

# Decision Notification

## Application Details

Application no.	206247, 206248
Licence No.	57008180
Licence Class	General & Hotel
Premises Name	Olympic Dam South
Premises Address	Lot 2114 Olympic Dam Highway Roxby Downs SA 5725
Licensee	COMPASS GROUP REMOTE HOSPITALITY SERVICES PTY LTD
Applicant	COMPASS GROUP REMOTE HOSPITALITY SERVIC
Application Type	Application for a Liquor Licence, Application for Exemption\Responsible person

## Outcome

Decision	Granted
Effective Date	09 Apr 2021

## 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

## People

### Position of Authority

The following persons are approved to occupy any position of authority in the entity holding the licence and to receive proceeds of the business conducted under the licence:

- Candice Marie Watson (164040)
- John Fitzgerald Sheridan (164039)

## Premises

### New Premises

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

### Capacity

The capacity of the venue is set at 300.

## Exemptions

The following exemptions are added to the licence

- Responsible Person

## Conditions

### The following conditions are added to the licence

- The licensed premises shall not be open to the general public and is restricted to Olympic Dam South residents, invited guests and other personnel associated with the Mining Operations.
- The sale and supply of liquor for consumption off the licensed premises is restricted to a maximum of 6 x 375ml containers of beer, premixed spirits or cider, or 1 x 750ml bottle of wine per person per day.
- Any liquor purchased for consumption off the licensed premises must not be removed from the Olympic Dam South site.

## Authorisations

### The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised
- Sale of liquor for consumption off the licensed premises authorised

## Trading hours

### The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	5:00 am to 2:00 am the following day	8:00 am to 9:00 pm
Tuesday	5:00 am to 2:00 am the following day	8:00 am to 9:00 pm
Wednesday	5:00 am to 2:00 am the following day	8:00 am to 9:00 pm
Thursday	5:00 am to 2:00 am the following day	8:00 am to 9:00 pm
Friday	5:00 am to 2:00 am the following day	8:00 am to 9:00 pm
Saturday	5:00 am to 2:00 am the following day	8:00 am to 9:00 pm
Sunday	5:00 am to 2:00 am the following day	8:00 am to 9:00 pm

## Reasons for Decision

### Compass Group Remote Hospitality Services Pty Ltd - G&H Licence application

Compass Group Remote Hospitality Services Pty Ltd (**the Applicant**) have applied for a General and Hotel liquor licence in respect of premises situated at Lot 2114 Olympic Dam Highway, Roxby Downs SA 5725, to be known as Olympic Dam South (ODS).

As part of the application the Applicant has submitted a Community Impact Statement (CIS), with supporting attachments. It is the content of the CIS and supporting attachments, and submissions made to the licensing authority (**the Authority**), that my decision is based on.

This application may only be granted if the Authority is satisfied that the grant of the application is in the community interest. In determining this application under section 53A(2) of the *Liquor Licensing Act 1997* (**the Act**), I must have regard to:

- the harm that might be caused (whether to a community as a whole or a group within a community) due to the

- excessive or inappropriate consumption of liquor;
- the cultural, recreational, employment or tourism impacts; and
- the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises; and
- the nature of the business conducted or to be conducted under the licence (as prescribed)

I must also apply the Community Impact Assessment Guidelines (**the Guidelines**), which state: "*The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community interest and to provide relevant evidence and submissions to discharge this onus.*"

The Guidelines generally impose an obligation upon an applicant to include with the application a community impact submission that, if relevant, is expected to address a range of matters, including: the applicant's products/services in terms of key features and potential customers; business/professional experience, in particular relevant knowledge, experience and competency in relation to the service of liquor; general description of facilities and services; relevant construction details (e.g. materials, finishes, acoustic treatment, etc.); details of any food, including menu; liquor services (e.g. bar) and range of liquor; types of entertainment; types of accommodation; a statement as to whether the community supports the proposed business, including providing evidence of such support; and a statement as to why the granting of the application is in the community interest.

