

# NSW Independent Liquor & Gaming Authority

Ms Rachel Murrells Former approved manager and director of former licensee Temora Hotel	Mr Darren Duke A/Director of Compliance & Enforcement Unit NSW Department of Creative Industries, Tourism, Hospitality and Sport
<b>Section 140(3) – Third parties</b> GOLD BAR OPERATIONS PTY LTD Licensee/ Business and Premises Owner Temora Hotel	

Our ref: DOC25/122433

1 May 2025

Dear Sir/Madam

## Decision regarding a complaint about Ms Rachel Murrells under section 139 of the *Liquor Act 2007*

### Our decision

We are satisfied that the grounds of complaint are established and have determined to:

- **reprimand** Ms Rachel Murrells (**Ms Murrells**) under section 142(m) of the *Liquor Act 2007* (**the Act**); and
- **disqualify** Ms Murrells from being the manager of a licensed premises, or from holding a licence or being the close associate of a licensee under section 141(2)(h) of the Act for a period of five (5) years commencing six (6) months from the date of this decision;
- **disqualify** Ms Murrells from being a close associate of a licensee or the manager of a licensed premises under section 141(2)(j) of the Act for a period of five (5) years commencing six (6) months from the date of this decision; and
- **disqualify** Ms Murrells from holding a licence under section 141(2)(k) of the Act for a period of five (5) years commencing six (6) months from the date of this decision.

The NSW Independent Liquor & Gaming Authority (**the Authority**) has specified the commencement date of the disqualification period as six (6) months from the date of this decision to allow for Ms Murrells to make any necessary arrangements in respect of any other existing licences in consequence of this decision.

### Background

On 20 June 2023, a disciplinary complaint was received from Ms Jane Lin, the then Executive Director of Regulatory Operations & Enforcement, Liquor & Gaming NSW (**L&GNSW**), as a delegate of the Secretary of the NSW Department of Enterprise,

Investment and Trade about Ms Murrells as the former approved manager and director of the former licensee of hotel licence LIQH400120516 for Temora Hotel, located at 208 Hoskins Street, Temora NSW 2666 (**Complaint**).

The Complaint received from L&GNSW referred to the sale of alcohol to two minors at the Temora Hotel on 20 March 2020. The Complaint was provided to the Authority to consider disciplinary action against Ms Murrells, among others, under sections 139(3)(d), 139(3)(f) 139(3)(j) and 139(3)(i) of the Act.

Summary of events:

- On 20 March 2020, a 17-year-old minor entered Temora Hotel and between the hours of 9.44pm and 11.27pm was sold, supplied and served a total of 19 alcoholic beverages, of which he consumed seven.
- Also on 20 March 2020, a second 17-year-old minor entered Temora Hotel and between the hours of 12.01pm and 11.46pm was sold, supplied and served approximately 45 alcoholic beverages by staff employed by the hotel, of which he consumed at least 20.
- At no point on 20 March 2020 did any manager or staff of Temora Hotel ask either minor for a proof of age identification document (**ID**).
- On 21 March 2020, in the early hours of the morning prior to 6.00am, one of the minors drove a motor vehicle and was involved in a crash resulting in his death.

#### **(March 2020 Incident)**

- As a result of the March 2020 Incident, regulatory action was taken by the Authority under the former Minors Sanctions Scheme which included the shutdown of Temora Hotel for a period of 14 days.
- NSW Police also instigated court proceedings resulting in Murrells Hospitality Group being prosecuted and found guilty without proceeding to conviction and sentenced to a Conditional Release Order for 18 months.

#### **Grounds of Complaint**

The grounds of complaint against Ms Murrells are that:

- Section 139(3)(d) of the Act – Ms Murrells in her capacity as approved manager has failed to comply with any other requirement under this Act or the regulations, relating to the licence or the licensed premises.
- Section 139(3)(f) of the Act – Ms Murrells in her capacity as approved manager has engaged in conduct or activities that are likely to encourage misuse or abuse of liquor (such as binge drinking or excessive consumption).
- Section 139(3)(i) of the Act – Ms Murrells in her capacity as approved manager is not a fit and proper person to be the manager of a licensed premises.
- Section 139(3)(j) of the Act – Ms Murrells in her capacity as a close associate is not a fit and proper person to be a close associate of a licensee.

#### **Submissions and consultation**

On 26 August 2024, a show cause notice was issued to Murrells Hospitality Group Pty Ltd (**Murrells Hospitality Group**), the former licensee of Temora Hotel, Ms Murrells, Mr Benjamin Murrells, the other director of Murrells Hospitality Group, the then current licensee and business and premises owner of Temora Hotel and L&GNSW. The submissions in response are detailed below.

Submission from current licensee, Gold Bar Operations Pty Ltd, received 11 September 2024:

- The current operation of Temora Hotel is vastly different to that of the former operator at the time of the unfortunate incidents that occurred in March 2020.
- The current business owner and licensee are focused on the need to minimise harm associated with the use and abuse of liquor and underage drinking.
- Except for one cook and one casual employee currently in the role of Social Media Manager, there are no current employees that were previously employed by Murrells Hospitality Group.
- No director or current employee with responsible service of alcohol responsibilities have any association with Murrells Hospitality Group, Ms Murrells or Mr Benjamin Murrells in any way, shape or form.
- The current licensee takes their responsibility of running the business and their obligations in operating the liquor licence very seriously and have undertaken a number of actions in order to ensure that this is forefront in the business.
- The current licensee hopes that any action taken against Murrells Hospitality Group and its agents will not reflect on the current licensee of the Temora Hotel, nor on the current liquor licence itself.

