

NSW Independent Liquor & Gaming Authority

Licensee, Southern Railway Hotel	Premises Owner, Southern Railway Hotel
Business Owner, Southern Railway Hotel	NSW Police
Goulburn Mulwaree Council	Liquor & Gaming NSW

1 November 2024

Dear Sir/Madam

Reference No.	DOC24/252890
Licensee	Ms Rachel Anne Rice
Licence Name	Southern Railway Hotel
Licence Number	LIQH400112807
Licence Type	Liquor – hotel licence
Premises	188 Sloane Street, Goulburn NSW 2580
Legislation	Part 9A of the <i>Liquor Act 2007</i>

Decision on remedial action for demerit points accumulated Mr Stephen Patrick Sellars, Southern Railway Hotel (LIQH400112807)

On 26 April 2024, the Independent Liquor & Gaming Authority notified you of the remedial action it proposed to take for the demerit points accumulated by Mr Stephen Patrick Sellars, the former licensee of Southern Railway Hotel, Goulburn (the venue), under the *Liquor Act 2007* (the Act).

Our decision

On 26 September 2024, we decided to take the following remedial action on the licence of Southern Railway Hotel (LIQH40112807):

1. **impose** a condition in respect of RSA training, under section 144T of the Act, as detailed in schedule 1
2. **impose** a condition in respect of plan of management, under section 144T of the Act, as detailed in schedule 1
3. **require** the licensee and all staff (excluding staff who have completed RSA training since the prescribed offence occurred) to undertake RSA training within a one-month period.

Statement of reasons

Background

On 2 March 2023 we received a notification from Liquor & Gaming NSW (L&GNSW) that the (former) licensee had:

- committed a category 2 demerit offence of '*licensee allow liquor to be sold or supplied to minor*' under section 117(8) of the Act,
- incurred two demerit points under section 144H of the Act as a result of the offence, and
- accumulated a total of two demerit points during a three-year period.

In addition to the notification, L&GNSW provided a submission recommending that we take remedial action in response to the accumulation of demerit points by the former licensee.

On 26 April 2024 we notified parties as required under section 144Z(1) of the Act, that we proposed to take remedial action in response the accumulation of demerit points and invited submissions in response. The notice proposed the imposition of RSA training and plan of management conditions.

Submissions

The former licensee, current licensee, business and premises owner did not make submissions in response to the notice of proposed remedial action.

On 1 May 2024, L&GNSW provided a submission, supporting the proposed remedial action due to the seriousness of the offence.

Considerations under section 144ZA of the Act

We have also considered the relevant factors identified in section 144ZA of the Act, and note that:

- there is no material to indicate that the size and patron capacity of the licensed premises impacted the former licensee's ability to prevent the commission of the demerit offence,
- the former licensee had no history of committing demerit offences,
- there is no record of any previous prescribed complaints against the former licensee,
- there is no other action preferrable in this instance,
- there has been a change in licensee since the demerit offence,
- there has been a change to the name of the liquor licence (from Coolavin Hotel to Southern Railway Hotel) since the demerit offence, and
- there is no material to indicate there have been any changes to the business practices carried under the licence of the hotel.

Our findings

We are satisfied that:

- two demerit points have been accumulated by the former licensee in a three-year period

- the offence '*licensee allow liquor to be sold or supplied to minor*' was a breach of section 117(8) of the Act.

Having considered the available material, we find that the former licensee failed to comply with their obligations under the Act, including the provision of responsible service of alcohol at the licensed premises. In breaching these obligations, the former licensee failed to provide proper controls and adequate monitoring, resulting in the supply of liquor to a person under the age of 18 years.

We consider the offence to be serious and warrant an enforceable regulatory response by way of remedial action. The imposition of licence conditions will ensure the licensee and staff operate under the necessary procedures and controls concerning the sale or supply of liquor and represent an appropriate response to the risk identified from the demerit offence.

If you disagree with this decision

If a person who was notified of the decision is dissatisfied with this decision, they may apply to NSW Civil and Administrative Tribunal for a review.

An application for review must be made no later than 21 days after being notified of the decision.

For more information, please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the NCAT website.

If you have any questions

Please contact the Office of ILGA at office@ilga.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeff Loy', with a long, sweeping line extending upwards and to the right from the end of the signature.

Jeff Loy

Board Member

For and on behalf of the **Independent Liquor & Gaming Authority**

**Schedule 1 – Licence conditions to be imposed
Southern Railway Hotel, Goulburn (LIQH400112807)**

No.	Condition to be imposed	Description
1.	RSA Training	<p>The Licensee and all staff are required to undertake a responsible service of alcohol (RSA) training course conducted by an approved Registered Training Organisation (RTO). The training is required to be completed by all staff within a 1-month period.</p> <p>In this condition: “staff,” in relation to the subject premises, means any person undertaking duties related to the sale and supply of alcohol on the licensed premises, including staff responsible for the monitoring of liquor consumption and patron behaviour.</p> <p>Note: this excludes staff who have completed RSA training since the prescribed offence occurred.</p>
2.	Plan of management	<p>The licensee must prepare a plan of management for the licensed premises and submit to the Authority for approval within 2 months of the condition being imposed.</p> <p>The premises is to be operated at all times in accordance with the Plan of Management dated [DATE] as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.</p>