

**Victorian Responsible Gambling Foundation Act
2011
No. 62 of 2011**

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Victoria

Victorian Responsible Gambling Foundation Act 2011[†]

No. 62 of 2011

[Assented to 15 November 2011]

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purposes

The purposes of this Act are—

- (a) to establish the Victorian Responsible Gambling Foundation; and
- (b) to make consequential amendments to the **Gambling Regulation Act 2003**.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act has not come into operation before 1 December 2012, it comes into operation on that day.

3 Definitions

In this Act—

appointed member, of the Board, means a member of the Board appointed under section 10;

Board means the Board of the Foundation established under section 8;

elected member, of the Board, means a member of the Board elected under section 9(2);

Foundation means the Victorian Responsible Gambling Foundation established under section 4;

Responsible Gambling Fund means the Responsible Gambling Fund established under section 19.

**PART 2—VICTORIAN RESPONSIBLE GAMBLING
FOUNDATION**

Division 1—The Foundation

4 Victorian Responsible Gambling Foundation

- (1) There is established a body corporate called the Victorian Responsible Gambling Foundation.
- (2) The Foundation—
 - (a) has perpetual succession;
 - (b) is capable of acquiring, holding and disposing of property;
 - (c) may sue and be sued in its corporate name;
 - (d) has a common seal;
 - (e) may be a member of a company;
 - (f) subject to this Act, may do and suffer all acts and things that a body corporate may by law do and suffer.
- (3) The common seal of the Foundation must be kept as directed by the Foundation and must not be used except as authorised by the Foundation.
- (4) All courts must take judicial notice of the seal of the Foundation on a document and, until the contrary is proved, must presume that the seal was properly affixed.

5 Objectives of the Foundation

The objectives of the Foundation are—

- (a) to reduce the prevalence of problem gambling and the severity of harm related to gambling; and
- (b) to foster responsible gambling.

6 Functions of the Foundation

- (1) The Foundation has the following functions for the purposes of achieving its objectives—
- (a) to undertake preventative and other activities to address determinants of problem gambling;
 - (b) to conduct education and information programs—
 - (i) to promote responsible gambling behaviours; and
 - (ii) to increase community awareness of the risks associated with gambling; and
 - (iii) to encourage people to seek help in relation to problem gambling;
 - (c) to provide treatment, counselling services and intervention services in relation to problem gambling;
 - (d) to provide information and advice in relation to—
 - (i) issue or grant of licences, permits, approvals, authorisations, registration or allocations under gambling legislation; and
 - (ii) regulation of gambling under gambling legislation;
 - (e) to provide information to enable persons to make submissions to and participate in inquiries and public consultations relating to gambling;
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- (f) to undertake research and evaluation activities related to its functions and objectives.

(2) In this section—

gambling legislation means—

- (a) the **Gambling Regulation Act 2003**;
- (b) the **Casino Control Act 1991**;
- (c) the **Casino (Management Agreement) Act 1993**;
- (d) regulations made under an Act referred to in paragraph (a), (b) or (c).

7 Powers of the Foundation

- (1) The Foundation has the power to do all things that are necessary or convenient to enable it to carry out its functions and achieve its objectives.
- (2) Without limiting subsection (1), the Foundation may—
 - (a) enter into agreements or arrangements, including contracts for procurement or commissioning of services, for the purposes of carrying out its functions and achieving its objectives;
 - (b) make grants of money to any person to do things relating to its functions and to further its objectives.

Division 2—The Board

8 Board of the Foundation

- (1) There is established a Board of the Foundation.
- (2) The Board is responsible for—

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- (a) determining the Foundation's strategic direction; and
 - (b) ensuring that the Foundation achieves its objectives and carries out its functions.

9 Membership of the Board

- (1) The Board consists of at least 7 but not more than 11 members being—
 - (a) 3 elected members; and
 - (b) at least 4 but not more than 8 appointed members.
- (2) The elected members are members of the Legislative Assembly or the Legislative Council, elected by the Legislative Assembly and the Legislative Council jointly.
- (3) The appointed members are persons appointed by the Governor in Council under section 10.

10 Appointed members

- (1) The Governor in Council, on the recommendation of the Minister, may appoint a person as a member of the Board.
- (2) The Minister may recommend a person for appointment under subsection (1) if the Minister considers that the person has the skills, experience and knowledge to assist the Board in carrying out its functions.

11 Terms and conditions of office

- (1) An elected member holds office until the earlier of the following—
 - (a) 4 years after the member's election to the Board; or

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- (b) a House of Parliament is prorogued or the Legislative Assembly is dissolved.
- (2) An appointed member holds office for the period, not exceeding 4 years, and on the terms and conditions (including remuneration and allowances) specified in his or her instrument of appointment.
- (3) A member is eligible for re-election or re-appointment at the end of the member's term of office.
- (4) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of the Board in respect of his or her election or appointment.

12 Removal and resignation of Board members

- (1) The Governor in Council may remove a member from office.
- (2) A member may resign office by writing signed by him or her and delivered to the Governor in Council.

13 Membership of the Board not office of profit

An elected member of the Board is not to be taken to hold an office or place of profit under the Crown which would—

- (a) prevent the member sitting or voting as a member of the Legislative Council or Legislative Assembly; or
- (b) make void the member's election to the Legislative Council or the Legislative Assembly; or
- (c) prevent the member continuing to be a member of the Legislative Council or the Legislative Assembly; or

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- (d) subject the member of the Legislative Council or the Legislative Assembly to liability to a penalty under the **Constitution Act 1975**.

