

**Retention and Disposal Authority for Records of the Gambling and
Liquor Regulation Functions**

Authority number: PROS 19/01



PROS 19/01

**Retention and Disposal
Authority for Records of the
Gambling and Liquor
Regulation Functions**

Status Date: 08/04/2019

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INTRODUCTION

Context

RDA Background and Scope

The scope of this Retention and Disposal Authority is the gambling and liquor regulation functions and other unique supporting functions administered by the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

The VCGLR is a statutory body and has the following functions:

- to perform the regulatory, investigative and disciplinary functions conferred on the Commission by legislation
- to undertake licensing, approval, authorisation and registration activities under gambling legislation, liquor legislation or any other Act
- to promote and monitor compliance with gambling legislation and liquor legislation
- to detect and respond to contraventions of gambling legislation and liquor legislation
- to advise the Minister in relation to the Commission's functions under gambling legislation, liquor legislation, and racing legislation
- to advise the Minister on the operation of gambling legislation and liquor legislation
- to ensure Government policy in relation to gambling and liquor is implemented
- to inform and educate the public about the Commission's regulatory practices and requirements.

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Retention and Disposal Authority for Records of the Gambling and Liquor Regulation Functions

Retention and Disposal Authority No	PROS 19/01
Scope	This RDA applies to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) and the Office of Liquor, Gaming and Racing.
Status	Issued by Keeper
Issue Date	08/04/2019

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Introduction

Purpose of this Authority

The purpose of this Authority is to provide a mechanism for the disposal of public records in accordance with the *Public Records Act 1973*.

The Authority:

- identifies records which are worth preserving permanently as part of Victoria's archival heritage
- prevents the premature destruction of records which need to be retained for a specified period to satisfy legal, financial and other requirements of public administration, and
- authorises the destruction of those records not required permanently.

Context of this Authority

Public Record Office Victoria Standards

This Authority should be used in conjunction with the Standards issued by the Keeper of Public Records under Section 12 of the *Public Records Act 1973*. Copies of all relevant PROV standards, specifications and regulatory advice can be downloaded from www.prov.vic.gov.au. These documents set out the procedures that must be followed by Victorian public offices.

Disposal of records identified in the Authority

Disposal of public records identified in this Authority must be undertaken in accordance with the requirements of Public Record Office Standard PROS 10/13 *Disposal*.

It is a criminal offence to unlawfully destroy a public record under s 19(1) of the *Public Records Act 1973*.

The destruction of a public record is not unlawful if done in accordance with a Standard established under s 12 of the *Public Records Act 1973*.

This Standard (also known as an Authority) authorises the disposal of public records as described within its provisions. However, disposal is **not** authorised under this Standard if it is reasonably likely that the public record will be required in evidence in a current or future legal proceeding.

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For the purposes of this Retention and Disposal Authority, a 'legal proceeding' has the same meaning as the *Evidence (Miscellaneous Provisions) Act 1958*, and includes any civil, criminal or mixed proceeding and any inquiry in which evidence is or may be given before any court or person acting judicially, including a Royal Commission or Board of Inquiry under the *Inquiries Act 2014*.

If the public office identifies that public records must be retained under other applicable legislation for a period that exceeds the retention period specified under the Standards, then the longer retention period must apply.

Normal Administrative Practice

The destruction of some public records is permitted without final authorisation under normal administrative practice (NAP). NAP covers the destruction of ephemeral material of a facilitative nature created, acquired or collected by public officers during the course of their duties.

The following material may be destroyed under NAP:

- working papers consisting of rough notes and calculations used solely to assist in the preparation of other records such as correspondence, reports and statistical tabulations
- drafts not intended for retention as part of the office's records, the content of which has been reproduced and incorporated in the public office's record keeping system
- extra copies of documents and published material preserved solely for reference.

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Transfer of records to Public Record Office Victoria

Contact Public Record Office Victoria for further information on procedures for transferring permanent records to archival custody.

Use of Other Authorities

In applying the disposal sentences set out in this Authority, reference should be made to other current Authorities where applicable. Where there is a conflict between two Authorities (for instance this Authority and the General Retention and Disposal Authority for Records of Common Administrative Functions), consult the Public Record Office Victoria for advice.

