

NSW Independent Liquor & Gaming Authority

Liquor & Gaming NSW	NSW Police, South Coast Police District
Shoalhaven Council	Danielle Lee Solway, Bottle Rocket Bar & Café

26 February 2025

Dear Sir/Madam

Reference No.	DOC25/050424
Licensee	Ms Danielle Lee Solway
Licence Name	Bottle Rocket Bar & Café
Licence Number	LIQH440010016
Premises	Shop 2/90 Kinghorne Street, Nowra NSW 2541
Legislation	Part 9A of the <i>Liquor Act 2007</i>

Decision on application to remove demerit point Ms Danielle Lee Solway, Bottle Rocket Bar & Café (LIQH440010016)

On 9 December 2024, the Independent Liquor & Gaming Authority notified you of the application to remove a demerit point by Ms Danielle Lee Solway, the licensee of Bottle Rocket Bar & Café, under the *Liquor Act 2007* (**the Act**).

Our decision

Following consideration of submissions received in response to the notification, we have decided to remove the demerit point under section 144ZE(1)(a) of the Act.

Statement of reasons

Background

On 18 November 2024, the Independent Liquor and Gaming Authority (**the Authority**) received an application from Miss Danielle Lee Solway (**the applicant**), the Licensee of the Bottle Rocket Bar & Cafe, LIQH440010016 (**the venue**) seeking the removal of a demerit point under section 144ZD of the *Liquor Act 2007* (**the Act**).

The venue incurred one demerit point on 18 July 2023, in accordance with section 144H of the Act, for the category 1 demerit offence, *licensee sell/supply liquor outside authorised hours*, in contravention of section 9 of the Act.

On 9 December 2024, we notified you and all relevant parties of the application and invited submissions in response.

Submissions

Submissions were received from L&GNSW, Shoalhaven Council and NSW Police. We have considered these submissions, which are detailed below:

L&GNSW, dated 13 December 2024

- L&GNSW does not oppose to the proposed demerit point removal, acknowledging the lack of adverse compliance history both with respect to the venue and the applicant, and that the applicant proactively refreshed their Licensee, Responsible Service of Alcohol (**RSA**) and Responsible Conduct of Gambling (**RCG**) training.

Shoalhaven Council, dated 2 January 2025

- Shoalhaven Council does not object to the proposed demerit point removal noting that no other complaints in relation to the operation of the premise has been received since the incident in question.

NSW Police, dated 17 January 2025

- NSW Police do not object to the proposed demerit point removal highlighting the applicant's continuous cooperation with no further demerit point offences committed since the incident in question.

The applicant was provided copies of the submissions and was invited to make a submission in response. The applicant provided a submission, dated 27 January 2025

- The applicant advised that the incident did not involve any acts of violence or assault, nor did it result in harm to any members of the public. The applicant emphasized their commitment to responsible service and implemented additional measures to avoid future incidents. The applicant completed refresher courses and is a member of the Shoalhaven Liquor Accord since January 2020.

Considerations under section 144ZE of the Act

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

- there is no indication that remedial action taken by the Authority in relation to the demerit point has *not* been complied with
- the licensee of the licensed premises has implemented measures, or undertaken a course of training or instruction, to manage or reduce the risks that contributed to the commission of the demerit offence in respect of which the demerit point was incurred
- the provisions of this Act or the regulations referred to in the definitions of category 1 demerit offence and category 2 demerit offence have not, since the demerit point was incurred, been contravened by the person who committed the demerit offence in relation to which the demerit point was incurred
- The *Liquor Regulation 2018* prescribes other matters the Authority must consider including:
 - the submissions received from L&GNSW, Shoalhaven Council and NSW Police, which reflect that they do not object to the removal of the demerit point
 - the licensee has been a member of the Shoalhaven Liquor Accord since 2020
 - NSW Police have confirmed that the licensee has had minimal compliance history with Police and that the licensee is co-operative with Police

Our findings

We are satisfied that:

- the Secretary or the Authority has not taken any action in response to the demerit offence
- associated risks have been addressed in a 12-month period since incurring the demerit point as the licensee has proactively refreshed their Licensee, RSA and RCG training
- the applicant has not committed any category 1 or category 2 demerit offences since the demerit was incurred.

In the circumstances, we have decided to remove the demerit point under section 144ZE(1)(a) of the Act.

Under section 144ZF of the Act, the Authority may reinstate the demerit point if the Authority is satisfied that the demerit point was removed based on false, misleading, inaccurate or incomplete information provided by the licensee.

The material we considered

We considered all the material we received about the matter, including:

- the application to remove a demerit point
- stakeholder submissions in response to the application.

Opportunity for review

The applicant and anyone who was notified of the application and made a submission, may apply to NCAT for a review of the decision.

An application for review must be made no later 21 days after the person receives the notice.

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

This decision will be published on our 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



Jeff Loy

Board Member

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