

# NSW Independent Liquor & Gaming Authority

Our ref: DF25/047125

Mr Glenn Cook

4 August 2025

Dear Mr Cook,

Application No.	1-9486506569
Applicant	MACQUARIE CLUB (DUBBO) LTD
Application for	Gaming Machine Entitlement Transfer
Application date	26 May 2025
Decision date	16 July 2025
Licence name	Macquarie Club (Dubbo) Ltd
Licence number	LIQC300237141
Trading hours	Monday to Sunday 05:00 AM – 05:00 AM (unrestricted)
Premises	313 Macquarie Street Dubbo NSW 2830
Legislation	Sections 3, 19 and 21 of the <i>Gaming Machine Act 2001</i>

## Decision of the Independent Liquor & Gaming Authority

### Application for a Gaming Machine Entitlement Transfer – Macquarie Club (Dubbo) Ltd

We **refuse** the application for a Gaming Machine Entitlement (**GME**) Transfer of 6 (with forfeiture of 2) from Bondi Junction-Waverley RSL Sub-Branch Club Limited, Bondi Junction (LIQC300225860) to Macquarie Club (Dubbo) Ltd, Dubbo (LIQC300237141) under section 19 of the *Gaming Machine Act 2001* (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**) may 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**) Dubbo-South. The broader community is the Local Government Area (**LGA**) of Dubbo Regional.

The application was to fill a previously approved quota via a transfer for 6 GMEs (with forfeiture of 2) from Bondi Junction-Waverly RSL Sub-Branch Club Limited, Bondi Junction (**source venue**) to Macquarie Club (Dubbo) Ltd, Dubbo (**destination venue**).

While the benefit of forfeiture was taken into consideration, the source venue has been inactive for over five years, therefore, the applicant proposed to bring dormant GMEs back into operation within a higher risk SA2, resulting in an increase in gaming availability within NSW.

Although we approved a Gaming Machine Threshold (**GMT**) increase for the destination venue to operate 4 extra gaming machines (in April 2025), the applicant was proposing to transfer the GMEs from a Band 1 SA2 to a (higher risk) Band 2 SA2. The Authority has taken into consideration that, as stated at paragraph 1.11 of the Ministerial Directions dated 1 July 2025, Government policy encourages the shifting of GMEs from higher risk LGAs to lower risk LGAs.

In addition to the above, the submissions and material from L&GNSW identified factors which may suggest that the proposal could contribute to an increase in gaming-related harm in the local and broader communities because of the:

- Gaming intensity – the average profit per gaming machine at the destination venue is higher than the LGA and comparable venues
- Location factors – the SA2 has location factors including higher rates of single people, Aboriginal and Torres Strait Islander people and people with lower education levels
- Gambling prevalence – the sum of moderate and high-risk gamblers for the local health district (LHD) is higher compared to NSW
- Gambling participation – the gambling participation rate for gaming machines in the LHD is higher compared to NSW.

While we were satisfied that the above risks were reduced by various harm minimisation measures when approving the GMT increase in April 2025, the current proposal would transfer gaming machines to a higher risk SA2 and increase gaming availability in NSW. Therefore, it does not minimise harm associated with the misuse and abuse of gambling activities.

## 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
- 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
- Statement of Reasons dated 29 August 2024 for refusal of application 1-8986571062 on 17 July 2024
- Board paper for GMT increase with Class 1 LIA application approved by ILGA on 16 April 2025
- Local Impact Assessment - ILGA meeting 16 April 2025
- L&GNSW Holdings
- Macquarie Club (Dubbo) Ltd Annual Report for the year ending 31 December 2024
- Macquarie Club (Dubbo) Ltd Club President Report
- Outcome of complaint C25/0081399 regarding Macquarie Club (Dubbo) Ltd.

This decision will be published.

**If you have any questions**

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

Yours sincerely



Caroline Lamb

**Chairperson**

**Independent Liquor & Gaming Authority**