

Introduction

Purpose of this resource kit

Licensed clubs make a significant contribution to the social and economic life of Victorians. Alcohol and gaming are closely linked to many clubs' sporting and social activities. A large number of clubs depend on alcohol sales and fundraising activities involving minor gaming to maintain financial viability.

Having a liquor licence or minor gaming permit provides clubs with numerous challenges. In addition to managing issues such as excessive drinking, antisocial and unsafe behaviour, a club also needs to ensure that all committee members are aware of their roles and responsibilities and are able to enforce the club's legal and social obligations at all times.

It is recognised that club committee members are often working on a voluntary basis, have numerous time pressures and experience membership turnover on a regular basis. This resource kit has been developed to provide committee members with:

- a comprehensive guide that clearly outlines the club's obligations under the *Liquor Control Reform Act 1998*
- tools to assist with the management of the club's liquor licence
- information regarding the conduct of a community or charitable gaming activity, such as a raffle, bingo or lucky envelopes, and
- a comprehensive guide that clearly outlines the club's obligations under the *Gaming Regulation Act 2003*.

Some of the tools provided in this resource kit include:

- sign-in register templates to use and adapt to your club's needs
 - signs to display in your club rooms, and
 - checklists and forms to assist with knowledge transfer from one committee member to the next.
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Introduction

Contents

This resource kit contains the following sections:

Section title	Topic
Section 1: Introduction	The purpose and contents of the kit.
Section 2: Our responsibilities	The legal responsibilities of club committee office holders, including consequences for breaking the law and the difference between incorporated and unincorporated associations.
Section 3: Our liquor licence	The different types of licences and permits that exist for clubs.
Section 4: Licensed areas	The red-line plan that documents the licensed area and your obligations.
Section 5: Record keeping	The records you need to keep to remain compliant with your liquor licence.
Section 6: Where clubs go wrong	Non-compliance incidents and penalties that can be issued.
Section 7: Responsible Service of Alcohol	Your obligations for serving alcohol responsibly, including how to prevent and manage intoxication.
Section 8: Managing underage patrons	How to manage underage patrons.
Section 9: Changing club committees	How to perform an effective handover when changes to club committees occur.
Section 10: Fundraising activities involving gaming	Community and charitable gaming, minor gaming permits, raffles, bingo, lucky envelopes, fundraising events and other community game.
Section 11: Our gaming venue	Responsibilities and obligations for gaming venue operators and their employees.
Section 12: Further information	Sub-letting and right to supply liquor, drink spiking, community safety, Good Sports program and additional resources.

Introduction

Information in each section

Each section contains the following:

- an overview that lists the topics
- some questions you can answer to check your understanding of what has been learned
- a summary that includes tips, additional resources and answers to the 'check your understanding' questions.

Some sections also contain forms, templates and other useful documents that relate to the topics that have been covered.

Additional information

If you require additional information to what is provided in this resource kit, please call the Victorian Commission for Gambling and Liquor Regulation on 1300 182 457.

Disclaimer

This resource kit has been created to assist your club meet its legal and social liquor licensing and gaming obligations. The information contained in this document should not be relied upon as a substitute for professional legal advice or reference to actual legislation.

Our responsibilities

Overview

Introduction

This section contains information to assist you in understanding your legal obligations as a club committee member or office holder.

It contains information about:

- the legal responsibility of office holders in club committees
- the difference between incorporated associations and unincorporated associations
- consequences for breaching the *Liquor Control Reform Act 1998* (the Act), and
- how to become an incorporated association.

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This section contains the following topics:

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Your legal obligations as a committee member

Introduction

Australia has a rich culture of volunteering. Volunteering is a great way to become more involved in your community and meet new people. Many people choose to volunteer and give back to their community by taking on a role in a committee of management for their club.

A person who takes office in a club that holds a liquor licence takes on a number of responsibilities. These responsibilities can involve legal obligations.

Understanding your obligations

All people involved in the management of the club have an obligation to ensure that the club meets their responsibilities as specified under the Act. This includes any person who may assist with the management and decision making process within the club.

Liability

A club committee member does not have to be formally appointed as a director of a club to be liable under the Act for offences committed by a licensee.

A club committee member can be held liable for:

- their own breaches of the Act, and
- breaches of the Act committed by the licensee.

If breaches occur, a club committee member may:

- face charges under the Act
- be convicted of an offence, and
- face whatever sanction the offence carries at the Magistrates' Court.

Consequences of breaching your liquor licence

Should a club breach the conditions of its liquor licence, a member can find themselves involved by the virtue of their position in the club.

As a committee member, you may be disqualified from:

- holding a liquor licence
- 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
- 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.

About incorporated associations

Is my club incorporated or unincorporated?

A club can be an:

- incorporated association, or
- unincorporated association.

Any club that is formed is automatically considered an **unincorporated** association.

An **incorporated** association is a club or community group whose members have decided to give their organisation a formal legal structure. You can recognise an incorporated association by the word 'Incorporated' or the abbreviation 'Inc.' after its name. There are more than 35,000 incorporated associations in Victoria.

You can check if your club is an incorporated association on the Consumer Affairs Victoria website at www.consumer.vic.gov.au.

What is an incorporated association?

When you incorporate a club, it becomes a 'legal person' (that is, a legal entity that stays the same even if its members change). It can do the following things in its own name:

- accept gifts or bequests
- buy and sell property
- invest and borrow money
- open a bank account
- sue and be sued
- take out public liability insurance, and
- be charged and taken to the Magistrates' Court for breaches of the Act.

Benefits of becoming an incorporated association

The benefits of being an incorporated association are as follows:

- The club will become a legal entity in its own right and can enter into contracts and agreements.
- Club members are protected against personal liability for the club's debts and other legal obligations.
- The club may be eligible to apply for grants.
- Insurance premiums are generally lower for incorporated associations.

See: 'Becoming an incorporated association' in this section for more information about how your club can become an incorporated association.

About incorporated associations

Committee responsibilities

An incorporated entity needs to be run as a business. If you are joining an incorporated association as an office holder, you have many responsibilities that must be taken seriously. As the 'eyes and ears' and decision makers of the club, you must be clear on your obligations and the consequences for any breaches. You must ensure committee members are educated about their responsibilities and that they receive any training required.

Being a member of an incorporated club means you are more protected under the law as an individual in terms of your personal liability. However, you are not necessarily protected from criminal liability. If the offence is very serious, a club as well as its office holders/members can be held criminally liable in the Magistrates' Court.

Risks in being unincorporated

A person who takes a position in an unincorporated association faces being personally liable and may be sued if problems arise. This includes anyone on the committee.

Becoming an incorporated association

Criteria

To become an incorporated association, your club must:

- operate not for profit, and
- have at least five members.

Vote to incorporate the association

Under the *Associations Incorporation Act 1981*, any club that wishes to become an incorporated association must hold a meeting to vote on whether to do so.

See: The Consumer Affairs Victoria website at www.consumer.vic.gov.au for more information about the procedure for becoming an incorporated association.

Model association rules

Consumer Affairs Victoria provides a set of model rules that may save your club the time and expense of drafting rules from scratch.

Your association can:

- adopt the model rules
- modify the model rules to suit its requirements, or
- draft its own rules.

Note: The fees for becoming an incorporated association differ for clubs that adopt the model rules to those that create their own sets of rules.

Associations Incorporation Act 1981 Schedule

If a club becomes an incorporated association, the *Associations Incorporation Act 1981* Schedule sets out matters that must be provided for in the rules of an incorporated association.

See: The Consumer Affairs Victoria website at www.consumer.vic.gov.au for more information about the *Associations Incorporation Act 1981* Schedule.

Responsibilities of an incorporated association

Clubs that become incorporated associations have additional responsibilities over and above their responsibilities associated with holding a liquor licence.

See: The Consumer Affairs Victoria website at www.consumer.vic.gov.au for more information about the *Associations Incorporation Act 1981*.

Check your understanding – associations

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. List two benefits of becoming an incorporated association.

2. A club committee member can be liable for their own breaches of the Act and breaches of the Act committed by the licensee.

True False

Summary

Summary

As we have seen in this section, being a member of a club committee can carry some serious legal obligations.

Whether you are an office holder or a committee member, you are responsible for ensuring the club and its members do not breach their licence conditions and do not cause any serious or criminal offence.

Additional resources

Further information about incorporated associations and clubs can be obtained from the following websites:

- **Department of Justice Online Services**
<https://online.justice.vic.gov.au>
 - **Consumer Affairs Victoria**
www.consumer.vic.gov.au
 - **Department of Planning and Community Development**
www.dpcd.vic.gov.au/sport
 - **Australian Drug Foundation - Good Sports**
www.goodsports.com.au
 - **Fitzroy Legal Service Inc. – The Law Handbook**
www.lawhandbook.org.au
 - **Australian Securities and Investments Commission**
www.asic.gov.au
-

Check your understanding answers

Associations

1. List two benefits of becoming an incorporated association.

Your answer may include any two of the following:

- The club will become a legal entity in its own right and can enter into contracts and agreements.
- Club members are protected against personal liability for the club's debts and other legal obligations.
- Your club may be eligible to apply for grants.

2. A club committee member can be liable for their own breaches of the Act and breaches of the Act committed by the licensee.

True. A club committee member may be liable if they breach the Act and if the licensee breaches the Act.

Checklist – our responsibilities

Checkpoint

Use the following checklist to assist you in considering your legal obligations.

- Make sure you know if your club is an unincorporated association.
 - If your club is not an incorporated association, organise a discussion at a committee meeting to decide whether your club wishes to become incorporated.
- Check that all committee members understand their legal obligations.

Our liquor licence

Overview

Introduction

This section contains information to assist you in understanding your liquor licence or BYO permit. It includes:

- general information that applies to **all** liquor licences
- specific information on each of the licence types, and
- specific information that applies to BYO permits.

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Overview

Obtaining a liquor licence

If your club wishes to sell liquor or allow members or visitors to bring liquor onto the premises, you require a liquor licence or BYO permit.

Liquor Control Reform Act 1998

The sale and supply of liquor in Victoria is regulated under the *Liquor Control Reform Act 1998* (the Act). The Victorian Commission for Gambling and Liquor Regulation (VCGLR) administers the Act.

A copy of the Act can be downloaded from the Victorian Law Today Library at www.legislation.vic.gov.au.

Overview

Types of liquor licences for clubs

Liquor licences enable clubs to supply liquor to members, guests and non-members within a licensed area.

The type of liquor licence your club requires will depend on the circumstances under which your club operates and any commercial objectives the club is pursuing.

There are four types of liquor licences and a permit available for clubs:

Type	Enables your club to...
Full club licence	<ul style="list-style-type: none">supply liquor to a member of the club for consumption on or off the licensed premises, andsupply liquor to a guest of a member or an authorised gaming visitor for consumption on the licensed premises only (take-aways are not permitted).
Restricted club licence	<ul style="list-style-type: none">supply liquor to a member or guest of a member for consumption on the licensed premises only (take-aways are not permitted).
Renewable limited licence	<ul style="list-style-type: none">supply liquor to a member or guest of a member for consumption on the licensed premises only (take-aways are not permitted), andsupply liquor from a point of sale during sporting events for drinking outside the licensed premises (for example, from a canteen or marquee), provided specific approval is endorsed on the licence. <p>Note: To qualify for a renewable limited licence, the supply of liquor must be substantially limited in nature or scope of supply.</p>
Temporary limited licence	<ul style="list-style-type: none">hold a one-off event (such as a ball or presentation night)extend trading hours for a one-off event, orhold a series of events over a limited season.
BYO permit	<ul style="list-style-type: none">allow people to bring their own liquor and drink it on club premises. This permit authorises the consumption, possession and control of liquor in a club that does not hold a liquor licence.

Each of these licence types is explained in more detail in the sections that follow.

Under 18 year olds

If your club is used primarily by people under 18 years old, then your club cannot be issued with a new licence. This includes premises that are used primarily by junior sporting clubs.

Understanding your liquor licence

Introduction

Your liquor licence is an important document. It is important to read and fully understand the conditions of your liquor licence to ensure you do not breach any conditions of your licence and the Act.

This section covers the different parts of a liquor licence.

Tip: Find a copy of your liquor licence and use it to assist you while referring to the information in this section.

Licence number

Each licence has a number. It is useful to quote this number if you ever need to contact the VCGLR on 1300 182 457.

Licensee

The licensee is the holder of the licence. The licensee can be a:

- company
 - partnership
 - individual
 - incorporated club, or
 - unincorporated club.
-

Address for service of notices

This is your postal address and should be kept up-to-date. For the postal address, you should consider having a post office box address. This ensures your mail goes to one location where you will receive your annual renewal notice and liquor licence from the VCGLR. It also avoids the problems that can arise from using a committee member's private address. For example, if the committee member moves house or leaves the club and fails to notify the VCGLR, then the club may not receive vital notices.

Please notify the VCGLR of any changes on 1300 182 457.

Trading as

This is the name that the club trades under.

Nominee

A nominee is a person nominated by a licensee or permittee and approved by the VCGLR. They assume the day-to-day running of liquor sales activities on behalf of the club.

Trading hours

You are only licensed to sell and supply liquor on the days and hours shown on your licence, under 'Trading hours'.

For example, if your licence states that you can trade until 11pm, then no drinks can be sold or supplied after 11pm.

Conditions

All liquor licences have conditions to ensure that the operation of the club (or business) does not cause undue detriment to the amenity of the area.

See: 'Amenity' in 'Part 2: General information' of this section of the resource kit.

Understanding your liquor licence

Underage approval

The 'Approvals/consents' section of the licence will cover conditions for having underage persons on your premises.

Many clubs have minors (under 18 years) who participate in their sporting activities. If this is the case in your club, you must have approval from the VCGLR to allow them to be there unaccompanied. If you do not already have an underage approval, you can apply for one by completing a simple application form.

Generally, the only time minors can be on licensed club premises is when:

- they are with a responsible adult
- they are having a meal
- they are employed in duties other than the supply of liquor
- they are engaged in a training program in hospitality or work experience, or
- they have the approval from the VCGLR and subject to any conditions of that approval.

To allow minors on licensed club premises for reasons other than those listed above, an endorsement has to be on the licence. That endorsement will allow minors to be present during:

- presentations
- training days, and
- match days.

See: *Managing underage patrons* section of this resource kit for more information.

Licence renewal

Liquor licence renewal fees are due for payment on **31 December** every year. Failure to renew your licence may mean that you are trading illegally and you may need to reapply for a licence.

Further information

See: www.vcglr.vic.gov.au and refer to the *Understanding your liquor licence* fact sheet.

Star rating

A star rating system for licensed venues commenced in 2012. Under this system, you will receive a discount on your annual liquor licence renewal fees after two or more consecutive years without recording a non-compliance incident.

You will receive a star rating based on the below criteria.

Rating	Criteria
One star	Three or more non-compliance incidents in the previous 12 months
Two star	One to two non-compliance incidents in the previous 12 months
Three star	No non-compliance incidents in the previous 12 months
Four star	No non-compliance incidents in the previous 24 months
Five star	No non-compliance incidents in the previous 36 months

General obligations

Introduction

As a committee member of a club, you have certain obligations associated with your club's liquor licence.

The obligations outlined in this section apply to all licence types held by clubs. They do not apply to BYO permits.

Responsible Service of Alcohol (RSA)

- You must not supply alcohol to a person who is intoxicated. They may remain on the premises, but must not be served any more alcohol.
- You must not allow a drunken or disorderly person to be on your premises. If they are already on your premises, then you must remove them.

People under the age of 18 years are not allowed to be on licensed premises unless:

- they are in the company of a responsible adult
- they are on the premises for the purpose of partaking of a meal
- they are employed on the premises in duties other than the supply of liquor
- they are a resident
- the person is engaged in a hospitality training program or in training for employment or work experience
- approval has been given by the VCGLR for underage functions or entry into club rooms during specified times, or
- they have the approval of the VCGLR and subject to any conditions of that approval.

See: *Responsible Service of Alcohol* section of this resource kit for more information.

Signage

There are certain signage requirements associated with your liquor licence:

- Your current licence must be displayed in an obvious place where anybody can read the conditions.
- There are certain posters that must be displayed as specified by the type of licence you hold.

See: 'Posters' in this section for more information.

General obligations

Posters

The VCGLR has produced three posters to promote the responsible consumption of alcohol:

- *Intoxication*
- *No Proof No Purchase*
- *Be Safe*

You must display the required posters according to the type of liquor licence you hold.

The table below lists the minimum signage requirements that you must have displayed according to the type of liquor licence your club holds.

	Intoxication	No Proof No Purchase	Be Safe
Full club	✓	✓	✓
Limited (temporary and renewable)	✓	✓	
Restricted club	✓	✓	✓

If you have any queries or wish to obtain copies of the signs, please call the VCGLR on 1300 182 457.

Other obligations

Other obligations to keep in mind include the following:

- Free drinking water must be made available for patrons.
- Your club premises must meet the required fire safety requirements.
- Your club must not cause problems with the amenity of the surrounding area.
- If your club provides sexually explicit entertainment, you must notify the VCGLR within 21 days of commencing that entertainment.

See: 'Amenity' in this section, for more information on your obligations regarding the amenity of the surrounding area.

Club specific obligations

In addition to the general obligations listed already, you will have conditions listed on your licence that apply specifically to your club's venue. You need to comply with these conditions or you will be committing an offence.

Breaches

See: *Where clubs go wrong* section of this resource kit for information about the consequences of breaching the conditions of your liquor licence.

Check your understanding 1 – about liquor licences

Checkpoint

It's time to check your understanding of what has been covered so far.

Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. What type of licence is appropriate for holding a one-off occasion at your club?

2. You can hold non-member functions if you have a restricted club licence.

True False

3. Which licence type allows you to supply alcohol to your members for consumption off the premises?

Amenity

What is amenity?

All club liquor licences have an amenity condition on their licence.

Amenity is the effect that your club and its patrons may have on the surrounding area. The Act defines amenity as *'The quality that the area has of being pleasant and agreeable'*.

This means that you are responsible for what happens in and around your club when you are open and when members and guests are leaving your club.

This condition relates to the Environment Protection Authority (EPA). For further information, visit the EPA website at www.epa.vic.gov.au/noise.

Your club's responsibility

All club liquor licences have conditions to ensure that the operation of your club does not cause undue detriment to the amenity of the area. Experience shows that if licensees ignore the reasonable concerns of neighbours, the situation will rapidly deteriorate.

Residents living near your club premises should not be unreasonably affected by the operation of your club.

Incidents that are detrimental to amenity

Incidents that are detrimental to the amenity of an area include the following:

- unacceptable levels of patron noise
 - parking problems
 - excessive traffic – hoon behaviour
 - nuisance or vandalism
 - build-up of rubbish
 - indecent or offensive behaviour, and
 - drunkenness in the street.
-

Noise

Noise includes things such as:

- entertainment noise
 - loud music, and
 - loud conversations.
-

Amenity

Strategies to avoid noise problems

You should put strategies in place to avoid any noise problems. Some suggestions include:

- encouraging your members to be considerate of your neighbours
- having heavy curtains over windows
- installing noise insulation
- having a sound limiting device on your amplifier.

The most practical solution may be to keep your music volume down.

People arriving and leaving the club

When members and guests have had a few drinks, they can be loud when they leave your club. They can disrupt the quiet enjoyment of the neighbourhood by:

- fighting
 - urinating in public
 - doing wheelies in the car park, or
 - knocking over letter boxes.
-

Strategies for avoiding problems when arriving and leaving the club

Again, you must ensure you put strategies in place to avoid any of these problems. Some suggestions include:

- making announcements during the night asking members and guests to leave in a responsible manner
- ensuring a club official is outside your club reminding members and guests to leave the premises quietly
- ensuring the club has signage asking members and guests to leave in an orderly manner.

You do not want your neighbours to have to complain to the police, council or gambling and liquor inspectors. Try to prevent problems from happening.

Other factors to consider

Consider the following factors that may cause amenity issues near your club:

- **Parking facilities**
Do you have a car park? Do members and guests park in nearby residential streets?
 - **Traffic movement and density**
Is there a lot of traffic in the surrounding area from members and guests coming and going to your club?
 - **Noise levels**
What measures do you have in place to minimise noise from your club if you have amplified music, or from members and guests leaving your club?
 - **Possibility of nuisance or vandalism**
Is your clientele likely to cause a nuisance to nearby residents? Is there a potential that they may cause noise, nuisance or damage to property or cars?
 - **Harmony and coherence of the environment**
What general impact is your club having on the local community and neighbouring businesses/residents?
-

Your club rules and Schedule 1

Introduction

Your club's rules outline how you will manage your club.

Schedule 1 of the Act details a number of provisions that must be included in the rules of any club that holds a:

- Full club licence
- Renewable limited licence, or
- Restricted club licence.

It is the responsibility of your club to ensure your club rules comply with Schedule 1 of the Act.

Note: Schedule 1 does not apply to BYO permits.

Purpose of Schedule 1

The main purpose of Schedule 1 is to ensure the club operates as a club for its members.

This includes being under the control of the members through a duly elected management committee. Members must be nominated and appointed through a process usually conducted at an annual general meeting.

Requirements of Schedule 1

Holders of a club liquor licence must abide by Schedule 1 of the Act, which sets out a number of items that must be included in the club rules.

Some of the requirements for Schedule 1 are that:

- alcohol must not be supplied to a guest of a member unless they are with a member, or they are an authorised gaming visitor
- people under the age of 18 years are not granted membership, unless the club is primarily a sporting club
- the club management committee is responsible for the affairs of the club, and members are elected by club members for a minimum of 12 months
- a record of guests and gaming visitors is maintained
- a club that holds a gaming licence must ensure gaming visitors:
 - show proof of their residential address before being admitted to the club
 - carry their ID with them at all times, and
 - comply with any relevant club rules
- a person cannot be admitted as an honorary or temporary member of the club, unless that class of members is specified in the club rules.

In certain circumstances, a club may seek an exemption from the VCGLR from any or all of these requirements.

Your club rules and Schedule 1

Sample Schedule 1

A sample of the Schedule 1 form is displayed below. Please visit www.vcglr.vic.gov.au to download a copy of the form.

Club licence	OFFICE USE ONLY 02/12	
<h2 style="margin: 0;">Schedule 1</h2> <p style="margin: 0;"><i>of the Liquor Control Reform Act 1998</i></p> <p style="font-size: small; margin-top: 10px;">The <i>Liquor Control Reform Act 1998</i> provides that the rules of a club that holds or seeks to hold a club licence must comply with Schedule 1, except as otherwise determined by the Victorian Commission for Gambling and Liquor Regulation.</p> <p style="font-size: small; margin-top: 5px;">Failure to ensure that the rules of a club continue to comply with the Schedule is a breach of the conditions of licence. Please use this form to check that your rules comply with Schedule 1 requirements prior to signing the "Club Rules" declaration on the application form.</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Date Rec'd / /</p> <p>File No. _____</p> </div>	
<p>Schedule 1 Clauses</p> <p><input type="checkbox"/> (a) The rules of a club must preclude the payment of any amount to an officer or servant of the club by way of commission or allowance from the receipts of the club for the sale and disposal of liquor;</p> <hr/> <p><input type="checkbox"/> (b) The rules of a club must provide that a visitor to the club must not be supplied with liquor in the club premises unless the visitor is:</p> <p><input type="checkbox"/> (i) a guest in the company of a member of the club; or</p> <p><input type="checkbox"/> (ii) an authorised gaming visitor admitted in accordance with the rules of the club.</p> <hr/> <p><input type="checkbox"/> (c) The rules of a club must provide that a person shall not:</p> <p><input type="checkbox"/> (i) be admitted as an honorary or temporary member of the club; or</p> <p><input type="checkbox"/> (ii) be exempted from the obligation to pay the ordinary subscription for membership of the club unless the person is of a class specified in the rules and admission or exemption is in accordance with the rules.</p> <hr/> <p><input type="checkbox"/> (d) The rules of a club, except in the case of a club primarily for sporting purposes, must provide that a person under the age of 18 years shall not be admitted to membership of the club.</p> <hr/> <p><input type="checkbox"/> (e) The rules of a club must provide for a Management Committee of the club with responsibility for the affairs of the club.</p> <hr/> <p><input type="checkbox"/> (f) The rules of a club must provide that the members of the Management Committee of the club be elected for a term or not less than 12 months by members of a class of members that constitutes not less than 60 per centum of the total membership of the club, excluding temporary or honorary members and persons who are members by reason only of reciprocal arrangements with another club and persons whose rights as members are limited to rights as social, gaming or neighbourhood members.</p>	<p><input type="checkbox"/> (g) Unless the club is a corporation or is registered under the <i>Associations Incorporation Act 1981</i>, the rules</p> <p><input type="checkbox"/> (i) must provide that the facilities of the club are provided and maintained from the joint funds of the club;</p> <p><input type="checkbox"/> (ii) except as otherwise permitted under the <i>Liquor Control Reform Act 1998</i>, must not enable any person to received a greater profit, benefit or advantage from the club than that to which any member is entitled;</p> <p><input type="checkbox"/> (iii) must provide for periodic meetings of the Management Committee and the recording of minutes of the meetings;</p> <p><input type="checkbox"/> (iv) must provide -</p> <p><input type="checkbox"/> (a) that not less than two weeks shall elapse between the date of nomination and the date of election of ordinary members; and</p> <p><input type="checkbox"/> (b) that the names and addresses of persons proposed for election as members of the Management Committee of the club shall be displayed in a conspicuous place in the club premises for not less than one week before the date of the election; and</p> <p><input type="checkbox"/> (c) for the election of members of the Management Committee by the general body of members; and</p> <p><input type="checkbox"/> (d) for the keeping of records of members voting at an election of members.</p> <hr/> <p><input type="checkbox"/> (h) Must provide for the keeping of records of guests.</p> <hr/> <p><input type="checkbox"/> (i) In the case of a club in respect of which a venue operator's licence is in force, must provide that an authorised gaming visitor must:</p> <p><input type="checkbox"/> (i) produce evidence of his or her residential address before being admitted to the licensed premises; and</p> <p><input type="checkbox"/> (ii) carry identification at all times whilst on the licensed premises; and</p> <p><input type="checkbox"/> (iii) comply with any relevant rules of the club whilst on the licensed premises.</p>	
Victorian Commission for Gambling and Liquor Regulation 49 Elizabeth Street, Richmond VIC 3121 (Hours: 8:30 - 5:00) Monday to Friday – closed on public holidays GPO Box 1988, Melbourne VIC 3001	Telephone 1300 182 457 www.vcglr.vic.gov.au DX 210976 ABN 56 832 742 797	Victorian Commission for Gambling and Liquor Regulation

Types of visitors to your club

Types of visitors

Clubs will have the following types of visitors or patrons:

- members
- guests of members
- authorised gaming visitors
- non-members, and
- honorary members.