Applicants are also required to provide, where applicable: a map and report regarding the locality generated through Consumer and Business Services' Community Impact Portal; a business plan/plan of management; and a site or property plan, floor plan and/or photographs/artists impressions of the site/building.

Pursuant to section 3(2) of the Act, when deciding whether or not to grant this application, I must have regard to the objects of the Act as set out in section 3(1) of the Act.

Section 3(1) of the Act provides that:

(1) The object of this Act is to regulate and control the promotion, sale, supply and consumption of liquor -

(a) to ensure that the sale and supply of liquor occurs in a manner that minimises the harm and potential for harm caused by the excessive or inappropriate consumption of liquor; and

(b) 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; and

(c) to ensure as far as practicable that the sale and supply of liquor is consistent with the expectations and aspirations of the public; and

(d) to facilitate the responsible development of the licensed liquor industry and associated industries, including the live music industry, tourism and the hospitality industry, in a manner consistent with the other objects of this Act.

(1a) For the purposes of subsection (1)(a), harm caused by the excessive or inappropriate consumption of liquor includes -

(a) the risk of harm to children, vulnerable people and communities (whether to a community as a whole or a group within a community); and

(b) the adverse economic, social and cultural effects on communities (whether on a community as a whole or a group within a community); and

(c) the adverse effects on a person's health; and

(d) alcohol abuse or misuse; and

(e) domestic violence or anti-social behaviour, including causing personal injury and property damage.

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The Judgment of His Honour Judge Gilchrist in the Licensing Court of South Australia in the matters of Liquorland (Australia) Pty Ltd (Parkholme) [2020] SALC 37 (**Parkholme**) and Hove Sip n Save [2021] SALC 7 (**Hove**) set out the matters to be considered when determining whether or not a designated application should be granted. Whilst Parkholme and Hove were decisions in relation to applications for Packaged Liquor Sales Licences, the principles in Parkholme and Hove are clearly applicable and relevant to determining this application.

The Applicant must also satisfy the Authority that the pre-requisites in s 57 of the Act have been met, in relation to such matters such as: the suitability of the premises; the potential for them to cause undue offence, annoyance, disturbance or inconvenience to nearby residents, workers and worshippers in the vicinity; prejudice to the safety or welfare of children attending nearby kindergartens and schools in the vicinity of the premises; and whether the appropriate approvals, consents and exemptions, in respect of the proposed premises have been obtained.

#### **Objection by Kittredge Pty Ltd (Roxby Downs Tavern)**

A submission has been filed by lawyers acting on behalf of Kittredge Pty Ltd, trading as the Roxby Downs Tavern (**RDT**), objecting to the application (**the RDT Submission**).

## **Nature of the proposed business**

The Applicant has advised the Authority that: ODS is currently in construction with an estimated opening date of 12 April 2021; it is located immediately south of Olympic Dam Village; the purpose of ODS is to expand current mining operations run by BHP Billiton Iron Ore Pty Ltd (BHP); ODS cannot be accessed by members of the public; Compass Group holds a Facilities Management Services agreement (**the Agreement**) with BHP; and BHP is the landlord of ODS (I note that BHP hold a licence over the land, and that the land is vested in the Crown, which is addressed in more detail further below).

The Applicant submits that the licence at ODS, if granted, will be of the same category, on the same terms, and held by the same licensee as the licence at Olympic Dam Village, and that it has been demonstrated by the history of trading under the Olympic Dam Village licence that the operation of the licence is beneficial to the community and has caused no harm or detriment, and there is no reason to believe that ODS will be any different. I have confirmed that the Olympic Dam Village has been inspected by CBS Inspectors on a number of occasions over the years and has not been subject to compliance action by CBS.

