

## 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:

SRSG Pty Ltd and Anil Kumar Hanumanula and Srinivasa Rao Mandalapu

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

1. This undertaking is given to the Liquor and Gambling Commissioner (**the Commissioner**) by SRSG Pty Ltd and Anil Kumar Hanumanula and Srinivasa Rao Mandalapu in relation to the business conducted under General & Hotel Licence, number 57004746, for the purposes of Section 119A(1) of the *Liquor Licensing Act 1997* (**the Act**)

#### **Background**

2. SRSG Pty Ltd (**the licensee entity**) is the holder of a General & Hotel Licence, number 57004746 (**the licence**), pertaining to the premises known as Nundroo Hotel Motel (**the Premises**), located at 61660 Eyre Highway, Coorabie, South Australia, pursuant to Section 32 of the Act since 27 February 2017.

ASIC records confirm that Anil Kumar Hanumanula and Srinivasa Rao Mandalapu are the Directors of the licensee entity.

Anil Kumar Hanumanula and Srinivasa Rao Mandalapu, as Directors, each occupy a position of authority in the licensee entity and the provide this undertaking to the Commissioner on the basis that they are each vicariously liable for the conduct of the licensee entity, pursuant to section 134 of the Act.

#### **Conduct of Concern**

3. On 10 March 2023 the licensee entity failed to record the identification details of the purchaser of one (1) six-pack of beer and two (2) multipacks of pre-mixed Ready To Drink (**RTD**) liquor, sold for consumption off the licensed premises, in contravention of Attachment A conditions 4 to 5 of the licence.
4. On 11 March 2023 the licensee entity failed to record the identification details of the purchaser of two (2) six-packs of beer, sold for consumption off the licensed premises, in contravention of Attachment A conditions 4 to 5 of the licence.
5. On 13 March 2023 the licensee entity failed to record the identification details of the purchaser of three (3) six-packs of beer and two (2) multipacks of pre-mixed RTD liquor, sold for consumption off the licensed premises, in contravention of Attachment A conditions 4 to 5 of the licence.

Attachment A conditions 4 and 5 of the licence states:

4. *A register of all transactions for consumption off the premises must be kept and maintained by the licensee for 12 months and produced to an authorised officer on request.*
5. *The register must record the following details: - Purchaser's name and address- Details of photographic identification produced.*

6. It has been established that Anil Kumar Hanumanula, Director of the licensee entity, has assumed a position of authority over the licensee entity without the approval of the Commissioner, contrary to section 98(1) of the Act.

### **Contraventions**

7. Section 45(1) of the Act relevantly provides:

- (1) If a condition of a licence is not complied with—*
    - (a) the licensee is guilty of an offence;*

The Commissioner considers, and Anil Kumar Hanumanula, Srinivasa Rao Mandalapu and the licensee entity acknowledge, that:

- a. by permitting the conduct described in paragraphs 3, 4 and 5 the licensee entity has contravened section 45(1) of the Act; and
    - b. there are proper grounds for disciplinary action pursuant to sections 119(1)(b)(ii) and 134 of the Act.

8. Section 98 of the Act relevantly provides:

- (1) A person must not assume a position of authority in a trust or corporate entity that holds a licence (other than a short term licence or club licence) without the approval of the licensing authority.*

- (2) A person who contravenes subsection (1) is guilty of an offence.*

The Commissioner considers, and Anil Kumar Hanumanula, Srinivasa Rao Mandalapu and the licensee entity acknowledge, that:

- a. by permitting the conduct described in paragraph 6 the licensee entity has contravened section 98(2) of the Act; and
    - b. there are proper grounds for disciplinary action pursuant to section 119(1)(b)(viii)(B) and 134 of the Act.

### **Undertaking**

9. The licensee entity, and Anil Kumar Hanumanula and Srinivasa Rao Mandalapu undertake to the Commissioner that within 28 days of the date of this undertaking, the licensee entity will ensure that use of the the ID Scan SA application, which is an App developed by the South Australian Government to assist licensees to comply with liquor restrictions, will be implemented at the Premises.

