



Independent Liquor & Gaming Authority

A statutory board established under the Gaming and Liquor Administration Act 2007

Ms Melynda Robinson
Commercial Licensing Specialists
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22 October 2021

Dear Ms Robinson

Application No.	APP-0006342108
Applicant	SALT SURF LIFE SAVING CLUB LIMITED
Application for	Club licence with non-restricted area authorisation
Licence name	Salt Surf Lifesaving Club
Premises	Bells Boulevard Kingscliff NSW 2487
Trading hours	Monday to Sunday: 10:00 am – 10:00 pm
Legislation	Sections 3, 11A, 12, 13, 18, 19, 20, 40, 44, 45 and 48 of the <i>Liquor Act 2007</i> Sections 10 and 22 of the <i>Registered Clubs Act 1976</i>

Decision of the Independent Liquor & Gaming Authority
Application for a club licence with a non-restricted area authorisation
Salt Surf Lifesaving Club, Kingscliff

The Independent Liquor & Gaming Authority considered the application above, and decided on 27 April 2021 to approve the application under section 45 of the *Liquor Act 2007* and section 22 of the *Registered Clubs Act 1976*, subject to imposing conditions as set out in Schedule 1.

Statement of reasons

A statement of reasons for this decision is attached at the end of this letter.

If you have any questions, please contact the case manager, Leonie Jennings, at leonie.jennings@liquorandgaming.nsw.gov.au.

Yours faithfully

Philip Crawford

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

STATEMENT OF REASONS

DECISION

1. On 30 October 2019, Salt Surf Life Saving Club Incorporated (“Applicant”) lodged with Liquor & Gaming NSW (“L&GNSW”), for determination by the Independent Liquor & Gaming Authority (“Authority”), an application (“Application”) for a club licence (“Licence”) for the premises at Bells Boulevard, Kingscliff (“Premises”), to be known as Salt Surf Life Saving Club (“Club”).
2. The Applicant also lodged an associated application for a non-restricted area authorisation (“NRAA”).
3. The Authority first considered the applications at its meeting on 11 November 2020 and, following the receipt and consideration of further requested information, decided on 27 April 2021 to grant:
 - a) the Licence under section 45 of the *Liquor Act 2007* (NSW) (“Liquor Act”), which authorises liquor to be sold by retail on the Premises to members of the Club, for consumption on or away from the Premises
 - b) the NRAA under section 22 of the *Registered Clubs Act 1976* (NSW) (“Clubs Act”), which allows minors to have access to the whole of the Premises excluding bar area.
4. A preliminary notification of this decision was sent to the Applicant on 18 May 2021, together with the licence document for the Premises.
5. In reaching this decision, the Authority has had regard to the relevant material before it and the legislative requirements under the:
 - a) Liquor Act and the Liquor Regulation 2018 (“Liquor Regulation”)
 - b) Clubs Act and Registered Clubs Regulation 2015 (“Clubs Regulation”).
6. Pursuant to section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is only required to publish reasons for its decision in respect of the Application for the club licence. Accordingly, this statement of reasons is prepared in respect of the Application for the club licence, while providing a formal record of the Authority’s decision in relation to the application for the NRAA.

MATERIAL CONSIDERED BY THE AUTHORITY

7. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
8. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
9. In accordance with its *Guideline 6*, the Authority has also had regard to relevant L&GNSW liquor licensing records and data published by Bureau of Crime Statistics and Research (“BOCSAR”), NSW Department of Health, and Australian Bureau of Statistics (“ABS”).
10. A list of the material considered by the Authority is set out in Schedule 2.

LEGISLATIVE FRAMEWORK

11. The Authority has considered the Application in the context of the following sections of the Liquor Act and Clubs Act (and the associated clauses of the Liquor Regulation):

Liquor Act

- a) Section 3: Statutory objects of the Liquor Act and relevant considerations.
- b) Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold.

- c) Sections 18-20: Provisions specific to a club licence.
- d) Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
- e) Section 44: Submissions to Authority in relation to licence applications.
- f) Section 45: Criteria for granting a liquor licence.
- g) Section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and other available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community

Clubs Act

- h) Section 10: Requirements to be met by clubs.
12. An extract of these sections is set out in Schedule 3.
13. The Authority has also had regard to its Guideline 6 in considering the overall social impact of approving the Application pursuant to section 48 of the Liquor Act.

KEY FINDINGS

14. Having regard to the information before it and relevant legislative requirements, the Authority makes the following findings in relation to the Application.

Requirements to be met by a club

15. The Authority first considered the Application at its meeting on 11 November 2020, at which time the Authority found that the Club did not satisfy the requirement of section 10(1)(b) of the Clubs Act, given that it was not a company within the meaning of the *Corporations Act 2001* (Cth). The Authority notes that the Applicant remedied the issue by registering the Club with Australian Securities & Investments Commission ("ASIC") as a limited company, and updating its Club Constitution.
16. Sections 10(1)(d) and 12 of the Clubs Act sets out that a registered club must consist of a minimum number of members. The minimum number that applies to the Club is 100 or such lesser number, not being less than 30, as the Authority may determine in special circumstances. The Authority notes that the Club, at the time of the Authority's decision, had 87 ordinary members. The Authority has had regard to, and has accepted, the Applicant's submissions on why a lesser number of ordinary members should be considered sufficient to satisfy the requirements of the Clubs Act, including that:
- a) the membership base of the club fluctuates depending on whether it is low/peak season
 - b) COVID-19 saw a considerable decline in membership
 - c) the Club is operating without part of its facilities operating (namely, the bar, bistro and function space) and once the Licence is granted and the Club commences full operations it is anticipated that it will reach the 100 ordinary member base
 - d) the local population is set to increase exponentially once the Seaside Village, Casuarina Beach, Kingside Forest and Salt Village developments are complete, and the Club anticipates a significant increase in beach goers and Club membership
17. Accordingly, pursuant to section 19 of the Liquor Act, the Authority is satisfied that the Premises will operate as a bona fide registered club that meets the requirements of section 10(1) of the Clubs Act and otherwise complies with the Clubs Act.

