



Victorian Commission
for Gambling Regulation

Registration of Bookmaker's Key Employees

Notes & Frequently Asked Questions

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General Information

1. Who is a bookmaker's key employee?

Under Section 1.3(1) of the *Gambling Regulation Act 2003* (the Act), a bookmaker's key employee (key employee) performs duties which include being:

- (a) employed by a bookmaker in a managerial capacity,
- (b) authorised to make decisions, involving the exercise of his or her discretion, which are relevant to the business operations of a bookmaker, or
- (c) employed in any other activity relating to the operations of a bookmaker that is specified by the Victorian Commission for Gambling Regulation (VCGR). Note: Currently, the VCGR has not specified any other activities.

Key employees are required to be registered with the VCGR. Any key employee wishing to seek an approval from a controlling body to substitute for a bookmaker falls under category (b) and is required to be registered with the VCGR (for more information, see Q32, Q33 and Q34 below).

2. How are key employees registered in Victoria?

The VCGR has been responsible for the registration of key employees since 1 January 2009. Anyone wishing to work as a key employee in Victoria must apply for approval to be registered. Registration application forms are available on the VCGR website at www.vcgr.vic.gov.au.

3. What happens after registration is granted?

If a registration is granted, a key employee will be given a set of registration Conditions which give the key employee an ongoing responsibility to notify the VCGR of specified changes in their situation. Whenever a specified change takes place, written notice must be given to the VCGR within 14 days of the change taking place. If the VCGR is **not** notified of a specified change, disciplinary action may be taken against the key employee and/or the key employee may be prosecuted and fined. For further information click here: [Grounds for Disciplinary Action against a Bookmaker's Key Employee](#).

Registration as a Key Employee

4. What is the minimum age at which you may apply for registration?

Applicants must be at least 18 years of age.

5. Is there an application form?

Yes. Application forms are available on the VCGR website at www.vcgr.vic.gov.au. To access the application, click on the Forms and Submissions/Application Forms link on the home page and choose the '[Request for approval for registration as a Bookmaker's Key Employee \(New or Renewal\) - Smart Form](#)'. These forms are "smart forms" designed to be completed online before being printed, signed and lodged with the VCGR.

You are encouraged to use this Smart Form as it will guide you in answering questions and reduce the risk of errors which might result in your application being returned to you for correction. However, a hard copy application form can also be obtained by contacting the Employee Licensing Unit at Emp.Licence@vcgr.vic.gov.au or on (03) 9651 3054 if required.

6. How does the application process work?

STEP 1:

- If you have not been previously fingerprinted in relation to a VCGR application, you must attend the VCGR or, if you live more than 50kms from the Melbourne CBD, a regional police station for fingerprinting. Note: If you have been previously fingerprinted, you must contact the Employee Licensing Unit to confirm that fingerprinting will **not** be required.
- Apply for the appropriate National Police Certificate (NPC)

STEP 2:

- Apply for your Credit Report
- Obtain 2 Colour Passport Photos (with your name printed on the back of each photo)

STEP 3:

- When you have received your NPC and Credit Report you may complete the application form and sign the form where required (Note: Answer all questions and ensure that all names included in the application form match those in your NPC and Credit Report)

STEP 4:

- Lodge form with VCGR

7. Can part of the application be lodged now and the rest later to get the process started?

No. Incomplete or incorrectly completed applications (including where any required attachments are not provided) will **not** be accepted and will be returned to the applicant. Processing will not commence until a complete and correct application is submitted.

8. What should I do if I need advice on how to complete my application?

Before seeking assistance please re-read the instructions in the application form. These documents have been developed to assist you in completing the forms. Experience has shown that they generally contain the advice that is sought. If you are still in doubt, you may obtain general advice by contacting the Employee Licensing Unit at Emp.Licence@vcgr.vic.gov.au or on (03) 9651 3054.

9. Is there a registration fee payable for key employees?

There is currently no fee for this application.

10. How long does the registration process take?

VCGR staff process applications as quickly as possible. Generally, the processing of an application will take three to four weeks. However, due to fluctuating demand, the unique nature of each registration application, and the analysis and checks required, there is no set time for processing.

To help reduce processing times, applicants should fully and correctly complete application forms in the requested manner, and respond as quickly as possible to requests for additional information. Please note that application forms must be completed in accordance with the guidelines provided. It is important to prevent delays, and to avoid additional costs associated with obtaining a credit report or National Police Certificate, that all documents are provided exactly as specified in the application forms.

Applicants will be advised in writing of the VCGR's decision as soon as it occurs.

11. Why do some applications take longer to process than others?

It might be that there are issues with an application that require clarification. If additional information is required following the lodgement of a complete application, it will be requested in writing.