10. The licensee entity consents to a variation of the attachment A conditions of the licence, to reflect that:

- (1) Customers may only make one purchase of liquor per person per day for consumption off the premises in the Ceduna region (includes Ceduna, Thevenard, Smoky Bay, Penong and Nundroo/Corrabie).*
  - (2) Within that purchase, the following limits apply to restricted items: Up to two bottles of spirits (not exceeding 750ml).*
  - (3) The licence does not authorise the sale or supply of the following for consumption off the licensed premises: Cask wine and fortified wine, except to other licensees.*

- (4) *Customers may purchase unrestricted items such as beer/wine within their one purchase. Customers who attend any bottleshop for a second or subsequent purchase on the same day must be refused service by the licensee.*
- (5) *The restrictions limiting the volumes of cask wine, spirits and fortified wine/port do not apply to the following persons: managers and supervisors of station properties; managers and supervisors of companies operating mining ventures; other licensees.*
- (6) *The licensee shall not sell liquor for consumption off the premises to any person residing in a prescribed land.*
- (7) *Prescribed land, for the purposes of the licence conditions, includes persons residing in the communities of Maralinga Tjarutja/ Oak Valley, Yalata, Umoona, Anangu Pitjantjara Yankunytjatjara Lands, Northern Territory communities of Docker River/ Kaltukutjara, Imanpa/ Mt Ebenezer, Hermannsburg/ Ntarja, Maryvale/ Tjikala, Santa Teresa/ Ltyentye Apurte and Finke/ Aputula, Western Australia communities of Ngaanyatjarru Lands and Tjuntjuntjara.*
- (8) *The licensee must require photographic identification (driver's licence or proof of age card) to be shown when purchasing any liquor for consumption off the premises and licensees must use ID Scan SA for any purchase of liquor for consumption off the premises.*
- (9) *If ID Scan SA is not in operation for any reason outside of the licensee's control, the details of the purchase of any restricted items must be recorded (date, document number of ID, name, suburb, type of liquor and quantity purchased), either handwritten or electronic for the purpose of monitoring daily limits and those manual records are to be retained by the licensee for three months.*
- (10) *The trading hours for the sale of liquor for consumption off the licensed premises are extended to 2am on New Year's Eve.*
- (11) *The licensee shall not allow any person who is displaying ochre paint on the face or body to enter or remain on the premises.*
- (12) *The licensee shall not allow service of alcohol for consumption on or consumption off premises to any person who is displaying ochre paint on their face or body.*
- (13) *The exemption from the Responsible Person requirements is granted on the condition that a licensee must be contactable by phone at all times the premises is open for trade.*

8. The licensee entity will periodically provide the Commissioner with sales reports, when requested, to verify that the ID Scan application is being used in accordance with the conditions above.
9. Anil Kumar Hanumanula will apply to the Commissioner to hold a position of authority within the licensee entity.

#### **Commencement of Undertaking**

10. This undertaking comes into effect when:

1. The undertaking is executed by the licensee entity; and
2. The Commissioner accepts the undertaking so executed.

### Acknowledgments

11. The licensee entity acknowledges that:

1. CBS will make this undertaking publicly available including by publishing it on CBS' public register of undertakings on its website; and
2. CBS may, from time to time, make public reference to the undertaking including in news media statements and in CBS publications; and
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 Anil Kumar Hanumanula as Director (natural person) and on behalf of SRSG Pty Ltd (licensee entity):



.....  
Signature  
Anil Kumar Hanumanula

Date: 04.01.24.....



.....  
Signature of Witness  
Name of Witness: Srinivasa Rao Nuvvala

Date: 04.01.24.....

Executed by Srinivasa Rao Mandalapu as Director (natural person) and on behalf of SRSG Pty Ltd (licensee entity):



.....  
Signature  
Srinivasa Rao Mandalapu

Date: 04.01.24.....



.....  
Signature of Witness  
Name of Witness: Srinivasa Rao Nuvvala

Date: 04.01.24.....

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

  
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Dini Soulio *Fraser W. STRAULD*  
Liquor and Gambling Commissioner

Date: 09/01/24