Validity, procedural and trading hour requirements

18. The Authority notes that two previous applications for a liquor licence were lodged by the Applicant in relation to the Premises, which were subsequently withdrawn.

19. The Authority notes that there were some minor deficiencies in the CIS, which were subsequently remedied by the Applicant and the CIS readvertised for a further 14-day period. Accordingly, the Authority determined to disregard the failure to comply with clause 29 of the Liquor Regulation.
20. The Authority is satisfied on the material before it that:
- a) the Application has been validly made and meets the procedural requirements under section 40 of the Liquor Act
 - b) the proposed trading hours for the Premises meet the requirements under sections 11A, 12 and 18 of the Liquor Act in respect of trading and 6-hour closure periods.

Fit and proper person, responsible service of alcohol, and development consent requirements

21. Pursuant to section 45 of the Liquor Act, the Authority is also satisfied that:
- a) the Applicant is a fit and proper person to carry on the business to which the proposed licence relates, given that no concerns regarding the Applicant's probity were raised upon consultation with relevant law enforcement agencies
 - b) practices would be in place from the commencement of licensed trading at the Premises to facilitate the responsible serving of alcohol, having regard to the Plan of Management documentation for the Premises and the conditions to be imposed on the Licence, and
 - c) the requisite development consent is in force, based on the notice of determination of Section 96 Application No. DA13/0119.04 in respect of the Premises, issued by Tweed Shire Council on 18 May 2018.

Community impact

Local and broader communities

22. For the purpose of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant "local community" is the community within the suburb of Kingscliff, and the relevant "broader community" comprises the Local Government Area ("LGA") of Tweed Shire.

Licence density

23. The Authority notes that, compared to the NSW state average:
- a) Kingscliff and Tweed Shire LGA have a **higher** saturation of club licences
 - b) Tweed Shire LGA has a **lower** clustering of club licences
 - c) Kingscliff has a clustering of club licences that is **aligned with** the state average.

Crime data

24. The relevant BOCSAR data indicates that, in the year to June 2020:
- a) the Premises was located near a hotspot for incidents of alcohol-related domestic violence.
 - b) Kingscliff recorded **lower** rates of alcohol-related domestic and non-domestic assault, alcohol-related non-domestic serious assault, and malicious damage to property, and a **higher** rate of alcohol-related offensive conduct, compared to the NSW state average.
 - c) Tweed Shire LGA recorded **lower** rates of alcohol-related non-domestic assault, alcohol-related non-domestic serious assault, alcohol-related offensive conduct, and malicious damage to property, and a **higher** rate of alcohol-related domestic assault compared to the NSW state average.

Alcohol-related health data

25. The most recent HealthStats NSW data available at the time of the Authority's decision indicates that Tweed Shire LGA recorded a **higher** than average level of alcohol-attributable deaths for the period 2016/2017, and a **lower** than average level of alcohol-attributable hospitalisations for the period 2016/2017-2017/2018.

SEIFA

26. The Authority notes that ABS Socio-Economic Index for Areas ("SEIFA") data as at 2016 indicates that: Kingscliff and Tweed Shire LGA were relatively **advantaged** compared to other suburbs and LGAs in NSW.

Business model at the Premises

27. The Authority notes that:

- a) the Club is located within a development known as Salt Village, a coastal resort, shopping and residential enclave in Kingscliff NSW
- b) the Club was established in 2004, and is a community-based not for profit organisation which provides surf lifesaving beach patrols, training and education, a Nippers program, and surf sport events
- c) the purpose of the Licence is to enable the Club to provide an exclusive venue for members of the Club to enjoy members-only social events, awards, functions, dining and activities
- d) the seated capacity of the Premises is approximately 200 persons, with an approved maximum patron capacity of 350 persons.

Purported benefits

28. The Authority has had regard to the Applicant's purported benefits, including that:

- a) the Club is an integral part of the Salt Village Precinct ("Precinct"), and provides an essential community service. The Applicant notes that the "interests of the surrounding community are paramount to the club"
- b) Tweed Shire Council recently cancelled paid lifeguards and so it is "imperative that the club supplements these wages to ensure this vital service is kept"
- c) the granting of the Licence is vital to ensuring the longevity and sustainability of the Club, and income derived from the sale of liquor will ensure that the Club can continue to meet its objectives and self-sustain lifeguards without seeking fundraising
- d) the development of the state-of-the-art Club house is likely to attract people to the Precinct through increased sporting events, activities and participation in the Club. This will encourage complementary spending in the accommodation hotels and other businesses in the Precinct
- e) the issuing of the Licence will enable the Club to make use of a currently vacant space and create employment opportunities.

Stakeholder submissions

29. The Authority has had regard to the submissions from:

- a) **NSW Police Force** ("Police"), which raises no objection to the Application, however requests that conditions relating to CCTV, participation in the local liquor accord and drinks restrictions are imposed on the Licence.

