

LIQUOR CONTROL REFORM ACT 1998

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 Number 17 Pty Ltd ACN 106 601 781 (the **Licensee**).

Background

1. The Licensee, trading as Mother's Milk, operates pursuant to Late Night (On Premises) Licence 32275122 (the **Licence**). The licensed premise is situated at 17 Chapel Street Windsor (the **Premises**).
2. The Licence contains a special condition, "there shall be no live or recorded amplified music other than background music.."
3. On 2 September 2012, Gambling and Liquor Inspector Rohin Baker attended at the Premises and observed liquor being supplied other than in accordance with the above licence condition as he observed that recorded amplified music was being played at the premises at a level higher than the background music level contrary to section 108(1)(a)(i) of the Liquor Control Reform Act 1998 (the **Act**).
4. Inspector Barker issued an infringement notice on 17 December 2012 and a letter was received on 27 December 2012 requesting the matter to be heard and determined in court.

5. A charge sheet and summons was issued on 28 June 2013 returnable before the Melbourne Magistrates' Court. The next hearing of the matter is listed for 29 January 2014.
6. The Commission has determined that upon the execution of this Undertaking that the proceedings listed before the Melbourne Magistrates' Court on 29 January will be struck out.

Undertaking

7. The Licensee denies the allegation expressed in paragraph 3 above, nevertheless, as and from 29 January 2014, undertakes that:
 - o it will inform and vigilantly supervise all staff to ensure that recorded amplified music played on the licensed premises be limited to background music level;
 - o For the purpose of this undertaking, **background music level**, in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree.

Commencement and duration of the undertaking

8. This undertaking comes into effect on 29 January 2014 and will continue for the duration of the current licence for the premises.

Acknowledgements

The Licensee acknowledges that:

- a) 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 internet;
- b) the Licensee, the Commission and others may publicly refer to the undertaking.
- c) this undertaking does not fetter the Commission in respect to any other action it may deem appropriate, or in any other power or function under the Act.

Execution

Executed for and on behalf of Number 17 Pty Ltd by a Director.



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Director (authorized to execute this Undertaking)

Dated:

Accepted by The Victorian Commission for Gambling and Liquor Regulation.



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Commission (KATHERINE HAMOND)