

NSW Independent Liquor & Gaming Authority

Our ref: DF25/062280

Mr Kevin Chiew

10 October 2025

Dear Mr Chiew

Applicant	CITY TATTERSALLS CLUB
Application for	Request to extend the period during which the Club may retain gaming machine entitlements and to waive gaming machine entitlement retention fee
Application date	25 August 2025
Decision date	17 September 2025
Licence name	St James by City Tatts
Licence number	LIQC330019640
Trading hours	<u>Consumption on premises</u> Monday to Sunday 09:00 AM – 03:00 AM <u>Takeaway</u> Monday to Saturday 05:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Premises	199 Castlereagh Street Sydney NSW 2000
Legislation	Sections 3 and 23 of the <i>Gaming Machine Act 2001</i>

Decision of the Independent Liquor & Gaming Authority

Application for a request to waive gaming machine entitlement retention fee – St James by City Tatts

We **refuse** the request under section 23(4) of the *Gaming Machine Act 2001* (**GM Act**) to waive the \$5,000 levy required to extend the retention period for 10 gaming machine entitlements attached to the cancelled St James by City Tatts licence (LIQC330019640). Our refusal is on the basis that the subject gaming machine entitlements (**GMEs**) have been forfeited due to the operation of section 23(2) of the GM Act. Accordingly, the Authority has no power under section 23(4) of the GM Act to approve the application.

Statement of reasons

Following a surrender of the licence on 27 August 2024, St James by City Tatts (**the Club**) had 12 months to transfer any remaining GMEs.

Section 23(2) of the GM Act permits the transfer of any remaining GMEs within 12 months following the surrender of a licence, after which they are automatically forfeited to the Authority. Therefore, subject to the operation of s23(2), on 27 August 2025 all remaining GMEs were forfeited to the Authority.

As the GMEs had already been forfeited, the Authority had no power under section 23(4) of the GM Act to approve the application.

Our main findings

On 25 August 2025, the Club sought a waiver of the levy of \$500 per retained entitlement, totalling \$5,000, under section 23(4) of the GM Act.

The Authority found that it could not approve the Club's request as the gaming machine entitlements had already been forfeited to the Authority on 27 August 2025. By the time the Club's request came before the Authority on 17 September 2025, there were no GMEs held by the Club in respect of which the Authority could make a decision.

Despite concluding that the entitlements had already been forfeited, for completeness the Authority also considered the submissions by the Club, including the financial strain the Club is experiencing and the recent appointment of a new President and a new Secretary/General Manager.

Had the entitlements still been retained by the Club, which for reasons stated above, the Authority considers it was not, we note that section 23(4) of the GM Act requires that in order to waive the \$500 levy per GME required to retain entitlements for a further 12 months, the Authority must be satisfied that the delay in transferring the remaining entitlements was due to circumstances beyond the control of the proposed transferor of the entitlements.

The Club noted that its reasons for a request to waive the fee were that:

- the Club Secretary was appointed on 24 April 2025, and the Club's Chairman was also newly appointed
- the Club had an annual general meeting on 29 May 2025, but due to the newness of the two appointees, a motion was not put to the Members for the transfer of the remaining 10 GMEs
- although no evidence of its financial position was provided, the Club is under financial stress, and the cost of holding an extraordinary general meeting to ratify the transfer of the remaining 10 GMEs was 'prohibitive'.

The Authority noted that it would not have been satisfied that the delay in transferring the GMEs was due to circumstances beyond the control of the proposed transferor of the entitlements and accordingly the relief sought would not have been granted, even if available.

The material we considered

We considered the following material when making our decision:

- the brief material
- the legislation

This decision will be published.

If you have any questions

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

Yours sincerely

A handwritten signature in cursive script that reads "Caroline Lamb".

Caroline Lamb

Chairperson

NSW Independent Liquor & Gaming Authority