

Request to conduct disciplinary action inquiry

This is an interactive PDF form which allows you to:

- complete the form using a computer or tablet
- save your progress and continue at a later time
- print the completed form to sign and return.

You are still able to print the form and complete it by hand if you prefer.

This form has been design to be completed using the free Adobe Acrobat Reader software. To download this free software, [please visit the following link](#) or search for the free “Adobe Acrobat Reader” on your devices app store.

This form may not function as intended if you use any other software.

Who can use this form?

Under section 91(1)(b) of the *Liquor Control Reform Act 1998 (the Act)*, the Victorian Commission for Gambling and Liquor Regulation (VCGLR) may conduct an inquiry into whether there are grounds to take disciplinary action against a licensee or permittee at the written request of:

- the Chief Commissioner of Police; or
- a licensing inspector; or
- the Council in whose municipal district the licensed premises are situated.

This application form can only be used by the above mentioned entities to request the VCGLR conduct a disciplinary action inquiry in respect of a licensee or permittee.

Grounds for disciplinary action

Upon receiving a written request under section 91(1)(b) of the Act, the VCGLR will consider whether it will conduct an inquiry to determine whether there are grounds for disciplinary action against the licensee or permittee. Under section 90(1) of the Act, “grounds for disciplinary action” is defined to mean any of the following –

- (a) that the licensee or permittee has contravened a provision of the Act, the regulations, the licence or BYO permit or a condition of the licence or BYO permit;
- (b) that the licensee or permittee has contravened a condition of an approval or consent of the Commission under this Act (other than a licence or BYO permit);
- (c) that the licensee or permittee has been found guilty of an offence against section 118A or an offence against regulations made under section 118B;
- (d) that the licensee has contravened an undertaking given under section 133F;
- (e) that the licensee or permittee has been found guilty of an offence against this Act or the regulations;
- (f) that the licensee or permittee has been found guilty of an offence under Part II of the *Food Act 1984* in relation to liquor supplied by the licensee or permittee;
- (g) that the licensee or permittee has been found guilty of an offence under section 253 of the *Victoria Police Act 2013* relating to a police officer or under the *Police Regulation Act 1958* relating to bribery of a member of the police force;
- (h) that the licensee or permittee has been found guilty, whether in Victoria or elsewhere, of an offence punishable by a maximum term of imprisonment of three years or more;
- (i) that the licensee or permittee is a body corporate, a director of which has been found guilty, whether in Victoria or elsewhere, of an offence punishable by a maximum term of imprisonment of three years or more;
- (j) the licensee or permittee is a club that is not a body corporate, a member of the committee of management of which has been found guilty, whether in Victoria or elsewhere, of an offence punishable by a maximum term of imprisonment of three years or more;
- (k) that the licensee or permittee has knowingly assisted a person to breach a disqualification determination imposed under section 93D;



Grounds for disciplinary action (cont'd)

- (l) that the licensee or permittee has paid a penalty for an offence under this Act for which an infringement notice within the meaning of the *Infringements Act 2006* has been served;
- (m) that the licensee or permittee has altered the premises in a way that would have prevented the granting of the licence under section 22 had the alterations been in place immediately before the licence was granted;
- (n) that the licensee or permittee has obtained the licence or BYO permit by fraud or false representations;
- (o) that the licensee or permittee has conducted the business under the licence or BYO permit, or allowed it to be conducted, in a manner that detracts from or is detrimental to the amenity of the area in which the licensed premises are situated;
- (p) that a licensee or permittee has contravened the terms of a closure and evacuation notice; or
- (q) that the licensee or permittee is otherwise not a suitable person to hold a licence or BYO permit.

What happens next?

The VCGLR will handle the request in accordance with Information Sheet – Disciplinary Action Inquiries (available on vcglr.vic.gov.au). If the VCGLR finds that there are grounds for disciplinary action against a licensee or permittee, the VCGLR may take disciplinary action by means of any one or more of the following:

- cancelling, or suspending for a specified period, a licence or BYO permit;
- varying a licence or BYO permit;
- endorsing an owner or mortgagee of the licensed premises onto the licence or BYO permit;
- issuing a letter of censure to the licensee or permittee (including a direction to rectify); or
- imposing a fine not exceeding an amount that is 250 times the value of a penalty unit on the licensee or permittee.

The VCGLR may also determine to disqualify a licensee or permittee or a “related person” from:

- holding a licence or BYO permit;
- being a director in any body corporate that holds a licence or BYO permit;
- being a partner in any partnership that holds a licence or BYO permit;
- having a beneficial interest (whether directly or indirectly) in the shares of any body corporate that holds a licence or BYO permit;
- in any way (whether directly or indirectly) taking part in, or being concerned in, the management of any licensed premises or any body corporate that holds a licence or BYO permit or any licensed club; or
- being employed by any licensed club or any person that holds a licence or BYO permit.

The VCGLR may disqualify a person from all or any of the ways listed above.

How do I lodge this form?

By post

Victorian Commission for Gambling and Liquor Regulation

GPO Box 1988, Melbourne VIC 3001

In person

Victorian Commission for Gambling and Liquor Regulation

Level 3, 12 Shelley Street, Richmond
VIC 3121

By email

secretariat@vcglr.vic.gov.au

Privacy

The Victorian Commission for Gambling and Liquor Regulation (the VCGLR) is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014 (Vic)* and its obligations under the *Liquor Control Reform Act 1998*. All information provided in this application is available for public viewing, except for the questionnaire form (if applicable) which is forwarded to and retained by Victoria Police.