The Applicant has stated that the licence is sought for the following purposes:

*"Pursuant to the Agreement, Compass Group is required to provide a supply of services to those onsite at ODS. The services are outlined in Schedule 2 of the Agreement (the Services). The addition of services provided by Compass Group to BHP as a result of the expansion of ODS is outlined in the Amending Deed #4 (the Amending Deed). As part of the Services, Compass Group is required to provide a catering service onsite, which includes the service of alcoholic beverages to residents. The service of liquor is intended to be restricted to the Wet Mess building (as described in the capacity assessment and Amending Deed), and the beer garden (as outlined on the plans provided to the licensing authority). BHP has granted permission for Compass Group to apply for a General & Hotel Licence for the purposes of providing the Services outlined in the Agreement and Amending Deed (together, the Agreements). Compass Group, as part of its application, will seek a condition that the licensed premises shall not be open to the general public and will be restricted to Olympic Dam South residents, invited guests and other personnel associated with the mining operations only.*

*A summary of the overall facilities at ODS is outlined in the Amending Deed. As outlined in Amending Deed, there will be accommodation at ODS. This accommodation is restricted to the residents, invited guests and other personnel associated with the mining operations only. Please refer to above comments in relation to harm and safe supply of alcohol - Liquor will only be able to be purchased from the Wet Mess building. It is intended that Compass Group will sell a range of liquor (beer, wine, and pre-mixed spirits). It will not stock or serve neat spirits to residents. In addition, residents will only be allowed to purchase a maximum of one six pack of alcoholic beverages for takeaway which can ONLY be consumed within their own personal room and not in a public space within the village."*

I am satisfied that the Applicant has provided relevant details to the Authority in relation to its business plan, layout, and the premises.

The RDT objects to the nature of the proposed business, for a range of reasons, including that:

*"it is contrary to the scheme of the Liquor Licensing Act for a General and Hotel Licence to be granted in such a manner where members of the public are not permitted to resort to the licensed premises"* (6.5, RDT Submission).

I do not agree with the RDT about this and note that there is nothing in s 32 of the Act which suggests that a General and Hotel licence can only be granted in circumstances where the premises will be open to the public at large. I note that a number of other mining sites have General and Hotel Licences (e.g. Licence 57007134 for the Prominent Hill Wetmess, and Licence 57006659 for the Olympic Dam Village).

### Locality

The Guidelines provide a guide for applicants in relation to the 'locality' applicable to their application, and states that applicants are required to identify the geographic area from which they expect to draw customers having regard to the intended nature of the business of the licensed premises.

The Guidelines speak of the locality as referring *"to the area surrounding the licensed premises / proposed licensed premises and is the area most likely to be affected by the grant of the application"*.

The Guidelines recommend that for premises located inside the Adelaide metropolitan area that: *"The locality of a premises in the Adelaide Metropolitan Area is the area within a 2km radius of the site of the relevant premises"* (Schedule 2, page 6, Guidelines).

The Application included the CIS and the Applicant has provided a map and Location and Area Reports generated by using the Consumer and Business Services' (CBS) Community Impact Portal.

The Applicant has determined locality to be an area within a 10km radius of the premises which includes all/part of the following suburbs: Roxby Downs; Roxby Downs Station; Olympic Dam; and Andamooka Station.

In their objection, the RDT have noted a discrepancy in the Area and Location reports, namely, that the Location Report references an area of 314.12 square kilometres, whereas the Area Report references an area of 78.52 square kilometres, and submits that *"the reports are inconsistent and cannot be relied upon"*, and that it is contrary to the scheme of the Act and to the "balance of the industry" to grant the licence sought by the Applicant given that they hold a similar licence nearby (12.1 - 12.8, RDT Submission).

The discrepancy in the area referred to in the reports is curious, as when one compares the 2 reports, the map contained in each appears to be identical, and the scale on each of the maps appears to reflect a radius of 10kms. In any case, for the reasons below I consider that very little turns on this.

