

NSW Independent Liquor & Gaming Authority

Mr Alexander Orwin Former Licensee ivy	Mr Darren Duke A/Director of Compliance & Enforcement Unit NSW Department of Creative Industries, Tourism, Hospitality and Sport
Section 140(3) – Third parties HEMMES TRADING PTY LIMITED Business Owner ivy	Section 140(3) – Third parties HEMMES HERMITAGE PTY LTD Premises Owner ivy

Our ref: DOC26/013902

22 January 2026

Dear Sir/Madam

Decision regarding a complaint about Mr Alexander Orwin under section 139 of the *Liquor Act 2007*

Grounds of complaint

The grounds of complaint are that:

- intoxicated persons have frequently been on the licensed premises or have frequently been seen to leave those premises under section 139(3)(g) of the *Liquor Act 2007* (**the Act**).
- 2 or more incidents posing a serious risk to the health or safety of persons have occurred within a 12-month period involving persons on the licensed premises under section 139(3)(hb)(i) of the Act
- the licensee is not a fit and proper person to be the holder of a licence (whether for the same reason as that set out in section 45(5) or otherwise) under section 139(3)(i) of the Act.

Our decision

We are satisfied that the grounds of complaint are established and have determined to:

- disqualify** Mr Alexander Orwin (**Mr Orwin**, the **Respondent**) from holding a licence, or from being the manager of licensed premises or the close associate of a licensee for a period of 12 months under section 141(2)(f) of the Act.
- reprimand** Mr Orwin under section 141(2)(m) of the Act.

Background

On 26 August 2022, Liquor & Gaming NSW (**L&GNSW**) commenced enquiries in relation to ivy (**the Hotel**) following information received from NSW Police. L&GNSW Inspectors met with Police officers attached to the Rocks Police Station who provided the viewing of CCTV footage of an area of the hotel known as the 'Sunroom'. The CCTV footage displayed the Sunroom to be setup as a makeshift medical treatment area and depicted numerous hotel patrons at varying levels of intoxication being provided assistance by contracted third-party medical services provider, Event Medical Services (**EMS**).

The footage was specific to incidents obtained on Police body worn video (**BWV**). The BWV footage was from March, May and August 2022 and depicted people in various stages of intoxication. L&GNSW had concerns that similar incidents were frequently occurring and commenced a broader investigation that commenced on 10 March 2023.

Disciplinary complaint

On 19 July 2024, a disciplinary complaint was received from L&GNSW from Mr Andrew Garcia, A/Director of Compliance & Enforcement, as a delegate of the Secretary of the NSW Department of Creative Industries, Tourism, Hospitality and Sport (**the Complainant**) about Mr Orwin as the former licensee of the Hotel located at Paling Lane and Ash Street, Sydney NSW 2000. The Hotel is licensed under hotel licence LIQH4001022831.

Investigation findings

During the period under investigation, Mr Orwin was licensee from 16 November 2020 to 19 May 2022.

A review of CCTV footage and information obtained under statutory notice from the Hotel identified that between 11 December 2021 and 21 August 2022, 176 medical incidents were recorded by EMS (111 of these incidents relate to the period the Mr Orwin was licensee). A review of the incident registers provided by the Hotel identified that multiple instances where these incidents were not entered into the Hotel's incident register as required by the Plan of Management.

Mr Orwin had access to the EMS medical incident register and failed to record all relevant incidents in the incident register.

Hemmes Trading Pty Ltd (**Merivale**) were the business and premises owners for the duration of the investigation period.

EMS were retained by the hotel on a week-to-week basis to provide professional medical staff and equipment to treat patrons who required medical assistance. A triage ranking system was used by EMS to identify and record the level of medical treatment required for each patron, being ranked as categories 1 to 5.

A Category 1 medical incident, being the most serious, is described as 'People who need to have treatment immediately or within 2 minutes are categorised as having an immediately life-threatening condition'.

L&GNSW identified two Category 1 incidents the Hotel failed to report or record, with one of these incidents relating to a minor who had consumed liquor within the licensed premises. These incidents occurred on 21 December 2021 and 15 April 2022 when Mr Orwin was licensee.

Supporting evidentiary information and records were obtained from the Hotel, EMS, and St Vincent's Public Hospital. Additional evidence was obtained by witness statements.

Submissions and consultation

On 2 July 2025, a show cause notice was issued to Mr Orwin, HEMMES TRADING PTY LIMITED (Business Owner), HEMMES HERMITAGE PTY LTD (Premises Owner) and L&GNSW.

