



## UNDERTAKING

### *Liquor Licensing Act 1997*

Undertaking given to the Liquor and Gambling Commissioner for the purposes of Section 119A(1) of the *Liquor Licensing Act 1997* by:

### **Glenelg Footballers' Club Inc**

#### **Persons Giving this Undertaking**

1. This undertaking is given to the Liquor and Gambling Commissioner (**the Commissioner**) by Glenelg Footballers' Club Inc in relation to the business conducted under Club Licence 57200106 for the purposes of Section 119A(1) of the *Liquor Licensing Act 1997* (**the Act**).

#### **Background**

2. Glenelg Footballers' Club Inc (**the licensee**) has held a Club Licence 57200106, pertaining to the premises known as Glenelg Footballers Club (**the Club**), located at Glenelg Oval, Brighton Road, Glenelg pursuant to Section 36 of the Act since 26 April 2006.

#### **Conduct of Concern**

3. On 5 September 2020, the licensee held a private player function at the Club. Consumer and Business Services reviewed video footage of the operations conducted under the licence on that night between 11:00PM and 12:00AM.
4. The footage established that patrons were consuming alcohol whilst standing. Patrons were also observed to be dancing in groups of various sizes on the dance floor without adherence to physical distancing principles. A patron was observed to be crowd surfing amongst the other patrons.
5. Clause 12(4) of the *Emergency Management (Public Activities No 9) (COVID-19) Direction 2020* (**the Direction**) provides that onsite purchase and consumption of food or beverages is permitted at a place if food and beverages are only consumed by patrons while seated, and where patrons are seated at tables, the tables are physically separate from any bar or other area for taking orders.
6. Clause 9(2) of the Direction provides that the occupier of a place at which a defined public activity is conducted and any person who conducts a defined public activity at a place must take reasonable steps to ensure that facilities provided at the place allow for compliance with the physical distancing principle during the conduct of the activity.

#### **Contraventions of the *Liquor Licensing Act 1997***

7. The Commissioner considers, and the licensee acknowledges, that by engaging in the conduct described in paragraphs 3 and 4 the licensee contravened Section 119(1) of the Act in that in the course of conducting the business or activity under the licence, the licensee has acted unlawfully by:
  - 7.1. Contravening clause 12(4) of the Direction;
  - 7.2. Contravening clause 9(2) of the Direction.

**Undertaking**

8. The licensee undertakes to ensure compliance with all aspects of the COVID-19 Emergency Management Directions, as amended from time to time, in the course of conducting activities and functions under the licence.

**Commencement of Undertaking**

9. This undertaking comes into effect when:

- 9.1. The undertaking is executed by the licensee; and
- 9.2. The Commissioner accepts the undertaking so executed.


**Acknowledgments**

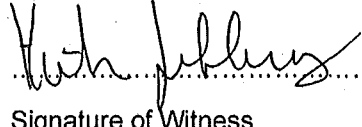
10. The licensee acknowledge that:

- 10.1. CBS will make this undertaking publicly available including by publishing it on CBS' public register of undertakings on its website; and
- 10.2. CBS may, from time to time, make public reference to the undertaking including in news media statements and in CBS publications; and
- 10.3. This undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.

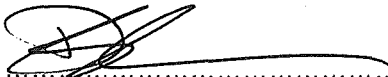
**Executed as an Undertaking**

Executed by Justin Scripps as Interim Chief Executive Officer on behalf of the licensee:

  
 .....  
 Signature  
 Mr Justin Scripps  
 Date: 24-9-20.....

  
 .....  
 Signature of Witness  
 Name of Witness: Kristin Jeffery  
 Date: 24/9/20.....

Accepted by the Liquor and Gambling Commissioner pursuant to Section 119A(1) of the Liquor Licensing Act 1997.

  
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**Dini Soulio**  
**Liquor and Gambling Commissioner**  
 Date: 1/10/20.....