

Ms Jacqueline Bourke Licensee Crown & Anchor Hotel, Newcastle	Mr Darren Duke Director of Compliance & Enforcement NSW Department of Creative Industries, Tourism, Hospitality and Sport
Section 130(3) – Third parties GCC INDUSTRIES PTY LTD Business Owner	Section 130(3) – Third parties MBA CORP PTY LTD Premises Owner

Our ref: DOC26/156856

12 June 2026

Dear Sir/Madam

Decision regarding a complaint about Ms Jacqueline Bourke, licensee of Crown & Anchor Hotel, Newcastle under section 129 of the *Gaming Machines Act 2001*

Ground of complaint

The ground of complaint is that:

- the licensee has contravened a provision of the *Gaming Machines Act 2001* (**the Act**) - section 129(3)(a)(i) of the Act. This relates to section 75A(6)(a) of the Act which requires that a hotelier or club must pay an Electronic Gaming Machine (**EGM**) prizewinner their monetary prize within 48 hours of the request.

Our decision

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

- issue** a reprimand to Ms Jacqueline Bourke under section 131(2)(j) of the Act.

Background

On 19 July 2023, Liquor & Gaming NSW (**L&GNSW**) received a complaint from [REDACTED] in relation to Crown & Anchor Hotel alleging that:

- the hotel failed to pay an Electronic Gaming Machine (**EGM**) prize win of \$9,300 on 4 October 2022.
- \$2,500 of the \$9,300 prize had been paid to [REDACTED] but the remaining balance had not been paid despite multiple follow up contacts made by [REDACTED] over a period of several months.

On 25 August 2023, L&GNSW received a complaint lodged by [REDACTED], providing a similar allegation to [REDACTED].

Disciplinary complaint

On 4 July 2025, a disciplinary complaint was received from Mr Andrew Garcia, A/Director Compliance & Enforcement as a delegate of the Secretary, Department of Creative Industries, Tourism, Hospitality and Sport (the **complainant**) about Ms Jacqueline Bourke (the **respondent**) as the licensee of Crown & Anchor Hotel (the **Hotel**, hotel licence LIQH400117418) located at 189 Hunter St, Newcastle 2300. The complaint was made under section 129(1) of the Act.

Licence details

Ms Bourke is the current licensee of the Hotel, commencing in the role on 10 December 2015. Ms Bourke was the licensee at the time of the contravening conduct and L&GNSW investigation.

GCC INDUSTRIES PTY LTD is the business owner of the Hotel and MBA CORP PTY LTD is the premises owner of the Hotel. Both entities held both these roles at the time of the contravening conduct and investigation.

At the time of the contravention, Ms Bourke and her husband were 50% business owners under GCC INDUSTRIES PTY LTD. The other 50% owners were [REDACTED] and [REDACTED]. At the time of the contravention, the relationship between the four business owners had irretrievably broken down. In December 2022 Ms Bourke and her husband commenced Supreme Court proceedings against the other co-owners and on 6 June 2023 a settlement was reached resulting in Ms Bourke and her husband retaining full ownership of the business and premises.

Investigation findings

On 22 August 2023, L&GNSW commenced an investigation into the matter. Their key findings were:

- On the evening of 4 October 2022, [REDACTED] attended the hotel and commenced playing an EGM while in the presence of [REDACTED]. [REDACTED] was a manager of the hotel and a friend of [REDACTED]. [REDACTED] did not have a financial interest in the outcome of the EGM but rather was simply keeping [REDACTED] company.
- [REDACTED] won a standalone jackpot on a gaming machine at the hotel on 4 October 2022. The jackpot and other winnings on the machine totalled \$9,300.
- [REDACTED] requested the winnings be placed under [REDACTED] name as he had 'family stuff' and did not want the money to be transferred into his account at that time. [REDACTED] believed the funds would be electronically transferred into his bank account at a later time. However, only [REDACTED] name and bank account details were recorded in the hotels electronic Aristocrat system.
- A \$2,500 part payment of the EGM win of the \$9,300 won was electronically transferred to [REDACTED] by the hotel on 7 October 2022.
- The remaining \$6,800 balance was not paid to [REDACTED] within 48 hours, contrary to section 75A(6)(a) of the Act. There was no evidence to suggest that the remaining balance was paid to [REDACTED] at the time of the investigation in August 2023.

Submissions and consultation

On 15 January 2026, a show cause notice (**the notice**) was issued to the licensee, the Hotel business owner, the Hotel premises owner and L&GNSW. Submissions were received from Ms Bourke (as the licensee, business owner and premises owner), L&GNSW and counsel acting on behalf of Ms Bourke.

