

**Authorised Version No. 005**  
**Victorian Commission for Gambling and  
Liquor Regulation Act 2011**

**No. 58 of 2011**

Authorised Version incorporating amendments as at  
1 August 2015

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**The Parliament of Victoria enacts:**

**Part 1—Preliminary**

**1 Purposes**

The main purposes of this Act are—

- (a) to establish the Victorian Commission for Gambling and Liquor Regulation; and
- (b) to make amendments to the **Gambling Regulation Act 2003** and the **Liquor Control Reform Act 1998** to enable the Victorian Commission for Gambling and Liquor Regulation to perform or exercise regulatory functions or powers under those Acts; and
- (c) to make consequential amendments to the **Gambling Regulation Act 2003**, the **Liquor Control Reform Act 1998**, the **Casino Control Act 1991**, the **Racing Act 1958** and other Acts.

**2 Commencement**

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision referred to in subsection (1) does not come into operation before 31 December 2012, it comes into operation on that day.

### 3 Definitions

In this Act—

***bookmaker*** has the same meaning as it has in section 1.3 of the **Gambling Regulation Act 2003**;

***Chairperson*** means Chairperson of the Commission appointed under section 13;

***Commission*** means Victorian Commission for Gambling and Liquor Regulation established under Part 2;

***commissioner*** means a member of the Commission appointed under Part 2;

***community interest inquiry*** means an inquiry to which Subdivision 2 of Division 2 of Part 3 applies;

***Deputy Chairperson*** means a Deputy Chairperson of the Commission appointed under section 14;

***gambling and liquor inspector*** means an inspector appointed under section 40;

***gambling authorisation*** means—

- (a) a licence, permit, approval, authorisation or registration granted, issued, given or approved under the **Gambling Regulation Act 2003** or the **Casino Control Act 1991**; or
- (b) a gaming machine entitlement; or
- (c) an authority conferred by a listing on the Roll;

***gambling legislation*** means—

- (a) the **Gambling Regulation Act 2003**;
- (b) the **Casino Control Act 1991**;

(c) the **Casino (Management Agreement) Act 1993**;

(d) regulations made under an Act referred to in paragraph (a), (b) or (c);

*inquiry* means an inquiry conducted under Division 2 of Part 3;

*liquor authorisation* means a licence or BYO permit under the **Liquor Control Reform Act 1998**;

*liquor legislation* means the **Liquor Control Reform Act 1998** or regulations made under that Act;

*regulated person* means—

- (a) the holder of a gambling authorisation; or
- (b) an operator or nominee under a gambling authorisation; or
- (c) an associate of a person referred to in paragraph (a) or (b); or
- (d) an entitlement holder connected person; or
- (e) the holder of a liquor authorisation; or
- (f) a responsible person within the meaning of section 3(1) of the **Liquor Control Reform Act 1998**; or
- (g) a member of the committee of management of the holder of a liquor authorisation (if it is a club); or
- (h) a nominee of the holder of a liquor authorisation (if it is a club); or
- (i) a person who, directly or indirectly, is concerned in or takes part in the management of licensed premises; or

- (j) an applicant for a liquor authorisation;  
or
- (k) a person who carries on a business  
specified under sections 6A to 6D of  
the **Liquor Control Reform Act 1998**;

S. 3 def. of  
*restricted  
person*  
amended by  
No. 64/2014  
s. 47(b).

*restricted person* means—

- (a) a commissioner;
- (b) a gambling and liquor inspector;
- (c) a person appointed by the Commission  
as an authorised person under  
section 1.3(3) of the **Gambling  
Regulation Act 2003**;

S. 3 def. of  
*sessional  
com-  
missioner*  
inserted by  
No. 64/2014  
s. 47(a).

*sessional commissioner* means a commissioner  
appointed under section 15A.

#### Note

This Act uses expressions that are defined in the **Gambling Regulation Act 2003** and the **Liquor Control Reform Act 1998**. Section 4 provides that they are to have the same respective meanings in both Acts unless the context otherwise requires.

#### 4 Words and expressions used in this Act, gambling legislation and liquor legislation

- (1) Words and expressions used in gambling legislation and in this Act have the same respective meanings in this Act as they have in that Act.
- (2) Words and expressions used in liquor legislation and in this Act have the same respective meanings in this Act as they have in that Act.
- (3) Subsection (1) or (2) does not apply to the extent that the context or subject matter otherwise indicates or requires.

## **5 Decision-making guidelines**

- (1) The Minister may issue decision-making guidelines in respect of the regulation of gambling or liquor.
- (2) Decision-making guidelines issued by the Minister under this section must be published in the Government Gazette.



## **Part 2—The Victorian Commission for Gambling and Liquor Regulation**

### **Division 1—Establishment, functions and powers**

#### **6 Establishment of Commission**

- (1) The Victorian Commission for Gambling and Liquor Regulation is established.
- (2) The Commission—
  - (a) is a body corporate with perpetual succession;
  - (b) has an official seal;
  - (c) may acquire, hold and dispose of real and personal property;
  - (d) may do and suffer all acts and things that a body corporate may by law do or suffer.

#### **7 Official seal**

- (1) The official seal of the Commission must—
  - (a) be kept in such custody as the Commission directs;
  - (b) not be used except as authorised by the Commission.
- (2) All courts must take judicial notice of the seal of the Commission affixed to a document and, until the contrary is proved, must presume that it was duly affixed.