- b) **Tweed Shire Council** ("Council"), which raises no objection to the issuing of a liquor licence that maintains restrictions imposed by the development consent.
- c) **Transport NSW**, which notes that between 2014 and 2018 10.2% of casualty crashes in the Tweed Shire LGA were alcohol-related, which is almost twice as high as the NSW state average of 5.3%. Transport NSW recommends initiatives to assist with the responsible service of alcohol, and help reduce the number of alcohol-related crashes in the Tweed Shire LGA.
- d) **Tweed Byron Local Aboriginal Land Council** ("Tweed Byron LALC"), which does not support the Application, noting that the objects of the Tweed Byron LALC is to protect and foster the best interests of Aboriginal People within the area. However, the submission did not identify any specific localised social impacts.
- e) **Salt Village Pty Limited ATF the Salt Retail Discretionary Trust** ("Salt Village"), which is the owner of a number of retail shops within the Precinct. Salt Village strongly objects to the Application on a number of grounds, including:
 - i. conditions of the development consent for the Premises (namely, that no temporary, casual or social membership is permitted to be granted on site or at the entry door to the club) are inconsistent with the authorisation of a club licence, and it is not an adequate solution to impose the restrictions of the development consent on the licence
 - ii. the operation of a registered club is a prohibited use on one of the land titles the Premises occupies, and representations were made by the Applicant to Council that there was no intention to obtain a liquor licence for the Premises [the Authority notes, however, that Council raises no objection to the Application]
 - iii. the Club does not comply with s.10(1) of the Registered Clubs Act as it is not a corporation within the meaning of the *Corporations Act 2001* [the Authority notes that this was subsequently rectified by the Applicant]
 - iv. there is insufficient demand to support the operation of the Club by reason that food and beverage facilities will only be available to members of the Club, and there are "too few members to support the operation of the scale and size as proposed by the [A]pplicant". Salt Village contends that "it is extremely likely that the [A]pplicant will in the future, for economic reasons seek to extend the availability of its services to non-genuine members"
 - v. the eligibility requirements to obtain general membership to the Club "appears to be extremely loose and susceptible to abuse to avoid the strict controls that have been imposed on the operation of the premises by Tweed Shire Council"
 - vi. the Applicant has "previously breached the conditions of consent on many occasions without the licence in place, and because there will be a strong commercial motivation to breach such conditions given that the viability of the business, when restricted to bona fide members of the club as a source of patrons, would be highly questionable"
 - vii. there is currently more than adequate supply of licensed premises in the Precinct, and an additional liquor outlet would be in excess of the community demand and could lead to adverse impacts on the community
 - viii. carparking in the Precinct was not designed to cater for a licensed club facility in the Master Plan for the Precinct
 - ix. in the re-lodged Application the Applicant made misrepresentations that Salt Village no longer presses its objection, and the Applicant failed to serve Salt Village with the Notice of Intention for the re-lodged Application.

- f) **four members of the public** who own apartments in the Precinct, which raise concerns that:
- i. the Precinct does not need another gaming venue, or licensed venue
 - ii. there is insufficient parking to meet the requirements of the Club, noting that parking is already at capacity on weekend evenings
 - iii. existing licensed premises in the Precinct create noise disturbances on weekends
 - iv. the Club is located next to a family-friendly holiday resort and may create noise disturbances
 - v. the Club's patrons may cause degradation to the environmental reserve adjacent to the Club.
- g) a **member of the public** residing in an apartment complex adjacent to the Club, who raises no objection to the Application, noting that the Precinct has always retained several licensed premises and approval of the Application will not result in any significant impacts.

30. The Authority has also had regard to the Applicant's submissions in response, including that:

- a) the allegations made by Salt Village are false; and that all functions that have been held at the Club have been in compliance with the conditions of the development consent. Council has been made aware of the functions held at the Club and the Club has been subject to investigations which found no breaches. The Applicant has provided written advice from Council confirming that a search of Council records has failed to find any breaches of the consent or infringements issued
- b) the Applicant is committed to adhering to the conditions of the development consent and liquor licence in order to operate in a lawful manner. Salt Village has provided no evidence of breaches and its claims are considered vexatious and anti-competitive
- c) the Applicant is in the process of preparing another Development Application to facilitate a large community car park for the benefit of the whole Precinct
- d) the submission from Salt Village in response to the Notice of Intention for the CIS was received outside of the 30-day consultation period
- e) a club licence is the most suitable liquor licence for the operation of the Premises
- f) Salt Village previously owned the freehold and was the operator of Salt Bar, the Club's nearest commercial competitor. Salt Village has since sold the business, however, continues to own the freehold. The new business owner of Salt Bar, Australian Venues Co, has provided a \$25,000 donation to the Club and a written letter of support in respect of the Application
- g) the Club is a not-for-profit community-based organisation that provides a much-needed community service to the area and a club licence is required to marry the Council development consent for the Premises and ensure the commercial viability of the Club
- h) all conditions proposed by L&GNSW have been consented to, and the Applicant will adhere to the Plan of Management for the Premises
- i) the mode of operation at the Club will be different from other licensed premises in the Precinct which generate noise disturbances, as the Club is restricted to members only and will be holding different kinds of social functions that are of lower impact. The Club is not an entertainment venue which is open to the public and therefore is not likely to cause the same concern to residents

j) the Club is not a gaming venue and will not have any gaming facilities.

31. The Authority notes that Australian Venue Company, owner of Salt Bar in the Precinct, has provided a letter of support for the Application, which notes the following:

As a community based business we approve of Salt Surf Club's need to support the ever growing population and increasing tourism that frequent such a beautiful part of Australia.

We appreciate the need for the Surf Club to become self sufficient in their needs and to fully support Surf Lifesaving to remain a not for profit organisation.

We believe the 10pm licence will be low risk and cause no inconvenience to the residents of the Village. This will also provide further employment opportunities and additional pathways for young unskilled local members of the public to gain access to training in surf lifesaving, along with training in hospitality.

We believe that the utilisation of the Surf Club in this manner will not only attract people to the precinct and support all business in the precinct; but also enhance the quality of the facilities presented within the Village.

As a business, AVC (Australian Venue Company) is committed to supporting local businesses and not for profit organisations and will assist in the transportation of guests of the Surf Club and Salt Bar and Grill via the use of courtesy bus. Our expertise in the hospitality industry will assist in creating a joyous and profitable venture to allow the Surf Club the ease of financial burden to continue their high standards of community service and their mission to protect the community through Lifesaving activities.

Findings of concern

32. Having regard to the relevant statistics and the submissions received, including the Applicant's reply submissions, the Authority finds that there are some alcohol-related crime and health issues in the local and broader communities, and that the operation of the Premises may cause some noise disturbances for local residents.
33. Furthermore, the Authority considers that, if the Licence is granted, there is a risk that the liquor sold at the Premises would exacerbate the existing alcohol-related problems in the community and, over time, contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities.

