

NSW Independent Liquor & Gaming Authority

Mr Elie Boumelhem Licensee Wentworth Hotel, Homebush West	Ms Susie Pietrantonio A/Director of Compliance & Enforcement NSW Department of Creative Industries, Tourism, Hospitality and Sport
Section 130(3) – Third parties IRIS WENTWORTH PTY LIMITED Business Owner Wentworth Hotel, Homebush West	Section 130(3) – Third parties WENTWORTH FREEHOLD PTY LIMITED Premises Owner Wentworth Hotel, Homebush West

Our ref: DOC25/413737

5 November 2025

Dear Sir/Madam

Decision regarding a complaint about Mr Elie Boumelhem, licensee of the Wentworth Hotel under section 129 of the *Gaming Machines Act 2001*

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 *Gaming Machines Act 2001* (**the Act**). This relates to:
 - section 47C of the Act – permit a cash dispensing facility on the hotel premises to provide cash from a credit card account; and
 - section 68 of the Act and clause 8 of the *Gaming Machines Regulation 2019* (**the Regulation**)- the gaming room must conform with the requirements of the Regulation.
- 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.

Our decision

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

- order Mr Elie Boumelhem (Mr Boumelhem)**, the gaming related licensee, to pay a monetary penalty of \$22,000 (200 penalty units) to the Secretary of the NSW Department of Creative Industries, Tourism, Hospitality and Sport (**DCITHS**) under section 131(2)(a)(i) of the Act within 60 days of receiving this notification (no later than 5 January 2025).

Background

On 12 October 2022, Liquor & Gaming NSW (**L&GNSW**) received an anonymous complaint alleging that it was possible to withdraw cash using a credit card account at a cash dispensing facility (**ATM**) located at the Wentworth Hotel (Hotel licence LIQH400106416) located at 195 Parramatta Road, Homebush West NSW 2140 (**the Hotel**).

On 22 October 2024, a disciplinary complaint was received from Mr Dimitri Argeres, Director of Compliance & Enforcement Unit, as a delegate of the Secretary of the NSW Department of Creative Industries, Tourism, Hospitality and Sport (**the complainant**) about

Mr Elie Boumelhem (**the respondent**) as the licensee of the Hotel made under section 129 of the Act.

Licence details

Mr Boumelhem is the current licensee of the Hotel and is noted as the licensee at the time of the L&GNSW investigation. He has held this position since 29 April 2022.

Mr Boumelhem has held two roles as a licensee since he was first approved by L&GNSW; Guilford Hotel from 16 June 2020 to 13 January 2021 and the Wentworth Hotel from 29 April 2022 to present. There has been no previous adverse compliance history identified during Mr Boumelhem's tenure in the position of licensee.

IRIS Wentworth Pty Ltd is the premises and business owner of the hotel.

Investigation findings

On 26 October 2022 L&GNSW conducted an inspection of the hotel. Their key findings were that:

- there was an ATM outside the licensed boundary of the hotel (but still on the hotel premises) that allowed cash to be withdrawn from a credit card account; and
- the gaming room did not have a floor to ceiling wall that separated the gaming area from the rest of the main bar area.

Since the initial investigation, both of the above issues have been remedied.

ATM allegation

During an inspection by L&GNSW on 26 October 2022, it was identified that an ATM permitted the withdrawal of cash from a credit account. L&GNSW noted that the ATM was located approximately one metre from the entry doors to the Hotel on the premises' front step and that the gaming area was visible from where the ATM was located.

In the 7 months between 1 June 2022 to 16 February 2023, 429 transactions to the value of \$221,000 had been made from the ATM with 96 of those transactions taking place between 12am and 6am to the value of over \$80,000.

During the initial inspection, L&GNSW engaged with Mr Boumelhem who explained that the Hotel did not own the ATM and he believed it was located outside the licensed boundary.

It is noted that there was an agreement in place between Cardtronics Australasia Pty Ltd (**Cardtronics**) and Iris Wentworth Pty Limited for the provision of ATMs at the Hotel between 8 July 2020 and approximately 21 February 2023. The Banktech Group Pty Ltd confirmed they provided ATMs at the Wentworth Hotel from 17 February 2023.

