

NSW Independent Liquor & Gaming Authority

Kamaljit Singh, licensee Porters Liquor Woronora Heights	Liquor & Gaming NSW
Sutherland Shire Council	NSW Police, Sutherland Shire Police Area Command

13 August 2025

Dear Sir/Madam

Reference No.	DOC25/237069
Licensee	Mr Kamaljit Singh
Licence name	Porters Liquor Woronora Heights
Licence Number	LIQP770016656
Premises	Shop 5, 67 Warrangarree Dr Woronora Heights NSW 2233
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 points – Mr Kamaljit Singh, Porters Liquor Woronora Heights, LIQP770016656

On 14 March 2025, the Independent Liquor and Gaming Authority (**the Authority**) received an application from Mr Kamaljit Singh (**the applicant**), licensee of Porters Liquor Woronora Heights, LIQP770016656 (**the venue**) under section 144ZD(1)(a) of 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 points 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 2 demerit points under section 144ZD(1)(a) of the Act. The venue incurred two demerit points on 30 May 2023, in accordance with section 144H(a) of the Act, for the category 2 demerit offence, *sell liquor to a minor on licensed premises*, in contravention of section 117(1) of the Act.

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

- completed Advanced Licensee training
- installed CCTV at the venue; and
- no staff (excluding the licensee) was working on the premises.

No further Category 1 demerit offence or Category 2 demerit offence was committed since the venue incurred the initial demerit points on 30 May 2023.

On 20 May 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**) and NSW Police (**Police**). No submission was received from Council. We have considered the submissions, which are detailed below:

Dated 4 June 2025, L&GNSW:

- opposed the demerit points removal
- noted a delay of over seven months to comply with the Advanced Licensee training condition imposed by the Authority on 30 September 2024
- advised that the licensee had previously failed to comply with the license condition requiring them to be an active participant in their local liquor accord. The licensee was issued a penalty notice for this offence by Police in April 2023 and at the time of submissions had not yet complied with this condition
- acknowledged the lack of adverse compliance history both with respect to the venue and the applicant, however noted that they did not hold any information that demonstrated whether measures had been implemented at the venue to reduce or mitigate the risks that contributed to the demerit offence. Further, L&GNSW was unable to confirm whether the applicant has complied with the other conditions imposed on the license.

Dated 9 June 2025, Police:

- opposed the demerit points removal
- raised concerns that stated that the applicant had not indicated any self-implemented harm minimisation strategies at the venue and this is not conducive with a venue proactively managing the risks that contributed to the offence
- noted the delay of over seven months to comply with the Advanced Licensee training condition imposed by the Authority on 30 September 2024
- noted that the applicant had not joined a liquor accord at the time of submissions and Police would subsequently be issuing an infringement for this continued breach of the license conditions
- advised that the licensee had been issued a penalty notice on 12 April 2024 for the offence of permitting the sale of alcohol by a staff member without a current RSA endorsement. Police also issued a warning to the venue for failing to display the correct Minor Notice signage and for having the incorrect liquor license displayed.
- raised concerns that the accumulation of the demerit points was not due to a single incident but rather four separate sales of alcohol to minors over a period of 20 minutes. Police believe that further sales to minors would have continued if not for their intervention and raised concerns that the minors admitted in their statements that they had previously purchased alcohol from the venue.

The applicant was provided a copy of the submissions and invited to comment. On 7 July 2025, the applicant:

- acknowledged the conduct was 'objectively serious and regrettable', however no evidence was provided by Police or L&GNSW that the sale of alcohol to minors caused serious harm to any person
- stated corrective measures were introduced following the incident, including CCTV installation, the licensee completing Advanced Licensee training, signage installed on the premises relating to ID checks for patrons who appear to be under 25 years of age, the implementation of an incident register confirming RSA compliance, the implementation of a Plan of Management, and staffing and oversight limited to only the licensee working on the premises with additional RSA-qualified staff under direct supervision
- noted no further Category 1 or Category 2 offences had been committed at the venue since the incident occurred
- acknowledged their previous failure to actively participate in their local liquor accord, however noted that this was due to a communication breakdown rather than wilful non-compliance. The applicant provided evidence that they had now joined their local liquor accord and stated they plan to attend meetings and contribute meaningfully to community safety discussions
- acknowledged the incident involved four separate sales of alcohol to minors, however noted that according to the current L&GNSW Incentives and Demerit Point System, 'Demerit points incurred within 24 hours for multiple offences are treated as a single offence for the system'. The applicant feels that Police are amplifying the seriousness of the offence which they state amounts to 'one lapse in judgment over a brief period'.
- clarified that no deadline was imposed by the Disciplinary Committee in relation to when the Advanced Licensee training was to be completed. The licensee states they have now complied with this condition and the delay was due to financial and scheduling constraints and should not be viewed as intentional non-compliance.

