

NSW Independent Liquor & Gaming Authority

Liquor & Gaming NSW	NSW Police, Lake Illawarra Police District
Kiama Municipal Council	Christina Paterno, Little Betty's Bar

26 June 2025

Dear Sir/Madam

Reference No.	DOC25/178959
Licensee	Miss Christina Paterno
Licence name	Little Betty's Bar
Licence Number	LIQS220000196
Premises	1/55 Collins Street, Kiama, NSW 2533
Legislation	Part 9A Division 5 of the <i>Liquor Act 2007</i> Part 7A of the <i>Liquor Regulation 2018</i>

Decision of the Independent Liquor & Gaming Authority Application to remove demerit point – Miss Christina Paterno, Little Betty's Bar, LIQS220000196

On 21 March 2025, the Independent Liquor & Gaming Authority (**the Authority**) notified you of the application to remove a demerit point from Miss Christina Paterno (**the applicant**), licensee of Little Betty's Bar Kiama, LIQS220000196 (**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 **refuse** the application to remove the demerit point under section 144ZE(1)(b) of the Act.

Statement of reasons

Background

On 14 March 2025, the Authority received an application from the licensee, seeking the removal of a demerit point under section 144ZD(1)(a) of the Act. The venue incurred one demerit point on 29 January 2024, in accordance with section 144H(b) 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.

As part of their application, the applicant advised that they had:

- updated their Plan of Management
- implemented mandatory daily checklists and monthly training to all staff on responsible service of alcohol
- employed a dedicated Host/RSA Marshall for Friday and Saturday night services.

No further Category 1 demerit offence or Category 2 demerit offence was committed since the venue incurred the initial demerit point on 24 January 2024.

On 21 March 2025, we notified all relevant parties of the application and invited submissions in response.

Submissions

Submissions were received from the applicant, Liquor and Gaming NSW (**L&GNSW**), the Kiama Municipal Council (**Council**) and NSW Police (**Police**). We have considered the submissions, which are detailed below:

Dated 31 March 2025, Council:

- advised they do not object to the demerit removal application
- confirmed they had not received any complaints related to the venue.

Dated 10 April 2025, L&GNSW:

- did not oppose the proposed demerit point removal
- advised that Police material indicates injuries were sustained by an individual and that this individual was later involved in a car accident
- acknowledged the lack of adverse compliance history both with respect to the venue and the applicant
- noted the applicant has taken proactive steps implementing management measures to prevent future alcohol related incidents at the venue
- recommended that the applicant undertakes Responsible Service of Alcohol (**RSA**) and licensee refresher training as their last completed training is recorded as being 13 January 2021.

Dated 10 April 2025, Police:

- objected to the application due to the incident leading to the issue of the demerit point being serious in nature
- raised concerns that the venue has not acknowledged the seriousness of the incident or the breaches of the Liquor Act
- noted that it does not appear that measures have been taken by the premises to ensure an incident of this nature does not happen again
- raised that they issued a further two (2) warnings to the premises for the *Licensee/employee/agent sell/supply liquor* and for the *Licensee fail to comply with conditions of licence*.
- conducted a follow up inspection at the premises on 6 April 2025 and found that the incident register was a register at the venue was from another premises.

The applicant was provided a copy of the submissions and invited to comment. On 29 May 2025, the applicant advised:

- that the incident was the only notable compliance incident recorded in the past 4 years. The absence of any of records of incidents at the premises indicates the incident was an outlier and is not a common occurrence

- they have robust practices, policies and procedures in place that ensure patrons safety. These have been updated following an internal investigation of the incident
- the implementation of the demerit point placed a considerable strain on the financial viability of the business
- they do not accept the version of events outlined in the Police submission as accurate, however they accept that Police intervention was subsequently required to assist one of the patrons
- there is no contemporaneous evidence that demonstrates that any person suffered serious injury as a result of the incident
- that the incident is at the low-end of objective seriousness for incidents that are subject to a penalty notice
- the licensee and their managing staff have completed a self guided refresher training using the L&G NSW Licensee Training Handbook to ensure competence and compliance. The applicant will comply and complete a refresher training which is usually scheduled 90 days before the expiration of licensee qualification
- the venue is a current member of the Kiama Liquor accord.

Considerations under section 144ZE of the Act

We have also considered the relevant factors identified in section 144ZE(2)(b) of the Act, and note that:

- no remedial action was taken by the Authority in response to the demerit point being incurred
- the licensee of the licensed premises has implemented measures, and training courses, 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 licensee has not committed any category 1 or category 2 demerit offences since the demerit was incurred
- Clause 107C of the Liquor Regulation 2018 prescribes other matters we 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; however, the Police objected and raised serious concerns that the associated risks relating to the matter that led to the demerit point have not been adequately addressed and two further warnings have been issued to the venue since then
 - the venue's active participation in the Kiama Liquor Accord.

Our findings

In the course of considering the application and in light of the Police submission, we were concerned that the venue has not adequately addressed the risks of patron intoxication since the demerit point was incurred. We are also concerned that a further two warnings have been issued by Police since the demerit was incurred.

We recognise that the applicant has implemented a number of harm minimisation measures to prevent a recurrence of the incident including (but not limited to) updating their Plan of Management, implementation of mandatory daily checklists and monthly training to all staff on responsible service of alcohol and employment of a dedicated Host/RSA Marshall for Friday and Saturday night services.

In light of the seriousness of the original incident, we are not satisfied that associated risks have been addressed adequately as the applicant's submission does not reveal significant changes to the operation of the venue and its attitude to managing intoxication.

On balance and in the interest of harm minimisation associated with the misuse and abuse of liquor, we have decided to **refuse** the application to remove the demerit point under section 144ZE(1)(b) of the Act.

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
- the applicant's submission in response to stakeholder submissions received.

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

A handwritten signature in black ink, appearing to read 'Jeff Loy', with a long, sweeping horizontal line extending to the right.

Jeff Loy

Chair, Disciplinary Matters Committee
NSW Independent Liquor & Gaming Authority