

Request to conduct disciplinary action inquiry

Who can use this form?

Under section 91(1)(b) of the *Liquor Control Reform Act 1998* (the Act), the Victorian Liquor Commission (the Commission) 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 Commission conducts 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 Commission 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 –

- 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;
- 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);
- that the licensee or permittee has been found guilty of an offence against section 118A or an offence against regulations made under section 118B;
- that the licensee has contravened an undertaking given under section 133F;
- that the licensee or permittee has been found guilty of an offence against this Act or the regulations;
- 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;
- 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;
- 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;
- 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;
- 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;
- that the licensee or permittee has knowingly assisted a person to breach a disqualification determination imposed under section 93D;
- 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;
- 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;
- that the licensee or permittee has obtained the licence or BYO permit by fraud or false representations;
- 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;
- that a licensee or permittee has contravened the terms of a closure and evacuation notice; or
- that the licensee or permittee is otherwise not a suitable person to hold a licence or BYO permit.

What happens next?

The Commission will handle the request in accordance with Disciplinary Action Inquiries information sheet (attached). If the Commission finds that there are grounds for disciplinary action against a licensee or permittee, it 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 mortgage 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 Commission 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 Commission may disqualify a person from all or any of the ways listed above.

How do I lodge this form?

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 designed 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 device’s app store.

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

Send application to:

Manager Commission Secretariat
and Tribunal Registry

Liquor Control Victoria
PO Box 1019
Richmond VIC 3121

or via email to:

secretariat@liquor.vic.gov.au

Privacy

Liquor Control Victoria (LCV) is committed to protecting the privacy of your personal information. LCV endorses fair information handling practices and uses information in compliance with its obligations under the *Privacy and Data Protection Act 2014* (Vic). Personal information collected from you is only used for the purposes of the application for the licence or permit and/or legislation administered by LCV. Personal information is not disclosed to third parties unless required or authorised by law, or with your consent. As part of the application process, information provided may be 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*

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 the Act)

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 Commission determines to conduct an inquiry and having conducted the inquiry it subsequently determines that grounds for disciplinary action are established, the Commission 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 of 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 particulars or incidents that have allegedly occurred regarding the conduct of the licensee or permittee. Please include all relevant evidence 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 July 2023 at 10pm, 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 July 2023
- photograph of the crowd controller register evidencing that no crowd controller had signed the register since 8 July 2023.

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 Commission determines that there are grounds for disciplinary action against the licensee or permittee, it 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 Commission finds that there are grounds for taking disciplinary action, regardless of whether it determines to take disciplinary action, it 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 Commission 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 Act)	Alleged particulars that relate to this person

(Attach separate list if required)

Note that in the event the Commission finds that there are grounds for taking disciplinary action against the licensee or permittee, it 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 Liquor Control Victoria if you have questions arising from this form.

Disciplinary Action Inquiry

The Victorian Liquor Commission (**the Commission**) conducts inquiries under the *Liquor Control Reform Act 1998 (the Act)*¹, to determine whether disciplinary action should be taken against the holder of a liquor licence² (**a disciplinary inquiry**).

Starting a disciplinary action

Pre-inquiry steps

Inquiries are commenced by the Commission itself (generally based on a recommendation from Liquor Control Victoria staff) or following a request made to us by the Chief Commissioner of Police or a Victoria Police licensing inspector (together **the police**). The relevant Local Council may also make a request.

There needs to be grounds for an inquiry to commence. If the Police or Local Council request an inquiry, they must:

- make the request in writing
- specify the reasons for making the request, including the alleged grounds of disciplinary action and the alleged incidents and facts that will be relied on
- outline the potential types of action which the requestor wishes the Commission to take after an inquiry
- specify the details of any related persons whom the requestor wishes the Commission to disqualify and the incidents/facts that relate to those related persons, as well as specify what action the requestor wishes the Commission to take in relation to those related persons and
- specify the details of any person interested in the inquiry (for example, the owner or mortgagee of the licensed premises) if known to the requestor.

The Commission has prepared a form to assist the police and local councils in requesting a disciplinary inquiry, which is available on our website.

Pre-inquiry submission

Generally, the Commission will write to the licensee with a summary of the request and allow the licensee **14 days** to submit whether or not an inquiry should be held. If no response is received, the commissioner will decide whether to initiate an inquiry without any feedback or response from the licensee.