On 17 October 2025, a submission was received from Addisons, the legal representative for Mr Orwin, the Business Owner and Premises Owner of the Hotel. Two separate documents were received as part of the submission as summarised below:

Submissions on behalf of Hemmes Trading Pty Ltd and Hemmes Hermitage Pty Ltd (Business and Premises Owner)

Background and parties involved

- Submissions made by [REDACTED], Company Secretary, on behalf of the business and premises owners.
- The business owner operates over 70 Merivale licensed venues, including hospitality services at Sydney Football Stadium and Allianz Stadium.
- The premises owner owns the ivy site but does not engage in hospitality operations.

Industry standing and compliance

- Merivale is a well-established operator in the licensed hospitality sector.
- The company prioritises regulatory compliance through staff recruitment, training, and support.

Support for Mr Orwin

- Hemmes Trading and Hermitage agree with Mr Orwin's submissions and supporting statements (summarised below).
- [REDACTED], Chief Operating Officer of Merivale, attests to Mr Orwin's dedication, character, and conscientiousness in his role.

Context of complaints

- Complaints relate to challenges during the post-COVID-19 reopening period.
- Systems at ivy have since been proactively improved, partly due to Mr Orwin's efforts.
- No infringements have been recorded at the venue for a substantial period, indicating strong compliance.

Conclusion and position

- The matters raised do not warrant disciplinary action against Mr Orwin.
- No conduct since the investigation period suggests further action is necessary.
- Submissions are made with the understanding that no disciplinary action is contemplated against these third parties.

Submissions on behalf of the licensee - Mr Orwin (including statements of Mr Orwin and Chief Operating Officer)

- Mr Orwin has worked in hospitality since 2002, including ten years in senior management roles in the United Kingdom before relocating to Sydney. Since joining Merivale in 2014, he had held a series of senior operational roles across major CBD venues, including serving as Venue Manager and General Manager at multiple sites.
- Between 2019 and 2021 Mr Orwin was Head of Operations – ivy, and from November 2020 to May 2022 he was the licensee of Ivy. In these roles he was responsible for implementing and supervising compliance with Merivale's RSA obligations, incident reporting, security management, and engagement with regulators. He has also been involved with training and supervising staff to ensure consistency in application of compliance measures across the precinct
- Noted that the period of the alleged incidents coincided with the lifting of COVID-19 restrictions, presenting significant challenges for the hospitality sector.
- Indicated that the allegations are vague and lack specificity regarding the incidents cited and the timelines provided in the investigation report.
- The complaint conflates the respective periods during which Mr Orwin and another licensee each held the position of licensee.

- The delay in raising the complaint has hindered the ability of Mr Orwin to respond effectively.

Venue context

- ivy is a large-scale hospitality precinct with over 3,000sqm of licensed space, operating under seven liquor licenses and encompassing 13 venues.
- During the Investigation Period, the Hotel welcomed approximately 35,000 patrons weekly, with up to 10,000 patrons on peak nights.
- The number of incidents alleged is minimal relative to overall patronage.

EMS spreadsheet review

- L&GNSW allege 148 incidents were not recorded in ivy's Part B register.
- Approximately 110 of these involved minor issues (e.g. ice packs, sick bags) not requiring medical assistance.
- EMS triage categories do not equate to actual medical care provided.
- Where medical assistance was required, incidents were recorded appropriately.
- Over 9,000 entries were made in Part A and B registers during the investigation period.
- Minor administrative errors do not indicate systemic non-compliance.

Other incident evidence

- L&GNSW cite police BWV, CCTV footage, and five 'serious' incidents.
- Two incidents involved self-administered illicit drugs with no evidence of on-premises consumption or staff awareness.
- One incident involved a minor injury from a falling cup.
- Two incidents involved alcohol-related symptoms, with appropriate venue response.
- Most video-documented incidents required no medical intervention.

Lack of specific fault

- No direct fault or misconduct by Mr Orwin is identified.
- The low incident rate reflects a strong compliance culture, especially given the post-COVID challenges and inexperienced patron base.

Fit and proper person assessment

- The grounds of complaint related to 'fit and proper person' assessments require a forward-looking evaluation of character, reputation, and likelihood of recurrence.
- ivy has invested in system improvements, including infrastructure upgrades and digitised incident reporting.
- Mr Orwin has continued to lead compliance efforts beyond the Investigation Period.
- These factors support the conclusion that Mr Orwin is a fit and proper person to hold a licence.

