

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 by:

UNITED SPORTING CLUB INC.
Scovell Reserve, Scovell Crescent
MAIDSTONE VIC 3012

1. Description of the licensee and other relevant particulars

- 1.1 United Sporting Club Inc. (**Licensee**) is an incorporated association registered pursuant to the *Associations Incorporations Act 1981*, registration number A0002617S.
- 1.2 The Licensee carries on activities as a sporting club, primarily organising teams to compete in local cricket competitions. The Licensee carries on such activities from premises located at Scovell Reserve, Maidstone (**Premises**).
- 1.3 The Licensee holds a Restricted Club Licence (no. 31426754) (**Licence**), which authorises the Licensee to supply liquor on the Premises during certain trading hours to both members of the club and guests of members for consumption on the Premises.
- 1.4 In this undertaking-

Act means the Liquor Control Reform Act 1998;

Authorised Person has the same meaning as in the Act;

Commission means the Victorian Commission for Gambling and Liquor Regulation;

Compliance Inspector means a compliance inspector appointed under s 172A of the Act as in force immediately before the day on which s 64 of the *Victorian Commission for Gambling and Liquor Regulation Act 2011* commenced;

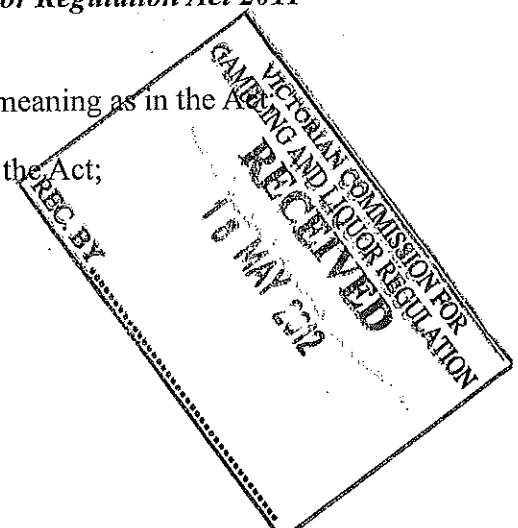
Director means the Director of Liquor Licensing appointed under s 149 of the Act as in force immediately before the day on which s 64 of the *Victorian Commission for Gambling and Liquor Regulation Act 2011* commenced;

Gambling and Liquor Inspector has the same meaning as in the Act;

Licensed Premises has the same meaning as in the Act;

RAV means Responsible Alcohol Victoria; and

RSA means Responsible Service of Alcohol.



5. Voluntary admissions

- 5.1 The Licensee acknowledges that it has contravened the sections of the Act detailed in paragraph 4, by reason of the conduct described in paragraphs 2 and 3 of this undertaking.

6. Undertakings

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 will ensure all committee members of the Licensee complete an approved RSA Program;

The Licensee will give effect to this provision **within three (3) months of the date of execution of this undertaking.**

- 6.2 The Licensee will establish and maintain a RSA register;

The Licensee will give effect to this provision **within three (3) months of the date of execution of this undertaking.**

- 6.3 The Licensee will do all things reasonably necessary to register for and participate in the Australian Drug Foundation's 'Good Sports' program;

The Licensee will give effect to this provision **within three (3) months of the date of execution of this undertaking.**

- 6.2 The Licensee will complete, at its own cost, the 'Licensee Compliance Certificate' delivered by Franklyn Scholar Hospitality;

The Licensee will give effect to the understanding in this paragraph of the undertaking **by 1 November 2012.**

- 6.3 The 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 IS CONSUMED INSIDE THE AUTHORISED AREA ONLY.

