

# Commission (Board) Charter

TRIM ID:

Date: 27 June 2019

Version: 50



Victorian Commission for  
Gambling and Liquor Regulation

## Contents

<b>1</b>	<b>Introduction .....</b>	<b>3</b>
<b>2</b>	<b>Vision and purpose.....</b>	<b>3</b>
<b>3</b>	<b>Values.....</b>	<b>3</b>
<b>4</b>	<b>Commission membership .....</b>	<b>3</b>
<b>5</b>	<b>Role and responsibilities .....</b>	<b>4</b>
5.1	Gambling and liquor regulation.....	4
5.2	Board .....	4
5.3	Chair .....	5
5.4	Commission committees.....	5
5.4.1	Audit and Risk Management Committee .....	6
5.4.2	People and Culture Committee .....	6
5.4.3	Legislation, Regulation and Policy Committee .....	6
<b>6</b>	<b>Document information.....</b>	<b>6</b>

## 1 Introduction

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) is an independent public sector entity established under the *Victorian Commission for Gambling and Liquor Regulation Act 2011* (the VCGLR Act). The Commission's role comprises:

- statutory decision making under gambling and liquor legislation
- performing the functions of a Board of a public sector entity.

In carrying out its responsibilities and exercising its powers, the VCGLR at all times recognises its overriding responsibility to:

- act honestly, reasonably, fairly, diligently and in accordance with the law
- serve the interests of the Victorian community in pursuing VCGLR objectives
- use resources economically, efficiently, effectively and with due propriety.

## 2 Vision and purpose

Vision: Victorians and visitors enjoy safe and responsible gambling and liquor environments.

Purpose: We regulate Victoria's gambling and liquor industries to ensure their integrity and to minimise harm.

## 3 Values

The VCGLR carries out its duties in accordance with the Victorian public sector values of responsiveness, integrity, impartiality, accountability, respect, leadership and commitment to human rights.

The Commission members are bound by the Code of Conduct for Directors of Victorian Public Entities 2016 (2016 Directors' Code of Conduct), issued by the Victorian Public Sector Commissioner, and must:

- act with honesty and integrity
- act in good faith in the best interests of the VCGLR
- act fairly and impartially
- use information properly
- use their position properly
- act in a financially responsible manner
- exercise a reasonable degree of care, diligence and skill
- comply with establishing legislation and VCGLR policies
- demonstrate leadership and stewardship
- notify the Board if standing for election
- follow Board policy on managing conflicts of interest and duty.

Commissioners must comply with VCGLR policies including the VCGLR Conduct and Ethics Policy, the VCGLR Gifts, Benefits and Hospitality and the Fraud Corruption and Other Losses Control Policy. There is a specific Disclosure of Interest Guidelines for Commissioners policy.

## 4 Commission membership

Commissioners are appointed by the Governor in Council on the recommendation of the Minister for Consumer Affairs, Gaming and Liquor Regulation (the Minister).

The Commission consists of:

- a Commissioner appointed as Chair<sup>1</sup>

<sup>1</sup> Chair means the Chairperson under section 3 of the VCGLR Act

- one or more Commissioners appointed as Deputy Chair(s)<sup>2</sup>
- as many additional Commissioners and Sessional Commissioners as the Minister considers necessary to enable the Commission to perform its functions.

## 5 Role and responsibilities

### 5.1 Gambling and liquor regulation

The VCGLR performs the regulatory, investigative and disciplinary functions conferred on it by the VCGLR Act, the *Gambling Regulation Act 2003*, the *Liquor Control Reform Act 1998*, the *Casino Control Act 1991*, and the *Racing Act 1958*.

The functions under the VCGLR Act are to:

- undertake licensing, approval, authorisation and registration activities
- promote and monitor compliance with gambling and liquor legislation
- detect and respond to contraventions of gambling and liquor legislation
- advise the Minister about the Commission's functions and operation of gambling and liquor legislation
- ensure Government gambling and liquor policies are implemented
- inform and educate the public about the Commission's regulatory practices
- inform itself as to its function, the operation and the objectives of the Acts conferring on it various functions.

The Commission when performing its functions conferred on it by various Acts has regard to each Act's objectives and any decision-making guidelines issued by the Minister.

The Commission endeavours to perform its functions and exercise its powers without undue formality and as expeditiously as practicable.

### 5.2 Board

The Commissioners, excluding Sessional Commissioners act as a Board. Meetings are held according to specified procedures. The quorum for a meeting is three members.

The Board is responsible to the Minister for the VCGLR's governance, performance and financial sustainability.

