



## Victorian Commission for Gambling and Liquor Regulation

### *Gambling Regulation Act 2003*

## Directions under Section 10.4A.4 to nominees and associates of Gambling Industry Participants

These are the directions approved by the Victorian Commission for Gambling and Liquor Regulation (the Commission) pursuant to section 10.4A.4 of the *Gambling Regulation Act 2003* (the Act). They specify the following changes in the situation of an associate or nominee of a gambling industry participant that require written notice be given to the Commission within 14 days of the change taking place:

#### **Associated Individuals and Nominees**

1. Any change in your name or address.
2. A new business association you have with a person, body or association or a change to an existing business association.
3. Any finding of guilt for any offence under statute or at common law recorded in any jurisdiction against you (excluding traffic offences for which a non-custodial sentence was imposed) and, in addition, details of any proceedings leading to your participation in a court ordered Diversion Program or any similar program.
4. The commencement of any bankruptcy proceedings, the appointment of an administrator or the entry into a formal or informal scheme of arrangement (however it is described) with your creditors.
5. Your disqualification from acting as a director of a company.
6. If you are a company director or officer of an incorporated association, details of the commencement and outcome of any investigation into the affairs of the company or the incorporated association by the Australian Securities and Investments Commission (ASIC), by the Registrar of Incorporated Associations, by the Australian Prudential Regulation Authority (APRA), by the Australian Transaction Reports and Analysis Centre (AUSTRAC) or the Australian Competition & Consumer Commission (ACCC) exercising their statutory functions or by any other regulatory body or law enforcement agency in any jurisdiction.

7. Details of the commencement and outcome of any litigation against you, or to which you were a co defendant, whether personally (i.e. as an individual) and/or via business associations (e.g. legal action that involved a company, joint venture, incorporated association or partnership of which you are or were respectively a director, public officer, partner or joint venturer) which resulted in an order or finding being made against you or an out of court settlement reached in any jurisdiction.
8. The commencement and result of any disciplinary action taken outside Victoria against any gaming related, licence, approval or authorisation held by you, or any entity with which you have a business association.
9. Details of any application made by you for a gaming related licence, approval or authorisation in any jurisdiction, outside Victoria, which was refused or withdrawn.

#### **Associated Entities**

1. Any change in the entity's name, registered address, business address or legal status or its constitution/replaceable rules (if applicable).
2. Any change involving the appointment, addition, removal or resignation of a director, business partner, trustee, executive officer, company secretary, committee member or shareholder of the entity.
3. Any change in the share structure of the associated entity.

4. Any change in the substantial shareholding of the associated entity whereby a person begins to have or ceases to have a substantial holding in the company or a person makes a takeover bid for the securities of the associated entity.
5. A new business association the entity has with a person, company, body or association or a change to an existing business association.
6. Any change in the entity's legal or corporate structure.
7. Any finding of guilt for any offence under statute or at common law recorded in any jurisdiction against the entity.
8. The commencement of bankruptcy, winding up or liquidation proceedings, the appointment of a receiver or other controller, the appointment of an administrator or the entry into a formal or informal scheme of arrangement (however it is described) with the entity's creditors.
9. Details of the commencement and outcome of any investigation into the affairs of the entity by the Australian Securities and Investments Commission (ASIC), by the Registrar of Incorporated Associations, by the Australian Prudential Regulation Authority (APRA), by the Australian Transaction Reports and Analysis Centre (AUSTRAC) or the Australian Competition & Consumer Commission (ACCC) exercising their statutory functions or by any other regulatory body or law enforcement agency in any jurisdiction.
10. Details of the commencement and outcome of any litigation against the entity, or to which the entity was a co-defendant which resulted in an order or finding being made against the Associated Entity or an out of court settlement reached in any jurisdiction.
11. The commencement and result of any disciplinary action taken outside Victoria against any gaming related licence, approval or authorisation held by the entity, or any entity with which it has a business association.
12. Details of any application made by the associated entity for a gaming related licence, approval or authorisation in any jurisdiction, outside Victoria, which was refused or withdrawn.

**Definitions:**

"*associate*" has the meaning given in section 1.4 of the Act.

"*any jurisdiction*" means any country, place, state or territory, within or outside Australia, within which judgments of a court or other legal authority can be enforced.

"*business association*" includes a partnership, joint venture, collaboration or similar relationship, however described.

"*gambling industry participant*" means a bingo centre operator, a holder of a commercial raffle organiser's licence, a gaming operator, a holder of an interactive gaming licence, the keno licensee, the monitoring licensee, a registered bookmaker, a public lottery licensee, a registered bookmaker's key employee, a venue operator, the wagering and betting licensee, the holder of the wagering licence, a person listed on the roll, a relevant applicant, invitee or registrant.

**Note**

In accordance with section 10.4A.4 of the Act, failure to notify the Commission in writing of a change as specified above is an offence which may result in a fine of up to 60 penalty units.

These directions commence on 6 April 2016 and replace any previous directions.



**Alex Fitzpatrick**

Director Licensing