

Decision Notification

Application Details

Application no.	213012
Licence No.	57608841
Licence Class	Liquor Production & Sales
Premises Name	J & J Wines
Premises Address	67 Rivers Lane MCLAREN VALE SA 5039
Licensee	J & J Wines Pty Ltd
Application Type	Variation to Conditions (Upgrade)
Representative	Andrew Wong - Lion Consulting Group

Outcome

Decision	Granted
Effective Date	19 Jan 2022

Procedural

I allow the applicant to vary their application as follows:

Under section 51(3) of the *Liquor Licensing Act 1997* (the Act) I allow the applicant to vary the application to remove the application for variation to trading hours.

Requirements

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

- The application has been advertised
- All approvals, consents or exemptions have been obtained

Premises

Capacity

- The capacity of the venue is set at 50.
- The capacity has increased from 28 persons to 50 persons.

Exemptions

The following exemptions are removed from the licence

- Responsible Person

Conditions

The following conditions are removed from the licence

- The sale of liquor by direct sales transactions is limited to the licensee's product only, except where the sale is by wholesale or where liquor is sold in an aggregate quantity of 4.5 litres or more.

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised
- Sale of liquor by direct sales transactions and the sale of liquor for consumption off the licensed premises, other than to residents, restricted to the licensee's product only

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

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

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.

I note that the licensee currently has an exemption from this requirement.

As part of the application for variation to authorisations and conditions of licence, I have reviewed this exemption and asked the applicant to provide a submission if they wished for the exemption to remain on the licence.

The applicant has requested that the exemption be removed from the licence. The licence is updated accordingly.

I note that on 25 June 2020, amendments were made to section 39 of the Act, these amendments included the addition of section 39(4a) and the variation of section 39(1)(d) of the Act.

The result of these amendments has meant that the following condition of the licence is otiose as the licensee is required to comply with the condition as a legislative requirement -

The sale of liquor by direct sales transactions is limited to the licensee's product only, except where the sale is by wholesale or where liquor is sold in an aggregate quantity of 4.5 litres or more.

I therefore remove the condition from the licence under section 43 of the Act.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
19 Jan 2022