



Victorian Commission for Gambling and Liquor Regulation

DECISION AND REASONS FOR DECISION

In the matter of an application under section 3.4.17(1)(b) of the *Gambling Regulation Act 2003* by Williamstown Football Club for amendment of its venue operator's licence to vary the number of gaming machines at the approved venue, Seagulls Nest, 1 Mason Street, Newport from sixty-one (61) to sixty-six (66) gaming machines.

Commission:

Miss Gail Owen, Deputy Chairman
Ms Kate Hamond, Commissioner

Appearances:

Ms Susan Brennan of Counsel
(instructed by Bazzani Scully Brand)

Mr Bronte Campbell as Counsel Assisting the Commission

Date of Hearing:

26 March 2013

Date of Decision:

7 May 2013

Decision:

That the application be granted.

Signed:

Miss Gail Owen
Deputy Chairman



REASONS FOR DECISION

INTRODUCTION

1. This is an application by Williamstown Football Club (the **Club**) for amendment of its venue operator's licence to vary the number of electronic gaming machines (**EGMs**) operating at Seagulls Nest, 1 Mason Street, Newport (the **Venue**), from 61 to 66 EGMs.
2. The relevant municipal authority is the Hobsons Bay City Council (the **Council**). On 8 March 2013, the Council provided the Commission with a written submission opposing the application. The Council elected not to be represented at the hearing of the application.

THE LEGISLATION AND THE TASK BEFORE THE COMMISSION

3. Gambling on EGMs is a legal recreational and commercial activity in Victoria so long as it is done in accordance with the *Gambling Regulation Act 2003* (the **Act**). The Act recognises that, notwithstanding individual rights of self-determination, gaming on EGMs causes harm to some communities and some members of some communities.¹ For this reason the Act includes safeguards to ensure an appropriate balance is struck between a lawful and legitimate recreational activity for some and harm for others. In particular, the balance is maintained by requiring an applicant who wishes to increase the number of EGMs at a venue to satisfy the Commission of the "no net detriment test" and the other matters set out in section 3.4.20(1) of the Act.²
4. The no net detriment test requires the Commission to weigh the likely positive social and economic impacts of an application against the likely negative social and economic impacts. The test will be satisfied if, following the weighing of any likely impacts, the Commission is satisfied that the net economic and social impacts of approval on the well-being of the relevant community will be either neutral or positive.³
5. Section 3.4.19 of the Act allows the Council to make a submission addressing the economic and social impact of the proposal on the well-being of the community and taking into account the impact of the proposal on surrounding municipal districts. The Commission is bound to

¹ See: s 1.1(2) of the Act.

² See: *Romsey Hotel Pty Ltd v Victorian Commission for Gambling Regulation* [2009] VCAT 2275, [247] (Bell J).

³ *Macedon Ranges Shire Council v Romsey Hotel Pty Ltd* (2008) 19 VR 422, 435 ("Romsey").



take this submission into consideration when applying the no net detriment test. This recognises the special role of local government in representing the people of a community.⁴

THE CITY OF HOBSONS BAY AND SEAGULLS NEST

6. The City of Hobsons Bay (**Hobsons Bay**) is a metropolitan Local Government Area located approximately 13 kilometres south west of the Melbourne CBD. Hobsons Bay is broken up into two statistical local areas⁵ (**SLAs**), Hobsons Bay – Williamstown and Hobsons Bay - Altona. The Venue is located in the Hobsons Bay - Williamstown SLA.
7. Hobsons Bay is subject to a regional cap of 579 EGMs⁶. Currently, there are 572 EGMs operating in Hobsons Bay with approvals to operate up to 591 EGMs. In terms of gaming density, Hobsons Bay has 8.23 EGMs per 1,000 adults which is 48% more than the metropolitan average and 42% more than the Victorian average. Approval of this application will increase the density of EGMs in Hobsons Bay by 0.85% to 8.30 EGMs per 1,000 adults.
8. Hobsons Bay also has an above average level of gaming expenditure. In the 2011-12 year, Hobsons Bay had an average expenditure per adult of \$757 which is 19% more than the metropolitan average and 26% more than the State average. Utilising the Club's expenditure prediction, approval of this application will result in a 0.26% increase in expenditure within the municipality. The Commission notes that gaming expenditure within Hobsons Bay has decreased by 17.48% in real terms (indexed to CPI) over the past 5 years which is in line with the general decrease in expenditure experienced by metropolitan municipalities across Victoria.
9. The Hobsons Bay – Williamstown SLA is ranked 32nd out of the 79 metropolitan SLAs in Victoria on the SEIFA Index for Disadvantage⁷, which indicates that the area is relatively advantaged compared with other metropolitan SLAs. When broken down into a Census Collection District (**CCD**) level, 13% of CCDs within a 2.5km radius of the Venue are in the first quintile of disadvantage and 20% are in the second quintile of disadvantage which indicates

