

**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:

Strykhamm Pty Ltd
ACN 142 462 673
161 Nicholson Street
ORBOST VIC 3888

1. Background

- 1.1. The Commonwealth Hotel, 161 Nicholson Street, Orbost (**the Commonwealth Hotel**) operates pursuant to General Licence No. 31903748 (**the Licence**).
- 1.2. Strykhamm Pty Ltd is the licensee of the Commonwealth Hotel (**the Licensee**). Mr Stephen Cameron Keen is the Director of the Licensee. Mr Barry Scott Barclay is the Company Secretary of the Licensee. Mr Keen and Mr Barclay are equal shareholders in the Licensee and jointly exercise management and control of the business.
- 1.3. On 12 July 2012, Inspector Ian Gillespie (the Requestor) made a written request to the Commission to conduct an inquiry under section 91 of the Act in relation to the Licensee (the Inquiry) as well as Mr Barclay and Mr Keen (the related persons).
- 1.4. On 17 October 2012, the Requestor and the Licensee filed with the Commission a Statement of Agreed Facts and Proposed Terms of Settlement in relation to the Inquiry.
- 1.5. The Proposed Terms of Settlement included that the Licensee would offer a written undertaking under section 133F of the *Liquor Control Reform Act 1998* to the Commission in the terms set out in the Proposed Terms of Settlement. The Commission determined to accept the offer of the proposed undertaking.

1.6. The proposed terms of the undertaking offered by the Licensee were as follows:

- The undertaking would include the Statement of Facts agreed between the Requestor and the Licensee;
- The undertaking would be binding for two years; and
- The undertaking would be subject to the following conditions:
 - Within three months of the commencement of the Undertaking, Stephen Cameron Keen and Barry Scott Barclay are to undertake the Licensee Compliance Training delivered by Franklyn Scholar Hospitality;
 - Barry Scott Barclay must not obstruct, hinder, threaten, abuse or intimidate an Authorised Person;
 - No drunk person is to be on the premises;
 - From 8 pm on any day no liquor in unsealed containers is to be removed from the licensed premises.

2. **Statement of Agreed Facts**

2.1. Between September 2010 and April 2012, the following incidents/events occurred:

- 2.1.1. On one occasion the Licensee had drunken and disorderly persons on the premises. It is acknowledged that on another occasion the Licensee had a drunken and disorderly patron on the premises, for which the offence pursuant to section 108(4)(b) of the *Liquor Control Reform Act 1998 (the Act)* is being contested in the Magistrates' Court.

3. Undertaking

In consideration of the matters referred to in this undertaking, the Licensee agrees to undertake the following:

Conditions of Undertaking

- 3.1. Within three months of the commencement of the Undertaking, Stephen Cameron Keen and Barry Scott Barclay are to undertake the Licensee Compliance Training delivered by Franklyn Scholar Hospitality;
- 3.2. Barry Scott Barclay must not obstruct, hinder, threaten, abuse or intimidate an Authorised Person;
- 3.3. No drunk person is to be on the premises;
- 3.4. From 8 pm on any day no liquor in unsealed containers is to be removed from the licensed premises.

4. Commencement and duration of the undertaking

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

5. Acknowledgements

The Companies acknowledge that:

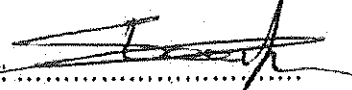
- 5.1. Pursuant to section 133G of the Act, the Commission will register this undertaking in the Register of Undertakings and the undertaking will be available for public inspection on the website of the Commission; and
- 5.2. The Licensee and the related persons, the Commission and/or the Premier or a Minister of the Government of Victoria may from time to time publicly refer to this undertaking.

5.3. The Commission, by accepting this Undertaking, does not fetter the Commission or others in any way, with regards to the Act.

6. **Execution**

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

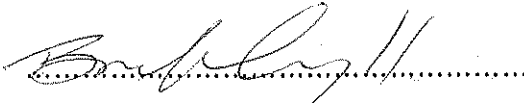
Director:



Dated the 26th day of September 2013

Accepted by: BRONIE CAMPBELL, SENIOR SOLICITOR

per THE VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION



Dated the 3rd day of October 2013