

NSW Independent Liquor & Gaming Authority

Liquor & Gaming NSW	NSW Police, New England Police District
Inverell Shire Council	Mr Timothy Palmer, Inverell Returned Servicemen's Club Limited

11 March 2025

Dear Sir/Madam

Reference No.	DOC25/057602
Manager	Mr Timothy Palmer
Licence Name	Inverell Returned Servicemen's Club Limited
Licence Number	LIQC300238156
Premises	68-76 Evans Street, Inverell NSW 2360
Legislation	Part 9A Division 5 of the <i>Liquor Act 2007</i> Clauses 107B and 107C of the <i>Liquor Regulation 2018</i>

Decision on application to remove demerit point Inverell Returned Servicemen's Club Limited (LIQH400116284)

On 21 May 2024, the Independent Liquor & Gaming Authority (**the Authority**) notified you of the application to remove a demerit point by Mr Timothy Palmer (**the applicant**), the Manager of the Inverell Returned Servicemen's Club Limited (**the venue**), 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 5 July 2023, the Independent Liquor and Gaming Authority received an application from Mr Timothy Palmer, the Manager of the Inverell Returned Servicemen's Club Limited, LIQH400116284 seeking the removal of a demerit point under section 144ZC(2)(b) of the *Liquor Act 2007*.

The venue incurred one demerit point on 26 May 2022, in accordance with section 144I of the Act, for the category 1 demerit offence, *licensee permit intoxication on licensed premises*, in contravention of section 73(1)(a) of the Act.

Submissions

On 21 May 2024, we notified all relevant parties of the application and invited submissions in response. Submissions were received from Liquor and Gaming NSW (**L&GNSW**), NSW Police (**Police**) and the Inverell Shire Council (**Council**). We have considered the submissions, which are detailed below:

Dated 6 June 2024, L&GNSW:

- does not oppose to the proposed demerit point removal
- noted that the applicant completed all required liquor and gambling related competencies
- advised that there are no records to confirm whether the applicant has implemented measures to manage or reduce the risks that contributed to the commission of the demerit offence
- confirmed that the Secretary has not taken any action against the venue as a result of the demerit incurred by the applicant
- confirmed there is no indication of a compliance history for the applicant in the 10-years prior to the demerit offence and that the applicant has not committed any further demerit offences
- the applicant advised L&GNSW during a previous investigation that he is the Chairman of the Inverell Liquor Accord.

Dated 21 June 2024, Police:

- does not object to the removal of the demerit and provided the following submissions
- confirmed that the applicant has held the position of Manager since 2006 with a clean 10-year record, noting only a warning was issued in 2018 relating to gaming signage
- Officers attend the venue regularly, without identifying any issues
- advised that the applicant and the venue are members of the Liquor Accord
- understand the applicant has implemented strategies at the venue to prevent the offence occurring again.

Council advised on 30 May 2024, that there is no recorded compliance history relating to the applicant or the Inverell RSM Club in the last 10 years; and that they do not wish to provide any further submissions in relation to the matter.

The applicant was provided a copy of the submissions and was invited to make a submission in response. The applicant:

- claimed that patrons involved in the incident did not experience any harm, nor did they cause any harm to any surrounding patrons
- advised that venue procedures were reviewed following the demerit incident and that additional measures have been implemented to avoid future incidents
- confirmed that no demerit offences have occurred prior to or following the demerit offence and that no compliance issues were raised at a recent L&GNSW compliance inspection
- reiterated that he has a clean record and has been the voice of the proactive liquor accord within the local community.

Considerations under section 144ZE of the Act

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

- no action has been taken by the Authority or Secretary in response to the demerit
- there is no evidence to indicate that any serious harm resulted from the commission of the demerit offence. However, L&GNSW noted that patrons involved assessed themselves as highly intoxicated during the evening with members of the group feeling sick the next day
- the applicant submitted that the venue had implemented new policies and restrictions regarding the sale of shared cocktails to prevent the further commission of the demerit offence. However, no evidence has been provided by the applicant, beyond the assertions in their submission.

- 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, 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 Police, 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 requirements of the Act and the *Liquor Regulation 2018* have been met, including:

- 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 although the applicant is claiming that the venue has implemented measures to reduce the risks that contributed to the commission of the demerit offence, no evidence has been provided to support their claim.

However, on balance and 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 if you have any questions.

Yours sincerely



Jeff Loy

Board Member

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