Submission from Murrells Hospitality Group, Ms Murrells and Mr Benjamin Murrells (together, the **Murrells**), received 8 October 2024:

- Until the March 2020 Incident Ms Murrells had maintained an unblemished record of compliance, spanning over a period of 10 years.
- On the night of the March 2020 Incident, Ms Murrells was not on duty as it was a moderately quiet night leading up to the shutdown of various venue across the state due to COVID-19. However, each of the staff on duty had extensive experience in licensed venues and were required to read and sign an employee handbook on commencement of employment at Temora Hotel.
- The bar manager had been undergoing weekly training sessions with Ms Murrells in relation to the management of the business, patrons and staff, and in particular her roles and responsibilities about compliance with the liquor licence, liquor regulations and the responsible service of alcohol.
- When de-briefing the other staff members on duty it became clear that each of them had taken their cue from the bar manager and senior member of staff on duty and did not feel comfortable, or that it was necessary, to challenge either minor for ID.
- Ms Murrells is exceedingly remorseful and acknowledges the role of her staff in the March 2020 Incident.
- Staff are well-trained to know that persons under the age of 18 are not to be sold or supplied alcohol and binge drinking or rapid consumption should not be encouraged.
- There is no evidence that any of the patrons at Temora Hotel were intoxicated or at least showing some of the signs of intoxication to have staff restrict sales or service to patrons.
- Training and meetings were held in relation to intoxication and excessive/rapid consumption, amongst other management issues. However, the Murrells noted that perhaps more targeted and assertive training may have assisted staff in questioning the bar manager who vouched for one of the minors on the night of the March 2020 Incident.

- After the March 2020 Incident the following policies and procedures were put in place:
  - A comprehensive plan of management was developed by Temora Hotel and distributed to all staff. A representative of the NSW Australian Hotels Association was engaged to attend Temora Hotel and brief staff on their responsibilities in relation to harm minimisation and the responsible service of alcohol.
  - Staff were required to review, and be familiar with, Temora Hotel's plan of management before commencing employment which set out the policies and procedures for preventing the sale or supply of liquor to minors.
- Staff were also provided with a copy of the L&GNSW Intoxication Guidelines.
- Regular meetings were also held with senior staff in relation to their roles and responsibilities.
- Staff were ordered to assess the age of every person entering the premises from 7.00pm on Friday and Saturday and issue wrist bands to those assessed as being over 18. There was a strict "no wrist band – no drink" policy in place.
- The effect of any disqualification against Temora Hotel or its close associates would impact the operation of the hotels they currently manage and their employees.
- There may be a requirement to divest themselves of the hotels they operate with a significant impact on third parties, the businesses and staff and suppliers far more than the conduct complained of.
- The two character references provided in support of Ms Murrells describe her as being a conscientious and reliable staff member who is an active member of her local community, is committed to her family, work and the wider community, and conducts herself with integrity.

On 21 October 2024, L&GNSW advised that it would not be making a further submission.

### **Our findings**

Ms Murrells' conduct falls well below the standard of behaviour expected of a manager of a licensed premises and a close associate of a licensee.

A close associate of a licensee is defined by section 5(1)(b) of the *Gaming and Liquor Administration Act 2007 (GALA Act)* as a person who holds any relevant position in the business of the licensee that is carried on under the authority of the licence. The position of director is deemed a 'relevant position' under section 5(2)(a) of the GALA Act. As a director of Murrells Hospitality Group, Ms Murrells is a close associate of Murrells Hospitality Group, being the licensee of Temora Hotel at the time of the March 2020 Incident.

In their capacity as close associates of a licensee, the Authority holds directors of licensees personally accountable for the establishment and maintenance of a culture which prioritises the minimisation of harm. The evidence put before the Authority in this matter demonstrates a lack of adherence by Ms Murrells as director of the corporate licensee, Murrells Hospitality Group, to this standard.

Her conduct raises serious concerns about her fitness and propriety to be both a manager of licenced premises and close associate of a licensee. Her behaviour also demonstrates a significant failure to understand and comply with the legislation.

We are of the view that Ms Murrells does not have the requisite character to hold a liquor licence, be a manager of licensed premises or be a close associate of a licensee and disciplinary action is warranted.

### **Relevant legislation**

Prescribed grounds of complaint

We are satisfied that the Complaint was made validly and that the established grounds of complaint are prescribed grounds under sections 139(3)d), 139(3)(f), 139(3)(i) and 139(3)(j) of the Act.

### **The material we considered**

In determining the disciplinary complaint, the following material was considered:

- disciplinary complaint from L&GNSW, received 20 June 2023;
- submission from current licensee, received 11 September 2024;
- submission from Murrells Hospitality Group, Ms Murrells and Mr Benjamin Murrells, received 8 October 2024; and
- response from L&GNSW, received 21 October 2024.

### **If you are dissatisfied with this decision**

The respondent or complainant may apply to NCAT for a review of this decision under the Administrative Decisions Review Act 1997.

For more information, please contact the NCAT Registry at 1300 006 228 or visit the NCAT website.

This decision may be published on the 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



Chris Honey

**Deputy Chairperson**

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