



Undertaking to the Commissioner for Fair Trading

By AIA Investments Pty Ltd ACN 154 761 118 trading as Playground Martini and Tapas Bar

Given In accordance with section 66(2)(b) of the *ACT Civil and Administrative Tribunal Act 2008*,

1. PERSON GIVING UNDERTAKING

- 1.1. This undertaking is given to the Commissioner for Fair Trading by AIA Investments Pty Ltd ACN 154 761 118 trading as Playground Martini and Tapas Bar and located at 1/25 Garema Place, Canberra ACT 2601 ("**Playground Bar**") under section 66(2)(b) of the *ACT Civil and Administrative Tribunal Act 2008*.

2.] BACKGROUND

- 2.1. Playground Bar operates a licensed premises at 1/25 Garema Place, Canberra ACT 2601.
- 2.2. The Commissioner for Fair Trading alleges that Playground Bar exceeded its permitted occupancy loading on three separate occasions, being 20 March 2016, 3 April 2016 and 23 April 2016, as there was more people in the indoor public area than the number allowed under the occupancy loading.
- 2.3. Section 125(1) of the Liquor Act 2010 ("**Liquor Act**") makes it an offence to exceed the occupancy loading for a public area in a licensed premises.
- 2.4. In response to an order of the ACT Civil and Administrative Tribunal 2 June 2017, Playground Bar has offered this Undertaking to the Commissioner for Fair Trading and acknowledges that its conduct contravened section 125(1) of the Liquor Act.

3.] COMMENCEMENT

- 3.1. This undertaking comes into effect when:
 - a) this Undertaking is executed by Playground Bar, and
 - b)] this Undertaking so executed is accepted by the Commissioner for Fair Trading (the Commencement Date).

4.] UNDERTAKING

- 4.1. Playground Bar undertakes for the purposes of section 66(2)(b) of the *ACT Civil and Administrative Tribunal Act* that:

- a) it will develop written policies and procedures in relation to ensuring compliance with occupancy loading - with such policies and procedures to be provided to the Commissioner for Fair Trading within 2 months of these orders being made.
- b) it will train all its current and new staff in relation to policies and procedures regarding compliance with occupancy loading to be undertaken, and records of all such training are to be maintained.
- c) copies of all policies and procedures, and evidence of staff training by Playground Bar, are to be maintained and presented to the Commissioner for Fair Trading (for example to its inspectors from Access Canberra) on the Commissioner for Fair Trading's request.
- d) Each Thursday, Friday and Saturday, the walk-through count of patrons on the premises will be conducted. This count will be over and above any count undertaken by Respondent's door security staff. On the nights in question, the walk is to be conducted at least 6 times between the hours of 11 pm and 4 am and the results of each walk-through count is to be recorded in a log book - that is to be presented to the Commissioner for Fair Trading (for example to its inspectors from Access Canberra) upon the Commissioner for Fair Trading's request.


5. ACKNOWLEDGEMENTS

5.1. Playground Bar acknowledges that:

- a) Access Canberra will make this Undertaking publicly available including by publishing it on the Access Canberra register;
- b) Access Canberra will, from time to time, make public reference to this Undertaking including in news media statements and in Access Canberra publications;

EXECUTED AS AN UNDERTAKING

Executed by **AIA Investments Pty Ltd ACN 154 761 118 trading as Playground Martini and Tapas Bar** pursuant to section 127 of the *Corporations Act 2001*:



Signature of Director



Signature of Director/Company Secretary

ANTONINO ARENA

Name of Director

LUCIA MASTOUS

Name of Director/Company Secretary


6 JUNE 2017

Date

6 JUNE 2017

Date

Accepted by the ACT Commissioner for Fair Trading pursuant to section 66(2)(b) of the *ACT Civil and Administrative Tribunal Act 2008*



David Snowden
ACT Commissioner for Fair Trading

7th June 2017

Date