Mitigating factors

34. The Authority is nevertheless satisfied that the risk is sufficiently mitigated by the following:
- a) the sale of alcohol is restricted to club members only, and alcohol cannot be consumed in any publicly accessible areas of the Club
 - b) there will be no gaming at the Premises
 - c) the moderate licensed trading hours
 - d) the absence of any objections from agency stakeholders, including Tweed Shire Council and NSW Police Force
 - e) harm minimisation measures set out in the Plan of Management and licence conditions as set out in Schedule 1.

CONCLUSION

35. Having considered the positive and negative social impacts that are likely to flow from granting the Licence, the Authority is satisfied that the overall social impact of granting the Licence would not be detrimental to the well-being of the local and broader communities.

36. The Authority is also satisfied that the other legislative criteria for the granting of the Licence have been met.

37. Accordingly, the Authority has decided to grant the Licence under section 45 of the Liquor Act.



Philip Crawford

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the Liquor & Gaming NSW website <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.

Schedule 1 – Licence conditions to be imposed Salt Surf Lifesaving Club, Kingscliff

1. Section 11A of the *Liquor Act 2007* 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)
Take away sales
Good Friday Not permitted
Christmas Day Not permitted
December 31st Normal trading
3. The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing 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 this licence.
4. The premises is to be operated at all times in accordance with the Plan of Management dated 16 September 2020 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.
5. The licensee or its representative must join and be an active participant in the local liquor accord.
6. Closed-circuit television system
 - 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - (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 six (6) 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:
 - (i) all entry and exit points to the premises,
 - (ii) the footpath immediately adjacent to the premises, and
 - (iii) all publicly accessible areas (other than toilets) within the premises.
 - 2) The licensee must also:
 - (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.
7. Non-restricted area authorisation: whole of the licensed premises excluding bar area.
8. No gaming machine, TAB or Keno facilities may be operated on the licensed premises.
9. Crime Scene Preservation

Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:

 - 1) take all practical steps to preserve and keep intact the area where the act of violence occurred,

- 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor & Gaming NSW website,
- 3) make direct and personal contact with NSW Police to advise it of the incident, and
- 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.

In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises.

Schedule 2 – Material considered by the Authority Salt Surf Lifesaving Club, Kingscliff

Application material

1. Completed certification of advertising, dated 29 August 2020.
2. Plan of Management documents for the Premises, dated 16 September 2020.
3. Completed Category B Community Impact Statement, dated 26 September 2019.
4. Completed application, dated 30 October 2019.
5. Completed application notices, dated 30 October 2019.
6. Floor plan for the Premises indicating the proposed licensed area.

Development consent

7. Notice of determination of Section 96 Application No. DA13/0119.04, issued by Tweed Shire Council on 18 May 2018, approving the modification of development consent DA13/0119 for the Premises.
8. Notice of determination of Section 96 Application No. DA13/0119.03, issued by Tweed Shire Council on 14 December 2017, approving the modification of development consent DA13/0119 for the Premises.
9. Notice of determination of Development Application No. DA13/0119, issued by Tweed Shire Council on 23 September 2013 in relation to the Premises.

Liquor & Gaming LiveData Report

10. L&GNSW Liquor & Gaming LiveData Report for the suburb of Kingscliff, generated on 27 September 2020, which sets out that:

Outlet diversification

- a. There are **30** authorised liquor licenses in Kingscliff. This includes **15** on-premises licences, **9** on-premises licences with primary service authorisation, **2** club licences, **2** hotel licences and **2** packaged liquor licences.

Outlet density (annual rate per 100,000 residents)

- b. saturation of club licences in Kingscliff (**26.8**) is **higher** compared to Tweed Shire LGA (**18.6**), and **higher** compared to NSW (**17.2**)
- c. clustering of club licences in Kingscliff (**1**) is **higher** compared to Tweed Shire LGA (**0.2**), and **on par** with NSW (**1**).

Offence data (annual rate per 100,000 residents)

In the year to June 2020:

- d. alcohol-related domestic assault in Kingscliff (**71.8**) was **lower** compared to the Tweed Shire LGA (**121.7**), and **higher** compared to all NSW (**113.2**)
- e. alcohol-related non-domestic assault in Kingscliff (**95.7**) was **higher** compared to the Tweed Shire LGA (**70.8**), and **lower** compared to all NSW (**97.1**)
- f. alcohol-related non-domestic serious assault in Kingscliff (**12**) was **lower** compared to the Tweed Shire LGA (**22.9**), and **lower** compared to all NSW (**36.4**)
- g. alcohol-related offensive conduct in Kingscliff (**59.8**) was **higher** compared to the Tweed Shire LGA (**23.9**), and **higher** compared to all NSW (**28.4**)
- h. malicious damage to property in Kingscliff (**490.4**) was **lower** compared to the Tweed Shire LGA (**625.3**), and lower compared to all NSW (**681.9**).

Alcohol-attributable hospitalisations & deaths (per 100,000 residents)

- i. In the period 2016/2017 the alcohol-attributable death rate in Tweed Shire LGA (**22.3**) was **higher** compared to the average across all of NSW (**18.1**)

- j. In the period 2016/2017-2017/2018 the alcohol-attributable hospitalisation rate in Tweed Shire LGA (**491.8**) was **lower** compared to the NSW average (**565.7**).

SEIFA

- k. According to the SEIFA Index of Relative Economic Advantage & Disadvantage, households in Kingscliff and Tweed Shire LGA are socio-economically advantaged (**43%** and **51%** of NSW households, in terms of household income and residents in skilled occupations).