⁴ *Romsey Hotel Pty Ltd v Victorian Commission for Gambling Regulation* [2009] VCAT 2275, [247] - [249].

⁵ The Statistical Local Area (SLA) is an Australian Standard Geographical Classification (ASGC), defined area which consists of one or more Collection Districts (CDs). SLAs are Local Government Areas (LGAs), or parts thereof. Where there is no incorporated body of local government, SLAs are defined to cover the unincorporated areas. SLAs cover, in aggregate, the whole of Australia without gaps or overlaps.

⁶ Pursuant to section 3.4A.5(3A)(b) of the *Gambling Regulation Act 2003* the Victorian Commission for Gambling and Liquor Regulation determined, in accordance with the criteria specified in the Minister for Gaming's Order on 15 August 2012, the maximum permissible number of gaming machine entitlements under which gaming may be conducted in each region.

⁷ Socio-Economic Indexes for Areas (**SEIFA**) is a product developed by the ABS to assist in the assessment of the welfare of Australian communities. The SEIFA Index allows the ranking of regions/areas, providing a method of determining the level of social and economic well-being in each region.



that the Venue is situated in an area exhibiting some, but relatively few, signs of socioeconomic disadvantage.

10. There are three gaming venues within a 2.5 kilometre radius of the Venue, operating a total of 142 EGMs. Those venues are located in a cluster in Williamstown, to the south-east of the Venue.

THE MATERIAL BEFORE THE COMMISSION

11. The Club provided the Commission with extensive material to establish the economic and social benefits that approval of the application would bring to the municipality. That material is summarised below.

Mr Brendan Curry

12. Mr Brendan Curry is the Chief Executive Officer of the Club and has held the position since 1995. Mr Curry provided the Commission with a witness statement and gave evidence at the hearing of the application.
13. Mr Curry told the Commission that the Club has operated the Venue since 1997 and is vital to the profitability and success of the Club. According to Mr Curry, the Venue provides the Club with a reliable revenue stream that allows it to develop its football department, upgrade its facilities and further its work in the community.
14. Mr Curry gave evidence that the Club is a member of the Victorian Football League (**VFL**) and has a senior team and a development team. The Club currently has 45 players on its list and three full-time employees. During playing season, the Club employs a number of part-time staff to assist with its football operations. These personnel include coaches, a doctor, physiotherapists, trainers, masseurs, fitness and support staff and a dietician. In 2012, the Club paid approximately \$145,000 in wages to these part-time employees. Additionally, the Club employed three part-time 'cadets' who worked four to five hours per week to assist with football and marketing operations. Each cadet was paid \$1,000.
15. The Club has a strong association with the Western Jets Football Club, a member of the TAC Cup Under 18 competition. The Club shares its administrative offices with the Western Jets and provides support through:
 - rent-free office space;
 - financial support with annual budgets;



- assistance in organising and servicing sponsors;
 - the provision of staff on match and training days;
 - the provision of canteen facility during Western Jets games; and
 - supporting player welfare programs and offering junior players a development path into a VFL side.
16. In 2009, the Club facilitated and entered into a partnership program with the State government, the Council, the Australian Football League (AFL) and Williamstown Cricket Club for the major redevelopment of the Club's home ground, Burbank Oval. The Burbank Oval is also used by other local sporting groups including the Western Jets, Williamstown Superules, Williamstown Auskick, Western Region Football League and Williamstown Cricket Club. The redevelopment was initially estimated to cost \$7.11 million, with contributions of:
- \$3 million from the State Government;
 - \$2.1 million from the Council;
 - \$500,000 from the AFL;
 - \$10,000 from the Williamstown Cricket Club; and
 - \$1.5 million from the Club.
17. However, due to a number of unforeseen costs and variations to the original redevelopment proposal, the Club has now provided \$560,661 in addition to its initial \$1.5 million contribution. The redevelopment of Burbank Oval is almost complete and now houses a new canteen and bar, electronic scoreboard, permanent ground signage, refurbished grandstand, extended change rooms, theatrette, learning centre, multipurpose community room, broadcast room, statisticians box, coaches box and a function centre which can accommodate 260 patrons. The playing surface has also been re-laid and a new car park with 80 car spaces constructed.
18. Mr Curry told the Commission that while the construction work had been completed, the fit-out of a number of areas was yet to be completed and would require further funding from the Club.
19. Mr Curry told the Commission that, in addition to its football operations, the Club has a community focus. Mr Curry provided the Commission with a list of community and sporting groups that receive annual cash sponsorships from the Club. Those sponsorships were provided to a wide range of community groups and totalled \$24,863. Additionally, the Club