Explanation of Authority Headings

Class Number

The class number or entry reference number provides citation and ease of reference.

Description

The description of each record class is specified in this entry. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action.

Status

This entry provides the archival status of each class - either permanent or temporary.

Custody

This entry specifies whether the records are to be retained by the public office or transferred to the Public Record Office Victoria. Permanent electronic records are to be transferred in VERS Encapsulated Object (VEO) format according to PROS 99/007 - Management of Electronic Records (Version 2). The storage of public records identified in this Authority must also be in accordance with the requirements of Public Record Office Standard PROS 11/01 *Storage*

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Establishment of Standard

Pursuant to Section 12 of the *Public Records Act 1973*, I hereby establish these provisions as a Standard (also known as a Retention and Disposal Authority) applying to Victorian Commission for Gambling and Liquor Regulation (VCGLR) and the Office of Liquor, Gaming and Racing. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

[signed]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 08/04/2019

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No	Function/Description	Status	Disposal Action
1.0	<p>Licensing, Permit and Approvals Management</p> <p>The function of receiving and assessing applications for licences, permits and other approvals - such as applications relating to the regulation of gambling and liquor - under relevant legislation. Includes the management of renewals and exemption approvals.</p> <p>Includes:</p> <ul style="list-style-type: none"> • processes for the receipt of applications and supporting documentation • assessment of applicants, including background, probity, credit and other checks • decisions on whether an application is approved or not, including if any restrictions or conditions are to be imposed on the licence, permit or approval • processes to manage the cancellation or suspension of a licence, permit or approval following compliance enforcement action • processes to manage the exclusion of a person or entity from holding, or being granted a licence, permit or approval for a period of time following compliance enforcement action • renewals. <p>The renewal process may vary from the initial application process by:</p> <ul style="list-style-type: none"> • using a condensed application process that updates details previously supplied • a review of restrictions or conditions on licences, permits or approvals, including those arising from disciplinary action and/or prosecution. <p>Also includes appeals against a refusal to license, permit or approve, or against restrictions or conditions placed on a licence, permit or approval.</p> <p>Includes the surrender of licences, permits and approvals by the holder.</p> <p>In general (although this may vary in some cases):</p> <ul style="list-style-type: none"> • a licence is issued to a person or an organisation to be able to conduct an activity (such as the service of alcohol, or the provision of gambling services) • a permit is issued for a type of event or activity to occur (such as having a bar at a wedding held in a public garden or park, or to sell raffle tickets to raise funds for a community or charity) 		

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No	Function/Description	Status	Disposal Action
<i>Licensing, Permit and Approvals Management</i>			
	<p>organisation)</p> <ul style="list-style-type: none"> • an approval is issued for a product to be used or sold (such as a particular type of gaming machine to be produced and sold), or a place to be used for a purpose (such as premises being approved for gambling services to be conducted there), or an exemption to the standard requirements of a licence or permit (such as an exemption to providing free drinking water to patrons at an event where alcohol is also being served). <p>See <i>Records of Common Administrative Functions COMMITTEES</i> for records of reports and other other papers prepared for submission to the Commission.</p> <p>See <i>Records of Common Administrative Functions CONTRACTING-OUT</i> for records of tendering and contracting, including tender processes for the issue of major licences.</p> <p>See <i>Records of Common Administrative Functions FINANCIAL MANAGEMENT</i> for records of financial transactions such as fee payments, refunds etc.</p> <p>See <i>Records of Common Administrative Functions POLICY</i> for records of the development and issue of policy and procedures.</p> <p>See <i>Records of Common Administrative Functions REPORTING</i> for records of reporting on the licensing, permit and approvals management function.</p>		
1.1	<p>Significant Records of Licensing Management</p> <p>Records of continuing value documenting the licensing, permit and approvals management function. Includes:</p> <ul style="list-style-type: none"> • the development and review of licensing, permit and approvals requirements, • the development and review of criteria for determining the suitability of an applicant, • the development and review of criteria for the application of conditions or limits to a licence, permit or approval • applications for licencing, permits or approvals which set precedent, led to policy change or a major review of processes • the issue, amendment, cancellation, suspension or surrender of major licences including supporting documentation and reports that identify an issue, provide analysis or otherwise 	Permanent	Retain as State Archives, Transfer to PROV

