

# Decision Notification

## Application Details

Application no.	210653
Licence No.	57101158
Licence Class	On Premises
Premises Name	Spear Creek Tourism And Training Centre
Proposed Premises Name	Spear Creek Caravan Park
Premises Address	Sec. 43 Hundred Of Woolundunga MT REMARKABLE SA 5710
Licensee	Hearde, E, L M & K
Applicant	T A Herde Pty Ltd
Application Type	Application for Transfer of Licence
Representative	Ryan Edwards - Carrington Conveyancers

## Outcome

Decision	Granted
Effective Date	29 Sep 2021

## 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:

- Tom Alexander Herde (168568)

## Premises

### Premises Name

I note that the premises name has changed to Spear Creek Caravan Park.

## Licensee

### Transfer

The licence is transferred to T A Herde Pty Ltd effective from 29 Sep 2021.

The licence is transferred, subject to settlement taking place on or before that date. If settlement does not take place on or before that date the applicant must advise this office in writing of the new settlement date.

## Reasons for Decision

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

It is a requirement under section 97(1) of the *Liquor Licensing Act 1997* (the Act) that premises must be personally supervised by a responsible person at all times that they are open to the public, however under section 97(2) of the Act the Commissioner may exempt a licensee from this requirement and approve alternative arrangements for the supervision and management of the business.

I note that the licensee currently has an exemption from this requirement.

As part of the application for the transfer of licence, I have reviewed this exemption and asked the applicant to provide a submission as to why the exemption should remain on the licence. The applicant has submitted the following:

We confirm that the reason for the submission for the responsible person exemption is that the responsible person will not be able to supervise and manage the whole licensed area in its entirety at any given time as the licensed area is quite significant. The scope of the business is that it is a tourism centre and a caravan park. The customers can purchase alcohol at the tourism centre and then camp anywhere in the licensed area and consume alcohol. The responsible person will be available by phone and be able to attend the premises if required. The current licensees are exempt pursuant to Section 97(2) and sub-section 1(a) of the Act and the proposed Licensee will require the same exemption.

The requirement under section 97 of the Act supports the second object of 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. In deciding whether to grant an exemption from these requirements the interest of the public should be weighed against the burden of ensuring a responsible person is present at all times on a licensee.

I note that the licensee is responsible for the supervision and management of the whole licensed premises when open to the public as required by section 97(2) of the Act.

I note that the licensed premises is located between Stirling North and Wilmington, each of these towns are approximately 20kms from the Spear Creek Tourism And Training Centre. The category of licence held at the premises is an on premises licence, therefore the licensee is unable to sell liquor for consumption off (take away) from the licensed premises. The licensed premises is not open to the general public but rather to guests seeking accommodation at the premises. The applicant proposes that customers can purchase alcohol at the tourism centre and then camp in the licensed area and consume alcohol.

Given the nature of the premises, I am satisfied that they will likely trade as they have outlined in their submission and the business conducted under the licence will be of limited scope.

I am satisfied that maintaining the responsible person exemption on the licence will not compromise the responsible sale, supply or consumption of liquor. The exemption therefore remains on the licence on condition that the responsible person be contactable by phone at all times the premises is open for trade.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson  
Hearings Delegate  
29 Sep 2021