

Licence conditions and legislative checklist form – Club Liquor Licence

Before you complete this form

This form contains a legislative checklist of items that must be met by clubs under section 10 of the *Registered Clubs Act 1976*.

This form also contains conditions that the Independent Liquor & Gaming Authority (ILGA) has determined are appropriate as the conditions for Hotel Liquor licences, subject to any alternate conditions that may be imposed specific to a venue's location and/or business model.

Special instructions


The Independent Liquor & Gaming Authority and/or its delegates may impose additional or alternative conditions if warranted. However, the party seeking additional or alternative conditions must demonstrate the need for those conditions.

If you would like to seek alternate conditions, and/or additional conditions, please indicate the relevant condition number, alternative condition text and/or additional condition as well as the reasons in the space provided below the conditions list. You can attach additional information on separate pages if required.

Please attach the completed form to your online liquor licence application

Lodging this form with your liquor licence application will reduce the processing time.

How to lodge this form

 Please attach this form to your online liquor licence application at lodgement.

Provide all pages of this request and attachments. There's no need to attach this introduction page.

Need more information?

 liquorandgaming.nsw.gov.au

Your privacy

We will handle your personal information in accordance with the *Privacy and Personal Information Protection Act 1998*. It is being collected by Liquor & Gaming NSW and will be used for the purpose of processing your request and may be disclosed to other Government agencies for this purpose. Providing this information is voluntary, but where relevant information is not provided this may lead to your request being refused, delayed or not further considered. You have the right to request access to, and correct details of, your personal information held by us. You can access further information on privacy at liquorandgaming.nsw.gov.au.

Further information

Separate forms should be lodged if the club requires a:

- ▲ **Club Functions Authorisation** - approval to allow non-members of the club and/or under 18s to attend functions, cultural or educational activities etc. in a specified area of the club's premises. Download the form 'AM0010 Club Functions Authorisation' at liquorandgaming.nsw.gov.au
- ▲ **Non-Restricted Area Authorisation** - approval to allow minors (under 18s) to have access to areas of the club that are not gaming areas while accompanied by a responsible adult. Download the form 'AM0050 Non-restricted Area Authorisation' at liquorandgaming.nsw.gov.au

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Part 1 About your proposed licensed premises

1A Licence details

Proposed Licence name

Premises address

Suburb/town/city

State

Postcode

Proposed Licensee or Manager

1B Application details (if known)

Application number

Licence number (if known)

LIQ

Part 2 Statutory conditions

1	Retail closure period	
	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 4:00 AM and 10:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.	
2	Restricted trading & NYE (std) Consumption on premises	
	Good Friday	12:00 noon–10:00 PM
	Christmas Day	12:00 noon–10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)
	December 31st	Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later
3	Take away sales	
	Good Friday	Not permitted
	Christmas Day	Not permitted
	December 31st	Normal trading

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Part 3 Conditions which are likely to be imposed in relation to the licence type

		Do you agree?	
		Yes	No
4	<p>Social impact (new licences)</p> <p>The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining the licence.</p>	<input type="checkbox"/>	<input type="checkbox"/>
5	<p>Social impact (removal)</p> <p>The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of removing this licence to the premises at <address of the proposed premises>.</p>	<input type="checkbox"/>	<input type="checkbox"/>
6	<p>Social impact (ETA)</p> <p>The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining the extended trading authorisation on <date of grant>.</p>	<input type="checkbox"/>	<input type="checkbox"/>
7	<p>Participation in the local liquor accord</p> <p>The licensee or its representative must join and be an active participant in the local liquor accord.</p>	<input type="checkbox"/>	<input type="checkbox"/>
8	<p>Plan of management</p> <p>The premises is to be operated at all times in accordance with the Plan of Management dated <insert date> as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.</p>	<input type="checkbox"/>	<input type="checkbox"/>
9	<p>CCTV</p> <p>1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:</p> <ul style="list-style-type: none"> (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times), (b) recordings must be in digital format and at a minimum of ten (10) frames per second, (c) any recorded image must specify the time and date of the recorded image, (d) the system's cameras must cover the following areas: <ul style="list-style-type: none"> (i) all entry and exit points on the premises, (ii) the footpath immediately adjacent to the premises, and (iii) all publicly accessible areas (other than toilets) within the premises. <p>2) The licensee must also:</p> <ul style="list-style-type: none"> (a) keep all recordings made by the CCTV system for at least 30 days, (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings. 	<input type="checkbox"/>	<input type="checkbox"/>