12. Can you advise me about the status of my application?

The VCGR will send you confirmation of receipt of your application for registration as a key employee. If additional information is required VCGR staff will request it in writing. VCGR staff are not able to give a specific date for when an application will be determined, but you may contact the Employee Licensing Unit to check its progress.

13. Can another person have access to any personal or business information that I provide to the VCGR?

The only information which can be released without your consent is whether you have applied for or hold current registration and the particulars of any disciplinary action taken against you by the VCGR. Unless you have provided written authorisation, no other information will be released about you, or your application, to any other person other than persons permitted under the Act.

Credit Check and National Police Certificate Requirements

14. Why do I need to provide a Personal Credit Report to apply for registration?

Under Section 4.5A.5 of the Act, the VCGR must make an assessment of the whether an applicant, and each associate of an applicant, is of good repute, having regard to character, honesty and integrity.

Your Personal Credit Report discloses your bankruptcy proceedings under part IX or X of the *Bankruptcy Act*, as well as, overdue and/or default accounts.

If you are aware of any court judgments or default accounts that are not disclosed in your Personal Credit Report, you must disclose them in the application form.

15. Why do I need a National Police Certificate (NPC)?

The VCGR is required to ensure that all persons working as a key employee meet appropriate probity standards and are of good character, suitable for being employed in the wagering industry.

The information contained in an NPC assists the VCGR in its task, but is only one of the factors which the VCGR takes into account when assessing an application. All matters detailed in your NPC are taken into consideration by the VCGR in making an assessment of your character, honesty and integrity. Should you wish to dispute any of the information disclosed in your NPC, you should do so prior to lodging your application form, by writing to The Manager, Public Enquiry Service, Records Services Division, Victoria Police, PO Box 418, Melbourne Victoria 8005.

16. How do I obtain an NPC?

If you live in Australia, an **original** NPC **must** be provided with your application form. No matter where you reside in Australia, an NPC is obtained from the **Victoria Police** by completing a 'Consent to Check and Release National Police Record' form (consent form) which can be downloaded at www.vcgr.vic.gov.au/VictoriaPoliceConsentform.

Note: Your application form will be returned if you do not provide an NPC, enclose a photocopied NPC or provide an NPC which was issued more than three months ago.

17. What type of NPC do I need to obtain?

If you **have not** been previously fingerprinted in relation to any VCGR application you must choose the "Name Check and Fingerprint Records Search" NPC option. You can confirm the fee for this type of NPC at www.vcgr.vic.gov.au/FeeforNameCheck&FingerprintSearch.

If you **have** been previously fingerprinted in relation to a VCGR application you must contact the Employee Licensing Unit at Emp.Licence@vcgr.vic.gov.au or on (03) 9651 3054. If your fingerprints are already currently recorded, you will be advised to choose the “*National Name Check*” NPC option. You can confirm the fee for this type of NPC at www.vcgr.vic.gov.au/FeeforNationalNameCheck.

Should you have any difficulty in accessing the consent form please contact the Employee Licensing Unit at Emp.Licence@vcgr.vic.gov.au or on (03) 9651 3054. For any other questions in relation to your police record check, you may contact the Public Enquiry Service of Victoria Police on 1300 881 596 between 8am and 5pm.

Please note that:

- **You must cross the box ‘Casino or gaming licence’ in ‘Section E: Purpose of check’, Option 1;**
- A 100 point identity check is incorporated into the consent form;
- An authorised certifier must witness and certify identity documents and signature of applicant; and
- The completed consent form, together with the certified documents and fee must then be posted for processing.

In addition, when you apply to Victoria Police for your NPC you **must** ensure that you provide the following details in the NPC application form [as stated in the ‘Personal Particulars’ section of your VCGR application form]:

- Your first name, middle name/s, surname;
- Any preferred name to appear on your registration card;
- Any alias(es), previous names, maiden name, name changes (legal or otherwise) as well as names you have used or by which you have been known.

If such names are not shown on your NPC, your application will **not** be accepted. You should allow ten working days from the date applications are received at the Public Enquiry Service of Victoria Police for applications to be processed.

18. What if I already have an NPC?

If you have obtained an NPC within three months of the date of your application and this NPC was issued for work within the gaming industry, the VCGR will accept the Certificate. If the NPC is older than three months, a new Certificate must be obtained and forwarded to the VCGR.

Note: A photocopy of an NPC will not be accepted – it must be the original.

19. Why do I need to be fingerprinted?

A fingerprint check provides indisputable identification of a person. It also assists the VCGR with ongoing monitoring of the suitability of persons in the industry.

Unless you have been previously fingerprinted in relation to a VCGR application, you must consent to having your finger and palm prints taken and referred to the Victoria Police. If you have been previously fingerprinted, you need to contact the Employee Licensing Unit at Emp.Licence@vcgr.vic.gov.au or on 03 9651 3054 to confirm that fingerprinting will **not** be required.

