

VCGLR Liquor Disciplinary Action Process

Step No	Description
1	<p>Receive request to conduct inquiry</p> <p>The Commission receives written request from Licensing Inspector or Council and send acknowledgement to requestor.</p> <p>(Note Commission can also initiate its own motion disciplinary action inquiry).</p>
2	<p>Determine grounds for arguable case</p> <p>The Commissioner will determine if there are grounds for an arguable case, and that those grounds are sufficiently serious to warrant an inquiry (based on section 90(1) – grounds for disciplinary action).</p> <p>If arguable case exists – licensee will be advised that they have 14 days to respond as to whether the inquiry should proceed.</p> <p>If no grounds for arguable case exist, the matter will be finalised and requestor advised accordingly.</p>
3	<p>Determine whether to hold an inquiry</p> <p>The Commission determines whether to hold inquiry based on original request and submissions from licensee (if received).</p> <p>If yes, the Commission will specify grounds for inquiry based on section 90(1) and determine interested parties.</p> <p>If no, process ends and all parties are advised accordingly.</p>
4	<p>Advise interested parties</p> <p>Commission will advise interested parties that inquiry will be held and that orders may be made. It will advise them of the directions hearing date and outline that they can advise the Commission if they wish to attend the directions hearing.</p>
5	<p>Conduct directions hearing</p> <p>Directions hearing is conducted. This hearing will address all preliminary procedural matters prior to the commencement of the inquiry. For example, determine witnesses, possible length of inquiry, exchange of documents and determine the date for the inquiry.</p> <p>It will be decided at this stage whether or not to hold a preliminary conference.</p> <p>If no preliminary conference the matter will proceed to inquiry.</p>
6	<p>Conduct preliminary conference</p> <p>An informal conference where all parties attempt to reach a resolution. If no resolution can be reached the matter will proceed to inquiry.</p>
7	<p>Conduct inquiry</p> <ul style="list-style-type: none">• Opening statement by Commissioner• Council or police will provide opening statement and present

case against licensee or permittee

- The licensee or permittee and other interested persons will have an opportunity to respond and present their case
- Any further matters examined
- Final summing up.

8 **Grounds for disciplinary action**

The Commission will determine if grounds for disciplinary action exist based on the evidence presented during the inquiry. If the Commission determines that there is no adequate grounds for disciplinary action, the matter will be finalised.

9 **Determine disciplinary action and provide reasons**

If the Commission has determined that there are grounds for disciplinary action, an opportunity will be provided to all parties to provide submissions on an appropriate outcome. The Commission will determine the type of disciplinary action and provide reasons for its decision.

10 **Advise licensee, requestor and all parties given notice**

The Commission will advise all parties involved in the matter of the outcome of the inquiry.
