

Decision Notification

Application Details

Application no.	208978, 208979
Licence No.	57402300
Licence Class	Residential
Premises Name	Australian Camp Services
Premises Address	4133 Cowell-Kimba Road Miltalie SA 5602
Licensee	Sound Knowledge pty ltd
Applicant	Sound Knowledge pty ltd
Application Type	Application for a Liquor Licence, Application for Exemption\Responsible person

Outcome

Decision	Granted
Effective Date	07 Jun 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:

- Marc Adrian Russo (143844)
- Rashad Sinokrot (167490)
- James Francis Tracey (166966)

Premises

New Premises

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

Exemptions

The following exemptions are added to the licence

- Responsible Person

Conditions

The following conditions are added to the licence

- The statutory condition that business conducted at the licensed premises such that the provision of accommodation to members of the public is at all times the primary service provided to the public at the premise is revoked and of no effect.
- The business conducted at the licensed premises must be such that the provision of accommodation to personnel associated with the mining operations is at all times the primary service provided at the premises.
- The exemption from the responsible person requirements is granted on the condition that a responsible person or director of the licensee company must be contactable by phone at all times the premises is open for trade.

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	4:00 pm to 10:00 pm	-
Tuesday	4:00 pm to 10:00 pm	-
Wednesday	4:00 pm to 10:00 pm	-
Thursday	4:00 pm to 10:00 pm	-
Friday	4:00 pm to 10:00 pm	-
Saturday	4:00 pm to 10:00 pm	-
Sunday	4:00 pm to 10:00 pm	-

Reasons for Decision

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

The application is for the grant of a residential licence. The applicant has addressed the objects of the *Liquor Licensing Act 1997* (the Act) in their application and I am satisfied that 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. The applicant has clearly indicated policies which will be put in place to ensure the responsible service of liquor and the management of any patrons who display inappropriate behaviours on the licensed premises.

I note that residential licences are subject to the condition that the business conducted at the licensed premises is such that the provision of accommodation to members of the public is at all times the primary service provided to the public at the premises, except as otherwise allowed by a condition of the licence. I note that the premises will not be accessible by the public, however, it is my view that a residential licence is the appropriate class of licence.

Pursuant to section 43 of the Act, I impose the following conditions on the licence:

- The statutory condition that business conducted at the licensed premises such that the provision of accommodation to members of the public is at all times the primary service provided to the public at the premise is revoked and of no effect.
- The business conducted at the licensed premises must be such that the provision of accommodation to personnel associated with the mining operations is at all times the primary service provided at the premises.

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.

Pursuant to section 56 of the Act, I am satisfied that all persons who occupy a position of authority in the entity holding the licence, are fit and proper persons to occupy such a position.

Pursuant to section 57 of the Act, I am satisfied that 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 that 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.

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

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.

The applicant has applied for an exemption from this requirement.

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

Camp accommodation for Downer Australia workers. We are constantly servicing and maintaining the site 24/7, however, due to shift changes every 2-3 weeks, it is difficult to keep a responsible person at the camp at all times. Any employee who is serving liquor will hold a responsible service of alcohol certificate and is obligated to comply with strict policies and procedures at all times.

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.

The exemption is granted subject to the following condition:

- The exemption from the responsible person requirements is granted on the condition that a responsible person or director of the licensee company must be contactable by phone at all times the premises is open for trade.

Under Delegation from the Liquor and Gambling Commissioner



Natasha Kontzionis
Manager, Liquor & Gambling
07 Jun 2021