

Decision Notification

Application Details

Application no.	210612, 210691
Licence No.	57213955
Licence Class	Club
Premises Name	AU Graduates Clubhouse
Premises Address	Park 10, Mackinnon Parade North Adelaide SA 5006
Applicant	Adelaide University Sport and Fitness Association Incorporated
Application Type	Application for a Liquor Licence, Application for Exemption\Responsible person
Representative	Christine Carter - Clubs SA

Outcome

Decision	Granted
Effective Date	22 Feb 2022

Procedural

I allow the applicant to vary their application as follows:

Under section 51(3) of the *Liquor Licensing Act 1997* (the Act), I allow the applicant to vary the application to reduce the proposed trading hours.

Requirements

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

- Landlord's consent has been obtained
- The application has been advertised
- All approvals, consents or exemptions have been obtained
- The applicant has satisfied the relevant eligibility criteria to hold a licence of this class

People

Committee Members

I note the following persons are part of the committee of management of the club:

- David Penn (168368)
- April Zimmermann (168369)
- Sonya Battersby (168370)
- Leo Panzarino (168371)
- Jack Brady (168372)
- Josie Smernik (168373)
- Will Raven (168374)
- Oliver Douglas (168375)

Premises

New Premises

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

Capacity

The capacity of the venue is set at 120.

Licensee

I am satisfied that the applicant is eligible to hold a club licence under section 36(5) and (7) of the Act.

Exemptions

The following exemptions are added to the licence

- Responsible Person

Conditions

The following conditions are added to the licence

- A senior staff member of Adelaide University Sport and Fitness is to be contactable by mobile phone at all times the premises remains open for trade and must be available to provide support and/or urgently attend the premises if necessary.

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	6:00 pm to 9:00 pm	-
Tuesday	6:00 pm to 9:00 pm	-
Wednesday	6:00 pm to 9:00 pm	-
Thursday	6:00 pm to 9:00 pm	-
Friday	6:00 pm to 10:00 pm	-
Saturday	Midday to 10:00 pm	-
Sunday	Midday to 8:00 pm	-

Reasons for Decision

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

Background

The Adelaide University (AU) has applied to surrender the liquor licences of five of its clubs and seeks to have new licences granted for the respective venues. The new licensed entity in each case will be the Adelaide University Sport and Fitness Association Inc (AUSF), the goal being to improve administration and accountability by establishing a single more professionally operated parent association across the clubs.

Exemption from the Responsible Person Requirements

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. An exemption can only be granted if the licensing authority is 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.

The requirement under section 97 of the Act supports the second object of the "...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.

The applicant has applied for an exemption from this requirement and submitted the following reasons why they should be granted an exemption:

"While a vital revenue raiser, the sale of liquor is secondary to the Club operations in that people gather at the Club to play or support their particular sport. This is important to highlight as these Clubs do not operate in the same manner as say a nightclub or pub in the evenings, which are established to cater for people to simply drink, dance (pre COVID) and to make a connection.

The Clubs' capacities and trading hours also support their low risk profile, which is further enhanced by:

o (To the best of our knowledge), since their inception, none of the AU Clubs have attracted disciplinary action or penalties for liquor licensing non-compliance;

o CBS's risk thresholds applied to their compliance and enforcement activities acknowledge Clubs of this type are not "high risk";

This lower level of risk is confirmed by the statistics which show that not for profit sports and community clubs experience very few compliance matters before CBS and also inconsequential appearances before the liquor licensing court as compared to the "for profits".

Most Clubs, including these University Clubs are operated by volunteers who donate their time and energy free of charge. While all are willing to undertake RSA training as they understand the importance of serving, supplying and consuming liquor responsibly; the cost and imposition of applying to become an RP makes it extremely unattractive which results in very few volunteers willing to take on the role. In turn, this results in too few doing too much which is simply unsustainable. There are also numerous instances where people become RPs only to then "move on", often at short notice, leaving the Club without anyone to "manage" the venue.

AUSF is an incorporated Body with an appointed committee. The committee members have many legal obligations, with severe penalties applying accordingly. It is important to highlight this as AUSF initiated this application process over two years ago now, with an intent to create, on behalf of the AU sporting Clubs, the highest possible level of

professionalism, consistency and compliance with the liquor laws. This ethos adds credence to the consideration of a conditional RP exemption such as:

A senior staff member of Adelaide University Sport and Fitness is to be contactable by mobile phone at all times the premises remains open for trade and must be available to provide support and/or urgently attend the premises if necessary.

as the AUSF is in effect the “parent Body” of the individual AU sporting Clubs and therefore has an overarching responsibility for the safe and compliant operation of these Clubs, including their liquor licences.

Should a conditional RP exemption be permitted, larger events held occasionally by the individual Clubs would require a Short Term Liquor licence, as either capacities and/or trading hours outside the Club’s normal conditions will be necessary. This one off application process provides the necessary opportunity for the event to attract additional checks and balances such as security, the number of drinks to be sold at any one time, drink marshals etc. This of course, can be considered and imposed by the CBS applications team at the time.”

In addition to this the applicant has supplied monthly liquor sales from the previous calendar year for the existing club licence.

Decision

The applicant has provided a detailed breakdown of their liquor sales for the 2021 calendar year in support of their application. I note that these sales may be skewed to a degree from the impact that the COVID-19 pandemic had on businesses during the period that these sales cover, and they may be lower than a period with full unrestricted trade.

The sales figures provided show that they average around \$1875 in liquor sales per month.

I am satisfied that the sale of liquor at the premises is of limited scope and is ancillary to their primary purpose as a club.

It is noted that the AUSF was formed to improve administration and accountability by establishing a single more professionally operated parent association across the clubs.

Having considered all of this, I am satisfied that, in view of the limited scope of the business conducted under the licence, an exemption from the responsible person requirements can be granted without compromising the principle of responsible service of alcohol and consumption of liquor. The exemption from responsible person is granted on the condition that, a senior staff member of Adelaide University Sport and Fitness is to be contactable by mobile phone at all times the premises remains open for trade and must be available to provide support and/or urgently attend the premises if necessary.

I note that this exemption applies only to the requirement to have a responsible person present at all times, and that the licensee must still comply with the provisions of the General Code of Practice requiring all persons involved in the sale and supply of liquor to have completed approved responsible service of alcohol training.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
22 Feb 2022

