

Decision Notification

Application Details

Application no.	219750, 219749
Licence No.	57606069
Licence Class	Liquor Production & Sales
Premises Name	The Lane Wine Company
Premises Address	Lot 22 Paech Brothers Road HAHNDORF SA 5245
Licensee	The Lane Wine Company Pty Ltd
Application Type	Variation to Conditions (Upgrade), Application for Redefinition

Outcome

Decision	Granted
Effective Date	17 Jan 2023

Premises

Capacity

The capacity of the venue is set at 196.

Alterations/Redefinition

I redefine the licensed premises in accordance with the plan lodged with the application.

The licensed area is outlined in red on the approved plan.

The redefinition is to increase out onto the outdoor area of the existing winery and to include their restaurant area as part of this license.

Exemptions

The following exemptions are removed from the licence

- Responsible Person

Conditions

The following conditions are added to the licence

- The trading hours are extended to 11:30pm on public holidays.

The following conditions are removed from the licence

- 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.

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	10:00 am to 4:00 pm	-
Tuesday	10:00 am to 4:00 pm	-
Wednesday	10:00 am to 4:00 pm	-
Thursday	10:00 am to 4:00 pm	-
Friday	9:00 am to 11:30 pm	-
Saturday	9:00 am to 11:30 pm	-
Sunday	9:00 am to 10:30 pm	-

Reasons for Decision

The licence previously had an exemption on their licence from the requirements to have a responsible person present at the licensed premises at all times pursuant to section 97(1) of the Act.

The threshold to be granted an exemption from these requirements is that the licensing authority must be satisfied that, in view of the limited scope of a business conducted under a licence, an exemption would not compromise the principle of responsible service of alcohol and consumption of liquor. As they have now sought to increase their licensed area and capacity the appropriateness of the exemption should therefore be re-assessed in light of this variation.

The requirement under section 97 of the Act supports the second object of the the Act 'to ensure that the sale, supply and consumption of liquor is undertaken safely and responsibly, consistent with the principle of responsible service and consumption of liquor.' The principle of responsible service of alcohol is an important aspect of the licensing regime and contributes to overall public safety surrounding the consumption of liquor.

The Act only allows me to grant an exemption where the business carried on under the licence (i.e. the sale and supply of liquor) is of such a limited scope that the premises can be supervised and managed through other means.

I note that the premises will now trade with a potential maximum capacity of 196 persons. Further, the licence class is a liquor production and sales licence with consumption of liquor occurring on the licensed premises. The sale and supply of liquor is not ancillary to some other purpose, it is their primary purpose as they produce and sell liquor. I am therefore not satisfied that the business that will be conducted under the licence (being the sale and supply of liquor) will be of a limited scope.

For this reason, the exemption from the responsible person requirements (and associated condition) are revoked. Therefore, at all times the premises are open to the public the licensee must ensure that a responsible person, or person approved in a position of authority in the licensee entity, are present to supervise and manage the business.

Under Delegation from the Liquor and Gambling Commissioner



Ashleigh Hughes
Manager, Liquor & Gaming

17 Jan 2023