This section also describes what you need to do to change your club rules to incorporate honorary members.

Members

Members of the club are people who are recognised as a member, as per the club's rules.

Guests of members

Guests can accompany a member to the club.

A guest of a member may be supplied with liquor to consume in the club's premises, provided they are in the company of the member. A record of guests attending the club must be maintained. Usually, the record of guests will include the:

- date
- guest's name and address, and
- member's name.

The record of guests may be inspected by Victoria Police or gambling and liquor inspectors.

The Act sets no maximum number of guests that a member may invite to the club premises at any one time. The club may choose to do so in its club rules.

Types of visitors to your club

Authorised gaming visitors

An authorised gaming visitor is a visitor to a licensed club with gaming machines, who is neither a member of the club nor a guest of a member.

The Act provides for gaming visitors to be admitted to the premises unaccompanied by a member as long as the following conditions are met:

- The visitor resides more than:
 - 5km from the licensed club if situated in the metropolitan area, or
 - 10km if situated in regional Victoria.
- A register of authorised gaming visitors is maintained providing:
 - details of the visitor's name
 - residential address, and
 - date of admission.
- The register of authorised gaming visitors is available for inspection.

Note: Details of guests of members and authorised gaming visitor details may be entered in the same register.

These provisions allow public access to clubs with gaming machines, while still encouraging those within close proximity to the club to become members. The club rules should set out the rights of gaming visitors to use any of the club facilities.

Non-members can be supplied alcohol at the club when a temporary limited licence is in place. This might be at a:

- booth or stall, or
- pre-booked function, such as a wedding or a wake.

Honorary members

Your club rules may contain a category called 'Honorary member' that allows you to supply alcohol to individuals and visiting teams on game days. Honorary membership can be granted for a lifetime or just for the purpose of the game day. Honorary members can include players, officials or umpires affiliated with the visiting team.

Having honorary members as part of your club rules will save you from the need to sign everyone in. You can also have reciprocal rights at their club as part of your club rules.

Changing your club rules

If you need to change your rules to incorporate honorary and reciprocal members, you will have to call a general meeting to change your constitution.

The club rules should make it clear that honorary or reciprocal members have full membership rights with the exception of voting and standing for office.

See: *Our responsibilities* section of this resource kit for further information about your obligations.

Summary

What we've covered so far

So far in this section, we have outlined some general information that applies to all liquor licences:

- types of liquor licences
- understanding your liquor licence
- general obligations under the Act
- your club rules and Schedule 1, and
- types of visitors to your club.

Where to next

In the sections that follow, you can select which parts to read depending on what type of licence or permit you have.

The next four parts describe the three types of liquor licences and a BYO permit that are available for clubs. Find the copy of your liquor licence (or permit) and use the table below to determine which section applies to you:

If your club holds a...	Then go to...
Full club licence	Part 3: Full club licence
Limited licence – temporary or renewable	Part 4: Limited licence
Restricted club licence	Part 5: Restricted club licence
BYO permit	Part 6: BYO permit

Check your understanding 2 – general information

Checkpoint

It's time to check your understanding of what has been covered so far.

Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. Guests of members are allowed on licensed premises if they are accompanied by a member and the guest signs the guest register.

True False

2. What three pieces of information must the guests and gaming visitors register contain?

a. _____

b. _____

c. _____

3. You have regular member functions with live music on Saturday nights. On occasions, the under 25s team bring along guests who can get a bit rowdy when they leave the club.

- a. What are the issues in this scenario?

- b. What measures could you put in place to prevent these issues?

About full club licences

Type of clubs

A full club licence is for clubs that:

- operate on a commercial level
- employ permanent staff, and
- offer a range of services for members, such as:
 - gaming
 - dining facilities, or
 - a gymnasium.

Some examples of types of clubs that may be issued a full club licence are:

- an RSL club
- an AFL club, or
- a club with gaming machines.

Factors

In determining whether a full club licence is appropriate, consideration is given to:

- the number of members at the club
- the number of full time staff employed
- the standard and extent of facilities and services
- the hours of operation, and
- any other matters that the VCGLR considers relevant.

General conditions

A full club licence is subject to:

- the rules of the club complying with Schedule 1 of the Act
- a condition that the required registers are kept

See: *Record keeping* section of this resource kit for more information about registers.
- keeping sufficient records to explain the financial situation of the club
- the club complying with any planning schemes
- any other condition set down by the VCGLR.

Duration of licence

This licence type is subject to renewal every 12 months. The licence is renewed on the payment of your renewal fee.

About full club licences

Trading hours

Unless specified on the licence, the ordinary trading hours for a full club licence are:

- at any time on any day other than:
 - Sunday
 - Good Friday, or
 - ANZAC day
- Sunday – between 10am and 11pm
- Good Friday – between 12noon and 11pm
- ANZAC day – between 12noon and 11pm.

Note: Your licence may state a different set of trading hours for on premises and off premises consumption.

Grace period

You have a 30 minute grace period after closing time for visitors and patrons to finish the drinks they have already purchased.

Consumption and supply of alcohol

Area allowed for consumption

The service of alcohol to members and guests must be carried out within the red-line area on the plan of your licensed premises.

See: *Licensed areas* section of this resource kit for more information about red-line plans.

Who can be supplied alcohol?

A full club licence permits the supply of liquor during ordinary trading hours, or as specified on the licence, to:

- members
- guests of members, and
- authorised gaming visitors.

Note: An authorised gaming visitor must live more than 5km (metropolitan areas) or 10km (regional areas) from the licensed premises.

On and off premises consumption

The licence will set the conditions for the:

- consumption of liquor on the premises to members and guests
- supply of liquor for consumption off the premises by members only.

Consumption and supply of alcohol

Underage members

Many sporting clubs have junior teams that train and play games at the club. Clubs must submit an application to the VCGLR requesting permission to allow anyone under 18 years to participate in club activities.

Where permission is granted, the terms and conditions will be stated on your licence. This usually contains a time by which the under 18 year olds must leave the premises and any other conditions that apply to permitting under 18 year olds in the club.

There are additional conditions placed on some club licences that relate to minors being on the club premises. However, the Act states that a person under 18 years may be on licensed premises if they are in the company of a responsible adult.

See: *Managing underage patrons* section of this resource kit for more information about underage members.

Responsible adult

A responsible adult is a person who is over the age of 18 years and who is:

- the younger person's parent, step-parent, guardian or grandparent
- the younger person's spouse, or
- a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the younger person (e.g. a sports coach).

Non-member functions

Your full club licence does **not** permit you to hold non-member functions at your club. Non-member functions can only be held on your club premises if you apply for an additional liquor licence.

For non-member functions, there are two options:

1. You supply the alcohol at the function under an additional limited licence (temporary or renewable).
2. The non-member function organisers supply their own alcohol at their function under their own limited licence. They would then just hire your club venue only.

Note: Members need to be aware of local council by-laws regarding the consumption of alcohol in a public place. It is advisable to check with your local council and display a sign advising patrons about any conditions governing the consumption of alcohol in public.

Sub-letting

A licensee must not let or sub-let any part of the licensed premises or assign the right to supply liquor without the consent of the VCGLR.

See: *Further information* section of this resource kit for more information about sub-letting.

Check your understanding 3 – full club licence

Checkpoint

The service of alcohol to members and guests must be carried out within the red-line area on the plan of your licensed premises.

See: *Licensed areas* section of this resource kit for more information about red-line plans.

Questions

1. A member drinks one glass out of a bottle of wine they've purchased with their dinner in the club dining room. Can they take the bottle of wine home with them?

Yes No

2. A 21st birthday party has been booked by the friends of one of your club members in your club function room. They want you to provide full bar facilities for the party, including staff and alcohol.

Does your full club licence allow you to have this function in your club?

Yes No

Why / Why not?

3. You are a large club with a full club licence. Your clubrooms have been renovated to include a new function centre. You will be hosting conferences for organisations and private functions to non-members on a regular basis. Your full club licence does not permit you to serve alcohol at these functions.

What additional type of licence permits you to serve alcohol at these functions?

Renewable limited Temporary limited

Overview

Types of limited licences

A limited licence can be:

- renewable for an ongoing business in which the scale and scope of the supply of alcohol is limited, or
- temporary for one-off events or functions in which the scale and scope of the supply of liquor will be for a limited time.

This section provides more details on each of these licence types.

Duration

A temporary limited licence is only valid for the events/dates specified on the licence. A temporary limited licence cannot be renewed.

A renewable limited licence is generally valid for 12 months, unless it is issued to a seasonal sporting or recreational club in which case it may only be valid for the sporting season, e.g. a football or netball club. A renewable limited licence can be renewed annually upon payment of the renewal fee.

Renewable limited licence

Introduction

A renewable limited licence is significantly limited in scope. This licence allows you to supply alcohol on an ongoing basis, where the scale and scope of the supply is limited, that is:

- how much is supplied, or
- the time of the year that corresponds to a sporting season, e.g. a football or netball season.

You cannot supply liquor for take away.

The VCGLR may only grant this type of licence if satisfied the supply of liquor is limited in scale and scope. This includes limitations to days and hours of trade.

Types of events

Clubs who already hold a liquor licence can apply for a renewable limited licence to allow them to trade at times other than those indicated on their licence, or hold events that their other liquor licence does not permit.

For example, you may want to:

- have an outside booth that is not within your red-line area selling alcohol to spectators on match days
 - hold non-member functions and events, such as weddings in your club rooms where you supply the alcohol
 - a small one-off event, such as a festival, fundraising event or function (there must be less than 5,000 people), or
 - a series of events for a limited time period.
-

Renewable limited licence

Small seasonal clubs with a renewable limited licence

If you are a small seasonal club, you may choose to only hold a renewable limited licence and not a full club or restricted club licence.

However, your club is restricted to:

- supply of alcohol to members and guests of members only
- the club rules abiding by Schedule 1 of the Act
- two playing days per week
- two practice days per week, and
- purchasing its liquor for re-sale from the holder of a general licence or a packaged liquor licence.

Conditions

There are many conditions that may be applied to a renewable limited licence and they are very specific to the type of club you operate.

Tip: Refer to your liquor licence for the conditions that apply to your club.

Underage members

Many sporting clubs have junior teams that train and play sporting games at the club. Clubs must submit an application to the VCGLR requesting permission to allow anyone under 18 years to be on licensed premises and participate in club activities.

Where permission is granted, the conditions will be stated on your licence. This usually contains a time by which underage patrons must leave the premises, and any other circumstances.

See: *Managing underage patrons* section of this resource kit for more information about underage members.

Record keeping

You are required to keep details of your members and guests:

- The **members' register** must contain the:
 - member's name
 - member's address, and
 - membership subscription details/number.

Note: Members are not required to sign in each time they use the club; the register is to show who the members are.

- The **guest register** is for recording details of members' guests. You need to record the:
 - guest's name and address
 - the member they are a guest of, and
 - the date they are visiting the club.

See: *Record keeping* section of this resource kit for more information about the registers your club needs to keep.

Renewable limited licence

Who is responsible for the registers?

The club secretary is responsible for ensuring these registers are:

- kept on the club premises, and
- available for inspection by an authorised person who may be from Victoria Police or the VCGLR.

See: *Record keeping* section of this resource kit for further information about the required records your club needs to keep.

Area where alcohol can be consumed

Under a renewable limited licence, you can serve alcohol to members and their guests for consumption on the club premises.

The service and consumption of alcohol must be carried out within the red-line area on the plan of your club.

Your licence does not allow you to sell alcohol to be taken off the club premises.

See: *Licensed areas* section of this resource kit for more information about red-line plans.

Temporary limited licence

Introduction

A Temporary limited licence may be granted for one-off occasions or to allow the supply of liquor in conjunction with a special event. A temporary limited licence can also be used to enable the use of club facilities for non-member functions and outside 'booths' for spectators on match days.

Three dates or events can be put on one application. Eight weeks' notice is required for applications to be processed.

Area where alcohol can be consumed

Under a temporary limited licence, you can serve alcohol to members and their guests for consumption **on** the club premises.

The service and consumption of alcohol must be carried out within the red-line area on the plan of your club.

Your licence **does not** allow you to sell alcohol to be taken off the club premises.

See: *Managing underage patrons* section of this resource kit for more information about underage members.

Temporary limited licence conditions

Conditions

The table below outlines some of the conditions that may be applied to a temporary limited licence.

Tip: Find your liquor licence and check the conditions that apply using the table below and on the next page.

Condition	What this means
The licensed area is the area marked on the plan as approved by the VCGLR.	The red-line area on the plan is where alcohol can be served and consumed.
Any licensed area which is not an enclosed building must be enclosed by an immovable barrier.	For outside events, the barriers mark the area licensed to sell and consume alcohol.
Liquor may not be removed from the licensed area.	Members and guests are not permitted to take alcohol they have bought in the licensed area outside of this area.
Liquor supplied from public bars may only be served in plastic containers or opened cans.	No glass is permitted, only plastic containers and opened cans.
The licensee shall not serve more than four (4) containers of which a maximum of two (2) may be pre-mixed spirits, per customer, per time.	Any one member or guest at any one time can only be served a maximum of four drinks, two of which may be spirits.
<p>The licensee shall not serve more than four (4) containers of liquor between 12noon and 6pm. per person, per time.</p> <p>The licensee shall not serve more than two (2) containers of liquor between 6pm and 8pm per person, per time.</p> <p>The licensee shall not serve more than one (1) container of liquor between 8pm and 10pm per person, per time.</p>	Any one member or guest at any one time can only be served a maximum of four drinks, then two drinks, then only one drink during a certain timeframe, determined by the trading time on each individual licence.
All staff engaged in the serving of liquor in the licensed area shall have undertaken a 'Responsible Serving of Alcohol' course approved by the VCGLR.	All volunteers or members serving alcohol must have completed an approved RSA course. Evidence of this is a certificate signed by the club director or president.

Temporary limited licence conditions

Conditions, continued

Condition	What this means
A copy of the limited licence must be displayed in the licensed area.	A copy of the licence must be displayed so members and guests can see it.
The licensee shall employ crowd controllers registered under the <i>Private Security Act</i> at a ratio of two for the first hundred and one for every hundred thereafter. All bars will have present a security officer, registered under the <i>Private Agents Act</i> , and trained in the Responsible Service of Alcohol (RSA) to ensure liquor is not provided in any way contrary to the Act.	Crowd controllers must be employed at a ratio of two for the first 100 patrons and then one for each 100 patrons over 101. All bars must have a registered security officer who has done the RSA course and act as an RSA monitor.
A director of the licensee company must be present for the entire event and wear identification showing he or she is the licensee.	At all times, a director or president of the licensed club must be in attendance throughout the duration of the event and able to be identified as the licensee.

Check your understanding 4 – limited licences

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. You are a bowls club with a restricted club licence operating all year round. You have a small kiosk at the end of the bowls lawns where you sell alcoholic and non-alcoholic drinks. The kiosk is not within the club's red-line plan.

Do you need a licence to sell alcohol from the kiosk?

Yes No

If yes, which one?

Renewable limited Temporary limited

2. As a club with a renewable limited licence, during a sporting event what are the restrictions when selling alcohol from a point of sale booth?

About restricted club licences

Introduction

If you have applied for, or have been issued, a restricted club licence, then you are probably a sporting or recreational club run by volunteers, such as a cricket and/or football club or a community club.

A restricted club licence permits the supply of liquor to:

- members, and
 - guests of members.
-

Record keeping

You are required to keep details of your members and guests:

The **Members' register** must contain the:

- member's name
- member's address, and
- membership subscription details/number.

Note: Members are not required to sign in each time they use the club; the register is to show who the members are.

- The **Guest register** is for recording details of members' guests. You need to record the:
 - guest's name and address
 - the member they are a guest of, and
 - the date they are visiting the club.

See: *Record keeping* section of this resource kit for more information about the registers your club needs to keep.

Who is responsible for the registers

The club secretary is responsible for ensuring these registers are kept on the club premises and that they are available for inspection by Victoria Police or gambling and liquor inspectors.

Trading hours

Your trading hours will apply to the times your club is open. Trading hours for a restricted club licence will be specified on your licence. The hours may include:

- set days and times of the week
- specific areas of the club
- set periods of the year.

Examples:

- Thursday and Saturday between 5pm and 9.30pm
 - specified area: kitchen, bar and reception area
 - restricted to months of April to September.
-

About restricted club licences

Purchase of liquor

Holders of a restricted club licence must purchase their alcohol from:

- the holder of a general licence (a hotel), or
- a packaged liquor licence (a bottle shop).

Storage of liquor

Liquor can be stored away from the red-line area as long as the alcohol is not in public view and is not for sale or consumption.

Area where alcohol can be consumed

Under a restricted club licence, you can serve members and their guests alcohol for consumption **on** the club premises.

The service and consumption of alcohol must be carried out within the red line area on the plan of your club.

Your licence **does not** allow you to sell alcohol to be taken off the club premises.

If you want to be able to serve alcohol outside the red-line area, such as from a kiosk on football game days, then you will need to apply for an additional licence called a limited licence.

See: *Licensed areas* section of this resource kit for more information about red-line plans.

Non-member functions

Your restricted club licence does not permit you to hold non-member functions at your club.

Non-member functions can only be held on your club premises if you apply for an additional limited licence.

Underage members

Many sporting clubs have junior teams that train and play sporting games at the club. Clubs must submit an application to the VCGLR requesting permission to allow anyone under 18 years to participate in club activities.

Where permission is granted, the terms and conditions will be stated on your licence. This usually contains a time by which underage patrons must leave the premises.

See: *Managing underage patrons* section of this resource kit for more information about underage members.

Conditions – restricted club licence

Introduction

Restricted club licence conditions include:

- your trading hours, and
- approvals and consents primarily to allow persons under 18 years on club premises.

Licence conditions are monitored and enforceable by Victoria Police and gambling and liquor inspectors.

The amenity condition

The amenity condition on your licence and what it means is outlined below:

Condition	What this means
<p>The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of, or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised by this licence.</p> <p>The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.</p>	<p>You are responsible for what happens in and around your venue. This includes the time that you are open for business and when members and guests are leaving your venue.</p> <p>As an indicative guide, if music can be heard in nearby residences, then it is too loud.</p> <p>This condition relates to the Environment Protection Authority (EPA).</p> <p>For further information, visit the EPA website at www.epa.vic.gov.au/noise.</p>

Licence effective for a specified period

The following condition is placed on some club licences that are seasonal, that is, they are only open for a few months of the year, which is the case for most sporting clubs.

Condition	What this means
<p>Period of licence</p> <p>This licence will only have effect and continue in force during a specified period in each year.</p> <p>This licence will not be in force outside the period specified below during a period when the premises are the subject of a Limited Licence issued by the VCGLR.</p>	<p>The licence is in effect for a specified period only.</p> <p>The club must not sell or consume alcohol outside the specified period or when a limited licence is in effect.</p>

Conditions – restricted club licence

Approvals and consents

The approvals and consents placed on some club licences are to ensure that underage patrons are not on club premises other than for specific activities and when in the company of a responsible adult.

There are many different types of approvals and consents, however three examples are outlined below:

Condition	What this means
The licensee has the approval of the VCGLR to allow the presence of underage persons on the licensed premises in connection with sporting activities only. This approval does not include social activities (but does include attendance at a presentation function).	Persons under 18 years may be on the premises for sporting activities and presentation functions only.
Persons under the age of 18 years are permitted on the licensed club premises other than in the company of a responsible adult in relation to preparation for and participation in sporting events during the trading hours above.	Persons under 18 years may be on the premises for sporting events in the specified trading hours without being in the company of a responsible adult only when preparing for and participating in sporting events.
Unaccompanied minors are permitted to be on the licensed premises in connection with sporting activities (including a presentation function).	Persons under 18 years may be unaccompanied for sporting activities, and presentation functions.

Check your understanding 5 – restricted club licence

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the back of this section.

Questions

1. Your club rooms are to be renovated and will now have a room that could be used to hold functions.

Does your restricted club licence permit you to hold non-member functions?

Yes No

Why? / Why not?

2. Some members, including the club secretary and president, are having an all day Saturday working bee to do some maintenance at the football club in late March.

Your club holds a restricted club licence. The licence is in operation on Tuesday and Saturday from 5pm to 11pm from April to September.

They finish working around 5.30pm and have a BBQ for all those involved.

Some members have brought along beer and wine for the BBQ.

- a. Can they drink the alcohol without being in breach of the club licence?

Yes No

Why? / Why not?

- b. Can one of the members open the bar for those involved in the working bee?

Yes No

Overview

Introduction

A BYO permit for clubs authorises the consumption, possession and control of liquor in a club that does not hold a liquor licence. It allows for members and guests to bring their own liquor and drink it on club premises.

Trading hours

There are no set trading hours for BYO permits, as club applicants specify the trading hours they desire when applying for a permit.

Clubs that hold BYO permits should refer to the 'Trading hours' section on their permit.

Where can alcohol be consumed?

The members and guests can only consume alcohol within the permit area. This area is also known as the red-line area and is clearly documented in the original plan that was approved with your permit.

See: *Licensed areas* section of this resource kit for more information on red-line plans.

BYO permit obligations

Specific conditions in your permit

As well as the general obligations, there may be conditions listed on the permit that are directed specifically at the club. These conditions need to be complied with to avoid committing offences.

Administration and record keeping

The following obligations must be met in relation to administration and record keeping.

You must:

- keep a copy of the latest red-line plan that was submitted for approval to the VCGLR
 - notify the VCGLR in writing if anyone stops being a director or nominee within 14 days of the change
 - apply for the approval of the VCGLR before any person can become a director of a company holding a liquor permit or before anyone can be appointed as a nominee
 - not let or sub-let any part of the premises without the consent of the VCGLR
 - advise the VCGLR of any changes to your associates within 14 days of the change.
-

Managing drunk and disorderly behaviour

You must not allow a drunken or disorderly person to be on your premises.

There is a difference between a person being intoxicated and being drunk. A person would typically be regarded as 'drunk' if they are intoxicated to the point where they have lost control of their faculties or behaviour. If they are drunk **or** disorderly you must not let them into your premises and if they're already there, you must remove them.

BYO permit obligations

Managing underage members and guests

The following obligations must be met for underage members and guests:

- You must not allow people under 18 years into the permitted area, unless you have an underage approval from the VCGLR, or the younger person is:
 - with a responsible adult (see below)
 - having a meal
 - employed in duties other than the supply of liquor
 - engaged in a training program in hospitality or work experience.
- You must not allow people under 18 years to drink alcohol, unless they are with a parent or legal guardian **and** having a meal.
- You must not allow people under 18 years to be involved in the supply of alcohol.

See: *Managing underage patrons* section of this resource kit for more information about underage members.

Responsible adult

A responsible adult is defined as a person who is over 18 years of age and who is:

- the younger person's parent, step-parent, guardian or grandparent
 - the younger person's spouse
 - a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the younger person.
-

Free drinking water

Clubs are required to make sure that suitable free drinking water is available to members and guests on the licensed premises where alcohol is consumed on-site.

The law does not specify how the water is to be provided. This is up to the club's discretion.

Fire safety

Fire safety inspectors from the Metropolitan Fire Brigade or the Country Fire Authority have the power to enter BYO licensed premises, without notice, to inspect for serious fire threats.

If a serious fire threat is discovered, the fire safety inspector will advise the VCGLR, who has the power to immediately evacuate and close the licensed premises.

If this occurs, the premises cannot be re-opened until a fire safety inspector has declared it safe and the VCGLR has revoked the closure and evacuation order.

BYO permit obligations

Posters

The following obligations must be met in relation to signage:

- Your current permit must be displayed in an obvious place where anybody can read the conditions.
- Two posters approved by the VCGLR that must be in an obvious position at the premises. They are titled:
 - *Intoxication*
 - *Be Safe*

Posters can be ordered from the VCGLR on 1300 182 457. More copies can be ordered if you wish to put them up in more than one area at your club.

Inspections

The VCGLR or Victoria Police can inspect clubs that have a BYO permit. They ensure permit holders meet their obligations under the Act including any conditions listed on their permit.

They can issue:

- warnings
- infringement notices (fines), or
- recommend disciplinary action for licensees that fail to comply with their obligations.

Check your understanding 6 – BYO permit

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the back of this section.

Questions

1. Your club holds a BYO permit. Where are members and guests allowed to consume the alcohol they bring?

2. Name the two posters that must be displayed if your club holds a BYO permit.

Summary

Tips

- Placing signs near doorways advising members and guests of your house rules may help to prevent members or guests from drinking in a public place, such as a park.
 - Display your trading hours prominently in the area used for alcohol consumption, including information about the 30 minute grace period.
 - Display the sign-in requirements specified by your liquor licence in the same proximity as the sign-in register.
 - Display a sign which outlines the definition of a responsible adult near the sign-in register.
-

Additional resources

The following resources can be downloaded at www.vcglr.vic.gov.au.

- *Your obligations as a liquor licensee – full club licence holders*
- *Your obligations as a liquor licensee – renewable limited licence holders*
- *Your obligations as a liquor licensee – restricted club licence holders*

These resources contain extra information about the different types of liquor licences that are applicable to community clubs.

Check your understanding answers

1 – About liquor licences

1. What type of licence is appropriate for holding a one-off occasion at your club?

Temporary limited licence.

2. You can hold non-member functions if you have a restricted club licence.

False. Your club would need to apply for a temporary limited licence.

3. Which licence type allows you to supply alcohol to your members for consumption off the premises?

Full club licence.

2 – General information

1. Guests of members are allowed on licensed premises if they are accompanied by a member and the guest signs the guest register.

True.

2. What three pieces of information must the guests and gaming visitors register contain?

- a. date
- b. guest's name, and
- c. address.

3. You have regular member functions with live music on Saturday nights. On occasions, the under 25s teams bring along guests who can get a bit rowdy when they leave the club.

a. What are the issues in this scenario?

- Noise – music and the group being louder due to alcohol
- Alcohol-related violence
- Traffic – there could be additional traffic when members and guests are leaving the club
- Possibility of nuisance or vandalism to the local area.

b. What measures could you put in place to prevent these issues?

- Timely removal of rubbish
- Place signs by the door asking patrons to leave quietly, or to be respectful of neighbours.

Check your understanding answers

3 – Full club licence

1. A member drinks one glass out of a bottle of wine they've purchased with their dinner in the club dining room. Can they take the bottle of wine home with them?