Stakeholder submissions

11. Email from NSW Health, confirming nil response (to a previous application lodged by the Club, which was subsequently withdrawn), dated 13 June 2018.
12. Submission from a member of the public, dated 25 January 2019 (date is believed to be an error).
13. Submissions from Salt Village Pty Limited ATF the Salt Retail Discretionary Trust (which is the owner of a number of retail shops within the Salt Village Precinct), dated 24 September 2019, 26 November 2019 and 28 October 2020.
14. Submission from NSW Roads & Maritime Services, dated 15 November 2019.
15. Submission from Tweed Shire Council, dated 20 November 2019.
16. Submission from NSW Police Force, dated 21 November 2019.
17. Submission from a member of the public, dated 25 November 2019.
18. Submission from a member of the public, dated 26 November 2019.
19. Submission from a member of the public, dated 27 November 2019.
20. Submission from a member of the public, dated 30 November 2019.
21. Submission from Tweed Byron Local Aboriginal Land Council, dated 14 August 2020.
22. Email from NSW Family & Community Services, confirming nil response, dated 25 August 2020.
23. Letter of support from Australian Venue Company, business owner of Salt Bar & Bistro, undated.

Other relevant information

24. Salt Surf Lifesaving Club newsletter, Issue 7, June – August 2018.
25. Correspondence between L&GNSW staff and the Applicant between 18 August 2020 and 8 April 2021 in relation to the assessment of the Application.
26. Letter from Salt Bar & Bistro in relation to a \$25,000 donation to Salt Surf Lifesaving Club, dated August 2019.
27. Package of information in relation to the Application, dated 16 September 2020.
28. Minutes extract from Tweed Shire Council meeting on 17 September 2020.
29. Membership Register and membership categories for the Club, as at 6 October 2020.
30. Email from Tweed Shire Council in response to an informal access request from the Applicant, dated 6 November 2020.
31. Constitution of Salt Surf Life Saving Club Limited, dated 21 February 2021.
32. Probity documents in relation to the proposed club manager.
33. ASIC Certificate of Registration of a company – Salt Surf Life Saving Club Limited, dated 19 March 2021.
34. ASIC Current Company Extract for Salt Surf Life Saving Club Limited, dated 23 March 2021.
35. Extract from the Australian Charities and Not-for-profits Commission in relation to the Club.

**Schedule 3 – Relevant extracts from the *Liquor Act 2007* and
Registered Clubs Act 1976
Salt Surf Lifesaving Club, Kingscliff**

Liquor Act 2007

3 Objects of Act

- (1) The objects of this Act are as follows—
- (a) to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,
 - (b) to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,
 - (c) to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
- (2) In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following—
- (a) the need to minimise harm associated with misuse and abuse of liquor (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 liquor,
 - (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

11A Special licence condition—6-hour closure period for licensed premises

- (1) This section applies in relation to—
- (a) any licence granted on or after 30 October 2008, and
 - (b) any licence in force before that date, but only if an extended trading authorisation granted on or after that date is in force in relation to the licensed premises concerned.
- (2) A licence to which this section applies is subject to the condition that liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours (as determined in accordance with this section) during each consecutive period of 24 hours (***the 6-hour closure period***).
- (3) Except as provided by subsection (4), the 6-hour closure period for any particular licensed premises is the period that is approved for the time being by the Authority.
- (4) In the case of a licence—
- (a) granted on or after 30 October 2008 but before the date on which this section (as inserted by the [*Liquor Legislation Amendment Act 2008*](#)) commenced, or
 - (b) granted by the Local Court (as provided by clause 25 of Schedule 1) at any time after the date on which this section commenced,
- the 6-hour closure period for the licensed premises is, subject to subsection (5), the period from 4 am to 10 am.
- (5) The Authority may at any time, on application by the licensee or by the Secretary or the Commissioner of Police, or on its own initiative, approve of licensed premises having a different 6-hour closure period than—
- (a) the period as last approved by the Authority, or
 - (b) the period specified in subsection (4).
- (6) Any such application by the licensee must be accompanied by the fee prescribed by the regulations.
- (7) To avoid doubt, during the 6-hour closure period for any licensed premises—
- (a) the licensed premises are not authorised to stay open for the retail sale of liquor on the premises, and
 - (b) the licensee is not authorised to sell liquor by retail for consumption away from the licensed premises.
- (8) This section has effect despite any other provision of this Act (in particular, those provisions relating to the standard trading period for licensed premises).
- (9) This section does not, however, apply to the sale or supply of liquor to a resident of licensed premises if the liquor is sold or supplied for consumption in the room in which the resident is residing or staying.
- (10) The regulations may also create exceptions to this section.

12 Standard trading period for certain licensed premises

- (1) For the purposes of this Act, the ***standard trading period*** means—
- (a) for any day of the week other than a Sunday—
 - (i) the period from 5 am to midnight, or
 - (ii) if the regulations prescribe a shorter period—the period as so prescribed, and
 - (b) for a Sunday—
 - (i) the period from 10 am to 10 pm, or

(ii) if the regulations prescribe a shorter period—the period as so prescribed.

(1A) Despite subsection (1), the **standard trading period** for a small bar is the period from noon to midnight on any day of the week.

Note—

Small bars are subject to the 6-hour closure period under section 11A.

(1B) Despite subsection (1)(b), the **standard trading period** for premises to which this subsection applies ends at midnight on a Sunday that falls on 24 or 31 December.

(1C) Subsection (1B) applies to the following premises or part of premises—

- (a) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is the sale or supply of liquor for consumption away from the licensed premises—the licensed premises,
 - (b) if the primary purpose of the business carried on on licensed premises to which a packaged liquor licence relates is not the sale or supply of liquor for consumption away from the licensed premises—the part of the premises that is a liquor sales area (within the meaning of section 30) of the licensed premises,
 - (c) if a hotel licence, club licence, on-premises licence or producer/wholesaler licence authorises the licensee to sell liquor for consumption away from the licensed premises—any part of the licensed premises to the extent that it is used for that purpose.
- (2) Any regulation that prescribes a shorter period for the purposes of subsection (1) may—
- (a) apply to a specified class of licensed premises, and
 - (b) apply in relation to a specified day or days, and
 - (c) in the case of licensed premises on which liquor may be sold or supplied for consumption on the premises as well as for consumption away from the premises—specify different periods for the sale or supply of liquor for consumption on the premises and for the sale or supply of liquor for consumption away from the premises.
- (3) Without limiting subsection (2)(a), a class of licensed premises may be specified by reference to licensed premises that are located in a particular area (however described).