If a submission opposing an inquiry is received, the Commission will provide it to the requestor and allow the requestor **14 days** to provide any submission or further material in response. The requestor's submission and further material will be provided to the licensee. The Commission will not, unless further material raises new grounds for an inquiry different from those in the original request, invite a further submission from the licensee.

Deciding whether to conduct an inquiry

A single commissioner will consider a request (or internal recommendation) and decide whether the information justifies holding an inquiry.

The commissioner will review the submissions and materials provided by the requestor and licensee. If the commissioner considers the information justifies holding an inquiry, they will refer the request or recommendation to the Commission to hold an inquiry.

¹ Section 91 of the Act provides for disciplinary inquiries.

² In this Information Sheet, references to 'licence' and 'licensee' include BYO permits and permittees respectively.

In deciding whether or not to commence an inquiry, the commissioner will generally consider:

- whether the request discloses that a ground for disciplinary action may exist and if so
- whether the matters or grounds of disciplinary action alleged warrant an inquiry being undertaken, including all relevant factors (but not limited to):
 - the number and alleged circumstances of grounds/incidents giving rise to the request
 - the individual circumstances of the licensee and
 - the objects of the Act and the need to protect the public, uphold industry standards and maintain public confidence in the liquor industry.

The decision to hold an inquiry will usually be made **within 45 days** of receiving a request.

Notice of determination

If the commissioner decides to conduct an inquiry, the requestor and the licensee (and other interested parties) will be notified. The commissioner will also identify any related persons who may be the subject of a subsequent disqualification order and any other persons who may have an interest in the inquiry.

The requestor and licensee will be informed if the commissioner decides not to conduct an inquiry.

Even if the commissioner decides not to conduct an inquiry, it is possible for a requestor to make a further request based on additional or different materials.

Inquiry hearing

Notification

The licensee and the requestor are parties to the inquiry. They will be notified once an inquiry is commenced and provided with a notice setting out the grounds and matters the Commission proposes to consider at the inquiry. Any possible related persons will also be notified.

The Commission may also identify other interested persons; for instance, if the requestor was the police, the Commission may make inquiries with the relevant local council as well as the owner or mortgagee of the premises.

The Act also requires that the Commission publishes a notice of the inquiry in a newspaper and on our website.

The Commission will hold a hearing in respect of the inquiry.

The Commission will notify the parties of the time and place for the inquiry hearing.

Preliminary meetings

Unless an inquiry is very straightforward and is not opposed by the licensee and related parties, the Commission will arrange a preliminary meeting with the parties. At this meeting, a single commissioner will work with the parties to:

- identify key issues relevant to the inquiry
- set an agreed timetable for the exchange of documents and submissions by parties
- identify relevant witnesses (if any) and estimate the likely duration of the inquiry hearing and
- set an agreed time and date for the hearing.

The outcome of this meeting will be summarised in writing in an agreed document. This will be provided to all parties and must be adhered to.

Preliminary meetings can be in person or by telephone. Parties and related persons will be advised of the time and date of a preliminary meeting.

Preliminary assessment concerning related persons (if required)

Where one or more related persons are identified (either by the requestor or the Commission), the Commission will determine whether or not those persons are related persons for the purpose of the inquiry.

Generally, the Commission will consider whether their involvement in the licensee's business or the alleged facts/circumstances giving rise to the inquiry justify their inclusion.

Related persons will be given an opportunity to explain their level of involvement in the facts/circumstances leading to the inquiry to the Commission. The Commission will then determine whether or not the related persons are related persons for the purpose of the inquiry (meaning their involvement is such that they should be part of the inquiry in light of a possible outcome regarding disqualification).

If the Commission considers that the relevant individuals are related persons they can choose to participate in the inquiry. If they choose not to be involved, the Commission may subsequently decide to disqualify them in their absence.

If the Commission determines that some individuals are **not** related persons for the purpose of the inquiry, the Commission will release them from further involvement in the inquiry (except if they are required as a witness) and they will not be subject to disqualification under section 93D of the Act.

Attending a hearing

If you don't attend a scheduled hearing, the Commission will make a decision based on all of the information already before the Commission. If any party cannot attend the scheduled hearing, they should contact the Commission as soon as possible and ask for the hearing to occur another day.