Yes, they may take liquor off the premises during off-premises trading hours.

2. A 21st birthday party has been booked by the friends of one of your club members in your club function room. They want you to provide full bar facilities for the party, including staff and alcohol.

Does your full club licence allow you to have this function in your club?

No, it does not permit you to hold non-member functions.

However, you can hold this function and supply the alcohol if you apply for and are granted a temporary limited licence or a renewable limited licence.

3. You are a large club with a full club licence. Your clubrooms have been renovated to include a new function centre. You will be hosting conferences for organisations and private functions to non-members on a regular basis. Your full club licence does not permit you to serve alcohol at these functions.

What additional type of licence permits you to serve alcohol at these functions?

Renewable limited licence.

4 – Limited licence

1. You are a bowls club with a restricted club licence operating all year round. You have a small kiosk at the end of the bowls lawns where you sell alcoholic and non-alcoholic drinks. The kiosk is not within the club's red-line plan.

Do you need a licence to sell alcohol from the kiosk?

Yes, you do need a licence to sell alcohol from the kiosk, as it is outside your red-line plan.

- a. Renewable limited – if you trade all year round this is the best licence for you.
- b. Temporary limited – if you only trade for a few months of the year, this is the best licence for you.

2. As a club with a renewable limited licence, during a sporting event what are the restrictions when selling alcohol from a point of sale booth?

- four cans or plastic cups of light or heavy beer per person opened at the point of sale
- two cans or plastic cups of spirit-based drinks per person opened at the point of sale.

Check your understanding answers

5 – Restricted club licence

1. Your club rooms are to be renovated and will now have a room that could be used to hold functions.

Does your restricted club licence permit you to hold non-member functions?

No, for non-member functions you will need to apply for a temporary limited licence.

2. Some members, including the club secretary and president are having an all day Saturday working bee to do some maintenance at the football club in late March.

Your club holds a restricted club licence. The licence is in operation on Tuesday and Saturday from 5pm to 11pm from April to September.

They finish working around 5.30pm and have a BBQ for all those involved.

Some members have brought along beer and wine for the BBQ.

- a. Can they drink the alcohol without being in breach of the club licence?

Yes, as long as it is not within the club red-line area.

However, you can hold this function and supply the alcohol if you apply for and are granted a temporary limited licence or a renewable limited licence.

- b. Can one of the members open the bar for those involved in the working bee?

No, it is outside the licence times. It is March, and the licence is effective from April to September.

6 – BYO permit

1. Your club holds a BYO permit. Where are members and guests allowed to consume the alcohol they bring?

Members and guests may only consume the alcohol they bring within the red-line area for the club.

2. Name the two posters that must be displayed if your club holds a BYO permit.

- *Intoxication*
- *Be Safe.*

Checklist – our liquor licence

Checklist

Use the following checklist to assist you in remaining compliant with your liquor licence.

- Check that your liquor licence is current.
- Check that your liquor licence is displayed in a location that can be read by patrons of the club.
- Check that you understand your liquor licence.
- Check that your club's rules include the required conditions specified in Schedule 1 of the Act.

See: 'Schedule 1 sample form' in this section of the resource kit.

- Check your local council by-laws for any conditions governing the consumption of alcohol in public.
- If your venue provides sexually explicit entertainment, check that you have informed the VCGLR in writing.
- Check that the patrons of your club know their responsibilities and the club's expectations regarding the amenity conditions on the club's liquor licence.
- Check that your premises meet the fire safety requirements.

See: 'Property & Planning' section of the Victoria Online website at www.vic.gov.au for more information about building regulations in relation to fire safety requirements.

- Check that your staff are up to date with their RSA training and you have maintained records of when they last attended training.

See: *Record keeping* section of this resource kit for more information about what you need to record.

- Check that you have the required member information recorded and a sign-in register for guests to the club.

See: *Record keeping* section of this resource kit for details regarding the type of information that needs to be recorded in the register.

- Check that you have the required signs displayed in the club premises:
 - Intoxication*
 - No Proof No Purchase*
 - Be Safe*

See: 'Posters' in this section for information about what posters you need to display based on your licence type.

- Check that you have free drinking water available to your patrons.
- Check that your club provides food, either free or available to buy.

Licensed areas

Overview

Introduction

This section contains information about the areas within a club where alcohol can be served and consumed. These areas are known as licensed areas.

It includes:

- what a red-line plan is
- your obligations, and
- steps to take if your existing red-line plan requires modifications.

Resources

If you require additional information to what is provided in this section, please call the Victorian Commission for Gambling and Liquor Regulation (VCGLR) on 1300 182 457.

Contents

This section contains the following topics:

Topic	See page
The red-line plan and your obligations	2
Modifying your red-line plan	4
Check your understanding – licensed areas	5
Summary	5
Check your understanding answers	6
Checklist – licensed areas	6

The red-line plan and your obligations

What is a red-line plan?

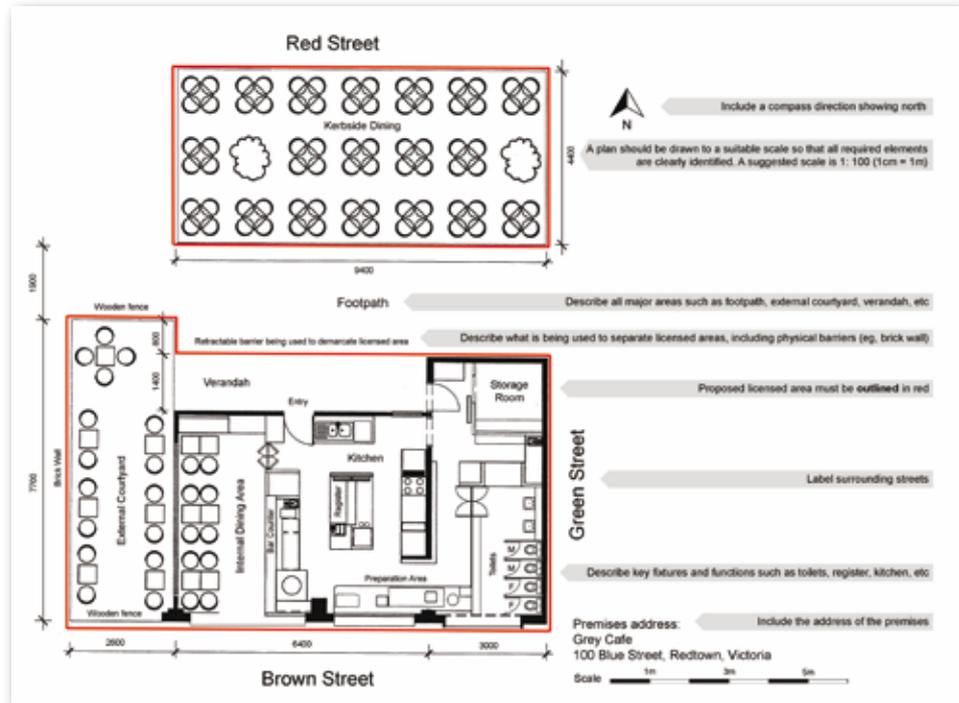
The red-line plan is important as it shows where alcohol can be:

- consumed by members, guests and visitors while on the club premises, and
- supplied to members for them to take away (for full club licences only).

Your club was required to submit a red-line plan with its original liquor licence application for approval by the VCGLR.

Example

The following diagram is an example of a red-line plan in which a red line is drawn around the licensed areas.



The red-line plan and your obligations

Your legal obligations

It is your club's obligation under the *Liquor Control Reform Act 1998* (the Act) to:

- always have a copy of the red-line plan at your premises, and
- produce it if requested by Victoria Police or a gambling and liquor inspector.

If you get a visit from Victoria Police or a gambling and liquor inspector, it is likely that they will ask for a copy of your plan and will check that you are operating within the red line.

It is therefore important that all staff and committee members know at all times where the red-line plan is kept.

Tip: Laminate your club's red-line plan and display it in a prominent location and ensure that all committee members, staff, club members and guests can see where the licensed areas are.

Other recommendations

The following actions are strongly recommended:

a) Do not make assumptions.

Ensure all staff and committee members are aware of areas that **do** and **do not** form part of your red-line plan.

This is because in most cases only club rooms are covered under the licensed area. Outdoor areas such as verandas or places where members can view the game or have a cigarette, are often not licensed areas.

b) Display your red-line plan and signs such as *Warning No Alcohol Past This Point* to assist with obtaining compliance from members, guests and visitors.

See: *Warning No Alcohol Past This Point* sign at the end of this resource kit.

Modifying your red-line plan

When is the club required to submit a new red-line plan?

If your club is going to apply for a variation to your licence (e.g. due to renovations), a transfer or relocation, you may need to submit a new version of your red-line plan. A new version of your red-line plan will need to be submitted if you are making any changes to the licensed areas, i.e. the areas within the red line.

In addition, the VCGLR may at any time request that a licensee prepare a plan and submit that plan for certification in accordance with the Act.

See: *Further information* section of this resource kit for details on submitting a new liquor licence or making variations to an existing licence.

What are the requirements for the red-line plan?

If submitting a new plan, the VCGLR has specified that it must contain the following elements:

- be of a scale of 1:100 (1cm = 1m)
- be on at least A4 size paper (graph paper is not acceptable)
- be drawn in ink and be neat and legible
- include the premises address
- include a compass point showing north and names of the surrounding streets
- define the boundaries of the property
- outline the proposed licensed area(s) in red
- outline in red areas to be authorised, such as the footpath
- show measurements of areas to be licensed, including authorised areas
- show the basic functions or fixtures, for example, bar and dining area/ kitchen area or in the case of a packaged liquor outlet, shelf areas where alcohol is displayed and the cash register is located.

If your plan does not meet these requirements, you will be asked to resubmit it.

Four copies of the new plan must be submitted to the VCGLR.

Check your understanding – licensed areas

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. If a red line is drawn around an area on a plan of a licensed premises, what does it mean?

2. In the red-line plan example provided in this section, a member can consume alcohol in the bench seating.

True False

3. You do not need to provide a gambling and liquor inspector with your red-line plan if they visit your premises.

True False

4. Can verandas be part of your licensed area?

Yes No

Summary

Tips

- Laminate the red-line plan and display it in a prominent location.
 - Display *Warning No Alcohol Past This Point* signs in appropriate locations to indicate the areas that fall outside the red line.
 - Ensure all staff and committee members are aware of the licensed areas that alcohol can be served and consumed within, according to the red-line plan.
-

Lost?

If at any stage you need to request a copy of your red-line plan, you can call the VCGLR on 1300 182 457.

Note: Some fees do apply.

Check your understanding answers

Licensed areas

1. If a red line is drawn around an area on a plan of a licensed premises, what does it mean?

The red line shows the areas where alcohol can be:

- consumed by members, guests and visitors whilst on the club premises, and
- supplied to members for them to take away (for full club licences only).

2. In the red-line plan example provided in this section, a member can consume alcohol in the bench seating.

True, as the red line encompasses the bench seating.

3. You do not need to provide a gambling and liquor inspector with your red-line plan if they visit your premises.

False, under the *Liquor Control Reform Act 1998* you need to provide a copy of the red-line plan to the police or a gambling and liquor inspector if requested.

4. Can verandas be part of your licensed area?

Yes, verandas may be part of your licensed areas if they are within the boundaries of the red lines in the plan.

Checklist – licensed areas

Checklist

Use the following checklist to assist you with meeting your obligations and maintaining your red-line plan.

- Check that you have your approved red-line plan in a safe and easily accessible location (or displayed somewhere).
- Check that all staff and committee members of your club:
 - know where the red-line plan is kept
 - understand where the licensed areas are in accordance with the red-line plan.
- If you need to submit a revised plan:
 - check that it contains the elements included in this section
 - submit four copies to the VCGLR.
- Display warning signs if required.

See: The *Warning No Alcohol Past This Point* sign at the end of this resource kit.

Record keeping

Overview

Introduction

This section contains information to assist you in understanding what records you need to keep to comply with your liquor licence. It describes the:

- types of sign-in registers your club needs to maintain, and
- the Responsible Service of Alcohol (RSA) training register, which is applicable to clubs who have an RSA training condition on their licence.

Resources

The following tools have been provided at the end of this section of the resource kit and will assist you in meeting the record keeping obligations as a club that holds a liquor licence:

- RSA training register
- Member register
- Guest register
- Incident register
- Signing In poster.

Contents

This section contains the following topics:

Topic	See page
Sign-in registers	2
Responsible Service of Alcohol training register	4
Incident register	5
Other record keeping obligations	6
Venue handbook	7
Check your understanding – record keeping	8
Summary	9
Check your understanding answers	9
Checklist – record keeping	10

Sign-in registers

Types of sign-in registers

Clubs must keep and maintain at least two registers:

- **Members' register** (all clubs)
- **Guest register** (all clubs)
- **Gaming visitors' register** (gaming venues only).

Members' register

The **members' register** must contain the:

- member's name
- member's residential address, and
- last membership payment details.

Members are not required to sign in each time they use the club; the register is to show who the members are.

See: 'Members' register' at the end of this section of the resource kit.

Guest register

The **guest register** should contain the:

- date
- guest's name
- guest's residential address, and
- name of the member of whom they are a guest

Guests must sign in each time they visit the club.

See: 'Guest register' at the end of this section of the resource kit.

Gaming visitors' register

Sign-in registers

A **gaming visitors' register** is only required for clubs with a venue operator's licence (gaming licence). These clubs must keep a register of their gaming visitors. Your club can use the guest register to record gaming visitors' information. Gaming visitors do not have to be signed in by a member.

The register must include the:

- name of the gaming visitor
- residential address of the gaming visitor, and
- date they visited the premises.

Gaming visitors must produce identification that provides evidence of his or her residential address before being admitted to the licensed premises. The gaming visitor must carry this identification with them at all times while on the licensed premises.

Gaming visitors must reside more than 5km from the licensed club if situated in a metropolitan area, or more than 10km if situated in a regional area.

Who is responsible for maintaining registers?

The club secretary is responsible for ensuring registers are:

- kept on the club premises, and
 - available for inspection by an authorised person who may be from Victoria Police or a gambling and liquor inspector.
-

Responsible Service of Alcohol training register

Introduction

Some clubs are required to:

- ensure that persons serving alcohol are trained in the Responsible Service of Alcohol (RSA), and
- maintain an RSA training register.

The following information only applies to clubs that have an RSA training condition endorsed on the licence. Check your licence conditions to see if this applies to your club.

RSA training register

The **RSA training register** must record the following:

- name of the licensee or if the licensee is a body corporate, the name of the person responsible for the management of the premises, and
- the name of each person involved in the supply of alcohol on the licensed premises.

This register must be readily accessible and available for inspection.

See: 'RSA training register' at the end of this section of the resource kit.

Information to be kept on file

As part of your club's RSA obligations, you will need to keep the following information on file:

- a copy of the RSA certificate and most recent refresher course acknowledgment issued to the licensee or person responsible for the management and control of the licensed club, and
- a copy of the RSA certificate and most recent refresher course acknowledgment issued to each person involved in the supply of alcohol.

Incident register

Introduction

Despite complying with the law, incidents may happen at club premises.

Examples of some incidents are:

- an intoxicated person refusing to leave the club premises
- entry is being refused to an intoxicated or disorderly person
- a patron assaulting another patron within the premises, or
- members or guests creating nuisance when leaving the club, thus creating disturbance for neighbours.

Keeping an incident register

When such incidents occur at your premises, you should make a record of them in an **incident register**. This can be as simple as an exercise book.

Some of the details that an incident register should record are the:

- incident date, time and location
- name of the member or visitor
- details of witnesses
- incident details, and
- description of offenders.

These registers can be useful for:

- keeping track of problem members
- communicating with committee members or other staff, or
- following up if a serious incident occurs afterwards, away from the club.

See: 'Incident register' at the end of this section of the resource kit.

Other record keeping obligations

Financial records

The secretary of the club must ensure that proper accounts and records of the transactions and affairs of the club and other such records are kept and maintained. They should sufficiently explain the financial operations and financial position of the club.

Restricted club licence approved supplier of alcohol

Clubs that hold a restricted club licence can only purchase liquor for the club from a person who holds a:

- General licence
- Late night (general) licence
- Packaged liquor licence, or
- Late night (packaged liquor) licence.

Records of the club's alcohol supplier should also be kept.

Election of committee members

The names and addresses of persons nominated for election as members of the management committee of the club must be displayed in a conspicuous place in the club premises for not less than one week before the date of the election.

Members of the management committee must be elected for a term not less than 12 months. They are elected by members of a class of members that constitutes not less than 60 per cent of the total membership of the club, excluding:

- honorary and temporary members
- persons who are members by reason only of reciprocal arrangements with another club, and
- persons whose rights as members are limited to rights as social, gaming or neighbourhood members.

For example, if your club has 100 members of which 30 are honorary members, you would require 60 per cent of the 70 full members remaining to partake in the election process. Therefore, you would require a minimum of 42 members to partake in the election.

A record of members voting at the election of members must be kept.

Minutes of meeting

Records of the minutes from the management committee meetings must be kept.

Club rules

It is advisable to have the club rules displayed in a prominent location. All patrons of the clubs must abide by the club rules. This includes guests to your club.

See: *Our responsibilities* section of this resource kit for more information about club rules and constitutions.

Red-line plan

You must keep a copy of the most recently issued red-line plan that was submitted for approval to the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

See: *Licensed areas* section of this resource kit for more information about red-line plans.

Venue handbook

Introduction

The VCGLR has produced a venue handbook that provides information, such as:

- website addresses
- required signage
- required record keeping, including sample registers
- acceptable proof of age documents
- strategies for barring problem customers, and
- strategies for handling noise complaints.

Other resources and information in the venue handbook

The venue handbook also enables licensees to record information, such as:

- contact numbers – list the phone numbers of authorities and other businesses you use frequently
- incidents that occur – record incidents such as fights, confrontations, underage issues
- complaints that you may receive – record any complaints you may receive from neighbours regarding such things as noise, patron behaviour, property damage, and
- barred or suspended patrons – keep a record of patrons you bar or suspend and for what period of time.

Obtaining a copy of the venue handbook

The venue handbook is distributed to liquor forum members free of charge.

Clubs who are not members of a liquor forum can purchase a handbook from the VCGLR. Please call the VCGLR on 1300 182 457 to place your order or to find out more information about becoming a member of your local liquor forum.

Check your understanding – record keeping

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. Where do the names and addresses of person(s) nominated for the club's management committee need to be displayed?

2. What three pieces of information must the guest and gaming visitors' registers contain?

3. What are the names of the two registers that a club is required to keep and maintain?

Summary

Tips

- Display your sign-in requirements specified by your liquor licence near the sign-in register.

See: The 'Signing In' poster at the end of this resource kit.

- For restricted club licences, check what type of licence your supplier of alcohol holds and that it meets your licensing requirements.
- Keep a notice board with important information, such as the list of members nominated for election onto the management committee.
- Educate your members about your club's requirement to ensure all guests are signed into the register.

If your liquor licence states that your club must meet the RSA training requirements, then:

- ensure your RSA training register is maintained and kept up-to-date.
- check your RSA training register periodically to ensure that you are aware of any upcoming training requirements for your staff.

Check your understanding answers

Record keeping

1. Where do the names and addresses of person(s) nominated for the club's management committee need to be displayed?

The names and addresses of persons nominated for election as members of the management committee of the club must be displayed in a conspicuous place in the club premises for not less than one week before the date of the election.

2. What three pieces of information must the guests and gaming visitors register contain?

Name, address and date of visit.

3. What are the names of the two registers that a club is required to keep and maintain?

Your answer may include any two of the following:

- Members' register (all clubs)
- Guest register (all clubs)
- Gaming visitors' register (gaming venues only).

Checklist – record keeping

Checklist

Use the following checklist to assist you in complying with your liquor licence:

- Check that you have up-to-date information on your members, including their:
 - full name
 - residential address
 - contact information, such as email, phone, etc.
 - details of the last membership payment.
- Check that you have a guest register, which records the following details of each guest:
 - the date
 - their full name
 - their residential address
 - the name of the member signing them in.
- If your club has an RSA training condition on the licence, check that your RSA training register is up-to-date and any required members or staff have fulfilled their RSA training requirements.
- Check that you have an incident register, including the following information:
 - Incident date, time and location
 - Name of any members or guests involved
 - Details of any witnesses
 - Description of the incident
 - Description of any offenders.
- Check that your financial records are up-to-date.
- Before holding an election for committee members, ensure that the names of all members standing for election are displayed in a prominent location for at least one week before the election (e.g. a club notice board).
- Check that your club rules are displayed prominently.
- For restricted club licences, check that your club's alcohol supplier meets your licensing requirements.

Guest register

Club name: _____

Date	Guest surname	Guest first name	Guest residential address	Suburb	Postcode	Member name (Not applicable to gaming visitors)	Gaming visitor Yes <input type="checkbox"/> No <input type="checkbox"/>
							Yes <input type="checkbox"/> No <input type="checkbox"/>
							Yes <input type="checkbox"/> No <input type="checkbox"/>
							Yes <input type="checkbox"/> No <input type="checkbox"/>
							Yes <input type="checkbox"/> No <input type="checkbox"/>
							Yes <input type="checkbox"/> No <input type="checkbox"/>
							Yes <input type="checkbox"/> No <input type="checkbox"/>
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							Yes <input type="checkbox"/> No <input type="checkbox"/>
							Yes <input type="checkbox"/> No <input type="checkbox"/>
							Yes <input type="checkbox"/> No <input type="checkbox"/>
							Yes <input type="checkbox"/> No <input type="checkbox"/>
							Yes <input type="checkbox"/> No <input type="checkbox"/>

Disclaimer: This document is an example of what a guest register may contain. This information should not be relied upon as a substitute for professional legal advice or reference to actual legislation.

Incident register

Incident date

Incident time

Incident location

Name of patron(s) and membership number(s) (if applicable)

Witness name (1)

Day contact number

Witness name (2)

Day contact number

Witness name (3)

Day contact number

Incident details (tick the appropriate boxes)

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Minor, no ID | <input type="checkbox"/> Minor, fake ID | <input type="checkbox"/> Intoxication | <input type="checkbox"/> Property damaged |
| <input type="checkbox"/> Patron(s) injured | <input type="checkbox"/> Patron(s) asked to leave | <input type="checkbox"/> Violence | <input type="checkbox"/> Staff injured |
| <input type="checkbox"/> Police called | <input type="checkbox"/> Inappropriate conduct | <input type="checkbox"/> Patron(s) barred/suspended | |
| <input type="checkbox"/> Other _____ | | | |

Further details of incident and action taken

Description of the offender(s)

X _____	/ /
---------	-----

Signature

Date

Name of committee member

X _____	/ /
---------	-----

Signature

Date

Signature of club president

RSA training register

Club name: _____

Surname	First name	Date employee first served or supplied liquor	Date employee completed RSA training	Is the RSA certificate on file?	Date last RSA refresher completed	When is an RSA refresher due? (Must be completed every 3 years)	RSA refresher certificate on file?
		/ /	/ /	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /	/ /	Yes <input type="checkbox"/> No <input type="checkbox"/>
		/ /	/ /	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /	/ /	Yes <input type="checkbox"/> No <input type="checkbox"/>
		/ /	/ /	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /	/ /	Yes <input type="checkbox"/> No <input type="checkbox"/>
		/ /	/ /	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /	/ /	Yes <input type="checkbox"/> No <input type="checkbox"/>
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		/ /	/ /	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /	/ /	Yes <input type="checkbox"/> No <input type="checkbox"/>
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		/ /	/ /	Yes <input type="checkbox"/> No <input type="checkbox"/>	/ /	/ /	Yes <input type="checkbox"/> No <input type="checkbox"/>

Disclaimer: This document is an example of what an RSA training register may contain. This information should not be relied upon as a substitute for professional legal advice or reference to actual legislation.

Where clubs go wrong

Overview

Introduction

This section explains the consequences that may arise if your club breaches its obligations under the *Liquor Control Reform Act 1998* (the Act). It also provides you with a list of the common breaches your club should be aware of.

In addition, it lists all of the financial penalties that can be incurred in the following categories:

- Intoxication/drunk offences
- Sell/supply/consume liquor offences
- Designated area/banning notice offences
- Underage offences
- Signage/plans/licence display offences, and
- Other offences.

Resources

If you require additional information to what is provided in this section, please call the Victorian Commission for Gambling and Liquor Regulation (VCGLR) on 1300 182 457.

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Consequences of non-compliance

Introduction

As a committee member, it is important that you understand the liquor licence regulations and requirements that your club must adhere to as specified in the Act.

All too often staff and committee members only become aware of the conditions that must be met when a breach or issue occurs. To ensure your club does not 'go wrong', you should aim to mitigate the risk of breaching your obligations.

Inspections

Your club may be visited at any time by Victoria Police or a gambling and liquor inspector. During the visit, your club will be checked for compliance with the Act and your licence conditions.

It is therefore important that your club's committee is completely prepared for such an inspection.

Consequences

If you fail to comply with and breach the liquor law, your club may receive a penalty as a result of:

- an infringement notice being issued, or
- court proceedings initiated by the VCGLR.

See: 'Offences and penalties' in this section for a list of the potential offences and the related penalties associated.

Severe breaches

A severe breach could result in the VCGLR seeking suspension or cancellation of the licence in addition to imposing a financial penalty. In some cases, imprisonment may also be a penalty that could be imposed.

One of the highest penalties under the Act is for selling liquor without a licence. The maximum fine exceeds \$28,000 or 24 month imprisonment.

Infringement notices

The Act stipulates that infringement notices may be issued as an alternative to having the matter heard before a court. They can be issued to licensees, underage persons, or any person breaching the specified sections of the Act.

The infringement notice penalty is lower than the maximum penalty that can be imposed by a court. Its payment constitutes a proven charge that may be taken into account in any subsequent court proceedings.

Compliance history risk fee

Although there are many types of breaches under the Act, some breaches will incur additional costs that will be added to your liquor licence renewal fee in what is known as a compliance history risk fee.

The breaches that will incur these fees are:

- supplying liquor to an intoxicated person
- permitting drunken or disorderly people on the licensed premises
- supplying liquor to an underage person, and
- permitting an underage person on the licensed premises.

