

Registered clubs and the liquor laws

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The *Liquor Act 2007* regulates the sale and supply of alcohol in registered clubs.

All registered clubs sell alcohol under a club liquor licence. A club that has a club licence is known as a 'registered club'.

This licence allows a club to sell alcohol and operate gaming machines. A club licence is one of six categories of licence in the *Liquor Act*, which regulates the sale of alcohol in NSW.

The underage, intoxication, disturbance complaint and fail to leave provisions apply equally to all types of liquor licences, including a club licence.

The *Registered Clubs Act 1976* applies for corporate governance and membership requirements to registered clubs. The *Gaming Machines Act 2002* regulates the operation of gaming machines in registered clubs as well as hotels.

Club licence

A club licence can only be granted to a club that meets the requirements of the *Registered Clubs Act 1976*.

The licence allows alcohol to be sold for consumption on and off the club's premises to members and their guests.

If a registered club owns or occupies more than one set of premises, each set of premises must be separately licensed under the *Liquor Act*.

Applications for a new club licence must be accompanied by a community impact statement (CIS). Further information about community impact statements is available from the OLGR website www.olgr.nsw.gov.au

Licensee, secretary and managers

A club licence is held by the club – the club is the licensee. This is known in the *Liquor Act* as a 'corporate licensee'.

A registered club must have a secretary (only one secretary is allowed) who is also the chief executive officer. The secretary must be approved by the Casino, Liquor and Gaming Control Authority.

All corporate licensees, including registered clubs, are required to have a manager appointed for the licensed premises.

Important information – liquor licensing freeze applies to parts of City of Sydney

Under the NSW liquor laws, a temporary freeze applies to the grant of certain types of liquor licences and trading authorisations for premises in prescribed freeze precincts of the City of Sydney local government area. This licensing freeze applies to areas where there are a significant number of late trading licensed venues and high levels of alcohol-related crime and anti-social behaviour.

The freeze applies to the grant of new liquor licences for hotels, general bars, registered clubs, public entertainment venues (nightclubs), liquor stores and producer/wholesaler premises. Also captured by the freeze are applications for extended trading and other licensing applications that would otherwise result in an increase in the number of people entering these precincts to drink alcohol.

For more information about the freeze, visit www.olgr.nsw.gov.au



Communities
Office of Liquor, Gaming & Racing



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How is a manager appointed for a club with one premises?

Where a club operates only one premises, the secretary of the club is automatically taken to be the appointed manager of the club's licensed premises.

How is a manager appointed for a club with multiple premises?

Where a club operates more than one set of premises, the club must appoint a manager to each premises where the club's secretary is not present.

Before being appointed, the manager must apply under the *Liquor Act* for approval to manage licensed premises.

A club may appoint an unapproved person to act as a manager if an application has been made to the Authority.

A person's approval as a manager of licensed premises generally does not expire. It applies to the person, not to any particular club. Once a person has received approval as a manager, that approval applies to any licensed premises the person is authorised to manage. No further approval is necessary.

The Authority can place conditions on the types of licensed premises that an approved person can manage. For example, the Authority may limit a person to only managing registered clubs, or certain types of registered clubs.

Approval for a manager forms are available at www.olgr.nsw.gov.au

Registered clubs are exempt from the requirement to appoint a separate manager in circumstances where a club only has two sets of premises, and:

- the main premises of the club are in Sydney, Newcastle or Wollongong and are within
- 10kms of the club's other premises.
- the main premises of the club are outside Sydney, Newcastle or

Wollongong and are within 50kms of the club's other premises.

- the club's other premises are staffed by less than five full-time employees.

Trading hours

Registered clubs that were operating prior to 1 July 2008

For these clubs, alcohol trading hours for on-premises consumption are unrestricted and continue to be determined by the club, unless restrictions were imposed by the former Liquor Administration Board or Licensing Court.

Registered clubs that obtain a club licence after 1 July 2008

For these clubs, alcohol can only be sold for consumption on the premises 5am-midnight Monday-Saturday and 10am-10pm Sunday. An extended trading authorisation can be sought to allow trading outside of the standard trading period. Up to 18 hour trading can be approved.

Takeaway sales by all clubs

Takeaway sales are restricted to 5am-midnight Monday-Saturday and 10am-10pm Sunday. An extended trading authorisation can be sought to allow takeaway alcohol sales from 10am-midnight on a Sunday.

Takeaway alcohol sales are prohibited on Christmas Day and Good Friday.

Daily 6-hour closure

As a result of amendments to the liquor laws, a 6-hour closure period applies to all liquor licences granted from 30 October 2008 onwards, as well as existing licences that have an extended trading authorisation granted from that date.