#### **8 Commission represents the Crown**

In performing its functions and exercising its powers, the Commission represents the Crown.

## 9 Functions of the Commission

- (1) The functions of the Commission are—
- (a) to perform the regulatory, investigative and disciplinary functions conferred on the Commission by or under this Act, the **Gambling Regulation Act 2003**, the **Liquor Control Reform Act 1998**, the **Casino Control Act 1991**, the **Racing Act 1958** or any other Act;
  - (b) to undertake licensing, approval, authorisation and registration activities under gambling legislation, liquor legislation or any other Act;
  - (c) to promote and monitor compliance with gambling legislation and liquor legislation;
  - (d) to detect and respond to contraventions of gambling legislation and liquor legislation;
  - (e) to advise the Minister in relation to the Commission's functions under gambling legislation, liquor legislation and the **Racing Act 1958**;
  - (f) to advise the Minister on the operation of gambling legislation and liquor legislation;
  - (g) to ensure Government policy in relation to gambling and liquor is implemented;
  - (h) to inform and educate the public about the Commission's regulatory practices and requirements.
- (2) The Commission also has the function of informing itself, in the manner it sees fit, as to its functions and the operation of the **Gambling Regulation Act 2003**, the **Liquor Control Reform Act 1998**, the **Casino Control Act 1991** and the **Racing Act 1958**.

- (3) The Commission must, when performing functions or duties or exercising its powers under the **Gambling Regulation Act 2003**, the **Liquor Control Reform Act 1998**, the **Casino Control Act 1991**, the **Racing Act 1958** or any other Act, have regard to the objects of the Act conferring functions on the Commission.
- (4) The Commission must, when performing functions or duties or exercising its powers under gambling legislation or liquor legislation, have regard to any decision-making guidelines issued by the Minister under section 5.

#### **10 Powers of the Commission**

- (1) Subject to this Act, the Commission has power to do all things necessary or convenient to be done for or in connection with the performance of its duties and functions under—
  - (a) this Act;
  - (b) gambling legislation;
  - (c) liquor legislation;
  - (d) the **Racing Act 1958**;
  - (e) any other Act;
  - (f) regulations made under any Act referred to in paragraph (a), (d) or (e).
- (2) Without limiting subsection (1), the Commission may engage consultants, contractors or agents for or in connection with the performance of its functions and duties.

## **Division 2—Membership of Commission**

### **11 Constitution of Commission**

- (1) The Commission consists of—
  - (a) a commissioner appointed as Chairperson;
  - (b) one or more commissioners (other than the Chairperson) appointed as Deputy Chairpersons;
  - (c) as many additional and sessional commissioners as the Minister considers necessary to enable the Commission to perform its functions.
- (2) Commissioners are appointed by the Governor in Council on the recommendation of the Minister.
- (3) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a commissioner in respect of the office of commissioner.

S. 11(1)(c)  
amended by  
No. 64/2014  
s. 48.

### **12 Qualifications and eligibility for appointment**

- (1) A person is qualified to be appointed as a commissioner if the Minister is satisfied that he or she has appropriate knowledge, experience and expertise to be a member of the Commission.
- (2) However, a person is not eligible to be appointed as a commissioner if he or she has, at any time in the previous 2 years—
  - (a) been the subject of—
    - (i) a disqualification determination under section 93D of the **Liquor Control Reform Act 1998**; or
    - (ii) an order made by VCAT under section 92 of the **Liquor Control Reform Act 1998**, as in force immediately before the commencement of this section, that disqualifies the

person from holding a liquor authorisation or taking part in the management of licensed premises or being employed by a person who holds a liquor authorisation;

- (b) been employed or significantly associated with—
  - (i) a key operative; or
  - (ii) a bookmaker; or
  - (iii) a commercial raffle organiser.

### **13 The Chairperson**

- (1) The Governor in Council, on the recommendation of the Minister, may appoint a qualified person as Chairperson.
- (2) The Chairperson is to be appointed on a full-time or part-time basis, on the terms and conditions determined by the Governor in Council.

### **14 Deputy Chairperson**

- (1) The Governor in Council, on the recommendation of the Minister, may appoint one or more qualified persons as Deputy Chairpersons.
- (2) The appointment may be on a full-time or part-time basis, on the terms and conditions determined by the Governor in Council.

### **15 Additional commissioners**

- (1) The Governor in Council, on the recommendation of the Minister, may appoint qualified persons as additional commissioners.
- (2) The appointment may be on a full-time or part-time basis, on the terms and conditions determined by the Governor in Council.

### **15A Sessional commissioners**

S. 15A  
inserted by  
No. 64/2014  
s. 49.

- (1) The Governor in Council, on the recommendation of the Minister, may appoint qualified and eligible persons as sessional commissioners.
- (2) The appointment of a sessional commissioner is to be on a part-time or daily basis, on the terms and conditions determined by the Governor in Council.
- (3) A sessional commissioner may be appointed—
  - (a) for a specific period; or
  - (b) for a specific matter.
- (4) If the instrument of appointment of a sessional commissioner specifies that the commissioner is appointed for the purposes of a specific matter, the commissioner—
  - (a) must be allocated to that matter; and
  - (b) may perform the functions of a commissioner only in relation to that matter.

### **16 Term of appointment**

A commissioner—

- (a) holds office for the period, not exceeding 5 years, specified in his or her instrument of appointment;
- (b) is eligible for re-appointment for a further term or terms.