Considerations under section 144ZE of the Act

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

- the applicant partially complied with the remedial action imposed by the Authority by completing advanced licensee training and installing CCTV at the venue. The applicant also provided evidence of the introduction of a plan of management, however the Authority notes that this was not provided to the Authority for approval within 2 months of the condition being imposed, a requirement detailed in the 30 September 2024 Authority decision. Additionally, some of the clauses in the plan of management were not relevant to a bottle shop venue and are better suited to a pub/hotel type venue. For example, clause 8 requiring staff to encourage intoxicated patrons to use safe transport when leaving the venue, and clause 11 forbidding loud and amplified music at the venue.
The applicant did not provide the Authority with evidence that they or any other staff at the venue completed RSA refresher training within 2 months of the imposed condition
- the applicant stated that they have implemented measures to reduce risk at the venue including the licensee attending advanced licensee training, the introduction of an incident register, displaying signage, introducing a plan of management, and limiting staffing and oversight to the licensee, with RSA qualified staff working under direct supervision. The Authority notes that the advance licensee training course the applicant completed was a license condition imposed by the Authority and under section 144ZE(3) of the Act the Authority must not take this into account when considering the removal of demerit points

- 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 from L&GNSW and Police, which reflect that they object to the demerit points removal. Both raised concerns that the associated risks relating to the matter that led to the demerit points have not been adequately addressed and Police advised that another penalty notice has been issued to the venue since then for offences relating to incorrect minor ID signage, a staff member selling alcohol without an RSA, and the incorrect liquor license being displayed at the venue. No submission was received from council and thus could not be considered as part of this application
 - the applicant's compliance in joining their local liquor accord, noting that this was confirmed via email on 3 July 2025. No evidence has been provided to demonstrate the venue's active participation in liquor accord meetings.

Our findings

After considering the application and in light of the submissions from Police and L&GNSW, we are concerned that the venue has not adequately addressed the risks associated with selling liquor to minors since the demerit points were incurred. We are also concerned that another penalty notice was issued by Police since the demerits were incurred.

We recognise that the venue has implemented several harm minimisation measures to prevent a recurrence of the incident including introducing a plan of management, CCTV, an RSA compliance register, and signage. We also acknowledge that the applicant has completed advance licensee training.

We remain concerned however that while efforts have been made to implement strategies to improve compliance, the applicant has not met all the requirements to consider these strategies with more weight. The Authority imposed a license condition requiring a plan of management to be provided to us by December 2024. The plan of management – dated 14 March 2025 – was not sent to us until 7 July 2025. We are also concerned that by including clauses relating to transport options for intoxicated patrons and venue music volume, the plan of management is more suited to a pub/hotel type venue. This causes us to question whether the plan of management is fit for purpose for the venue.

Additionally, we were not provided with any evidence of staff at the venue completing refresher RSA training within 2 months of the imposed conditions. Finally, we were not provided with any evidence demonstrating that an RSA compliance register was introduced beyond a statement in the applicant's submission email.

We acknowledge the applicant's lack of adverse compliance history and that no further category 1 or category 2 offences have occurred since the incident.

We also acknowledge that the applicant has completed the advanced licensee training. Consideration was given to the 7-month delay in completing this training, however we recognise the financial and time constraints on the licensee and that no due date was required by the Authority when imposing this condition.

We further acknowledge that as of July 2025 the applicant has joined their local liquor accord. The Authority encourages the applicant to participate meaningfully with liquor accord meetings to enable them to strengthen their partnership with Police, council and their local community to minimise harm and develop further strategies to improve well-being in their community.

The authority rejects the applicant's characterisation of the incident as 'one lapse in judgement over a brief period' as in their statements to Police the minors admitted to buying alcohol from

the venue on a previous occasion, and in his own statement the licensee referred to the minors as 'regulars' and told Police that 'they usually come here'. This indicates to us that the incident was not an isolated incident but rather a pattern of behaviour at the venue.

On balance, and considering the seriousness of the original incident, we are not satisfied that the 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 preventing the sale of alcohol to minors.

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 points 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
- Police and L&GNSW submissions in response to the application
- the applicant's submission in response to Police and L&GNSW 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 than 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

Chair, Disciplinary Matters Committee
NSW Independent Liquor & Gaming Authority