

Decision Notification

Application Details

Application no.	214970
Licence No.	57601564
Licence Class	Liquor Production & Sales
Premises Name	Majella Wines
Premises Address	2131 V&A Lane (cnr Lynn Road) COONAWARRA SA 5263
Licensee	Majella Wines Pty Ltd
Application Type	Variation to Conditions (Upgrade)

Outcome

Decision	Granted
Effective Date	28 Apr 2022

Conditions

The following conditions are added to the licence

- The exemption from the Responsible Person requirements is granted on the condition that a Director of the licensee company must be contactable by phone at all times the premises is open for trade.
- The exemption from the Responsible Person requirements does not apply after 4pm.

The following conditions are removed from the licence

- The provision of samples of liquor shall be supervised at all times.

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised

The following authorisations/restrictions are removed from the licence

- Sale of liquor for consumption on the licensed premises authorised but, other than to residents, is restricted to sampling only

Reasons for Decision

This is an application to vary the conditions of the licence to remove the restriction to sampling only and allow consumption on the licensed premises in accordance with s 39 of the Act:

- Sell their own product to anyone for consumption on the licensed premises
- Sell any liquor product for consumption on the licensed premises to a person:
 - With or ancillary to a meal; or
 - attending a function where food is provided; or
 - seated at a table

I vary the authorisations of the licence accordingly.

Responsible Person Exemption

I note that the licensee previously held an unconditional exemption from the requirement to have a Responsible Person present at all times they are trading. In accordance with s 97(1)(b) where an exemption from these requirements has been granted, alternative arrangements must be approved for the supervision and management of the business.

As they are varying their trading rights it is prudent to review whether the exemption is still appropriate in the circumstances. In their submission the applicant notes that they are a small cellar door that trades between 10am and 4pm each day, with only a maximum of 50 persons permitted at any one time. They have also advised that they will ensure that a director of the licensee company is contactable by phone at all times.

I am satisfied that the exemption is still appropriate, however that it should be granted on the condition that a director of the licensee company is contactable at all times. Further, in relation to the trading hours, their licence does permit trade until 2am the following day, and I do not consider it appropriate for a premises to undertake late night trade with no responsible person present. They have advised that they do not trade this late in reality, however I consider it appropriate to condition the exemption to not apply after 4pm, should they decide to extend their trading hours in the future.

Under Delegation from the Liquor and Gambling Commissioner



Ashleigh Hughes
Hearings Delegate
28 Apr 2022