

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

The commitments in this undertaking are offered to the Commission under section 133F of the Act by NMC Concreting Pty Ltd (Applicant).

1. Background

- 1.1. [REDACTED]
- 1.2. On 23 January 2023, the Applicant company applied to the Victorian Liquor Commission (Commission) for transfer of general licence no. 31900253 (Licence) for the premises located at 181 Loddon Valley Highway, Myers Flat, trading as Allies Hotel (Premises).
- 1.3. On 1 March 2023, Victoria Police objected to the application on the basis that [REDACTED] is not a suitable director of the Applicant company.
- 1.4. On 6 June 2023, a delegate of the Commission made a determination refusing the application, and, on 16 June 2023, the Applicant company applied to the Commission for internal review of the decision.
- 1.5. On 26 October 2023, in the hearing of the application, the Commission heard evidence from Dr Simon Kennedy, a clinical psychologist, that [REDACTED] would benefit from further counselling to assist the Applicant company transition into managing the Premises.
- 1.6. Pursuant to section 133F of the Act, the Applicant company gives the below undertaking to the Commission.

2. Undertaking

- 2.1. The Applicant company undertakes that:
 - 2.1.1. Within three (3) months from the date that the Commission signs this enforceable undertaking or grants the application (whichever occurs later), [REDACTED] will recommence counselling with a qualified psychologist.
 - 2.1.2. [REDACTED] will attend a minimum of two (2) counselling sessions over a period of twelve (12) months (Period).

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2.1.3. A first counselling session is to be held on a date between 1 January 2024 and 30 June 2024. A second counselling session is to be held on a date between 1 July 2024 and 31 December 2024.

2.1.4. Each of the required counselling sessions will be held at minimum six (6) months apart.

2.1.5. By the end of the Period, the Applicant company must present the Commission with a letter from a qualified psychologist confirming that [REDACTED] has attended counselling as specified at 2.1.2 – 2.1.4.

2.2. The Commission may consent in writing to the modification of any recommendation in the undertaking in the event that the recommendation is not reasonably able to be implemented.

3. Commencement and duration of the Undertaking

3.1. This undertaking comes into effect when executed by the Applicant company and the Commission and will continue to take effect until the undertaking has been implemented to the reasonable satisfaction of the Commission and, in any event, by no later than 31 December 2024.

3.2. Nothing in clause 3.1 affects the Commission being able to take disciplinary action against the Applicant company where it has contravened any requirements of the undertaking.

4. Acknowledgements

The Applicant company acknowledges that:

4.1. Pursuant to section 133G of the Act, the Commission will register this undertaking in the Register of Undertakings and the undertaking will be available for public inspection on the internet;

4.2. The Applicant company, the Commission and/or the Premier or a Minister of the Government of Victoria may from time to time publicly refer to this undertaking; and

4.3. This undertaking does not fetter the Commission in respect of any other action it may deem appropriate to take, or in any other power or function contained within the Act.

5. Execution

NMC Concreting Pty Ltd. *112*

Director: [REDACTED]

Dated the *17* day of NOVEMBER 2023

VICTORIAN LIQUOR COMMISSION

Deputy Chair:

(John Larkins)

Dated the *21st* day of NOVEMBER 2023

