

## DRAFT NOTICE OF APPEAL

### COURT DETAILS

Court Supreme Court of New South Wales, Court of Appeal  
Registry Sydney  
Case number

### TITLE OF PROCEEDINGS

Appellant Independent Liquor and Gaming Authority  
First Respondent The Griffith Hotel Pty Ltd  
Second Respondent North Rydge Pty Ltd

### PROCEEDINGS IN THE COURT BELOW

Title below The Griffith Hotel Pty Ltd and North Rydge Pty Ltd v  
Independent Liquor and Gaming Authority  
Court below Supreme Court of New South Wales  
Case number below 2022/00250390  
Date of hearing 16 November 2022  
Material date 5 June 2023  
Decision of McNaughton J

### FILING DETAILS

Filed for Independent Liquor and Gaming Authority, Appellant  
Filed in relation to Whole of the decision below in relation to 2022/00250390  
Legal representative Karen Smith, Crown Solicitor for NSW  
Legal representative reference 202302036 T01  
Contact name and telephone Andrew Bell (02) [REDACTED]  
Contact email [REDACTED]

### HEARING DETAILS

This notice of appeal is listed for directions at

### TYPE OF APPEAL

Administrative law

**DETAILS OF APPEAL**

1. This appeal is brought with leave under s. 101(2)(r) of the *Supreme Court Act 1970*.
2. Leave to appeal was granted on \_\_\_\_\_.
3. The appellant appeals from the decision below in relation to proceedings 2022/00250390.

**APPEAL GROUNDS**

1. The Court erred in concluding that the Independent Liquor and Gaming Authority has no discretion to refuse an application for the transfer of gaming machine entitlements pursuant to s 19 of the *Gaming Machines Act 2001* (NSW) where the application complies with the requirements of the Act and regulations.
2. The Court erred in concluding that the Independent Liquor and Gaming Authority has no discretion to refuse an application to increase the gaming machine threshold for a hotel or the premises of a club pursuant to s 34 of the *Gaming Machines Act 2001* (NSW) where the application complies with the requirements of the Act and regulations.

**ORDERS SOUGHT**

1. Appeal allowed.
2. Set aside orders (1)—(6) made by McNaughton J on 5 June 2023 and in their place order that the summons be dismissed with costs.
3. The respondent pay the appellant's costs of the appeal.

**SIGNATURE OF LEGAL REPRESENTATIVE**

I have advised the appellant that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature of legal representative

Karen Smith, Crown Solicitor for NSW  
Solicitor for the appellant

Capacity

Signed in my capacity as a solicitor  
employed in the office of the said  
Karen Smith

Date of signature

21 June 2023

## NOTICE TO RESPONDENT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the orders sought in the notice of appeal and for the appellant's costs of bringing these proceedings.

Before you can appear before the court, you must file at the court an appearance in the approved form.

## HOW TO RESPOND

**Please read this notice of appeal very carefully. If you have any trouble understanding it or require assistance on how to respond to the notice of appeal you should get legal advice as soon as possible.**

You can get further information about what you need to do to respond to the notice of appeal from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).
- The court registry for limited procedural information.

Court forms are available on the UCPR website at <http://www.ucprforms.nsw.gov.au/> or at any NSW court registry.

## REGISTRY ADDRESS

Street address	Supreme Court of New South Wales, Court of Appeal Law Courts Building Queen's Square Level 5, 184 Phillip Street Sydney NSW 2000
Postal address	GPO Box 3 Sydney NSW 2001
DX	DX 829 Sydney
Telephone	1300 679 272

## PARTY DETAILS

A list of parties must be filed and served with this notice of appeal.

## FURTHER DETAILS ABOUT APPELLANT[S]

### Applicant

Name Independent Liquor and Gaming Authority

Address

4 Parramatta Square  
Parramatta NSW 2150

### Legal representative for applicant

Name Karen Smith, Crown Solicitor for NSW

Practising certificate number [REDACTED]

Firm Crown Solicitor's Office

Contact solicitor Andrew Bell

Address Level 5  
60-70 Elizabeth Street  
SYDNEY NSW 2000

Telephone (02) 9474-9022

Email crownsol@cso.nsw.gov.au

Electronic service address N/A

## DETAILS ABOUT RESPONDENT

### Respondents

First respondent – Name Whitebull HTL Pty Ltd

Second respondent – Name North Rydge Pty Ltd

Both respondents -- Address Suite 1 Level 2  
97 Faulkner St  
Armidaale NSW 2350