NO ALCOHOL ALLOWED PAST THIS POINT. PENALTIES MAY APPLY'

in letters no less than 15mm in height;

The Licensee will give effect to this provision **within one (1) month of the date of execution of this undertaking.**

8. Acknowledgements by the Licensee

8.1 The Licensee acknowledges that:

- (a) Any contravention of this undertaking constitutes grounds for disciplinary action within the meaning of section 90 of the Act.
- (b) The Commission may undertake disciplinary action against the licensee for a contravention of this undertaking pursuant to Division 1 of Part 6 of the Act.
- (c) Pursuant to section 133G of the Act, the Commission will register this undertaking in the register of undertakings;
- (d) The undertaking will be available for public inspection and may be published on the Commission's website;
- (e) The Commission and/or Minister for Consumer Affairs may from time to time publicly refer to this undertaking; and
- (f) 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 of undertaking

EXECUTED BY }

UNITED SPORTING CLUB INC)

In accordance with its Constitution or Rules)

STUART AWGE

Name of Committee Member (print name)


Signature of Committee Member


TREASURER

Office held (print)

AND BY

JUSTIN McDONALD

Name of Committee Member /
Public Officer(delete as applicable)

 (secretary)
Signature of Committee Member/
Public Officer (delete as applicable)

Dated the FOURTEENTH day of MAY 2012

Accepted by: KATHERINE DIANE HAMOND


VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION

Dated the Thirty First day of July 2012

- 6.4 The Licensee will develop, document and implement a policy that minors must be supervised by responsible adults on the Licensed Premises in accordance with the Licence and the Act at all times.

The Licensee will give effect to this provision **immediately upon execution of this undertaking.**

- 6.5 The Licensee will develop and retain on the premises a documentation folder containing:

- (a) A copy of the red line plan;
- (b) A copy of this undertaking;
- (c) Evidence of completion of any RSA program, licensee compliance program or other course approved by the Commission that has been completed by any relevant persons; and
- (d) A copy of the policy described in paragraph 6.4 of this undertaking.

The Licensee will ensure that the documentation folder is available for inspection at any time by a Gambling and Liquor Inspector.

The Licensee will give effect to this provision **within one (1) month of the date of execution of this undertaking.**

7. Commencement and duration of the undertaking

- 7.1 This undertaking:

- (a) comes into effect when:
 - (i) it is executed by the Licensee; and
 - (ii) the Commission accepts and signs the undertaking.
- (b) continues in effect for a period of two (2) years from the date of commencement.

2. Description of matters relevant to this undertaking

- 2.1 On 10 December 2011 an inspection of the Licensed Premises was conducted by a Compliance Inspector.
- 2.2 During the inspection, the Compliance Inspector observed:
- (a) an event in progress on the Licensed Premises;
 - (b) that persons under the age of 18 years were present on the Licensed Premises who were not in the company of responsible adults or partaking of a meal and were not on the Licensed Premises for the purpose of preparation for and participation in sporting events;
 - (c) a minor consuming alcohol at the event; and
 - (d) guests consuming alcohol outside of the Licensed Premises.

3. Brief details of the investigation by Responsible Alcohol Victoria

- 3.1 As part of the inspection, the Compliance Inspector conducted an interview with Francis Butcher, President of the Licensee on behalf of the Licensee.

4. Explanation as to why the Commission considers that the conduct contravenes the Act or is of concern

- 4.1 The Commission considers that the conduct described in paragraph 2.2 (b) of this Undertaking contravenes s 120(1) of the Act which provides that if a person under the age of 18 years is on licensed premises and is not in the company of a responsible adult or on the premises for the purpose of partaking of a meal, the licensee is guilty of an offence.
- 4.2 The Commission considers that the conduct described in paragraph 2.2 (c) of this Undertaking contravenes s 119(1) of the Act which provides that a licensee must not supply liquor or permit liquor to be supplied to a person under the age of 18 years.
- 4.3 The Commission considers that the conduct described in paragraph 2.2 (d) of this Undertaking contravenes s 108(1)(a)(i) of the Act which provides that a licensee must not supply liquor or permit liquor to be supplied or permit liquor to be consumed except in accordance with the licence and the Act.