Consequences of non-compliance

Annual renewal fees

The following table shows how these breaches can increase the club's liquor licence renewal fee:

Annual licence renewal fee	=	Base fee	+	Operating hours risk fee (if applicable)	+	Compliance history risk fee (if applicable)]	X	Venue capacity multiplier* (if applicable)
Restricted club	=	\$204.60	+	N/A	+	\$3,324.20 if 1-2 or \$6,648.30 if 3 or more paid infringements and/or successful prosecutions between 1 October 2010 and 30 September 2011]	X	Venue capacity multiplier applies to these licence categories if the compliance history risk fee applies
Full club	=	with gaming \$831.10 without gaming \$409.00	+	N/A	+	The only offences which trigger this fee are supplying alcohol to underage or intoxicated persons and permitting underage or drunken/disorderly persons on the licensed premises]	X	Venue capacity multiplier applies to these licence categories if the compliance history risk fee applies
Renewable limited BYO permit	=	\$204.60	+	N/A	+]	X	N/A

*Venue capacity multiplier

Number of patrons	Multiplier	Number of patrons	Multiplier	Number of patrons	Multiplier
0-200	1	501-600	2	901-1000	3
201-300	1.25	601-700	2.25	1001-1100	3.25
301-400	1.5	701-800	2.5	1101-1200	3.5
401-500	1.75	801-900	2.75	1201-1300	3.75
				1301+	4

Patron numbers for the venue capacity multiplier are determined by either the total maximum capacity specified as a licence condition, or if no capacity is specified on the licence, the lesser of the numbers permitted under the relevant planning or occupancy permit. In the absence of this information, the VCGLR is able to determine venue capacity based on a ratio of one patron per 0.75 square metres for the area available to the public for on-premises consumption.

Note: Where patron numbers for accommodation and function areas are specified on a licence, they may be excluded from the venue capacity multiplier in some cases.

Demerit point system

The breaches that trigger the compliance history risk fee also result in your licence incurring demerit points. One offence will equal one demerit point.

Your licence will be automatically suspended if it reaches one of three demerit point thresholds.

- 5 demerit points will lead to a 24 hour suspension
- 10 demerit points will lead to a 7 day suspension, and
- 15 demerit points will lead to a 28 day suspension.

Demerit points apply to the licence for a period of three years from the date on which the demerit point is recorded against the licence.

See: The VCGLR website at www.vcglr.vic.gov.au for more information about the demerit point system.

Common breaches

Top five breaches

The VCGLR carried out 621 inspections from March 2009 to March 2011 at different Victorian sporting clubs to check compliance with Act.

A large number of incidences of non-compliance were identified, totalling **1088**. The **top five breaches** detected are included in the table below.

	Description of breach	Number of times detected	Section of Act
1	Failure to retain and produce the licensed premises red-line plan for inspection.	596	Section 101B
2	Failure to prominently display notices required by the VCGLR on the premises.	252	Section 102
3	Supplying liquor other than in accordance with the licence, such as: <ul style="list-style-type: none">• overcrowding• not being RSA trained when required• inoperable closed-circuit television• serving liquor outside the authorised area.	103	Section 108 (1)(a)
4	Failure to display most current licence or permit at premises.	102	Section 101
5	Failure to notify the VCGLR in writing that a person has ceased to be a nominee in respect of a licence or permit within 14 days of that cessation.	11	Section 54 (11)

Other common breaches

Other common breaches include those related to:

- amenity (effect that your venue and its patrons may have on the surrounding area)
 - intoxication/drunken offences, and
 - underage offences.
-

Offences and penalties

Introduction

The tables that follow list all of the breaches and related penalties that may be imposed in accordance with the Act.

Note:

- All dollar amounts are subject to change each financial year in line with the Consumer Price Index.
- Refer to the *Breaches under the Liquor Control Reform Act 1998* fact sheet for the most up to date breaches and penalties on the VCGLR website at www.vcglr.vic.gov.au.

Compliance history trigger offences These offences are infringements which are taken into account when calculating the annual licence renewal fees.	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person	108(4)(a)	\$14,657	\$1,466
Permit drunken/disorderly person on licensed premises	108(4)(b)	\$14,657	\$1,466
Supply liquor to underage person, other than as permitted (licensee/permittee offence)	119(1)(a)	\$ 7,328	\$ 733
Permit liquor to be supplied to underage person, other than as permitted (licensee/permittee offence)	119(1)(b)	\$ 7,328	\$ 733
Liquor is supplied to underage person on licensed premises, other than as permitted	119(2)	\$ 7,328	\$ 733
Permit underage person on licensed premises, other than as permitted	120(1)	\$ 7,328	\$ 733

The offences above also result in licences incurring demerit points. Always check the VCGLR website at for the most up to date breaches and fines.

Intoxication/drunken offences	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person*	108(4)(a)	\$14,657	\$1,466
Permit drunken/disorderly person on licensed premises*	108(4)(b)	\$14,657	\$1,466
Procure liquor for intoxicated person	114(1)(b)(i)	\$ 2,443	\$ 244
Aid/abet intoxicated person to obtain liquor	114(1)(b)(ii)	\$ 2,443	\$ 244
Failure by a person who is drunk, violent or quarrelsome, to leave licensed premises when requested	114(2)	\$ 6,107	\$ 489

* see compliance history risk fee and trigger offences above

Offences and penalties

Underage offences	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to underage person, other than as permitted (licensee/permittee offence)*	119(1)(a)	\$ 7,328	\$ 733
Permit liquor to be supplied to underage person, other than as permitted (licensee/permittee offence)*	119(1)(b)	\$ 7,328	\$ 733
Liquor is supplied to underage person on licensed premises, other than as permitted*	119(2)	\$ 7,328	\$ 733
Supply liquor to underage person (other persons)	119(3)	\$ 7,328	\$ 733
Supply liquor to underage person by an employee, other than as permitted	119(4)	\$ 1,221	\$ 122
Permit underage person on licensed premises, other than as permitted*	120(1)	\$ 7,328	\$ 733
Send underage person to obtain liquor	121	\$ 7,328	\$ 733
Permit underage person to supply liquor on licensed premises, other than as permitted	122(1)	\$ 7,328	\$ 733
Falsely represent oneself to be over 18 years	123(4)	\$ 611	\$ 61
Give evidence of age document to another	124(1)	\$ 2,443	\$ 244
Deface/interfere with evidence of age document	124(2)	\$ 2,443	\$ 244
Knowingly make false evidence of age document	124(3)(a)	\$ 2,443	\$ 244
Knowingly give a false evidence of age document to another	124(3)(b)	\$ 2,443	\$ 244
Supply false documents to obtain an evidence of age document	125(1)(a)	\$ 2,443	\$ 244
Pass on any documents or material that does not relate to him or her for the purposes of evidence of age document	125(1)(b)	\$ 2,443	\$ 244
Give a document or material to another person to support an application for a proof of age card that contains information that is false or misleading	125(2)	\$ 2,443	\$ 244
Purchase/receive liquor, other than as permitted by persons under 18	123(1)(a)	\$ 611	\$ 61
Possess/consume liquor, other than as permitted by persons under 18	123(1)(b)	\$ 611	\$ 61
Enter/remain on licensed premises, other than as permitted by persons under 18	123(1)(c)	\$ 611	\$ 61

* see compliance history risk fee and trigger offences on the following page

Offences and penalties

Sell/supply/consume liquor offences	Section of the Act	Maximum penalty	Infringement notice
Permit any other person to carry on the business of supplying liquor on licensed premises without the consent of the VCGLR	106(1)	\$ 7,328	\$ 733
Sell liquor without a licence	107(1)	\$29,314 or 24 months imprisonment	N/A
Supply liquor other than in accordance with licence	108(1)(a)(i)	\$ 7,328	\$ 733
Permit/cause liquor to be supplied not in accordance with licence	108(1)(a)(ii)	\$ 7,328	\$ 733
Permit consumption of liquor not in accordance with licence	108(1)(a)(iii)	\$ 7,328	\$ 733
Supply liquor other than at licensed or authorised premises	108(1)(b)	\$ 7,328	\$ 733
Take/receive liquor orders other than at a licensed premises	109(1)	\$ 1,832	\$ 183
Unauthorised sale of liquor through vending machines	109A	\$ 7,328	N/A
Bringing into/consuming liquor on licensed premises not in accordance with licence	111(a)	\$ 3,054	\$ 305
Permit liquor to be brought into/consumed or supplied on licensed premises not in accordance with licence	111(b)	\$ 3,054	N/A
Consume, supply, possess or permit liquor on unlicensed premises	113 (1)(1A) (1B)&(1C)	\$ 6,107	\$ 244
Permit unauthorised consumption of liquor on party bus	113A (1)	\$ 6,107	\$ 244
Obtain/consume liquor on licensed premises other than in accordance with the licence or the Act	114(1)(a) (i)&(ii)	\$ 2,443	\$ 244
Falsely indicate that premises are licensed premises	116(a)	\$ 1,832	\$ 183
Falsely indicate being licensed to sell/dispose of liquor	116(b)	\$ 1,832	\$ 183
Sale of alcohol-based food essences in container above permitted size	118A	\$ 3,664	\$ 366
Supply of a prohibited class of liquor	118B	\$ 3,664	\$ 366

Offences and penalties

Responsible Service of Alcohol (RSA) training offences * **	Section of the Act	Maximum penalty	Infringement notice
Failure by licensee (natural person) to complete an approved RSA program (either refresher or initial training) within 3 years of completing the last approved RSA program	108AA(2)	\$ 7,328	\$ 733
Failure by licensee (body corporate) to ensure that the person responsible for the management or control of the licensed premises has completed an approved RSA program (either refresher or initial training) within 3 years of completing the last approved RSA program	108AA(3)	\$ 7,328	\$ 733
Failure by the licensee to ensure that any person who sells, offers for sale or serves liquor on the licensed premises has completed an approved RSA program within the 3 years prior to beginning to sell, offer for sale or serve liquor on the licensed premises (New serving staff have a one month grace period to meet this requirement)	108AB(2)	\$ 7,328	\$ 733
Failure by licensee to ensure that any person who sells, offers for sale or serves liquor on the licensed premises has completed an approved RSA program (either refresher or initial training) within 3 years of completing the last approved RSA program	108AC (2)	\$ 7,328	\$ 733
Failure by the licensee to establish and maintain an approved RSA program register	108AD (2)	\$ 611	\$ 61
Failure by the licensee to produce an approved RSA program register	108AE (2)	\$ 611	\$ 61

* Applies to general, on-premises, packaged liquor and late night licence categories plus any other individual licence endorsed with RSA conditions.

** As part of the transitional arrangements , existing licensees and serving staff as of 1 January 2011 have until 31 December 2011 to complete the RSA training.

Signage/plans/licence display offences	Section of the Act	Maximum penalty	Infringement notice
Fail to display copy of licence at licensed premises	101	\$ 611	\$ 61
Failure to give a current plan or depiction of the licensed premises to the VCGLR	101A(3)	\$ 1,221	N/A
Failure to keep a copy of the last plan or depiction of the licensed premises on the licensed premises	101B(1)	\$ 1,221	N/A
Fail to produce a copy of the plan or depiction for inspection by a member of Victoria Police	101B(2)	\$ 1,221	\$ 122
Fail to display notices as required by the VCGLR	102(1)	\$ 611	\$ 61
Fail to display notice in form required by the VCGLR	102(2)	\$ 611	\$ 61

Designated area/banning notices offences	Section of the Act	Maximum penalty	Infringement notice
Failure by licensee to comply with an advertising or promotion banning notice	115A	\$14,657	N/A
Refuse or give false particulars of name or address to Victoria Police for the purposes of a banning notice	148D(3)&(6)	\$ 611	N/A
Failure to comply with the request to provide name and address to Victoria Police for purposes of a banning notice, unless without reasonable excuse	148D(7)	\$ 611	N/A
Contravening a banning notice or failing to comply with Victoria Police direction	148F(1)&(2)	\$ 2,443	\$ 244
Contravening an exclusion order or failing to comply with Victoria Police direction	148J(1)&(2)	\$ 7,328	\$ 733
Knowingly permit a person to whom a banning notice or exclusion order applies to enter the licensed premises	148Q(1)&(2)	\$ 7,328	N/A

Offences and penalties

Fire safety offences	Section of the Act	Maximum penalty	Infringement notice
Refusal or failure to comply with a requirement of a fire safety inspector	148Z	\$ 7,328	N/A
Refuse to allow a fire safety inspector to enter licensed premises	148ZA	\$ 7,328	N/A
Providing false or misleading particulars to a fire safety inspector	148ZB (a)&(b)	\$ 7,328	N/A
Contravening a closure and evacuation notice or direction	148ZJ(1)	\$29,314	N/A
Failing to comply with a direction of a fire safety inspector or authorised person	148ZJ(2)	\$ 2,443	\$ 244
Allowing a person to enter licensed premises after notice has been served	148ZK	\$14,657	N/A
Failure to display a sign about the notice at all entrances and exits	148ZL	\$ 1,221	N/A

Barring orders offences	Section of the Act	Maximum penalty	Infringement notice
Person who has been refused entry remains in the vicinity of the licensed premises	114(3)	\$ 2,443	\$ 244
Person who has been refused entry re-enters the licensed premises	114(4)	\$ 2,443	\$ 244
Failure to comply with barring order by entering or remaining on a licensed premises from which person is barred	106J(1)	\$ 2,443	\$ 244
Failure to comply with barring order by re-entering or remaining in the vicinity of licensed premises from which person is barred	106J(2)	\$ 2,443	\$ 244
Failure by licensee or permittee to keep record of barring order	106K(1)	\$ 611	\$ 61
Failure by licensee or permittee to produce records of barring orders where requested by Victoria Police or a gambling and liquor inspector	106K(2)	\$ 611	\$ 61
Licensee or permittee must not disclose barring order records except as required by the barring order provisions	106K(4)	\$ 611	\$ 61
Failure to destroy barring order records after 3 years	106K(5)	\$ 611	\$ 61
Failure to comply with request from Victoria Police to state name and address, or stating a name or address that is false	106H(3) (a)&(b)	\$ 611	\$ 61
Failure to produce evidence of name or address when requested	106H(7)	\$ 611	\$ 61

Offences and penalties

Other offences	Section of the Act	Maximum penalty	Infringement notice
Failure to notify the VCGLR within 14 days of a person ceasing to be a nominee	54(11)	\$ 611	N/A
Failure by owner or mortgagee to register name with the VCGLR	98(a)	\$ 611	\$ 61
Failure by owner or mortgagee to notify the VCGLR of any change of address	98(b)	\$ 611	\$ 61
Fail to provide refreshments on request at licensed premises	99	\$ 611	\$ 61
Failure to supply and have available suitable free drinking water on a licensed premises where alcohol is consumed on-site.	99A	\$ 3,664	\$ 366
Fail to maintain residents' register in a form approved by the VCGLR	100(a)	\$ 1,221	\$ 122
Fail to enter particulars in residents' register	100(b)	\$ 1,221	\$ 122
Fail to keep residents' register on licensed premises	100(c)	\$ 1,221	\$ 122
Permit/cause/make any false or misleading entries in the residents' register	100(d)	\$ 1,221	N/A
Fail to produce residents' register for inspection by Victoria Police or a gambling and liquor inspector	100(e)	\$ 1,221	\$ 122
Fail to notify the VCGLR of cessation of company director within 14 days	103(1)	\$ 611	\$ 61
Fail to have company director approved by the VCGLR	103(2)	\$ 611	\$ 61
Failure to notify the VCGLR within 14 days that a person has ceased or has become an associate	103A(2)	\$ 611	\$ 122
Letting or sub-letting licensed premises, or the right to supply liquor, without consent of the VCGLR	105(1)	\$ 7,328	\$ 733
Failure to notify the VCGLR in writing within 21 days of commencing to provide sexually explicit entertainment on the licensed premises	106B	\$ 1,221	\$ 122
Permit unlawful games on licensed premises	108(1)(d)	\$ 7,328	\$ 733
Fail to provide details of directors to a member of Victoria Police or a gambling and liquor inspector	108B(1)	\$ 1,221	\$ 122
Failure by a licensee who is a club, to give a list of the names and addresses of members in its committee of management, to a member of Victoria Police or a gambling and liquor inspector	108B(2)	\$ 1,221	\$ 122
Provide false or misleading information to a member of Victoria Police or gambling and liquor inspector	108B(3)	\$ 2,443	N/A
Purporting to order or purchase packaged liquor from a licensee by a business acting on behalf of another person	110	\$ 1,832	N/A
Keep liquor for supply or consumption in unlicensed club premises	112(1)	\$ 3,054	N/A
Obtaining liquor by falsely representing oneself to be a resident of a licensed premises	114(1)(c)	\$ 2,443	\$ 244
Permit betting on licensed premises, other than as permitted	115(1)	\$ 2,443	\$ 244
Procuring a transfer of a licence or a BYO permit by fraud	117(1)	\$ 6,107	N/A
Making a false or misleading statement	118(1)	\$ 7,328	N/A
Refuse to give particulars of name or address or age	126(4)(a)	\$ 1,832	\$ 183
Give false particulars of name or address or age	126(4)(b)	\$ 1,832	\$ 183
Give false evidence of name or address or age	126(4)(c)	\$ 1,832	\$ 183
Refuse or fail to give name and address to authorised persons*	130A	\$ 2,443	\$ 244
Give false name or address to authorised persons	130A(3)(b)	\$ 2,443	N/A
Obstruct authorised person from performing their duty under the Act	130E	\$ 7,328	N/A

* For the purposes of this document, an authorised person means the VCGLR, a gambling and liquor inspector or a member of the Victoria Police.

Check your understanding – non-compliance

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. What types of penalties can be issued for non-compliance?

2. Who can infringement notices be issued to?

3. Provide examples of when you may incur the compliance history risk fee.

Summary

Tips

- Review the list of offences and determine whether there are any immediate changes can be made at your club to mitigate against incurring potential penalties.
- If there are any conditions you do not understand, call the VCGLR on 1300 182 457.

Further information

Please call the VCGLR if you require more information about liquor licence breaches and penalties.

Check your understanding answers

Non-compliance

1. What types of penalties can be issued for non-compliance?

- Financial due to an infringement notice, demerit point suspension or court order
- Imprisonment (if severe).

2. Who can infringement notices be issued to?

Licensees, underage persons or any person breaching the specified sections of the *Liquor Control Reform Act 1998*.

3. Provide examples of when you may incur the compliance history risk fee.

- supplying liquor to an intoxicated person
- permitting drunken or disorderly people on the licensed premises
- supplying liquor to an underage person, and
- permitting an underage person on the licensed premises.

Checklist – where clubs go wrong

Checklist

Use the following checklist to avoid incurring breaches.

- Ensure all staff and committee members of your club:
 - are familiar with their obligations under the *Liquor Control Reform Act 1998*
 - understand the breaches that can occur, and
 - are aware of the common breaches that can be avoided.
- Perform the following to mitigate against some of the common breaches:
 - Ensure all staff and committee members know where the red-line plan is kept
 - Display notices required by the VCGLR on the premises
See: *Our liquor licence* section of this resource kit.
 - Check that necessary persons are RSA trained
 - Ensure liquor is served and consumed within the club's red-line plan
 - Display the most current licence or permit on the premises, and
 - Check the nominee (if applicable) listed on the licence is still current and notify the VCGLR in writing if they have ceased to be the nominee.

Responsible service of alcohol for clubs

Overview

Introduction

This section contains information to assist you in understanding your obligations for the responsible service of alcohol (RSA) at your club.

It contains information about:

- RSA and why it is important
- how to serve alcohol responsibly, and
- managing intoxicated members and guests.

Resources

The 'RSA training register' in the *Record keeping* section of this resource kit will assist you in meeting the RSA conditions of your liquor licence.

See: The Victorian Commission for Gambling and Liquor Regulation (VCGLR) website at www.vcglr.vic.gov.au for information about training requirements.

Contents

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Why RSA is important

RSA

Clubs and communities have become more aware of the social problems that result from alcohol abuse and realise that they have a moral and legal duty of care to their members and guests to ensure they can enjoy themselves in a safe environment.

Clubs should develop ways to monitor the service of alcohol. This will help them meet their responsibilities under the *Liquor Control Reform Act 1998* (the Act) and contribute to minimising the risk of alcohol-related harm.

The RSA training program aims to assist clubs to develop policies and procedures for the service of alcohol. The RSA program also provides clubs with the knowledge and awareness to responsibly serve alcohol in licensed premises.

Benefits of RSA

Club committees should strive to avoid problems caused by intoxicated members and guests. It is in the club committee and community's interest to minimise problem drinking to ensure that:

- the overall atmosphere of the club is pleasant
- the club enjoys a good reputation with the neighbourhood and community
- there is no damage to the club's premises
- potential legal problems are avoided
- there is less turnover of volunteers, and
- police attendance is not required.

When the service of alcohol is managed responsibly, club members and visitors feel:

- safe, and
 - inclined to participate in club activities and events.
-

RSA training requirements

RSA training course

Certain club liquor licences have a condition endorsed on their licence that requires club committee members and volunteers who are responsible for the service of alcohol, to complete an approved RSA course.

It is important to check your club's licence to see if it has a condition relating to RSA training.

RSA training is an important component of a risk management strategy to minimise alcohol-related harm. It is recommended that all clubs ensure they have at least one RSA trained person when serving alcohol.

RSA training course

A list of approved training providers for the RSA training course is available at www.vcglr.vic.gov.au.

Refresher course

If your club has an RSA training condition on its licence, the club committee members must ensure that the relevant persons update their training every three years.

To update your RSA training knowledge, complete the RSA online refresher course available at www.vcglr.vic.gov.au.

If your club does not have the RSA training requirement, you should also access the RSA online refresher course to check your own understanding of the strategies and responsibilities you need to be aware of.

RSA training register

Clubs that have an RSA training condition on their licence are also subject to the requirement to maintain an RSA training register. The register must record the:

- name of the licensee, or if the licensee is a body corporate, the name of the person responsible for the management of the premises, and
- the name of each person involved in the supply of alcohol on the licensed premises and the date upon which each person first sold, offered for sale or served liquor on the licensed premises.

The following table outlines additional information that should be kept on file.

For the following people...	You must keep a copy of each person's...
<ul style="list-style-type: none">• licensee• person responsible for the management and control of the licensed club, and• each person involved in the supply of alcohol at your club	<ul style="list-style-type: none">• RSA certificate, and• acknowledgement that was issued for their most recent refresher course.

This register and the documents on file must be readily accessible and available for inspection.

See: 'RSA training register' in the *Record keeping* section of this resource kit. This register is also available at www.vcglr.vic.gov.au.

Check your understanding 1 – RSA

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. Name three benefits to a club resulting from minimising problem drinking.

2. If your club has an RSA training condition on its licence, how often do the relevant people need to refresh their training?

Legal and moral obligations

Victorian law

Clubs need to be aware of offences related to the service of alcohol.

The Act states it is an offence for a licensee or permittee to:

- supply liquor to a person in a state of intoxication, or
 - permit drunken or disorderly persons to be on the licensed club premises, or on any authorised premises.
-

Definition of intoxication

A definition of intoxication is contained in the Act. Section 3AB (1) states:

For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

What are the obligations of the club?

The club has a moral obligation to ensure a safe environment for its members and guests at all times. It is also against the law to serve alcohol to a person who is intoxicated and to allow a drunken or disorderly person to be on the premises.

If you have reasonable grounds to believe that someone is intoxicated, then you must refuse service to that person.

If you have reasonable grounds to believe that someone is drunk or disorderly, then you must not allow them to be on the premises.

What are the obligations of members and guests?

A club should ensure that members and guests are aware of their legal and social obligations. A club member or guest:

- must not:
 - obtain liquor for a person in a state of intoxication, or
 - aid or assist a person in a state of intoxication to obtain liquor.
 - who is drunk, violent or quarrelsome must not refuse to leave the club premises when asked to do so by:
 - the licensee or permittee
 - an employee or agent of the licensee or permittee, or
 - a member of the Victoria Police.
-

What if an incident occurs?

Legal and moral obligations

Despite all attempts for clubs to comply with the law, incidents may occur at club premises. When such incidents happen, you should record them in an incident register. An incident register can be as simple as an exercise book.

Examples of some incidents are:

- an intoxicated member or guest on the premises refuses to leave
- entry is refused to an intoxicated or disorderly person
- a member or guest assaults another person within the premises, or
- members or guests create a nuisance when leaving the club, thus creating a disturbance for neighbours.

Some of the details that an incident register should record the:

- incident date, time and location
- name of the member or guest
- details of witnesses
- incident details, and
- description of offenders.

See: *Record keeping* section of this resource kit for an example of an incident register. This register is also available at www.vcglr.vic.gov.au.

Promoting good behaviour

Introduction

Drinking behaviour depends on three different factors:

- The **drink** – the amount and strength of alcohol.
- The **drinker** – the characteristics of the person drinking the alcohol and his or her state of mind and personal circumstances.
- The **environment** – the atmosphere and prevailing rules of the club where the drinking is taking place.

Preventative factors

The club committee members and volunteers serving alcohol are in a position to control or influence at least two of the three factors above: the amount and type of **drink** served and the **environment**.

Some important preventative factors for your club to implement include:

- keeping your club amenities and facilities at high levels of cleanliness and repair
- regularly removing glasses, containers and litter
- providing adequate numbers of security staff or crowd controllers at club special events, particularly where you believe there is a risk of intoxication or underage drinking
- ensuring toilet facilities are clean and adequate
- video camera surveillance
- ready availability of food and non-alcoholic drinks
- adequate seating arrangements
- good communication between committee members, volunteers and club members, and
- RSA training for volunteers.

In summary, club premises that have high standards, are clean and tidy and can control the negative behaviour of members and guests are more likely to create a safe, relaxed atmosphere and prevent problems.

Consequences of non-compliance

Introduction

When a liquor licence is granted to a club, the club agrees to obey the laws set out in the Act. Every licensed club has a duty to serve alcohol within these legal requirements. Serving practices that result in drunkenness and alcohol abuse on licensed club premises can result in action being taken against the club. The VCGLR or Victoria Police may take action seeking to vary, suspend or cancel the liquor licence.

Guidelines for advertising and promotions

The VCGLR has published guidelines for responsible liquor advertising and promotions to assist licensees and promoters identify the standards and conduct expected of them when advertising or running liquor related promotions. The guidelines are available on the VCGLR website at www.vcglr.vic.gov.au.

Penalties for non-compliance

The following table outlines the penalties for intoxication/drunk offences.

See: www.vcglr.vic.gov.au and refer to the *Breaches under the Liquor Control Reform Act 1998* fact sheet for a completed and up-to-date list of penalties.