### **17 Remuneration**

A commissioner is entitled to the remuneration specified in his or her instrument of appointment.

S. 18(1)  
amended by  
No. 64/2014  
s. 50.

## 18 Acting appointments

- (1) The Minister may appoint a person to act in the office of commissioner (other than as a sessional commissioner), for a period not exceeding 6 months—
  - (a) if a commissioner is absent or, for any other reason, is unable to perform the duties of office; or
  - (b) during a vacancy in the office of commissioner; or
  - (c) if the Minister considers that an appointment under this section is necessary to assist the Commission in the performance of its functions.
- (2) An acting commissioner is eligible for re-appointment for a further term or terms.
- (3) The Minister may—
  - (a) determine the terms and conditions of appointment of an acting commissioner; and
  - (b) terminate the appointment at any time.
- (4) While acting in a commissioner's place, the acting commissioner—
  - (a) has and may perform all the functions of the commissioner; and
  - (b) is entitled to be paid the remuneration to which the commissioner would have been entitled.
- (5) The Minister may appoint a commissioner to act in the office of Chairperson if the Chairperson is absent or, for any other reason, is unable to perform the duties of office.

- (6) While acting in the Chairperson's place, the acting Chairperson—
- (a) has and may perform all the functions of the Chairperson; and
  - (b) is entitled to be paid the remuneration to which the Chairperson would have been entitled.
- (7) A person appointed under this section may resign from that acting appointment by notice in writing delivered to the Minister.

### **19 Vacancies and resignation**

- (1) A commissioner's office becomes vacant if he or she—
- (a) becomes bankrupt; or
  - (b) is convicted in Victoria of an indictable offence or elsewhere of an offence that, if committed in Victoria, would be an indictable offence; or
  - (c) is removed from office under subsection (2); or
  - (d) resigns by notice in writing delivered to the Governor in Council.
- (2) The Governor in Council, on the recommendation of the Minister, may remove a commissioner from office if the commissioner—
- (a) has refused, neglected, or failed to carry out the functions or duties of office;
  - (b) has engaged in misconduct in carrying out the functions, powers or duties of office.



- (3) If a commissioner is removed from office under subsection (2), the Minister must cause to be laid before each House of the Parliament a full statement of the grounds of the removal within 10 sitting days of that House after the removal.

## **20 Validity of decisions**

A decision of the Commission is not invalid merely because of a defect or irregularity in, or in connection with, the appointment of a commissioner or acting commissioner.

## **21 Disclosure of interests**

- (1) If a commissioner has an interest in a matter being considered, or about to be considered, by the Commission, he or she must, as soon as practicable after the relevant facts come to his or her knowledge, disclose the nature of the interest to the Chairperson.
- (2) If the Chairperson has an interest in a matter being considered, or about to be considered, by the Commission, he or she must, as soon as practicable after the relevant facts come to his or her knowledge, disclose the nature of the interest to the Minister.
- (3) The Commission must make guidelines specifying the types of interests that a commissioner must disclose for the purposes of this section.
- (4) The Commission must cause guidelines made under this section to be published on the Internet site of the Commission.

## **22 Protection from liability**

- (1) A commissioner, a delegate of the Commission, or a delegate of a commissioner is not personally liable for anything done or omitted to be done in good faith—

- (a) in the exercise of a power or the performance of a function under—
    - (i) this Act; or
    - (ii) gambling legislation; or
    - (iii) liquor legislation; or
  - (b) in the reasonable belief that the act or omission was in the exercise of a power or the performance of a function under—
    - (i) this Act; or
    - (ii) gambling legislation; or
    - (iii) liquor legislation.
- (2) Any liability resulting from an act or omission that, but for subsection (1), would attach to a commissioner or delegate attaches instead to the Commission.

### **23 Identity cards**

- (1) A commissioner (other than the Chairperson) is not authorised to perform the functions of an authorised person under the **Liquor Control Reform Act 1998** unless he or she is in possession of an identity card in the form approved by the Chairperson.
- (2) The Chairperson is not authorised to perform the functions of an authorised person under the **Liquor Control Reform Act 1998** unless he or she is in possession of an identity card in the form approved by the Commission.
- (3) The identity card must bear a photograph and the name and signature of the commissioner.
- (4) Subject to this Act, liquor legislation and any other Act conferring a function on a commissioner in his or her capacity as an authorised person under the **Liquor Control Reform Act 1998**,

in the course of performing a function as an authorised person, a commissioner must, if requested to do so by a person affected by the performance of that function, produce the commissioner's identity card for inspection by the person unless to do so would defeat the purpose for which the function is to be exercised.

### **Division 3—Performance and exercise of the Commission's functions, powers and duties**

#### **24 Basic requirement**

- (1) The Commission must endeavour to perform its functions and duties and exercise its powers without undue formality, and as expeditiously as practicable, as the requirements of this or any other Act and the proper consideration of the subject matter permit.
- (2) Without limiting subsection (1), the Commission is required to inform an applicant of the Commission's decision in respect of the applicant's matter, and any other party to that matter, as soon as practicable after making the decision.
- (3) For the purposes of subsection (2), an applicant is a person who has applied for a gambling authorisation or a liquor authorisation that the Commission may grant, issue or give.

#### **25 How may Commission's functions, duties and powers be performed or exercised?**

- (1) A function, duty or power of the Commission is to be performed or exercised by the Commission at a meeting, or an inquiry, in accordance with this Division and Division 2 of Part 3.
- (2) A function of the Commission that an Act or subordinate instrument provides may be performed by any commissioner may also be

performed by the Commission at a meeting convened or inquiry arranged in accordance with this Division and Division 2 of Part 3.