provides ad hoc sponsorship to groups on a merits basis. Some examples of the Club's one-off contributions include:

- purchasing 8 new beds for the Williamstown Hospital at a cost of \$2,500 per bed;
- a Queensland Flood Appeal donation of \$1,800;
- a donation of \$5,000 to help establish the Caroline Springs Junior Football Club; and
- investing \$210,000 in the redevelopment of the Western Jets' home ground, Croft Reserve, which funded new change rooms, training lights and ensured the ground was of an appropriate standard for continued use.

The Club also provides a large number of complimentary season tickets to Club games to local football and sporting groups and members of the community.

20. Mr Curry told the Commission that, since 2000, the Club had been aligned with an AFL club, which has provided both financial, and football related benefits for the Club. However, the Club has decided to cut ties with its AFL affiliate and stand alone as a VFL club. As a result of this decision, the Club's salary cap will increase from \$215,000 to \$350,000 and it will have to recruit and remunerate an additional 15 players.
21. Mr Curry gave evidence that the additional revenue that will be derived from an increase in EGMs at the Venue will assist the Club in employing a Community Liaison Officer who will be responsible for promoting the Club through the development of community programs and initiatives. The additional revenue will also assist the Club in its short-term aspirational goals of redeveloping the Club's administrative offices and construct a gymnasium at Burbank Oval. Mr Curry also told the Commission that, subject to being able to obtain bank finance, the Club has plans to purchase the freehold of the Venue and the additional gaming revenue will assist the Club in satisfying a bank that it had the cash flow to support any borrowings.

Mr Trevor Monti

22. Mr Trevor Monti is the President of the Club and gave evidence at the hearing of the application.
23. Mr Monti told the Commission that the Club has been in existence since 1864 and has always seen itself as a community club. While the Club has only a few hundred financial members, Mr Monti told the Commission the Club is well supported by the community. According to Mr



Monti, the Club gives out approximately 70,000 tickets to its matches annually and, as a result, the vast majority of those who attend a match do so free of charge.

24. Mr Monti gave evidence that the Club has enjoyed a strong relationship with the Council over a long period of time and has been involved in a number of community initiatives with the Council. The most notable of these initiatives is the recent redevelopments of Burbank Oval and Croft Reserve. Mr Monti told the Commission that, due to the large amount of capital expenditure required to fund these redevelopments, the Club has provided a lower level of community contributions in 2011-12 than it had in previous years. Mr Monti anticipates that in 2014 the Club will double its community contributions from last year and will continue to increase its contributions as it consolidates its financial position.
25. Mr Monti told the Commission that there was no particular proposal or benefit that the Club would not strive to achieve if this application were rejected. As far as the Club is concerned, approval of this application will help to consolidate and strengthen its financial position which, in turn, will allow it to reach its aspirational goals faster and increase the level of benefit and support that it provides to the community.
26. Mr Monti told the Commission that the Club takes its responsible service of gaming obligations seriously. This is notwithstanding that he has not completed responsible service of gaming training and is not familiar with the Venue's responsible service of gaming policy. Mr Monti assured the Commission that those with day-to-day involvement with the gaming operations of the Venue have had the required training and are familiar with the Venue's responsible service of gaming and self-exclusion policies.
27. Mr Monti told the Commission that there were a number of football related reasons that the Club had chosen to cease its affiliation with an AFL club. However, ultimately, the Club wants to regain its independence and image as a community orientated football club. Mr Monti estimated that it would cost the Club an additional \$250,000 to \$300,000 per year to be a stand-alone VFL club.

