

LIQUOR CONTROL REFORM ACT 1998
ENFORCEABLE UNDERTAKING
SECTION 133F

The commitments in this Undertaking are offered to the Victorian Commission for Gambling and Liquor Regulation (the **Commission**) by Liquorland (Australia) Pty Ltd (the **Licensee**):

1 Description of the Licensee and other particulars –

- 1.1 The Licensee holds packaged liquor licence No. 32061557 (the **Licence**) pursuant to section 11 of the *Liquor Control Reform Act 1998* (the **Act**), which authorises the Licensee to supply liquor in sealed containers, bottles or cans on the licensed premises for consumption off the licensed premises during the specified trading hours up to and including 31 December 2014.
- 1.2 Mr Stanley Clark Knee is the approved Nominee (the **Nominee**) and pursuant to section 54(9) of the Act, is liable as if he is the Licensee, until ceasing to manage and control the licensed premises.
- 1.3 The Licensee trades in respect of the Licence under the name Liquorland, and operates from a Licensed Premises, located at Corner Riverview Drive & Goulburn Valley Highway, Shepparton South in the State of Victoria (the **licensed premises**).
- 1.4 In this undertaking –
 - (a) the licence has the same meaning as in the Act;
 - (b) the licensed premises has the same meaning as in the Act;
 - (c) other terms used which are defined in the Act have the same meaning as in the Act.

2. Description of the relevant requirement –

- 2.1 Section 120 of the Act provides, relevantly,

120 Allowing minors on licensed or authorised premises

- (1) if a person under the age of 18 years-
- (a) is on a licensed premises...; and
 - (b) is not-
 - (i) in the company of a responsible adult; or
 - (ii) on the premises for the purpose of partaking of a meal...

The licensee or permittee is guilty of an offence.

(the **relevant requirement**)

3. Details of the investigation conducted by Victorian Commission for Gambling and Liquor Regulation –

- 3.1 On 11 July 2014, at 1.15pm, licensing inspectors conducted an inspection at the licensed premises.
- 3.2 During the inspection, at approximately 1.23pm licensing inspectors allege they observed two individuals who appeared to be minors enter the licensed premises. The said individuals were not observed by the licensing inspectors in the company of any other person whom they regarded as a responsible adult and were not partaking in a meal at the premises. The licensing inspectors did not request or require the said individuals to produce particulars of age.
- 3.3 The licensing inspectors considered the attendance by the said individuals as a breach of Section 120(1) of the Act and requested closed circuit television (CCTV) footage from the Licensee, which was provided.
- 3.4 The licensing inspectors reviewed the CCTV and identified a further occasion at approximately 1.17pm of the same day, of similar circumstances in which two further individuals, which the licensing inspectors considered to be minors, were observed entering the licensed premises. The individuals on this occasion were not observed in the company of another person who they regarded as a responsible adult and were not partaking of a meal and did not produce evidence of age documents.

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

- 4.1 The Commission considers that the conduct described in paragraph 3 of this Undertaking contravenes the relevant requirement of the Act because it considers that the said individuals described in paragraph 3 who passed through the licensed premises on 11 July were minors who were unsupervised by a responsible adult, not partaking of a meal or resident of the premises and did not produce an evidence of age document to the Licensee or Nominee.

5. Licensee's acknowledgements and commitments

- 5.1 The Licensee is committed to conducting its business at the licensed premises in accordance with the conditions of its licence and the provisions of the Act, including particularly the objects and relevant requirements of the Act.
- 5.2 Despite the Licensee's strict procedures in respect of disallowing minors access to, or supply of liquor from the licensed premises, the Licensee acknowledges in light of the perimeter, layout, access points and conduct of business in the licensed premises there is the potential to be vulnerable to a minor passing through dual access points of the licensed premises either without detection or without the opportunity for the Licensee or permittee to approach and disallow entry or demand evidence of age documents.
- 5.3 Taking into account the matters in 5.2 above and consideration of other relevant factors in relation to the store and merchandise layout and purpose of the dual access points, the Licensee has initiated and intends to submit a Licence variation to the licensed perimeter of the licensed premises.

6. Undertakings given by the Licensee

- 6.1 In acknowledgement of the positive and preventative actions taken by the Licensee in response to the licensing inspectors concerns detailed in paragraphs 3 and 4 and to facilitate ongoing collaboration between the Commission and Licensee to maximise compliance with the Act and relevant requirements, the parties have agreed to enter into this undertaking.
- 6.2 The Licensee agrees to submit an application with the Commission seeking variation of the authorised plan of the licensed premises, or the Commission's consent to an alternative entry/exit within 30 days of the undertaking coming into effect to minimise the risk of non-compliance in respect of Section 120(1) of the Act, in addition to adhering to the Licence conditions stipulated on its Licence.

7. Commencement and Duration

- 7.1 This undertaking comes into effect when:
 - (a) It is executed by the Licensee; and
 - (b) The Commission accepts and signs the undertaking.
- 7.2 This undertaking continues to have effect for one (1) year from the date on which the Commission approves and signs the Undertaking unless it ceases earlier in accordance with the Act.

8. Acknowledgments by the Licensee

- 8.1 The Licensee acknowledges that:
 - (a) The Commission and other invested parties specified in the *Act* may make an application to the Commission to conduct an enquiry pursuant to section 91(1)(bb) of the Act, on the basis of any contravention of this undertaking by the Licensee;
 - (b) Pursuant to Section 133G of the *Act*, the Commission will register this Undertaking in the register of Undertakings on the Commission's website and the Undertaking will be available for public viewing;
 - (c) The Commission and/or Premier or a Minister of the Government may from time to time, publically refer to this Undertaking; and
 - (d) This undertaking in no way derogates from any of the rights and remedies available to the Licensee or any other person in the State of Victoria arising from the conduct that is subject of this Undertaking, or a breach of the Act or regulations.

Execution of Undertaking


Executed for and on behalf of Liquorland (Australia) Pty Ltd by a Director:

Director 

Dated the 7th day of NOVEMBER 2014

Accepted by:

THE VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION

 Ralph Montpauve A/Director Compliance

Dated the 1st day of December 2014