

LIQUOR CONTROL REFORM ACT 1998 (Vic)
ENFORCEABLE UNDERTAKING
PURSUANT TO SECTION 133F

The commitment in this undertaking is offered to the Victorian Liquor Commission under section 133F of the Act by Twothreeone Pty Ltd (ACN: 138 338 093).

1. Definitions

In addition to terms defined elsewhere in this undertaking, the following definitions are used:

Commission means the Victorian Liquor Commission

the Act means the *Liquor Control Reform Act 1998 (Vic)*

the Licensee means Twothreeone Pty Ltd (ACN: 138 338 093)

the Licence means late night (general) licence no. 31910630

the Premises means 231 Sydney Road, Coburg 3058, trading as Post Office Hotel

sexually explicit entertainment means live entertainment that may be performed for an audience, by a person or persons performing an act of an explicit sexual nature

Undertaking means Enforceable Undertaking made pursuant to section 133F of the *Liquor Control Reform Act 1998 (Vic)*

2. Background

2.1. On 24 January 2001, Truxton Holdings Pty Ltd (ACN: 068 749 351) – the then holder of the Licence – applied to the then Director of Liquor Licensing (**Director**) to amend the Licence so that sexually explicit entertainment could be provided on the Premises.

2.2. On 13 February 2001, the then Director granted the application and amended the Licence to include special conditions applicable when sexually explicit entertainment is provided (**SEE conditions**). The SEE conditions on the Licence are –

*SPECIAL CONDITIONS TO APPLY WHEN SEXUALLY EXPLICIT
ENTERTAINMENT IS BEING PROVIDED*

1 Signage and Promotion

1.1 A sign at least 15 cm high by 40 cm wide stating that:

- *"no person under the age of 18 years may enter these premises"*
- *"sexually explicit entertainment provided on these premises may offend" must be displayed at all entrances and must be clearly visible to any person entering the area where sexually explicit entertainment is provided.*

- 1.2 *"Touting" for business or any activity which actively seeks to encourage persons to enter the part of the licensed premises where sexually explicit entertainment is being provided by means of unsolicited personal approaches, including offers of discounted or free admission, goods or services or by the offer of any other inducement, is prohibited in a public place as defined in section 3 of the Summary Offences Act 1966.*
- 1.3 *"Touting" for business or any activity which actively seeks to encourage persons in a licensed premises where sexually explicit entertainment is being provided to enter another such premises by means of unsolicited personal approaches, including offers of discounted or free admission, goods or services or by the offer of any other inducement, is prohibited. However, licensees that operate two or more licensed premises where sexually explicit entertainment is provided are permitted to promote, advertise or offer inducements in one of their licensed premises, where sexually explicit entertainment is provided, in relation to another of their licensed premises, where sexually explicit entertainment is provided.*
- 1.4 *At all times, the licensee must abide by any guidelines issued by the Victorian Liquor Commission (the Commission) relating to the banning of advertising and promotions that are likely to encourage irresponsible consumption of alcohol or are otherwise not in the public interest, pursuant to section 115A (1) of the Liquor Control Reform Act 1998.*
- 1.5 *At all times, the licensee must ensure that performers and other staff do not perform acts that condone the irresponsible consumption of alcohol.*
- 1.6 *The licensee must not enter into an agreement with a party bus operator (either licensed or unlicensed) whereby patrons of the party bus are offered cheap drinks or other inducements.*

2 Security and Control

- 2.1 *All doorways and windows are to be screened so as to prevent any viewing of the sexually explicit entertainment from outside the premises or from any part of the premises used for other purposes.*
- 2.2 *The licensee shall install and maintain a surveillance recording system able to clearly identify individuals, which shows time and date and provides continuous images of all entrances and exits, bars and entertainment/dance floor areas. The surveillance recording system must operate at all times when the venue is open to the public. A copy of the recorded images must be available upon request for immediate viewing or removal by Victoria Police or liquor inspector, or otherwise retained for at least one month. The positioning of cameras is to be to the satisfaction of the Licensing Inspector or liquor inspector. The surveillance recording system as described above must also be installed in any such other areas of the licensed premises as the Commission may require.*
- 2.3 *Signs are to be displayed in all areas subject to camera surveillance. Such signs shall read: "For the safety and security of patrons and staff this area is under electronic surveillance".*
- 2.4 *No persons, be they staff, patrons or entertainers, who are under 18 years of age are permitted in an area within the licensed premises being used for the purpose of providing sexually explicit entertainment.*
- 2.5 *If the licensed premises are open to the public before 8.00pm and there are at least 50 patrons in attendance at the venue, two crowd controllers, licensed under the Private Security Act 2004, for the first 100 patrons and one additional crowd controller for each additional 100 patrons or part thereof are required to be employed.*
- 2.6 *After 8.00pm crowd controllers, licensed under the Private Security Act 2004 are to be employed at a ratio of 2 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof. One such crowd controller is to be present at the entrance of the premises to monitor the*

