

NSW Independent Liquor & Gaming Authority

CONCOURSE HOTEL PTY LTD
Licensee
Concourse Bar

Ms Susie Pietrantonio
A/Director of Compliance & Enforcement
NSW Department of Creative Industries,
Tourism, Hospitality and Sport

Section 130(3) – Third parties
Kenneth Francis McCourt
Director, Secretary and Shareholder
CONCOURSE HOTEL PTY LTD

Section 130(3) – Third parties
CONCOURSE HOTEL PTY LTD
Business and Premises Owner
Concourse Bar

Our ref: DOC25/413273

30 October 2025

Dear Sir/Madam

Decision regarding a complaint about the CONCOURSE HOTEL PTY LTD under section 129 of the *Gaming Machines Act 2001*

Our decision

We are satisfied that the grounds of complaint are established and have determined to:

- a. **order** the **CONCOURSE HOTEL PTY LTD** (Licensee) to pay a monetary penalty of \$110,000 (1000 penalty units) to the Secretary of the NSW Department of Creative Industries, Tourism, Hospitality and Sport (DCITHS) under section 131(2)(a)(ii) of the *Gaming Machines Act 2001* (the Act) no later than 31 December 2025.

Background

The Licensee is the corporate licensee of the Concourse Bar located at Concourse Level Wynyard 33-35A Carrington Street, Sydney 2000 (the Hotel).

The licensed trading hours of the Hotel are from 5am to 5am Monday to Sunday. There are 29 approved gaming machines at the Hotel and its gaming shutdown hours are from 4am to 10am Monday to Sunday.

Gaming machines operating in the shutdown period

At 8:40am on 28 November 2023, Liquor & Gaming (L&GNSW) inspectors attended the Hotel and observed all 29 gaming machines were switched on and ready for play. Following the inspection, L&GNSW commenced an investigation into the operation of gaming machines at the Hotel during its shutdown period.

Data from the 15-minute meter read reports on the MAXsys Central Monitoring System showed that all 29 gaming machines in the Hotel were operated on a significant number of occasions between 8am and 10am during the period from 10 March 2023 to 28 November 2023, a period of approximately 8 months.

The accumulated turnover of gaming machines operated during this period was \$285,315.

Failure to hold RCG endorsement

The licence for the Hotel reflects that Ms Jessica Amodeo (Ms Amodeo) is the approved manager and has been since 26 April 2023.

During the investigation by L&GNSW, it was found that Ms Amodeo holds a recognised competency card but does not hold a current Responsible Conduct of Gaming (RCG) endorsement and a current advanced RCG endorsement as required under section 57(2) of the Gaming Machines Regulation 2019 (the Regulation).

Disciplinary complaint

On 1 April 2025, L&GNSW made a disciplinary complaint to the Independent Liquor & Gaming Authority (the Authority) alleging the Licensee permitted the operation of 29 gaming machines during the mandatory gaming shutdown period over a period of 8 months and that the approved manager of the Hotel failed to hold the required RCG endorsements on her competency card. The Disciplinary Matters Committee of the Authority (the Committee) considered the complaint under delegation from the Authority.

Compliance history of the Hotel, the Licensee and the Owner

Regulatory action was previously taken against the Hotel for gaming machine related offences including two penalty notices issued to a former licensee in July 2019 for operating gaming machines outside of the authorised shutdown hours.

The Authority noted that Mr Ken McCourt (Mr McCourt), sole Director, Secretary and Shareholder of the corporate licensee has been and is currently the director and secretary of several additional corporate entities, including The Dunkirk Hotel where a penalty notice was issued in December 2023 for a cash dispensing facility being located in the gaming area.

Grounds of complaint

The grounds of complaint are that:

- the licensee has contravened a provision of the Act or Regulation - under section 129(3)(a)(i) of the Act. This relates to:
 - section 39(1) of the Act which makes it an offence for gaming machines to be operated for gambling between 4am and 10am on any day (known as the 6-hour shutdown period); and
 - section 57(2) of the Regulation which makes it an offence for a hotelier or approved manager of a hotel that keeps approved gaming machines, to fail to hold a recognised competency card with a current RCG endorsement and a current advanced RCG endorsement.
- the hotelier has engaged in conduct that likely encouraged, or is likely to encourage, the misuse and abuse of gambling activities at the hotel - section 129(3)(b) of the Act.