The Authority is required to approve a 6-hour closure period for any particular licensed premises. It must approve a period that is appropriate to the particular premises and the

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circumstances, having regard to the objectives of the *Liquor Act 2007*.

Parliament has imposed a closure period for certain licences that commences at 4 am and concludes at 10 am each day. These are licences granted by the Local Court or licences granted between 30 October 2008 and 2 December 2008.

An application may be made to the Authority to change the 6-hour closure period (as previously determined by the Authority or as imposed by the liquor legislation) on either a temporary or permanent basis, or for different closure periods to operate on different days of the week. A \$200 application fee applies.

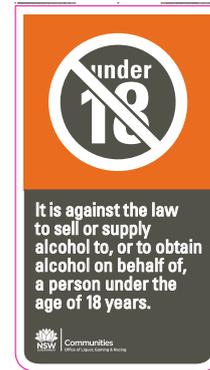
The Authority encourages applicants to provide reasons and relevant information in support of the closure period which is proposed. Applicants should provide an account of the current or proposed mode of operation of the licensed premises, the demonstrated or likely needs of its patrons, the interests of the local community and the opinion (if any) of local Police towards the proposal.

Applicants should also address how the proposed closure period relates to those considerations that the Authority is required to consider under section 3(2) of the *Liquor Act 2007*, which are as follows:

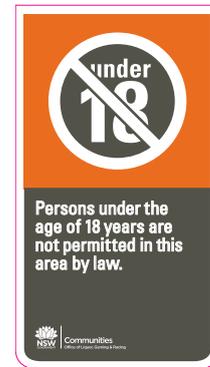
- (a) the need to minimise harm associated with misuse and abuse of alcohol (including harm arising from violence and other anti-social behaviour);
- (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of alcohol; and
- (c) the need to ensure that the sale, supply and consumption of alcohol contributes to, and does not detract from, the amenity of community life.

Liquor Signage

The following signs are required:



The sign above must be displayed wherever alcohol is sold ie. at each bar or counter.



The sign above must be displayed in each bar area* of a registered club.



The sign above must be clearly displayed next to a breath analysis machine, where one is installed.



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***What is a bar area?**

A bar area is defined as any area of a club where alcohol is served, except those areas where under 18s are permitted to enter eg. a dining room and a non-restricted area of a club.

Display of name of premises

A registered club must also display a sign at the front of the premises that states:

- the name of the licensed premises, and
- the type of liquor licence held.

Other required signage

Signage requirements of the registered club and gaming machine laws continue to apply.

Under 18s – what’s the law?

In a ‘bar area’

Restrictions apply to under 18s being in a bar area of a club.

A ‘bar area’ means any part of the club premises in which alcohol is ordinarily sold or supplied for consumption on the premises. However, a ‘bar area’ does not include:

- a dining area in a club
- any part of club premises where a non-restricted area is in force
- any part of club premises where a junior members authorisation or a club functions authorisation is in force at the particular time.

An under 18 year old must not enter or remain in the bar area of a registered club. A maximum court imposed fine of \$2,200, or an on-the-spot penalty of \$220, applies to the under 18 year old.

A club/secretary/manager is guilty of an offence if an under 18 year old enters a bar area and is not immediately removed from a bar area of a registered club. A maximum court imposed fine of \$5,500, or an on-the-

spot penalty of \$1,100, applies to these two offences.

Performing in a bar area

Under 18s can enter or remain in a bar area of a registered club while in the company of a responsible adult when performing in a show or other live entertainment performance held in the bar area.

Travelling through a bar area

Under 18s can enter or remain in a bar area of a registered club while in the company of a responsible adult for as long as is reasonably necessary to access another area of the club premises they can lawfully enter eg. a dining area.

Attending weddings in a club bar area

Under 18s can be in the bar area of a registered club to attend a wedding reception for a club member, or for a child or parent of a club member, or for someone whom a club member has acted as a guardian. The under 18 year old must have been formally invited to the reception.

Apprentices and trainees

Under 18s can enter or remain in a bar area of a registered club if he/she:

- is an apprentice or trainee and is receiving trade training that is not training in the sale, supply or service of alcohol
- is receiving training and instruction in the servicing, repair or maintenance of gaming machines under the supervision of a licensed gaming machines technician.

Who is a responsible adult?

A ‘responsible adult’ is:

- a parent, step-parent or guardian of the minor
- the minor’s spouse or de facto partner
- a person who is for the time being standing in as the parent of the minor



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Who is a responsible person?

A 'responsible person' means:

- the club (as licensee)
- the secretary of the club
- the manager of the club
- an employee or agent of the club or secretary/manager
- a person acting or purporting to act on behalf of the club or secretary/manager.