behaviour of patrons arriving at or departing from the premises at all times when the venue is open to the public.

3 Activities on the Licensed Premises

- 3.1 The licensee must take all reasonable steps to manage and supervise all aspects of the provision of sexually explicit entertainment so as to ensure that no offences under section 17(1)(d) of the Summary Offences Act 1966 occur on the licensed premises.*
- 3.2 The licensee must develop, within 28 days of the inclusion of these conditions on the liquor licence, a set of "House Rules" for the licensed premises which will establish the standards of conduct and behaviour required of patrons, performers and staff.*
- 3.3 The "House Rules" will describe the management and supervisory arrangements through which the licensee will take all reasonable steps to ensure compliance with the Liquor Control Reform Act 1998 and that no offences under section 17(1)(d) of the Summary Offences Act 1966 occur on the licensed premises. The "House Rules" must include guidelines on the responsible service of alcohol, acceptable photo identification, the prevention of underage drinking and the supply of liquor to intoxicated persons and the prevention of the use of illicit drugs in the premises.*
- 3.4 The "House Rules" must be retained on the premises in the possession of the licensee, manager or other person in charge. The "House Rules" must be available to an authorised member of the Victoria Police or liquor inspector if requested and be provided to the Commission within 28 days of the inclusion of these conditions on the liquor licence.*
- 3.5 The licensee shall take all reasonable steps to ensure that the "House Rules" are made known to all staff and performers and that those rules which contribute to compliance with the Liquor Control Reform Act 1998 and the prevention of offences under section 17(1)(d) of the Summary Offences Act 1966 are fully complied with.*

3.6 *There shall be no sexually explicit entertainment provided in areas that are not visible from the public areas of that part of the licensed premises used for the provision of sexually explicit entertainment.*

3.7 *Video or audio presentations which include either hard core pornography, X rated or equivalent material may not occur on the licensed premises.*

4 Responsible Service of Alcohol

4.1 *At all times, the licensee must abide by any guidelines relating to the responsible service of alcohol and intoxication issued by the Commission, pursuant to section 3AB (2) of the Liquor Control Reform Act 1998.*

4.2 *The licensee must take all reasonable steps to adequately supervise and manage all staff to ensure the responsible service of alcohol in the licensed premises, at all times.*

2.3. Since 17 February 2010, the Licensee has been the holder of the Licence.

2.4. On 14 August 2024, the Commission was notified that sexually explicit entertainment is no longer provided at the Premises.

3. Undertaking

3.1. The Licensee undertakes that:

3.1.1. Except as provided in clause 3.1.2, the Licensee will not provide sexually explicit entertainment at the Premises.

3.1.2. If the Licensee intends for sexually explicit entertainment to be provided at the Premises, the Licensee must give written notice to the Commission not less than 28 days before any intended date for the provision of sexually explicit entertainment at the Premises.

3.2. The Licensee acknowledges that renewal fees for the Licence are adjusted if sexually explicit entertainment is provided at the Premises at any time.

4. Effect of non-compliance

4.1. The Licensee acknowledges that failure to comply with this undertaking may result in the Commission pursuing disciplinary action against the Licensee in accordance with Part 6, Division 1 of the Act.

5. Commencement and duration of the Undertaking

5.1. This undertaking comes into effect when executed by the Licensee and the Commission and will continue to take effect for the duration that the Licensee holds the License.

6. Acknowledgements

The Licensee acknowledges that:

- 6.1. 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;
- 6.2. The Licensee, 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
- 6.3. 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.

7. Execution

Twothreeone Pty Ltd (ACN: 138 338 093)

Director: 

Danial Jon Caneva

Dated the 22nd day of NOVEMBER 2024

VICTORIAN LIQUOR COMMISSION

A/Chair: 

(John Larkins)

Dated the 29th day of NOVEMBER 2024