Given that public access to the proposed offering is restricted, and will continue to be restricted, it is clear that some people residing within (or passing through) the locality will not be able to enter the site and purchase alcohol from ODS. ODS' customers will be restricted to ODS residents, invited guests and other personnel associated with the mining operations (as opposed to the public at large). Given the unusual circumstances and nature of the proposed offering (i.e. it will be located in a remote area, in premises within a site where both the site and the personnel are highly regulated, with no access by members of the public or community groups), consideration of locality is more straightforward than is ordinarily the case.

I am satisfied that the Applicant has adequately identified the locality likely to be affected by the grant of the application, although given the objection filed by the RDT, it may have been more accurate to apply a 15 km radius for the locality, but I think very little, if anything turns on this, and I note that s 53(1) of the Act precludes the Authority from considering the economic impact of granting a licence on other licensees in the locality.

### **Potential Harm**

The Application Summary contains various answers by the Applicant, some of which are relevant to considering the potential for alcohol related harm.

In relation to harm minimisation and the potential from harm associated with the excessive and the inappropriate consumption of alcohol, the Applicant has stated on pg4 of the Application Summary, that:

*"Compass Group holds a Facilities Management Services agreement (the Agreement) with BHP. BHP is the landlord of ODS. Given the nature of the business, the mining operations are subject to strict Work Health Safety (WHS) requirements, which are regulated by Chapter 10 of the Work Health and Safety Regulations 2012 (SA). As a result of strict WHS requirements, BHP has policies and procedures in place that will ensure that the consumption of alcohol onsite is not excessive or inappropriate. BHP has adopted a zero-tolerance alcohol policy for workers. Under this policy, all workers must comply with requests to undertake breath testing (or other forms of drug and alcohol testing) onsite. In light of its zero-alcohol tolerance policy, the reading for the breath test must return a reading of 0.00 for BAC in order for workers to undertake work onsite. This is enforced by a random breath and drug testing regime that is independently administered by MSS Security who are employed by BHP for operations at both the mine site and the village. The testing regime is equally applied to both BHP and non BHP (Contractor) personnel. 21. These procedures also significantly limit any risk excessive drinking presents to: (a) personal injury and property damage; and (b) effects on a person's health through alcohol abuse or misuse. BHP is also committed to helping its employees who may suffer any illnesses associated with alcohol dependency through providing access to Employee Assistance Programs (EAP). Additionally, the Agreement outlines that Compass Group, as part of its role to provide services, must ensure that there are policies and procedures in place to effectively manage the misuse of alcohol onsite, including that at least one person from Compass Group is trained to the Australian standard to perform Drug and Alcohol (D&A) testing using the*

*approved BHP products (See: Schedule 2A of the Agreement). Compass Group also performs its own independent breath testing programs in respect of its own personnel which is in addition to BHP testing regime. As stated above, the Agreement also restricts Compass Group from selling bottled spirits or neat spirits to residents (see: Schedule 2A, paragraph 7(f)). Additionally, Compass Group has a Tavern Eats menu which encourages residents to consume food meals or snacks with their beverages."*

The Applicant submits that the site will not be able to be accessed by members of the public and that access will be restricted to ODS residents, invited guests and other personnel associated with the mining operations (as opposed to the public at large, as would ordinarily be the case with this class of licence), and that consequently:

- (a) access to alcohol through this licence to at-risk or vulnerable groups is therefore unlikely;
- (b) there is unlikely to be any adverse economic, social and cultural effects on nearby communities as a result of internal policies and procedures onsite which restricts access to the site; and
- (c) schools in the locality will not be impacted.

The Applicant further submits that the reports generated through CBS' portal indicate that there are no drug and alcohol treatment centres, accommodation or refuges for young or disadvantaged people located near the site, and no nearby recreational or dry areas within the locality.

