


# Decision and reasons for decision

Disciplinary action against The Wonthaggi Club (trading as the Wonthaggi Golf Club, located at McKenzie Street, 11 Dr Sleeman Dr, Wonthaggi VIC 3995), under section 3.4.25(1) of the *Gambling Regulation Act 2003*.

<b>Delegate</b>	Jason Cremona Director, Regulatory Services Division Victorian Gambling and Casino Control Commission
<b>Date of decision and reasons</b>	18 March 2025
<b>Decision</b>	<p>Pursuant to the Instrument of Revocation and Delegation dated 1 November 2023 and effective 13 November 2023, I, Jason Cremona, Director Regulatory Services Division of the Victorian Gambling and Casino Control Commission, make this decision under section 3.4.25 of the <i>Gambling Regulation Act 2003</i>.</p> <p>For the reasons attached to this decision, I have found there is a ground for disciplinary action and decided to take disciplinary action against The Wonthaggi Club by issuing a letter of censure for contravening section 3.4.25(1)(d)(ii) at the Wonthaggi Golf Club.</p>
<b>Signed</b>	 A handwritten signature in black ink, appearing to read 'Jason Cremona', with a small dot at the end.
	Jason Cremona
	Director Regulatory Service Division
	Victorian Gambling and Casino Control Commission

# Contents

Decision and reasons for decision	1
Introduction	3
Background	3
Grounds for disciplinary action	3
Findings on conduct	4
Appropriate action	4
Issuing a letter of censure in this case	5

## Introduction

- 1) This is the Victorian Gambling and Casino Control Commission's (**VGCCC's**) decision and reasons for the decision regarding disciplinary action taken against The Wonthaggi Club, trading as the Wonthaggi Golf Club, located at McKenzie Street, 11 Dr Sleeman Dr, Wonthaggi VIC 3995 under section 3.4.25(1) of the *Gambling Regulation Act 2003 (the Act)*.
- 2) The disciplinary actions arise out of The Wonthaggi Club's failure to ensure that its electronic gaming machines (**EGMs**) operated within the permitted trading hours imposed by the Act on Good Friday, 29 March 2024.
- 3) On 25 October 2024, the VGCCC issued a notice to The Wonthaggi Club pursuant to section 3.4.25(2) of the Act to show cause why disciplinary action should not be taken on the grounds specified in the notice (**Notice**)<sup>1</sup>.
- 4) On 29 November 2024, The Wonthaggi Club responded to the Notice and made written submissions to the VGCCC in response to the Notice (**Submissions**).
- 5) The VGCCC has considered the Submission as required by section 3.4.25(3) of the Act<sup>2</sup>.
- 6) Pursuant to the Instrument of Revocation and Delegation dated 1 November 2023 and effective 13 November 2023, I, Jason Cremona, Director of the Regulatory Services Division of the VGCCC, make this decision under section 3.4.25 of the Act.
- 7) I am satisfied that the appropriate disciplinary action to be imposed on The Wonthaggi Club under section 3.4.25(4) of the Act is a letter of censure for contraventions that occurred on Good Friday, 29 March 2024.

## Background

- 8) The Wonthaggi Club holds a venue operator licence V9410084 (**Gaming Licence**) for Wonthaggi Golf Club.
- 9) The Act sets out requirements mandating The Wonthaggi Club to operate its gaming room within specified hours, including adherence to a mandatory shutdown period between 4am and 10am each day.
- 10) These requirements are safety measures that are designed to safeguard patrons and minimise gambling harm.

## Grounds for disciplinary action

- 11) On 25 October 2024, the VGCCC issued a Notice to The Wonthaggi Club, which contained grounds for disciplinary action related to the conduct that occurred at Wonthaggi Golf Club.
- 12) In summary, the VGCCC alleged the following contravention:
  - a. Section 3.4.25(1)(d)(ii) of the Act – it is a requirement of a venue operator to comply with the Accounting and Auditing Venue Requirements (**AAVR**) under section 3.4.1B of the Act.<sup>3</sup> A venue operator must ensure its gaming room hours of operation comply with all requirements, including

<sup>1</sup> The Commission may serve on a venue operator a notice in writing giving the venue operator an opportunity to show cause within 28 days why disciplinary action should not be taken on grounds for disciplinary action specified in the notice.

