

Report to the CEO, Liquor Gaming & Racing

In accordance with sections 3, 4, 5 and 6 of the Ministerial Directions published on 4 March 2016, the Independent Liquor & Gaming Authority (ILGA) provides reasons to the Deputy Secretary, Better Regulation Division, within five business days of the expiry of the determination period to allow for publication of those reasons on the Liquor & Gaming NSW website.

This report was prepared by Liquor & Gaming NSW on behalf of ILGA.

Section 3.2 of Ministerial Directions – Overage gaming machine and liquor licence applications, as at 16 January 2023

Type of application	Application number	Licence name	Days overdue	Reason(s) for becoming overage	Notes for internal reference e.g., date of last action
Packaged liquor licence - New	APP-0006794773	Myer Macquarie Park	566	Awaiting response from applicant Administrative delay	<p>Response from applicant delayed due to COVID situation in Melbourne where Myer head office is.</p> <p>Waiting on response to submissions from applicant.</p> <p>Applicant waiting on outcome of MYER Castle Hill before providing response.</p> <p>06.10.21 – no change</p> <p>10.11.21 – being considered at the November meeting</p> <p>10.11.21 – matter deferred pending meetings with applicant by Secretariat</p> <p>11.1.22 – no change</p> <p>07.02.22 – no change</p> <p>08.03.22 – no change</p> <p>29.04.22 – no change</p> <p>12.05.22 – no change</p> <p>30.06.22 – no change</p> <p>9.08.22 – Update requested from applicant's solicitor</p> <p>11.08.22 – no change</p> <p>12.08.22 – Solicitor for applicant waiting for instructions on material so they can draft proposed conditions and submit same to ILGA</p> <p>4.10.22 - no further update</p> <p>4.11.22 - no further update</p> <p>12.12.2022 – ILGA to write to applicant requesting they</p>

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Type of application	Application number	Licence name	Days overdue	Reason(s) for becoming overage	Notes for internal reference e.g., date of last action
					withdraw this application and resubmit when instruction from client finalised 18.1.23 – Advice received from Licensing. Letter being drafted by OILGA.
Packaged liquor licence – New	APP-0006728782	Myer Chatswood	564	Awaiting response from applicant Administrative delay	Response from applicant delayed due to COVID situation in Melbourne where Myer head office is. Waiting on response to submissions from applicant. Applicant waiting on outcome of MYER Castle Hill before providing response. 06.10.21 – no change 10.11.21 – being considered at the November meeting 10.11.21 – matter deferred pending meeting with applicant by Secretariat 11.1.22 – no change 07.02.22 – no change 08.03.22 – no change 29.04.22 – no change 12.05.22 – no change 30.06.22 – no change 9.08.22 – Update requested from applicant's solicitor 11.08.22 – no change 12.08.22 - Solicitor for applicant waiting for instructions on material so they can draft proposed conditions and submit same to ILGA 4.10.22 – no further update 4.11.22 – no further update 12.12.2022 – ILGA to write to applicant requesting they withdraw this application and resubmit when instruction from client finalised 18.1.23— Advice received from Licensing. Letter being drafted by OILGA.

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Type of application	Application number	Licence name	Days overdue	Reason(s) for becoming overage	Notes for internal reference e.g., date of last action
Packaged liquor licence – New	APP-0006874293	Myer Miranda	552	Awaiting response from applicant Administrative delay	<p>Response from applicant delayed due to COVID situation in Melbourne where Myer head office is. Waiting on response to submissions from applicant. Applicant waiting on outcome of MYER Castle Hill before providing response. 06.10.21 – no change 10.11.21 – being considered at the November meeting 10.11.21 – matter deferred pending meetings with applicant by Secretariat 11.1.22 – no change 07.02.22 – no change 08.03.22 – no change 29.04.22 – no change 12.05.22 – no change 30.06.22 – no change 9.08.22 – Update requested from applicant’s solicitor 11.08.22 – no change 12.08.22 - Solicitor for applicant waiting for instructions on material so they can draft proposed conditions and submit same to ILGA 4.10.22 – no further update 4.11.22 – no further update 12.12.2022 – ILGA to write to applicant requesting they withdraw this application and resubmit when instruction from client finalised 18.1.23 – Advice received from Licensing. Letter being drafted by OILGA.</p>
Extended trading authorisation - hotel licence	1-8068889737	Hurlstone Park Hotel	350	Waiting for SOR	18.1.2023 – Refused – SOR being reviewed by ILGA

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Type of application	Application number	Licence name	Days overdue	Reason(s) for becoming overage	Notes for internal reference e.g., date of last action
Extended trading authorisation - hotel licence	1-8160050241	Jerrabomberra Hotel	223	Awaiting response from applicant	01.07.2022 – applicant seeking revision to DA 09.08.2022 - still awaiting DA process to be finalised 11.08.2022 – no change 04.10.2022 – no change 04.12.2022 – applicant to be advised to re-complete CIS and resubmit application noting CIS is aged 12/01/2023 – no change
Hotel licence – Removal	1-8161038221	The New Commercial Hotel	202	Waiting for advice from Office of ILGA	09.08.2022 – paper being drafted for September meeting (linked to Edmondson Park) 04.10.2022 – paper at October meeting 04.12.2022 – PAL being reviewed 18.01.2023 – SOR being reviewed
Total: 6 applications					

