

NSW Independent Liquor & Gaming Authority

Mr Thomas Cocking Licensee and Co-Owner Royal Hotel	Mr Darren Duke A/Director of Compliance & Enforcement Unit NSW Department of Creative Industries, Tourism, Hospitality and Sport
Section 140(3) – Third parties Vicki Maree Cocking Co-Owner Royal Hotel	

Our ref: DOC24/295363

17 December 2024

Dear Sir/Madam

Decision regarding a complaint about Mr Thomas Cocking under section 139 of the *Liquor Act 2007*

Our decision

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

- **disqualify** Mr Cocking from holding a licence, or from being the manager of licensed premises or the close associate of a licensee under section 141(2)(f) of the *Liquor Act 2007* (Act), for a period of ten years.

Background

On 31 August 2023, a disciplinary complaint was received from Mr Andrew Garcia, A/Director of Compliance & Enforcement Unit, as a delegate of the Secretary of the NSW Department of Creative Industries, Tourism, Hospitality and Sport about Mr Thomas Cocking as the Licensee and Co-Owner of hotel licence LIQH400108702 for the Royal Hotel, located at 155 Manilla Street, Manilla.

Liquor & Gaming NSW (L&GNSW) received an investigation report from The Lottery Corporation regarding the conduct of Mr Cocking in relation to Keno transactions at the Royal Hotel on 16 July 2022. The report was provided to the Authority to consider disciplinary action against Mr Cocking under section 139(3)(i) of the Act.

Summary of events:

- On 16 July 2022, Mr Cocking engaged in Keno credit betting (placing bets without making immediate payment) while at the hotel on duty as the licensee. Mr Cocking won \$11,328,00.
- Mr Cocking then recruited his daughter to claim the winning ticket from Keno on his behalf.
- The win was deemed suspicious by The Lottery Corporation, resulting in The Lottery Corporation conducting an investigation.
- During the investigation, a Senior Investigator engaged in a telephone conversation with Mr Cocking's daughter where she admitted that her father asked her to pretend

that she had bet for the ticket which won the \$11,328.00. She admitted that she did not bet for the ticket, that she didn't know who bet for the ticket but believed it was Mr Cocking, and that her and Mr Cocking colluded to ensure that the winning ticket was collected.

- At the conclusion of the investigation, The Lottery Corporation found that Mr Cocking had breached the terms of his Keno Hotel Agency Deed.
- The Lottery Corporation removed the Keno facilities from the hotel and terminated the hotel's Keno Agency Deed on 17 August 2022.

The investigation report also detailed two previous allegations of non-compliance at the hotel involving Mr Cocking and Keno bets in 2017 and 2021. The numbers Mr Cocking selected which won the \$11,328.00 on 16 July 2022 were the same numbers as the alleged offending from 2017 and 2021.

Grounds of complaint

The ground of complaint is that:

- the licensee is not a fit and proper person to be the holder of a licence under section 139(3)(i) of the Act.

Submissions and consultation

On 12 August 2024, a show cause notice was issued to the licensee, co-owner of the hotel and L&GNSW. No submissions were received in response.

On 22 October 2024, the Office of ILGA wrote to L&GNSW requesting advice as to what disciplinary action they sought under section 141(2) of the Act.

On 23 October 2024, L&GNSW advised that appropriate disciplinary action would be that Mr Cocking is found not fit and proper to be the holder of a liquor licence.

Our findings

Mr Cocking's conduct falls well below the standard of behaviour expected of a licensee and raises serious concerns about his fitness and propriety to hold a liquor licence. His behaviour also demonstrates a significant failure to understand and comply with the legislation.

We are of the view that Mr Cocking does not have the requisite character to hold a liquor licence and disciplinary action is warranted.

Relevant legislation

Prescribed grounds of complaint

We are satisfied that the complaint was made validly and that the established grounds of complaint are prescribed grounds under section 139(3)(i) of the Act.

The material we considered

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

- disciplinary complaint from L&GNSW, received 31 August 2023
- investigation report from The Lottery Corporation
- email from L&GNSW regarding penalty, received 23 October 2024

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.

If you have any questions

Please contact the Office of ILGA at office@ilga.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jeff Loy', with a long, sweeping flourish extending upwards and to the right.

Jeff Loy

Board Member

for and on behalf of the **Independent Liquor & Gaming Authority**