Legal representation at hearings

Disciplinary action can result in significant consequences, such as fines, cancellation of licences or disqualification of individuals from involvement in the liquor industry. Accordingly, parties may wish to consider whether to seek their own independent legal advice. The Law Institute of Victoria operates a free referral service to connect individuals with legal representation. Details can be found at liv.asn.au/referral

The Commission aims to conduct hearings with as little formality and technicality as possible, and you are not required to have a lawyer represent you but may do so if you wish. You can also bring along a support person.

There is usually a lawyer present who helps the Commission conduct the hearing. See Counsel Assisting in Commission inquiries (attached) for more information about this role.

Inquiry hearing process

The inquiry will be presided over by either the Chairperson or a Deputy Chairperson of the Commission. If any party requires an interpreter, please inform the Commission as soon as possible so an interpreter is arranged.

An inquiry will be heard in public unless the Commission considers that the circumstances require a private hearing. A party can also request a private hearing—see the Private hearings information sheet (attached) for further information about private hearings.

If the Commission has any other information that may affect the outcome of the inquiry, all parties and related persons will receive it. They will have the opportunity to respond or provide further information (which needs to be provided within the time frame specified). However, if a party does not respond in time, the Commission may decide on the information available.

Where facts are not in dispute

Where the parties and related persons agree about the facts or circumstances of alleged incidents, the Commission will consider the agreement in determining whether or not it has found the grounds for disciplinary action.

Where facts are in dispute

When there is disagreement about the facts or circumstances alleged to have occurred, the Commission will hear and determine those matters. Generally, the requestor will put forward its view and call any relevant witnesses. The licensee, any related persons and the Commission will be able to ask questions. The licensee (and related persons) will generally follow, calling their relevant witnesses who may be asked questions by the requestor and the Commission. The requestor and the licensee/parties will then provide closing statements.

Agreements between requestors and licensees/related persons

Parties may choose to enter into discussions and agree on various aspects to the inquiry—such as the appropriate related persons, agreed statements of facts or agreed suggested disciplinary action outcomes.

Parties can choose to enter into discussions at any point in the inquiry and the Commission encourages this approach to ensure the matter is dealt with efficiently and at minimal cost to all parties.

The Commission will carefully consider any agreement reached by the parties and will have regard to it. However, the Commission must make its own decision and may not always agree with the resolution proposed by parties.

Decision – disciplinary action inquiry

Finding whether a ground for disciplinary action is established

Following a hearing, the Commission will decide on whether or not a ground of disciplinary action is established. The Commission will not usually make an immediate decision. It will consider all the information and decide at a later time.

If the Commission determines that a ground of disciplinary action is not established, the inquiry will conclude. Parties and related persons will be given written notice of the determination and a statement of reasons for this determination.

Taking disciplinary action

If the Commission determines that a ground of disciplinary action is established, it may take disciplinary action against the licensee and/or consider whether to disqualify any related persons.