Intoxication/drunk offences	Section from Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person	108(4)(a)	\$14,657	\$1,466
Permit drunken/disorderly person on licensed premises	108(4)(b)	\$14,657	\$1,466
Procure liquor for intoxicated person	114(1)(b)(i)	\$ 2,443	\$ 244
Aid/abet intoxicated person to obtain liquor	114(1)(b)(ii)	\$ 2,443	\$ 244
Failure by a person who is drunk, violent or quarrelsome, to leave licensed premises when requested	114(2)	\$ 6,107	\$ 489

Facts about alcohol

Introduction

Alcohol is a drug that depresses the central nervous system. It slows down the part of the brain that controls behaviour. While people become more outgoing after a few drinks, it is the loss of control over their behaviour that becomes a concern.

Understanding alcoholic content

The RSA training program provides information and facts on alcohol content and different effects regarding absorption of alcohol.

It is helpful for community clubs to raise awareness of the alcohol content in the drinks that are served on club premises and to have some understanding of the different effects.

The following information provides a brief outline of alcohol content in drinks that may be served in clubs:

- A standard drink is typically defined as a drink that contains approximately 10 grams of pure alcohol.
- 10 grams of alcohol is normally contained in:
 - 30mls of spirits
 - 60mls of port
 - 100mls of red or white wine
 - 100mls of sparkling wine, and
 - 285mls (a pot) of full strength beer.
- A standard drink and a standard sized glass are not the same thing. For example, wine served in a 200ml glass is equivalent to two standard drinks.
- Ready to drink spirits (RTDs) are increasingly popular. RTDs in 375ml bottles and cans will contain 1.2 to 1.7 standard drinks, and some have approximately seven per cent alcohol – as much as 2.4 standard drinks.

Effects of alcohol

Intoxication begins when the first drink of alcohol is consumed. When alcohol builds up in a person's bloodstream, it can significantly affect their understanding of events and their outward behaviour.

The body quickly absorbs alcohol, however the exact time that the body will take to absorb alcohol will vary from one person to another. The best way for people to avoid drunkenness is for drinkers to 'pace' themselves – that is, drink at a rate no faster than it takes for the body to break down the alcohol.

Alcohol abuse in Australia

Facts about alcohol

Providing club members with facts and data may help them gain an understanding of the potential harm and consequences regarding alcohol abuse.

It is important that club committee members are aware of the annual costs of alcohol abuse, such as:

- 24,714 inpatient hospitalisations
- over 8,000 emergency department presentations
- over 4,700 ambulance attendances in metropolitan Melbourne
- 64 per cent of 18-24 year olds and 32 per cent of 14-17 year olds binge drinking
- 759 alcohol related deaths, 57 road deaths
- 13,000 seeking treatment for alcohol problems
- 487 infringements to licensees breaching liquor laws
- 2,472 infringements to minors for possession of alcohol
- 8,850 assaults involving young people affected by alcohol
- 16,500 drivers convicted of drink and/or drug offences
- 10,000-15,000 people apprehended for public drunkenness
- 1,511 assaults in licensed premises
- 37 per cent of parents with children entering foster care have alcohol abuse problems.

Source: Victorian Government 2008

See: Research report *Alcohol-related harm and the operation of licensed premises*. This report is available at www.vcglr.vic.gov.au.

Check your understanding 2 – serving alcohol responsibly

Checkpoint

It's time to check your understanding of what has been covered so far.

Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. What action should you take if you have reasonable grounds to believe that a club member or guest is intoxicated?

2. A club member or guest can obtain liquor on behalf of an intoxicated person who is on club premises.

True False

3. A club member or guest who is drunk or quarrelsome must not refuse to leave the club premises when asked to do so.

True False

4. Name four preventative factors that clubs can implement to control drinking behaviour on their premises.

5. A standard drink is typically defined as a drink that contains approximately five grams of pure alcohol.

True False

6. Wine served in a 200ml glass is equivalent to two standard drinks.

True False

Recognising signs of intoxication

Signs of intoxication

There are many noticeable signs that a person may display as they become intoxicated. As blood alcohol levels rise, differences can be noticed in coordination, appearance, speech and behaviour.

The following table outlines some of the signs of an intoxicated person.

Noticeable changes in behaviour	Noticeable loss of coordination	Noticeable decrease in alertness
Becoming loud, boisterous and disorderly	Spilling drinks	Rambling conversation
Becoming argumentative	Fumbling and difficulty in picking up change	Loss of train of thought
Annoying other patrons and staff	Swaying and staggering	Difficulty in paying attention
Becoming incoherent, slurring or making mistakes in speech	Difficulty walking straight	Not hearing or understanding what is being said
Becoming physically violent	Bumping into furniture and other customers	Drowsiness, dozing or sleeping while sitting at a bar or table
Becoming bad tempered or aggressive	Glassy eyes and lack of focus	
Using offensive language	Falling down	
Exhibiting inappropriate sexual behaviour	Vomiting	

Recognising signs of intoxication

Other ways to determine intoxication

The previous table is not exhaustive and is not necessarily conclusive of intoxication.

Interaction with the person and their friends will help you determine whether someone is intoxicated and their level of intoxication.

Strategies to recognise signs of intoxication

Becoming familiar with members and guests who frequent the club will assist you to recognise when someone is intoxicated. However, there are strategies you can use to help recognise signs of intoxication even when the person is unfamiliar to you. Some strategies are provided below, but it is a good idea for your club committee to discuss other ways to recognise and prevent intoxication.

Talk with the person, ask them questions such as:

- How much alcohol have you consumed?
- When did you last eat and how much?
- Do you consider yourself intoxicated?

Make further observations:

- Does the person smell of alcohol?
- When did the person enter the club premises?
- What type of alcohol has been consumed?
- How much alcohol have you witnessed the person drink?

If it is difficult getting a reasonable response from the person, talk to the people they are drinking with and ask similar questions.

If the person has a medical condition or disability, it is likely that their friends will be able to tell you. Be sensitive to a person's right to privacy.

Conditions that show similar signs of intoxication

You need to be aware that certain types of disabilities can create an impression that a person is intoxicated.

Sometimes, physical and mental disabilities exhibit some of the same signs and symptoms as alcohol intoxication.

Ruling out medical conditions and disabilities

Prior to refusing service on the basis that a person is intoxicated, you must be able to rule out various medical conditions and disabilities that cause symptoms similar to intoxication. For example:

- possible illness
 - injury, or
 - medical conditions, such as:
 - brain trauma
 - hypoglycemia, or
 - pneumonia.
-

What to do if a club member or guest is intoxicated

Reasonable grounds for belief

Remember that it is an offence to:

- supply liquor to an intoxicated person, or
- allow a drunken person on the club premises.

The law requires that you must have 'reasonable grounds' for the belief that the person is intoxicated as a result of alcohol consumption.

Reasonable grounds for belief is what a reasonable person would believe in the given situation, taking into account the relevant knowledge, facts you have and the circumstances you are in.

A belief can be formed on the basis of observing the physical signs and symptoms, talking to the person and their friends, and then considering whether such symptoms could be the result of alcohol consumption or another condition.

In Victoria, it is unlawful to treat someone unfairly or discriminate against them on grounds of their actual or assumed disability.

What if I'm wrong?

It is alright if you refuse service to a person on the basis of the belief they are intoxicated, even if you are wrong.

Note: A person has the right to take the matter to the Equal Opportunity and Human Rights Commission if they feel they have been subjected to discrimination.

How to refuse service

You can use the following suggestions to refuse service to a member or guest:

- Use tact – politely inform the person you will not serve them any more alcohol. Don't speak to the person in front of others.
- Repeat firmly that by law they cannot be served another drink.
- Offer a non-alcoholic drink or food.
- Notify committee members or security. Also notify other relevant members or volunteers that you have refused service to the person.
- If considered necessary, your club may impose a short term ban.

Note: The RSA training course covers how to refuse service in more detail.

Strategies to prevent intoxication

Club responsibilities

It is the club's responsibility to prevent members and guests from becoming intoxicated.

All persons serving alcohol at your club, including those who are not RSA trained, need to ensure:

- they recognise the signs of intoxication
- they are not serving anyone who is intoxicated, and
- members and guests do not become intoxicated.

Club culture and environment

The club's committee and members can create a low risk, healthy club culture and environment by implementing strategies and policies to prevent intoxication and underage drinking.

Some ways clubs can work to prevent problems with intoxicated/underage members and guests are:

- avoiding inappropriate promotion of events involving alcohol
- adopting a policy on serving strategies and the refusal of service
- having a plan to prevent intoxication
- training volunteers and members regularly
- providing safe transport alternatives, and
- having a plan to prevent underage drinking.

Other strategies to help prevent intoxication

The club's committee should ensure that people serving alcohol use the following methods to help prevent intoxication:

- Actively promote a healthy lifestyle for all club members.
- Actively promote low alcoholic drinks, non-alcoholic drinks and food accompaniments.
- Use standard drink measures when serving non pre-packaged alcohol.
- Slow service down.
- Point to the relevant sign outlining the club's responsibilities.
- Alert members and volunteers to a person showing signs of intoxication.
- Serve water with alcoholic drinks and keep water available.
- Ensure only RSA trained members or volunteers serve alcohol.

It is recommended that persons who serve alcohol do not consume alcohol while on duty.

Strategies to prevent intoxication

Create a club policy

Written policies and procedures are the best way for everyone in the club (including new members and guests) to understand what is expected. A club policy on drinking and consuming alcohol helps everyone know that the club is committed to:

- encouraging moderation
- not serving intoxicated or underage people, and
- minimising drink driving.

After creating a club policy, it will need to be promoted. Solid support should be provided by the committee members to implement the policy. At all times committee members should be seen as positive and responsible role models and should lead by example.

Record club incidents

You should record all incidents for a variety of reasons:

- It can be used to monitor and track incidents that regularly occur and help the committee understand how or why they may be occurring.
- It provides an accurate record for police, company or insurance purposes.
- It can help prevent similar incidents from happening again.

The record should include:

- the date and time
- what happened
- who was involved
- the names of any witnesses and their contact information
- how it was dealt with, and
- whether police were called.

Ensure safe transport

Caution should be exercised when you are aware that members and guests are planning to drive. Nobody wants to see a club member or guest become a road statistic. A safe transport strategy may help prevent this and may include the following:

- Offering to call a friend or family member.
- Offering to call a taxi.
- Providing a telephone along with the phone numbers of taxi companies.
- Where practical, offering a mini-bus to transport members home.
- Starting a Designated Driver Program.

Strategies to prevent intoxication

Designated Driver Programs

A Designated Driver Program (DDP) aims to ensure that the person driving a group is safe to drive. Some DDPs work as follows:

- The driver registers when they enter the premises.
- The driver is given a badge or marker so members and guests can identify them.
- The driver is entitled to free non-alcoholic drinks.

It is a good strategy to offer free or discounted food to the driver. This may encourage the drinkers in the group to order food at the same time. It will also increase food sales at your club and decrease the chance of people drinking on an empty stomach.

DDPs are only a good idea if the group of people involved drink responsibly. It should not become an excuse for the non-drivers to become intoxicated once they know they have a ride home.

If a club implements a DDP, they should publicise it through their newsletters and other relevant media. Having a DDP not only brings in new members and guests, but also promotes the club as being responsible. This sends a message to the community that the club cares about members and guests.

Check your understanding 3 – managing intoxicated members and guests

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. You have noticed a member displaying signs of intoxication. You believe that they are disrupting the peace for other members and guests. What are some additional things you could do to confirm that they are intoxicated?

2. What are some ways you can refuse to serve alcohol to a person that won't embarrass them or cause a scene?

Club responsibilities

Golden rules of RSA

It is against the law to serve alcohol to an intoxicated person.

Serving alcohol to an intoxicated person also places the person at risk. They may harm themselves in the premises or be at risk of harm on the way home.

There are four things to remember when responsibly serving alcohol:

- **Do not** serve anyone who is underage.
- **Recognise** intoxication and try not to serve anyone to the point of intoxication.
- **Do not** serve anyone who is already intoxicated.
- **Discourage** intoxicated people from taking part in activities that may cause harm to themselves and others.

Resources

The following resources are available at www.vcglr.vic.gov.au.

- *RSA training frequently asked questions*
 - *Responsible serving of alcohol at functions*
 - *Breaches under the Liquor Control Reform Act 1998 fact sheet*
-

Check your understanding answers

1 – RSA

1. Name three benefits to a club resulting from minimising problem drinking.

Any three of the following answers might apply:

- the overall atmosphere of the club is pleasant
- the club enjoys a good reputation with the neighbourhood and community
- there is no damage to the club's premises
- potential legal problems are avoided
- there is less turnover of volunteers, and
- police attendance is not required.

2. If your club has an RSA training condition on its licence, how often do the relevant people need to refresh their training?

Every three years.

2 – Serving alcohol responsibly

1. What action should you take if you have reasonable grounds to believe that a club member or guest is intoxicated?

If you have reasonable grounds to believe that someone is intoxicated, you must refuse service to that person.

2. A club member or guest can obtain liquor on behalf of an intoxicated person who is on the club premises.

False. A club member or guest must not obtain liquor for a person in a state of intoxication

3. A club member or guest who is drunk or quarrelsome must not refuse to leave the club premises when asked to do so.

True. A club member or guest who is drunk, violent or quarrelsome must not refuse to leave the club premises when asked to do so by:

- the licensee or permittee
- an employee or agent of the licensee or permittee, or
- a member of the Victoria Police.

2 – Serving alcohol responsibly, continued

Check your understanding answers

4. Name four preventative factors that clubs can implement to control drinking behaviour on their premises.

Any four of the following answers might apply.

- keeping your club amenities and facilities at high levels of cleanliness and repair
- regularly removing glasses, containers and litter
- providing adequate numbers of security staff or crowd controllers at club special events, particularly where you believe there is a risk of intoxication or underage drinking
- ensuring toilet facilities are clean and adequate
- video camera surveillance
- ready availability of food and non-alcoholic drinks
- adequate seating arrangements
- good communication between committee members, volunteers and club members
- volunteers are RSA trained.

5. A standard drink is typically defined as a drink that contains approximately 5 grams of pure alcohol.

False. A standard drink is typically defined as a drink that contains approximately 10 grams of pure alcohol.

6. Wine served in a 200ml glass is equivalent to two standard drinks.

True.

Check your understanding answers

3 – Managing intoxicated members and guests

1. You have noticed a member displaying signs of intoxication. You believe that they are disrupting the peace for other members and guests. What are some additional things you could do to confirm that they are intoxicated?

Any of the following answers might apply:

- Talk with the person, ask them questions to check:
 - How much alcohol they consumed
 - When they last ate and how much
 - Whether they consider themselves intoxicated
- Observe the person and check:
 - Whether they smell of alcohol
 - When they entered the club premises
 - The type of alcohol consumed
 - The type of alcohol consumed

2. What are some ways you can refuse to serve alcohol to a person that won't embarrass them or cause a scene?

Any of the following answers might apply:

- Use tact – politely inform the person you will not serve them any more alcohol. Don't speak to the person in front of others.
- Repeat firmly that by law they cannot be served another drink.
- Offer a non-alcoholic drink or food.
- Notify committee members or security. Also notify other relevant members or volunteers that you have refused service to the person.
- If considered necessary, your club may impose a short term ban.

Checklist – RSA

Checklist

Use the following checklist to assist you to comply with RSA.

- Check if you need to have new staff/volunteers RSA trained.
 - Check whether your club has an RSA training condition on the licence and that you are meeting the training requirements.
 - Check that you have the required signs displayed in the club premises:
 - Intoxication*
 - No Proof No Purchase*
 - Be Safe*
 - Check that you have low-alcoholic and non-alcoholic drinks available.
 - Check that you have free drinking water available to your members and guests.
 - Check that your club provides food, either free or available to buy.
 - Check that you have an incident register for keeping track of problems with intoxicated members or guests.
-

Managing underage patrons

Overview

Introduction

This section contains information to assist you in understanding your obligations for managing underage patrons at your club. It describes:

- the conditions in which underage patrons are allowed in your club
- definitions of who can accompany underage patrons
- the club's legal responsibilities regarding the consumption, supply and serving of alcohol to underage patrons
- acceptable identification, and
- managing fake identification.

Contents

This section contains the following topics:

Topic	See page
Legal requirements	2
Managing underage patrons at your club	4
Underage offences	7
Check your understanding – managing underage patrons	9
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Check your understanding answers	10
Checklist – managing underage patrons	11

Legal requirements

Introduction

Underage drinking is of particular concern within the community. Many young people are experiencing the consequences of drinking too much at an early age.

Research

Research on underage drinking has found:

- Teenagers are drinking at a younger age and most have tried alcohol before they are 14.
- The key aim of underage drinkers is to get drunk quickly.
- Most 15-17 year olds reported seeing violence by someone who was drunk and aggressive.

Source: Victorian Alcohol Statistics Handbook 2008, Turning Point

When underage patrons are allowed on licensed premises

The *Liquor Control Reform Act 1998* (the Act) specifies that people under the age of 18 years are not allowed to be on licensed premises unless:

- they are in the company of a responsible adult
- on the premises for the purpose of partaking of a meal
- employed on the premises in duties other than the supply of liquor
- they are a resident
- the licence is an on-premises licence with restaurant conditions or a restaurant and cafe licence (until 11pm)
- the person is engaged in a hospitality training program or in training for employment or work experience
- approval has been given by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) for underage functions or entry into club rooms during specified times, or
- they have the approval of the VCGLR and subject to any conditions of that approval.

Who is a responsible adult?

A responsible adult is defined in the Act as the person who is over 18 years and is the underage person's:

- parent
- step-parent
- guardian
- grandparent
- spouse i.e. the person to whom they are married, if that person is over 18 years, or
- is a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the younger person.

Who is a person acting in the place of a parent?

Legal requirements

Examples of a person acting in the place of a parent may be:

- a football coach with their football team
- a parent with their child and the child's friend
- an aunt or uncle, or
- a school teacher with a class of students.

The following would not meet the criteria of acting in the place of a parent:

- 17 year old with their 18 year old mate
 - 17 year old with their 18 year old sibling
 - 16 year old girl with her 19 year old boyfriend.
-

Managing underage patrons at your club

When can underage members be on the club premises without a responsible adult?

Many sporting clubs have junior teams that train and play sporting games at the club. Clubs must submit an application to the VCGLR requesting permission to allow anyone under 18 years to be on licensed premises to participate in club activities. This application is called a 'permanent underage approval to allow underage persons on licensed club premises'.

Where permission is granted, the terms and conditions will be stated on your licence under the approvals/consents section on the club licence. This usually contains a time by which underage patrons must leave the premises, and any other circumstances.

An example of the underage approval and consent condition that is endorsed on a club licence is as follows:

APPROVALS/CONSENTS

Section 120 of the Act states that persons under the age of 18 years are permitted on the licensed club premises other than in the company of a responsible adult in relation to preparation for and participation in sporting events during the hours specified below:

TRADING HOURS

Sunday between 5.30pm and 10pm.

Check your club's licence to see what it says about underage patrons.

Underage consumption of liquor

People under 18 years old are not allowed to consume liquor on licensed premises except:

- when they are accompanied by their parent, guardian or the person to whom they are married (over 18 years old), and
- having a meal.

While the Act permits underage patrons from consuming liquor on licensed premises in the above circumstances, it is up to the club committee whether they choose to allow this on their club premises. The club committee has the right to set a club rule that states that no underage patrons are permitted to consume liquor on the club premises.

Underage person serving liquor

A person under the age of 18 years cannot serve alcohol on club premises unless they are engaged in a training program approved by the VCGLR and subject to any conditions determined by the VCGLR.

Managing underage patrons at your club

Underage offences

A person under the age of 18 years who is not accompanied by a responsible adult and having a meal, must not:

- purchase or receive liquor from another person
- have or consume liquor on licensed premises, or
- enter or remain unaccompanied on any part of the premises where liquor is served by a licensee except in the circumstances listed in 'When underage patrons are allowed on licensed premises' or as permitted in the clubs approval/consent section on the licence.

Supply of liquor to underage patrons

An employee of your club, while employed on licensed premises, must not supply liquor to a person under the age of 18 years.

A person, other than the licensee or an employee of the licensee, must not supply liquor to a person under the age of 18 years other than as permitted and outlined in 'Underage consumption of liquor' in this section of the resource kit.

Underage events held at licensed premises

Young people under 18 years of age can only be present on licensed premises for an underage event if the licensee has obtained approval from the VCGLR. Liquor licensees need to submit an underage application 45 days prior to the event.

If your club applies for a liquor licence for an underage event, you should be aware of the following:

- applications are referred to Victoria Police
- the lodging of an application does not automatically mean that the application will be approved
- you should not advertise or promote the pre-purchased tickets for the event to minimise the need to turn away in case your application is not approved
- the underage approval does not remove or replace the current liquor licence conditions from the licensed premises.

Applying for temporary underage approval

The temporary underage application form can be found at www.vcglr.vic.gov.au.

Managing underage patrons at your club

Evidence of age

To ensure that committee members or bar staff do not serve liquor to an underage person (other than as permitted), you should ask for proof of age whenever in doubt.

Acceptable evidence of age documents are:

- an Australian driver's licence
- an Australian or foreign passport
- a 'Proof of Age' card
- a Victorian learner permit, or
- a Keypass card.

Some clubs have found it useful to check ID for all members and guests who look to be under 25 years of age.

Fake identification

If an underage person uses fake ID to gain admittance to a club premises or to purchase liquor, the Act provides a legal defence for licensees and staff if they have sighted one of the above.

A licensee or employee may, on or near their club, seize an ID (except a driver's licence) if they believe it to be false or fraudulently altered. It must then be handed on to a member of the Victoria Police. The police will return the document within 28 days if the ID is not fraudulent.

How to check ID

The following are some tips for checking ID:

- Check for consistency of holograms.
 - Pay close attention to physical features, e.g. nose, freckles.
 - Carefully check the date of birth for liquid paper, tampering or scratching.
 - Ask the member or guest what their date of birth or star sign is.
-

Underage offences

Penalties

The following table outlines the penalties for underage offences.

See: www.vcglr.vic.gov.au and refer to the *Breaches under the Liquor Control Reform Act 1998* fact sheet.

Underage offences	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to underage person, other than as permitted (licensee/permittee offence)*	119(1)(a)	\$ 7,328	\$ 733
Permit liquor to be supplied to underage person, other than as permitted (licensee/permittee offence)*	119(1)(b)	\$ 7,328	\$ 733
Liquor is supplied to underage person on licensed premises, other than as permitted*	119(2)	\$ 7,328	\$ 733
Supply liquor to underage person (other persons)	119(3)	\$ 7,328	\$ 733
Supply liquor to underage person by an employee, other than as permitted	119(4)	\$ 1,221	\$ 122
Permit underage person on licensed premises, other than as permitted*	120(1)	\$ 7,328	\$ 733
Send underage person to obtain liquor	121	\$ 7,328	\$ 733
Permit underage person to supply liquor on licensed premises, other than as permitted	122(1)	\$ 7,328	\$ 733
Falsely represent oneself to be over 18 years	123(4)	\$ 611	\$ 61
Give evidence of age document to another	124(1)	\$ 2,443	\$ 244
Deface/interfere with evidence of age document	124(2)	\$ 2,443	\$ 244
Knowingly make false evidence of age document	124(3)(a)	\$ 2,443	\$ 244
Knowingly give a false evidence of age document to another	124(3)(b)	\$ 2,443	\$ 244
Supply false documents to obtain an evidence of age document	125(1)(a)	\$ 2,443	\$ 244
Pass on any documents or material that does not relate to him or her for the purposes of evidence of age document	125(1)(b)	\$ 2,443	\$ 244
Give a document or material to another person to support an application for a proof of age card that contains information that is false or misleading	125(2)	\$ 2,443	\$ 244
Purchase/receive liquor, other than as permitted by persons under 18	123(1)(a)	\$ 611	\$ 61
Possess/consume liquor, other than as permitted by persons under 18	123(1)(b)	\$ 611	\$ 61
Enter/remain on licensed premises, other than as permitted by persons under 18	123(1)(c)	\$ 611	\$ 61

* see compliance history risk fee and trigger offences on the following page

Penalties,
continued

Underage offences

Compliance history trigger offences These offences are infringements which are taken into account when calculating the annual licence renewal fees.	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person	108(4)(a)	\$14,657	\$1,466
Permit drunken/disorderly person on licensed premises	108(4)(b)	\$14,657	\$1,466
Supply liquor to underage person, other than as permitted (licensee/permittee offence)	119(1)(a)	\$ 7,328	\$ 733
Permit liquor to be supplied to underage person, other than as permitted (licensee/permittee offence)	119(1)(b)	\$ 7,328	\$ 733
Liquor is supplied to underage person on licensed premises, other than as permitted	119(2)	\$ 7,328	\$ 733
Permit underage person on licensed premises, other than as permitted	120(1)	\$ 7,328	\$ 733

The offences above also result in licences incurring demerit points. Always check the VCGLR website at for the most up to date breaches and fines.

See: www.vcglr.vic.gov.au and refer to the *Breaches under the Liquor Control Reform Act 1998* fact sheet.

Check your understanding – managing underage patrons

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. One of your staff is 17 years old and training as part of a hospitality program. Are they allowed to be serving liquor?

Yes No

Why / Why not?

2. An 18 year old with a 16 year old friend is able to act in the place of a parent.

True False

Why / Why not?

3. Where would the club find a condition on the licence that permits underage patrons to be on the premises unaccompanied?

4. List three documents that are acceptable as evidence for proof of age.

Summary

Tips

- According to the Act, people under the age of 18 years are not permitted to be on licensed premises except in specific circumstances. See 'When underage patrons are allowed on licensed premises' in this section of the resource kit for a list of these circumstances.
- Most sporting clubs have junior teams and therefore, it is common for underage persons to be on club premises. It is the club's responsibility to ensure that an application has been submitted to the VCGLR requesting permission to allow underage persons to be on licensed premises. By doing this, junior teams can enjoy and participate in a club's many social activities.
- Whenever in doubt about a person's age, committee members and bar staff should always ask for proof of identity before serving them liquor. See 'Evidence of age' in this section of the resource kit for a list of acceptable evidence of age documents.
- Penalties for underage offences relating to alcohol are severe and can affect your club's reputation. See 'Underage offences' in this section of the resource kit for a list of these penalties.

Check your understanding answers

1. One of your staff is 17 years old and training as part of a hospitality program. Are they allowed to be serving liquor?

Yes. The *Liquor Control Reform Act 1998* specifies that people under the age of 18 years are not allowed to be on licensed premises unless the person is engaged in a hospitality training program or in training for employment or work experience.

2. An 18 year old with a 16 year old friend is able to act in the place of a parent.

False. An 18 year old friend of an underage person does not meet the criteria of a person acting in the place of a parent.