- (3) In performing a function or duty the Commission—
  - (a) except when exercising a power under Division 5 of Part I of the **Evidence (Miscellaneous Provisions) Act 1958**, is not bound by the rules of evidence but may inform itself in any way it thinks fit;  
**Note**  
See section 33(3).
  - (b) is bound by the rules of natural justice.

## **26 Meetings and inquiries generally**

- (1) The Chairperson—
  - (a) must convene as many meetings of the Commission as he or she considers necessary for the efficient conduct of its affairs;
  - (b) may arrange for the Commission to conduct an inquiry.
- (2) A meeting convened, or inquiry arranged, in accordance with this section, may be conducted at a place determined by the Chairperson.
- (3) The Chairperson, or in his or her absence and if there is no acting Chairperson, a Deputy Chairperson, is to preside at a meeting or inquiry of the Commission.
- (4) Subject to this Act, gambling legislation or liquor legislation, the Commission may regulate its own procedure.

## 27 Meetings

S. 27(2A)  
inserted by  
No. 64/2014  
s. 51.

- (1) A meeting of the Commission may be conducted by telephone, closed circuit television or other means of communication that does not require the physical presence of each commissioner in the same room.
- (2) The quorum for a meeting of the Commission is 3 commissioners, at least one of whom must be the Chairperson or a Deputy Chairperson.
- (2A) If a sessional commissioner has been appointed for a specific matter, the quorum for a meeting of the Commission that is to perform any function in relation to that matter must include that sessional commissioner.
- (3) A matter arising at a meeting is determined by a majority of votes of the commissioners present and voting on the question and the person presiding has a deliberative vote and, if voting is equal, a second or casting vote.

## 28 Are Commission meetings and inquiries open to the public?

- (1) The Commission may conduct meetings and inquiries in public or private.
- (2) However, an inquiry conducted for the purposes of making a finding or a determination relating to any of the following matters must be conducted in public unless the Commission determines, under subsection (3), that there are special circumstances requiring that the inquiry or part of it should be conducted in private—
  - (a) a liquor licence application if an objection, on the grounds of either amenity or the misuse and abuse of alcohol under section 38, 40 or 41(1)(b) of the **Liquor Control Reform Act 1998**, is lodged in

- accordance with the requirements of that Act;
- (b) a late hour entry declaration for an area or locality under section 58B of the **Liquor Control Reform Act 1998**;
  - (c) a disciplinary action inquiry under section 91 of the **Liquor Control Reform Act 1998**;
  - (d) an inquiry into amenity or disuse under section 94 of the **Liquor Control Reform Act 1998**;
  - (e) an application for approval of premises for gaming under Part 3 of Chapter 3 of the **Gambling Regulation Act 2003**;
  - (f) an application for a venue operator's licence under Division 2 of Part 4 of Chapter 3 of the **Gambling Regulation Act 2003**;
  - (g) a proposed amendment to a venue operator's licence to—
    - (i) vary the days or dates on which 24 hour gaming is permitted;
    - (ii) add a new condition to specify days or dates on which 24 hour gaming is permitted;
    - (iii) increase the number of gaming machines permitted in an approved venue so that the approved venue will have more than 10% more than the number of gaming machines permitted in the venue at the time of the proposed amendment;
    - (iv) increase the number of gaming machines permitted in an approved venue within 2 years after the Commission has approved an increase of not more than 10% in the number of

- gaming machines permitted in the venue;
- (v) vary the approved self-exclusion program;
  - (vi) vary the approved Responsible Gambling Code of Conduct;
- (h) approval of gaming machine types and games under section 3.5.4 of the **Gambling Regulation Act 2003**;
  - (i) variation of gaming machine types and games under section 3.5.5 of the **Gambling Regulation Act 2003**;
  - (j) withdrawal of gaming machine types and games under section 3.5.6 of the **Gambling Regulation Act 2003**;
  - (k) approval to install a linked jackpot arrangement referred to in section 3.5.7 of the **Gambling Regulation Act 2003**;
  - (l) the making of rules under section 3.5.23 of the **Gambling Regulation Act 2003**;
  - (m) any matters in relation to an application under Chapter 4 of the **Gambling Regulation Act 2003** (other than an application under Part 3 of that Chapter of that Act);
  - (n) any matters in relation to an application under Chapter 6A of the **Gambling Regulation Act 2003** (other than an application under Part 3 of that Chapter of that Act);

- (o) any of the following under the **Casino Control Act 1991**—
  - (i) the granting of a casino licence under section 13 of that Act;
  - (ii) the amendment of the conditions of a casino licence under section 16 of that Act;
  - (iii) the definition or redefinition of boundaries of a casino under section 17 of that Act;
  - (iv) the giving or varying of a direction about the days and times of operation of a casino under section 65 of that Act.
- (3) The Commission may direct that an inquiry or part of it be conducted in private if the Commission considers that special circumstances of a kind specified in paragraph (a) or (b) exist—
  - (a) to prevent the unreasonable divulgence of information relating to the personal affairs of any person (including a deceased person); or
  - (b) it is otherwise in the interests of justice or the public interest to do so.
- (4) The Commission must advise that the Commission is conducting an inquiry in public by notice published on the Internet site of the Commission.
- (5) In the notice published under subsection (4), the Commission must—
  - (a) specify the type of inquiry being conducted; and
  - (b) specify the date of, time of and place of the inquiry.