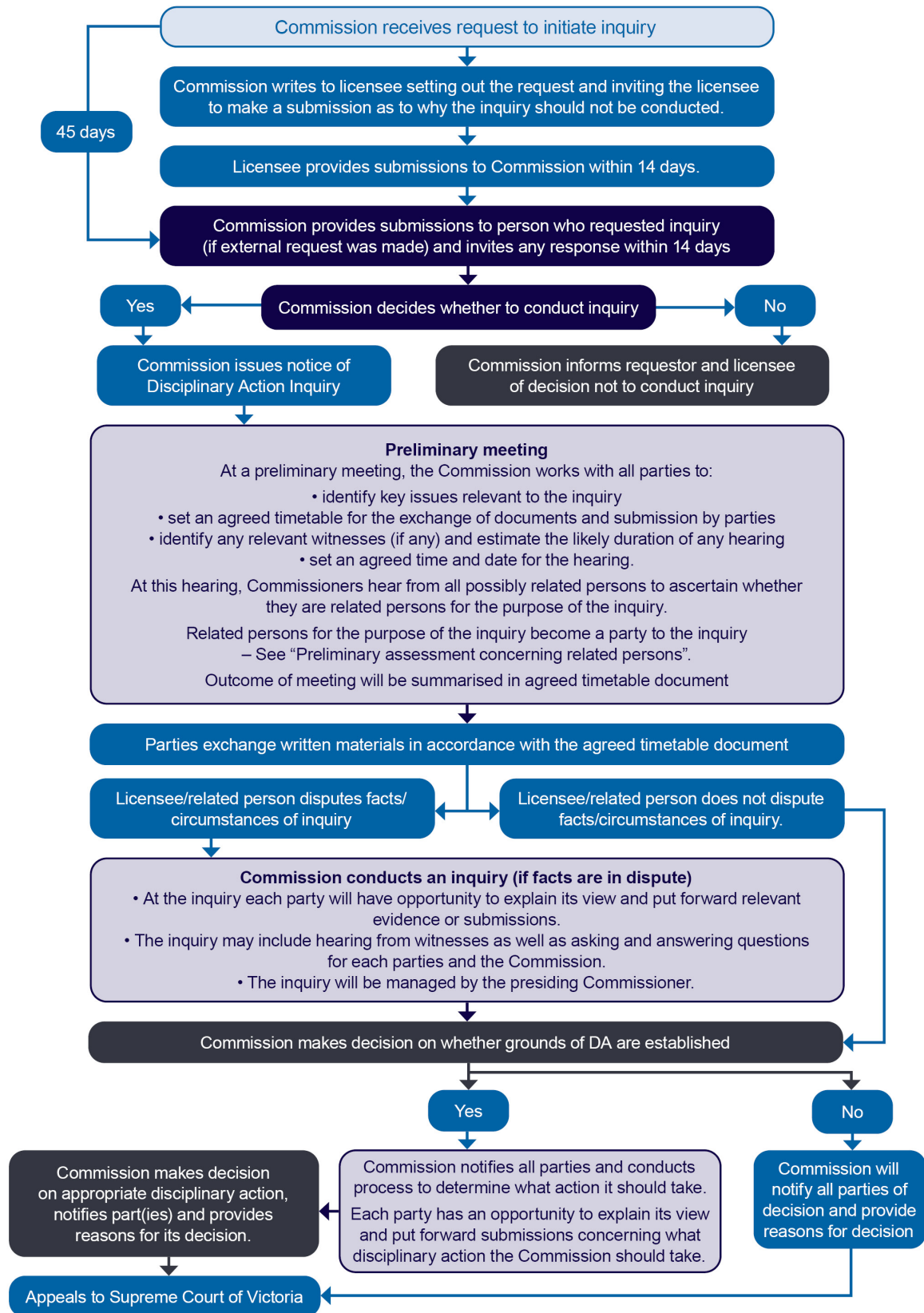
If the Commission decides that grounds for disciplinary action are established, the Commission will notify all parties of that decision and generally hold another hearing about the appropriate disciplinary action. This process allows all parties to put forward their views regarding what disciplinary action they think the Commission should take.

Under the Act, the Commission can take a variety of disciplinary actions, including cancelling, suspending or varying a licence, fining a licensee, issuing a letter of censure (including a direction to rectify non-compliance) and/or disqualifying related persons from holding a licence or being employed in licensed premises for a period of time.

Once a hearing has occurred, the Commission will consider all the information and submissions received (including any submissions made at any hearing) and decide on what disciplinary action to take.

The Commission will notify parties and related persons of the decision in writing. This will include reasons for the decision.

Disciplinary action inquiry flow chart



Counsel Assisting in Commission inquiries

Background

1. This Practice Note outlines the general roles and responsibilities of Counsel Assisting the Commission (**Counsel Assisting**) in Commission inquiries.
2. This Practice Note has been approved by the Commission to promote consistency in the way the Commission conducts hearings and inquiries. However, at its absolute discretion, the Commission may vary the operation of a practice note where it considers the relevant circumstances make it appropriate to do so.
3. A practice note approved by the Commission for a particular type of inquiry that specifies a different, additional or more limited role for Counsel Assisting in such an inquiry takes precedence over this Practice Note.

