

Our Club

Licensee responsibilities



Managing underage patrons

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 supply and serving of alcohol to underage patrons
- acceptable identification
- managing fake identification.

Contents

This section contains the following topics:

Topic	See page
General obligations	2
Legal requirements	2
Managing underage patrons at your club	4
Underage offences	7
Compliance history risk free	8
Check your understanding – Managing underage patrons	9
Summary	10
Check your understanding answers	10
Checklist – managing underage patrons	11

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).

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
 - 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(s)
 - it is prior to 11pm and the premises has an on-premises licence with restaurant conditions or a restaurant and cafe licence
 - the person is engaged in a hospitality training program or in training for employment or work experience
 - they are at live music events, where sound is created or manipulated for artistic, cultural or religious purposes, and performed to an audience (alcohol free event)
 - they are at other underage or mixed aged events which don't involve live music (alcohol free event)
 - 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.
-

Legal requirements

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, that is 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?

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 his/her 18-year-old mate
 - 17-year-old with his/her 18-year-old sibling
 - 16-year-old with his/her 19-year-old partner or boy/girl friend.
-

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(2)(e). 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 the age of 18 years are not allowed to consume liquor on licensed 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

continued

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

Minors are not allowed to drink liquor in licensed premises under any circumstances.

A licensee or employee of your club 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.

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 pre-purchased tickets for the event, to minimise the need to turn away patrons in case your application is not approved
 - the underage approval does not remove or replace the current liquor licence conditions from the licensed premises.
 - 'Fast track, low risk' events are also underage or youth events which **do not** involve live music and at which minors can be present on licensed premises without being accompanied by a parent, spouse, legal guardian or responsible adult on condition it meets the eligibility criteria for this type of event. Your club must submit a 'temporary approval of unaccompanied minors on licensed premises' application form to the VCGLR. The above conditions apply.
-

Applying for temporary underage approval

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

Managing underage patrons at your club

continued

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 licence
- an Australian or foreign passport
- a 'Proof of Age' card
- a Victorian learner permit
or
- a Keypass card or Keypass in Digital iD.

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 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, for example 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 (also section 6 page 6).

See: 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)	\$19,343	\$1934
Permit liquor to be supplied to underage person, other than as permitted (licensee/permittee offence)*	119(1)(b)	\$19,343	\$1934
Liquor is supplied to underage person on licensed premises, other than as permitted*	119(2)	\$19,343	\$1934
Supply liquor to underage person (other persons)	119(3)	\$19,343	\$1934
Supply liquor to underage person by an employee, other than as permitted	119(4)	\$3224	\$322
Permit underage person on licensed premises, other than as permitted*	120(1)	\$19,343	\$1934
Send underage person to obtain liquor	121	\$19,343	\$1934
Permit underage person to supply liquor on licensed premises, other than as permitted	122(1)	\$19,343	\$1934
Falsely represent oneself to be over 18 years	123(4)	\$806	\$81
Give evidence of age document to another	124(1)	\$3224	\$322
Deface/interfere with evidence of age document	124(2)	\$3224	\$322
Knowingly make false evidence of age document	124(3)(a)	\$3224	\$322
Knowingly give a false evidence of age document to another	124(3)(b)	\$3224	\$322
Supply false documents to obtain an evidence of age document	125(1)(a)	\$3224	\$322
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)	\$3224	\$322
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)	\$3224	\$322
Purchase/receive liquor, other than as permitted by persons under 18	123(1)(a)	\$806	\$81
Possess/consume liquor, other than as permitted by persons under 18	123(1)(b)	\$806	\$81
Enter/remain on licensed premises, other than as permitted by persons under 18	123(1)(c)	\$806	\$81

*See compliance history risk fee and trigger offences on the previous page

Compliance history risk free

Penalties (continued)

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)	\$19,343	\$1934
Permit drunken/disorderly person on licensed premises	108(4)(b)	\$19,343	\$1934
Supply liquor to underage person, other than as permitted (licensee/permittee offence)	119(1)(a)	\$19,343	\$1934
Permit liquor to be supplied to underage person, other than as permitted (licensee/permittee offence)	119(1)(b)	\$19,343	\$1934
Liquor is supplied to underage person on licensed premises, other than as permitted	119(2)	\$19,343	\$1934
Permit underage person on licensed premises, other than as permitted	120(1)	\$19,343	\$1934

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 (also section 6 page 5).

See: 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. 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 licence
- an Australian or foreign passport
- a 'Proof of Age' card
- a Victorian learner permit
or
- a Keypass card or Keypass in Digital iD.

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:
- 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 calendar days prior to the event you have submitted an underage approval application to the VCGLR or seven business days if it is a mixed-age live music event, or 20 calendar days if the event qualifies as a 'fast track, low risk' event.
- Check that you have an incident register for keeping track of problems that occur when managing underage patrons.

Depending on the type of event, liquor licensees or permittees must submit either a notification or an application form to the VCGLR.

See: vcglr.vic.gov.au for 'temporary approval of unaccompanied minors on licensed premises' notification or 'temporary underage approval' form.
