

NSW Independent Liquor & Gaming Authority

Liquor & Gaming NSW	NSW Police Burwood Police Area Command
City of Canada Bay Council	Ms Jieun Park Manager, CHINEL

18 September 2025

Dear Sir/Madam

Reference no.	DOC25/231751
Applicant	Ms Jieun Park
Position	Manager
Venue name	CHINEL (LIQ0660032949)
Premises	Shop 2, 7 Rider Boulevard Rhodes NSW 2138
Demerit incurred by	Ms Jieun Park
Demerit points incurred	1
Demerit offence	Licensee sell/supply liquor outside authorised hours
Date demerit incurred	07/09/2023
Date demerit expires	06/09/2026
Application legislative reference	Part 9A Division 5 and 6 of the <i>Liquor Act 2007</i> Sections 107B and 107C of the Liquor Regulation 2018

Decision of the Independent Liquor & Gaming Authority
Application to remove demerit point – Ms Jieun Park, Manager CHINEL, LIQ0660032949

On 13 May 2025, the Authority received an application from Ms Jieun Park (**the applicant**) the manager of CHINEL, seeking the removal of a demerit point under section 144ZD(1)(b) of the Act. Ms Park incurred one demerit point on 7 September 2023, in accordance with section 144H(b) of the Act, for the category 1 demerit offence, *licensee sell/supply liquor outside authorised hours*, in contravention of section 9 of the Act.

On 19 May 2025, the Independent Liquor & Gaming Authority (**the Authority**) notified you of the application lodged by the applicant to remove a demerit point 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

As part of their application to remove a demerit point, the applicant advised that they had:

- obtained a temporary outdoor liquor sales permit to address the issue and ensure compliance immediately following the incident
- ceased using the outdoor tables and removed them to prevent any recurrence of the incident.

No further Category 1 demerit offence or Category 2 demerit offence has been committed since the venue incurred the initial demerit point on 7 September 2023.

On 19 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**), the City of Canada Bay Council (**Council**) and NSW Police (**Police**). We have considered the submissions, which are detailed below:

Dated 10 June 2025, L&GNSW:

L&GNSW oppose the application to remove the demerit point incurred as, at the time of this submission, the applicant had not completed the required training and obtained her licensee endorsement. L&GNSW further:

- notes that whilst the venue obtained a temporary outdoor liquor licence to address the issue and permit sales of liquor in a temporary outdoor area, this measure does not directly address the demerit offence of sell/supply liquor outside authorised hours;
- confirms there has been no adverse compliance history with respect to the applicant and the venue since the demerit point was incurred;
- advised that the applicant had not completed mandatory training to receive the required licensee endorsement. The requirement to undertake licensee training was set out in correspondence dated 6 December 2021 when the transfer of the liquor licence was provisionally approved, and Ms Park was appointed as the approved manager;
- advised that the alleged non-compliance with mandatory training requirements has been referred to L&GNSW Compliance & Enforcement directorate

Dated 6 June 2025, Police:

Police did not comment on whether they were in favour of the demerit point removal. Their submission:

- noted that the circumstances that were the basis of the demerit offence did not result in serious harm to any person;
- acknowledged the applicant obtained a temporary outdoor liquor sales permit to address issues raised by Police;

- confirmed there has been no further action taken in response to the demerit point and no further demerit offences have been committed since that time. During the 10 year period to March 2025, the applicant has received six verbal warnings and one infringement notice for offences identified under the Act and Liquor Regulation 2018 (**the Regulation**);
- noted the applicant's membership status with the Liquor Accord remains uncertain and that records indicate the applicant has not attended the last three Liquor Accord meetings.

Dated 17 June 2025, Council:

Council advised that they would not be providing any comments on the matter.

The submissions above were provided to the applicant for their comment.