3. Where would the club find a condition on the licence that permits underage patrons to be on the premises unaccompanied?

On your liquor licence under the approvals/consents section.

4. List three documents that are acceptable as evidence for proof of age.

Any of the following answers are correct:

- an Australian driver's licence
- an Australian or foreign passport
- a 'Proof of Age' card
- a Victorian learner permit, or
- a Keypass card.

Checklist – Managing underage patrons

Checklist

Use the following checklist to assist you with managing underage patrons.

- Check that all staff and volunteers working in the club have read this section.
 - Check that you have the required signs displayed in the club premises:
 - No Proof No Purchase*
 - Be Safe*
 - Intoxication.*
 - Check that your staff and volunteers are aware that they must ask for proof of age whenever in doubt.
 - Prior to any club activities that involve underage members, check that you have an approval endorsed on the club's liquor licence or that you have submitted an application to the VCGLR requesting permission for underage patrons to be on the premises.
 - If an underage event is to be held at the premises, check that at least 45 days prior to the event you have submitted an underage approval application to the VCGLR.
 - Check that you have an incident register for keeping track of problems that occur when managing underage patrons.
-

Changing club committees

Overview

Introduction

Transfer of knowledge between incoming and outgoing club committee members is often ineffective. When little or no information is shared, incoming committee members are unclear of their obligations, role and responsibilities.

This section will help both outgoing and incoming committee members perform an effective handover when changes to club committees occur.

Although all aspects of the outgoing committee member's role must be handed over, this section focuses on the liquor licence component.

Resources

The following tools have been provided at the end of this section of the resource kit and will assist you in meeting the record keeping obligations as a club that holds a liquor licence:

- Handover document
- Incoming committee member handover checklist
- Outgoing committee member handover checklist.

Contents

This section contains the following topics:

Topic	See page
About effective handovers	2
Materials required	5
Recommended approach	6
Check your understanding – changing club committees	8
Summary	9
Check your understanding answers	9

About effective handovers

When is a handover required?

A handover is required whenever you have existing committee members who are being replaced by new committee members, e.g. after annual elections, as a result of a resignation, or when a committee member takes extended leave.

Research

The purpose of a formal handover is to ensure that all required knowledge and information is passed on from the outgoing committee members to the incoming committee members in a structured and thorough manner.

In particular, by the end of the handover, the incoming committee members must have a clear understanding of:

- the nature of the club's liquor licence
- their associated roles and responsibilities, and
- the obligations and conditions that must be abided by and enforced under the *Liquor Control Reform Act 1998* (the Act).

Consequences of a poor handover

Poor handovers may result in a club being 'exposed', as committee members may be unable to enforce the licence conditions in a seamless manner. By breaching its obligations under the Act, the club may incur financial penalties.

Key to success

Often critical information that needs to be conveyed is not documented and is often only known by the outgoing committee member.

To ensure a successful handover, this information must be:

- documented, and
- brought to the attention of the incoming committee member.

The outgoing committee members should share past experiences, situations, mistakes and lessons learned to help the new committee understand critical issues relating to their role.

Duration of handover

It is important that the handover is not rushed and seen as a 'one-off' task. Effective handovers usually occur over an elapsed period of time so that the incoming committee members have time to digest the information and validate their understanding as time progresses.

About effective handovers

Outgoing committee members – tips

If you are an outgoing committee member, consider the following table during the handover process.

DO	DON'T
<ul style="list-style-type: none">• Be thorough in your preparation and execution.• Discuss the mistakes you made and the lessons learned.• When you encounter a problem during the year, make a note of it, in particular documenting how you could prevent it from happening again. It is likely that the incoming committee members will encounter similar problems.• Put yourself in the shoes of the incoming committee members. Write down all of the things you had to learn on the job or that you wished you had known when joining the committee.• Use the materials that have been developed to assist you, i.e. the handover document template.• Be contactable after the handover as there may be some things that require further clarification. <p>See: 'Outgoing committee member checklist' in this section of the resource kit for tasks that outgoing members should perform during the handover.</p>	<ul style="list-style-type: none">• Don't make assumptions about the incoming committee's knowledge. Recap and reinforce if they have prior knowledge.• Don't take shortcuts.• Don't leave the handover until the last minute as you may forget to convey important information and not leave sufficient time to answer queries.

About effective handovers

Incoming committee members – tips

If you are an incoming committee member, consider the following table during the handover process.

DO	DON'T
<ul style="list-style-type: none">• Drive the handover and take ownership for its success, e.g. book meetings as required.• Prepare a list of questions to ask the outgoing committee. There is no such thing as a silly question!• Ensure all of your questions are answered to the level of detail you require.• Take thorough notes.• Make a list of tasks that you need to perform in the year ahead and plan them accordingly.• Walk around the premises with the outgoing committee member and sight necessary documents, e.g. red-line plan, current licence, signage, sign-in registers.• Take the time to do your own homework during the handover period so you can ask any additional queries that may arise. <p>See: 'Incoming committee member checklist' in this section of the resource kit for tasks that incoming members should perform during the handover.</p>	<ul style="list-style-type: none">• Don't rely on just 'learning on the job' or reading information to obtain the knowledge.• Don't make assumptions.• Don't take shortcuts.

Materials required

Introduction

The following materials are required for the handover:

- this resource kit, and
- the 'Handover document' template in this section of the resource kit.

This resource kit

This resource kit contains information, tools and templates that the outgoing and incoming committee members need to walk through during the handover.

It also includes useful checklists that the incoming and outgoing committee members can use throughout the handover.

Handover document

If there is any information that must be passed on to incoming committee members that is not contained in this resource kit, it must be captured in a handover document.

Information that may need to be captured in this document includes:

- general words of wisdom, such as lessons learned, ideas for the role(s), etc.
- current/outstanding issues relevant to the role(s)
- steps to follow for key tasks
- names and information about useful contacts, and
- list(s) of any required information that is not included in this resource kit.

Tip: Use the 'Handover document' template in this section of this resource kit to capture this information.

Recommended approach

What methods can be used?

Depending on the number of people leaving and joining your committee, a combination of the following methods could be used to ensure an effective handover:

- committee meetings
- one-on-one meetings, including a tour of the club premises
- shadowing the outgoing committee members
- observing, or
- self-study.

These methods are explained below in detail.

Committee meeting(s)

All incoming committee members should be provided with the same introductory information in a series of committee meetings, i.e:

- the type of liquor licence held by the club
- where your licensed areas are located as per the red-line plan
- hours that alcohol can be served
- general obligations, e.g. sign-in and record keeping requirements, posters to be displayed, training requirements (if applicable) and any current or past amenity concerns (effect that your venue and its patrons may have on the surrounding area)
- club specific obligations for either an unincorporated or incorporated association
- common breaches to be aware of
- other breaches that can occur
- renewal date(s) of licences and permits
- change of address requirements, and
- where key documents are kept, e.g. licence or permit, red-line plan, required signs.

Note: This resource kit contains the above information. As a result, incoming and outgoing committee members should refer to the relevant sections throughout the meetings.

See: The 'Outgoing committee member checklist' in this section of the resource kit that can be used to help facilitate these meetings.

Recommended approach

One-on-one meetings and tour

Each incoming committee member should have individual one-on-one meetings tailored to their specific role and responsibilities.

The information in this resource kit and the handover document should be referred to during these meetings. Incoming committee members should also have an opportunity to ask all of their questions.

A tour of the premises should also be performed where the clear boundaries of the licensed areas are shown, signage is pointed out and the locations of key documents are shown, e.g. the club's liquor licence or permit, red-line plan, sign-in registers and incident register.

Shadowing

Meetings could be complemented by shadowing. This is where an incoming committee member observes the functions performed by an outgoing committee member by:

- attending meetings
- viewing emails that are received and sent, and
- listening in on discussions with club members and guests.

Observations

The incoming committee members could also benefit from observing the behaviour of members and guests during the handover period and assessing whether they believe the club is meeting its obligations.

By doing this during the handover period, the incoming committee members can check their understanding of what has been learned and seek further clarification if required.

Self-study

During the handover period, the incoming committee member could look at the content in this resource kit and the VCGLR website at www.vcglr.vic.gov.au. Again, further clarification can be sought if required.

Check your understanding – changing club committees

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. When is a handover required?

2. The handover should be performed as a one-off task.

True False

3. What type of information should be included in the handover document? Provide two examples.

4. If some of your committee members were resigning, which methods would you use to ensure an effective handover?

Tips

Changing club committees

Summary

See: 'About effective handovers' in this section of the resource kit.

Check your understanding answers

1. When is a handover required?

Whenever you have existing committee members that are being replaced by new committee members, e.g. after annual elections, as a result of a resignation, or when a committee member takes extended leave.

2. The handover should be performed as a one-off task.

False, effective handovers usually occur over an elapsed period of time so that the incoming committee member has time to digest the information and validate their understanding as time progresses.

3. What type of information should be included in the handover document?

Any information that must be passed on to incoming committee members that is not contained in this resource kit, e.g.:

- general words of wisdom, such as lessons learned, ideas for the role(s), etc.
- current/outstanding issues relevant to the role(s)
- steps to follow for key tasks
- names and information about useful contacts, and
- list(s) of any required information that is not included in this resource kit.

4. If some of your committee members were resigning, which methods would you use to ensure an effective handover?

Answers will vary depending on your circumstances and will be a combination of:

- committee meetings
- one-on-one meetings, including a tour of the premises
- shadowing
- observations, and
- self-study.

Handover document (for changes to committee members)

Name of outgoing committee member:

Name of incoming committee member:

Date

Incoming committee member handover checklist:

 completed

Outgoing committee member handover checklist:

 completed

Lessons learned / ideas for the role / tips

Current / outstanding issues relevant to the role

Steps to follow for key tasks (if required)

Additional information required (that are not in the resource kit)

Information

Purpose

Where it is located

Information	Purpose	Where it is located
<hr/>	<hr/>	<hr/>

Key contacts

Name

Title

Contact number

Name	Title	Contact number
<hr/>	<hr/>	<hr/>

Incoming committee member handover checklist

Complete the following checklist to help facilitate the knowledge handover.

- Prepare questions to ask the outgoing committee.
- Ensure you know where all the key documents are located:
 - Licence/permit
 - Red-line plan
 - Displayed required signs
 - Sign-in register(s)
 - Incident register
- Ask any outstanding questions you have about:
 - your role as a committee member
 - licence conditions, requirements and obligations.
- Include a reminder in your diary/calendar (prior to 31 December) to renew the club's licence.
- Obtain details of key contacts including the outgoing committee member's details.
- If the postal address on the licence has changed, contact the VCGLR.
- If there is a nominee listed on the licence, check that the correct person is listed, otherwise notify the VCGLR in writing if they have ceased to be the nominee.
- Update the club's internet/intranet with any relevant changes, e.g. names of committee members.
- Track the progress of your handover against the outgoing committee member checklist.
- Schedule additional handover meetings if required.
- Complete the check your understanding questions in each section of this resource kit once the knowledge transfer has been performed.
- Perform any other tasks that were identified during the handover.

Outgoing committee member handover checklist

Complete the following checklist to help facilitate the knowledge handover to the incoming committee member. Where applicable, the section of the resource kit to refer to has been provided.

- Schedule handover meetings with the incoming committee members.
- Prepare the handover document.
- Explain at a high level the nature of the role(s).
- Discuss the following with the new committee members, referring to your actual licence/permit and information in this kit:
 - Responsibilities of being incorporated or unincorporated (see Section 2)
 - Type of liquor licence held by the club (see Section 3)
 - General obligations/Schedule 1 conditions/amenity requirements (see Section 3)
 - Club specific obligations (refer to actual licence/permit)
 - Types of patrons you can have (see Section 3)
 - Hours alcohol can be served (refer to actual licence/permit)
 - Renewal date of liquor licence/permit, i.e. by 31 December each year
 - The club's licensed areas (refer to actual red-line plan and see Section 4)
 - Recording keeping requirements (see Section 5)
 - Common liquor licence breaches to avoid (see Section 6)
 - Other breaches that can occur (see Section 6)
 - Responsible Service of Alcohol guidelines, including training requirements (see Section 7)
 - Managing underage patrons guidelines (see Section 8)
 - Additional key points (see Section 10)
- Discuss the information contained in the handover document.
- Handover copies of previous correspondence, such as emails and meeting minutes.
- Conduct a tour of the premises and point out:
 - The licensed areas
 - Mandatory signage that has been displayed
 - Where the licence/permit is displayed
 - Where the red-line plan is kept
 - Where the sign-in register(s) are kept and purpose, if applicable
 - Where the incident register is kept and its purpose
- Introduce any relevant third parties to the incoming committee members.
- Provide the incoming committee members with your contact details.
- Advise the incoming committee members of future meeting dates.
- Ensure all questions have been answered.

Fundraising activities involving gaming

Overview

Introduction

This section contains information to assist you in understanding when your club or charity requires a permit to conduct fundraising activities involving gaming. It includes:

- how to declare your club or charity as a community or charitable organisation, and
- information regarding the conduct of raffles, bingo, lucky envelopes, fund raising events and other community gaming activities.

Contents

This section contains the following topics:

Topic	See page
Community and charitable gaming	2
Raffles	3
Check your understanding 1 – raffles	5
Bingo	6
Check your understanding 2 – bingo	7
Lucky envelopes	8
Check your understanding 3 – lucky envelopes	8
Fundraising events	9
Check your understanding 4 – fundraising events	9
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Check your understanding 5 – other community gaming	13
Summary	13
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Community and charitable gaming

Introduction

A number of gaming activities can be conducted by declared community and charitable organisations. In some cases, the organisation must obtain a minor gaming permit from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) in order to legally conduct the activity.

The activities requiring a minor gaming permit are:

- Raffles (where the total prize value exceeds \$5,000)
- Lucky envelopes, and
- Fundraising events (casino nights)

A club or charity intending to conduct one of these activities must be registered (declared) by the VCGLR as a community or charitable organisation.

Note: Your club or charity is liable if another club or charity is conducting one of the above activities illegally on your premises.

What does declared mean?

A club or charity is said to be 'declared' when the VCGLR has assessed and approved it to be a community or charitable organisation. If your club is approved, the VCGLR will advise you in writing and include a declaration number.

A list of all declared organisations is available on the VCGLR website at www.vcglr.vic.gov.au.

What kind of organisations can be declared?

To be declared, a club must be conducted in good faith and be established as a not for profit organisation. It must also be a community or charitable organisation, a sporting or recreational club or an organisation conducting the activity for the purposes of a political party.

A club may be declared as a community or charitable organisation if it is conducted for a sporting or recreational purpose. The club must be established as a sporting or recreational club or association for the benefit of such a club or association.

Further information

Further information about declaring your club as a community or charitable organisation is available on the VCGLR website at www.vcglr.vic.gov.au.

Raffles

Introduction

Most clubs rely on fundraising activities, such as raffles, to maintain financial viability.

This section covers the rules for conducting raffle activities.

What is a raffle?

A raffle is a fundraising lottery with goods or services as prizes. The *Gaming Regulation Act 2003* (the Act) prescribes that prizes in a raffle must not include cash, stocks or shares, unless the cash is part of a travel and/or accommodation prize. Only 10 per cent of the total travel prize can be cash/spending money.

Under the Act, there are three types of raffles:

- raffles of \$500 or less ('small raffles')
- raffles of \$5,000 or less, and
- raffles over \$5,000.

Different requirements apply depending on the value of the raffle. The table on page 4 provides a useful summary of some of the requirements for each type of raffle.

Minor gaming permit

Once declared, your club or charity may need to apply for a minor gaming permit to be able to conduct a raffle. A permit is required where the retail value of the prizes in the raffle is more than \$5,000.

You can apply for a minor gaming permit on the VCGLR website at www.vcglr.vic.gov.au.

Conducting a raffle on behalf of a community or charitable organisation

Where a permit is not required, a person can conduct a raffle on behalf of a community or charitable organisation provided they have the written authority of the governing body of the community or charitable organisation that will benefit from the raffle.

A permit is not required to conduct a raffle where the retail value of the prize(s) is \$5,000 or less. The raffle must still be conducted in accordance with the relevant conditions.

A permit is not required to conduct a raffle where the retail value of the prize(s) is \$500 or less. The raffle must still be conducted in accordance with the relevant conditions.

'Retail value' of prizes is determined by valuing the goods or services being offered as prizes at the recognised retail price. The recognised retail value of any goods or services is normally what they can be bought for in a retail situation, regardless of whether the prize has been purchased at a discount or even donated.

Who is responsible for the raffle?

When applying for a minor gaming permit, your club needs to nominate a person over 18 years of age, who must be approved by the VCGLR. This person is called the 'nominee'. The nominee is responsible for ensuring that any minor gaming activity which is run under the permit is conducted in accordance with the rules and conditions.

Having a nominee does not exempt your club from any legal action if there is a breach of the minor gaming permit conditions.

The table below lists the three types of raffles under the Act and some of the requirements for each type.

Prize pool	\$500 or less	\$5,000 or less	Over \$5,000
Is a permit required?	No.	No.	Yes.
Is the number of tickets available for sale limited?	Yes, the value of ticket sales must not be less than twice and not more than six times the total value of the prizes.	Yes, the value of ticket sales must not be less than twice and not more than six times the total value of the prizes.	Yes, the value of ticket sales must not exceed the number authorised by the permit.
Are we required to have printed tickets?	No.	Yes.	Yes.
Do we need to collect ticket purchaser's details?	No.	Yes, ticket sellers should obtain enough information to be able to identify the winners.	Yes, ticket sellers should obtain enough information to be able to identify the winners.
How long can we sell tickets for?	One day, or within an eight hour period.	No longer than three months.	For the period authorised on the permit, which will be for a period not exceeding 12 months.
When does the draw have to occur?	On the same day as the ticket sales, or within an eight hour period.	On the date printed on the tickets, which must not be more than 14 days after the last date of proposed ticket sales.	On the day authorised by the permit.
What method must we use to draw the raffle?	The method of draw must allow each ticket a random and equal chance of winning.	The method of draw must allow each ticket a random and equal chance of winning.	The method of draw must allow each ticket a random and equal chance of winning.
We cannot locate the winner, what should we do?	If a winner does not come forward within a reasonable amount of time following the announcement of the winning number, a redraw must occur.	Contact the VCGLR.	Contact the VCGLR.
What records must we keep and for how long must we keep them?	Distribution of funds and distribution of prizes. Three years.	Distribution of funds, details of tickets printed and distribution of prizes. Three years.	<ul style="list-style-type: none"> • How tickets were sold • how the sales were publicised • the names of people to whom tickets were issued for sale and, for each person, how many tickets were sold, how many tickets were returned and how much money was remitted • when and how the raffle was drawn and the names and addresses of the winners, and • description (including retail value) of their respective prizes. Three years.

Check your understanding 1 – raffles

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. A minor gaming permit is required if the retail value of the prizes in the raffle is more than \$5,000:

True False

2. What method must be used to draw the raffle?

3. How long must the club retain records of the raffle?

Bingo

Introduction

Any club or charity that intends to conduct bingo sessions to raise funds must first be declared by the VCGLR to be a genuine community or charitable organisation.

Can our club conduct bingo?

Bingo may be conducted by clubs that have been declared (registered) by the VCGLR as community or charitable organisations.

The registered community or charitable organisation must then submit a notification of commencement of bingo sessions to the VCGLR at least seven days before the first bingo session.

In addition, bingo can be conducted by clubs other than declared community or charitable organisations where:

- no fee is charged, directly or indirectly, to participate in the bingo or the whole of the gross receipts from the bingo session are distributed as prizes during the session, and
- the session is not advertised or open to the general public, is provided for the entertainment of the players and is not intended to provide a commercial benefit to the person conducting the session or to any other person.

Intention to conduct bingo

To notify the VCGLR of your club's intention to conduct bingo, you must complete and lodge the *Bingo – Notification of intention to conduct bingo sessions* form.

If approved, your club or charity will receive a *Notice of authorised bingo* from the VCGLR, which must be displayed in a prominent place at the venue in which the sessions are to take place.

A *Bingo – Notification of intention to conduct bingo sessions* form is available on the VCGLR website at www.vcglr.vic.gov.au.

Bingo sessions

A session of bingo can comprise up to 30 games of bingo conducted within an eight hour timeframe. There is no maximum as to the number of sessions that a community or charitable organisation may conduct.

Record keeping

A running sheet that records bingo activity in accordance with the Act and Regulations and must be completed for each game prior to commencing a new game.

Annual returns

In August each year, the VCGLR sends each community or charitable organisation an Annual Return form to report on bingo conducted between 1 July of the previous year and 30 June of the current year.

The Annual Return must be completed by the community or charitable organisation, audited (if required) by a suitably qualified person and submitted to the VCGLR by 1 October of the current year.

For further information regarding annual returns contact the VCGLR on 1300 182 457 or contact@vcglr.vic.gov.au.

Bingo

Ceasing to conduct bingo

Your club must notify the VCGLR in writing of any intention to stop conducting bingo sessions for any period longer than three months by completing the *Bingo – Notification of intention to cease to conduct bingo sessions* form. The form is available to download at located at www.vcglr.vic.gov.au.

The club must submit this form to the VCGLR within seven days of ceasing to conduct bingo sessions.

Further information

A bingo booklet has been developed to help community and charitable organisations and their responsible nominees to understand laws on running bingo. The VCGLR website includes the current rules for bingo that apply for the conduct of bingo sessions.

To obtain a copy of the bingo booklet or to view a copy of the rules, visit the VCGLR website at www.vcglr.vic.gov.au.

Check your understanding 2 – bingo

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. How many days' notice must be provided to the VCGLR before the club's first bingo session?

2. Under what circumstances can a club, which has not been declared community or charitable organisation, conduct bingo activities?

3. What records must the club keep after conducting a session of bingo?

Lucky envelopes

Introduction

A lucky envelope is a lottery ticket where the result is pre-determined. The ticket must be made so that the result cannot be seen until after it is sold.

Lucky envelopes are sometimes known as 'pull-tabs', 'break opens' or 'bingo tickets' because they may have the word 'B.I.N.G.O.' along the front of the ticket. They are 'break open' type tickets that have letters, numbers or symbols underneath and if a ticket has the right combination, it is a winner. These types of tickets may be sold by hand, at a bar or through a ticket dispensing machine.

Additionally, there are electronic lucky envelope machines that, after you insert your money, letters, numbers or symbols are displayed on the screen and the machine will print out a ticket. If the letters, numbers or symbols matches with sequence on the prize list on the machine, that ticket is a winner.

Lucky envelopes can also be sold through the use of a punchboard (i.e. requires a hole to be pushed in the punchboard to get a ticket with a number on it). If the number matches one shown on the prize list on the punchboard, that ticket is a winner.

Who can sell a lucky envelope?

Lucky envelopes can only be sold by organisations that have been declared (registered) by the VCGLR to be community or charitable organisations.

Minor gaming permit

Any organisation wanting to sell lucky envelopes must hold a current minor gaming permit to conduct this activity. Permits are issued for a period of up to two years.

Further information

A lucky envelopes information booklet and frequently asked questions are available on the VCGLR website at www.vcglr.vic.gov.au.

Check your understanding 3 – lucky envelopes

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. Who can sell lucky envelopes?

2. A minor gaming permit is required before our club can sell lucky envelopes:

True False

3. How long are minor gaming permits for lucky envelopes issued for?

Fundraising events

Introduction

A fundraising event is a function conducted by a community or charitable organisation to raise money through the playing of casino-type games.

Without a valid minor gaming permit, it is unlawful for these games to be played other than in a licensed casino.

Entry to the function would normally entitle a person to obtain 'play money' or chips to participate in the games. At the end of the function, the 'play money' or chips cannot be converted into cash.

See: 'Minor gaming permit' in this section for more information.

How long does a permit last for?

A minor gaming permit to conduct a fundraising event remains in force for the period of the activity only.

Further information

A fundraising event information booklet and frequently asked questions are available on the VCGLR website at www.vcglr.vic.gov.au.

Check your understanding 4 – fundraising events

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. It is unlawful to conduct a casino-type fundraising event without a minor gaming permit:

True False

2. Can play money or chips be converted into cash?

Yes No

Other community gaming

Introduction

Other community gaming activities that may be conducted by your club includes:

- footy tipping competitions
- Melbourne Cup sweeps, and
- members' draws.

Footy tipping

Footy tipping competitions where winners are determined solely by skill or knowledge are not regulated by the VCGLR unless they are deemed to be Interactive Gaming or include betting elements.

A footy tipping competition where winners are determined by an element of chance may only be conducted where:

- all of the money collected is returned as prizes, and
- the total value of prizes distributed is not more than \$5,000.

This means that the organiser of the footy tipping competition cannot take money out of the prize pool as expenses. All of the money collected must be returned as prizes.

There are no set guidelines on how a footy tipping competition must be conducted and it is up to the person organising the competition to develop their own rules. However, the rules should be clear for entrants to understand.

The club committee can decide on any other rules for your club's footy tipping competition provided entrants are made aware of them.

A footy tipping competition may be conducted at any premises or at any workplace provided the two requirements shown above are met. It may also be conducted on sports other than Australian Rules Football, such as Rugby League, Rugby Union or soccer.

Trade promotion lottery

A footy tipping competition that involves an element of chance, may be run as a trade promotion lottery to promote a genuine trade or business.

A permit from the VCGLR will be needed if the value of prizes will be more than \$5,000.

Entrants must not be charged to participate and prizes are provided by the trade or business to be promoted.

A business may promote its goods or services via a footy tipping competition that is not subject to gambling legislation, provided the competition is based only on skill and knowledge and there is no element of chance at any stage in the competition.

Further information

Further information about footy tipping is available on the VCGLR website at www.vcglr.vic.gov.au.

Other community gaming

Melbourne Cup sweeps

A popular activity at many clubs during the Spring Racing Carnival is to run a Melbourne Cup sweep (sweepstake).

A sweepstake may only be conducted where:

- all of the money collected is returned as prizes, and
- the total value of prizes distributed is not more than \$5,000.

This means that the organiser of the sweepstake cannot take money out of the prize pool as expenses. All of the money collected must be returned as prizes.

There are no set guidelines on how a sweepstake must be conducted and it is up to the person organising the sweep to develop their own rules. However, the rules should be clear for entrants to understand.

A sweepstake may be conducted at any venue or workplace provided the two requirements shown above are met. It may also be conducted on races other than the Melbourne Cup, for example the Caulfield Cup, Cox Plate or country cups.

