

Our Club

Licensee responsibilities



RSA for clubs

7

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
- managing intoxicated members and guests.

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General obligations

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).

Part 1: RSA

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
- police attendance is not required.

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

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

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.
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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.
-

Legal and moral obligations continued

What if an incident occurs?

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:

- a drunk or disorderly member or guest on the premises refuses to leave
- entry is refused to a drunken 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 include:

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

See: 'Record keeping' (section 5 page 1) section of this resource kit for an example of an incident register. This register is also available at 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
- 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 vcglr.vic.gov.au.

Penalties for non-compliance

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

See: 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 of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person*	108(4)(a)	\$19,343	\$1934
Permit drunken/disorderly person on licensed premises*	108(4)(b)	\$19,343	\$1934
Procure liquor for intoxicated person	114(1)(b)(i)	\$3224	\$322
Aid/abet intoxicated person to obtain liquor	114(1)(b)(ii)	\$3224	\$322
Failure by a person who is drunk, violent or quarrelsome, to leave licensed premises when requested	114(2)	\$8060	\$806

*See compliance history risk fee and trigger offences above. These offences also effect the star rating and demerit points systems.

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
 - 285mls (a pot) of full strength beer.
- A standard drink and a standard size 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.

Facts about alcohol continued

Alcohol abuse in Australia

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:

- 29,694 in-patient hospitalisations
- 8,349 emergency admissions
- 13,000 people seeking treatment for alcohol problems
- 92 per cent of Victorians aged between 16–24 years reported consuming alcohol in their lifetime
- During high alcohol risk hours (Friday and Saturday night, 8:00 pm to 6:00 am) over 6,000 alcohol related assaults reported to Police
- Total number of family incidents where alcohol was definitely involved was 11,732
- DirectLine responded to 5,983 calls where alcohol was identified as the drug of concern.
- 728 alcohol-related deaths.

Source: The Victorian Drug Statistics Handbook, Report 14 (2010–2011)

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

Intoxication

The Victorian Commission for Gambling and Liquor Regulation (the VCGLR) is required to issue guidelines containing information which assists in determining if a person is in a state of intoxication.

The VCGLR consulted with Victoria Police and industry bodies including the Australian Hotels Association and Community Clubs Victoria to ensure that guidelines are useful to licensees and easy to understand.

The Intoxication Guidelines can be viewed in full at vcglr.vic.gov.au.

You can also access additional information on identifying intoxicated patrons, what to do if someone is intoxicated and ways of helping reduce the risk of intoxication.

Intoxication is defined in Section 3AB (1) of the Act:

For the purposes of this Act, a person is in a state of intoxication 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 liquor.

Signs of intoxication

There are many noticeable signs that a person may display as they become intoxicated.

How can you decide if a person is in a state of intoxication?

You should consider whether the person is displaying one or more of the signs of intoxication which may include:

- becoming loud, boisterous
 - becoming argumentative
 - annoying other patrons and staff
 - using offensive language
 - spilling drinks
 - fumbling and difficulty in picking up objects
 - swaying
 - difficulty walking straight
 - bumping into furniture or customers
 - rambling conversation
 - loss of train of thought
 - difficulty in paying attention
 - not hearing or understanding what is being said
 - drowsiness or dozing while sitting at a bar or table
-

Recognising signs of intoxication continued

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 he or she is drinking with and ask similar questions.

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

Conditions that exhibit similar symptoms and signs to intoxication

Sometimes physical and mental disabilities exhibit some of the same signs and symptoms as alcohol intoxication. You should consider the possibility of the existence of any conditions prior to refusing service on the basis that a person is intoxicated.

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 continued

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
- 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 as a learning tool and can assist in communication between staff and management.
- 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 witness(es) and their contact information
 - how it was dealt with
 - whether the police was 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 telephone numbers of taxi companies.
 - where practical, offering a mini-bus to transport members home.
 - starting a designated driver program.
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Strategies to prevent intoxication continued

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?

Golden rules of RSA

Club responsibilities

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 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*
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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
- 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.

Check your understanding answers continued

2 – Serving alcohol responsibly, continued

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 continued

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 and 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 that you have the required signs displayed in the club premises:
 - Check that you have low-alcoholic and non-alcoholic drinks available.
 - Check that you have free drinking water available to your members and guests.
See: 'Free drinking water' (section 3 page 7).
 - 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.
-