Dated 8 July 2025, response from the applicant

In a response to the submissions from L&GNSW, Police and Council the applicant advised:

- the incident that led to the demerit point did not result in any serious harm to any person;
- it was a breach of trading hours regulation without any associated violence or public safety issue;
- since the incident they
 - immediately applied for and obtained a temporary outdoor liquor permit in consultation with the Police
 - ceased all outdoor liquor service operations permanently
 - personally completed a refresher RSA training
 - re-educated all staff members on licensing compliance, including CCTV, trading hours, and alcohol service restrictions;
- since the demerit offence, there have been no further Category 1 or 2 demerit offences committed by the licensee or at the premises;
- they have not been able to attend recent Liquor Accord meetings due to operational pressures and staff shortages, however they intend to re-engage and actively participate going forward;
- their acknowledgement of past non-compliance and seriousness of the issues, however is committed to ensuring full compliance in all future operations
- that the Police have noted no serious harm and no further action;
- they would like the Authority to consider the financial burden that this demerit point has placed on the business and that they are contemplating closure due to financial stress.

On 9 July 2025, the Office of the Independent Liquor & Gaming Authority (**OILGA**) sought further evidence from the applicant to support claims that were made in their 8 July 2025 submission in relation to completion of refresher RSA training, staff training and advice and/or evidence on whether the applicant had completed licensee training to receive the required licensee endorsement as required by L&GNSW.

Following numerous requests for extensions, the applicant advised that they had not been able to complete the Advanced Licensee Training and therefore could not supply the evidence initially requested. However, they did advise that they had conducted a full in-house refresher training session with staff and provided evidence of this. This evidence was not verified by an external source. The applicant sought a further extension to provide the Advanced Licensee Training certificate.

On 24 July 2025, the applicant provided an interim certificate for completion of Licensee Training which was completed by a staff member of CHINEL. No evidence was provided that the applicant had completed the required training.

On 26 July 2025, the applicant advised their liquor licence had been cancelled and requested this be reverted to a suspension pending the decision on the demerit removal application. OILGA

advised the applicant that this was a matter for L&GNSW and that the decision in relation to the demerit removal was still under consideration.

Considerations under the Act and the Regulation

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 applicant provided evidence of obtaining a temporary outdoor liquor permit in consultation with the Police and ceasing all outdoor liquor service operations permanently. However, this measure does not directly address the demerit offence of sell/supply liquor outside authorised hours which was also noted in the L&GNSW submission
- the applicant conducted internal staff training and has provided evidence of a staff member attending Licensee Training with an external service provider.
- the licensee has not committed any category 1 or category 2 demerit offences since the demerit was incurred

Section 107C of the Regulation prescribes other matters we must consider, including:

- the submissions received from L&GNSW (as a delegate of the Secretary), Police and Council. Whilst the submissions from the Police and Council reflect that they do not object to the removal of the demerit point, the submission from L&GNSW opposed the removal of the demerit removal due to concerns over non-completion of mandatory training and that the actions taken by the applicant following the incident not directly addressing the demerit offence of sell/supply liquor outside authorised hours.
- the venue's lack of participation in the Local Liquor Accord, having not attended the last three meetings. We made three attempts to contact the Burwood/Canada Bay liquor accord to determine if the manager and/or licensee had entered into the accord without success as noted under section 107C(b) of the Regulation.

Our findings

In the course of considering the application and in light of the submission from L&GNSW, we were concerned that Ms Park had not completed the mandatory training to receive her licensee endorsement as noted by L&GNSW. It is also noted that whilst the venue obtained a temporary outdoor liquor licence to address the issue of selling liquor in a temporary outdoor area, this measure does not directly address the demerit offence of sell/supply liquor outside authorised hours.

We are also concerned with the lack of commitment from the applicant to be an active participant in the Liquor Accord as noted in the Police submission.

We recognise that the applicant implemented some harm minimisation measures since the demerit point was incurred, including obtaining a temporary outdoor liquor permit and ceasing all outdoor liquor service operations permanently, re-education of staff members on licensing compliance, including CCTV, trading hours, and alcohol service restrictions. However, these measures do not address the offence which incurred the demerit.

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 Ms Park's commitment to understanding of obligations under the Act.

On balance and in line with the objects of the Act, 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 submissions 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



Jeff Loy

**Chair, Disciplinary Matters Committee
NSW Independent Liquor & Gaming Authority**