Gaming room non-compliance allegation

During a subsequent inspection by L&GNSW on 27 April 2023, it was identified that the gaming room did not conform with the requirements of the Act as the gaming room did not have a floor to ceiling wall that separated the gaming area from the rest of the main bar area.

Actions taken

On 19 April 2023, Mr Justin Sammut of LAS Lawyers acting on behalf of the Hotel provided a written statement to L&GNSW asserting that the ATM in question is not located within the boundary of the Hotel's licensed area, and therefore that there is no breach of section 47C of the Act.

On 12 May 2023, L&GNSW issued the Hotel a statutory direction under the then section 75 of the Act to prohibit the operation of any cash dispensing facility capable of providing cash from a credit card account on the Hotel premises. This direction was complied with.

A new wall was also installed at the same time, which remedied the gaming room offence, however the Hotel asserted this was not because they believed they were non-compliant, rather they were being proactive to address upcoming gaming related signage requirements.

Submissions and consultation

On 22 July 2025, a show cause notice (**the notice**) was issued to the licensee, the Hotel business owner, the Hotel premises owner and L&GNSW.

On 2 September 2025, a submission was received from Mr Boumelhem in response to the notice and is summarised below:

ATM Placement

- The complaint revolves around L&GNSW's interpretation of section 47C of the Act.
- Cardtronics originally placed a credit-enabled ATM outside the Hotel's entry and licensed boundary; Banktech continued this setup.
- L&GNSW has since revised its interpretation of section 47C.
- An improvement notice was issued to Mr Boumelhem, requiring the ATM's credit facility to be disabled, which was promptly complied with.
- The ATM's placement did not breach the Act, supported by statutory context and relevant case law on spatial prohibitions.

Gaming Room Wall

- The gaming room is recessed about a metre behind a structural pillar, with a central screen wall housing all gaming machines.
- A neon screen on this wall displays 'Welcome to Wentworth Hotel'; the adjacent spaces qualify as 'doorways' or 'access spaces'.

Previous Inspections

- Multiple inspections occurred before October 2022 with no enforcement actions taken against Mr Boumelhem.

Response to Misuse and Abuse Allegations

- Mr Boumelhem denies any conduct that would encourage gambling misuse or abuse.
- He disputes claims that the ATM was visible through a glass door, calling it a misinterpretation.
- No evidence suggests he allowed patrons to withdraw credit funds and gamble beyond their means.
- He believed the ATM's credit function was lawful, given its location outside the licensed premises.
- The complainant exaggerated the total value of credit-enabled withdrawals over 12 months to inflate the issue.

Response to Grounds of Complaint

- The grounds of complaint are not substantiated.
- If any ground is upheld, the recommended response is either no action or a reprimand.
- The Authority is urged to consider the Devlin and Morrison cases before imposing any disciplinary sanction.

On 2 September 2025, Mr Boumelhem also provided an Affidavit to support his submissions which is summarised below:

Mr Boumelhem's Employment

- That he is the current licensee of the Wentworth Hotel since April 2022.
- That he has been a hospitality professional since 2016; completed NSW Licensee and Advanced Licensee Courses.

- That he has had no prior convictions, charges, or penalty notices.

ATM Placement

- Two ATMs have been located inside the Hotel during Mr Boumelhem's tenure at the Hotel.
- A third ATM was placed on a landing outside the side entry, allowing credit card withdrawals since February 2021.
- All ATMs were operated by a third-party provider.
- That he believed the ATM setup was lawful, based on multiple L&GNSW inspections with no prior compliance concerns raised.

L&GNSW Inspection and Investigation

- Inspectors suggested the outside ATM might breach the Act due to its location.
- That he consulted the previous licensee, who confirmed the ATM was outside the licensed area and compliant.
- That he received an interview invitation from L&GNSW on 12 April 2023 but did not attend on legal advice.
- That his legal representative advised him that the ATM's credit facility was lawful and would explain this to L&GNSW.
- That he complied with a direction to disable credit facilities on all ATMs.
- That he removed the outside ATM to comply with new laws banning 'VIP' signage.
- Denies allegations of irresponsibility or attempts to circumvent harm minimisation laws.

Proactive Activities

- That he conducts weekly self-audits using L&GNSW's checklist.
- That he applied responsible gambling stickers to the outside ATM in line with compliance requirements.
- That he installed an additional screen wall and frosted glass doors to address concerns about gaming room openness.