Ms Josephine Comito

28. Ms Josephine Comito provided the Commission with a witness statement and gave evidence at the hearing of the application. Ms Comito has held the position of Duty Manager since October 2006. As part of her role, Ms Comito is responsible for the day-to-day operations of the Venue and responsible service of gaming compliance and staff training.



29. Ms Comito told the Commission that, in addition to the Club's football members, the Venue has approximately 2200 social members. Ms Comito described the Venue as consisting of a bar with TAB facilities, gaming room and lounge with 61 EGMs, outdoor beer garden and a restaurant with capacity for 80 patrons.
30. Ms Comito told the Commission that the Club and the staff employed at the Venue take their regulatory compliance obligations seriously. The Club has engaged Leigh Barrett and Associates to provide ongoing compliance and staff training as well as regular compliance audits of the Venue. Leigh Barrett and Associates authored the Venue's current responsible service of gaming policy. Ms Comito told the Commission that the Venue has a good working relationship with ISIS Primary Care and Ms Comito has regular email and telephone contact with the local venue support worker.
31. Ms Comito gave evidence that the Venue is a member of the Australian Hotels Association Self-Exclusion Program and maintains a self-exclusion register. According to Ms Comito there are currently 153 patrons who have chosen to exclude themselves from the Venue, of which approximately 10 would have been patrons at the Venue before their self-exclusion.
32. Ms Comito told the Commission that all staff who work at the Venue are required to have responsible service of gaming and alcohol compliance certificates and undertake training to ensure they are familiar with the Venue's policies and procedures. Ms Comito acknowledged that, in the past, the Venue has had regulatory compliance issues. However, she told the Commission that the management team at the time of those issues had been replaced and there have been no compliance issues since.

Evidence of likely EGM expenditure

33. The Club provided the Commission with an expenditure estimate prepared by Mr Michael Clyne on behalf of PVS Australia Ltd (**PVS**). The expenditure estimate is derived from the Geotech Model, a retail gravity geo-spatial model used to estimate likely expenditure in gaming venues. Mr Clyne is an independent gaming expenditure expert and was engaged by PVS Australia to critique and analyse the outputs of the Geotech Model and present his assessment to the Commission. The Commission accepts that Mr Clyne is qualified to give an expert opinion on matters of gaming expenditure.
34. Mr Clyne told the Commission that the Geotech Model predicted the annual expenditure on the 5 additional EGMs to be installed at the Venue to be approximately \$404,993, of which 77.6% would be transferred from other gaming venues. Mr Clyne told the Commission that the



Geotech Model predicted that the municipality was likely to see a net increase in gaming expenditure of \$148,852. However, \$58,003 of this increase was not 'new expenditure' but expenditure drawn from neighbouring municipalities and, accordingly, if the application were approved, the additional 5 gaming machines were predicted to generate \$90,849 in new gaming expenditure.

35. Mr Clyne gave evidence that he had assessed the outputs of the Geotech Model and was of the opinion that the prediction was reasonable and did not require adjustment to account for any external factors not considered by the Geotech Model. Although the Commission has some reservations about the Model's reliability, in this case it considers Mr Clyne's assessment as reasonable.

Social and Economic Impact

36. The Club engaged Urbis Pty Ltd (**Urbis**) to provide a Social and Economic Impact Statement. Mr Rhys Quick, a director of Urbis gave evidence at the hearing of the application. The Commission has regularly accepted that Mr Quick is qualified to give an opinion on the social and economic impacts of gaming machine applications.
37. Mr Quick told the Commission that the Venue is situated within the Newport Activity Centre adjacent to the Melbourne Road overpass and surrounded by residential areas and a small number of retail shops. To the south of the Venue are the Newport Bowls Club and Newport Football Ground.
38. Mr Quick gave evidence that the demographic profile of residents in Hobsons Bay is diverse and exhibits the typical characteristics of an inner urban area with a higher proportion of white-collar workers with higher incomes. Mr Quick noted that the Hobsons Bay – Williamstown SLA is a relatively settled and affluent area with very high levels of income growth and relatively low levels of unemployment.
39. In terms of social and economic disadvantage, Mr Quick told the Commission that the municipality of Hobsons Bay shows little sign of disadvantage with the Hobsons Bay – Williamstown SLA being relatively advantaged when compared with Victoria's other metropolitan SLAs. Mr Quick noted that there is only one collection district within the Hobsons Bay – Williamstown SLA that is in the 20% of most disadvantaged collection districts on the SEIFA scale and this collection district is located more than 2.5 kilometres away from the Venue and is better serviced by other gaming venues.



