

# NSW Independent Liquor & Gaming Authority

Liquor & Gaming NSW	NSW Police, Hunter Valley Police District
Upper Hunter Shire Council	William Thomas Arnold, White Hart Hotel

5 March 2025

Dear Sir/Madam

Reference No.	DOC25/055403
Licensee	Mr William Thomas Arnold
Licence Name	White Hart Hotel
Licence Number	LIQH400116284
Premises	46 Mayne Street, Murrurundi NSW 2338
Legislation	Part 9A of the <i>Liquor Act 2007</i>

## Decision on application to remove demerit point Mr William Thomas Arnold, White Hart Hotel (LIQH400116284)

On 13 August 2024, the Independent Liquor & Gaming Authority (**the Authority**) notified you of the application to remove a demerit point by Mr William Thomas Arnold (**the applicant**), the licensee of the White Hart Hotel, 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 10 July 2023, the Independent Liquor and Gaming Authority received an application from Mr William Thomas Arnold, the Licensee of the White Hart Hotel, LIQH400116284 (**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 16 June 2022, 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 13 August 2024, we notified all relevant parties of the application and invited submissions in response.

## Submissions

Submissions were received from Liquor and Gaming NSW (**L&GNSW**) and the Upper Hunter Shire Council (**Council**). We have considered the submissions, which are detailed below:

Dated 26 August 2024, L&GNSW:

- did not oppose to the proposed demerit point removal with the recommendation that the applicant undertake a RSA refresher course
- noted that the demerit point has been in place for over 2 years and is due to expire on 15 June 2025
- acknowledged the lack of adverse compliance history both with respect to the venue and the applicant
- acknowledged the additional measures the applicant claimed to have implemented including training of staff, and that no further demerit offences have been committed
- however, noted that the applicant has not refreshed his RSA or licensee training following the incident.

The applicant was provided a copy of the submission on 2 October 2024, 9 December 2024 and 19 February 2025 and was invited to make a submission in response. No additional information was provided by the applicant.

Council advised on 25 February 2025, that they are not objecting to the application.

## 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
- there is limited evidence that 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
- there is no indication that 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 and Council, which reflect that they do not object to the removal of the demerit point.

## Our findings

We are satisfied that:

- the Secretary or the Authority has not taken any action in response to the demerit offence
- the applicant has not committed any category 1 or category 2 demerit offences since the demerit was incurred.

We note that there is limited evidence that the associated risks have been addressed in a 12-month period since incurring the demerit point as the licensee has not refreshed their Licensee and RSA refresher training courses.

Having considered the evidence and information before us, 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 on the basis of 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](mailto: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 flourish extending upwards and to the right.

Jeff Loy

**Board Member**

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