Response to Allegations

- Disputes the claim that the gaming area was fully open to the main bar.
- Argues the allegation of non-compliant construction is based on incorrect assumptions.
- Acknowledges the central screen did not reach the ceiling but emphasises the presence of a substantial separating wall.
- Took proactive steps including frosting glass doors, adding a screen, and changing signage from the rear carpark.
- Responded to concerns even when no breach was identified.

The Affidavit also contains character references for Mr Boumelhem from Mr Adrian Musico, Director Total Concept Projects, Mr Haytham Saredine, Area Operations Manager, Lewis Hotels and Mr Mathew Tu, licensee of The Riverstone Hotel.

On 17 September 2025, a submission from received from the complainant and is summarised below:

- That the respondent's submission primarily relates to arguments of statutory interpretation.
- That L&GNSW maintains its interpretation of the relevant legislation as set out in the disciplinary complaint dated 22 October 2024.
- That supporting the interpretation as put forth in the respondent's submission would significantly undermine the protective intent of section 47C of the Act.
- That taking appropriate disciplinary action is in the public interest and would serve a protective purpose.
- That L&GNSW relies on the evidence, the grounds and particulars under which the complaint was made, as set out in the disciplinary complaint dated 22 October 2024.

- Noted the Authority’s decision regarding Northlakes Tavern, published on 4 August 2025.

No further submissions were received from the respondent.

Our findings

We are satisfied that both grounds of complaint under section 129(3)(a)(i) and section 129(3)(b) of the Act have been established.

We are satisfied that Mr Boumelhem contravened section 47C of the Act by permitting a cash dispensing facility to be used or to be installed or located in the hotel that was capable of providing cash from a credit card account.

In the 7 months between 1 June 2022 to 16 February 2023, the period where Mr Boumelhem was the hotelier and licensee, 429 transactions to the value of \$221,000 were made with 96 of those transactions taking place between 12am and 6am (to the value of over \$80,000) from an ATM located not far from the gaming room.

Research indicates that the period after midnight has a higher incidence of problem gambling. It is reasonable to assume that at least some of the patrons who withdrew cash after 12am were doing so for the purpose of gambling.

Providing patrons with ready access to cash from a credit card account significantly increases the risks of patrons gambling beyond their means. The licensee’s failure to act on the contravention without intervention from L&GNSW contributed to the misuse and abuse of gambling at the hotel.

Mr Boumelhem had clear knowledge that the ATM permitted gaming patrons to withdraw cash from credit card accounts. His argument that he believed the ATM was not part of the hotel is irresponsible given where the ATM was physically located, the signage surrounding the ATM including a Sign 4G responsible gambling sticker affixed to the machine and VIP Lounge sign next to the ATM, along with the contractual agreement between the hotel’s business owner and the ATM provider.

We are satisfied that the gaming room did not conform to the requirements under section 68 of the Act and clause 8 of the Regulation and it was not separated from the general bar area by a floor to ceiling wall. This meant that the ATM was visible through a glass door from the gaming room, and gaming machines and jackpot signage visible from the ATM.

The Hotel consistently ranks in the top ten hotels in the state by net gaming profit per machine and should be held accountable to maintaining high gaming harm minimisation standards.

Mr Boumelhem’s attempt to circumvent fundamental harm minimisation provisions of the Act has encouraged and directly contributed to the misuse and abuse of gambling at the hotel and clearly put members of the community at risk of gambling harm.

In consideration of these findings, and after balancing all the aggravating and mitigating factors, we are of the view that disciplinary action is warranted.

Relevant legislation

Part 8 of the Act

Section 47C of the Act

Section 68 of the Act

Clause 8 of the Regulation

Prescribed ground of complaint

We are satisfied that the complaint was made validly and that the established grounds of complaint are prescribed grounds under section 129(3)(a)(i) and section 129(3)(b) of the Act.

The material we considered

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

- disciplinary complaint from L&GNSW, received 22 October 2024.
- a submission and affidavit from the licensee, received 2 September 2025.
- a submission from L&GNSW, received on 17 September 2025.

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 may 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



Jeff Loy
Chair, Disciplinary Matters Committee
NSW Independent Liquor and Gaming Authority