If a 'responsible person' for a club is aware that a suspected under 18 year old is attempting to enter the premises, the responsible person must refuse entry unless the person produces a proof of age document that appears genuine and indicates the person is over 18. A maximum court imposed fine of \$5,500, or an on-the-spot penalty of \$550, applies to this offence.

In gaming machine areas

Restrictions continue to apply to under 18s in gaming machine areas of a club under the law.

Under 18s must not enter or be in a gaming machine area of a registered club. A maximum court imposed fine of \$1,100, or an on-the-spot penalty of \$55, applies to the under 18 year old.

The registered club and the secretary are guilty of an offence if an under 18 year old is in a gaming machine area of a registered club and is not immediately removed from that area. A maximum court imposed fine of \$5,500, or an on-the-spot penalty of \$550, applies to the club and secretary.

A club member is guilty of an offence if an under 18 year old is on club premises as the guest of the member and is in any gaming machine area of the club. A maximum court imposed fine of \$2,200, or an on-the-spot penalty of \$220, applies to the member.

In other club areas

Under 18s are permitted in other areas of a club – including a non-restricted area or to attend an event that is being held under a club functions authorisation (which enables under 18s and non members to attend functions).

They can enter parts of a registered club:

- as a guest of a member or a temporary member
- as a junior member
- while attending an event under a club's functions authorisation.

As a guest of a temporary member, they must:

- remain in the company of the temporary member
- not sign the guests' register.

Where an under 18 year old is a guest of a temporary member, the temporary member must be a 'responsible adult' in relation to them.

A responsible adult who allows an under 18 year old to consume alcohol in a club commits an offence. A maximum court imposed fine of \$3,300, or an on-the-spot penalty of \$330, applies to the responsible adult.

Other important conditions on clubs

The *Liquor Act 2007* and *Liquor Regulation 2008* include a range of statutory conditions that apply to club licences. These conditions include:

- A club must not hold a hotel licence or acquire any financial interest in a hotel (does not apply to or in respect of a hotelier's licence or financial interest in a hotel that was granted to or acquired by a club before 2 April 2002).
- The secretary or manager must not provide a cash advance on the premises, or permit a cash advance to be provided on the premises on behalf of the club – except where



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the cash advance is a prize or bonus won as a direct or indirect consequence of participating in lawful gambling conducted on the club premises.

- A copy of the club's liquor licence (including any licence-related authorisation and conditions) must be available at all times for the information of staff who sell/supply/serve alcohol, carry on any security activity, or exercise any function.
- A club must notify the Authority as soon as practicable after the club resumes trading following any continuous period of more than 6 weeks during which the club ceased trading.
- Free drinking water must be available at all times to patrons. Water must be available at or near where alcohol is served, or by waiter service if alcohol is provided that way.

Licence conditions can also be imposed, varied or revoked by the Casino, Liquor and Gaming Control Authority and by the Director-General, Communities NSW.

Conditions imposed on a registered club prior to 1 July 2008 by the former Licensing Court or Liquor Administration Board (as a result of a licensing proposal or disciplinary action) continue to apply. The exception is 'harm minimisation' conditions which applied to most clubs prior to 1 July 2008 and required certain signage and other requirements to be met. These conditions no longer apply.

Application must be made to the Casino, Liquor & Gaming Control Authority to vary or remove any other conditions.

RSA and RCG training

The secretary, manager and all staff who serve alcohol, as well as any security officers, must have completed an approved responsible service of alcohol (RSA) course. The club must keep a copy of each RSA certificate in a register on the premises.

The secretary and all staff who have gaming machine related duties must have completed an approved responsible conduct of gambling course. Clubs must keep a copy of each RCG certificate in a register on the premises.

Club-related authorisations

A registered club can apply to the Casino, Liquor and Gaming Control Authority for a:

- club functions authorisation – to allow under 18s and non members to attend prescribed types of functions at the club.
- junior members authorisation – to allow junior members to attend sporting-related activities and presentations in a part of a small club where it is not physically possible to separate that area from the bar and poker machine area.
- non-restricted area authorisation – to allow under 18s to enter a part or parts of the club.

Each of the authorisations is subject to any conditions that may be imposed by the Authority, while a club functions authorisation and a junior members authorisation are also subject to conditions under the *Registered Clubs Act 1976*.

Note: Where approval was previously granted by the Licensing Court for any of these authorisations, that approval continues, along with the conditions that were imposed at the time. Application must be made to the Authority to vary or remove conditions previously imposed by the Licensing Court or the Liquor Administration Board.



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Need more information?

Our website is regularly updated with information about the liquor and gaming laws.

Join our free e-news service to keep updated on liquor, clubs and gaming regulations via the OLGR website www.olgr.nsw.gov.au

For more information, call us on 02 9995 0333 or email olgr@communities.nsw.gov.au