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Proposed alternative / additional conditions:

Part 4 Additional legislative requirements under the *Liquor Act 2007*

Section	Description	Comment
s19 (2)	Club Licence – General Provisions If a registered club owns or occupies more than one set of premises, each set of premises must be separately licensed and the entity comprising the registered club is the licensee for each set of licensed premises	
s20	Club Licence – Miscellaneous The club must not hold a hotel licence or acquire any financial interest in a hotel (not applicable if hotel licence or financial interest in a hotel was granted (or acquired) before 2 April 2002)	
s66	Appointment of Managers A registered club that has more than one set of premises must appoint a different manager for each set of premises, unless the club has no more than 2 sets of premises and the proposed premises is situated in a metropolitan area (within 10Km of the other premises) or if the proposed premises is not situated in a metropolitan area (within 50Km of the other premises).	

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Part 5 Legislative Checklist

Under Section 10(1) *Registered clubs Act 1976 (RCA)* you must demonstrate how the Club meets the following requirements.

Section	Description	Comment
s10(1)(a)	<p>Club shall be conducted in good faith as a club <i>Example:</i> The club is a registered club as defined under the RCA. As outlined in Rule xx of the Constitution, the club was established for the objects in its Constitution being, among other things, to promote, conduct and carry out any sports, games and pastimes as the club deems expedient.</p>	
s10(1)(b)	<p>Club shall be a company or co-operative if registered before the commencement of s10(1)(b) <i>Example:</i> The club is an incorporated public company limited by guarantee – refer to ASIC Extracts at xxx</p>	
s10(1)(d) and s12	<p>Minimum number of members <i>Example:</i> The club is more 24 kilometres of Sydney's GPO and has approximately xxx full members (as defined in s12 of the RCA), well more than the minimum number of members required. The various categories of membership are set out in the club's Constitution – refer to Constitution at Annexure xx</p>	
s10(1)(e)	<p>The Club shall be established for social, literary, political, sporting, athletic or any other lawful purpose and for the purpose of providing accommodation for its members and guests <i>Example:</i> As outlined in Rule xx of the Constitution, among other things, to promote, conduct and carry out any sports, games and pastimes as the club deems expedient – refer to Constitution at Annexure xx.</p>	
s10(1)(f)	<p>Club shall have premises of which it is a bona fide occupier for the purposes of the club and are provided and maintained from the funds of the club <i>Example:</i> The club owns and is the bona fide occupier of its premises.</p>	
s10(1)(g)	<p>Club premises shall contain accommodation appropriate for the purposes of the club <i>Example:</i> Amongst other things, the club provides the following accommodation and amenities for its members at each of its premises including a bar, restaurant, café, function room, entertainment area, gaming area, bowling greens.</p>	