Submissions and consultation

On 22 July 2025, a show cause notice was issued to the corporate licensee, Mr McCourt and L&GNSW.

On 29 August 2025, a submission was received from Mr McCourt which stated that:

- he made the decision to trade during the gaming shutdown period upon mistaken advice that the Hotel was able to do so.
- his senior manager at the time advised him that he had contacted OLGA and AHA to seek advice on 8am opening hours as the Hotel's licence has always been 24 hours and the closing time was 10pm.
- as soon as he was advised that the Hotel was trading outside its allowable operation hours, he immediately instructed staff to cease doing so.

L&GNSW were provided a copy of the respondents' submissions and on 8 September 2025, and they advised that they were not providing any further submissions.

Our findings

Relevant legislation

The Committee was satisfied that the complaint was made validly and that the grounds of complaint are prescribed grounds.

The material we considered

In determining the disciplinary complaint, the following material was considered:

- disciplinary complaint from L&GNSW, received 1 April 2025.
- a submission from Mr McCourt, received 29 August 2025.

The Committee was also satisfied that the grounds of complaint under section 129(3)(a)(i) and 129(3)(b) of the Act were established and after balancing all relevant factors, disciplinary action is warranted. However, considering the severity of the breach, the Committee remitted consideration of penalty to the full Authority.

The Authority considered that the frequent and repeated operation of all 29 gaming machines at the Hotel during the shutdown period over 8 months with a turnover of over \$285,000 are significant and serious features of this complaint. This breach resulted in a significant financial benefit to the Licensee and Owner.

Providing patrons with access to gaming machines during the shutdown period increases the risk of gambling harm by facilitating patrons gambling for longer hours of uninterrupted play. By allowing gaming machines to be operated during the shutdown period, the Licensee has engaged in conduct that is likely to encourage the misuse of gambling activities in the Hotel.

The Licensee has a legislative obligation to minimise harm associated with the misuse and abuse of gambling activities. Mandatory shutdown hours for gaming machines are a key harm minimisation measure under the legislation. Licensees are expected to understand the conditions under which gaming machines are permitted on licensed premises. The owner of the corporate licensee is an experienced operator of licensed premises. His claimed ignorance of the conditions relating to mandatory shutdown hours calls into question his suitability to hold a licence either in his own capacity or as a director of a corporate licensee.

The failure by Ms Amodeo as the approved manager of the Hotel to hold the required RCG endorsement means that she does not have the necessary training to identify and intervene when patrons display signs of gambling harm, to promote responsible gambling behaviours and minimise gambling harm. It also demonstrates another failure in the management of the Hotel by the Licensee.

Having considered all factors of the complaint and the submission received, the Authority determined that the complaint was so serious as to warrant the taking of action in the form of the maximum monetary penalty, due to the several circumstances of aggravation that exist, including:

- the frequency and extended period in which gaming machines were operated during the shutdown hours
- that all gaming machines were operated during the shutdown period
- that the Hotel made extra turnover of \$285,000 from the breaching conduct
- the conduct of the owner of the corporate licensee in authorising the breach and claiming ignorance of the licence conditions
- the extended period the licensee did not enforce RCG training

Taking this disciplinary action is also intended to serve a protective purpose, by deterring contraventions by Mr McCourt, the corporate licensee and the industry generally.

If you are dissatisfied with this decision

The respondent or complainant may apply to NCAT for a review of this decision under the *Administrative Decisions Review Act 1997*.

For more information, please contact the NCAT Registry at 1300 006 228 or visit the NCAT website.

This decision will be published on the website.

Payment of penalty

A tax invoice will be issued to you from DCITHS in order for you to pay this penalty.

If you have any questions

Please contact the Office of ILGA at office@ilga.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb
Chairperson
NSW Independent Liquor & Gaming Authority