13 Special events extended trading period for hotels and clubs

- (1) In addition to the trading hours that apply under this Act to the licensed premises to which a hotel licence or a club licence relates, the regulations may prescribe a period during which liquor may be sold or supplied for consumption on any such licensed premises.
- (2) Any such period may be prescribed only in relation to a specified day on which a special event is to be held or that immediately follows the day on which a special event is held. For the purposes of this subsection, **special event** means an event that the Minister considers to be of regional, State or national significance.
- (3) A regulation under this section may apply to a specified class of hotel or club premises. Without limitation, any such class of hotel or club premises may be specified by reference to hotels or club premises that are located in a particular area (however described).
- (4) This section does not authorise the sale, supply or consumption of liquor on any licensed premises contrary to a restriction or prohibition imposed by or under this Act in respect of the trading hours for the licensed premises.

18 Authorisation conferred by club licence

- (1) A club licence authorises the licensee to sell liquor by retail on the licensed premises to a member of the club (or a guest of a member of the club) for consumption on or away from the licensed premises.
- (2) **Trading hours for consumption on premises** The times when liquor may be sold for consumption on the licensed premises are as follows—
 - (a) during the standard trading period or at such other times as may be authorised by an extended trading authorisation,
 - (b) on 31 December in any year (but without limiting the operation of any extended trading authorisation)—from the start of the standard trading period for that day until 2 am on the next succeeding day.
- (3) **Trading hours for consumption away from premises** Liquor may be sold for consumption away from the licensed premises during the standard trading period or at such other times as may be authorised by an extended trading authorisation.
- (3A) An extended trading authorisation must not authorise the sale of liquor for consumption away from the licensed premises—
 - (a) on a Sunday that does not fall on 24 or 31 December—after 11 pm, and
 - (b) on any other day—after midnight.
- (4) **No take-away sales on restricted trading days** However, the sale of liquor for consumption away from the licensed premises is not authorised on a restricted trading day.

19 Club licence—general provisions

- (1) A club licence may only be granted to a club that—
 - (a) meets the requirements specified in section 10(1) of the [Registered Clubs Act 1976](#), and
 - (b) otherwise complies with the requirements of that Act.
- (2) If a registered club owns or occupies more than one set of premises—
 - (a) each set of premises must be separately licensed under this Act, and
 - (b) the entity comprising the registered club is the licensee for each set of licensed premises.
- (3) The regulations may create exceptions to this section.

20 Club licence—miscellaneous conditions

- (1) The following requirements apply in relation to a registered club—
 - (a) the club must not hold a hotel licence or acquire any financial interest in a hotel,
 - (b) the manager of the licensed premises 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 otherwise than as a prize or bonus won as a direct or indirect consequence of participating in a form of gambling that may lawfully be conducted on the licensed premises.
- (2) Subsection (1)(a) 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.

Note—

The prohibition on a registered club holding a hotelier's licence or acquiring a financial interest in a hotel was previously contained in section 9A(1AA) of the [Registered Clubs Act 1976](#) (as inserted by Schedule 3[6] to the [Gaming Machines Act 2001](#)). The previous prohibition did not apply to licences or financial interests granted or acquired before the commencement of section 9A(1AA)—see clause 89 of Schedule 2 to the [Registered Clubs Act 1976](#).

40 Licence applications

- (1) Licence applications are to be made to the Authority.
- (2) An application for a licence may be made by—
 - (a) an individual, or
 - (b) a corporation, or
 - (c) in the case of a club licence—a club (or a person on behalf of a club) that meets the requirements specified in section 10(1) of the [Registered Clubs Act 1976](#).
- (3) An application for a licence may not be made by—
 - (a) an individual who is under the age of 18 years, or
 - (b) a person who is disqualified from holding a licence or who holds a suspended licence, or
 - (c) an individual who is a controlled member of a declared organisation within the meaning of the [Crimes \(Criminal Organisations Control\) Act 2012](#).

Note—

Controlled members are prohibited from applying for licences—see section 27 of the [Crimes \(Criminal Organisations Control\) Act 2012](#).

- (4) An application for a licence must—
 - (a) be in the form and manner approved by the Authority, and
 - (b) be accompanied by the fee prescribed by the regulations and such information and particulars as may be prescribed by the regulations, and
 - (c) be advertised in accordance with the regulations, and
 - (d) comply with such other requirements as may be approved by the Authority or prescribed by the regulations.

Note—

See also section 48 which requires a community impact statement to be provided with certain licence applications.

- (5) If, before an application for a licence is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including any information provided in accordance with this subsection), the applicant must immediately notify the Authority of the particulars of the change.

45 Decision of Authority in relation to licence applications

- (1) The Authority may, after considering an application for a licence and any submissions received by the Authority in relation to the application, grant the licence or refuse to grant the licence. The Authority may determine the application whether or not the Secretary has provided a report in relation to the application.
- (2) The Authority may, in such circumstances as the Authority considers appropriate, treat an application for a licence as having been withdrawn.
- (3) The Authority must not grant a licence unless the Authority is satisfied that—

- (a) the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, and
- (b) practices will be in place at the licensed premises as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place, and
- (c) if development consent is required under the [Environmental Planning and Assessment Act 1979](#) (or approval under Part 3A or Part 5.1 of that Act is required) to use the premises for the purposes of the business or activity to which the proposed licence relates—that development consent or approval is in force.

Note—

Section 48 also requires the Authority to be satisfied of certain other matters before granting a hotel, club or packaged liquor licence.

