

# Decision Notification

## Application Details

Application no.	211698, 211701
Licence No.	57213989
Licence Class	Club
Premises Name	Watervale Community Association Inc
Premises Address	7420 Horrocks Highway Watervale SA 5452
Applicant	Watervale Community Association Inc
Application Type	Application for a Liquor Licence, Application for Exemption\Responsible person

## Outcome

Decision	Granted
Effective Date	15 Nov 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
- 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:

- Greg John Bryksy (103612)
- Brett David Schutz (52986)
- Barbara Button (169324)
- Susan Therese Cunningham (122264)
- Stephen Hadley (169326)
- Shannon Parker (169325)
- Brett David Schutz (52986)

## Premises

### New Premises

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

### Capacity

The capacity of the venue is set at 250.

## 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

- The exemption from the Responsible Person requirements is granted on the condition that a Responsible Person must be contactable by phone at all times the premises is open for trade.

## 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	11:00 am to 1:00 am the following day	-
Tuesday	11:00 am to 1:00 am the following day	-
Wednesday	11:00 am to 1:00 am the following day	-
Thursday	11:00 am to 1:00 am the following day	-
Friday	11:00 am to 1:00 am the following day	-
Saturday	10:00 am to 1:00 am the following day	-
Sunday	10:00 am to 1:00 am the following day	-

## Reasons for Decision

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

The applicant has addressed the objects of the Act in their application and I am satisfied the sale, supply and consumption of liquor will be undertaken safely and responsibly, consistent with the principle of responsible service and consumption of liquor and the expectations and aspirations of the public.

Pursuant to section 36(5) of the Act, a club licence may only be held by a club that is a non-profit association incorporated under the *Associations Incorporation Act 1986* or a company limited by guarantee under the *Corporations Act 2001* (Cth). The applicant has provided a Certificate of Incorporation (A38853) and I am satisfied the applicant is a non-profit association incorporated under the Associations Act. The Association's constitution has been provided.

Pursuant to section 56 of the Act, the applicant has provided the licensing authority with the current composition of the Association's Committee of Management.

Pursuant to section 57 of the Act, I am satisfied the premises for which the licence is sought are of a sufficient standard for the purpose of carrying on business under the licence. Further, I am satisfied the operation of the licence would be unlikely to result in undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises and or to prejudice the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises.

Clare and Gilbert Valleys Council has confirmed they have no objection to the proposed liquor licence and I am satisfied all relevant approvals, consents and exemptions are in place.

Pursuant to section 72 of the Act, I am satisfied the landlord has consented to the application.

I am satisfied that the grant of the licence would not be contrary to the public interest or inconsistent with the objects of the Act.

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 licensee of the Watervale Community Association Inc has applied for an exemption from this requirement.

The applicant has submitted the following reasons why they should be granted an exemption:

The sale of liquor will take place in a community facility and in the majority of cases, a listed/registered RP will be present on site. There may be the occasional event when another committee member who is not listed on the license will be present at the venue. Listing all committee members and registering them all is not possible. It is expected that in 90- 95% of occasions, there will be a listed, registered RP on site. An exemption from RP requirements will give us more flexibility in the small community we reside.

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.

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



Ben Johns  
Manager, Liquor & Gambling  
15 Nov 2021