The Board's role is to:

- ensure that the VCGLR operates within the establishing legislation, any delegations and rules
- ensure that government objectives and priorities, and relevant statutory purposes and functions, are furthered in a financially efficient, effective and economical way by:
  - setting the VCGLR's strategic direction and priorities
  - overseeing the management of risks and integrating risk management into the VCGLR's strategic planning process
  - approving the annual business plan, Key Performance Indicators (KPI), annual budget and policies
  - approving major decisions related to strategic initiatives and policies
  - overseeing the VCGLR's delivery of services and achievement of objectives and performance
  - approving key accountability reports including the Annual Report and performance reports.
- ensure that appropriate and effective governance and oversight arrangements are in place and regularly review the effectiveness of those arrangements

<sup>2</sup> Deputy Chair means the Deputy Chairperson under section 3 of the VCGLR Act

- ensure that the VCGLR implements Victorian Government policy frameworks relating to the requirements of the *Financial Management Act 1994* (FMA) and the associated Directions, Instruments and Financial Reporting Directions issued under section 8 of the FMA
- conduct an annual review of the Commission's financial and broader governance performance
- foster a culture and a set of values consistent with the *Public Administration Act 2004* (the PA Act)
- establish and evaluate performance measures for the Board and Chief Executive Officer (CEO)
- ensure that matters reserved for the Board are clearly identified and that necessary and appropriate delegations are documented, communicated and regularly reviewed
- inform the Minister of known major risks to the effective operation of the VCGLR, and any activities and strategic issues with potential financial implications for the State
- build and maintain the Commission's reputation and relationship with stakeholders so as to engender trust and credibility
- provide any information about the VCGLR that the Minister, or the Department as a representative of the Minister, asks for unless prohibited by law.

### 5.3 Chair

The Chair is appointed by Governor in Council, on the recommendation of the Minister.

The role of the Chair is to:

- lead the Board, preside at Board meetings and develop the Commissioners as a cohesive and effective team
- assist Commissioners to understand their role, responsibilities and accountability including the need to comply with the 2016 Directors' Code of Conduct, the PA Act and relevant policies
- set the Board's agenda and ensure key issues are discussed and ensure that there are no potential conflicts of interest
- ensure interactive participation by all Commissioners and arrange adequate support
- provide Commissioners with ready access to up-to-date copies of relevant legislation, policies and procedures
- ensure VCGLR's policies and procedures are tailored to its operating environment and support the application of the 2016 Directors' Code of Conduct
- establish an effective and constructive working relationship with the CEO
- manage the performance evaluation of the CEO, individual Commissioners and the Board
- act as the key liaison point between the Commissioners and senior management
- represent the Board to external parties as an official spokesperson for the VCGLR
- inform the Minister about significant issues and events, and present the Corporate Plan and Annual Report.

The establishing legislation confers all the rights, powers, authorities and duties of an employer in respect of the VCGLR and its employees to the Chair.

### 5.4 Commission committees

The Commission may from time to time establish committees, under Charters, to assist it in carrying out its responsibilities.

### 5.4.1 Audit and Risk Management Committee

The Commission appoints an independent Audit Committee in accordance with the FMA. The Committee is fully accountable to the Commission. Its objectives are to:

- assist the Commission to fulfil its financial management, performance and sustainability responsibilities by providing independent and objective oversight and review of the information presented by management on the VCGLR's performance and operations
- ensure that appropriate risk management policies and procedures are developed and implemented by management
- provide oversight on VCGLR compliance with legislative and regulatory requirements and specifically with the FMA and the Standing Directions of the Minister for Finance
- provide a formal process for communication between members of the Commission, management and the internal and external auditors
- oversee and appraise the quality, efficiency and effectiveness of the internal and external audit functions.

### 5.4.2 People and Culture Committee

The People and Culture Committee is fully accountable to the Commission. Its objectives are to advise and assist the Commission in relation to ensuring:

- that the development and implementation of People and Culture policies and procedures meet legislative and regulatory requirements and organisational needs, and enable every member of staff to contribute to improving VCGLR operations
- that an appropriate performance management framework is developed and implemented that ensures the alignment of the performance of the CEO and senior executives with the VCGLR's strategic priorities
- that the Chair is advised and assisted in relation to his role as the public service body head.

### 5.4.3 Legislation, Regulation and Policy Committee

The Legislation, Regulation and Policy Committee is fully accountable to the Commission. Its objectives are to provide the Commission with quality advice and support regarding legislation, regulation and policy matters, to assist the Commission to:

- effectively fulfil its regulatory obligations
- improve the way the Commission regulates, in accordance with its legislative framework and strategic priorities.

## 6 Document information

Criteria	Details
Version number	V 5.0
Approved by Commission on:	13 March 2014
Reviewed by Commission on:	15 June 2015 23 June 2016 25 May 2017 28 June 2018 27 June 2019
Document owner:	Commission Secretariat Manager, Legal Services