- (4) The regulations may also provide mandatory or discretionary grounds for refusing the granting of a licence.
- (5) Without limiting subsection (3)(a), a person is not a fit and proper person to carry on the business or activity to which a proposed licence relates if the Authority has reasonable grounds to believe from information provided by the Commissioner of Police in relation to the person—
 - (a) that the person—
 - (i) is a member of, or
 - (ii) is a close associate of, or
 - (iii) regularly associates with one or more members of, a declared organisation within the meaning of the [Crimes \(Criminal Organisations Control\) Act 2012](#), and
 - (b) that the nature and circumstances of the person's relationship with the organisation or its members are such that it could reasonably be inferred that improper conduct that would further the criminal activities of the declared organisation is likely to occur if the person is granted a licence.
- (5A) Without limiting subsection (3)(a), in determining whether an applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates, the Authority is to consider whether the applicant—
 - (a) is of good repute, having regard to character, honesty and integrity, and
 - (b) is competent to carry on that business or activity.
- (6) The Authority is not, under this or any other Act or law, required to give any reasons for not granting a licence because of subsection (5) to the extent that the giving of those reasons would disclose any criminal intelligence.

48 Community impact

- (1) The object of this section is to facilitate the consideration by the Authority of the impact that the granting of certain licences, authorisations or approvals will have on the local community, in particular by providing a process in which the Authority is made aware of—
 - (a) the views of the local community, and
 - (b) the results of any discussions between the applicant and the local community about the issues and concerns that the local community may have in relation to the application.
- (2) In this section—

relevant application means any of the following—

- (a) an application for a hotel licence, club licence, small bar licence or packaged liquor licence,
- (b) an application under section 59 for approval to remove a hotel licence, club licence, small bar licence or packaged liquor licence to other premises,
- (c) an application for an extended trading authorisation in relation to a hotel licence, club licence, small bar licence or packaged liquor licence,
- (d) an application for an extended trading authorisation in relation to an on-premises licence (but only if the authorisation will result in trading at any time between midnight and 5 am),
- (e) an application for an extended trading authorisation in relation to a producer/wholesaler licence (but only if the authorisation will result in retail trading at any time between midnight and 5 am),
- (f) any particular application (or class of application) that is required by the Authority to be accompanied by a community impact statement,
- (g) any other application of a kind prescribed by the regulations or made in such circumstances as may be prescribed by the regulations,

but does not include any application for an extended trading authorisation in relation to a special occasion (as referred to in section 49(5)(b) or (5A) or 49A(3)(b)).

- (3) A relevant application must be accompanied by a community impact statement.

- (3A) However, a small bar application is not required to be accompanied by a community impact statement if—

- (a) development consent is required under the [Environmental Planning and Assessment Act 1979](#) to use the premises to which the application relates as a small bar or to sell liquor during the times to which the application relates, and
- (b) the local police and the Secretary are, no more than 2 working days after the application for the required development consent, or any variation to that application, is made, notified by the applicant of the making of the application for development consent or of the variation to that application.
- (3B) For the purposes of subsection (3A), a **small bar application** means any of the following—
 - (a) an application for a small bar licence,
 - (b) an application for approval to remove a small bar licence to other premises,
 - (c) an application for an extended trading authorisation for a small bar,
 - (d) an application to vary an extended trading authorisation for a small bar.
- (3C) An application (other than an application under clause 39 of Schedule 1) for a small bar licence is not, despite subsection (3), required to be accompanied by a community impact statement if—
 - (a) the application relates to the same premises as the premises to which a general bar licence relates, and
 - (b) development consent has been obtained under the [Environmental Planning and Assessment Act 1979](#) to sell liquor during the times to which the application relates and those times are specified in the development consent.
- (3D) Despite subsection (3), an application for a multi-occasion extended trading authorisation (as referred to in section 49B) is not required to be accompanied by a community impact statement if—
 - (a) an extended trading authorisation of the kind referred to in section 49(5)(a) is in force in respect of the licensed premises concerned, or
 - (b) the application is made in respect of club premises that have unrestricted trading hours in accordance with clause 94 of Schedule 2 to the [Registered Clubs Act 1976](#).
- (4) The community impact statement must—
 - (a) be prepared in accordance with the regulations and any requirements of the Authority, and
 - (b) be in the form approved by the Authority.
- (5) The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to—
 - (a) the community impact statement provided with the application, and
 - (a1) any published cumulative impact assessment that applies to the area in which the premises the subject of the application are located, and
 - (b) any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),
 that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.
- (6) The regulations may make provision for or with respect to the following—
 - (a) the requirements that must be satisfied in relation to the preparation of a community impact statement (including consultation requirements),
 - (b) the matters to be addressed by a community impact statement,
 - (c) the information to be provided in a community impact statement,
 - (d) the criteria for determining the local and broader community for the purposes of a relevant application,
 - (e) any other matter relating to the preparation and content of a community impact statement.
- (7) Without limiting subsection (6), the regulations may provide that the matters to be addressed by a community impact statement are, in the case of an application for an extended trading authorisation in relation to a hotel licence, to include matters relating to gambling activities on the licensed premises during the period that the authorisation is proposed to be in force.

Registered Clubs Act 1976

10 Requirements to be met by clubs

- (1) The following requirements apply in relation to a club—
 - (a) The club shall be conducted in good faith as a club.
 - (b) The club shall be—
 - (i) a company within the meaning of the [Corporations Act 2001](#) of the Commonwealth, or
 - (ii) if the club was registered, or applied for registration, before the commencement of Part 10—a co-operative under the [Co-operatives Act 1992](#) or a corporation constituted by another Act.
 - (c) (Repealed)
 - (d) The membership of the club shall consist of or include not less than such number of ordinary members as is prescribed in respect of it by section 12.
 - (e) The club shall be established—