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No	Function/Description	Status	Disposal Action
<i>Licensing, Permit and Approvals Management</i>			
	<p>lead to a decision to issue, amend, cancel, suspend or surrender a major licence. Major licences are those gambling licences that are issued by or the application is granted by the Minister and/or are either a casino licence or for a single statewide gambling industry licence (such as those for public lotteries, wagering and betting, Keno etc.)</p> <ul style="list-style-type: none"> • reports to Parliament or the Minister concerning changes to licensing requirements and criteria, the history of individual licensees or permit/approval holders, or characteristics of a category/class of licence/permit/approval etc. • Ministerial directions regarding any of the above. 		
1.2	<p>Long Term Records of Licensing Management</p> <p>Records of long-term significance documenting the licensing, permit and approvals management function. Includes:</p> <ul style="list-style-type: none"> • the registration or summary details of all licensees, permit and/or approval holders (including for major licences). Summary details can include name and contact details of licensee, permit or approval holder, type of licence/permit/approval issued, address that the licence/permit/approval applies to (if applicable), summary of conditions or restrictions placed on the licence/permit/approval, commencement and expiry dates etc. • the operational records of major licences (i.e. any records that are not concerning the issue, amendment, cancellation, suspension or surrender of a major licence) • the operational records of licences, permits or approvals which have been cancelled or suspended following the conclusion of an compliance management process, including any appeals • business intelligence reports on an individual or organisation whose conduct or affiliations while holding a licence/permit the agency wishes to investigate. 	Temporary	Destroy 65 years after date of record creation.
1.3	<p>Short-term Records of Licensing Management</p> <p>Short-term administrative records supporting the licensing, permit and approvals management function. Includes the operational records of all licences, permits</p>	Temporary	Destroy 7 years after administrative use has

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Licensing, Permit and Approvals Management

	<p>or approvals which have NOT been cancelled or suspended (excluding major licences).</p> <p>Records include any evidence submitted in connection with an application or renewal, such as:</p> <ul style="list-style-type: none"> • records of the applicant's qualifications and training • insurance • personal identification • referee reports • registrations and/or licences held in other jurisdictions • proof of payment • police and other background checks. <p>Includes unsuccessful applications and any appeals/reviews of decisions arising.</p> <p>Includes records of applications to surrender a registration or licence.</p> <p>Also includes applications which are withdrawn prior to a decision being made.</p>		concluded.
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No	Function/Description	Status	Disposal Action
<i>Compliance Management</i>			
2.0	<p>Compliance Management</p> <p>The function of managing compliance, including ensuring:</p> <ul style="list-style-type: none"> • the requirements of relevant legislation, standards, and other mandatory frameworks are met for licences, permits and approvals • conditions and/or limitations of licences or permits are adhered to • licence or permit holders remain fit and proper persons to be licensed/hold a permit or approval • appropriate compliance enforcement action is taken where required to reduce/remove the risk of future non-compliance by a licence or permit holder • complaints received are acted on as appropriate. <p>Compliance management processes include:</p> <ul style="list-style-type: none"> • compliance audits and proactive inspections • inspections resulting from a complaint, query or other issue in connection to a licence, permit or approval • investigations, including powers to search and seize • compliance enforcement action • disciplinary action and/or hearings • cancellation or restriction of licence, permit or approval • prosecutions. <p>Includes appeals against compliance management decisions, such as:</p> <ul style="list-style-type: none"> • notices, orders or decisions made under legislation • conditions or restrictions imposed on an existing licence, permit or approval resulting from compliance enforcement action. <p>Use REGULATION MANAGEMENT for records of audits undertaken to assist in the development and review of codes and standards.</p> <p>See <i>Records of Common Administrative Functions COMMITTEES</i> for records of reports and other meeting papers prepared for submission to the Commission.</p> <p>See <i>Records of Common Administrative Functions</i></p>		

