

NSW Independent Liquor & Gaming Authority

Ms Lian Chaisumdet Licensee	KOLSUMDET PTY LTD Business Owner
Mr Bailey Wang Business Manager	Liquor & Gaming NSW
Fairfield Council	NSW Police

9 May 2025

Dear Sir/Madam

Reference No.	DOC25/131613
Licensee	Ms Lian Chaisumdet
Licence Name	Silver Pearl (Dai Lam Son) Seafood Restaurant
Licence Number	LIQ0624008275
Licence Type	On-premises licence
Premises	L1, 111 John Street, Cabramatta 2166
Legislation	Part 9A of the <i>Liquor Act 2007</i>

**Decision on remedial action for demerit points accumulated
Ms Lian Chaisumdet, Silver Pearl (Dai Lam Son) Seafood Restaurant (LIQ0624008275)**

On 20 February 2025, the Independent Liquor & Gaming Authority notified you of the remedial action it proposed to take for the demerit points accumulated by Ms Lian Chaisumdet, the licensee of Silver Pearl (Dai Lam Son) Seafood Restaurant, under the *Liquor Act 2007* (the Act).

Our decision

Following consideration of submissions received in response to the notification, we have decided to take the following remedial action:

- **require** the licensee, Ms Lian Chaisumdet, to undertake Advanced Licensee training and RSA refresher training, under section 144P of the Act
- **impose** conditions under section 144T of the Act, on the licence of Silver Pearl (Dai Lam Son) Seafood Restaurant, in respect of a Plan of Management and RSA Training, as detailed in Schedule 1.

Statement of reasons

Background

On 13 November 2024, Liquor & Gaming NSW (L&GNSW) notified us that Ms Lian Chaisumdet,

the licensee of Silver Pearl (Dai Lam Son) Seafood Restaurant had accumulated a total of two demerit points under Part 9A of the *Liquor Act 2007* (the Act).

Ms Lian Chaisumdet accumulated the second of two demerit points on 28 October 2024 following the issue and enforcement of two separate penalty notices for the repeated offence of '*licensee permit intoxication on licensed premises*' on 22 July 2022 and 5 September 2024.

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

On 20 February 2025, we notified you and all relevant 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.

Submissions

Submissions were received from L&GNSW and the Mr Bailey Wang – Business Manager, Silver Pearl.

L&GNSW, dated 25 February 2025:

- L&GNSW supports the proposed remedial action in light of the serious nature of the offence.

Fairfield Council, dated 13 March 2025

- Fairfield Council supports the proposed remedial action.

Mr Bailey Wang, Business Manager, Silver Pearl, dated 10 April 2025 :

- Mr Wang agreed that the proposed remedial action is reasonable, and the business has implemented controls including a liquor plan of management and team meetings.

Considerations under section 144ZA of the Act

We have also considered the relevant factors identified in section 144ZA of the Act, and note in the original submission from L&GNSW dated 25 July 2024 that:

- there is no material to indicate that the size and patron capacity of the licensed premises impacted the licensee's ability to prevent the commission of the demerit offence
- the licensee has committed a total of two demerit offences as described in the L&GNSW brief on potential remedial action
- there is no history of prescribed complaints in connection with the venue or its licensee
- it does not appear that other action against the licensee, outside the remedial action as set in the submission, is preferable
- Ms Chaisumdet had been the licensee since 14 December 2017
- KOLSUMDET PTY LTD has been the business owner since 17 October 2011
- there had been no changes to the business practices carried under the licence at the time of the submission.

Our findings

We are satisfied that:

- two demerit points have been accumulated by the licensee in a three-year period
- the offence '*licensee permit intoxication on licensed premises*' pursuant to section 73(1)(a) of the Act occurred on two separate occasions.

Having considered the available material, we find that the licensee failed to comply with her obligations under the Act to ensure the prevention of excessive consumption of alcohol on

licensed premises.

We consider the offence to be serious and warrant an enforceable regulatory response by way of remedial action, to prevent any similar occurrence in future.

Requiring the licensee to undertake advanced licensee training reinforces the importance of their obligations under the Act and their responsibility to also monitor and ensure staff are complying with their responsibilities.

Additionally, the imposition of a Plan of Management condition on the venue's licence will ensure the framework is in place for staff in understanding the responsible service principles adopted by the venue. The Plan of Management also provides guidance on actions that will be taken to ensure compliance with obligations under liquor laws and the liquor licence.

Finally, the imposition of the RSA training condition ensures that staff working at the venue hold the appropriate competency card qualification.

The material we considered

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

- notification of the accumulation of demerit points from L&GNSW, dated 13 November 2024
- submission from L&GNSW, dated 25 February 2025
- submission from Fairfield Council, dated 13 March 2025
- submission from Mr Bailey Wang, Business Manager Silver Pearl, dated 10 April 2025.

The law that applies

These sections of the *Liquor Act 2007* apply in this decision:

- Section 3: Statutory objects of the Act and other relevant considerations
- Section 73: Offences relating to consumption of alcohol on licensed premises
- Part 9A Demerit Points Scheme

If you are dissatisfied with this decision

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

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

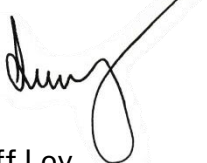
For more information, please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the NCAT website.

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
Independent Liquor & Gaming Authority

Schedule 1 – Licence conditions to be imposed
Silver Pearl (Dai Lam Son) Seafood Restaurant (LIQ0624008275)

No.	Condition to be imposed	Description
1.	Plan of Management	The premises is to be operated at all times in accordance with the Liquor Plan of Management dated February 2025 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.
2.	RSA Training	<p>The Licensee and all staff to undertake a refresher responsible service of alcohol (RSA) training course conducted by an approved Registered Training Organisation (RTO).</p> <p>Note: this excludes staff who have completed RSA training since the second offence under section 73(1)(a) of the Liquor Act 2007 occurred (5 September 2024).</p> <p>In this condition:</p> <p>‘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>