

# Decision Notification

## Application Details

|                  |   |
|------------------|---|
| Application no.  | 220058, 220059  |
| Licence No.      | 57000221  |
| Licence Class    | General & Hotel   |
| Premises Name    | Blue Gums Hotel   |
| Premises Address | 345 Hancock Road<br>FAIRVIEW PARK SA 5126   |
| Licensee         | BG Leasehold Pty Ltd  |
| Applicant        | Harvest Pub Operations 3 Ltd  |
| Application Type | Application for Transfer of Licence, Application for the Approval of Profit Sharing Agreement |
| Representative   | Ben Allen - Wallmans Lawyers  |

## Outcome

|                |                   |
|----------------|-------------------|
| Decision       | Conditional Grant |
| Effective Date | 01 Feb 2023       |

## Requirements

The requirement to provide the following in support of the application has been waived:

The requirement to advertise the application by notice placed on the premises

The following requirements in support of the application have been satisfied:

Landlord's consent has been obtained

The application has been advertised

## People

### Position of Authority

The following persons are approved to occupy any position of authority in the entity holding the licence:

- Aaron Philip Day (104186)
- Christopher Roger Johnson Cornforth (173387)
- Fraser William Haughton (173388)
- Monica Sebouhian (173389)
- Zoe Jane Tanner (173390)
- Alexander James Mulhall (173391)

## Licensee

### Transfer

The licence is transferred on the condition that the applicant advises our office once settlement has occurred. Once our office has been advised, a further order will be made and the licence updated.

This conditional approval will expire after 60 days from the date of this order.

## Profit Sharing Agreement

I approve the agreement between Harvest Pub Operations 3 Ltd and Harvest Hotels Pty Ltd as trustee for Harvest Hotels Unit Trust subject to the following conditions:

- Nothing in this approval or in the terms of the Agreement between the parties shall relieve the licensee of its duties or liabilities under the Act.
- The approval is for the period specified in the agreement and there shall be no changes or alterations to the agreement without the prior approval of the Licensing Authority.
- Nothing in this approval or in the terms and conditions of the agreement between the parties shall relieve the unlicensed entity of its duties and liabilities under the law of South Australia.
- It is a requirement under section 99(3) of the Act that the business conducted under the Agreement be conducted under the personal supervision and management of a natural person approved by the licensing authority.
- The licensee will maintain accounts and records in accordance with the Act and its Regulations for inspection by an authorised officer.

I also approve the Investment Management Agreement between AMAL Trustees Pty Limited (as trustee for Harvest Pub Fund Trust 3), AMAL Security Services Pty Limited (as trustee for the Sub-Trust), Harvest Pub Operations 3 Ltd and Harvest Hotels Pty Ltd (as trustee for harvest Hotels Unit Trust), subject to the conditions set out above.

## Reasons for Decision

In reaching my determination, I have had regard to the objects of the *Liquor Licensing Act 1997*.

Pursuant to section 63 of the Act, I am satisfied that each person who occupies a position of authority in the corporate entity seeking to hold the licence, is a fit and proper person to occupy such a position in an entity holding a General and Hotel Licence.

Pursuant to section 72 of the Act I am satisfied that the lessor/ landlord has consented to the transfer.

I do not consider that there is any other reason why I should refuse the application under the broad discretion available in section 53 of the Act. The application to transfer the General and Hotel Licence is approved on the conditional basis noted above.

I am satisfied that there is a good reason to approve the 2 profit sharing agreements / arrangements that have been submitted to the Licensing Authority for approval, and that the agreements or arrangements will not adversely affect the rights and reasonable expectations of persons presently in employment.

## Under Delegation from the Liquor and Gambling Commissioner

*P. Bertram*

Paul Bertram

Hearings Delegate

01 Feb 2023

