

LIQUOR CONTROL REFORM ACT 1998 (the Act)
ENFORCEABLE UNDERTAKING
SECTION 133F

The commitments in this undertaking are offered to the Director of Liquor Licensing (DLL) by:

Collingwood Football Club Limited
A.C.N. 006 211 196
A.B.N. 89 006 211 196
Olympic Boulevard
Melbourne, Victoria 3000

1. Description of the Collingwood Football Club Limited ACN 006 211 196 (Licensee) and other relevant particulars

- 1.1. The Licensee is an Australian public company, limited by guarantee, registered 31 October 1983.
- 1.2. In respect to this undertaking, the licensee is authorised to supply liquor at the following premises:
 - The Beach Hotel, Albert Park (Licence number 31901071);
 - The International, Lilydale (Licence numbers 32121439 / 32231990);
 - The Diamond Creek Tavern, Diamond Creek (Licence number 31912836);
 - The Westpac Centre, Olympic Park (Licence number 36084311 / 32274702); and
 - The Coach & Horses Hotel, Ringwood (Licence number 32150128)

(all hereinafter referred to as “**the Premises**” unless separately identified)

- 1.3. The Victoria Police have alleged certain breaches by the Licensee of the Act in relation to the operation of the Beach Hotel, Albert Park and particulars of which are set out in the Victorian Civil and Administrative Tribunal (VCAT) proceeding B288/2009 *Inspector Lisa Hardeman v Collingwood Football Club Ltd* (**the proceeding**).
- 1.4. The DLL considers the particulars in the proceeding are matters in relation to which the DLL has a power or function under the Act. In particular, a function of the DLL is to ensure that the objects of the Act are achieved, and which objects include to contribute to minimising harm arising from the misuse and abuse of alcohol including by:
 - 1.4.1. Providing adequate controls over the supply and consumption of liquor;

- 1.4.2. Ensuring as far as practicable that the supply of liquor contributes to, and does not detract from, the amenity of community life;
- 1.4.3. Encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community.
- 1.5. The Licensee desires to establish the highest possible practices at the Premises in respect of the supply of liquor.

2. Undertaking

The Licensee undertakes that the Licensee will:

- 2.1. So long as this Undertaking is in force, ensure all directors of the Licensee attend an annual presentation/seminar, conducted by the DLL or a suitably qualified person approved by the DLL, by a date nominated by the DLL (acting reasonably), relating to compliance by licensees with their obligations under the Act, with such presentation/seminar to be in a form approved by the DLL having regard to the provision of this Undertaking.

The Licensee shall provide confirmation to DLL of compliance with the matters in this paragraph not later than fourteen (14) days after the holding of the annual presentation/seminar.

- 2.2. Upon execution of this Undertaking pay to DLL the sum of \$30,000 for the purposes of establishing a community education program (**Program**) which the Licensee undertakes to participate in with the Department of Justice. The Licensee will attempt to have the Australian Football League also become involved in the Program.

The Program, will have a variety of objectives including responsible service of alcohol, appropriate social behaviour on licensed premises, educational facilitation of licensees and involve any other stakeholders within the community and health sector (e.g. VicHealth, Australian Drug Foundation), as agreed with the DLL. The Program will include, but not necessarily be limited to, the education of licensees and directors of licensed sporting clubs in respect of their obligations under the Act.

- 2.3. So long as this Undertaking is in force, the provision of appropriate induction information to all staff at the Premises prior to any staff member commencing employment. Records of the provision of the induction information to staff are to be kept on the Premises and available for inspection by Victoria Police or Compliance Inspectors at any time after **31 March 2011**.
- 2.4. So long as this Undertaking is in force, all staff engaged in the serving of liquor at the Premises must complete a "Responsible Service of Alcohol Training Course" approved by the DLL, within one (1) month

of commencing employment. This requirement is to take effect as and from **31 January 2011**.

2.5. A copy of the executed Undertaking must be made available for inspection at the Premises at the request of Victoria Police or Compliance Inspectors at the Premises. This requirement takes effect as of **31 January 2011**.

3. Commencement and duration of the undertaking

This Undertaking comes into effect when executed by the Licensee and the DLL and will continue to take effect for a period of three (3) years from the date of this Undertaking.

4. Acknowledgement of compliance to undertaking

The Licensee hereby acknowledges the DLL may apply under section 90(1)(bb) of the Act, at any time while this Undertaking is in force, to VCAT to conduct an inquiry into the Licensee, if this Undertaking is not adhered to by the Licensee.

5. Further acknowledgements

The Licensee acknowledges that:

- 5.1. Pursuant to section 133G of the Act, the DLL will register this Undertaking in the Register of Undertakings and the Undertaking will be available for public inspection on the Department of Justice Website;
- 5.2. The Licensee, the DLL and/or the Premier or a Minister of the Government of Victoria may from time to time publicly refer to this Undertaking; and
- 5.3. This Undertaking in no way derogates from the rights and remedies available to any other person arising from the conduct that gave rise to the Undertaking.

6. Execution

Executed by:

COLLINGWOOD FOOTBALL CLUB LIMITED

Director: 

Dated the day of 2010

Accepted by:

THE DIRECTOR OF LIQUOR LICENSING VICTORIA

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Mark Brennan, Director of Liquor Licensing

Dated the *22nd* day of *DECEMBER* 2010