



Ms Tracey Whalen

By email to: t.whalen@jdklegal.com.au

19 December 2023

Dear Ms Whalen

Applicant	Blue Ram Hotels Pty Ltd
Application for	Gaming machine threshold increase with gaming machine entitlement lease
Licence name	Kinross Woolshed Hotel
Licence number	LIQH400108257
Trading hours	Monday to Saturday 5:00 AM – 3:00 AM Sunday 10:00 AM – 10:00 PM
Shutdown hours	Monday to Sunday 4:00 AM – 10:00 AM
Premises	Bowna Road Thurgoona NSW 2640
Legislation	Sections 3, 24, 25 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 a gaming machine threshold increase with gaming machine
entitlement lease – Kinross Woolshed Hotel**

We were to consider your application at our meeting on 19 July 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* and the subsequent appeal. Following the decision of the Court of Appeal on 20 September 2023 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, we are concerned that approving the application is likely to be detrimental to the well-being of the local or broader community.

We are concerned with the licensed trading hours including the availability of 18 hours post-midnight gaming as well as 6 hours post 2:00 AM gaming which is a known risk factor for problem gambling. We also note that we recently approved an application for a gaming machine threshold increase with a gaming machine entitlement transfer at our meeting on 15 March 2023. We are concerned that the imposition of conditions if the application was approved would not adequately mitigate the risk of potential harm in the community.

Our findings

Community impact

Local and broader communities

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

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 Albury LGA:

- the proportion of the population aged 20-24 years is above NSW average
- 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 higher than the NSW average

Findings of concern

We are concerned that if the application were granted it is likely to 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 four of six ORG identified problem gaming risk factors
- above average gaming participation rates in the Murrumbidgee Local Health District
- the proposed gaming machine threshold increase from 19 to 28 occurring shortly after we approved an application for a gaming machine threshold increase with a gaming machine entitlement transfer at our meeting on 15 March 2023

The risks may be mitigated by the fact that the venue is located in a Band 1 SA2 area. However, on balance, we are concerned that the potential for harm from approving the application outweighs any benefit to the local or broader community and accordingly, approval of the application is not in the public interest.

The material we considered

We considered the following material:

Application and other relevant material

- completed application lodged 20 April 2023
- liquor licence documents recorded as at 13 May 2023
- Gaming Plan of Management dated 26 September 2022
- correspondence between L&GNSW staff and the applicant between 20 April 2023 and 29 June 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, Michelle Stark, at Michelle.Stark@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

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