

NSW Independent Liquor & Gaming Authority

Mr Thomas Andrews Former Licensee ivy	Mr Darren Duke A/Director Hospitality & Gaming Operations 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: DOC26/013904

22 January 2026

Dear Sir/Madam

Decision regarding a complaint about Mr Thomas Andrews under section 139 of the *Liquor Act 2007*

Grounds of complaint

The grounds of complaint are that:

- the licensee or manager has failed to comply with any other requirement under this Act or the regulations (or under the former Act), relating to the licence or the licensed premises under section 139(3)(d) of the *Liquor Act 2007* (**the Act**).
- 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 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 Thomas Andrews (**Mr Andrews**) 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 Andrews 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 Andrews (**Mr Andrews, the Respondent**) 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 Andrews was employed by the Hotel as licensee from 22 May 2022.

A review of CCTV footage obtained from the Hotel identified that between 11 December 2021 and 21 August 2022, 176 medical incidents were recorded by EMS (65 of these incidents relate to the period that Mr Andrews 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 Andrews had access to the EMS medical incident register and did not 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, with category 1¹, being the most serious.

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 Andrews, 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 Andrews, 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.

¹ People who need to have treatment immediately or within 2 minutes - categorised as having an immediately life-threatening condition

- 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 Respondent

- Hemmes Trading and Hermitage agree with the Respondent's submission and supporting statements (summarised below).
- [REDACTED], Chief Operating Officer of Merivale, attests to the Respondent'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 the Respondent'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 the Respondent.
- 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 Andrews (including statements of Mr Andrews, and [REDACTED], Chief Operating Officer)

- Mr Andrews has worked continuously in hospitality since 2003 holding senior management positions at multiple venues across Sydney's CBD, Eastern Suburbs and South-West. The venues and areas he has worked in involved significant operational and compliance responsibilities relating to both liquor and gaming, a high degree of leadership and accountability in ensuring risks were being appropriately managed according to industry and regulatory standards, and the need to foster a strong culture of compliance within each venue and staff team.
- Mr Andrews joined Merivale in 2021 and trained under the then licence holder until taking on the statutory licensee role on 20 May 2022.
- Mr Andrews submits that he has not been charged or convicted of any offences, issued with penalty notices or warnings by Police or been the subject of any adverse disciplinary findings or otherwise faced any internal disciplinary action during his career.
- 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 Andrews and another individual each held the position of licensee.
- The delay in raising the complaint has hindered the ability of Mr Andrews 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 the Respondent 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.
- The Respondent continued to lead compliance efforts beyond the Investigation Period.
- These factors support the conclusion that the Respondent is a fit and proper person to hold a licence.

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

A supplementary rider was also provided after the original submission clarifying paragraph 77c of the licensee submission.

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 Andrews and noted that the Respondent'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 premises².
- 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

- The Respondent's claim that 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.

Medical incident 5 (18 June 2022)

- L&GNSW does not accept that there is no identified basis for attributing responsibility or fault to Mr Andrews, who was licensee at the time of this incident.
- L&GNSW submit that it is the licensee's responsibility to ensure the operation of licensed premises does not result in harm associated with misuse and abuse of alcohol.
- The patron was found at the foot of the stairs in an 'altered consciousness' state which is believed to be caused by the effects of alcohol.
- The patron required hospitalisation and extended monitoring.

Current licensing roles

- L&GNSW note that Mr Andrews is the current licensee of Jonsons Restaurant Bar, Byron Bay (since 21 March 2024).
- As he 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 Andrews 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.

² The numbers quoted in this paragraph refer to the whole of investigation period. In their submission L&GNSW did not distinguish between the incidents that relate to Mr Andrews and another licensee.

- L&GNSW further recommends that Mr Andrews be reprimanded under section 141(2)(m) of the Act.

Submission on behalf of the licensee - Mr Andrews

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

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

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 his 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 1,762 incidents have been reduced to fewer than 98, with no clarity on which incidents are relied upon specifically relating to Mr Andrew's tenure as licensee.

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.

Medical Incident 5

- L&GNSW offers conclusions about this specific incident without evidence of fault. Attendance of paramedics or hospitalisation does not automatically establish a breach of RSA obligations. Neither NSW Police nor L&GNSW contemporaneously identified any contravention.

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 Andrews should be dismissed.

Our findings

The failure by Mr Andrews, 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 and the significant number of serious medical incidents identified during the period under investigation, in conjunction with the evidence of heavily intoxicated people on premises, is of serious concern.

Police bodycam footage and premises CCTV footage indicates a number of patrons of the hotel 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 Andrews 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 Andrews 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 Andrews did not care to change the operations of the venue to ensure the safety of patrons. This brings into question his integrity to operate a safe venue and prioritise patron safety.

It is clear based on the evidence provided in the complaint that Mr Andrews has engaged in improper conduct as a licensee, and that the trend of poorly managed and recorded 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.

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*.

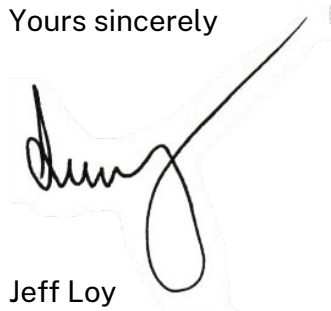
For more information, please contact the NCAT Registry at 1300 006 228 or visit the NCAT website.

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 light grey rectangular background.

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