



Mr Brett Tobin
Hatzis Cusack Lawyers
By email to: bt@hatziscusack.com.au

22 November 2023

Dear Mr Tobin

Application No.	1-8704468275
Applicant	WHITEBULL HTL PTY LTD
Application for	Gaming machine threshold increase and a gaming machine entitlement transfer (Rural closure)
Licence name	White Bull Hotel
Licence number	LIQH400108346
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	117 Marsh Street Armidale NSW 2350
Legislation	Sections 3, 19, 20, 20A, 34 and 37 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 and a gaming
machine entitlement transfer – White Bull Hotel**

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

We are concerned about the high gambling intensity as indicated by the profitability per machine at the venue as it suggests a potential increase in harmful gaming. We were also concerned about the long trading hours and the very high-risk factors that may result in high levels of social harm.

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 Armidale, and the relevant 'broader community' comprises the Local Government Area of Armidale Regional.

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 Armidale Regional LGA:

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

ABS Socio-Economic Index for Areas (SEIFA)

Data as at 2023 shows that Armidale and Armidale Regional LGA were 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:

- the venue being licenced for 18 hours weekly of post-midnight gaming, six of these during the higher risk post-2:00AM period
- the venue being located in an area exhibiting four of six Office of Responsible Gambling identified problem gaming risk factors
- the fact that the gaming intensity at the venue is more than four times that at the source venue and one and half times that for comparable venues

The risks may be mitigated by the:

- venue's gaming plan of management (GPOM) having been assessed as complying with the requirements of the Authority Guideline 16
- decrease in local venues offering post-midnight gaming – If the application were to be approved the Imperial Hotel (licenced until 3:00AM Mon-Sat) would no longer offer gaming
- the fact that there is no actual net increase in local availability of post-midnight gaming – Both source and destination venues are licenced to trade until 3:00AM, Monday to Saturday

The material we considered

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

Application Material

- completed application dated 9 March 2023
- Liquor Licence Documents dated 10 March 2023
- Approved gaming plan of management documents for the premises, titled Whitebull Gaming Plan of Management (GPOM) and dated September 2021
- Decision by the Supreme Court New South Wales, case name *'Whitebull HTL Pty Ltd v Independent Liquor and Gaming Authority; Area Hotel UT Pty Ltd v Independent Liquor*

and Gaming Authority; The Griffith Hotel Pty Ltd v Independent Liquor and Gaming Authority with decision date 5 June 2023

Other relevant material

- correspondence between L&GNSW staff and the applicant between 9 March 2023 and 5 June 2023 in relation to the assessment of the Application and submissions

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 if you have any questions.

Yours sincerely



Sarah Dinning

Deputy Chairperson

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