**Applications not finalised within 120 days of the respective submission period for the application closing.*

** Disciplinary complaints not finalised within 180 days from the date of the complaint being lodged with ILGA.*

Section 4.5 of Ministerial Directions – Overage third strike actions, as at 16 January 2023

Licence name	Applicable legislation	Days overdue	Reason(s) for becoming overage
Total: 0 applications			

** Third strike decision not finalised within 90 days from the date of notification being provided to ILGA by Liquor and Gaming NSW that a venue has incurred two strikes, and that a conviction has been recorded, a penalty notice has been paid or an enforcement order issued for a third offence within three years of the first strike being incurred.*

Section 4.7 of Ministerial Directions – Overage applications to revoke or suspend RSA competency card, as at 16 January 2023

Licence name	Applicable legislation	Days overdue	Reason(s) for becoming overage
Total: 0 applications			

** Decision to revoke or suspend a person's RSA competency card not finalised within 90 days of an application being lodged with ILGA.*

Section 5.2 of Ministerial Directions – Overage merits review applications, at 16 January 2023

Licence name	Applicable legislation	Days overdue	Reason(s) for becoming overage
Total: 0 application			

** Merits review not finalised within 120 days from the date the review application is lodged with ILGA.*

Section 6.2 of Ministerial Directions – Overage applications to impose, vary or revoke licence conditions at 16 January 2023

Type of application	Application number	Licence name	Days overdue	Reason(s) for becoming overage	Notes for internal reference e.g., date of last action
Change liquor licence condition – licensee	1-8054838603	The Illinois Five Dock Hotel	371	Awaiting response from applicant	Waiting for Applicant to provided modification development consent from Council. Status remains the same, as listed above. 01.07.2022 – no change 10.08.2022 – no change 06.10.2022 – no change 04.11.2022 – no change – Applicant advised that the DA is currently with the Land & Environment Court 09/12/2022 – no change 12/01/2023 – no change
Change liquor licence condition – licensee	1-8202087274	Neck of the Woods	174	Awaiting response from applicant	6.10.2022 – Still awaiting applicant to provide an approved DA. 13/12/2022 – Applicant has been informed by Council that the DA will be complete on 19/12. 13/01/2023 – no change
Change liquor licence condition – licensee	1-8246169942	Bay Predo's Lechon Cebu	120	Awaiting response from applicant	29.7.22 – email sent to applicant. 16.01.23 – application refused 9.12.22
Change liquor licence condition – licensee	1-8272624788	Moonee Beach Hotel	89	Awaiting SOR	4.12.22 – SOR being reviewed 9.12.22 – SOR pending 12.01.23 – no change

Change liquor licence condition – licensee	1-8326299351	Tempe Hotel	36	Awaiting response from applicant	13/12/2022 – Application transferred from another case officer. Last follow up for comment on submission received was sent on 10/10/2022. Update will be sought. 13/01/2023 – no change
Change liquor licence condition – licensee	1-8349495396	The Homebush Hotel	14	Awaiting response from applicant	12.01.23 – Considered by ILGA at Nov 22 meeting – further information requested
Total: 6 applications					

* Application to impose, vary or revoke licence conditions not finalised within 120 days from the date of lodgement of the application.

Report to the Secretary, Department of Enterprise, Investment and Trade

Section 9 of the Ministerial Directions requires that, where a decision in relation to gaming machine and liquor licence applications, including a gaming machine threshold application, is delegated to Department of Justice staff (now Department of Enterprise, Investment and Trade staff pursuant to the NSW Administrative Arrangements Order) and an application takes longer than 120 days to be determined, ILGA is to notify the Secretary, Department of Justice (now the Secretary, Department of Enterprise, Investment and Trade) as soon as practicable.

This report was prepared by Liquor & Gaming NSW on behalf of ILGA.

Section 9.1 of Ministerial Directions – Overage delegated decisions* as at 16 January 2023					
Type of application	Application number	Licence name	Days overdue	Reason(s) for becoming overage	Notes for internal reference e.g., date of last action
Packaged liquor licence - Removal	1-8422226871	BIDFOOD NEWCASTLE	36	Administrative delay	13/12/2022 – This removal case has been granted Thursday 8 December but not yet finalised as there is an issue-BSU are investigating-Kieran 12/12 12.01.23 – Application now finalised
On-premises licence - Removal	1-8425499841	Credo Cafe Restaurant Lounge	49	Administrative delay	13/12/2022 – This removal case has been granted Wednesday 7 December but not yet finalised as there is an issue-BSU are investigating-Kieran 12/12 12.01.23 – Application now finalised

Extended trading authorisation - on-premises licence	1-8433778098	Temple Bay Coogee	49	Administrative delay Awaiting response from applicant	09.12.2022 – escalated to BPT 24/11/2022 – pending further assessment 12.01.23 – email sent to applicant 22.12.22
Extended trading authorisation - on-premises licence	1-8445652125	Chubbs Freshwater	27	Administrative delay	Application approved on 8/12/2022.
Extended trading authorisation - on-premises licence	1-8454090640	The Waratah	29	Administrative delay	Application approved by ILGA delegate on 06/12/2022. Correspondence sent on 07/12/2022.
Total: 5 applications					

**Applications not finalised within 120 days of the respective submission period for the application closing.*