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Section	Description	Comment
s10(1)(h)	<p>Club premises shall contain a properly constructed bar</p> <p><i>Example:</i></p> <p><i>The club will have properly constructed bars at each of the premises – refer to premises plan at Annexure xx.</i></p>	
s10(1)(i)	<p>Members not entitled to derive directly or indirectly any profit, benefit or advantage that is not offered equally to every full member</p> <p><i>Example:</i></p> <p><i>To the best of the club's knowledge, information and belief, The club is aware of, and complies with, the requirement of s10(1)(i) of the RCA. That is, no member of the club is entitled to receive any profit, benefit or advantage that is not offered equally to every full member of the club.</i></p> <p><i>Rule 8.2 of the club Constitution reflects the requirements of section 10(1)(i) of the Registered Clubs Act – refer to Rule xx of the Constitution at Annexure xx.</i></p>	
s10(1)(j)	<p>Only the club and its members are to be entitled to derive, directly or indirectly, any profit, benefit or advantage etc</p> <p><i>Example:</i></p> <p><i>As outlined above, the club is obliged to comply with section 10 of the RCA, whether or not its Constitution includes provisions which replicate these sections of the RCA. To the best of the club's knowledge, information and belief, the club is aware of, and complies with, the requirement of s10(1)(j) of the RCA. The club is a non-proprietary club. That is, only the members are entitled to benefit from the club being a registered club except as provided by the Registered Clubs Act. The club Constitution provides that profits and income of the club are only to be applied in furtherance of its objects – refer to Rule xx of the Constitution at Annexure xx.</i></p>	
s10(1)(k)	<p>No person to receive any payments by reference to quantity of liquor purchased or keeping or operation of gaming machines</p> <p><i>Example:</i></p> <p><i>The club is aware of, complies with and will continue to comply with, the requirements of section 10(1)(k) of the RCA.</i></p> <p><i>The club's Constitution replicates its obligations under section (10)(1)(k) of the RCA. The club Constitution prohibits payments to the Club Board and staff with reference to sales of liquor.</i></p> <p><i>No staff member, Board member or committee member of The club has any entitlement to receive payment with reference to operation of approved gaming machines under any agreement with The club – refer to Rule xx of the Constitution at Annexure xx</i></p>	

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Section	Description	Comment
s10(1)(k1) RCA 27A RCR	<p>The membership of the governing body of the club must not, on and from such date (or the happening of such event) as may be prescribed by the regulations, exceed 9 persons</p> <p><i>Example:</i> The Board of the club consists of 5 directors comprising a Chairperson, 2 Deputy Chairpersons and up to 6 Ordinary directors – refer to Rule xx of the club Constitution at Attachment x.</p>	
s10(1)(l) and 38(2)(a)	<p>Club must comply with requirements imposed under s38 - ASIC reporting requirements</p> <p><i>Example:</i> The club has the prescribed Liquor and Gaming NSW notice on its website regarding the financial and management reporting requirements under the Registered Clubs Act. There are no contracts with any directors/top executives (other than employment contracts for top executives) and disclosure of interests is required at each monthly Board meeting. There are NIL loans from the club to any Board member or employee - refer to the club Annual Report at Annexure xx and Disclosures Register at Annexure xx.</p>	
s10(1)(m)	<p>Club must comply with requirements of part 4A RCA - Accountability of registered clubs</p> <p><i>Example:</i> Club complies with the requirements of part 4A RCA – accountability, disposal of property and termination of contracts, of registered clubs – refer Part I of this paper. The club’s Constitution at Rule and xx makes specific reference to the club’s accountability and transparency obligation – refer to Constitution at Annexure xx.</p>	
s10(1)(n)	<p>The business conducted on the premises of the club must not be managed or controlled by any person or body other than the governing body, or the secretary of the club, etc</p> <p><i>Example:</i> The business of the club is, and it is intended that the business of the amalgamated club will be, conducted under the control and management of the Board and approved Secretary. There is no contract in place or currently under consideration which would fall outside the provisions of this section.</p>	

Part 6 Further details

5A Applicant details

Mr Ms Mrs Miss Other

Given name

Family name

Email

Mobile

Signature

Date

Part 7 Declaration

- ▲ I acknowledge that under section 36 of the *Gaming and Liquor Administration Act 2007* and section 307A of the *Crimes Act 1900* it is an offence to provide false, misleading or incomplete information in this application.
- ▲ I acknowledge that failure to provide all required information may result in delay or refusal of the application.
- ▲ I understand that specific details I have supplied in this application may be 'personal information' under the *Privacy and Personal Information Protection Act 1998*. Personal information is any information or opinion that identifies an individual or enables someone to identify an individual.
- ▲ I acknowledge that L&GNSW is collecting on behalf of the Independent Liquor & Gaming Authority to enable processing of this application. I also understand that L&GNSW will use the information for its intended purpose only, store the information securely, and allow the applicant or licensee to access and update the information. When processing this application, L&GNSW may disclose information to other Government agencies.
- ▲ I acknowledge that L&GNSW will publish general information about the application on an electronic noticeboard and information about the application, if granted, on a public register.

Name

Position

Signature

Date