



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

Greenacres Football Club Inc

Persons Giving this Undertaking

1. This undertaking is given to the Liquor and Gambling Commissioner (the **Commissioner**) by Greenacres Football Club Inc in relation to the business conducted under Club Licence 57213159 for the purposes of Section 119A(1) of the *Liquor Licensing Act 1997* (the **Act**).

Background:

2. Greenacres Football Club Inc (the **licensee**) has held a Club Licence 57213159 pertaining to the premises known as Greenacres Football Club (the **Club**), located at EJ Smith Reserve, Grand Junction Road, Northfield pursuant to Section 36 of the Act since 4 August 2017.

Conduct of Concern

3. On 12 September 2020, the licensee held a private function at the Club. Consumer and Business Services reviewed the affidavit provided by a South Australia Police Licensing Enforcement Branch (SAPOL) officer who attended the Club at approximately 5:47 pm.
4. The officer in attendance observed patrons consuming alcohol whilst standing in the outdoor area of the premises. There were no tables or chairs in the outdoor area. The officer also observed 25-30 patrons inside the premises consuming alcohol whilst standing. These patrons were congregated together with no physical distance being displayed. Further, the officer observed a female stripper sitting naked on the lap of a fully clothed male.
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.
7. Pursuant to section 105(2) of the Act, a licensee must not use any part of the licensed premises for the purpose of providing prescribed entertainment except in accordance with the consent of the licensing authority. 'Prescribed entertainment' is defined as 'entertainment of a sexually explicit nature'.
8. The licensee had not obtained the consent of the licensing authority to provide prescribed entertainment.

Contraventions of the *Liquor Licensing Act 1997*

9. 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 contravening:
 - 9.1. Clause 12(4) of the Direction;
 - 9.2. Clause 9(2) of the Direction;
 - 9.3. Section 105(2) of the Act.

Undertaking

10. The licensee undertakes to the Commissioner that it will:

- 10.1. Not use any part of the licensed premises for the purposes of providing prescribed entertainment without the consent of the licensing authority; and
- 10.2. Ensure future compliance with all aspects of the Emergency Management Directions, as amended by time to time, in the course of conducting activities and functions under the licence.

Commencement of Undertaking

11. This undertaking comes into effect when:

- 11.1. The undertaking is executed by the licensee; and
- 11.2. The Commissioner accepts the undertaking so executed.

Acknowledgments

12. The licensee acknowledge that:

- 12.1. CBS will make this undertaking publicly available including by publishing it on CBS' public register of undertakings on its website; and
- 12.2. CBS may, from time to time, make public reference to the undertaking including in news media statements and in CBS publications; and
- 12.3. 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 Duncan Tilley as the President on behalf of the licensee:


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Signature
Duncan Tilley
Date: 23/9/2020


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Signature of Witness
Name of Witness: Vanessa Hurrell
Date: 23/9/2020

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