## **Division 4—Staffing and delegation**

### **29 Staff**

- (1) Any employees that are necessary for the purposes of performing the functions of the Commission under this Act, gambling legislation, liquor legislation or any other Act may be employed under Part 3 of the **Public Administration Act 2004**.
- (2) The Commission may enter into agreements or arrangements for the use of the services of any staff of a government department, statutory authority or other public body.
- (3) The Commission may, by instrument, nominate a person by name to assist or advise the Commission in the performance of functions under this Act, gambling legislation, liquor legislation or any other Act.
- (4) A nomination under subsection (3) must specify the functions in relation to which the nominated person is to assist or advise the Commission.
- (5) A nomination under subsection (3) remains in force for the period determined by the Commission and may be extended from time to time by the Commission.

### **30 Delegation**

- (1) The Commission may, by instrument, delegate any power, function or duty of the Commission under any Act or subordinate instrument to a commissioner (other than a function specified in subsection (3)).
- (2) The Commission may, by instrument, delegate any power, function or duty of the Commission under any Act or subordinate instrument (other than a function specified in subsection (3)) to—

- (a) a member of staff employed under section 29;
  - (b) a person employed under Part 3 of the **Public Administration Act 2004**.
- (3) The following functions of the Commission are not delegable under subsection (1) or (2)—
- (a) a function under section 10.1.32(3) of the **Gambling Regulation Act 2003**;
  - (b) a late hour entry declaration for an area or locality under section 58B of the **Liquor Control Reform Act 1998**;
  - (c) a function under Divisions 1 and 2 of Part 6 of the **Liquor Control Reform Act 1998** (other than the giving of a specified notice);
  - (d) internal reviews under Division 2 of Part 9 of the **Liquor Control Reform Act 1998** (other than the giving of a notification under section 154 of that Act).
- (3A) The Commission may, by instrument, delegate to a commissioner—
- (a) the power to determine whether to conduct an inquiry under section 91 or 94 of the **Liquor Control Reform Act 1998**, but not the power to conduct the inquiry; and
  - (b) the power to allow a longer period under section 153(2)(a)(iii) of the **Liquor Control Reform Act 1998** for an application to be made under section 153 of that Act; and
  - (c) the power to make a decision under section 160 of the **Liquor Control Reform Act 1998** to stay the operation of a decision pending review, including the power to attach conditions to the stay under section 160(5) of that Act.

S. 30(3)  
amended by  
No. 64/2014  
s. 52(1).

S. 30(3A)  
inserted by  
No. 64/2014  
s. 52(2).

- (4) A single commissioner may, by instrument, delegate to an employee or member of staff referred to in section 29 any function that may be performed by a commissioner under—
- (a) section 3.3.16 of the **Gambling Regulation Act 2003**;
  - (b) section 4.5A.5 of the **Gambling Regulation Act 2003**;
  - (c) sections 5.7.4 and 5.7.5 of the **Gambling Regulation Act 2003**;
  - (d) section 5.7.9 of the **Gambling Regulation Act 2003**;
  - (e) section 8.3.3 of the **Gambling Regulation Act 2003**;
  - (f) section 8.3.13 of the **Gambling Regulation Act 2003**;
  - (g) section 8.5A.3 of the **Gambling Regulation Act 2003**;
  - (h) sections 9A.1.5 and 9A.1.6 of the **Gambling Regulation Act 2003**;
  - (i) sections 44, 45 and 45A of the **Casino Control Act 1991**.
- (5) For the purposes of subsection (3)(c), *specified notice* means—
- (a) written notice given under section 92(1) of the **Liquor Control Reform Act 1998**;
  - (b) written notice given under section 92A(1)(a) of the **Liquor Control Reform Act 1998**;
  - (c) notice published under section 92A(1)(b) of the **Liquor Control Reform Act 1998**;
  - (d) written notice given under section 93(2)(a) of the **Liquor Control Reform Act 1998**;

- (e) written notice given under section 93D(4)(a) of the **Liquor Control Reform Act 1998**;
- (f) written notice given under section 93E(3)(a) of the **Liquor Control Reform Act 1998**;
- (g) written notice given under section 94A(1) of the **Liquor Control Reform Act 1998**;
- (h) written notice given under section 94B(1) of the **Liquor Control Reform Act 1998**.

### **31 Conflict of interest and duty**

- (1) A restricted person must not be an employee of—
- (a) a key operative; or
  - (b) a bookmaker; or
  - (c) a commercial raffle organiser.

Penalty: 60 penalty units.

- (2) A person who ceases to be a commissioner must not, at any time during the next 2 years, be employed by, or significantly associated with—
- (a) a key operative; or
  - (b) a bookmaker; or
  - (c) a commercial raffle organiser.

Penalty: 60 penalty units.

- (3) Unless the Commission otherwise approves, a person who ceases to be a restricted person must not, at any time during the next 2 years, be employed or significantly associated with—
- (a) a key operative; or
  - (b) a bookmaker; or
  - (c) a commercial raffle organiser.

Penalty: 60 penalty units.

- (4) A key operative, bookmaker or commercial raffle organiser must not employ, or be significantly associated with, a person prohibited by subsection (2) or (3) or by section 44 from being so employed or associated.

Penalty: 60 penalty units.

