (**the Licensing Inspector**) made the following applications to the Commission against Mr Andrew John Curran, the Companies and Mr Bryan John Coghlan:
 - 1.3.1. An application under Section 91(1) of the Act in relation to the Hotel;
and
 - 1.3.2. An application under Section 94(1) of the Act in relation to the Hotel.

(collectively, the Applications)

- 1.4. The Applications were withdrawn by the Licensing Inspector on Monday 18 June 2012.
- 1.5. On 21 October 2011, an application was made to transfer the Licence 31900025 to the Companies (**the Transfer Application**).
- 1.6. On 20 December 2011, the Licensing Inspector objected to the Transfer Application.

2. Undertaking

In consideration of the matters referred to in this undertaking, the Companies undertake that the Companies will:

- 2.1. Within one (1) month of the commencement of this undertaking cease to trade at the Hotel pursuant to the Licence for 24 hours on a Saturday from 7:00am on the Saturday to 7:00am the following morning.
- 2.2. Within one (1) month of the commencement of this undertaking pay \$15,000 to the Bendigo Safe Community Forum to assist the continued operation of the Bendigo Chillout. The Companies will provide evidence to the Commission that the payment has been made.
- 2.3. Within three (3) months of the commencement of this undertaking, Andrew John Curran, Bryan John Coghlan and Toby Edward Gray will complete the Licensee Enforceable Undertaking Training delivered by Franklyn Scholar Hospitality.
- 2.4. Whilst and so long as the Companies are the licensees of the Hotel, the licensee must not have a drunken person on the Hotel in breach of Section 108 of the Act.
- 2.5. Whilst and so long as the Companies are the licensees of the Hotel, on Friday and Saturday nights from 9:00pm, or the commencement of trade (whichever is the later), until the close of business a nominee or a director of either of the Companies is to be present at the Hotel.

3. Commencement and duration of the undertaking

This undertaking comes into effect when executed by the Companies and the Commission and will continue to take effect for a period of two (2) years.

4. Acknowledgements

The Companies acknowledge 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 Department of Justice Website; and
- 4.2. The Companies, 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. The Commission by accepting this undertaking does not fetter the Commission or others in anyway, with regards to the Act.

5. Execution

Executed for and on behalf of **CURPOL PTY LTD** by a Director:

Director:

Dated the 2 day of July 2012

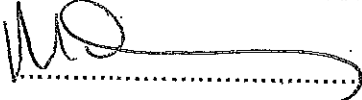
Executed for and on behalf of **BENDIGO BAT AND BALL PTY LTD** by a Director:

Director: 

Dated the 20 day of AUGUST 2012

Accepted by:

THE VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION



MARTIN WALTER TOWEY

Dated the 24th day of August 2012