

## UNDERTAKING TO THE COMMISSIONER FOR FAIR TRADING

BY

BELCONNEN MAGPIES SPORTS CLUB LTD

### PERSONS GIVING UNDERTAKING

- 1) This administrative undertaking is given to the ACT Commissioner for Fair Trading by the Belconnen Magpies Sports Club Limited ("the Magpies Club") of 76-80 Hardwick Crescent, Holt in the Australian Capital Territory in relation to the recent matter concerning a contravention of sections 120(1) and 127(1) of the *Liquor Act 2010 (ACT)* occurring at the Magpies Canberra City Club ("the City Premises") on 28 June 2015.

### BACKGROUND

- 2) The Magpies Club is a community based club in the Australian Capital Territory, with two licenced premises located in Holt (the Holt Premises), as well as the Canberra City.
- 3) The Magpies Club is the liquor licence holder for each of the Holt and Canberra City venues.
- 4) On 28 August 2015, the Magpies Club held a concert event in their City Premises, being an event open to members of the public.
- 5) Through a misunderstanding of its liquor licence responsibilities, the Magpies Club allowed 11 young people under the age of 18 into the City Premises to attend the concert event on 28 August 2015.
- 6) In doing so, section 120(1) of the Liquor Act was contravened. It provides that a person commits an offence if:
  - (a) the person is a licensee; and
  - (b) a child or young person is in an adults-only area of the licensed premises.
- 7) For the avoidance of doubt, the young people in the City Premises on 28 August 2015 did not consume, and were not offered, alcohol. The Magpies Club also took steps to identify the young people in its City Premises through a coloured wrist band system to ensure no alcohol was provided to them. All gaming machines were also made unavailable to all persons in the City Premises on 28 August 2015.
- 8) On 28 August 2015, two emergency exit points of the City Premises were also impeded.

- 9) In doing so, section 127(1) of the Liquor Act was contravened. It provides that a person commits an offence if:
- (a) the person is a licensee; and
  - (b) fails to comply with an approved risk-assessment management plan in force for the licensed premises.
- 10) The impeding of the emergency exit points for the City Premises was in breach of the risk-assessment management plan in force for the City Premises.
- 11) The Magpies Club acknowledges its responsibilities as licensee under the Liquor Act and has voluntarily taken steps to increase the training of its staff, as well as undertaken a review of its risk-assessment management plans across all of its venues.
- 12) The Magpies Club has closed the City Premises club from 30 September 2015. However, the Magpies Club voluntarily will take steps to mitigate the possibility of such incidents occurring in the future by:
- a) updating, and enforcing, new risk-assessment management plans for all of its venues
  - b) requiring managers of its Holt and City Premises to undertake refresher training of its risk-assessment management plan procedures; and
  - c) offering the below undertakings.

#### COMMENCEMENT

- 13) These undertakings come into effect when;
- a) These undertakings are executed by the Magpies Club; and
  - b) The Commissioner accepts these undertakings so executed.

#### UNDERTAKINGS

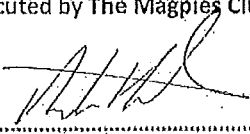
- 14) The Magpies Club undertakes that immediately following the acceptance of these undertakings, and for a 12 month period thereafter:
- a) That all managers and staff, whether casual or permanent will be given in-house training in relation to the emergency procedures for the premises, including instruction advising of the importance to ensure that emergency exits remain unimpeded at all times;

- b) Processes will be put in place for a thorough checking of all identification of all persons who look under the age of 25 years at the entry of the Holt Premises; and
- c) Signs will be installed at the entry of the Holt Premises that all persons who appear to be under the age of 25 years will be asked for identification; and
- d) To provide the Commissioner for Fair Trading with a report for the purposes of assessing compliance with the terms of this undertaking. The report is due on or before 1 October 2016 and must include evidence of the training sessions provided and staff attendance.

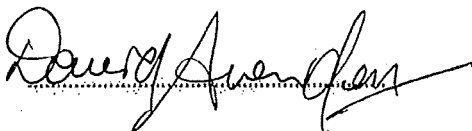
#### ACKNOWLEDGEMENTS

- 15) The parties acknowledge that this undertaking is an agreement between the Magpies Club and the Commissioner for Fair Trading and as such resolves the current matter as between the parties to this undertaking. This undertaking otherwise does not derogate from the rights and remedies available (if any) to any other person arising from the alleged conduct.
- 16) This undertaking will be made publicly available on the public register of undertakings on the Access Canberra website.
- 17) Access Canberra may make public reference to this undertaking, from time to time, including in news media statements and in publications. The Magpies Club may also make public reference to this undertaking, from time to time, including in news media statements and in publications.

Executed by The Magpies Club

  
 ..... Andrew Hunter (Magpies General Manager)

ACCEPTED BY THE FAIR TRADING COMMISSIONER

  
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This <sup>15<sup>th</sup></sup> day of October 2015