

**LIQUOR CONTROL REFORM ACT 1998 (Act)**  
**ENFORCEABLE UNDERTAKING**  
**Section 133F of the Act**

**The commitments in this undertaking are offered to the Director of Liquor licensing by:**

RICHSWAN INVESTMENTS PTY LTD.

**1. Description of the party**

RICHSWAN INVESTMENTS PTY LTD, ACN 130 854 367 (**Licensee**) is a private Australian company, limited by shares. Mr Mario Scerri is the sole director / secretary and shareholder of the Licensee.

The Licensee holds general liquor licence number 32289189 (**Licence**).

The Licensee operates from a licensed premise at 757 Bourke Street, Docklands, better known as THE NIXON HOTEL (**Venue**).

**2. Description of conduct**

The Director of Liquor Licensing (**Director**), acknowledges Mr Scerri's experience in the hotel and liquor industry. However, in view of concerns raised by Victoria Police, the Director wants to ensure that the Licensee operates the Venue in accordance with the Act.

**3. Undertaking**

The Licensee undertakes the following to ensure future compliance with the Act:

If within two years of the date of this undertaking, the Licensee is convicted of an offence under Part 8 of the *Liquor Control Reform Act 1998*. The Licensee will make an application for the approval of two further Directors. Once approval is received these directors will be appointed to the Licensee. The purpose for appointing these directors is to ensure proper corporate governance of the Licensee and to ensure compliance with the Act.

Those new directors must, if required by the Director, carry out any training reasonably required by the Director.

Within three (3) months of this undertaking, Mr Mario Scerri, will at his expense, complete the Licensee Enforceable Undertaking Training, delivered by Franklyn Scholar Hospitality.

**4. Term**

This undertaking comes into effect when it is executed by the parties and will continue for a period of two (2) years from the date of commencement.

**5. Application for enquiry**

The Licensee acknowledges that the Director and other interested parties specified in the Act may make an application to the Victorian Civil and Administrative Tribunal or Relevant Authority under the Act. An application for enquiry may be made for a contravention of this undertaking by the Licensee.

**6. Further acknowledgements**

The Licensee acknowledges that:

- (a) Pursuant to s.133G of the Act, the Director will register this undertaking in the register of undertakings on the internet and this undertaking will be available for public inspection;
- (b) The Director and /or Minister for Consumer Affairs may from time to time publicly refer to this undertaking; and
- (c) This undertaking in no way derogates from the rights and remedies available to any other person in the State of Victoria arising from the conduct by the Licensee that gives rise to this undertaking.

**11. Execution**

Executed by:

RICHSWAN INVESTMENTS PTY LTD.

Director: *Mario Scarpi* .....

Dated the *1st* day of *MARCH* 2012

Accepted by: *MARTIN WALTER TOWLEY* *Delegute of*  
THE DIRECTOR OF LIQUOR LICENSING, VICTORIA.

*MS* .....

Director of Liquor Licensing

Dated the *3rd* day of *February* 2012

*Delegute of the*