<sup>2</sup> The venue operator, within the period allowed by the notice, may arrange with the Commission for the making of submissions to the Commission as to why disciplinary action should not be taken and the Commission must consider any submissions so made

<sup>3</sup> At all times relevant to this decision, the AAVR included operational requirements determined by the Commission under section 10.1.5C of the Act. Version 4.6 of the AAVR was in effect until December 2022. Version 4.7 of the AAVR took effect from 10 March 2023 and continues in effect.

but not limited to, the Victorian Gambling and Casino Control Commission rules<sup>4</sup> under subsection 4.4 of the AAVR. A breach of this requirement is a contravention of a provision of the Act.

- 13) On 29 November 2024, The Wonthaggi Club provided its **Submissions** to the notice to show cause. I have considered the Submission as required by section 3.4.25(3) of the Act.

## Findings on conduct

- 14) On the basis of the matters set out in the paragraphs below, I am satisfied that The Wonthaggi Club, by its conduct on 29 March 2024 at Wonthaggi Golf Club:
- a. failed to ensure that gaming did not occur outside the Liquor Licence Rules and thereby engaged in 1 contravention of the AAVR<sup>5</sup>, and giving rise to a breach of a provision of the Act within the meaning of section 3.4.25(1)(d)(ii) of the Act.
- 15) A liquor licence was granted to Wonthaggi Golf Club under the *Liquor Control Reform Act 1998 (Vic)* (**Liquor Licence**). The periods that the Liquor Licence authorised the consumption of liquor on the premises for the purposes of Part 2 of the Liquor Licence Rules were between 12 noon and 12 midnight on both Good Friday and Anzac Day.
- 16) The VGCCC's Assurance and Risk Advisory team (**ARA**) detected gaming activity at the Wonthaggi Golf Club outside the Liquor Licence Hours on 29 March 2024 as follows:
- a. Before 12 noon on Good Friday, 29 March 2024, multiple EGMs had gameplay with a total EGM net turnover of \$215.05.
- 17) I am satisfied that gaming occurred outside the permitted hours, namely before 12 noon on Good Friday 29 March 2024 at the Wonthaggi Golf Club.
- 18) In the circumstances set out above, the grounds for disciplinary action under s. 3.4.25(1)(d)(ii) of the Act are established

## Appropriate action

- 19) Section 3.4.25(1) of the Act provides that the disciplinary action the VGCCC may take is any of the following:
- a. *the cancellation or suspension of the venue operator's licence;*
  - b. *the variation of the conditions of the venue operator's licence;*
  - c. *the issuing of a letter of censure to the venue operator;*
  - d. *the imposition of a fine on a venue operator not exceeding an amount that is 5000 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the Monetary Units Act 2004 (Vic) on the venue operator.*
- 20) Section 3.4.25(4) entitles the VGCCC to take any of the disciplinary action above against The Wonthaggi Club as it sees fit.<sup>6</sup>
- 21) I have concluded that disciplinary action in the form of a letter of censure is warranted.

<sup>4</sup> Part 2 of the Rules made under section 3.5.23 of the Act and published in the No. S33 Wednesday, 21 February 2007 Government Gazette states that a venue operator may offer gaming to a person only during the periods when a licence granted under the Liquor Control Reform Act 1998 in respect of the premises authorises the consumption on those premises.

<sup>5</sup> This is a requirement under section 3.4.1B of the Act that venue operator adhere to operational requirements determined by the Commission under section 10.1.5C of the Act.

<sup>6</sup> The Commission may then take disciplinary action against the venue operator as the Commission sees fit and does so by giving written notice of the disciplinary action to the venue operator.

## Issuing a letter of censure in this case

- 22) I provide reasons for concluding that a letter of censure is an appropriate form of disciplinary action in this case's circumstances.
- 23) I note that:
- a. the contravention occurred in the venue operated by The Wonthaggi Club across 3 EGMs, with a total EGM net turnover of \$215.05 for 7 minutes and 31 seconds gameplay, outside the permitted hours.
  - b. this is The Wonthaggi Club's first contravention of trading hour requirements
  - c. the venue has acknowledged the contraventions.
- 24) I have taken into account the Submissions made that The Wonthaggi Club has taken or will take action to mitigate the risk of these incidents reoccurring, as a mitigating factor.
- 25) In summary, I consider the letter of censure shows to The Wonthaggi Club that non-compliance with the liquor licence hours, nominated gaming hours and mandatory shutdown requirements will not be tolerated by the VGCCC.