14 Chairperson and deputy chairperson

- (1) The Governor in Council, on the recommendation of the Minister, must appoint—
- (a) one appointed member to be the chairperson of the Board; and
 - (b) one appointed member to be the deputy chairperson of the Board.
- (2) A person appointed as chairperson or deputy chairperson of the Board holds that office for the period, not exceeding 4 years, specified in his or her instrument of appointment.
- (3) A person appointed as chairperson or deputy chairperson is eligible for reappointment.
- (4) A person appointed as chairperson or deputy chairperson of the Board ceases to hold that office on ceasing to be a member of the Board.

15 Procedure of Board

- (1) The chairperson of the Board must preside at a meeting of the Board at which the chairperson is present.
- (2) If the chairperson of the Board is not present, the deputy chairperson must preside.
- (3) The person presiding has a deliberative vote and a second or casting vote.
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- (4) A majority of the members of the Board currently holding office constitutes a quorum.
 - (5) Subject to this Act, the Board may regulate its own proceedings.

16 Effect of vacancy or defect

An act or decision of the Board is not invalid merely because of—

- (a) a vacancy in the membership of the Board;
or
- (b) a defect or irregularity in, or in connection with, the election or appointment of a member.

Division 3—Chief Executive Officer

17 Chief executive officer

- (1) There is to be a chief executive officer of the Foundation, appointed by the Governor in Council on the recommendation of the Minister.
- (2) The chief executive officer is responsible to the Board for the day-to-day management and administration of the affairs of the Foundation.
- (3) Before making a recommendation under subsection (1), the Minister must seek the advice of the Foundation.

18 Terms of appointment of the chief executive officer

- (1) The chief executive officer is appointed subject to the terms and conditions (including remuneration and allowances) set out in the instrument of appointment.
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- (2) The Governor in Council may remove the chief executive officer from office.
- (3) The chief executive officer may resign office by writing signed by him or her and delivered to the Governor in Council.
- (4) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to the chief executive officer in respect of his or her appointment.

Division 4—Responsible Gambling Fund

19 Responsible Gambling Fund

- (1) There is established an account in the Public Account as part of the Trust Fund known as the Responsible Gambling Fund.
- (2) The Responsible Gambling Fund is to be administered by the Foundation.

20 Payments into the Responsible Gambling Fund

There is to be credited to the Responsible Gambling Fund all money required or authorised to be paid into the Fund by this Act, the **Gambling Regulation Act 2003** or any other Act.

Division 5—General

21 Staff of Foundation

Any staff that are necessary to assist the Foundation to perform its functions are to be employed under Part 3 of the **Public Administration Act 2004**.

22 Delegation

- (1) The Foundation, by instrument, may delegate to the chairperson, a member of the Board, the chief executive officer or a member of staff any of the Foundation's functions, powers or duties under this Act other than this power of delegation.
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- (2) The chief executive officer, by instrument, may delegate to a member of staff of the Foundation any of the chief executive officer's powers, functions or duties under section 17(2).

23 Minister may give directions to Foundation

- (1) The Minister may give to the Foundation written directions relating to the objectives and functions of the Foundation.
- (2) The Foundation must comply with a written direction of the Minister.
- (3) The Minister must cause a direction given under this section to be published in the Government Gazette as soon as practicable after it is given.

24 Annual business plan

- (1) Each year the Foundation must develop, in consultation with the Minister, a business plan for the next financial year.
- (2) The business plan must include the following—
- (a) the Foundation's budget for the next financial year;
 - (b) what the Foundation intends to do over the next financial year;
 - (c) the Foundation's objectives and priorities for the next 4 financial years;
 - (d) financial projections for the Foundation for the next 4 financial years;
 - (e) any other matters that the Minister requires in writing.
- (3) The Board must approve a business plan developed under subsection (1) by 30 September in the financial year to which the plan relates.
- (4) The Foundation must consult with the Minister before departing significantly from the business
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plan approved by the Board for the current financial year (the *approved business plan*).

(5) The Foundation must have regard to its approved business plan in carrying out its functions.

(6) The Foundation must ensure that a copy of its approved business plan is published on the Internet within a reasonable time after its approval by the Board.

**PART 3—CONSEQUENTIAL AMENDMENTS TO THE
GAMBLING REGULATION ACT 2003 AND REPEAL**

**25 Consequential amendments—Gambling
Regulation Act 2003**

(1) In section 10.3.3(a) of the **Gambling
Regulation Act 2003**—

(a) for "either or both" **substitute** "any or
all";

(b) after subparagraph (ii) **insert**—

"(iii) for payment of amounts into the
Responsible Gambling Fund;"

(2) At the end of section 10.3.3 of the **Gambling
Regulation Act 2003** **insert**—

"(2) In this section, *Responsible Gambling Fund*
means the Responsible Gambling Fund
established under the **Victorian Responsible
Gambling Foundation Act 2011**."

26 Repeal of Part 3

This Part is **repealed** on 1 December 2013.

Note

The repeal of this Part does not affect the operation of the
amendments made by it (see section 15(1) of the **Interpretation of
Legislation Act 1984**).

See:
Act No.
114 of 2003.
Reprint No. 4
as at
1 January
2011
and
amending
Act No.
29/2011.
LawToday:
www.
legislation.
vic.gov.au

ENDNOTES

[†] *Minister's second reading speech—*

Legislative Assembly: 12 October 2011

Legislative Council: 27 October 2011

The long title for the Bill for this Act was "A Bill for an Act to establish the Victorian Responsible Gambling Foundation, to amend the **Gambling Regulation Act 2003** and for other purposes."