40. As part of his analysis, a survey of gaming patrons was undertaken over a two-week period that showed that 80% of gaming patrons were from within the municipality with the majority of patrons coming from the suburbs of Newport, Altona, Altona North and Williamstown. With the exception of Altona North (which has pockets of relative disadvantage), those suburbs exhibit little to no signs of relative disadvantage.
41. Having considered the municipal profile of Hobsons Bay, Mr Quick concluded that approval of this application would not have a material impact on the prevalence of problem gambling within the municipality as:
- gaming is a small part of a wider entertainment offering provided by the Venue;
 - the areas surrounding the Venue show few signs of relative disadvantage;
 - the Venue has a good attitude towards responsible service of gaming and has appropriate policies and procedures that will help minimise instances of problem gambling and associated harm; and
 - residents of Hobsons Bay have had exposure and accessibility to EGMs for a considerable length of time and an additional 5 EGMs at the Venue will not dramatically increase accessibility to EGMs within the municipality.
42. In summary, Mr Quick concluded that approval of this application would not result in a net social and economic detriment to the community of Hobsons Bay as:
- an increase in gaming machines will not greatly improve accessibility to EGMs within the municipality but will assist the Venue in catering for patrons during peak gaming periods;
 - gaming provides the Club with a revenue stream to fund its football operations while also making significant contributions to the community through sponsorships, community initiatives and continuous improvement of community facilities;
 - Hobsons Bay exhibits relatively low levels of disadvantage with higher average incomes; and
 - the increase in expenditure within the municipality is expected to be minimal.



COUNCIL SUBMISSION

43. The Council provided the Commission with a submission opposing the granting of the application but was not present at the hearing of the application. With this in mind, the Commission recalls its recent comments in the matter of *The Golf House Hotel*:

While the Commission acknowledges that there is no statutory requirement for municipal authorities to attend the hearing of an application, it is disappointing, and somewhat concerning, when municipal authorities choose to object to an application but not attend the hearing to speak to the material. In circumstances such as these, the Commission (and to a lesser extent, applicant) is left in an invidious position where it is unable to test the material that is put before it, question its assumptions or seek further clarification. For these reasons, while a municipal authority's submission may be of considerable academic merit or raise issues not canvassed in the applicant's material, the Commission must reduce the weight it places on the submission.⁸

44. The Commission notes that the Council's submission is predicated on the Council's policy with respect to gaming which states that:

"The Council supports the reduction of EGMs and opposes additional EGMs or additional gaming venues within the municipality and the broader catchment area, particularly where an increase of EGMs is demonstrated to have a negative impact."

The Commission and the Victorian Civil and Administrative Tribunal have previously been critical of local government policy statements that are based on a general opposition to gaming or seek to oppose gaming applications without a proper assessment of the benefits and disbenefits of an application. Those criticisms are relevant here. The Commission is not assisted by a submission from a municipal authority that has resolved to object to the granting of an application without having undertaken the relevant assessment of the application.

45. The Council's concerns may be summarised as follows:
- the Venue is located in a strip shopping centre with high levels of pedestrian traffic which increases the risk of convenience related problem gambling;

⁸ *In the matter of the Golf House Hotel*, Victorian Commission for Gambling and Liquor Regulation, 10 April 2013, Paragraph 43.



- increasing the number of EGMs in the municipality is against the Council's gaming policy;
- sections of Hobsons Bay, and the catchment area of the Venue, have an overrepresentation of age groups which are shown to be more susceptible to problem gambling;
- the Venue neighbours Altona North which is the 3rd most disadvantaged collection district in Hobsons Bay;
- the Venue is within 2 kilometres of a public and community housing cluster;
- Hobsons Bay has an above average EGM density and per adult expenditure; and
- the Club's community contributions are focused on sporting groups and not minimising problem gambling related harm.

