

# Decision Notification

## Application Details

Application no.	85007
Licence No.	57004877
Premises Name	Aberfoyle Tavern
Premises Address	Christie Way ABERFOYLE PARK SA 5159
Licensee	Australian Leisure And Hospitality Group Pty Limited
Application Type	Application to Vary Gaming Trading Hours
Representative	Didier Vollerin - Australian Hotels Association

## Outcome

Decision	Granted
Effective Date	02 Jun 2022

## Requirements

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

The application has been advertised

## Trading hours

The following are the approved trading hours

Monday	Midnight to 1:00 am	8:00 am to Midnight
Tuesday	Midnight to 2:00 am	8:00 am to Midnight
Wednesday	Midnight to 3:00 am	8:00 am to Midnight
Thursday	Midnight to 3:00 am	9:00 am to Midnight
Friday	Midnight to 3:00 am	9:00 am to Midnight
Saturday	Midnight to 3:00 am	9:00 am to Midnight
Sunday	Midnight to 3:00 am	9:00 am to Midnight

## Reasons for Decision

The licensee's current authorised gaming hours are Monday to Sunday 8:00am to 2:00am.

The licensee has applied to vary their authorised gaming trading hours to Monday and Tuesday 8am to 2am, Wednesday 8am to 3am, Thursday to Saturday 9am to 3am and Sunday 9am to 1am.

Section 27AA(4) of the Act states that the Commissioner may, after receiving an application for variation of a gaming machine licence, determine that the application is to be a designated application for the purposes of section 17A of the Act. The Commissioner had regard to that provision but considered that, on this occasion, that it was not necessary to designate the application.

Section 27AA(7) of the Act requires me to have regard to the matters set out in section 15(5)(a) of the Act, to the extent they are relevant to the application, in determining an application for a variation to a gaming machine licence.

Section 15(5)(a) of the Act states that a gaming machine licence will not be granted unless:

"(a) the applicant for the licence satisfies the Commissioner, by such evidence as the Commissioner may require—

(i) that the proposed gaming area, or gaming areas, within the premises in respect of which the licence is sought is or are suitable for the purpose; and

(iii) that the arrangements proposed for the security of the premises, each gaming area and the gaming machines, and of the gaming operations generally, are adequate; and

(iv) that the conduct of the proposed gaming operations on the premises would be unlikely to result in undue offence, annoyance, disturbance or inconvenience to those who reside, work or worship in the vicinity of the premises; and

(vi) that the conduct of the proposed gaming operations on the premises would not detract unduly from the character of the premises, the nature of the undertaking carried out on the premises or the enjoyment of persons ordinarily using the premises (apart for the purpose of gaming); and

(vii) that no proposed gaming area is so designed or situated that it would be likely to be a special attraction to minors; and

(viii) that the proposed gaming area is within a place or area that is enclosed as defined by the Tobacco and E-Cigarette Products Act 1997 (see section 4(3) and (4))".

I have considered the above matters and I am of the view that only sub-section (iv) is relevant to the application.

I have had regard to that matter and I am satisfied that the grant of this application would not cause any undue offence, annoyance, disturbance or inconvenience to those who reside, work or worship in the vicinity of the premises. I note that the applicant has supplied development approval from the Naracoorte Lucindale Council for the variation in gaming trading hours.

Pursuant to section 24(3) of the Act, I am satisfied that the grant of this application would not be contrary to the public interest.

Pursuant to section 27AA of the Act, the application to vary the authorised gaming hours is granted.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson  
Hearings Delegate  
02 Jun 2022