

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

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

GOROKE FOOTBALL CLUB  
Recreation Reserve  
Goroke Vic 3412

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

- 1.1 Goroke Football Club (**the Licensee**) is an unincorporated club carried on for the purposes of Australian Rules Football and other associated purposes. The licensee is comprised of a number of members who primarily live in the local area.
- 1.2 The Licensee holds a Restricted Club Licence (number 31412349) (**the licence**) which authorises the Licensee to supply liquor on the licensed premises to a member of the club or a guest of a member for consumption on the licensed premises during specified trading hours, in accordance with the conditions of the licence and the *Liquor Control Reform Act 1998* (**the Act**).
- 1.3 The licence is currently in force until 31 December 2010.
- 1.4 The Licensee carries on its activities at Goroke Recreation Reserve at 67-77 Main Street, Goroke (**the premises**). A small number of Australian Rules Football games are played each year at the premises, through the licensee's affiliation with Kowree-Naracoorte-Tatiara Football League.
- 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;

*RAV* means Responsible Alcohol Victoria;

**2. Description of the conduct that Responsible Alcohol Victoria investigated**

- 2.1 ***Failure to notify the Director of a person ceasing to act as nominee***
- (a) Pursuant to section 54(11) of the Act, a licensee must notify the Director within 14 days when a person ceases to be the nominee of a licence. A contravention of this provision is an offence.
- (b) According to records held by RAV, Mr Peter Block was appointed as the nominee of the licensee some time prior to 1994. However, information obtained by RAV in the course of its investigations indicates that Mr Block permanently ceased to have the management or control of the licensed premises in early 2010.

- (c) The licensee has not notified the Director within 14 days that Mr Block has ceased to be the nominee of the licensee.

## 2.2 *Supply liquor other than in accordance with the licence*

- (a) Pursuant to section 108(1)(a)(i) of the Act, a licensee or permittee must not, except in accordance with the licence or BYO permit and this Act, supply liquor on the licensed premises or any authorised premises.
- (b) A condition of the licence provides that the specified area within which liquor may be supplied to and consumed by patrons is the 'Recreation Room, Kitchen, [and] Liquor Servery'.
- (c) On 14 August 2010, the licensee supplied liquor to patrons at an after-game function on the licensed premises, in circumstances where the licensee failed to put in place sufficient measures to ensure such patrons only consumed alcohol on the licensed premises and did not remove it from this area.

## 2.3 *Using a place or premises other than the licensed or authorised premises for the supply of liquor*

- (a) Pursuant to section 108(1)(b) of the Act, a licensee must not use any place or premises, other than the licensed premises or authorised premises, for the supply of liquor.
- (b) On 14 August 2010, whilst a football game was being played at the premises, operated a 'point of sale' bar from a small out-building separate to the main club rooms from which it supplied liquor to members of the public who were in attendance at the game. This building did not fall within the licensed premises and was not an area specified in the licence in respect of which the licensee was authorised to supply liquor.

## 2.4 *Conducting pre-booked functions on the licensed premises*

- (a) The licence does not specifically authorise the licensee to supply liquor at pre-booked functions organised by outside persons or organisations which are conducted at the premises.
- (b) During conversations with representatives of the licensee conducted during the investigation, it was indicated that the main rooms at the premises are occasionally made available for hire by members of the local community for functions, at which the licensee sells alcohol.

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

- 3.1 Compliance inspectors from RAV conducted an inspection of the premises on 14 August 2010, as well as conducting other enquiries to obtain information regarding the operation of the premises and the business. An

interview was conducted with a committee member of the licensee on 16 September 2010.

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

4.1 The Director is of the view that many of the instances of conduct described in paragraph 2 constitute contraventions of certain provisions of the Act, including:

- (a) Section 54(11) - Failing to notify the Director that Peter Block ceased to be the nominee of the licensee within 14 days after that cessation;
- (b) Section 108(1)(a)(i) - Supplying liquor other than in accordance with the conditions of the licence by failing to put in place sufficient measures to ensure such patrons only consumed alcohol on the licensed premises; and
- (c) Section 108(1)(b) - Using a place or premises, other than the licensed premises or authorised premises, for the supply of liquor to patrons.

4.2 Furthermore, the Director considers that the matters described in paragraph 2 of this undertaking raise concerns regarding the conduct and practices of the Licensee. In particular, the Director considers that those matters demonstrate poor management practices which are conducive to or encourage the misuse or abuse of alcohol, and an insufficient knowledge of the requirements of the Act and of the licence.