Please note this information does not apply to a Calcutta Sweepstake, which can be conducted by a club under a permit issued by the Minister for Racing. Any club intending to conduct a Calcutta Sweepstake should contact the Office of Gaming and Racing to obtain a permit application form.

Further information

Further information about sweeps is available on the VCGLR website at www.vcglr.vic.gov.au.

Other community gaming

Members' draws

Members' draws are considered trade promotion lotteries.

Members' draws are usually conducted by clubs and involve the drawing of a member's number from a pool of numbers.

Terms and conditions should be available at the place of entry and to all members. The conditions of entry can only require the member to be present at the draw if the entry and draw are to occur on the same day.

If members enter by buying goods or services throughout the week, then it cannot be a requirement for the member to be present at the time of the members' draw. If the total prize value of the members' draw does not exceed \$5,000 a permit is not required. However, if the prize jackpots and reaches \$5,000 and the members' draw is intended to continue with the bigger jackpot, you must obtain a permit before proceeding.

Terms and conditions for members' draws

The terms and conditions are the rules for the conduct of the trade promotion lottery. The terms and conditions must be consistent with the requirements of the Act and Regulations. All terms and conditions should be in plain English and kept as simple as possible, so that all entrants can understand them.

The terms and conditions must include the following information:

- how to enter
- conditions of entry
- start and closing dates
- when and where the lottery will be drawn (date, time and location)
- details and values of all prizes
- how winners will be notified
- details of newspaper/journal in which the winner's name will be announced (if required), and
- details of any additional purpose that the personal information collected from participants will be used for.

Terms and conditions are required for each trade promotion lottery.

Further information

Further information about other community gaming is available on the VCGLR website at www.vcglr.vic.gov.au.

Check your understanding 5 – other community gaming

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. What circumstances can the club conduct a footy tipping competition?

2. A footy tipping competition that involves an element of chance, may be run as a trade promotion lottery to promote a genuine trade or business:

True False

3. List three pieces of information that must be included within the terms and conditions for members' draws.

Summary

Tips

- Ensure that your club understands its obligations if conducting fundraising activities such as raffles, bingo or hosting fundraising events.
- Check whether your club is required to register as a community or charitable organisation.
- Ensure that your club meets all the record keeping requirements if holding a minor gaming permit.
- Remember that your club or charity organisation is liable if another club or charity is conducting fundraising activities involving gaming at your premises illegally.
- Complete the 'check your understanding' questions and check your answers against the answers provided at the end of this section of the resource kit.

Check your understanding answers

1 – Raffles

1. A minor gaming permit is required if the retail value of the prizes in the raffle is more than \$5,000:

True.

2. What method must be used to draw the raffle?

The method of draw must allow each ticket a random and equal chance of winning.

3. How long must the club retain records of the raffle?

Three years.

2 – Bingo

1. How many days' notice must be provided to the VCGLR before the club's first bingo session?

Seven days.

2. Under what circumstances can a club, who has not been declared community or charitable organisation, conduct bingo activities?

A club can conduct bingo activities without declaring if:

- no fee is charged, directly or indirectly, to participate in the bingo or the whole of the gross receipts from the bingo session are distributed as prizes during the session, and
- the session is not advertised or open to the general public, is provided for the entertainment of the players and is not intended to provide a commercial benefit to the person conducting the session or to any other person.

3. What records must the club keep after conducting a session of bingo?

Running sheets recording the bingo activity must be kept after conducting a session of bingo.

3 – Lucky envelopes

1. Who can sell lucky envelopes?

Lucky envelopes can only be sold by organisations that have been declared (registered) by the VCGLR to be community or charitable organisations.

2. A minor gaming permit is required before our club can sell lucky envelopes:

True.

3. How long are minor gaming permits for lucky envelopes issued for?

Two years.

Check your understanding answers

4 – Fundraising events

1. It is unlawful to conduct a casino-type fundraising event without a minor gaming permit:

True.

2. Can 'play money' or chips be converted into cash?

No.

5 – Other community gaming

1. What circumstances can the club conduct a footy tipping competition?

A footy tipping competition may only be conducted where:

- all of the money collected is returned as prizes, and
- the total value of prizes distributed is not more than \$5,000.

2. A footy tipping competition that involves an element of chance may be run as a trade promotion lottery to promote a genuine trade or business:

True.

3. List three pieces of information that must be included within the terms and conditions for members' draws?

Any three of the following answers:

- how to enter
- conditions of entry
- start and closing dates
- when and where the lottery will be drawn (date, time and location)
- details and values of all prizes
- how winners will be notified
- details of newspaper/journal in which the winner's name will be announced (if required)
- details of any additional purpose that the personal information collected from participants will be used for.

Our gaming venue

Overview

Introduction

This section has been designed for clubs operating gaming machines, with an overview of the role requirements for a nominated nominee.

The section contains information to assist you in understanding and fulfilling your obligations as a gaming venue operator. It includes:

- general information that applies to gaming venue operators and employees
- information about the responsibilities and obligations for gaming venue operators
- specific information around gaming operations, and
- other important information for gaming venue operators.

Resources

It should be noted that not all resources or reading materials have been included in this section. It is intended to be an overview only. If you require additional information to what is provided in this section, please refer to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) website at www.vcglr.vic.gov.au.

Gambling Arrangements 2012

Changes made to the regulation of Victoria's gambling industry require gaming venue operators to prepare their venues and gaming machines to be operational and ready for connection to the monitoring system on 16 August 2012. Detailed information to help gaming venue operators prepare their venues is available at www.vcglr.vic.gov.au.

Overview

Contents

This section contains the following topics:

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Venue operator's licence

Licence issued by VCGLR

The VCGLR is responsible under the *Gambling Regulation Act 2003* (the Act) for the issue of licences to manage and operate a venue that has been approved as suitable to be used for gaming.

A venue operator's licence may be granted to a person who is a body corporate, such as a company or an incorporated association. This includes a company limited by guarantee. In each case the applicant must be assessed to be a suitable person to be concerned in, or associated with, the management and operation of a gaming venue.

Licence not transferable

A venue operator's licence applies only to the person it has been issued to and cannot be sold or transferred.

Licensee responsible

Venue operators must follow the requirements placed on them by the Act and related regulations, and can be prosecuted in court or have disciplinary action taken against their licence if they do not. The nominee of a venue operator is responsible as though they were the licence holder.

The role and responsibilities of venue operators and nominees are summarised in the following pages.

Check your understanding 1 – venue operator's licence

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. Who can be granted a venue operator's licence?

a. _____

b. _____

2. A venue operator's licence issued to you can be sold or transferred to another person or company at any time.

True False

Becoming a nominee

What is a nominee?

Under the Act, an individual must be nominated to be the responsible person to manage and operate a gaming venue

That individual is referred to as the nominee.

Role of nominee

The nominee plays an important role in ensuring responsible, honest and crime free gambling takes place in their venue.

Once an application to be a nominee is approved by the VCGLR, that person is accountable for the management and control of the gaming venue and is also liable under the Act as a licensee.

The nominee is liable under the Act as a licensee and may be prosecuted for any breaches of the Act by the licensee.

Who should be a nominee?

Generally, the person best placed to be a nominee is one who has an understanding of the requirements of the position, coupled with the capacity to influence the business direction of the venue operator. A person nominated to be the nominee is usually a director of the company or committee member of the club that holds the venue operator's licence. Alternatively, they may be employed as the venue manager.

Before a nominee is approved, the VCGLR must consider whether the nominated person, and each of their associates, is suitable to be concerned in, or associated with, the management and operation of a gaming venue. The VCGLR must consider whether the nominated person and their associates are of good reputation by assessing their character, honesty and integrity. It must consider if the nominated person has a business association with anyone who may be regarded as not of good standing or as having unsatisfactory financial resources.

Using information obtained through the application and other checks, the VCGLR assesses each nominated person and confirms their suitability.

Before they can take on the role, all nominated individuals must receive a letter from the VCGLR approving their nomination.

When to nominate a nominee

Venue operators must nominate a nominee for each venue linked to their licence. All nominees must have their nomination approved by the VCGLR in the following instances:

- when a venue operator is granted a licence with an approved venue
- after the licence conditions have been amended to add an approved venue
- when the VCGLR notifies the venue operator it has refused to approve a nominated person, and
- when an approved nominee dies, resigns, is dismissed or stops managing the venue.

Applications to the VCGLR must be made within 60 days of any of the above circumstances arising. If unable to meet that timeline, venues must apply to the VCGLR for an extension.

Becoming a nominee

What if there isn't a nominee?

In instances where there is no nominee, the company's board of directors or the incorporated association's committee members are all separately responsible and liable as the licensee until an individual is nominated and approved by the VCGLR. In such a situation, each member of the board of directors or club's committee could be prosecuted if the Act or regulations are breached.

Applying to be a nominee

All nominee applications must be submitted on a *Venue operator's licence approval as a nominee* form. There is no fee for making this application.

Together with the completed form, all applications must include:

- an original National Police Certificate from Victoria Police
- an original credit report, and
- an original Australian Securities and Investments Commission personal historical extract.

Applicants must also consent to having their fingerprints taken to satisfy identification requirements.

To download the nominee application forms, visit the VCGLR website at www.vcglr.vic.gov.au.

Check your understanding 2 – becoming a nominee

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. A venue operator must nominate a nominee for each venue linked to their licence.

True False

Licence responsibilities

Governance

For clubs that operate gaming machines, the changes to the regulation of gaming venues in 2012 present new challenges. The new venue operator model requires clubs to undertake a much broader range of responsibilities. Gaming venues are involved in a large industry that generates approximately \$3 billion in aggregate revenue per year, and as a consequence, governance by boards and committees should reflect the extent of financial risk and opportunities for these new and substantially expanded businesses.

Governance by boards and committees will require a new level of sophistication and vigilance. These bodies should be properly constituted, meet regularly and have the skills necessary to perform their role. Board and committee members should consider the training and skills required for their new roles to ensure that club affairs are managed diligently and responsibly.

Complying with licence conditions

Venue operators are required to comply with all the conditions relevant to their licence, as identified at the time the licence is granted. Amendments to licence conditions may be proposed by the venue operator in writing to the VCGLR.

Notice of certain liquor licence applications

Venue operators must notify the VCGLR in writing about certain liquor licence applications concerning their approved gaming venue. These include applications:

- to grant, vary, transfer, relocate, suspend, cancel or surrender a liquor licence
- to release a liquor licence holder from their obligations
- to remove a partner's name from a liquor licence
- for an inquiry about the licensee or licensed premises
- for approval of a person as a director of the liquor licensee.

If a liquor licence for an approved venue is cancelled, transferred, relocated, surrendered or released, the venue operator's licence is automatically and immediately amended to remove the premises that were the approved venue.

In addition, where the liquor licence is cancelled, relocated, surrendered or released, the approval of the premises is immediately revoked.

In these circumstances, gaming at those premises would have to cease immediately.

Notice of changes in venue operator's structure or status

Venue operators must notify the VCGLR in writing if they change or plan to change their structure in the following ways:

- an incorporated association decides to amalgamate with another incorporated association, or to convert itself into a company
- a venue operator is one of two or more clubs applying for an amalgamated club liquor licence
- an application has been made by executors, trustees or administrators to have their name or that of their agent endorsed on the liquor licence.

Licence responsibilities

Reporting other changes in circumstance

Through the nominee, venue operators are responsible for notifying the VCGLR of certain changes in their situation.

Whenever any of the specific changes take place, a written notice must be given to the VCGLR within 14 days of the change occurring.

Individual nominees and associates are also required to tell the VCGLR about certain changes in their situation. Nominees can help by reminding associates from time to time about their reporting obligations.

Address for mail

Official mail for the venue operator is sent to the registered office or place of business. The VCGLR has also developed electronic means of communicating with venue operators for those that have provided a contact email address.

Venue operators that have not provided an email address can contact the VCGLR at contact@vcglr.vic.gov.au to provide this information.

Renewing a venue operator's licence

Before a venue operator's licence is due to expire, they will receive a letter from the VCGLR advising that the licence needs to be renewed. Nominees should be aware of the licence expiry date, as printed on the 'Notice of venue operator's licence'.

If a venue operator does not receive a renewal notification approximately three months before the licence is due to expire, the VCGLR should be contacted.

It is the nominee's responsibility to lodge the application to renew the venue operator's licence and submit all forms and lodge the information requested with the VCGLR before the licence is due to expire. This allows gaming to continue past the expiry date of the existing licence and until the application for renewal of the licence is determined by the VCGLR.

If there are any changes in the information provided with an application before it is determined, the applicant must immediately inform the VCGLR.

Resigning as a nominee

A nominee must provide the VCGLR with 14 days notice of their intention to resign. Notification of any changes in status, such as a nominee having been dismissed or no longer managing the venue, must also be given within this timeframe.

Within 60 days, or a longer time as allowed by the VCGLR, a new nominee must be nominated for approval by the venue operator and the required documentation lodged with the VCGLR. If the VCGLR allows an extension of time for the nomination of a new nominee and a person has not yet been nominated, the venue operator should seek a further extension of time prior to the current extension lapsing.

A proposed nominee must receive a letter of approval from the VCGLR before taking on the role.

Licence responsibilities

Approving new associates

Through its nominee, a venue operator must ensure that a person does not become an associate of the venue operator before the VCGLR approves the appointment in writing. This applies, but is not limited to, business partners, executive officers such as a director, secretary, committee member or part of a management body and significant shareholders of the venue operator.

Any new person associated with the venue operator must not participate in the management or operation of gaming at the venue until they are approved by the VCGLR. For further advice on who may be considered to be an associate, contact the VCGLR on 1300 182 457.

False or misleading information

A person – including a venue operator, nominee or associate – must not give false or misleading information when:

- applying for a licence or other approval
- complying with a notice given by the VCGLR
- answering a question by a gambling and liquor inspector, and
- providing information to the VCGLR.

Amending licence conditions

At any time, a venue operator can make an application to the VCGLR to amend the conditions of their licence to:

- include or remove approved venues
- increase or decrease the number of gaming machines at a venue, or
- vary the days or dates when 24 hour gaming is permitted.

The forms that need to be completed by a venue operator to amend any licence conditions can be obtained from the VCGLR website at www.vcglr.vic.gov.au.

Check your understanding 3 – licence responsibilities

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. What happens when a liquor licence for an approved venue is cancelled, transferred, relocated, surrendered or released?

2. A new nominee must be nominated for approval by the venue operator and the required documentation lodged with the VCGLR within 14 days of the resignation of the previous nominee.

True False

Gaming industry employees

Licensing gaming industry employees

Venue operators must ensure all those employed to undertake prescribed gaming related duties in their venue are appropriately licensed.

Provided they are wearing appropriate identification, as approved by the VCGLR, a nominee can undertake all duties performed by a gaming industry employee.

If a venue operator or nominee is advised by the VCGLR that an employee's licence has been suspended, cancelled or has expired, the venue operator must, within 24 hours, stop that employee from continuing to fill the role of a gaming industry employee.

It is important to note that this does not mean the employee must cease performing all duties at the approved venue, but only those for which a gaming industry employee licence is required.

Gaming industry training

It is a venue operator's responsibility to ensure that anyone performing the functions of a gaming industry employee in a gaming machine area has completed an approved training course, Responsible Service of Gaming (RSG).

The training course must be completed by the employee within six months after commencing work in the gaming machine area of an approved venue.

All employees must complete a refresher course every three years after completing the initial training course.

Venue operators are required to keep a register containing a copy of the relevant course certificate for each gaming industry employee employed in the gaming machine area of the venue. This register is inspected by gambling and liquor inspectors as part of the regular gaming venue inspection program.

Providers of approved RSG training providers are listed on the VCGLR website at www.vcglr.vic.gov.au.

Check your understanding 4 – gaming industry employees

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. An employee working in the gaming machine area of an approved venue must complete the RSG training course within 12 months.

True False

Community Benefit Statements

Community Benefit Statements

Each year, club and racing club venue operators must lodge an audited Community Benefit Statement (CBS) for each venue reporting on how much revenue it has used to benefit the community and how.

This statement must be lodged with the VCGLR by 30 September each year. As the date is set down in legislation, it is not possible for the VCGLR to allow an extension of time to lodge a CBS.

Club and racing club venues that do not lodge an audited CBS by the required date will be taxed at the pub venue rate. The higher tax rate is payable from the time the CBS was required to be lodged until the time that the CBS is actually lodged. The VCGLR can also take disciplinary action against the venue operator for contravening the Act for failing to lodge an audited CBS by the required date.

A CBS can be lodged electronically on the VCGLR website. A username and password is provided in July each year to every venue operator required to lodge a CBS. Forms can also be downloaded from the website for those not lodging electronically.

The Ministerial Order sets out what can be claimed as a community benefit or purpose in a CBS. The Ministerial Order is available on the VCGLR website at www.vcglr.vic.gov.au together with a *Notes and frequently asked questions* booklet.

Check your understanding 5 – Community Benefit Statements

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. By what date each year should club and racing club venue operators lodge an audited Community Benefit Statement to the VCGLR for each venue, reporting on how much revenue it has used to benefit the community and how?
-

Financial and accounting records

Records

To meet this requirement, a venue operator must:

- keep separate accounts for gaming transactions at a financial institution approved by the VCGLR
- maintain accounts that correctly record and explain the transactions and financial position of the venue operator
- at the end of each financial year, prepare financial statements and accounts that include:
 - a. cash flow statements
 - b. profit and loss accounts, and
 - c. a balance sheet.

Venue operators must retain all banking, accounting and auditing records (other than audit rolls) related to the operations of the approved venue for not less than three years after the completion of the transactions to which they relate (audit rolls are required to be kept for not less than 13 months after the completion of the transactions to which they relate).

These records must be stored at either the approved venue, or the venue operator's principal place of business for a minimum of 13 months after the completion of the transactions to which they relate. After this period, documents may be relocated so long as the VCGLR is notified in writing at least 14 days prior to their removal.

Venue operators must ensure that all banking, accounting and auditing documents are stored in a safe and secure manner and allow unlimited access by gambling and liquor inspectors at any time. For further information, see the *Guidelines for summary gaming transactions* booklet available from the VCGLR by calling 1300 182 457.

The electronic storage of documents is permitted, but must be accessible, understandable for the VCGLR's purposes and secure.

Venue operators should also be aware of any requirements for retention of records of other relevant regulators, such as the Australian Taxation Office, the Australian Securities and Investments Commission (companies) and the Registrar of Incorporated Associations (incorporated clubs), or any other relevant State or Commonwealth regulatory body, which may affect the time frame for retaining records.

Check your understanding 6 – records

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. At the end of each financial year, a venue operator must prepare financial statements and accounts that include:
 - a. _____
 - b. _____
 - c. _____
-

Gaming operations

Gaming machine areas

The nominee is responsible for applications to modify a gaming machine area in an approved venue.

Gaming machines can only be played in approved gaming machine areas.

Any modifications to gaming machine areas must be approved by the VCGLR taking into account the size, layout or facilities of an approved venue. Venue operators should be aware that there is a permanent ban preventing gaming machines being situated outdoors.

Installing and sealing gaming machines

A gaming machine must be installed by a gaming operator in the manner outlined in the Act. Gaming must not take place on a machine that has been incorrectly installed.

Venue operators must not allow gaming machines to be played unless the machine's computer cabinet is securely sealed in the manner approved by the VCGLR.

Cabinets are electronically locked and monitored by the gaming operator. If the cabinet opens, gaming should be automatically disabled, and a 'door-open' message displayed. Venue operators must advise their gaming operator if a cabinet is faulty.

Gaming tokens

Only approved gaming tokens, Australian currency or an approved token or credit can be used to make a bet on a gaming machine.

Venue operators must ensure the sale or redemption of gaming tokens is carried out in a manner that ensures the integrity of all transactions.

Gaming machine malfunctions

A venue operator must not allow payments to be made to anyone playing on a gaming machine that is reasonably suspected to have malfunctioned. Disputes must be resolved by the gaming operator using procedures approved by the VCGLR.

If a gaming machine is not functioning in the manner it was designed and programmed to, the venue operator must not allow it to be played, and should report the fault to their gaming operator immediately.

Faults in gaming machines include, but are not limited to, coin and note acceptors not working, player information displays not working, monitor problems such as light flickering and partial game displays.

Gaming hours

Venue operators may only allow gaming machines to be played during the period outlined in their liquor licence.

The Act requires that there be a continuous four hour break from gaming after every 20 hours of gaming and that there must be no more than 20 hours of continuous gaming each day, unless expressly approved by the VCGLR and indicated in the *Notice of approved venue*.

Gaming machines must not be played when the venue is closed to the public.

Gaming operations

Unlawful payments, inducements and cheating

Venue operators must not receive benefit from any individuals or organisations listed on the roll of manufacturers, suppliers and testers, their employees or associates.

A nominee or venue operator must not dishonestly persuade an individual or organisation to provide them with money, gaming tokens, benefit, advantage, valuable consideration or security. They must also ensure they do not cause gaming equipment to do this either.

Unfettered access to gaming areas

When gaming is offered to the public, the venue operator must give unrestricted access to the gaming areas to anyone 18 years and over. This means that no fee or charge can be made for a person to enter the gaming areas of the venue. However, the venue operator may:

- a. impose and enforce a reasonable dress code for the gaming venue
- b. exclude from the venue a person whose behaviour is unacceptable in a public place
- c. exclude from the venue a person who has sought to be excluded from gaming venues under a voluntary self-exclusion scheme
- d. exclude a person engaged in 'syndicate play'. (Syndicate play occurs when two or more persons act in concert to affect the chance of any person or persons winning a linked jackpot arrangement).

Ejecting people from gaming venues

A venue operator may refuse entry or eject from their venue anyone who:

- breaks the VCGLR's rules
- damages or vandalises a gaming machine
- behaves in a manner likely to cause offence to other persons, or
- is reasonably suspected of being in the venue with the intention of committing an offence.

A venue operator may use no more force than is reasonably necessary to remove a person.

This is in no way intended to limit or restrict the general common law right a venue operator has to refuse entry or evict a person from their venue.

Gaming operations

Minors in gaming areas

A venue operator or gaming employee must not knowingly allow or assist a minor to gamble or knowingly allow, assist or enable a minor to obtain entry to or remain in a gaming machine area of an approved venue.

Apprentices aged under 18 are permitted to enter a gaming machine area if they are to receive professional training in the venue.

Proof of age and identification may be required from anyone in an approved venue suspected of being a minor.

Venue operators are responsible for placing approved signs in the venue advising that those aged under 18 must not enter. Signs must be displayed at each place a person could enter the gaming machine area, or on the boundary of this area. The sign must be clearly visible at all times, and must follow these standards:

- be at least A4 size
- have clear and legible wording, in black on a white background
- use the same font size for wording throughout
- use wording of a size to fill the background on which it is printed.

Check your understanding 7 – gaming operations

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. Venue operators can place gaming machines outdoors to cater for their patrons.

True False

2. The Act requires that there be a continuous break of how many hours after every 20 hours of gaming?

3. A venue operator may refuse entry to or eject from their venue anyone who:

a. _____

b. _____

c. _____

d. _____

Responsible gambling

Self-exclusion program

It is a condition of all venue operator licences to conduct a self-exclusion program. An applicant for a new venue operator's licence must submit, as part of their application, a self-exclusion program that the applicant intends to conduct if the licence is granted by the VCGLR.

The self-exclusion program must detail how a person may voluntarily exclude themselves from a gaming venue or venues.

The program must comply with the Ministerial Direction and be approved by the VCGLR.

The Ministerial Direction details what venue operators must specify in their self-exclusion program. Guidelines are included with the Ministerial Direction that provides practical information for meeting the standards required by the direction.

A copy of the Ministerial Direction and guidelines are available on the VCGLR website at www.vcglr.vic.gov.au.

Alternatively, an approved self-exclusion program can be adopted by completing a *Statement of adoption* form.

Responsible Gambling Code of Conduct

It is a condition of all venue operator licences to have a Responsible Gambling Code of Conduct (Code of Conduct) put into practice at approved venues. An applicant for a new venue operator's licence must submit, as part of their application, a Code of Conduct that the applicant intends to implement if the licence is granted by the VCGLR.

A venue operator's Code of Conduct must detail how the venue operator will foster responsible gambling at its gaming venue or venues. The Code of Conduct must comply with the Ministerial Direction and be approved by the VCGLR.

The Ministerial Direction details what venue operators must specify in their Code of Conduct. Guidelines are included with the Ministerial Direction that provides practical information for meeting the standards required by the direction.

The Code of Conduct must also state the review process that will be undertaken by the venue operator in assessing its operation and effectiveness.

Venue operators must amend their Code of Conduct if there is an amendment to the Ministerial Direction that results in a change, or addition to, requirements to be met by venue operators. In these circumstances, the venue operator must submit the amended Code of Conduct to the VCGLR for approval within six months of the date of the direction change.

A copy of the Ministerial Direction and Guidelines are available on the VCGLR website at www.vcglr.vic.gov.au.

Alternatively, an approved Code of Conduct can be adopted by completing a *Statement of adoption* form.

Responsible gambling

Payment of accumulated credits and cashing cheques

Venue operators must:

- pay accumulated credits of \$1,000 or more on a gaming machine by cheque, and
- at the request of a person, pay accumulated credits of less than \$1,000 by cheque.

In either case, the entire amount must be paid by cheque (not part by cheque and part by cash). The cheque must not be payable to cash. Venue operators must not give cash or gaming tokens in exchange for a cheque drawn on their account or that of the gaming operator to enable a person to play a gaming machine.

Venue operators can give cash for a cheque up to the value of \$400, but must not give a greater amount of cash if the value of the cheque is for more than \$400. Venue operators must only exchange one cheque for cash per person in a 24 hour period.

Playing of gaming machines by intoxicated persons prohibited

A venue operator must not knowingly allow an intoxicated person to play a gaming machine. A person can be identified as being in an intoxicated state if his or her speech, balance, coordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of alcohol.

Credit for gaming, limiting withdrawals and cash advances

It is an offence to provide credit for gaming. Venue operators must not make a loan or extend credit in any form to someone in order for them to play a gaming machine.

A venue operator must not allow a person to obtain a cash advance from a credit account at a cash facility in their venue.

More information about ATMs at approved gaming venues can be located on the VCGLR website at www.vcglr.vic.gov.au.

Time displays, lighting and external views

Every gaming machine must display the time. Should a time display on a gaming machine malfunction, a venue operator must immediately supply details of that malfunction to the relevant gaming operator.

Lighting in the gaming room must be kept at the prescribed level as set out in Schedule 2 of the *Gambling Regulation Regulations 2005*.

The venue operator must not remove a window or block the view from a window that gives a view out of the gaming machine area. Using blinds to block out heat or glare, however, is allowed.