## **Part 3—Investigations and inquiries of Commission**

### **Division 1—Investigations**

#### **32 General power of investigation**

- (1) For the purposes of performing its functions or duties, or exercising its powers under this Act, gambling legislation or liquor legislation, the Commission may carry out investigations.
- (2) An investigation under this Division may include (but is not limited to) an investigation of any or all of the following—
  - (a) a person who, in the opinion of the Commission, is a regulated person;
  - (b) the conduct and practices of a person referred to in paragraph (a);
  - (c) any contravention or suspected contravention of a provision under the **Gambling Regulation Act 2003**;
  - (d) a person who, in the opinion of the Commission, could affect the exercise of functions in or in relation to the conduct of the operations of a regulated person under—
    - (i) a gambling authorisation; or
    - (ii) a liquor authorisation;
  - (e) a person who, in the opinion of the Commission, could be in a position to exercise direct or indirect control over a regulated person, in relation to functions in or in relation to the conduct of operations under—
    - (i) a gambling authorisation; or
    - (ii) a liquor authorisation;

- (f) any contravention or suspected contravention of the **Liquor Control Reform Act 1998**;
  - (g) an investigation under section 91A or 94A(5D) of the **Racing Act 1958**;
  - (h) matters relevant to the functions, powers or duties of the Commission or the operation of gambling legislation or liquor legislation.
- (3) An investigation under this Division may include making an enquiry of a preliminary nature.

## Division 2—Inquiries

### Subdivision 1—Inquiries generally

#### 33 Inquiries by Commission

- (1) The Commission may conduct an inquiry for the purposes of performing its functions or duties, or exercising its powers under this Act, gambling legislation or liquor legislation.
- (2) At least one commissioner must preside at an inquiry.
- (3) When conducting an inquiry for the purposes of performing its functions under section 9(1)(a), (b), (c) or (d) the Commission is taken to be a board appointed by the Governor in Council and Division 5 of Part I (including section 21A) of the **Evidence (Miscellaneous Provisions) Act 1958**, as in force immediately before the repeal of that Division, applies accordingly.
- (4) If a sessional commissioner has been appointed for a specific matter, that sessional commissioner must sit on any inquiry in relation to that matter.

S. 33(3)  
amended by  
No. 67/2014  
s. 147(Sch. 2  
item 43).

S. 33(4)  
inserted by  
No. 64/2014  
s. 53.

### **34 Conduct of inquiry**

Subject to this Act, gambling legislation or liquor legislation, the Commission may conduct any inquiry in any manner the Commission considers appropriate.

#### **Note**

As to which provisions of this Act the section is subject to, see, for example, sections 25(3) and 33(3).

### **35 Community interest inquiries**

- (1) The Commission may determine that an inquiry it is proposing to, or must, conduct is a community interest inquiry.
- (2) In making a determination under subsection (1), the Commission must have regard to the subject matter of the proposed inquiry and the functions, powers and duties it will perform or exercise for the purposes of that inquiry.
- (3) If directed to do so by the Minister, the Commission must conduct a community interest inquiry into any matter specified by the Minister that is relevant to the administration of this Act, gambling legislation or liquor legislation.
- (4) A direction made by the Minister under subsection (3) must be in writing.
- (5) The Commission must make a report to the Minister on the results of a community interest inquiry conducted at the direction of the Minister under subsection (3).

## **Subdivision 2—Community interest inquiries**

### **36 Application**

This Subdivision applies to an inquiry—

- (a) that the Commission has determined is a community interest inquiry;



- (b) that the Minister has directed the Commission to conduct under section 35(3).

### **37 Procedure for community interest inquiries**

- (1) The Commission must conduct a community interest inquiry in public.
- (2) In conducting a community interest inquiry, the Commission may—
  - (a) determine the area or locality in the State to which the inquiry relates;
  - (b) call for submissions from interested organisations and members of the public;
  - (c) consult with persons or bodies the Commission considers appropriate and seek submissions from those persons and bodies.
- (3) The Commission must advise that a community interest inquiry is being conducted by the Commission—
  - (a) by notice published in the Government Gazette; and
  - (b) by notice published on the Internet site of the Commission; and
  - (c) if the inquiry relates to a particular area or locality—by notice published in a newspaper circulating in the area or locality to which the inquiry relates.
- (4) The Commission must—
  - (a) in the notices required to be published under subsection (3), invite the public to make submissions to the Commission in relation to the community interest inquiry within the time specified in those notices;
  - (b) set out the manner and form in which submissions may be made.

- (5) All submissions made to the Commission that—
- (a) relate to the subject matter of the community interest inquiry; and
  - (b) are made within the time, manner and form specified by the Commission in the notices required to be published under subsection (3)—
- must be considered by the Commission before the community interest inquiry is concluded.

**38 Minister may require interim report**

- (1) The Minister may, in writing, request the Commission to provide an interim report, within a time specified by the Minister, on any community interest inquiry being conducted by the Commission before the inquiry is concluded.
- (2) An interim report made by the Commission and given to the Minister under subsection (1) may be made orally or may be in writing.

**39 Final report to be provided to Minister**

- (1) At the conclusion of a community interest inquiry, the Commission must give the Minister a report on the outcomes of the inquiry.
- (2) A report made by the Commission and given to the Minister under subsection (1) must be in writing.

