

LIQUOR CONTROL REFORM ACT 1998
ENFORCEABLE UNDERTAKING
SECTION 133F

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

Kerrimuir United Cricket Club Incorporated
16 McCulloch Street
NUNAWADING VIC 3131

1. Description of the Licensee and other relevant particulars

- 1.1 Kerrimuir United Cricket Club Incorporated (registration number A0006204R) (the Licensee) is an incorporated association within the meaning of the *Associations Incorporation Act 1981*, registered on 26 August 1985.
- 1.2 The Licensee holds Restricted Club Liquor Licence No. 31408081 which authorises the Licensee to supply liquor up to and including 31 December 2011.
- 1.3 The Licensee also held Limited Liquor Licence No. 90066200 (the Limited Licence). The Limited Licence authorised the Licensee to supply liquor during specified hours on 20 November 2010 at Kerrimuir United Cricket Club, located at Springfield Park, Dorking Road Box Hill North (the Licensed Premises) for consumption on the Licensed Premises in accordance with conditions of the Limited Licence and the *Liquor Control Reform Act 1998*.
- 1.4 In this undertaking-
 - (a) *Act* means the *Liquor Control Reform Act 1998*;
 - (b) *Director* means the Director of Liquor Licensing;
 - (c) *licence* has the same meaning as in the Act; and
 - (d) *licensed premises* has the same meaning as in the Act.

2. Description of the conduct engaged in by the Licensee

- 2.1 The Limited Licence was, relevantly, subject to the following condition:

All staff engaged in the serving of liquor in the licensed area will have undertaken a 'Responsible Serving of Alcohol' course approved by the Director of Liquor Licensing.

- 2.2 On 20 November 2010 Mr John Francis Kerin served liquor on the Licensed Premises without having undertaken a responsible service of alcohol (RSA) course approved by the Director.

3. Details of the investigation by Responsible Alcohol Victoria

3.1 On 20 November 2010 at approximately 9:00 pm, compliance inspectors from Responsible Alcohol Victoria (RAV) attended the Licensed Premises to conduct a compliance inspection. During the inspection, compliance inspectors observed that Mr John Francis Kerin, Club Secretary, was in control of supplying alcohol on the premises. Mr John Francis Kerin then admitted to the compliance inspectors that he had been serving liquor on the Licensed Premises immediately prior to the inspection of the compliance inspectors.

3.2 Compliance inspectors requested that Mr John Francis Kerin produce evidence of the completion of an RSA course. Mr John Francis Kerin was unable to provide any written evidence of having completed an RSA course.

3.3 Mr John Francis Kerin was interviewed by a compliance inspector on 26 November 2010. In this interview, Mr Kerin admitted that he had not completed an RSA course at the time of the inspection.

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

4.1 The Director considers that the matters identified in paragraph 2 above constitute a contravention of the following provisions of the Act:

- (a) Section 108(1)(a)(i) - Supply liquor other than in accordance with the licence, in that staff engaged in the serving of liquor in the licensed area had not undertaken a "Responsible Serving of Alcohol" course approved by the Director.

5. Voluntary admissions

5.1 The Licensee acknowledges the breach of the Act outlined in paragraph 4 and admits the facts, matters and circumstances outlined in paragraph 2.

6. Undertakings given by the Licensee

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

- (a) The Licensee will ensure that any person engaged to serve liquor on the Licensed Premises in respect of a licence held by the Licensee:
 - (i) is at least 18 years of age; and
 - (ii) has completed an RSA program, approved by the Director, no longer than 3 years prior to any serving of liquor by that person.

- (b) The Licensee will keep, on the Licensed Premises, evidence of the completion of an RSA program for any person who serves liquor on the Licensed Premises in respect of a licence held by the Licensee.
- (c) The Licensee will produce the evidence referred to in paragraph 6.1(b) above on being asked to do so by a member of Victoria Police or a compliance inspector.

7. Commencement and duration

7.1 This undertaking comes into effect when:

- (a) it is executed by the Licensee; and
- (b) the Director accepts and signs the undertaking.

7.2 This undertaking continues in effect for as long as Kerrimuir United Cricket Club Incorporated (registration number A0006204R) holds any liquor licence in the State of Victoria.

8. Acknowledgements by the Licensee

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) The Licensee may withdraw or vary an undertaking at any time, if the Licensee has first obtained the consent of the Director of Liquor Licensing, pursuant to section 133F(3) of the Act;
- (c) 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;
- (d) The Director and/or Minister for Consumer Affairs may from time to time publicly refer to this undertaking; and
- (e) 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 the breach of the Act or its Regulations.

9. Execution of enforceable undertaking

EXECUTED BY Kerrimuir United Cricket)
Club Incorporated, registration number)
A0006204R, in accordance with its)
Constitution or Rules

MARIO STELLA
.....
Name of Committee Member (print)

M. Stella
.....
Signature of Committee Member

Licensee
.....
Office held (print)

AND BY

John Kerin
.....
Name of Committee Member / Public Officer
(print) (delete as applicable)

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

Secretary
.....
Office held (print)

Dated the Sixth day of May 2011

ACCEPTED BY:

Mark Bruce
.....
Director of Liquor Licensing

Dated the 9th day of June 2011