

NSW Independent Liquor & Gaming Authority

Our ref: DF25/046851

Mr Nathan Wrench
CARNEYS LEGAL

25 August 2025

Dear Mr Wrench

Application No.	1-9418590873 and 1-9418590878
Applicant	GOLDEN CROWN PTY LTD
Application for	Gaming machine entitlement transfer and lease variation
Application date	25 March 2025
Decision date	16 July 2025
Licence name	Club House Hotel
Licence number	LIQH400122659
Trading hours	Monday to Saturday 05:00 AM – 03:00 AM Sunday 10:00 AM – 10:00 PM
Premises	Comur and Lead Street Yass NSW 2582
Legislation	Sections 3, 19, 24 and 25 of the <i>Gaming Machine Act 2001</i>

Decision of the Independent Liquor & Gaming Authority

Application for a gaming machine entitlement transfer and lease variation – Club House Hotel

We first considered this application at the meeting of 21 May 2025 and, following consideration of further information, decided on 16 July 2025 to:

- **refuse** the application to vary a gaming machine entitlement lease under section 25 of the *Gaming Machines Act 2001* (the Act) to change the number of Gaming Machine Entitlements (GME) between the Yanco Hotel LIQH400117027 and the Club House Hotel LIQH400122659 and
- **refuse** the transfer of 3 GMEs (with forfeiture of 1) from Warren View Hotel LIQH400106378 to Club House Hotel LIQH400122659 under section 19 of the Act.

Impact of *ILGA v Whitebull & Ors* [2023] NSWCA 224

The court in *ILGA v Whitebull & Ors* [2023] NSWCA 224 (the **Whitebull decision**) confirmed that the NSW Independent Liquor & Gaming Authority (the **Authority**) must take into account harm minimisation considerations when making a decision under sections 19 and 34 of the Act.

The principles in the *Whitebull* decision underpin the Authority's decision-making under sections 19 and 34 of the Act.

Statement of reasons

The local community for the purposes of this decision is the Statistical Area 2 (**SA2**) of Yass. The broader community is the Local Government Area (**LGA**) of Yass Valley.

The applications proposed to vary the current lease by terminating the lease of 2 of 3 GMEs leased to the Club House Hotel from the Yanco Hotel and replace them with a transfer 3 GMEs (with forfeiture of 1) to the Club House Hotel from the Warren View Hotel.

The submissions and material from L&GNSW identify several risk factors which suggest that the grant of the application may increase the harm associated with the misuse and abuse of gambling activities or that the application may not facilitate the balanced development, in the public interest, of the gaming industry, including:

- Banding – the application was proposing to transfer the GMEs from a Band 1 SA2 to a (higher risk) Band 2 SA2
- Gaming intensity – the average profit per gaming machine at the destination venue is higher than the source venue, SA2, LGA and comparable venues
- Late-night gaming – the venue has 18 hours of post-12am gaming, with 6 of those in the higher risk post-2am period
- Location factors – the SA2 has location factors including higher rates of people with lower levels of education and Aboriginal and/or Torres Strait Islander People
- Gambling prevalence – the local health district (LHD) has a higher level of moderate and high-risk gambling than the NSW average
- Gambling participation – the gambling participation rate for gaming machines in the LHD is higher compared to NSW.

The submissions and material from both Liquor & Gaming NSW (L&GNSW) and the applicant identify factors which may mitigate against the risk factors, including:

- the forfeiture of one GME permanently from circulation
- no increase in local GME numbers, as the request was to replace GMEs leased in with permanent transfers
- the applicant agreeing to a Responsible Gambling Officer (RGO) condition
- the applicant's proposed harm minimisation strategies, such as the potential introduction of facial recognition technology.

Taking into consideration the objects of the Act, Government policy to encourage transfers of gaming machines from higher risk to lower risk LGAs, the risk factors and their mitigation, and material from Liquor & Gaming NSW and the applicant, we are not satisfied that the applications minimise harm associated with the misuse and abuse of gambling activities. Accordingly, we have determined that the applications should be refused.

The material we considered

We considered the following material when making our decision:

- the application material
- the legislation
- Ministerial Directions issued 1 July 2025
- liquor licence documents
- applicant response to assessment and submissions
- the gaming plan of management
- proposed conditions
- data provided by L&GNSW pertaining to:
 - location factors for the LGA and SA2 where the destination venue is located
 - gaming profits at the destination venue
 - gaming participation and prevalence in the LHD
- venue maps and images
- L&GNSW Compliance Report
- L&GNSW Holdings

This decision will be published.

If you have any questions

Please contact Liquor & Gaming NSW at: new.applications@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority