

Decision and reasons for decision

Disciplinary action against Portland Memorial Bowling Club Incorporated (trading as the Portland Memorial Bowling Club, located at 17 Cape Nelson Rd, Portland VIC 3305) under section 3.4.25(1) of the *Gambling Regulation Act 2003*.

Delegate	Jason Cremona Director, Regulatory Services Division Victorian Gambling and Casino Control Commission
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Date of decision and reasons	18 March 2025
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Decision	<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 Portland Memorial Bowling Club Incorporated by issuing a letter of censure for contravening section 3.4.25(1)(d)(ii) at the Portland Memorial Bowling Club.</p>
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Signed	
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Jason Cremona Director Regulatory Service Division Victorian Gambling and Casino Control Commission

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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 Portland Memorial Bowling Club Incorporated, trading as the Portland Memorial Bowling Club, located at 17 Cape Nelson Rd, Portland VIC 3305 under section 3.4.25(1) of the *Gambling Regulation Act 2003 (the Act)*.
- 2) The disciplinary actions arise out of Portland Memorial Bowling Club Incorporated'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 Portland Memorial Bowling Club Incorporated 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**)¹.
- 4) On 18 November 2024, Portland Memorial Bowling Club Incorporated 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 Act².
- 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 Portland Memorial Bowling Club Incorporated 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) Portland Memorial Bowling Club Incorporated holds a venue operator licence V9210232 (**Gaming Licence**) for Portland Memorial Bowling Club.
- 9) The Act sets out requirements mandating Portland Memorial Bowling Club Incorporated 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 Portland Memorial Bowling Club Incorporated, which contained grounds for disciplinary action related to the conduct that occurred at Portland Memorial Bowling 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.³ A venue operator must ensure its gaming room hours of operation comply with all requirements, including

¹ 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.

² 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

³ 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 rules⁴ under subsection 4.4 of the AAVR. A breach of this requirement is a contravention of a provision of the Act.

- 13) On 18 November 2024, Portland Memorial Bowling Club Incorporated 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 Portland Memorial Bowling Club Incorporated, by its conduct on 29 March 2024 at Portland Memorial Bowling Club:
- a. failed to ensure that gaming did not occur outside the Liquor Licence Rules and thereby engaged in 1 contravention of the AAVR⁵, 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 Portland Memorial Bowling 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 11:30 pm on Good Friday and at any time on Monday to Saturday, excluding Good Friday and Anzac Day.
- 16) The VGCCC's Assurance and Risk Advisory team (**ARA**) detected gaming activity at the Portland Memorial Bowling Club outside the Liquor Licence Hours on 29 March 2024 as follows:
- a. Before 12 noon and after 11:30 pm on Good Friday, 29 March 2024, multiple EGMs had gameplay with a total EGM net turnover of \$387.70.
- 17) I am satisfied that Portland Memorial Bowling Club Incorporated offered gaming services to patrons and that gaming occurred outside the permitted hours, namely before 12 noon and after 11:30 pm on Good Friday 29 March 2024.
- 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 Portland Memorial Bowling Club Incorporated as it sees fit.⁶
- 21) I have concluded that disciplinary action in the form of a letter of censure is warranted.

⁴ 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.

⁵ 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.

⁶ 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) The VGCCC has set out its general approach to issuing a letter of censure. 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 the following matters were considered when determining the appropriate form of disciplinary action:
 - a. the contravention occurred in the venue operated by Portland Memorial Bowling Club Incorporated across 5 EGMs, with a total EGM net turnover of \$387.70 for 10 minutes and 30 seconds gameplay, outside the permitted hours.
 - b. this is Portland Memorial Bowling Club Incorporated's first contravention of trading hour requirements.
 - c. the club has acknowledged the contravention.
- 24) I have taken into account the Submissions made that Portland Memorial Bowling Club Incorporated 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 Portland Memorial Bowling Club Incorporated that non-compliance with the liquor licence hours, nominated gaming hours and mandatory shutdown requirements will not be tolerated by the VGCCC.