LIKELY ECONOMIC IMPACT OF APPROVAL

46. Frequently, there is a large degree of overlap between economic and social impacts on applications to operate EGMs. However, the Commission considers that it is useful for the purpose of the balancing exercise that it must undertake to identify and analyse economic and social impacts as separate categories to arrive at a net position for each before undertaking the final analysis.⁹
47. The Commission accepts that approval of this application will result in an increase in gaming expenditure at the Venue of approximately \$404,993 but considers that it is likely that a substantial portion of that additional expenditure will be transferred from other venues. The Commission notes that the estimation of transferred expenditure is a vexed issue and is ultimately a subjective assessment. However, in this particular application, the Commission considers the Geotech Model's predicted transfer rate of 77.6% as reasonable. The Commission further considers it likely that a considerable portion of expenditure will be drawn from the neighbouring City of Maribyrnong. Accordingly, the Commission is prepared to accept that the municipality is likely to see an increase in expenditure of approximately \$150,000, of which \$58,000 will be drawn from the City of Maribyrnong.

⁹ This is consistent with the approach taken by Justice Bell in *Romsey Hotel Pty Ltd v Victorian Commission for Gambling Regulation* [2009] VCAT 2275.



48. The Commission considers there to be a marginal economic benefit associated with this application through an increase in gaming expenditure within the municipality. The Commission considers that gaming expenditure, not associated with problem gambling, as legitimate consumption expenditure undertaken by and large by people enjoying a recreational activity. However, where revenue is derived from problem gamblers, this expenditure is seen as a disbenefit as it leads to other economic costs such as lost productivity, increased health and social service requirements and other social costs.
49. The Commission considers that the ongoing operation of the Club will have both an economic and a social benefit for the community although this benefit is difficult to quantify. It is even more difficult for the Commission to discern the level to which an additional 5 EGMs will strengthen the Club and its involvement in the community. Nonetheless, the Commission acknowledges this as a benefit.
50. The Commission accepts that there is potential for some economic disbenefit of the application through a possible increase in problem gambling expenditure. This is limited, to some extent, by the policies and processes that the Club has in place to identify and assist problem gamblers. Accordingly, the Commission considers that there will be a neutral economic impact on the community if the application were to be approved.

LIKELY SOCIAL IMPACT OF APPROVAL

51. Wherever accessibility to EGMs is increased, a risk of an increase in problem gambling is carried with it. The Commission is satisfied that the potential for an increase in problem gambling is minimal due to the small increase in the number of EGMs and estimated modest increase in gaming expenditure.
52. The Commission accepts the concerns of the Council in relation to the location of the Venue in a strip shopping centre and bordering one of the most disadvantaged CCDs in the municipality. However, the Commission is not satisfied that an additional five gaming machines in a location that has had 51 EGMs for some time will greatly increase the incidence of problem gambling at this Venue.
53. The Commission considers that increasing the number of EGMs at the Venue would provide a moderate social benefit by improving choice and availability of machines in peak periods for those who partake in gaming as a legitimate recreational activity, although the Commission



does not consider that the Club adequately demonstrated the current EGMs at the Venue have sustained periods of peak usage.

54. The Commission considers that the key benefit of this proposal is the strengthening of the financial position of the Club to allow it to further its work in the community. While it is impossible for the Commission to ascertain the level to which these additional EGMs will assist the Club in reaching its aspirational goals, the Commission is satisfied that these goals will be reached more quickly as a result of approval of this application.
55. The Commission considers that the likely social impact of the proposal will be slightly positive.

CONCLUSION

56. The no net detriment test in section 3.4.20(1)(c) of the Act requires the Commission to weigh the likely positive social and economic impacts of an application against the likely negative social and economic impacts. The test will be satisfied if, following the weighing of any likely impacts, the Commission is satisfied that the net economic and social impacts of approval on the well-being of the relevant community will be either neutral or positive.¹⁰
57. After consideration of the material put before it, the Commission is satisfied that the approval of this application will not result in a net economic and social detriment to the community of Hobsons Bay.
58. On the material that has been put before it, the Commission is satisfied of the other matters in section 3.4.20(1). The Commission is also satisfied that the Club understands and will continue to act on its obligations to, so far as is reasonable, take measures to prevent problem gambling. Accordingly, the Commission is satisfied that it should exercise its discretion to approve the application.

The preceding [58] paragraphs are a true copy of the Reasons for Decision herein of –

Miss Gail Owen, Deputy Chairman

Ms Kate Hamond, Commissioner

¹⁰ *Romsey* (2008) 19 VR 422, 435.