The submission also includes a schedule which provides comment on each incident recorded in EMS spreadsheet between 11 December 2021 and 21 August 2022.

Submission from L&GNSW

On 3 November 2025, a submission was received from L&GNSW as summarised below:

- L&GNSW acknowledged the submission made by Forbes Chambers on behalf of Mr Orwin and noted that Mr Orwin's conduct demonstrates disregard for the objects of the Act.

Summary of Respondent's arguments

- Intoxicated patrons represent only a 'minuscule fraction' of total attendance.
- Large venue size and patron numbers make incident recording complex.
- Many EMS-recorded incidents did not meet the threshold for inclusion in the incident register.
- Responsibility for certain medical incidents cannot be attributed to the licensee.

Obligations under the Act

- L&GNSW submit that licensed premises obligations under the Act are not dependent on venue size or patron numbers.
- They note that harm minimisation applies universally and does not apply proportionately based on the size of the premises or number of patrons and that venue size cannot excuse compliance failures.

Evidence of intoxication

- L&GNSW note that NSW Police BWV and CCTV footage show multiple cases of severe intoxication at the premises¹.
- The EMS spreadsheet records 46 incidents specifically noting intoxication and 98 incidents where medical treatment was provided.
- Only 36 incidents were recorded in the incident register, indicating under-reporting.

Incident register compliance

- 32 incidents in the EMS spreadsheet were not required to be recorded as they were considered 'first aid' rather than 'medical assistance' is irrelevant under clause 96 of the Regulation.
- Failure to record these incidents demonstrates non-compliance with obligations.

Current licensing roles

- L&GNSW note that Mr Orwin is the current licensee of Artwork in Progress, Sydney (since 2 July 2024).
- As Mr Orwin remains an active licensee, disciplinary action is considered appropriate as detailed in the original complaint.

Recommended disciplinary action

- L&GNSW submits that the disciplinary action detailed in the original complaint remains appropriate and that Mr Orwin should be disqualified from holding a licence, or from being the manager of licensed premises or the close associate of a licensee, for such period as the Authority thinks fit under section 141(2)(f) of the Act.
- L&GNSW further recommends that Mr Orwin is reprimanded under section 141(2)(m) of the Act.

Submission on behalf of Mr Orwin

On 18 November 2025, a final submission was received on behalf of Mr Orwin as summarised below:

- L&GNSW's submission of 3 November 2025 fail to substantively engage with the Respondent's detailed submissions of 17 October 2025.
- The submission relies on unsubstantiated allegations, misstates statutory obligations, and disregards the evidentiary standard required under the Act.

¹ The numbers quoted in this section refer to the whole of investigation period. In their submission L&GNSW did not distinguish between the incidents that relate to Mr Orwin and another licensee.

Strong compliance record

- The Respondent and the Hotel have consistently demonstrated compliance with liquor licensing laws, supported by independent audits and positive engagement with regulators. Police and regulatory authorities took no enforcement action at the time of the alleged incidents.

Exemplary conduct since the investigation

- The Respondent has continued to uphold best practice systems, including capital investment and digitisation of incident management, confirming their ongoing fitness to hold a licence.

COVID-19 reopening context

- The alleged incidents occurred during the post-pandemic reopening period, marked by unprecedented industry pressures. L&GNSW disregards its own 2020 Statement of Regulatory Intent, which promised a pragmatic and proportionate approach. No incidents have recurred since August 2022.

Complaint overstatement and lack of specificity

- Original allegations of 176 incidents have been reduced to fewer than 98, with no clarity on which incidents are relied upon or whether they specifically concern the Respondent.

Mischaracterisation of incident frequency

- L&GNSW's claim of 'frequent intoxication' is unsupported. Even accepting its figures, only 46 intoxication-related incidents occurred over nine months with more than 1 million patrons which is far below any reasonable threshold of 'frequency'.

Deficient and prejudicial evidence

- L&GNSW relies on spreadsheets, video fragments, and hearsay of limited probative value. Its delay of more than three years has materially prejudiced the Respondent, making retrieval of CCTV and witness accounts impossible. No credible explanation for the delay has been provided.

Failure to apply 'fit and proper' test

- The Respondent's extensive compliance record since the investigation period demonstrates ongoing fitness to hold a licence. L&GNSW provides no evidence to the contrary and misapplies vicarious liability principles without establishing any contravention.