The Applicant's submissions (pg3, CIS) identify a number of relevant matters, measures, policies, procedures and practices specific to the proposed site and BHP's personnel and operations that are relevant to considering how the risk of alcohol related harm will be minimised and mitigated, including:

- *Given the nature of the business (as discussed above), the mining operations are subject to strict Work Health Safety (WHS) requirements, which are regulated by Chapter 10 of the Work Health and Safety Regulations 2012 (SA).*
- *As a result of strict WHS requirements, BHP has policies and procedures in place that will ensure that the consumption of alcohol onsite is not excessive or inappropriate.*
- *BHP has adopted a zero-tolerance alcohol policy for workers. Under this policy, all workers must comply with requests to undertake breath testing (or other forms of drug and alcohol testing) onsite. In light of its zero-alcohol tolerance policy, the reading for the breath test must return a reading of 0.00 for BAC in order for workers to undertake work onsite.*
- *This is enforced by a random breath and drug testing regime that is independently administered by MSS Security who are employed by BHP for operations at both the mine site and the village. The testing regime is equally applied to both BHP and non BHP (Contractor) personnel.*
- *These procedures also significantly limit any risk excessive drinking presents to:*

*(a) personal injury and property damage; and*

*(b) effects on a person's health through alcohol abuse or misuse.*

- *BHP is also committed to helping its employees who may suffer any illnesses associated with alcohol dependency*



through providing access to Employee Assistance Programs (EAP).

- Additionally, the Agreement outlines that Compass Group, as part of its role to provide services, must ensure that there are policies and procedures in place to effectively manage the misuse of alcohol onsite, including that at least one person from Compass Group is trained to the Australian standard to perform Drug and Alcohol (D&A) testing using the approved BHP products (See: Schedule 2A of the Agreement).
- Compass Group also performs its own independent breath testing programs in respect of its own personnel which is in addition to BHP testing regime.
- As stated above, the Agreement also restricts Compass Group from selling bottled spirits or neat spirits to residents (see: Schedule 2A, paragraph 7(f)).
- Additionally, Compass Group has a Tavern Eats menu which encourages residents to consume food meals or snacks with their beverages.

In their submission objecting to the application, RDT submit, among other things, that: "*the applicant has provided little if any material as to the harm that might be caused as a result of the licence as described in the Form 1 Notice*" and "*appears to suggest that the 'private' nature of the proposed licensed premises is adequate to establish that there will be no negative social impact on the community*" (11.3 - 11.4, RDT Submission).

The Roxby Council have not objected to the application.

SAPOL have not objected to the application.

Having considered the application, the location and nature of the of the business, the restricted class of persons who will be able to access the premises, the risk mitigation measures to be adopted by the Applicant, and the various BHP personnel and WHS policies and procedures identified by the Applicant in their submissions, I am of the view the if the licence were to be granted, the risk of any harm which may be caused (whether to the community as a whole or a group within the community) due to the excessive or inappropriate consumption of liquor is low and will be satisfactorily managed and mitigated by the Applicant and BHP.

#### Cultural, recreational, employment or tourism impacts

The Applicant submits that in the event the application is granted that there will be an increase employment for the local area, and notes that:

*"the Agreement requires Compass Group to take steps to ensure that opportunities are provided to local persons and businesses in the region (See: Schedule 1 - 3 Local Sourcing of the Agreement). Therefore, it is anticipated that the provision of the licence (alongside additional employment opportunities provided by BHP through ODS) may reduce unemployment rates within the region by providing employment opportunities onsite, and through supporting local businesses to provide services (i.e. supply of goods)." (pg4, CIS)*

I am satisfied that if the application were to be granted it may result in an increase in employment in the locality, and

that some of those employment opportunities are likely to be provided to people and businesses within the local community.

The grant of the application will have no, or negligible, cultural, recreational and tourism impacts on the locality.

#### Social impact and impact on the amenity of the locality

The Applicant has provided Location and Area Reports generated from CBS'portal as part of its application.

The Applicant submits that the grant of the application will not have a negative social impact on the locality:

*"On the basis of the restrictions imposed by BHP and Compass Group which ensure that ODS (including any licensed areas located at ODS) cannot be accessed by the public, it is Compass Group's submission that there will be no negative social impact to the Roxby Downs area."*(pg3, CIS).