Request to conduct disciplinary action inquiry

Under section 91(1)(b) of the *Liquor Control Reform Act 1998*

OFFICE USE ONLY

v18-07

Date rec'd / /

Receipt no. _____

File no. _____

1. Requestor details

Who is the requestor? (Please specify if the requestor is the Chief Commissioner of Police, the Licensing Inspector or Council)

Name of contact person

Requestor's address for service of notices

Contact number

Email address

2. Licensee/permittee and premises details

Licensee or permittee
(Name of licensee or permittee to which this request relates)

Licensee/permittee's address for service of notices
(see section 173 of *Liquor Control Reform Act 1998*)

Licence/permit number

Trading name of licensed premises

Contact number of licensee/permittee and name of contact person
(if known)

Address of licensed premises

Email address of licensee/permittee (if known)

3. Owner/mortgagee (if known)

Name of owner/mortgagee of licensed premises

Address for service of notices



4. Related persons

If the VCGLR determines to conduct an inquiry and having conducted the inquiry it subsequently determines that grounds for disciplinary action are established, the VCGLR may determine to take disciplinary action by disqualifying the licensee/permittee or a "related person" pursuant to section 93D of the Act.

A "related person" in relation to a licensee or permittee means:

- any director or nominee of the licensee or permittee (if it is a body corporate); or
- any member the committee of management or nominee of the licensee or permittee (if it is a club); or
- any person who, whether directly or indirectly, is concerned in or takes part in the management of licensed premises or club of the licensee or permittee

Please list the names and contact details of any known "related persons" of the licensee or permittee who you seek to be disqualified.

Full name	Position held/relationship to Licensee (i.e. Director, manager etc)	Address for service of notices	Contact number and email address (if known)

(attach separate list if required)

5. Grounds for disciplinary action

Please list the grounds for disciplinary action that the requestor believes exists against the licensee or permittee (e.g. that the licensee or permittee has contravened a provision of the Act, the regulations, the licence or the BYO permit, or a condition of the licence or BYO permit). Please refer to section 90 of the Act for a list of the possible grounds that the Commission may consider in determining whether to take disciplinary action.



6. Details of alleged particulars and evidence in support

In support of each alleged ground for disciplinary action, please attach to this application, information regarding relevant particulars or incidents that have allegedly occurred regarding the conduct of the licensee or permittee. Please include all relevant evidence available that would support a finding regarding these alleged incidents.

For each alleged particular:

- (a) state the date and the particular that occurred
- (b) explain why the particular constitutes a ground(s) for disciplinary action and refer to the relevant ground(s) for disciplinary action
- (c) attach any relevant documents/evidence which the requestor wishes to rely upon (e.g. witness statements, evidence of paid infringement notices, video or photographic evidence, etc.)

EXAMPLE

Incident 1

Summary of particular

On 9 October 2016 at 10.00pm, police officers attended the licensed premises and identified an alleged breach of the licence conditions by the licensee. Specifically, crowd controllers were not present on the premises as required by the following conditions of the licence (set out relevant conditions).

Ground for disciplinary action

Based on the particular above, it is alleged that a ground for disciplinary action against the licensee exists under section 90(1)(a) of the Act.

Evidence in support of particular

The following evidence is provided in support of the above alleged incident:

- Statement by police officer A dated 10 October 2016
- Photograph of the crowd controller register evidencing that no crowd controller had signed the register since 8 October 2016

Please tick:

- YES - I have attached details of the alleged particular and all documents/evidence that the requestor intends to rely upon
NO – Please provide likely date when information will be provided.

7. Type(s) of disciplinary actions sought against the licensee or permittee

In the event the VCGLR determines that there are grounds for disciplinary action against the licensee or permittee, the VCGLR may take disciplinary action by means of any one or more of the following:

- cancelling, or suspending for a specified period, a licence or BYO permit;
- varying a licence or BYO permit;
- endorsing an owner or mortgagee of the licensed premises onto the licence or BYO permit;
- issuing a letter of censure to the licensee or permittee (including a direction to rectify); or
- imposing a fine not exceeding an amount that is 250 times the value of a penalty unit on the licensee or permittee.

Please specify the type(s) of disciplinary action that the requestor considers appropriate against the licensee or permittee.



8. Disqualification of licensee or permittee or related persons

If the VCGLR finds that there are grounds for taking disciplinary action, regardless of whether it determines to take disciplinary action, the VCGLR may also determine to disqualify the licensee or permittee or a related person from:

- holding a licence or BYO permit;
- being a director in any body corporate that holds a licence or BYO permit;
- being a partner in any partnership that holds a licence or BYO permit;
- having a beneficial interest (whether directly or indirectly) in the shares of any body corporate that holds a licence or BYO permit;
- in any way (whether directly or indirectly) taking part in, or being concerned in, the management of any licensed premises or any body corporate that holds a licence or BYO permit or any licensed club; or
- being employed by any licensed club or any person that holds a licence or BYO permit.

The VCGLR may disqualify a person in all or any of the ways listed above.

If the requestor seeks to disqualify the licensee or permittee or a related person, please list their name(s), the alleged particulars that relate to the person and the ways in which the person should be disqualified.

Full name of person to be disqualified (licensee/permittee/related person)	The ways in which the person is to be disqualified (see section 93D(1)(a)-(f) of the Liquor Control Reform Act 1988)	Alleged particulars that relate to this person

(Attach separate list if required)

Note that in the event the VCGLR finds that there are grounds for taking disciplinary action against the licensee or permittee, the VCGLR retains the ultimate discretion in relation to what disciplinary action to take.

9. Signature by requestor

I/ we declare/certify that the information contained in this application, including attachments is true and correct.

Signature:

Date (dd/mm/yyyy):

Signature:

Date (dd/mm/yyyy):

Print name and position:

Print name and position:

Please note that this form and any material attached as part of the request will be provided to the licensee or permittee and related persons. Please contact the VCGLR if you have questions arising from this form.

