

# Our Club

## Licensee responsibilities



Further information

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## 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.

It contains:

- frequently asked questions
- other information important for the club committee
- information about the Good Sports program
- additional resources.

#### Contents

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## General obligations

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### Introduction

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

**See:** 'General obligations' (section 3 page 7).

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## Frequently asked questions

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### 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.

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### 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.

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## Frequently asked questions continued

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### Our liquor licence (continued)

#### Non-club functions

**Q: Is a member or non-member permitted to hold a private function on licensed club premises outside their trading hours? (for example, 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 or conduct the event through a caterer with a 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 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 by the VCGLR. 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.

### Licensed areas

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#### 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.

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## Frequently asked questions continued

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### 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.

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## Frequently asked questions continued

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### 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.

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### 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.

A new nominee is required to have completed this training.

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## Frequently asked questions continued

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### Managing underage patrons

#### 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.

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## Sub-letting and right to supply liquor

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### 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 the VCGLR thinks fit. Consent forms must be completed and are available for downloading at [vcglr.vic.gov.au](http://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.

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## Drink spiking – information for club licensees

### continued

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#### 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.

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#### 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
- 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.

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#### 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
- how much alcohol has been consumed.

The Better Health website at [betterhealth.vic.gov.au](http://betterhealth.vic.gov.au) has a list of possible symptoms, as well as suggestions on how people can protect themselves and their friends.

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## Drink spiking – information for club licensees

continued

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### 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 the incident register.

**See:** 'Record keeping' (section 5 page 1) 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** – [reachout.com/find/articles/drink-spiking](http://reachout.com/find/articles/drink-spiking)
  - **Drug Info** – [druginfo.adf.org.au](http://druginfo.adf.org.au)
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## Community safety – drugs and alcohol

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### 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.

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### 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:** [alcoholthinkagain.com.au](http://alcoholthinkagain.com.au) (Government of Western Australia Drug and Alcohol Office).

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## Good Sports program

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### 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.

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### Program objectives

The objectives of the Good Sports program are to:

- highlight the important role of the clubs in the community
  - help clubs serve and sell alcohol within the law
  - reduce alcohol-related problems (for example, binge and underage drinking, violence and drunk and disorderly behaviour.)
  - increase club viability
  - enable clubs to meet their duty of care obligations
  - eliminate drink driving incidents
  - provide free ongoing education and support.
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### 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 the 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.

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## Good Sports program continued

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### 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 that welcome families and juniors
- it is more attractive to sponsors and greater attraction for sponsorship
- new and diverse revenue streams
- an increase in membership, volunteers and teams
- improved relationships with community organisations, local government and police
- an 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.
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## Good Sports program continued

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### How does the program work?

The key strategy of the Good Sports program is the accreditation program. The three-level accreditation criteria consists 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
- enhanced bar management (Advanced RSA training)
- food and drink options
- safe transport policy
- diverse revenue generation
- smoke-free environment
- promotion of program to members

#### *Level 3*

- maintenance of Level 1 and 2 criteria
- alcohol management policy
- promotion of program to members.

The Good Sports program has been adopted by a diverse range of community sports clubs. It is currently operating in every state of Australia.

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## Good Sports program continued

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### 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 environment
- 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 [goodsports.com.au](http://goodsports.com.au) or contact the national office by emailing [goodsports@adf.org.au](mailto:goodsports@adf.org.au) or telephone (03) 9278 8103 or 1300 883 817.

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## The VCGLR newsletter

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### Introduction

The VCGLR produces a regular newsletter 'VCGLR News' 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 [vcglr.vic.gov.au](http://vcglr.vic.gov.au).

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## Additional resources

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### 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 [vcglr.vic.gov.au](http://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	<a href="http://adf.org.au">adf.org.au</a>
Australian Government Department of Health and Ageing	<a href="http://alcohol.gov.au">alcohol.gov.au</a>
Victoria Police	<a href="http://police.vic.gov.au">police.vic.gov.au</a>

### Contact details

Website	Web address
Victorian Commission for Gambling and Liquor Regulation	<a href="http://vcglr.vic.gov.au">vcglr.vic.gov.au</a> 1300 182 457
Consumer Affairs Victoria	<a href="http://consumer.vic.gov.au">consumer.vic.gov.au</a> 1300 558 181
Australian Drug Foundation – Good Sports	<a href="http://goodsports.com.au">goodsports.com.au</a> 1300 883 817
Gambler's Help	<a href="http://problemgambling.vic.gov.au">problemgambling.vic.gov.au</a> 1800 858 858

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## Final checklist

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### 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.  
**See:** 'Free drinking water' (section 3 page 7).
- 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 conditions.

#### *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:
- Check that you have an incident register.

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## Final checklist continued

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### Checklist (continued)

#### *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.

#### *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, for example names of committee members.

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## Final checklist continued

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### Checklist (continued)

#### *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 and lodge 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 responsible gaming code of conduct and self-exclusion program.
-