I agree with the Applicant's submission that the grant of the application will not have a negative social impact on the locality.

Additionally, I am of the view that reducing the need for ODS residents, invited guests and other personnel associated with the mining operations to drive off site to consume and/ or purchase takeaway liquor may have a positive impact on road safety in the locality.

#### RDT Submission objecting to the application

I have addressed some of the matters and objections raised in the RDT Submission above, but outline and consider a number of other matters raised in their Submission below.

RDT submitted that the Landlord's Consent Form provided by the Applicant had been signed on behalf of BHP claiming to be "the registered proprietor as shown on the Certificate of Title" and that this is not accurate and does not comply with the requirements of s 72 of the Act. I agree with this submission. A review of the Certificate of Title confirmed that the land in question is Crown land. BHP has been granted a licence by the Crown. For the Applicant to comply with the requirements of s 72 of the Act they need to show that the Crown has consented to the application for a General and Hotel Licence. This Applicant has since addressed this issue by providing the Authority with a consent form signed on behalf of the relevant Minister of the Crown. I am satisfied that the Crown has consented to the application.

RDT asserts that the Authority's application notification process has miscarried and should restart. I am satisfied that the public have had sufficient notice of the application, have had an opportunity to make submissions in relation to the application, and do not agree that the application has miscarried and should be readvertised.

RDT suggest that the Applicant may have failed to seek approval for all persons occupying positions of authority. I do not consider that I should delay determination of this application based on supposition that some persons/ companies occupying positions of authority have not yet sought approval from the Authority to occupy positions of authority. It is the Applicant's responsibility to make such disclosures and a failure to do so would ultimately be a compliance matter.

RDT submits that further analysis is required in relation to the question of the appropriate capacity to be approved. I am satisfied on the basis of the memo from Buildserv that a capacity of 300 patrons should be approved.

RDT has submitted that the licence is only sought in relation to the wet mess and beer garden, and that it is unclear whether patrons will also be able to drink alcohol in the bbq and smoke areas. RDT notes that these areas are appurtenant to the proposed licensed premises and on that basis they are "regulated premises" for the purposes of the Act. The Applicant has been provided with the RDT Submissions and is legally represented. They have not sought to vary their application to include the bbq or smoke areas. I see no reason not to grant the licence as sought. It is then a matter for the Applicant to comply with the terms of their licence and failure to do so would be a compliance issue.

RDT questions how the licensee *"intends to monitor consumption of liquor by patrons who consume liquor in their accommodation premises other than to permit no more than 6 items of liquor to be taken from the licensed premises to the accommodation facilities"* (7.13, RDT Submission). I am not concerned by this and note that: 1) other General and Hotel Licence holders do not have any ability to monitor the consumption off by customers in their homes/ accommodation; and 2) this site and the personnel on it are subject are highly regulated as discussed above. That said, I am of the view that it is appropriate to place conditions on the licence, similar to those applicable to the Prominent Hill Wetmess, to better particularise what can be sold for consumption off per person, per day, namely: 6 x 375ml containers of beer, premixed spirits or cider; or one 750ml bottle of wine, per person per day.

RDT notes the temporary nature of the licence and that it will lapse on 30 June 2021. The Applicant has advised the Authority that the licence will be extended beyond 30 June 2021. In any case, the Applicant has given the Authority an undertaking that in the event the site closes or the tenure is not extended, that it will not seek to transfer the licence to another premises. RDT submits that any conditions intended to limit the ability of a licensee to transfer, remove or redefine the licence should be clearly spelled out. I note the Applicant's undertaking that the licence is restricted to ODS for the duration of the mine's operations.

RDT submits that the Applicant has failed to identify a locality for the application and has provided *"little if any commentary as to other licensed facilities in and about the locality, in particular General and hotel licences"* (12.2 RDT Submission). I do not agree that the Applicant has failed to identify the locality.