- (i) for social, literary, political, sporting or athletic purposes or for any other lawful purposes, and
- (ii) for the purpose of providing accommodation for its members and their guests.
- (e1) If the regulations prescribe objects that are to apply in relation to specified types of clubs, the club is, if it is of such a type, to have the objects so prescribed in relation to that type of club.
- (f) The club shall have premises of which it is the bona fide occupier for the purposes of the club and which are provided and maintained from the funds of the club.
- (g) The premises of the club shall contain accommodation appropriate for the purposes of the club.
- (h) The premises of the club shall contain a properly constructed bar room but shall not contain a separate area for the sale or supply of liquor to be carried away from those premises to which area there is direct access from outside any building that is part of those premises.
- (i) A member of the club, whether or not he or she is a member of the governing body, or of any committee, of the club, shall not be entitled, under the rules of the club or otherwise, to derive, directly or indirectly, any profit, benefit or advantage from the club that is not offered equally to every full member of the club.
- (j) Only the club and its members are to be entitled under the rules of the club or otherwise to derive, directly or indirectly, any profit, benefit or advantage from the ownership or occupation of the premises of the club unless the profit, benefit or advantage is in the form of—
 - (i) reasonable and proper interest paid to a lender on any loan made to the club that is secured against the premises of the club, or
 - (ii) reasonable and proper rent or occupation fees paid to the owner of the premises of the club,
 being, in either case, a payment arising out of dealings reasonably carried out, or contracts reasonably made, with the club in the ordinary course of its lawful business.
- (k) The secretary or manager, or any employee, or a member of the governing body or of any committee, of the club is not entitled to receive, either directly or indirectly, any payment calculated by reference to—
 - (i) the quantity of liquor purchased, supplied, sold or disposed of by the club or the receipts of the club for any liquor supplied or disposed of by the club, or
 - (ii) the keeping or operation of approved gaming machines in the club.
- (k1) 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.
- (l) The club must comply with any requirements imposed on the club under section 38.
- (m) The club must comply with any requirements imposed on the club by or under Part 4A.
- (n) The business conducted on the premises of the club must not be managed or controlled by any person or body other than—
 - (i) the governing body of the club, or
 - (ii) the secretary of the club, or
 - (iii) the manager (within the meaning of the [Liquor Act 2007](#)) of the club premises, or
 - (iv) a person acting in a capacity referred to in section 41 (1) in respect of the club, or
 - (v) a person appointed under section 41A in respect of the club, or
 - (vi) a person who is exercising functions relating to the management of the business or affairs of the club under a management contract entered into in accordance with the Registered Clubs Accountability Code.
- (2) For the purposes of determining whether a club is being conducted in good faith as a club, as required by subsection (1) (a), regard is to be had to the following—
 - (a) the nature of the premises of the club,
 - (b) whether the club has been under administration for an extended period of time (whether as an externally-administered body corporate, within the meaning of the [Corporations Act 2001](#) of the Commonwealth, or otherwise),
 - (c) whether any arrangements relating to the club have resulted in another person or body assuming the effective control of the club and its business,
 - (d) such other matters as may be prescribed by the regulations.
- (3) Subsection (1) (b) does not apply in respect of Tattersall's Club referred to in the [Tattersall's Club Act of 1888](#), City Tattersall's Club referred to in the [City Tattersall's Club Act of 1912](#), Newcastle Tattersall's Club referred to in the [Newcastle Tattersall's Club Act 1945](#), the Newcastle International Sports Centre Club referred to in clause 9 of Schedule 5 to the [Sporting Venues Authorities Act 2008](#) or in respect of any club declared under section 13 (1) (a) to be an exempt club for the purposes of this subsection.
- (4) (Repealed)
- (5) Subsection (1) (e) (ii) does not apply in respect of any club declared under section 13 (1) (b) to be an exempt club for the purposes of this subsection.
- (6) A club does not fail to meet the requirement specified in subsection (1) (i) or (1) (j) by reason only that a member of the club derives or is entitled to derive any profit, benefit or advantage from the club that is not offered equally to every full member of the club if—
 - (a) the member derives or is entitled to derive the profit, benefit or advantage, not being a profit, benefit or advantage referred to in paragraph (b), pursuant to a contract (including a contract of employment) or

- agreement with the club and the deriving of or entitlement to the profit, benefit or advantage is, in the opinion of the Authority, reasonable in the circumstances of the case, or
- (b) the profit, benefit or advantage consists only of a sum of money paid to the member in respect of his or her services as a member of the governing body or of any committee of the club and that payment has been approved by a resolution passed at a general meeting on which the persons entitled to vote are the same as the persons entitled to vote at the annual election of the governing body of the club, or
 - (c) the profit, benefit or advantage consists only of hospitality in the nature of reasonable food or refreshment offered by the holder of a dealer's licence or adviser's licence (within the meaning of the [Gaming Machines Act 2001](#)) in the normal course of a sale of an approved gaming machine on the licensee's premises, or at a display of an approved gaming machine that is held anywhere in the State for the purpose of directly promoting the products or services of the licensee, or
 - (d) the profit, benefit or advantage consists only of the payment of out-of-pocket expenses that are of a kind authorised by a current resolution of the governing body and are reasonably incurred by a member of the club, or by the secretary or any other employee, in the course of carrying out his or her duties in relation to the club.
- (6A) Subsection (1) (i) does not prevent a club from providing different benefits for different classes of members if—
- (a) the different benefit was being lawfully provided immediately before the commencement of this subsection, or
 - (b) the different benefit is not in the form of money or a cheque or promissory note and is the subject of a current authorisation given by a general meeting of the members prior to the benefit being provided.
- (7) A club does not fail to meet the requirement specified in subsection (1) (j) by reason only that a person derives or is entitled to derive any profit, benefit or advantage as referred to in subsection (1) (j) if, in the opinion of the Authority, the deriving of or entitlement to the profit, benefit or advantage is reasonable in the circumstances of the case.

22 Non-restricted areas

- (1) The Authority may, on application by or on behalf of a registered club, grant an authorisation (a ***non-restricted area authorisation***) to the club specifying a part or parts of the premises of the club as a non-restricted area.
- (2) A registered club and the secretary of the club are each guilty of an offence if any conditions of a non-restricted area authorisation held by the club are contravened.

Maximum penalty—20 penalty units in the case of the registered club and 10 penalty units in the case of the secretary.

Note—

Section 23A makes provision for the conditions to which a non-restricted area authorisation is subject.