**5. Acknowledgement of the breach**

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

**6. Undertaking**

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 shall notify the Director in writing whether or not Mr Peter Block has ceased to be the nominee of the licensee.

**The licensee will give effect to this provision within 14 days of the date of execution of this undertaking.**

6.2 In the event that Mr Peter Block has ceased to be the nominee of the licensee, the licensee will apply to the Director for the approval of a person as nominee of the club. The person whom the licensee seeks to be approved as the nominee will be:

- (a) a member of the committee of management of the club, or a member of the club who has the authority of the committee of

management to exercise the management and control of the licensed premises; and

- (b) in the view of a majority of members of the committee of management of the club, a suitable person to exercise the management and control of the licensed premises.

**The licensee will give effect to this provision within 1 month of the date that the licensee notifies the Director in writing that Mr Peter Block has ceased to be the nominee of the licensee (if applicable).**

6.3 In the event that the licensee intends to supply liquor at a pre-booked function organised by another person or body conducted at the licensed premises (**a pre-booked function**), it will either:

- (a) make an application to the Director to vary the licence from a Restricted Club Licence to a Renewable Limited Licence;
- (b) make an application for a temporary limited licence in respect of each pre-booked function held at the licensed premises at which it proposes to supply liquor; or
- (c) make such further or other application for a licence or approval as appropriate--

which would authorise the licensee to so supply liquor.

6.4 In the event that the licensee intends to supply liquor from any part of the premises aside from the licensed premises (such as during Australian Rules Football games played at the ground), it will either:

- (a) make an application for a temporary limited licence in respect of any such event; or
- (b) make such further or other application as appropriate--

which would authorise the licensee to so supply liquor.

6.5 The licensee will do all things reasonably necessary to register for and participate in the Australian Drug Foundation's 'Good Sports' program, including taking reasonable steps to meet the eligibility guidelines for that program.

The purpose of this provision is to assist the licensee to develop a culture of compliance with the requirements of the Act and the licence, and to ensure that on the occasions where football games are hosted from the premises or where pre-booked functions occur, the sale or supply of alcohol by the licensee does not lead to any misuse or abuse of alcohol or contribute to alcohol-related harm.

**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.**

6.6 The licensee will develop a management plan with respect to the management and control of the licensed premises during times when alcohol is served (**the management plan**). The management plan will set out the arrangements and measures which the licensee will take in order to ensure that:

- (a) persons who are supplied liquor by the licensee do not consume liquor outside of the licensed premises;
- (b) liquor is only supplied by the licensee on the licensed premises, and not on other parts of the premises;
- (c) only members or guests of members (ie persons who are introduced to the club by a member in accordance with the rules of the club) are supplied alcohol pursuant to the licence;
- (d) the licensee meets all of its responsibilities under the Act and the licence.

Once the management plan has been approved by the Director, the licensee will retain such a copy on the licensed premises at all times. The licensee will ensure that any nominee of the licensee and any members who volunteer to serve liquor pursuant to the licence are familiar with the management plan.

**The Licensee will submit a copy of the management plan to the Director for approval within 2 months of the date of execution of this undertaking.**

6.7 Licensee will erect and maintain, at its own expense, signage at all 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 AND ARE NOT TO BE TAKEN OUTSIDE. PENALTIES MAY APPLY.”--

in letters no less than 15mm in height.

**The licensee will give effect to this provision within 2 months of the date of execution of this undertaking.**

## 7. Commencement and duration of the undertaking

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 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:

*Darren Walker* (Darren Walker)

GOROKE FOOTBALL CLUB

*Grant Hausler* (GRANT HAUSLER)

*Paul Light* (Paul Light)

*Geoff Lowe* (Geoff. Lowe)

*Michael Crick* (Michael Crick)

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Members of the Committee of Management

Dated this 15th ..... day of JANUARY ..... 2010-2011

Accepted by:

THE DIRECTOR OF LIQUOR LICENSING, VICTORIA

*Anthony Lowe* 'ANTHONY LOWE'

*Nicholas James Galbraith* NICHOLAS JAMES GALBRAITH

*Mark Brennan*

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Director of Liquor Licensing

Dated this 21st ..... day of JANUARY ..... 2010-2011