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<i>Compliance Management</i>			
	<p>FINANCIAL MANAGEMENT for records of financial transactions such as penalty or infringement payments etc.</p> <p>See <i>Records of Common Administrative Functions</i> POLICY for records of the development and approval of policy and procedures for the compliance management function.</p> <p>See <i>Records of Common Administrative Functions</i> REPORTING for records of reporting on the compliance management function.</p>		
2.1	<p>Significant Records of Compliance Management</p> <p>Records of continuing value documenting the function of managing compliance. Includes:</p> <ul style="list-style-type: none"> • the development and review of criteria for determining when compliance enforcement action/s are to be taken, what action to apply, and when to escalate a matter • the development and review of criteria for determining the application of disciplinary action up to and including the suspension or cancellation of a licence, permit or approval, or the exclusion of a person from holding a licence, permit or approval, • compliance management activities that lead to policy change, the development and issue of guidelines or standards, or otherwise change the assessment of compliance within the liquor and gambling industries • compliance enforcement action or prosecutions which set precedent and/or change legislation, policy or processes • compliance processes which lead to the amendment, suspension, surrender or cancellation of a major licence. 	Permanent	Retain as State Archives, Transfer to PROV
2.2	<p>Long-term Records of Compliance Management</p> <p>Records of long-term value documenting the compliance management function. Includes:</p> <ul style="list-style-type: none"> • compliance processes which find a major licence holder guilty of a breach, but which do not lead to the amendment, suspension, surrender or cancellation of the licence • compliance enforcement action (inspections, investigations and other disciplinary action) which leads to a licence (excluding major 	Temporary	Destroy 65 years after date of last entry.

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No	Function/Description	Status	Disposal Action
<i>Compliance Management</i>			
	<p>licences), a permit or approval being suspended or cancelled, the exclusion of a person from holding a licence, permit or approval and/or prosecution. Includes any appeals or reviews of decisions.</p> <ul style="list-style-type: none"> • audits that lead to prosecution for fraudulent dealings. • disciplinary registers or summary information including those made available for public access. Includes the Disqualified Persons or Companies register which lists persons or companies disqualified from holding or applying for a liquor licence, or the Disciplinary Actions register which lists disciplinary actions against persons or companies found to be non-compliant under an Act. 		
2.3	<p>Short-term Records of Compliance Management</p> <p>Records of short term value documenting the compliance management function. Includes:</p> <ul style="list-style-type: none"> • audit documentation, analysis and recommendations where no compliance action results • audit reports prepared for provision to the licence or permit holder (irrespective of whether the audit leads to compliance enforcement action or not) • proactive compliance inspections which assess whether a licence, permit or approval holder is compliant with newly introduced/changed requirements and provides recommendations or instructions for improvement • compliance enforcement action (inspections, investigations and other disciplinary action) where the result is to undertake no further action, issue a reprimand or warning, or enter into an undertaking with the licence or permit holder (including major licence holders) • appeals against compliance enforcement action • observation and monitoring of operations e.g. daily monitoring of activities at the venue of a major licence holder to ensure compliance with licence terms and conditions. 	Temporary	Destroy 7 years after administrative use has concluded.

