

Liquor Control Reform Act 1998 (the Act)
Enforceable undertaking pursuant to section 133F

ALDI Stores ((A Limited Partnership) ABN 90 196 565 019; ACN 086 210 139) ('ALDI Stores') is the holder of a number of liquor licences in Victoria. For the purposes of this undertaking, a reference to **Licensee** below is a reference to any liquor licence held by ALDI Stores pursuant to the Act at the time this undertaking is executed.

This undertaking is offered to the Victorian Liquor Commission (the **Commission**) under section 133F of the Act by the Licensee.

1. Background

1.1. The Act does not automatically prohibit the use of self-checkouts (**SCOs**) to sell liquor when a licensee has a remote checkout authority under section 11(2) of the Act (known as a '**Section 11(2) Supermarket Checkout Authorisation**').

1.2. Despite the absence of a statutory prohibition, the Commission has discretionary powers under:

- section 49 of the Act to impose conditions on the grant of an application, and
- section 58 of the Act to vary a licence to impose a new condition

where such conditions may relate to, or prohibit, the practice of SCOs that permit the sale of liquor.

1.3. All ALDI stores located in Victoria that supply liquor have their own liquor licence. For all of these licences, the Commission has determined and specified on each licence a Section 11(2) Supermarket Checkout Authorisation.

1.4. The Commission became aware of ALDI's intention to use SCOs to sell liquor in late 2022.

1.5. The Commission is mindful of the increased risk profile associated with SCOs that permit the sale of liquor, particularly as SCOs may be used by minors and intoxicated patrons.

1.6. Rather than amending the Licensee's licences with a condition that explicitly prohibits the sale of liquor via SCOs, on 30 June 2023 the Commission varied, pursuant to section 58 of the Act, the Section 11(2) Supermarket Checkout Authorisation on all licences held by the Licensee with new conditions to mitigate the risks associated with SCOs that may be used by minors and intoxicated patrons.

1.7. Specifically, those new conditions state the following:

'Where a self-checkout (SCO) is in operation and permits the sale of liquor:

- *for any liquor item scanned on a SCO by a customer who appears under the age of 25 years, a SCO attendant - who is of or over the age of 18 years - must verify the age of the customer by sighting a current evidence of age document (for example, a proof of age card, a driver licence, a passport) before the customer pays for any liquor item.*
- *for any liquor item scanned on a SCO, a SCO attendant must remain with the customer at the SCO area until payment for any liquor item has been processed by the SCO.*
- *the licensee must ensure that any liquor item is identified and raises a flag on the SCO. Further, the licensee must have an audit or assurance process in place to mitigate the risk of any liquor item not being flagged on the SCO. Records of the audit or assurance process and its outcomes must be made available to a liquor inspector or Victoria Police upon reasonable request.*

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- *the licensee must install and maintain security cameras in any area where a SCO is located. The security cameras must identify a customer, show the entire transaction of a SCO (including interactions between a customer and the SCO attendant), and record the date and time of the transaction. A copy of the recording must be retained for at least 21 days and be made available to a liquor inspector or Victoria Police upon request for immediate viewing or removal.'*
- 1.8. The Licensee was advised that as it has been more than twelve months since the variation of licences described at clause 1.6 above, the Commission was intending on requesting records of the audit or assurance process and its outcomes as described in the conditions of the preceding clause above. However, before making such a request, the Commission is aware that certain ALDI stores operated by the Licensee display signage in or near their SCO areas that state 'Alcohol can no longer be purchased from Self-Checkouts'.
- 1.9. On the basis that the Licensee is no longer permitting the sale of liquor via SCOs at any of its ALDI stores in Victoria, the Commission:
- (a) given it maintains its concerns about the increased risk profile associated with self-checkouts that permit the sale of liquor and its potential harmful impact on minors and intoxicated patrons, is considering varying all licences held by the Licensee under section 58 of the Act to impose a new condition that explicitly prohibits the sale of liquor via SCOs, and
 - (b) should it proceed with the abovementioned variation, will at a later date proceed with a separate variation under section 58 of the Act to reinstate the SCO conditions described at clause 1.7 above if the Licensee advises that it wants to resume using SCOs that permit the sale of liquor.
- 1.10. In relation to the preceding clause, the Licensee advised the Commission in writing on 4 December 2024 that none of its ALDI stores located in Victoria currently permit the sale of liquor via a SCO.
- 1.11. In good faith, the Commission accepts that the Licensee has ceased permitting liquor to be sold via its SCOs, and will not proceed with the variation described at clause 1.9(a) above subject to the execution of this undertaking.
- 2. Undertaking**
- 2.1. The Licensee undertakes to advise the Commission in writing if any of the ALDI stores located in Victoria resume the practice of enabling liquor to be sold via SCOs.
- 2.2. For any ALDI store located in Victoria that resumes this practice, the Licensee must advise the Commission:
- (a) within 21 days of that particular store doing so,
 - (b) of the particular store's address and the date that that store resumed this practice.
- 2.3. The Licensee may withdraw or vary the undertaking described at clauses 2.1 and 2.2 above, if the Licensee has first obtained the consent of the Commission.

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3. Commencement and duration of the Undertaking

- 3.1. This undertaking comes into effect when executed by the Licensee and the Commission and will continue to take effect for as long as the Licensee holds liquor licences in Victoria.
- 3.2. Nothing in clause 3.1 above affects the Commission being able to take disciplinary action against the Licensee where the Licensee has contravened any requirements of the undertaking.

4. Acknowledgements

- 4.1. The Licensee acknowledges that:
- (a) 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
 - (b) the Licensee, the Commission, the Premier and/or a Minister of the Government of Victoria may from time to time publicly refer to this undertaking, and
 - (c) 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

Executed by:

ALDI Stores ((A Limited Partnership) ABN 90 196 565 019; ACN 086 210 139)

Managing Director, Mr David Zalunardo _____


Signature

Dated the 9th day of DECEMBER 2024

Liquor Control Victoria for the Victorian Liquor Commission

Director Licensing and Transformation, Ms Erin Williams _____


Signature

Dated the 9th day of DECEMBER 2024