

LIQUOR CONTROL REFORM ACT 1998
ENFORCEABLE UNDERTAKING
SECTION 133F

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

ZARDI HOLDINGS PTY LTD
ACN 006 039 363
WINE CLEARANCE WAREHOUSE
65 NICHOLSON STREET
BRUNSWICK VIC 3056

1. Description of the licensee and other relevant particulars

- 1.1 Zardi Holdings Pty Ltd (ACN 006 039 363) (**the Licensee**) is an Australian proprietary company, limited by shares, registered on the 2nd day of June 1982.
- 1.2 The sole director and company secretary of the Licensee is Concetta Silvana Rocuzzo.
- 1.3 The Licensee holds packaged liquor licence number 32053326 (**the Licence**) which authorises the Licensee to supply liquor on the licensed premises in sealed containers, bottles or cans for consumption off the licensed premises during the trading hours specified in the Licence.
- 1.4 The Licensee trades in respect of the licence under the trading name 'Wine Clearance Warehouse', a liquor retailer, and operates from premises situated at 65 Nicholson Street, BRUNSWICK VIC 3056 (**the premises**).
- 1.5 The Licence authorises the Licensee to supply liquor in respect of the licence on part of the premises.
- 1.6 In this undertaking:
 - (a) *Act* means Liquor Control Reform Act 1998;
 - (b) *Director* means Director of Liquor Licensing;
 - (c) *Minister* means the Minister for Consumer Affairs; and
 - (d) *RAV* means Responsible Alcohol Victoria.

2. Description of matters relevant to this undertaking

- 2.1 Section 108(1)(a) of the Act provides that a licensee must not, except in accordance with the licence and the Act, supply liquor on the licensed premises.
- 2.2 The Licence provides that the Licensee can only supply liquor (which includes offering or exposing liquor for sale) within a defined area shown by a red line on the plan of the premises approved by the Director (**the licensed premises**)

- 2.3 During an inspection of the Licensed Premises by a Compliance Inspector from RAV on 30 May 2011, it was ascertained that liquor was offered for sale on pallets and in refrigerators which were not within the defined area.

3. Details of the investigation by Responsible Alcohol Victoria

- 3.1 A Compliance Inspector from RAV inspected the Licensed Premises on 30 May 2011. During the inspection, the matters set out in paragraph 2 were identified.
- 3.2 A representative of the Licensee, Concetta Silvana Rocuzzo, was interviewed in relation to the matters set out in paragraph 2 above on 6 June 2011.

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

- 4.1 The Director considers that the conduct described in paragraph 2 of this undertaking contravenes section 108(1)(b) of the Act, in that the licensee has supplied liquor other than in accordance with the Licence by offering or exposing liquor for sale in an area outside of the licensed premises

5. Acknowledgement of contraventions/concerns

- 5.1 The Licensee acknowledges the contravention of the Act set out in paragraph 4 above and admits the facts, matters and circumstances described in paragraph 2 above.

6. Undertakings

- 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 shall make application to the Director of Liquor Licensing to vary the size or perimeter of the licensed area in the authorised plan of the premises to encompass the whole of the building at 65 Nicholson Street BRUNSWICK.

The Licensee will give effect to this provision **within 28 days of the execution of this undertaking.**

- (b) The Licensee shall ensure that all staff members employed by the Licensee are aware of the requirement that liquor is to be displayed within the licensed area. All employees are to sign an acknowledgment to this effect and the Licensee shall provide a copy of same to the Director.

The Licensee will give effect to this provision **within 14 days of the execution of this undertaking.**

- (c) The Licensee shall ensure that the director of the Licensee and the manager principally in charge of the day-to-day management and operation of the premises will complete the course entitled

'Licensee Compliance Certificate' delivered by 'Franklyn Scholar' training organisation.

The Licensee will give effect to this provision **within 28 days of the date of execution of this undertaking.**

- (d) The Licensee shall notify the Director of Liquor Licensing of all current associates (within the meaning of section 3AC of the Act) of the licensee.

The Licensee will give effect to this provision **within 14 days 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 Director of Liquor Licensing accepts and signs the undertaking.
- (b) continues in effect for a period of 2 years from the date of commencement.

8. Acknowledgements

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) 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;
- (c) The Director and/or Minister for Consumer Affairs may from time to time publicly refer to this undertaking; and
- (d) 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 ZARDI HOLDINGS PTY)
LTD (ACN 006 039 363) in accordance with)
the requirements of section 127 of the)
Corporations Act 2001 (Cth):

CONCETTA SILVANA ROCCUZZO

Name of sole director and sole company secretary (print)

Conatta S. Rocuzzo

Signature of sole director and sole company secretary

IN THE PRESENCE OF

Aldo Rocuzzo

Name of witness (print)

Aldo Rocuzzo

Signature of witness

Dated the 2ND day of SEPTEMBER 2011

Accepted by:

THE DIRECTOR OF LIQUOR LICENSING VICTORIA

Mark Brennan

Director of Liquor Licensing

Dated the 27th day of SEPTEMBER 2011