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Regulation Management

3.0	<p>Regulation Management</p> <p>The function of managing the agency's regulatory responsibilities, including:</p> <ul style="list-style-type: none"> • the development and issue of directions and guidelines for industry regulations, expectations and other aspects of being the holder of a licence, permit or approval • the management of gaming machine entitlements • collection, reconciliation and payment of gaming revenue/tax, including on behalf of other jurisdictions (outside the State of Victoria) where the agency holds a contract or agreement to provide these services • regulatory audits, including those undertaken to develop new standards or guidelines • Casino reviews - as required under legislation to ensure the licence holder remains eligible (i.e. fit and proper, competent and financially viable) and its operations remain compliant • approval of liquor accords submitted by industry community forums to the agency under legislation (Liquor accords are written documents prepared by established local community forums that set out the specific aims, actions, objectives and strategies that provide practical solutions to local alcohol-related problems and implement a range of programs to promote harm-minimisation principles. Accords, once drafted, are submitted to the agency for approval under the Act. It is not compulsory for a forum to have an accord, however it is encouraged.) • approval of codes of conduct submitted by licence or permit holders as a condition of holding the licence or permit e.g. for responsible gambling • projects that pilot, implement or evaluate regulatory policy, such as late-night lockout (patrons leaving a bar after a certain hour cannot re-enter) • the appointment of inspectors • review and response to issues raised with the Commission e.g. whether the inclusion of discount vouchers for alcohol purchases on supermarket receipts encourages over- 		
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No	Function/Description	Status	Disposal Action
<i>Regulation Management</i>			
	<p>consumption of alcohol</p> <ul style="list-style-type: none"> • accreditation of registered training organisations to deliver industry training e.g. Responsible Service of Alcohol course • accreditation of manufacturers, suppliers and testers of gaming products, and of facilities for conducting testing • implementation of recommendations arising from external audits and reviews, including the Auditor-General • receipt and review of statements from community and charitable organisations regarding the distribution of funds raised back into community support and/or charitable services. • regulation of patron behaviour e.g. the issue of exclusion orders and other actions where patron behaviour is not conforming to the regulations, or monitoring patrons who have elected to self-exclude from a venue. <p>See <i>Records of Common Administrative Functions</i> COMMITTEES for reports on the review of the Casino Operator, and issues raised by the Commission, including recommendations made back to the Commission.</p> <p>See <i>Records of Common Administrative Functions</i> FINANCIAL MANAGEMENT for records of annual and routine financial audits.</p> <p>See <i>Records of Common Administrative Functions</i> GOVERNMENT RELATIONS for records of agreements for the collection of revenue on behalf of another jurisdiction.</p> <p>See <i>Records of Common Administrative Functions</i> POLICY for the development and issue of regulatory policy and procedures.</p>		
3.1	<p>Significant Records of Regulation Management</p> <p>Records of continuing value documenting the function of regulation management. Includes:</p> <ul style="list-style-type: none"> • directions and guidelines approved for issue to the industry and community to ensure that licence, permit or approval holders are aware of and can comply with the requirements that must be met under relevant legislation • records of the implementation of 	Permanent	Retain as State Archives, Transfer to PROV

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<i>Regulation Management</i>			
	<p>recommendations resulting from external audits (of agency processes, services and transactions), including those conducted by the Auditor-General</p> <ul style="list-style-type: none"> • final reports and recommendations from major licence holder review projects e.g. reviews of the Casino Operator • final reports from projects that pilot, implement or evaluate regulatory policy. 		
3.2	<p>Medium-term Records of Regulation Management</p> <p>Records documenting the review of major licence holders, e.g. the Casino Operator, excluding the final report and recommendations. Records include research and findings on:</p> <ul style="list-style-type: none"> • whether the licence holder remains eligible (competent and in a stable financial position) to hold the licence • who is involved in the licensed entity, and is each person a fit and proper person to be involved • what associates the licence holder has, and whether these are appropriate • what range of products the licence holder is selling and whether these are suitable under the terms of the licence • whether the conduct of the licence holder meets regulations • whether the licence holder's processes are compliant • whether the licence holder maintains internal quality management and review processes and/or seeks best practice for its operations. 	Temporary	Destroy 15 years after date review is complete.
3.3	<p>Short-term Records of Regulation Management</p> <p>Other records documenting the regulation management function, including:</p> <ul style="list-style-type: none"> • the development and review of directions and guidelines • the management of gaming machine entitlements • the assessment and appointment of inspectors - records include supporting documentation provided by staff to be appointed as inspectors, such as criminal history checks; credit checks; details of immediate family members, associated 	Temporary	Destroy 7 years after administrative use has concluded.

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Regulation Management

	<p>individuals and/or entities; and personal and financial particulars, including any changes of name etc.</p> <ul style="list-style-type: none"> • collection, reconciliation and payment of gaming revenue/tax, including on behalf of other jurisdictions • approval of liquor accords submitted by industry community forums • approval of codes of conduct submitted by licence or permit holders e.g. for responsible gambling • projects that pilot, implement and evaluate regulatory policy, such as late-night lockout (patrons leaving a bar after a certain hour cannot re-enter) • review and response to issues raised with the Commission e.g. whether the inclusion of discount vouchers for alcohol purchases on supermarket receipts encourages over-consumption of alcohol • approval of registered training organisations to deliver industry training e.g. Responsible Service of Alcohol course • accreditation of tester organisations (used to test new gaming products as part of the assessment for approval) • implementation of recommendations arising from internal audits and reviews • the receipt and review of statements from community and charitable organisations regarding the distribution of funds back into community support and/or charitable services • regulation of patron behaviour including monitoring and enforcing exclusions. 		
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