On 13 March 2026, a submission was received from Ms Bourke, as summarised below:

- Ms Bourke agreed with the main elements of the investigation report, namely:
 - that [REDACTED] and [REDACTED] were playing together on the EGM when the jackpot was triggered, with the total prizewinning being \$9,300;
 - [REDACTED] instructed gaming staff to record the win under [REDACTED] name;
 - a partial payment of \$2,500 was made to [REDACTED] in the subsequent days; and
 - no documentary evidence has been identified showing a payment of the remaining jackpot balance (\$6,800) to either [REDACTED] or [REDACTED].

- Ms Bourke noted that at the time of the jackpot win, she and the other co-owners of the business were involved in an acrimonious dispute. During this period:
 - Ms Bourke had limited access to the Hotel's financial accounts and records, banking facilities and the venue safe (all being effectively controlled by the other co-owners, [REDACTED] and [REDACTED]);
 - the business records were in significant disarray; and
 - despite her best efforts, Ms Bourke had limited involvement in the day-to-day management of the Hotel (due to the relationship breakdown with the other co-owners which materially limited her ability to be present at the Hotel).
- As a result of the dispute and the impact this had on Ms Bourke's ability as the licensee to manage the finances, operations and compliance of the Hotel, Ms Bourke and her husband (through their entity as 50% co-owners of the business) commenced legal proceedings to regain control of the business.
- At the conclusion of the legal proceedings, Ms Bourke and her husband were released from all claims connected with the hotel prior to 6 June 2023 (including the jackpot win).
- [REDACTED] and [REDACTED] application with NCAT was dismissed in January 2024 and NCAT found in favour of the Hotel, noting that the two did not attend the hearing and the evidence was insufficient to support their case.
- Ms Bourke requests that the Authority use their discretionary powers under section 131(2) of the Act to not take any disciplinary action in the circumstances, noting that:
 - the incident is not the result of wilful, reckless or dishonest conduct on the part of the licensee.
 - the incident occurred in the context of a protracted ownership dispute during which the licensee was denied effective control over the Hotel's financial records and banking facilities.
 - the licensee was not present on the night and was not directly involved in the processing of the payout.
 - the incident is isolated and not reflective of the licensee's long-term compliance history.
 - the licensee has cooperated with L&GNSW's investigation and provided all information within her possession.
 - the complaint was lodged a substantial period after the event and in the context of the co-owner dispute which had only recently concluded through litigation between the parties; and
 - the Hotel's business is now under the full control and ownership of the licensee and/or her related entities, with stable and compliant management.
- If the Authority is minded to take disciplinary action for this matter, Ms Bourke respectfully requested that any action taken by the Authority should be limited to the least severe disciplinary response proportionate in the circumstances.

On 26 March 2026, a submission was received from L&GNSW. A summary of the submission is below:

- L&GNSW continued to rely on the evidence provided in the original complaint application.
- L&GNSW noted Ms Bourke's acknowledgment about the seriousness of the contravention and the contextual issues (namely the business dispute) that created an environment of confusion and contributed to the offence occurring.
- L&GNSW provided details about the Hotel and Ms Bourke's compliance history.

- Consideration was given to the seriousness of the offence, Ms Bourke's remorse, the business dispute context and Ms Bourke's compliance history. L&GNSW also gave regard to the objects of the Act, including the need to minimise gambling-related harm, foster responsible conduct in relation to gambling, and ensuring the balanced development of the gaming industry in the public interest.
- Should the Authority determine that the ground under section 129(3)(a)(i) of the Act is made out, L&GNSW recommend that the Authority:
 - issue Ms Bourke with a reprimand under section 131(2)(j) of the Act, and
 - order Ms Bourke to pay a monetary penalty that the Authority considers appropriate under section 131(2)(a)(i) of the Act.

On 24 April 2026, a submission was received from [REDACTED], [REDACTED], counsel for Ms Bourke. A summary of the submission is below:

- Ms Bourke continues to rely on her earlier submission from 13 March 2026. Counsel for Ms Bourke requests that the Authority do not impose a monetary penalty nor a reprimand as recommended by L&GNSW based on four contentions as summarised below:
- **Contention 1** – Counsel states that the original complaint is invalid as it is not compliant with the requirements of section 129(2) and 129(3) of the Act. While it is acknowledged that the complaint stated the ground of the complaint being that Ms Bourke 'contravened a provision of this Act or the regulations' under section 129(3)(i) of the Act, the complaint did not specify which provision of the Act was contravened. Counsel states that the investigation report states that Ms Bourke 'failed to pay the full amount redeemed by [REDACTED] within 48 hours contrary to the Act' but does not state what provision this relates to.
- **Contention 2** – If the Authority finds that the complaint is valid, counsel states that the Authority cannot be 'satisfied' that the grounds of the complaint have been met, noting that the contravention of the Act was not identified by the complainant (as per Contention 1). Secondly, counsel states that, pursuant to 75A(6)(a) of the Act, the Authority must also be satisfied that there had been a 'request' by the 'prizewinner', and that the payment was not made within 48 hours. Counsel states that confusion existed around whether [REDACTED] or [REDACTED] was the 'winner', and this was supported by the NCAT finding that there was insufficient evidence to support either party as the prizewinner. Finally, counsel states that pursuant to section 75A(1), there must be a 'request' from the prizewinner. Counsel states that Ms Bourke only became aware of the request when NCAT proceedings were commenced in mid-2023. As Ms Bourke was not aware of the 'request', the Authority cannot be satisfied that she breached section 75A(1) of the Act as no prosecution was brought or established within 12 months.
- **Contention 3** – Counsel states that if the Authority is not persuaded by Contentions 1 and 2, and that a contravention did occur, then it is open to the Authority to use their discretionary powers to 'decide not to take any action' as per section 131(2) of the Act. Counsel states disciplinary measures are for the protection of the public and promoting the objects of the Act. There is no risk of future harm occurring due to the unusual circumstances of the incident itself, namely the confusion surrounding the true prizewinner, the winnings being attributed to [REDACTED], and the failed NCAT proceedings. Ms Bourke has no compliance history related to contraventions of section 75A(1) and (6) and as such there is no need for the Authority to take into account public protection or deterrence considerations. L&GNSW were notified of the complaint within the 12-month window required to pursue a prosecution or issue a Penalty Notice and did not do so, supporting Counsel's assertion that the matter was not an 'urgent disciplinary issue' that needed to be addressed. Ms Bourke has been cooperative with L&GNSW at all stages since being made aware of the incident and has shown remorse.

- **Contention 4** – If the Authority is not persuaded by Contentions 1-3 and determines to take disciplinary action as recommended by L&GNSW, counsel states that a monetary penalty should not be imposed and the Authority determine only to impose a ‘reprimand’. Counsel notes that the compliance history noted by L&GNSW in their submission is of minimal relevance to this matter. Further, a monetary penalty has little disciplinary value as part of the jackpot winnings was paid to [REDACTED] and the NCAT findings support that there was insufficient evidence to support [REDACTED] application. Counsel asserts that a reprimand reflects adequate action in light of the unusual circumstances of this matter, the mitigating factors noted above and Ms Bourke’s cooperation with the investigation.
- In summary, counsel acting on behalf of Ms Bourke contend that the Authority should not take any action with respect to the complaint, or alternatively impose a reprimand.

Our findings

We are satisfied that the ground of the complaint under section 129(3)(a)(i) of the Act is established, and after balancing all relevant factors, disciplinary action is warranted. The evidence demonstrates that Ms Bourke contravened section 75A(6)(a) of the Act which requires that a hotelier or club must pay an EGM prizewinner their monetary prize within 48 hours of the request.

As the licensee of the Hotel, Ms Bourke has a legislative obligation to uphold compliance at the Hotel. The offence was objectively serious and resulted in a patron not being paid the full monetary payment of his prizewinnings.

We considered the extenuating circumstances at the Hotel at the time of the offence, namely the dispute between the co-owners and Ms Bourke’s limited access to the Hotel’s financial accounts, banking facilities and safe. We also note that due to the relationship breakdown and communication issues, Ms Bourke was not aware that [REDACTED] had not been paid his full prizewinnings within 48 hours as required by the Act.

We note that following Supreme Court proceedings in June 2023, Ms Bourke and her husband were granted full ownership of the business and premises and now have full control of all aspects of the Hotel. Additionally, all individuals involved in the circumstances underlying the disciplinary complaint have now left the business.

Ms Bourke has expressed remorse about the offence, has been co-operative throughout all stages of the investigation and disciplinary process and has committed to upholding compliance at the venue moving forward. We are satisfied that a reprimand is the most appropriate action in the circumstances.

Relevant legislation

Part 8 of the Act.

Prescribed ground of the complaint

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

The material we considered

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

- disciplinary complaint from L&GNSW, received 4 July 2025.
- a submission from the licensee, the business owner and the premises owner of the Hotel, received 13 March 2026.
- a submission from L&GNSW, received on 25 March 2026.

- a final submission from [REDACTED], [REDACTED], counsel acting on behalf of the licensee, received on 24 April 2026.

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*.

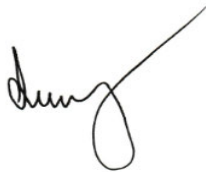
For more information, please contact the NCAT Registry at 1300 006 228 or visit the NCAT website.

This decision will be published on the website.

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