I note that the Area Report does not identify any General and Hotel Licences (it notes 2 x restaurant and catering licences and 2 x club licences in the locality), and although there is little commentary by the Applicant about other General and Hotel licences in the locality, given the nature and location of the proposed offering, I am of the view that

little turns on this, and I am satisfied that proliferation/ licence density is not an issue that would weigh against granting this application.

RDT submits that a General and Hotel Licence is a designated application that should not be granted without proper consideration and good reason, and only then if it is found to be in the community and public interest to do so. They contend that the applicant has not discharged this onus, particularly in relation to the community interest test. I address this below.

RDT also submits that either a Short Term Licence or a Residential Licence may be more appropriate categories of licence for the proposed offering. I do not agree with this, and in any case need to consider the application before me, which is for a General and Hotel Licence.

### Decision

I have considered and have had regard to the objects of the Act, as required by section 3(2) of the Act, in determining the application. I have also considered the application and RDT's Submissions opposing the application in light of his Honour Judge Gilchrist's decisions in Liquorland Park Holme and Hove.

Harm minimisation is a key component of the community interest test, underpinned by the first object of the Act: "*to ensure the sale and supply of liquor occurs in a manner that minimises the harm and potential for harm caused by the excessive or inappropriate consumption of liquor.*"

I note that SAPOL and the Roxby Council have not objected to the application.

I have considered the harm that might be caused (whether to a community as a whole or a group within a community) due to the excessive or inappropriate consumption of liquor, and I am satisfied on the material before me that the risk of harm posed by the proposed licence is low.

The Applicant has identified a number of risk mitigation measures that will be utilised, along with various BHP personnel and WHS policies, procedures, and risk mitigation measures which I consider will adequately mitigate the risk of harm to the Applicant's customers and to vulnerable members of the community. I note that the customer base for the proposed offering will be limited and that the premises will not be open to the public at large.

The proposed premises will provide some employment opportunities and it is likely that some of these opportunities will be for the benefit of members of the relevant local community.

Applying the evaluative exercise that the Act requires, involves weighing the positive aspects of the proposed application with the negative aspects in order to determine whether granting the application is in the community interest. I am of the view that the positives of this application outweigh any negatives, and that the proposed offering is in the community interest.

There is no reason why the application should be refused on the basis of the matters outlined in s 57 of the Act such as the suitability of the premises; the potential for them to cause undue offence, annoyance and the like to nearby workers, residents and worshippers in their vicinity; or prejudice to the safety or welfare of children attending nearby kindergartens and schools. I am satisfied that the relevant consents and development approvals are in place in relation to the proposed premises. I am satisfied that the premises are or will be of a sufficient standard for the purpose of properly carrying on business under the licence.

I have considered RDT's submissions in relation to community and public interest. In my view there is no reason why the application should be refused under the broad discretion available in s 53 of the Act. I do not consider that granting the application would be contrary to the public interest. I do not consider that granting the application would be inconsistent with the objects of the Act.

I am satisfied that granting the application is in the community interest. Consequently, the application for a General and Hotel Licence is granted.

I impose the following conditions on the licence:

- 1) The licensed premises shall not be open to the general public and is restricted to Olympic Dam South residents and invited guests and other personnel associated with the Mining Operations.
  
- 2) The sale of liquor for consumption off is restricted to a maximum of 6 x 375ml containers of beer, premixed spirits or cider or 1 x 750ml of wine per person per day.
  
- 3) Any liquor purchased for consumption off the licenced premises must not be removed from the Olympic Dam South site.

### **RP Exemption is granted**

It is a requirement under section 97(1) of 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.

I have considered the reasons provided by the Applicant and I am satisfied that in view of the limited scope of the business conducted under the licence (i.e. - given the nature of the proposed offering and the fact the premises will not be open to the public at large), that an RP exemption can be granted without compromising the principle of responsible service of alcohol.

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



Paul Bertram

Hearings Delegate

09 Apr 2021