Medical assistance incidents misinterpreted

- L&GNSW incorrectly equates minor first aid (ice packs, water, band-aids) with 'medical assistance' under clause 96 of the Regulation. The approved incident register distinguishes minor relief from serious medical incidents that are required to be recorded. Any omissions were based on a good-faith interpretation, not systemic failure.

Adherence to statutory objects

- The Respondent has consistently acted to minimise harm, promote responsible liquor practices, and contribute positively to community amenity. L&GNSW's claim of disregard for these objects is unsupported.

Conclusion

- L&GNSW's submissions are incomplete, inconsistent with disciplinary principles, and fail to meet the Briginshaw standard of clear, cogent, and credible proof. Even if criticism were warranted during the investigation period, the Respondent's subsequent exemplary conduct demonstrates his ongoing fitness and propriety to hold a liquor licence.
- The submission notes that the complaint against Mr Orwin should be dismissed.

Our findings

The failure by Mr Orwin, as licensee of the Hotel when these medical incidents occurred, to record entries in the hotel incident register in accordance with the Hotel's licence conditions, in conjunction with the evidence of heavily intoxicated people on premises, is of serious concern.

Police bodycam footage demonstrated patrons of the hotel that required urgent medical assistance and appeared to be heavily intoxicated or under the influence of drugs, some of these with potentially life-threatening conditions. This evidence indicates that Mr Orwin operated as the licensee during multiple incidents across multiple days where a number of individuals were significantly intoxicated and required medical assistance. This demonstrates Mr Orwin not being able to competently run a venue in a safe and compliant way.

Further, it is clear that despite being aware of the potential medical incidents that could occur at the venue, the consistency and the severity of the incidents indicate the Mr Orwin did not care to change the operations of the venue to ensure the safety of patrons during the period where he was the licensee. This brings into question his integrity to operate a safe venue and prioritise patron safety.

NSW Police Bodycam footage demonstrates numerous occasions where patrons are intoxicated, on occasion to the point of being unconscious. The numerous serious medical incidents are of serious concern and occurred during the period Mr Orwin was licensee of the venue. This evidence confirms that Mr Orwin allowed patrons to become and remain intoxicated on the premises. Further, the serious medical incidents and their nature indicate his inability to ensure his venue was a safe place for patrons which is a key competency required of a licensee.

It is clear based on the evidence provided that Mr Orwin has engaged in improper conduct as a licensee, and that the trend of these incidents throughout his tenure as licensee demonstrate that if he continues to act as a licensee in a different venue, that additional improper conduct is likely to occur if the severity of his prior conduct is not brought to his attention. Further, the number of people who were involved in medical incidents at the venue (some of which required ambulance transfer to hospital), appears to be significant given the Police bodycam footage and the EMS tracker. This indicates that the general community is unlikely to have confidence that similar incidents won't occur again if Mr Orwin is the licensee of a venue.

In consideration of all the circumstances of this complaint, we are of the view that disciplinary action is warranted.

Relevant legislation

Part 9 of the Act

Prescribed grounds of complaint

We are satisfied that the complaint was made validly and that the established grounds of complaint are prescribed grounds under sections 139(3)(g), 139(3)(hb)(i) and 139(3)(i) of the Act.

The material we considered

In determining the disciplinary complaint, the following material was considered:

- disciplinary complaint from L&GNSW, received 19 July 2024
- a submission on behalf of the Respondent, Business Owner and Premises Owner from Addisons, received 17 October 2025
- a submission from L&GNSW, received 3 November 2025

- a final submission from the Respondent, received 18 November 2025.

If you are dissatisfied with this decision

The respondent or complainant may apply to NCAT for a review of this decision under the *Administrative Decisions Review Act 1997*.

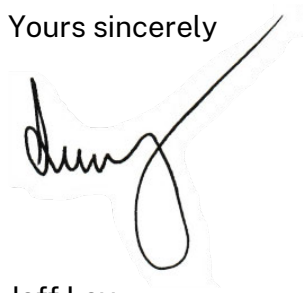
For more information, please contact the NCAT Registry at 1300 006 228 or visit the NCAT website.

This decision will be published on the 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', is written over a faint, light-colored signature line. The signature is fluid and cursive, with a large loop at the end.

Jeff Loy
Chair, Disciplinary Matters Committee
NSW Independent Liquor and Gaming Authority