## Part 4—Gambling and liquor inspectors

### 40 Appointment

- (1) The Chairperson may, by instrument, appoint as a gambling and liquor inspector for the purposes of this Act, gambling legislation, liquor legislation or the **Racing Act 1958** a person employed under Part 3 of the **Public Administration Act 2004** who, in the Chairperson's opinion—
  - (a) is competent to perform the functions of an inspector; and
  - (b) is of good reputation, having regard to character, honesty and integrity.
- (2) Unless the Chairperson considers that there are special circumstances, the Chairperson cannot appoint as a gambling and liquor inspector a person who is, or at any time in the previous 2 years has been—
  - (a) the subject of—
    - (i) a disqualification determination under section 93D of the **Liquor Control Reform Act 1998**; or
    - (ii) an order made by VCAT under section 92 of the **Liquor Control Reform Act 1998**, as in force immediately before the commencement of this section, that disqualifies the person from holding a liquor authorisation or taking part in the management of licensed premises or being employed by a person who holds a liquor authorisation; or

- (b) employed by, or significantly associated with—
  - (i) a key operative; or
  - (ii) a bookmaker; or
  - (iii) a commercial raffle organiser; or
  - (iv) the holder of an on-course wagering permit.
- (3) Unless the Chairperson considers that there are special circumstances, the Chairperson cannot appoint as a gambling and liquor inspector a person who is, or at any time during the previous 2 years has been, entitled to 2% or more of the voting shares in the holder of the gaming licence and the wagering licence or a former holder.

#### **41 Criminal records check**

- (1) The Commission may require a person under consideration for appointment as a gambling and liquor inspector to consent to having his or her photograph, finger prints and palm prints taken.
- (2) The Commission must refer a copy of any photograph, finger prints and palm prints and any supporting documentation to the Chief Commissioner of Police.
- (3) The Chief Commissioner of Police must inquire into and report to the Commission on matters relating to whether the person under consideration is of good repute, having regard to character, honesty and integrity.
- (4) The Chief Commissioner of Police must ensure that—
  - (a) any copies of photographs, finger prints and palm prints and any supporting documentation received under subsection (2) are destroyed—

- (i) within 28 days after they are no longer required in connection with the Chief Commissioner's inquiry and report under subsection (3); or
    - (ii) no later than 6 months from the date they were received—whichever is the earlier; and
  - (b) the person to whom they relate is notified of the destruction as soon as practicable.
- (5) The Chairperson must ensure that—
- (a) any photographs, finger prints or palm prints taken under subsection (1) are destroyed—
    - (i) within 28 days after they are no longer required in connection with the consideration of the person's appointment as a gambling and liquor inspector; or
    - (ii) no later than 6 months from the date they were taken—whichever is the earlier; and
  - (b) the person to whom they relate is notified of the destruction as soon as practicable.

#### **42 Functions of gambling and liquor inspectors**

- (1) A gambling and liquor inspector has the following functions—
- (a) any functions conferred on a gambling and liquor inspector under gambling legislation or liquor legislation;
  - (b) any functions conferred on a gambling and liquor inspector under the **Racing Act 1958** and any regulations made under that Act;

- (c) any other functions conferred on a gambling and liquor inspector under this Act, any other Act or regulations made under this Act or any other Act.
- (2) A gambling and liquor inspector has all the powers necessary to perform his or her functions under gambling legislation and liquor legislation.
- (3) Without limiting subsection (2), a gambling and liquor inspector may—
  - (a) with the approval of the Commission, bring proceedings for offences against this Act, gambling legislation or liquor legislation;
  - (b) appear personally or be represented by an Australian lawyer in any proceedings he or she has become involved in as a consequence of performing the functions of a gambling and liquor inspector.

#### **43 Identity cards**

- (1) A gambling and liquor inspector is not authorised to perform the functions of a gambling and liquor inspector unless he or she is in possession of an identity card in the form approved by the Chairperson.
- (2) The identity card must bear a photograph and the name and signature of the gambling and liquor inspector.
- (3) Subject to this Act and any other Act conferring a function on a gambling and liquor inspector, in the course of performing a function as a gambling and liquor inspector, a gambling and liquor inspector must, if requested to do so by a person affected by the performance of that function, produce the gambling and liquor inspector's identity card for inspection by the person unless to do so would defeat the purpose for which the function is to be exercised.

#### **44 Former inspectors**

Unless the Chairperson otherwise approves, a person who ceases to be a gambling and liquor inspector must not, at any time during the next 2 years, be employed by or significantly associated with a key operative.

Penalty: 60 penalty units.

## **Part 5—General**

### **45 Regulations**

The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.



## **Part 6—Savings and transitional provisions**

### **46 Definitions**

In this Part—

*commencement day* means the day on which section 3 comes into operation;

*new Commission* means Victorian Commission for Gambling and Liquor Regulation established under Part 2.

### **47 General transitional provisions**

- (1) This Part does not affect or take away from the **Interpretation of Legislation Act 1984**.
- (2) This Part applies despite anything to the contrary in any other provision in this Act.

### **48 Inspectors**

- (1) Subject to subsection (2), a person who is, immediately before the commencement day—
  - (a) an inspector appointed under section 10.5.1 of the **Gambling Regulation Act 2003**; or
  - (b) a compliance inspector appointed under section 172A of the **Liquor Control Reform Act 1998**—is, on that day, taken to be a gambling and liquor inspector appointed under section 40.
- (2) If a person specified in subsection (1)(b) does not, on the commencement day, meet the eligibility criteria specified in section 40(2) and (3) for a gambling and liquor inspector, the person must, within 6 months after that day apply for an exemption from the Chairperson to continue to be a gambling and liquor inspector.