20. Can I have my fingerprints taken at the local police station?

Metropolitan Applicants

If you live within 50kms of the Melbourne CBD, you must attend the VCGR, fifth floor, 35 Spring Street, Melbourne for fingerprinting between the hours of 9.00am and 5.00pm Monday to Friday. No appointment is necessary but you must ensure you bring appropriate identification as detailed in the application form.

Regional Applicants

If you live 50kms or more outside of the Melbourne CBD you may attend a regional police station for fingerprinting. No appointment is necessary. By going to www.police.vic.gov.au/content.asp?Document_ID=695 and then choosing the "Download Livescan Locations" button you can determine which station is convenient. **Note:** The term "Livescan" refers to the new and preferred method of electronic fingerprinting.

If there are no stations with the new Livescan facility in your vicinity, contact the Employee Licensing Unit at Emp.Licence@vcgr.vic.gov.au or on (03) 9651 3054 to make alternative arrangements.

Your fingerprints will be sent directly by the officer to the Victoria Police Fingerprint Branch and you will receive back the signed checklist which you **must** attach to your application form. Please ensure that you bring appropriate identification as detailed in the application form to be sighted by the officer taking your fingerprints.

21. What happens to my fingerprints once I leave the industry?

Under Section 11.1.5 of the Act, it is legislated that your finger and palm prints must be destroyed by the VCGR in this event.

22. I am concerned that others may be advised about my prior offence(s).

The Act stipulates strict secrecy provisions which, along with privacy legislation, prevents disclosure to any unauthorised person any information with respect to the affairs of another person acquired in the course of investigation of an application. Any prior offences you have cannot be disclosed to any other person outside the VCGR other than those allowed for under legislation without your prior written consent.

23. What offences should be disclosed in my application form?

Your NPC should provide details of all charges, past and pending, all findings of guilt (with or without convictions), bonds and other court orders (excluding Children's Court matters more than 10 years old and minor traffic offences). Note: Your NPC may not include details of all offences, e.g. if you were placed on a diversion program and/or if offences took place more than 10 years ago.

Details of any offence (excluding Children's Court matters over 10 years old and non-custodial traffic matters) not included in your personal NPC must be disclosed in your application form. Note: Non-custodial traffic matters are those for which a penalty other than a jail sentence or community based order was given. You must disclose all convictions and spent convictions, findings of guilt, suspended sentences, bonds and other court orders, including participation in a diversion program, and provide details of all outstanding charges. In many cases, non-disclosure becomes a more relevant matter in the determination of approval than the conviction itself. It is therefore in your interests to provide an application that is complete.

Providing false or misleading information, or your failure to provide required information, may result in refusal of an application, or the subsequent cancellation or suspension of any registration which might be granted. It may also lead to prosecution for an offence under the Act.

24. If I have been found guilty of an offence(s), will that stop me from obtaining registration?

Having committed an offence, or offences, does not automatically prevent an applicant from being approved by the VCGR. Matters taken into account include the nature of the offence, number of offences, result of the court hearing and the time elapsed since the offence was committed.

Each application is considered on its merits. The VCGR follows natural justice procedures. If the VCGR has a concern about information provided, a letter will be sent to you seeking clarification or seeking further information prior to the VCGR making a decision about the application. No indication can be given as to whether registration will be granted until the VCGR has assessed and determined an application.

It is vital that all offences, not just those in your NPC are disclosed. Failure to do so may affect your suitability for approval even if the offences themselves might not have impacted on your suitability.

Information for Registered Key Employees

25. Do I need to carry my documentation with me when I work?

Yes. A registered key employee is issued with a registration card and must display this card at all times while working as a key employee in Victoria. A key employee working on a racecourse or part of a racecourse or a sports ground must produce for inspection evidence of registration under Part 5A of Chapter 4 of the Act if requested by an authorised person (which includes a VCGR Inspector). Failure to comply may result in a fine of up to 20 penalty units.

26. How long is registration valid?

Registration as a key employee is generally granted for a term of five years, subject to the conditions specified in the registration, unless cancelled, surrendered or suspended.

27. What is the process for renewing my registration?

You will receive a reminder along with an application for renewal of your registration three months before your registration expires. To ensure you receive the reminder letter you must advise the VCGR of any change of address. If you change your address, you must notify the VCGR in writing within 14 days of the change occurring. This requirement is contained in the registration Notice of Conditions for key employees.

28. I have lost or destroyed my registration identity card (ID), what should I do?

If your registration ID is lost or destroyed you must obtain a replacement. You must request a replacement ID in writing. You will also need to provide a statutory declaration listing details of how your registration was lost or destroyed.

