



Mr Dion Manca

Las Lawyers

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28 November 2023

Dear Mr Manca

<b>Application No.</b>	1-8895441322
<b>Applicant</b>	Advantage Career Services Pty Ltd
<b>Application for</b>	Increase Gaming Machine Threshold and with Gaming Machine Entitlement Transfer (Rural closure)
<b>Licence name</b>	Tahmoor Inn & Motel
<b>Licence number</b>	LIQH400116489
<b>Trading hours</b>	Monday to Saturday 5:00 AM – 3:00 AM Sunday 10:00 AM – 10:00 PM
<b>Shutdown hours</b>	Monday to Sunday 4:00 AM – 10:00 AM
<b>Premises</b>	Remembrance Dr Tahmoor NSW 2573
<b>Legislation</b>	Sections 3, 19, 20, 20A and 34 of the <i>Gaming Machines Act 2001</i> Section 53 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority  
Application for an Increase Gaming Machine Threshold and with Gaming Machine  
Entitlement Transfer – Tahmoor Inn & Motel**

The Independent Liquor & Gaming Authority (Authority) was to consider the application above at its meeting on 21 June 2023, however we deferred our decision in view of the Supreme Court decision in *Whitebull HTL Pty Ltd & Ors v Independent Liquor and Gaming Authority [2023] NSWSC 588*. We 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, the Authority is concerned that the social impact of approving the application may be detrimental to the well-being of the local or broader community.

We note the licensed trading hours include the availability of 18 hours post-midnight gaming and 6 hours post 2:00 AM gaming which is a known risk factor for problem gambling. We are also concerned that the venue is in an area with above average gambling intensity. Whilst recognising the quality of the venue's proposed gaming plan of management (GPOM), we are concerned that the plan would not mitigate the risk of potential harm in the community (defined below in the section 'community impact').

## **Our findings**

### Procedural 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 Tahmoor, and the relevant 'broader community' comprises the Local Government Area of Wollondilly.

#### *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 Wollondilly 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

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

Tahmoor and the Wollondilly LGA were ranked as relatively advantaged 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:

- post-midnight trading – the venue is licensed to trade up to 18 hours post-midnight per week, six of these during the higher risk post-2:00AM period
- the venue being located in an area exhibiting two of six Office of Responsible Gambling identified problem gaming risk factors
- gaming intensity is calculated to be significantly higher at the destination venue when compared against the source venue

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
- the venue being located in a band 1 (low risk) area in a local health district where gambling participation is on par with the NSW average

## **The material we considered**

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

### Application Material

- completed application dated 20 February 2023
- liquor licence documents recorded as at 23 February 2023
- proposed Gaming Plan of Management dated March 2023

### Other relevant material

- correspondence between L&GNSW staff and the applicant between 1 March 2023 and 2 May 2023 in relation to the assessment of, and submissions for the Application.

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

**If you have any questions**

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

Yours sincerely

A handwritten signature in blue ink that reads "Sarah Dinning". The signature is written in a cursive style with a large initial 'S'.

Sarah Dinning

**Deputy Chairperson**

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