Responsible gambling

Printed information

As outlined in the regulations, player information posters must be displayed in the venue by the operator.

Player information talkers on gaming machines that can be seen from the front of the machine must also be displayed. Venue operators must also ensure player information brochures can be obtained at each cashier's desk.

There must be at least as many brochures as there are gaming machines in the gaming room available at all times.

Posters, talkers and brochures detail how gaming machines work and the chances of winning. The venue operator must have them available in English, and may also provide them in other commonly spoken community languages. They must contain the information specified by the Minister.

For a copy of brochures, talkers and posters, visit the VCGLR website at www.vcglr.vic.gov.au.

Gaming machine advertising and signs

Venue operators are forbidden from advertising gaming machines outside the venue's gaming machine area.

This refers to any form of advertising that promotes or is intended to promote the playing of gaming machines. It does not include information or advertisements on problem gambling or technical details relating to the operation of a gaming machine.

A venue operator is permitted to send advertising to anyone who has requested it.

Displaying a gaming machine related sign is also not allowed. This refers to any sign expressed in words, symbols or pictures that:

- draws attention to the availability of gaming machines for gaming, or
- uses terms or expressions often associated with gaming machines.

A limited number of signs are exempt from this prohibition, as outlined in the *Gambling Regulation (Signage) Regulations 2005*.

Venue operators can obtain further information on this from their gaming operator or from an independent legal adviser.

Check your understanding 8 – responsible gambling

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. What type of program must be conducted by all venue operators of approved venues?

2. A venue operator must pay a cheque to customers with accumulated credits won on a gaming machine when the value of the credits reaches what amount?

3. Venue operators can advertise gaming machines anywhere inside their venue.
True False

Inspection of the VCGLR's rules and guidelines

Rules and directions

Venue operators must ensure a notice is prominently displayed informing patrons that they can inspect a copy of the VCGLR's rules from the venue's cashier station. This notice must be in a form approved by the VCGLR.

The notice must be clearly visible at all times, and must follow these standards:

- be at least A4 size
- have clear and legible wording, in black on a white background
- use the same font size for wording throughout
- wording of a size to fill the background on which it is printed.

A venue operator must:

- allow a patron to inspect the VCGLR's rules on request, and
- ensure the rules are enforced.

For the VCGLR rules, please refer to the website at www.vcglr.vic.gov.au.

VCGLR directions

A venue operator must comply with any written direction given by the VCGLR that relates to:

- how gaming is conducted
- keeping or inspecting financial records, or
- the administration of the venue.

As an example, directions issued on 13 July 2004 required venue operators to:

- display publicly a copy of the venue operator's licence or a *Notice of approved venue* at the entrance of the gaming machine area or adjacent to the cashier's station
- complete in the approved form, a weekly summary of gaming transactions, to match the period of the venue operator's weekly venue report
- retain the weekly transaction summary reports as per requirements in the Act for other records
- ensure a gaming machine area is physically separated from other areas of the venue
- ensure that it is possible for a patron to enter or leave the venue, or gain access to such amenities as a toilet or smoking area, without having to pass through a gaming machine area.

Check your understanding 9 – rules and directions

Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. A venue operator must comply with any written direction given by the VCGLR that relates to:

a. _____

b. _____

c. _____

Other information

Disciplinary action

The VCGLR may take disciplinary action against a venue operator for failing to comply with the requirements of the Act.

This may result in the:

- cancellation or suspension of a venue operator’s licence
- variation of the terms of a venue operator’s licence
- issuing a letter of censure, or
- issuing of a fine of up to 5,000 penalty units.

Disciplinary action could also be taken against the nominee in instances when they also hold a gaming industry employee licence. The VCGLR may review the ongoing suitability of the nominee as an associate of the venue operator.

Results of disciplinary action, including the venue operator’s name and licence number are made public on the VCGLR website, newsletter and annual report.

Contacts

For more information

Victorian Commission for Gambling and Liquor Regulation
Telephone: 1300 182 457
Email: contact@vcglr.vic.gov.au

For more information on the general operations of the VCGLR, visit
www.vcglr.vic.gov.au

For assistance with problem gambling

Gambler’s Help
Telephone: 1800 858 858
Visit: www.problemgambling.vic.gov.au

Check your understanding 10 – other information

Checkpoint

It’s time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

Questions

1. What may the outcome be if disciplinary action is taken against a venue operator as a result of failure to comply with the Act?

Summary

Summary

Nominees of licensed gaming venues play an important role in the regulation of Victoria's gaming industry. It is vital for nominees to gain a full understanding of their role and its responsibilities. The VCGLR advises all nominees to know what is expected of them and if any uncertainty exists the advice from the VCGLR or an independent legal adviser should be sought.

Additional resources

Directions to the relevant references of the Act, Regulations and VCGLR directions or guidelines are available on the VCGLR website at www.vcglr.vic.gov.au.

The resources listed below are available on the VCGLR website:

- *Self-assessment checklist: Gaming venue Responsible Gambling Codes of Conduct and Self-Exclusion Programs*
 - *Best practice guidelines for the implementation of Responsible Gambling Codes of Conduct and Self-Exclusion Programs*
 - *Responsible Gambling Register: Gaming venue Responsible Gambling Codes of Conduct and Self-Exclusion Programs*
-

Check your understanding answers

1 – Venue operator's licence

1. Who can be granted a venue operator's licence?

- a. a company
- b. an incorporated association.

2. A venue operator's licence issued to you can be sold or transferred to another person or company at any time.

False. A venue operator's licence applies only to the person to whom it was issued.

2 – Becoming a nominee

1. A venue operator must nominate a nominee for each venue linked to its licence.

True.

3 – Licence responsibilities

1. What happens when a liquor licence for an approved venue is cancelled, transferred, relocated, surrendered or released?

The venue operator's licence is automatically and immediately amended to remove the premises that were the approved venue.

2. A new nominee must be nominated for approval by the venue operator and the required documentation lodged with the VCGLR within 14 days of the resignation of the previous nominee.

False. The new nominee must be nominated for approval by the venue operator and the required documentation lodged with the VCGLR within 60 days of the resignation of the previous nominee.

4 – Gaming industry employees

1. An employee working in the gaming machine area of an approved venue must complete the RSG training course within 12 months.

False. The employee must complete the RSG training course within six months of working in the gaming machine area.

Check your understanding answers

5 – Community Benefit Statements

1. **By what date each year should club and racing club venue operators lodge an audited Community Benefit Statement to the VCGLR for each venue, reporting on how much revenue it has re-invested into the community and how?**

30 September.

6 – Records

1. **At the end of each financial year, a venue operator must prepare financial statements and accounts which include:**

- a. cash flow statements
- b. profit and loss accounts, and
- c. a balance sheet.

7 – Gaming operations

1. **Venue operators can place gaming machines outdoors to cater for their patrons.**

False. There is a permanent ban preventing gaming machines being situated outdoors.

2. **The Act requires that there be a continuous break of how many hours after every 20 hours of gaming?**

The Act requires that there be a continuous four hour break from gaming after every 20 hours of gaming.

3. **A venue operator may refuse entry to or eject from their venue anyone who:**

- a. breaks the VCGLR's rules
- b. damages or vandalises a gaming machine
- c. behaves in a manner likely to cause offence to other persons
- d. is reasonably suspected of being in the venue with the intention of committing an offence.

Check your understanding answers

8 – Responsible gambling

1. What type of program must be conducted by all venue operators of approved venues?

It is a condition of all venue operator licences to conduct a self-exclusion program at approved venues.

2. A venue operator must pay a cheque to customers with accumulated credits won on a gaming machine when the value of the credits reaches what amount?

Venue operators must pay accumulated credits of \$1,000 or more on a gaming machine by cheque.

3. Venue operators can advertise gaming machines anywhere inside their venue.

False. Venue operators are forbidden from advertising gaming machines outside the venue's gaming area.

9 – Rules and directions

1. A venue operator must comply with any written direction given by the VCGLR that relates to:

- a. how gaming is conducted
- b. keeping or inspecting financial records, or
- c. the administration of the venue.

10 – Other information

1. What may the outcome be if disciplinary action is taken against a venue operator as a result of a failure to comply with the Act?

Disciplinary action may result in the:

- cancellation or suspension of a venue operator's licence
- variation of the terms of a venue operator's licence
- issuing a letter of censure, or
- issuing of a fine of up to 5,000 penalty units.

Further information

Overview

Introduction

This section provides you with further information to assist you in meeting your responsibilities as a club that holds a liquor licence and conducts fundraising activities that involve gaming. It contains:

- frequently asked questions
 - other information important for the club committee
 - information about the Good Sports program, and
 - additional resources.
-

Contents

This section contains the following topics:

Topic	See page
Frequently asked questions	2
Sub-letting and right to supply liquor	7
Drink spiking – information for club licensees	8
Community safety – drugs and alcohol	10
Good Sports program	11
The Victorian Commission for Gambling and Liquor Regulation newsletter	14
Additional resources	15
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Frequently asked questions

Introduction

The following information covers some frequently asked questions. The questions have been grouped together based on the section of this resource kit where you may find additional information.

Our liquor licence

Supply of liquor at licensed and unlicensed clubs

Q: Can liquor be supplied or consumed in a club without a liquor licence?

A: No. It is an offence for a person to supply or consume liquor on unlicensed club premises. It is also an offence for an unlicensed club to keep liquor on its premises.

Q: Who can be served liquor in licensed club premises?

A: Members, guests of members and authorised gaming visitors.

Q: Can liquor purchased on licensed club premises be consumed off the premises?

A: The answer depends upon the type of licence held.

Under a full club licence, only members are entitled to purchase liquor for consumption off the licensed premises. This licence does not authorise the sale of liquor for consumption off the licensed premises to guests or authorised gaming visitors.

A renewable limited club licence or restricted club licence does not authorise the sale of liquor for consumption off the licensed premises to any person.

A temporary limited licence would be required for spectators (including members and their guests) to consume liquor off the premises during match days.

Licence renewal

Q: When must a club renew its licence or BYO permit?

A: Licence renewal fees are due for payment on 31 December each year. If the renewal fees are not paid by 31 March, the licence or permit ceases to be in force and you can no longer serve or consume alcohol on the club premises.

Frequently asked questions

Non-club functions

Q: Is a member or non-member permitted to hold a private function on licensed club premises outside their trading hours? (e.g. 21st, dinner dance, engagement party)

A: No, unless the club has applied for and been granted a temporary limited licence for the period of the function, or if a specific provision allowing for such functions exists in their licence.

Q: If the club premises are to be used by an outside group who will sell liquor, what should be done?

A: The outside group should apply for a temporary limited licence.

Changing hours of operation

Q: How does a club change its days and hours of operation on a permanent basis?

A: The club will need to complete a variation application for different trading hours and submit it to the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

Sub-letting

Q: Can a club sub-let the right to supply liquor?

A: No, unless an application to sub-let has been submitted and approved. It is an offence for a licensee to permit other persons to carry on a business without the consent of the VCGLR. It is worth noting that this extends to any part of the business, including kitchens.

Renovations or alterations to club premises

Q: What does a club need to do to increase the size of its approved licensed area?

A: The club is required to submit an application for variation of its licence to the VCGLR.

Frequently asked questions

Our responsibilities

Guests and visitors

Q: How can we sell liquor in our club rooms to opposing teams and officials?

A: This may be handled in two ways:

The rules of the club can make provision for opposition teams and officials to be honorary members for the day of competition.

Alternatively, the club may make provision in their rules to enter into reciprocal arrangements with clubs against whom they compete. Members of opposition clubs with whom the club shares reciprocal rights can use the club facilities as they would their own.

Club rules

Q: Do the rules of a licensed club (or a club that proposes to apply for a liquor licence) have to comply with Schedule 1 of the *Liquor Control Reform Act 1998* (the Act)?

A: Yes. The rules of the club must comply with Schedule 1. A club may be exempt from complying with some of the requirements of Schedule 1, though an application must be submitted to the VCGLR for any exemption.

Q: Is there any requirement for a club to notify the VCGLR if they make amendments to club rules?

A: No. It is the club's responsibility to ensure any amendments made to its rules comply with Schedule 1 of the Act.

Management committee

Q: Is there any requirement to notify the VCGLR if a committee member resigns from the club?

A: No, unless the committee member is also the nominee.

Q: Do members of the management committee have to be elected by the members?

A: Yes.

Amalgamation

Q: What happens when two or more clubs amalgamate and a club licence is held?

A: There is a streamlined process for the amalgamation of club licences. For further information, call the VCGLR on 1300 182 457.

Frequently asked questions

Record keeping

Guests and visitors

Q: Is there a requirement to keep a record of guests?

A: Yes. It is suggested the following information is obtained:

1. name
2. address
3. date of visit
4. name (signature) and number of the member signing in the guest (Paragraph (h) of Schedule 1).

Q: Can a member sign in any number of guests?

A: This is determined by the club rules.

Responsible Service of Alcohol (RSA) for clubs

Intoxication

Q: Can an intoxicated person stay on the club premises?

A: An intoxicated patron can remain on your premises but cannot be supplied with, or consume any liquor.

Drunk or disorderly persons

Q: Are drunk or disorderly persons permitted on licensed club premises?

A: No. It is unlawful for the club to allow drunk or disorderly persons to remain on licensed premises.

Q: If a member or guest is drunk, violent or quarrelsome, must they leave the club premises when asked to do so?

A: Yes. It is an offence for a person who is drunk, violent or quarrelsome to refuse to leave licensed club premises if requested to do so by the licensee or permittee, an employee or agent of the licensee or permittee or a member of the Victoria Police.

Management committee

Q: Should committee members or volunteer staff be trained in RSA?

A: While it is not a legal requirement for most club licences, the VCGLR encourages clubs to have someone in the club committee or a volunteer or staff member behind the bar complete an RSA course.

The VCGLR may endorse this training requirement on a licence.

A new nominee is required to have completed this training.

Frequently asked questions

Underage

Q: Are persons under the age of 18 permitted on licensed club premises?

A: No, unless the underage patron is in the company of a parent, spouse, legal guardian or 'responsible adult'.

The other exception is if the club has an underage approval from the VCGLR endorsed on their licence.

Q: Can a person under the age of 18 sell and dispose of liquor in premises occupied by a licensed club?

A: No. It is an offence for a licensee to permit a person under the age of 18 years to sell and dispose of liquor on licensed club premises, unless the underage person is engaged in a training program approved by the VCGLR and subject to any conditions determined by the VCGLR.

Sub-letting and right to supply liquor

Introduction

Clubs must not let or sub-let any part of the licensed premises or assign the right to supply liquor without the consent of the VCGLR.

Example: Letting/sub-letting

An example of letting/sub-letting could be where a club wants to bring in an experienced caterer to run the kitchen. The external caterer would lease the kitchen from the club. The licensee would need to apply for permission to allow this to occur.

The consent of the VCGLR to an application under s. 105 of the Act (*Let or Sub-let*) or s. 106 of the Act (*Right to supply*), may be on any terms or conditions he or she thinks fit. Consent forms must be completed and are available for download at www.vcglr.vic.gov.au.

Example: Right to supply liquor

An example of a 'right to supply liquor' could be where a club has gaming facilities and wants to bring in an experienced gaming management company to run the gaming area. The licensee would need to apply for permission to allow this to occur. The gaming area would still remain the responsibility of the licensee.

Drink spiking – information for club licensees

Introduction

Drink spiking is when someone slips drugs or alcohol into your drink without your knowledge or consent. It can occur wherever drinks are served.

It is illegal, and has been linked to crimes such as sexual assault and robbery, and people can be charged, fined or jailed.

What drugs are used in drink spiking?

The most commonly used drug is ethanol (alcohol), but other drugs that have been used include:

- GHB (Fantasy, Liquid Ecstasy)
- depressants, or
- sedatives.

These substances are likely to be carried in liquid form as they dissolve quickly when added to a drink, whereas tablets can cause some foaming when mixed with liquid.

Symptoms of drink spiking

A club patron may not realise their drink has been spiked by smelling or tasting it. The substances used to spike drinks are often colourless and odourless. Symptoms depend on many factors such as:

- the substance or mix of substances used
- the dose
- person's size and weight, and
- how much alcohol has been consumed.

The Better Health website at www.betterhealth.vic.gov.au has a list of possible symptoms, as well as suggestions on how people can protect themselves and their friends.

Drink spiking – information for club licensees

Licensee responsibilities

As a licensed club, it is the club committee's responsibility to provide a safe environment for your members and guests. It is important to develop procedures to ensure such events do not occur, by:

- ensuring that a person behind the bar is trained to serve alcohol responsibly, and identify and respond when incidents happen
- ensuring that a person behind the bar is trained in an accredited first aid program in the event that an emergency does occur
- collecting unattended glasses, and letting members and guests know that unattended drinks will be collected for their safety.

What to do if a drink spiking incident occurs on your licensed premises

If a drink spiking incident has occurred, it is important for licensees and staff to:

- talk to the victim to establish events and offer assistance
- find out if they are with a trusted friend who can look after them
- call an ambulance
- call the police
- record the details in an incident register.

See: *Record keeping* section of this resource kit for more information about incident registers.

Further information

For more information about drink spiking and advice on what to do should it happen to you, see the following websites.

- **Reach Out** – www.reachout.com/find/articles/drink-spiking, and
 - **Drug Info** – www.druginfo.adf.org.au
-

Community safety – drugs and alcohol

Introduction

Your club is an important part of the social makeup of your local community. This means that members of your club need to apply a responsible attitude toward minimising any harm that may occur from alcohol or drug abuse. Changing a club's acceptance of drunkenness and the problems that go with it is one of the most important parts of creating a less harmful drinking and drug culture.

Benefits of reducing irresponsible behaviour

There are many benefits for clubs that aim to reduce risky behaviour arising from the consumption of alcohol and drugs, including fewer problems for club members and associates now and in the future, as well as healthier club members.

Benefits include:

- Decreased aggression between club members.
- Decreased injury caused by drink driving.
- A safer and more social atmosphere, which leads to a great retention of members and guests, and greater participation of families in the club.
- Maintenance of club revenue through membership and event attendance.
- Performance of members including players not being affected by the physical, social, emotional and financial problems that can arise from the risky use of alcohol or drugs.
- Setting a positive example for junior members or players.
- Gaining a more positive image with the community, influencing membership and attendance at games or events as well as improved relationships between clubs and other community organisations.

Source: www.alcoholthinkagain.com.au (Government of Western Australia Drug and Alcohol Office).

Good Sports program

Introduction

The Good Sports program is an initiative of the Australian Drug Foundation to develop safer and healthier communities. The program helps sporting clubs manage alcohol responsibly and reduce alcohol related problems, such as binge and underage drinking.

Program objectives

The objectives of the Good Sports program are to:

- highlight clubs' important role in the community
- help clubs serve and sell alcohol within the law
- reduce alcohol related problems (e.g. binge and underage drinking, violence, etc.)
- increase club viability
- enable clubs to meet their duty of care obligations
- eliminate drink driving incidents, and
- provide free ongoing education and support.

Information from the Good Sports program

Information is available from the Good Sports program to help clubs manage and reduce alcohol related problems by raising awareness of these issues within their club. Some of this information is included below.

A study of more than 500 young people found:

- more than 30 per cent of 13–17 year olds had participated in unsupervised drinking at a sports club
- 71 per cent of these had never been asked for proof of age.

Another survey among sporting club members found that 51 per cent of drinkers at sports clubs are consuming alcohol at harmful or hazardous levels.

A study of community football clubs showed:

- 13 per cent of 18-20 year olds drank 13 or more standard drinks each time they visited the club
- 83 per cent left the club as the driver of a vehicle
- 70 per cent of males (30 per cent of females) believe drinking is an important tradition at their club.

Further research conducted in community sports clubs across Australia found that 20 per cent of men aged between 18-30 consume 10 or more standard drinks each time they visit the club.

Good Sports program

Benefits of the Good Sports program

Benefits to clubs

The Good Sports program is a free program. There are a variety of benefits for clubs who are involved in the Good Sports program, including:

- 'new' club culture welcoming to families and juniors
- more attractive to sponsors and greater attraction for sponsorship
- new and diverse revenue streams
- increase in membership, volunteers and teams
- improved relationships with community organisations, local government and police
- improved public image
- reduced risk of liability
- reduction in alcohol related problems
- applications for funding and grants strengthened.

Benefits to communities

There are also a variety of benefits for the club community, including:

- residents more connected and satisfied with their community
 - reduced violence, noise, injury and damage to facilities
 - reduced road trauma and drink driving incidents
 - more young people protected from the misuse of legal and illegal drugs
 - improved health and fitness of community members
 - more viable and family focused sporting clubs.
-

Good Sports program

How does the program work?

The key strategy of the Good Sports program is the accreditation program. The three level accreditation criteria consist of a set of alcohol management standards for clubs that serve and consume alcohol.

Clubs are required to move through the levels in a set amount of time (maximum five years), maintaining all the criteria from previous levels as they do so. At each level, the club must promote their involvement in the program to their members.

Level 1

- Liquor licence
- Bar management (RSA training)
- Smoke-free indoors
- Promotion of program to members

Level 2

- Maintenance of Level 1 criteria
- Bar management (RSA training, etc.)
- Food and drink options
- Safe transport policy
- Diverse revenue generation
- Smoke-free
- Promotion of program to members

Level 3

- Maintenance of Level 1 and 2 criteria
- Alcohol management policy
- Promotion of program to members

Good Sports has been adopted by a diverse range of community sports clubs. It is currently operating in every state of Australia.

Good Sports program

Clubs without a liquor licence

Clubs that do not serve or consume alcohol may apply for Level 0.

Level 0

- Alcohol-free facilities
- Smoke-free
- Diverse revenue generation
- Promotion of program to members
- Safe transport policy
- Alcohol management policy
- RSA training (if required).

Further information

For more information or to register your club, visit the Good Sports website at www.goodsports.com.au or contact the National Office by emailing goodsports@adf.org.au or phone (03) 9278 8103.

The VCGLR newsletter

Introduction

The VCGLR produces a regular newsletter that plays an important role in helping gaming and liquor licensees keep up to date with news and important changes to gaming and liquor regulation. The newsletter also contains helpful tips and advice for the hospitality industry to ensure that alcohol is being served responsibly.

Accessing the VCGLR newsletter

To access and subscribe to the VCGLR newsletter, visit the VCGLR website at www.vcglr.vic.gov.au.

Additional resources

VCGLR

The VCGLR produces a range of publications and information to help you comply with gaming and liquor laws. Check the VCGLR's website regularly for updates at www.vcglr.vic.gov.au.

Other stakeholders for clubs

The websites listed below may provide you with additional information to help you meet your responsibilities as a club with a liquor licence.

Website	Web address
Australian Drug Foundation	www.adf.org.au
Australian Government Department of Health and Ageing	www.alcohol.gov.au
Victoria Police	www.police.vic.gov.au

Contact details

The table below lists some useful contact details:

Website	Web address
Victorian Commission for Gambling and Liquor Regulation	www.vcglr.vic.gov.au 1300 182 457
Consumer Affairs Victoria	www.consumer.vic.gov.au 1300 558 181
Australian Drug Foundation – Good Sports	www.goodsports.com.au 1300 883 817
Gambler's Help	www.problemgambling.vic.gov.au 1800 858 858

Final checklist

Checklist

A checklist has been provided at the end of some of the sections of this resource kit. The checklists have been designed to assist you in meeting the obligations and requirements of your liquor licence. The following checklist can also be used to assist you in remaining compliant and has been divided up into the relevant sections of this resource kit.

Our liquor licence

- Check that your liquor licence is current.
- Check that your liquor licence is displayed in a location that can be read by patrons of the club.
- Check that your club's rules include the required conditions specified in Schedule 1 of the Act.
- Check that you have free drinking water available to your patrons.
- Check that your club provides food, either free or available to buy.

Licensed areas

- Check that you have your approved red-line plan in a safe and easily accessible location (or displayed somewhere).
- Check that all staff and committee members of your club:
 - know where the red-line plan is kept.
 - understand where the licensed areas are in accordance with the red-line plan.

Our responsibilities

- Check that your club committee members understand the legal and social obligations and responsibilities (incorporated or unincorporated clubs).
- Check that club members understand the consequences of breaching the club's liquor licence.

Record keeping

- Check that you have the required member information recorded and a sign-in register for guests to the club.
- Check that you have the required signs displayed in the club premises:
 - Intoxication
 - No Proof No Purchase
 - Be Safe
- Check that you have an incident register.

Checklist,
continued

Final checklist

Where clubs go wrong

- Ensure all staff and committee members of your club:
 - are familiar with their obligations under the Act
 - understand the breaches that can be incurred
 - are aware of the common breaches and how they can be avoided.

RSA

- Check that your staff are up to date with their RSA training and you have maintained records of when they last attended training.

Underage patrons

- Check that your staff and volunteers are aware that they must ask for proof of age whenever in doubt.
- If an underage event is to be held at the club premises, check that at least 45 days prior to the event you have submitted an application to the VCGLR.

Changing club committees

- Ensure you know where all key documents are located:
 - licence/permit
 - red-line plan
 - required signs (where they are displayed)
 - sign-in registers, if applicable
 - incident register.
- Ask any outstanding questions you have about:
 - your role
 - licence conditions, requirements and obligations.
- Include a reminder in your diary/calendar (prior to 31 December) about the renewal of the club's liquor licence.
- Obtain details of key contacts, including the outgoing committee members' details
- If the 'address for services' has changed, contact the VCGLR
- If there is a nominee listed on the licence, check that the correct person has been nominated. Otherwise, notify the VCGLR in writing if they have ceased to be the nominee
- Update the club's internet/intranet with any relevant changes, e.g. names of committee members.

Final checklist

Fundraising activities involving gaming

- Check if your club needs to register itself as a community or charitable organisation.
- Check whether your club needs to obtain a minor gaming permit for the fundraising activities that involve gaming.
- If your club holds a minor gaming permit, ensure that you read and understand the conditions of your permit.
- If your club conducts bingo, ensure that you complete the Annual Report form sent by the VCGLR by 1 October each year.

Our gaming venue

The following checklist applies to those clubs that hold a venue operator's licence.

- Check to make sure that you understand the conditions of the licence.
 - Check that the licence is current.
 - Ensure that your club lodges a Community Benefit Statement by 30 September each year.
 - Check to make sure that your club understands which financial and accounting records are required to be retained and stored.
 - Ensure that approved signs are placed in the gaming area advising that those aged under 18 must not enter.
 - Ensure that the club has developed or adopted a self-exclusion program.
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