A statutory declaration can be made at your local police station and you should forward the original document to the Employee Licensing Unit, Licensing Operations and Policy Branch, VCGR, at mail address PO Box 1988, Melbourne, VIC, 3001. You should keep a copy of the statutory declaration for your records.

On receipt of the above documents a replacement registration ID will be sent to your residential address within a week.

You must provide your current address if it is different to the address you had previously given to the VCGR.

29. How do I notify the VCGR of my change of name or address?

Your advice of any change of name and/or address must be submitted to the VCGR in writing within 14 days of the change taking place. This advice may be emailed to Emp.Licence@vcgr.vic.gov.au, mailed to PO Box 1988, Melbourne Victoria 3001 or faxed on (03) 9651 3777.

30. What happens if I am declared bankrupt?

You must advise of your change of circumstances including the commencement of bankruptcy proceedings or debt agreement within 14 days of the change occurring. This is required under the Notice of Conditions given to you upon approval of your registration as a key employee. Failure to notify could result in disciplinary action being taken against you. (For further information click on the link [Grounds for Disciplinary Action against a Bookmaker's Key Employee](#)).

The VCGR will assess the cause and circumstances of your bankruptcy before deciding if there is a ground for disciplinary action against you under Section 4.5A.14(1)(e) of the Act, which lists the grounds for disciplinary action as "that the registration holder has become an insolvent under administration."

You will be advised in writing if the VCGR decides to take disciplinary action against you. You will be given an opportunity to provide further information within 28 days of the receipt of the letter why disciplinary action should not be taken on the grounds specified in the letter.

31. Can I use my registration as a key employee issued in another state or territory to work in Victoria, or alternatively, use my Victorian key employee registration to work in another state or territory?

Registration issued in another state or territory does not enable you to work as a key employee in Victoria. You must apply for a registration as a key employee in Victoria to work in the local racing industry as a key employee.

Similarly, registration as a key employee under the Act is only valid in Victoria and cannot be used in other states or territories.

Gaining Approval as a Substitute Bookmaker

32. Can key employees work as bookmakers?

An employee not registered as a "key employee" cannot perform the duties of a bookmaker. Further, a key employee may not perform the duties of a bookmaker, unless they have been approved as a substitute by Racing Victoria Limited (RVL), Harness Racing Victoria (HRV) or Greyhound Racing Victoria (GRV).

33. What does an approved substitute bookmaker mean?

A person currently registered by the VCGR as a key employee may perform the duties of a bookmaker if they are an 'approved substitute'.

An approved substitute is a person who has been registered by the VCGR as a bookmaker's key employee and also approved by a controlling body under Section 91AB of the *Racing Act 1958* to carry on the business of a registered bookmaker. An approved substitute is subject to the provisions of the relevant Acts in all respects as if the approved substitute were a registered bookmaker.

Working as a substitute for a bookmaker without approval is a breach of the registration Conditions for key employees and is grounds for disciplinary action against both the key employee and their employer. It may be taken into account when considering a future application for registration with the VCGR.

If you have any questions on this matter, please contact the Employee Licensing Unit at Emp.Licence@vcgr.vic.gov.au or on (03) 9651 3054 or RVL on (03) 9258 4667, HRV on (03) 8378 0200 or GRV on (03) 8329 1100.

34. Who can work as a substitute bookmaker?

Only a currently registered key employee can be approved as a substitute bookmaker by a controlling body.

Surrender of a Key Employee's Registration

Notification of resignation as a key employee (i.e. to surrender a key employee's registration) must be addressed in writing to the VCGR. The notice should state that the key employee wishes to surrender his or her registration. The current registration card should also be forwarded to the Employee Licensing Unit, Licensing Operations and Policy Branch, VCGR, by mail to PO Box 1988, Melbourne 3001.

Appeals to VCAT

Decisions regarding registration as a key employee made by the VCGR can be appealed to the Victorian Civil and Administrative Tribunal (VCAT). A person whose interests are affected may apply to VCAT for review of –

- (a) a decision to refuse an application for registration as a bookmaker's key employee;
- (b) a decision to impose, vary or revoke a condition of an approval of registered bookmakers to be in partnership;
- (c) a decision to impose or amend a condition of a registration as a bookmaker's key employee;
- (d) a decision to refuse to renew a registration as a bookmaker's key employee;
- (e) a decision to take disciplinary action against a registered bookmaker's key employee.

Under Section 4.5A.16 of the Act, an application for a review by VCAT must be made within 28 days after the later of –

- (a) the day on which the decision is made; or
- (b) if, under the *Victorian Civil and Administrative Tribunal Act 1998*, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given or the person is informed that a statement of reasons will not be given.

For further information, go to www.vcat.vic.gov.au.