

# NSW Independent Liquor & Gaming Authority

Mr Lincoln Brain Licensee, Cooma Hotel	BRAINIACS HOTEL GROUP PTY LTD Business Owner, Cooma Hotel
Ms Voula Bacopoulos, Mr Dennis Bacopoulos, Ms Effie Tsarpalias, Mr Alexandros Tsarpalias Premises Owners, Cooma Hotel	Liquor & Gaming NSW
Snowy Monaro Regional Council	NSW Police

**24 November 2025**

Dear Sir/Madam

Reference No.	DOC25/438719
Licensee	Mr Lincoln Brain
Licence Name	Cooma Hotel
Licence Number	LIQH400110944
Licence Type	Liquor – hotel licence
Premises	Vale & Massie Sts COOMA NSW 2630
Legislation	Part 9A of the <i>Liquor Act 2007</i>

## **Decision on remedial action for demerit points accumulated – Mr Lincoln Brain, licensee of Cooma Hotel, Cooma (LIQH400110944)**

On 25 September 2025, the Independent Liquor & Gaming Authority (the **Authority**) notified you of the remedial action it proposed to take for the demerit points accumulated by Mr Lincoln Brain, the licensee of Cooma Hotel, Cooma, (the **Hotel**) under the *Liquor Act 2007* (the **Act**).

### **Our decision**

On 24 November 2025, following consideration of submissions received in response to the notification, we decided to take the following remedial action:

- **require** Mr Brain to undergo advanced licensee training by **24 February 2026** in accordance with section 144P of the Act.
- **impose** a RSA Training condition on the Hotel's licence in accordance with section 144T of the Act, to read as follows:

*'The Licensee and all staff, excluding staff who have completed RSA training since the prescribed offence occurred on 28 May 2025, to undertake a refresher responsible service of alcohol (RSA) training course conducted by an approved Registered Training Organisation (RTO) by 24 January 2026.'*

These conditions are also set out in **Schedule 1** of this Decision.

## Statement of reasons

### Background

On 16 September 2025, Liquor & Gaming NSW (**L&GNSW**) notified us that Mr Brain, the licensee, had accumulated a total of two demerit points under Part 9A of the Act.

Mr Brain accumulated two demerit points following the issue and enforcement of a penalty notice for the category 2 demerit offence, *'licensee allow liquor to be sold or supplied to minor'* under section 117(8) of the Act on 30 July 2025.

In addition to the notification, L&GNSW provided a submission recommending that we take remedial action in response to the accumulation of demerit points.

On 25 September 2025, we notified you and all relevant parties as required under section 144Z(1) of the Act, that we proposed to take remedial action in response the accumulation of demerit points and invited submissions in response.

### Submissions

Submissions were received from L&GNSW and the licensee Mr Brain. We did not receive submissions from Police, Council or the business and premises owners. We have considered the submissions, which are detailed below.

L&GNSW, dated 30 September 2025:

- L&GNSW noted their support of the remedial action we propose to take in light of the serious nature of the offence.

Licensee Mr Lincoln Brain, dated 17 October 2025:

- Mr Brain acknowledged the seriousness of the offence and stated that it resulted from a mistake by one staff member. Mr Brain advised that measures have been taken to avoid the offence occurring again, including implementing and updating policies, conducting regular staff meetings and installing extra signage at the Hotel. Mr Brain also provided photo evidence of staff RSA competency cards.
- Mr Brain advised that the business has been sold, and settlement was scheduled to occur on 10 November 2025. Mr Brain stated that he did not intend to purchase or work in a hotel or club in the future, however he may purchase a bottle shop.

### Additional information

L&GNSW informed the Authority that they had no records related to current applications for the licence. L&GNSW advised that the last transfer was in 2022 with Mr Brain the incoming licensee, and that he is still listed as licensee. Additionally, L&GNSW advised that they had not received any documentation from the Hotel of any sale or pending settlement of the property.

### Considerations under section 144ZA of the Act

We have also considered the relevant factors identified in section 144ZA of the Act, and note in the original submission from L&GNSW dated 16 September 2025 that:

- there is no material to indicate that the size and patron capacity of the licensed premises impacted the licensee's ability to prevent the commission of the demerit offence.
- the licensee has no prior history of demerit offences.
- two complaints have been made, with one being made on 7 January 2025 relating to credit betting and the second being made on 13 February 2025 relating to permitting violent conduct on the premises. Both complaints were unable to be substantiated, however Mr Brain

was engaged with by L&GNSW regarding the February incident to remind him of his obligations as licensee.

- it does not appear that other action outside the remedial action as set out in the original L&GNSW notification is preferable, being a condition requiring Mr Brain to undergo advanced licensee training and a RSA training condition requiring all relevant staff to undertake refresher RSA training.
- Mr Brain has been the licensee of the Hotel as of 13 October 2022.
- there had been no relevant changes to the business practices carried under the licence at the time of the application.

### **Our findings**

We are satisfied that:

- two demerit points have been accumulated by the licensee in a three-year period.
- the licensee breached section 117(8) of the Act '*licensee allow liquor to be sold or supplied to minor*'.

Having considered the available material, we find that the licensee failed to comply with his obligations under the Act to ensure that liquor is not sold or supplied to persons under the age of 18.

We consider the offence to be serious and warrant an enforceable regulatory response by way of remedial action, to prevent any similar occurrence in future. Remedial action taken by the Authority is set out under the heading 'Our decision' of this document, as well as at **Schedule 1**.

### **The material we considered**

We considered all the material we received about the matter, including:

- notification of the accumulation of demerit points from L&GNSW, dated 16 September 2025.
- submission from L&GNSW, dated 30 September 2025.
- submission from licensee, dated 17 October 2025.

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

If a person who is notified of the decision is dissatisfied with this decision, they may apply to NSW Civil and Administrative Tribunal (NCAT) for a review.

An application for review must be made no later 21 days after being notified of the decision.

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](mailto:office@ilga.nsw.gov.au) if you have any questions.

Yours sincerely



Jeff Loy

**Chair, Disciplinary Matters Committee**

**NSW Independent Liquor and Gaming Authority**

Decision on remedial action

**Schedule 1 – Licence conditions to be imposed**  
**Cooma Hotel, Cooma (LIQH400110944)**

No.	Condition to be imposed	Description
1.	Advanced Licensee Training	Mr Brain to undergo advanced licensee training by 24 February 2026.
2.	RSA Training	The Licensee and all staff, excluding staff who have completed RSA training since the prescribed offence occurred on 28 May 2025, to undertake a refresher responsible service of alcohol (RSA) training course conducted by an approved Registered Training Organisation (RTO) by 24 January 2026.