



Mr Michael Anderson

Elite Legal & Advisory

By email to: [Michael.anderson@elitelegal.com.au](mailto:Michael.anderson@elitelegal.com.au)

7 November 2023

Dear Mr Anderson

<b>Application No.</b>	1-8690110597 & 1-8690110592
<b>Applicant</b>	Cowra Bowling and Recreation Club Ltd
<b>Application for</b>	Increase gaming machine threshold & transfer of gaming machine entitlements
<b>Licence name</b>	Cowra Bowling Club Limited
<b>Licence number</b>	LIQC300236943
<b>Trading hours</b>	Monday – Sunday 5:00 AM – 5:00 AM
<b>Shutdown hours</b>	Monday to Sunday 4:00 AM – 10:00 AM
<b>Premises</b>	27 Vaux Street Cowra NSW 2794
<b>Legislation</b>	Sections 3, 19, 34, 35 and 37 of the <i>Gaming Machines Act 2001</i>

**Decision of the Independent Liquor & Gaming Authority**  
**Application for a gaming machine threshold increase & gaming machine entitlements**  
**transfer – Cowra Bowling Club Limited**

The Independent Liquor & Gaming Authority (Authority) first considered the application above at its meeting on 21 June 2023 and deferred the decision in view of the decision in Whitebull. The Authority re-considered the application on 27 September 2023 and decided to **refuse** the application under section 34 of the *Gaming Machines Act 2001*.

**Statement of reasons**

Overall, we are concerned that the social impact of approving the application may be detrimental to the well-being of the local or broader community.

Whilst recognising the venue appears not to be trading after midnight currently, we note the licensed trading hours include the availability of 14 hours post 2:00 AM gaming which is a known risk factor for problem gambling. We were also concerned that the average annual profit per electronic gaming machine at the venue suggests an increase in harmful gaming. In addition, gaming participation is above the average for other venues of similar types. There are elevated rates of problem gambling in the area compared to the NSW average. The location of the venue in a regional area means access to counselling services for problem gamblers is likely to be limited.

**Our findings**

**Procedural requirements**

The Community Impact Statement (CIS) meets the relevant requirements.

The Authority is satisfied that the secretary of the club holds a recognised competency card with a current RCG endorsement.

## Community impact

### *Local and broader communities*

The relevant 'local community' is the community in the suburb of Cowra, and the relevant 'broader community' comprises the Local Government Area of Cowra.

### *Office of Responsible Gambling identified risk factors*

The Office of Responsible Gambling (ORG) has identified a number of problem gaming risk indicators for local areas and recommend proceeding with caution in cases where these exceed NSW average figures. The following risk indicators have been identified for the Cowra LGA:

- the proportion of the total population aged 15 years and over who have completed Year 12 or equivalent or higher is below the NSW average
- the population who are indigenous is higher than the NSW average
- the proportion of lone person households is above the NSW average

### *ABS Socio-Economic Index for Areas (SEIFA)*

Data as at 16 May 2023 shows that the suburb Cowra and Cowra LGA were relatively disadvantaged in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

## **Findings of concern**

We are concerned that if the application were granted it may increase the harm associated with the misuse and abuse of gambling activities or fail to facilitate the balanced development, in the public interest, of the gaming industry due to:

- the applicant is licensed to allow up to 28 hours per week post-midnight gaming with 14 of these hours during the higher risk post-2:00AM period
- the venue being located in a Band 3 (high risk) area
- the gaming intensity in light of the average annual profit per electronic gaming machine at the venue being above the average for other venues of similar type
- There are elevated local rates of problem gambling compared to the NSW average

The risks may be mitigated by the:

- venue's proposed gaming plan of management (GPOM) having been assessed as exceeding the Authority's standards for a venue of this risk profile
- fact that the proposed transfer of GMEs is within the same area so that the total number of GMEs in the area would remain unchanged if the application were approved
- based on advertised trading hours the applicant does not appear to trade past midnight on any day of the week

## **The material we considered**

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

### Application Material

- completed application dated 3 March 2023
- Liquor Licence Document recorded as at 3 May 2023
- Proposed Gaming Plan of Management for the premises dated 11 May 2023

### Other relevant material

- the applicant's response to L&GNSW staff between 9 March and 16 May 2023

## **The law that applies**

These sections of the *Gaming Machines Act 2001* apply to this application:

- Section 3: Statutory objects of the Act and other relevant considerations
- Section 19: Requirements relating to entitlement transfer applications
- Section 34: Application to increase gaming machine threshold
- Section 35: Requirements relating to threshold increase applications
- Section 37: Restriction on gaming machine thresholds

This decision will be published on the [Liquor & Gaming NSW website](#).

## **If you have any questions**

Please contact the case manager, Charles Rivers, at [Charles.Rivers@liquorandgaming.nsw.gov.au](mailto:Charles.Rivers@liquorandgaming.nsw.gov.au) if you have any questions.

Yours sincerely



Caroline Lamb

**Chairperson**

For and on behalf of the **Independent Liquor & Gaming Authority**