- (3) If a person specified in subsection (1)(b) does not apply for an exemption under subsection (2) within the period specified, the person ceases to be a gambling and liquor inspector at the end of that period.
- (4) The Chairperson must grant or refuse an exemption under this section as soon as practicable after application for the exemption has been made.
- (5) The Chairperson must notify, in writing, the person of his or her decision whether to grant or refuse to grant an exemption.
- (6) A person who has applied for an exemption under subsection (2) may, if granted an exemption by the Chairperson, continue to be a gambling and liquor inspector appointed under this Act.
- (7) If the Chairperson refuses to grant an exemption the person ceases to be a gambling and liquor inspector on the date the person is notified of that refusal.

#### **49 Criminal records check**

- (1) Photographs, finger prints and palm prints taken under section 10.5.2 of the **Gambling Regulation Act 2003** and photographs and finger prints taken under section 172B of the **Liquor Control Reform Act 1998** that are in existence immediately before the commencement day are, on that day, taken to be photographs, finger prints and palm prints taken under section 41.
- (2) Despite section 41(4), the Chief Commissioner of Police has a period of 6 months from the commencement day to comply with section 41(4) in respect of photographs, finger prints and palm prints taken under section 10.5.2 of the **Gambling Regulation Act 2003** to which subsection (1) applies.

- (3) Despite section 41(5), the Chairperson has a period of 6 months from the commencement day to comply with section 41(5) in respect of photographs, finger prints and palm prints taken under section 10.5.2 of the **Gambling Regulation Act 2003** to which subsection (1) applies.

#### **50 Statements of policy**

- (1) On the commencement day, a statement of policy made and in force immediately before that day is taken to be decision-making guidelines made under section 5.
- (2) In this section, *statement of policy* means—
- (a) the Statement of Policy made by the Minister for Consumer Affairs on 25 October 2006 and published in the Government Gazette No. S 294 on 27 October 2006;
  - (b) the Statement of Policy made by the Minister for Consumer Affairs on 18 March 2011 and published in the Government Gazette No. S 88 on 18 March 2011;
  - (c) the Statement of Policy made by the Minister for Consumer Affairs on 4 August 2011 and published in the Government Gazette No. G 31 on 4 August 2011.

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*	*	*	*	*	<b>Pt. 7 (Heading and ss 51–68) repealed by No. 70/2013 s. 3(Sch. 1 item 57.1).</b>
*	*	*	*	*	<b>Pt. 8 (Heading and ss 69–92) repealed by No. 70/2013 s. 3(Sch. 1 item 57.1).</b>
*	*	*	*	*	<b>Pt. 9 (Heading and ss 93–103) repealed by No. 70/2013 s. 3(Sch. 1 item 57.1).</b>

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**Pt 10**  
**(Heading and**  
**s. 104)**  
**repealed by**  
**No. 21/2015**  
**s. 3(Sch. 1**  
**item 64).**

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**Sch.**  
**amended by**  
**No. 70/2013**  
**s. 3(Sch. 1**  
**item 57.2),**  
**repealed by**  
**No. 21/2015**  
**s. 3(Sch. 1**  
**item 64).**

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

*Minister's second reading speech—*

*Legislative Assembly: 15 September 2011*

*Legislative Council: 13 October 2011*

The long title for the Bill for this Act was "A Bill for an Act to establish the Victorian Commission for Gambling and Liquor Regulation, to amend the **Gambling Regulation Act 2003**, the **Liquor Control Reform Act 1998** and other Acts and for other purposes."

The **Victorian Commission for Gambling and Liquor Regulation Act 2011** was assented to on 2 November 2011 and came into operation on 6 February 2012: Special Gazette (No. 423) 21 December 2011 page 4.

### INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

#### Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

#### References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

#### Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).



## 2 Table of Amendments

This publication incorporates amendments made to the **Victorian Commission for Gambling and Liquor Regulation Act 2011** by Acts and subordinate instruments.

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### **Statute Law Revision Act 2013, No. 70/2013**

*Assent Date:* 19.11.13  
*Commencement Date:* S. 3(Sch. 1 item 57.2) on 5.2.12: s. 2(2)(f);  
s. 3(Sch. 1 item 57.1) on 1.12.13: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Victorian Commission for  
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### **Gambling and Liquor Legislation Further Amendment Act 2014, No. 64/2014**

*Assent Date:* 9.9.14  
*Commencement Date:* Ss 47–53 on 15.10.14: Special Gazette (No. 364)  
14.10.14 p. 1  
*Current State:* This information relates only to the provision/s  
amending the **Victorian Commission for  
Gambling and Liquor Regulation Act 2011**

### **Inquiries Act 2014, No. 67/2014**

*Assent Date:* 23.9.14  
*Commencement Date:* S. 147(Sch. 2 item 43) on 15.10.14: Special Gazette  
(No. 364) 14.10.14 p. 2  
*Current State:* This information relates only to the provision/s  
amending the **Victorian Commission for  
Gambling and Liquor Regulation Act 2011**

### **Statute Law Revision Act 2015, No. 21/2015**

*Assent Date:* 16.6.15  
*Commencement Date:* S. 3(Sch. 1 item 64) on 1.8.15: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Victorian Commission for  
Gambling and Liquor Regulation Act 2011**

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**3 Amendments Not in Operation**

Not updated for this publication.

#### **4 Explanatory details**

No entries at date of publication.