Appointment of Counsel Assisting

4. The Commission will generally appoint a suitably qualified lawyer to be Counsel Assisting a Commission inquiry.

Role of Counsel Assisting

5. **The roles of Counsel Assisting are to:**
 - a) facilitate the conduct of an inquiry with a view to ensuring that the Commission has before it all relevant and appropriate evidence, presented in a fair and reasonable manner, to inform the Commission's decision making
 - b) provide the Commission with legal advice concerning its powers, duties, functions and obligations.
6. For this purpose, Counsel Assisting **may do one or more of the following** (as appropriate for the particular inquiry):
 - a) provide advice to the Commission about how the inquiry (including preliminary hearings and conferences) should be conducted
 - b) identify and/or collate documents that may be relevant to the inquiry
 - c) provide advice about, and assistance with, the use of the Commission's investigative powers
 - d) tender documents or lead evidence
 - e) ask questions of parties and witnesses
 - f) make submissions on relevant matters
 - g) assist in the preparation of draft reasons for decision of the Commission.
7. **Counsel Assisting is expected to:**
 - a) act impartially and transparently in their dealings with parties and witnesses
 - b) act in accordance with the lawful directions given by the Commissioners
 - c) Counsel Assisting cannot provide legal advice to parties but can provide guidance to parties concerning the Commission's usual practices and procedures in conducting an inquiry.

Private inquiries

Background

1. The *Liquor Control Reform Act 1998 (the Act)* states that inquiries conducted for the purpose of making findings or determinations in certain matters must be held in public unless the Commission determines that there are special circumstances requiring that the inquiry (or part of it) should be conducted in private (**private inquiry**).
2. Section 172Z(2) of the Act lists matters for which the Commission must conduct an inquiry in public, unless special circumstances apply.
3. Additional provision with respect to inquiries for contested liquor applications is made by section 47(3A) of the Act.
4. This Practice Note sets out the Commission's standard practice when deciding whether or not to hold a private inquiry.
5. The Commission approves Practice notes to promote consistency in how the Commission conducts hearings and inquiries. However, at its absolute discretion, the Commission may vary the operation of a practice note where it considers that the circumstances make it appropriate to do so.

When can the Commission conduct an inquiry in private?

6. The interests of justice generally require that legal proceedings be conducted in public.¹ The public interest usually requires that decision-making by public officials and regulatory agencies is open to public scrutiny.
7. The Commission may direct that an inquiry be a private inquiry if it considers that there are special circumstances, being:
 - a. to prevent the unreasonable divulgence of information relating to the personal affairs of any person (including a deceased person); or
 - b. it is otherwise in the interests of justice, or the public interest, to conduct a private inquiry.²
8. For an inquiry conducted when determining a contested liquor application, the Commission may also hold a private inquiry if the Commission determines that:
 - a. confidential information will be disclosed at the inquiry;
 - b. it is in the public interest to conduct the inquiry in private; or
 - c. it is in the interests of justice to conduct the inquiry in private.³
9. A party to, or witness before, an inquiry may, at any time, request the Commission to conduct a private inquiry. Where such a request is made, the Commission may:
 - a. conduct a preliminary meeting to determine whether to hold a private inquiry; and/or
 - b. require the person requesting a private inquiry to make submissions and provide evidence in support of their request.

¹ See section 28 *Open Courts Act 2013*.

² See section 172Z(3) of the Act.

³ Section 47(3A) of the Act.

Unreasonable divulgence of information relating to personal affairs?

10. In considering whether a public inquiry would involve the unreasonable divulgence of personal affairs, the Commission will consider the nature of the information and the circumstances of the person it relates to. For example, disclosure might be unreasonable where:
 - a. the information relates to alcohol abuse and disclosure would cause humiliation or embarrassment to an individual; or
 - b. the information that may be divulged would be regarded as sensitive information under privacy law (for example: health information, information about racial or ethnic origin, political opinions or affiliations, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices or criminal record) and disclosure would be likely to cause disadvantage to an individual.
11. Information relating to the personal affairs of a person would not usually include information about the business, financial or commercial affairs of company or other business structure. However, there may be circumstances where disclosure of such information may involve unreasonable disclosure of information relating to an individual's personal affairs.

Otherwise in the interests of justice or public interest

12. In some circumstances, the interests of justice or public interest may necessitate a private hearing. For example, disclosure of evidence or information given at a public inquiry would be likely to:
 - a. prejudice the fair trial of any person
 - b. disclose the identity of a confidential source of information relating to criminal law enforcement
 - c. prejudice the proper enforcement of the law or the protection of public safety
 - d. create a risk to the health or safety of any person
 - e. put a person in breach of a legally binding secrecy or confidentiality obligation
 - f. cause distress or embarrassment to a complainant or witness in proceedings involving a sexual or family violence offence.

Confidential information (contested liquor application only)

13. For an inquiry conducted for the purpose of a contested liquor application only, the Commission may conduct a private inquiry if it considers confidential information may be disclosed at a public inquiry.