



Bowls Clubs & Liquor Licensing

It has come to our attention that the new Licensing Enforcement Officers have increased compliance surveillance of bowls clubs.

Hence, it is timely to provide a recap on the basic requirements for compliance with the liquor laws by bowling clubs

A club liquor licence allows a club to serve alcohol to:

- Members * for consumption on the premises and take-away
- Guests of members * for consumption on the premises (no take away)
- If the club has gaming machines, to authorised gaming visitors for consumption on the premises (no take away)

It is illegal to serve alcohol to a person who does not fit into one of these categories.

* See discussion below regarding the serving of alcohol to members and guests under 18

SERVING LIQUOR TO VISITING TEAMS ON MATCH DAY

TEMPORARY MEMBERSHIP

Depending on the rules of the club - players, officials and spectators from other teams may be “temporary members” of the club, and therefore can legally be served liquor.

Some club rules provide that visiting players officials and spectators are “temporary members” or “honorary members” or some other type of “daily member” for the day on which the match takes place.

REGISTER OF TEMPORARY MEMBERS

Clubs must maintain a register of members containing the name and address of each member and the particulars of the last subscription paid by the member (if any). If the club allows “daily memberships”, these daily members must have their details recorded in a register. This can be achieved by collecting the names of the players, officials and spectators from the visiting club and the address of the visiting club. That list becomes the “register” and should be kept on the premises in a folder marked “daily* member register” (or whatever your rules call daily members).

The register must be available for inspection on the club’s premises.

Not keeping the required information about temporary members on a register at the club’s premises is an offence.

So, if the club is charged with breaching conditions of its licence because it served liquor to members of a visiting team, the club may defend a charge of serving liquor to non-members on the basis that its rules allow for visiting teams to be daily members. However, if the club’s members register does not include the temporary members’ details, then the club can be charged with not maintaining the register.

GUESTS OF MEMBERS

If visiting teams are not daily members, they will most likely fall under the category of “guests of members”. A guest of a member is a person who is introduced by a member and is “in the company” of a member.

“In the company of” means that there needs to be a member on the clubs’ premises who knows that the guests are there.

RECORD OF GUESTS OF MEMBERS

It is a condition of a club licence that the rules provide for the club to keep a record of the guests.

This requirement is traditionally met by having the guests “sign-in”. But it is not necessary to have a signature or any other details.

Clubs can meet the requirement to keep a record of guests by collecting the names of all visiting team members, the name of the club and date, and keeping this information in a folder called “record of guests”.

It is not necessary that the record of guests be collected before alcohol is served, and the record does not need to be kept at the club’s premises, although both are recommended.

FUNCTIONS AT THE CLUB’S PREMISES

Many clubs have barefoot bowling, functions, open days etc at the club premises.

If the club conducts no more than 6 of these events in a year, then the club can apply in advance for a **temporary licence** for each particular event. Applications for **temporary licences** must be:

- lodged with Liquor Licensing Victoria
- lodged at least 35 days prior to the event.

Temporary licences allow the club to conduct the function without the requirements to collect information about the attendees.

Any one club will not be granted more than 6 **temporary licences** in 12 month period.

If a club conducts more than 6 functions a year it can apply for a **renewable limited licence**. A **renewable limited licence** allows the club to conduct pre-arranged functions in the area nominated (which may include the greens for bare foot bowls). **Renewable limited licences** allow for corporate days, 21st birthdays etc where the guests are invited in advance, and there is no requirement to collect information about attendees. These licences do not allow the club to hold events that are open to the public that is covered by temporary licences which are limited to 6 per year per club.

Attendees at club functions can also qualify to be served alcohol by being a **daily member** of the club (if the rules allow) or by being a **guest of a member**. See discussion above for qualification for daily membership, guests of members and requirements for maintaining members’ register and keeping records of guests.

OTHER REGULATORY REQUIREMENTS

COPY OF THE LICENCE MUST BE ON DISPLAY

Clubs must have on display in a prominent place at the club premises a copy of the club’s liquor licence.

REQUIRED SIGNAGE TO BE DISPLAYED

Clubs must have on display in a prominent place at the club premises a copy of the responsible service of alcohol signs provided by Liquor Licensing Victoria.

COPY OF PLAN OF LICENSED PREMISES MUST BE KEPT ON THE CLUB PREMISES

A plan showing the “**red line area**” of the club must be kept on the club’s premises at all times.

If the club does not have a copy of the plan it can be obtained from Liquor Licensing Victoria.

The “**red line area**” is the part of the club’s premises which is licensed. The **red line area** is the area from which alcohol can legally be supplied.

Because non-members (ie guests) cannot be served take-aways, then guests must consume their liquor in the **red line area**. If the outside areas of the club’s premises are not included in the **red line area**, then guests cannot consume liquor outside the club house.

It is recommended that clubs apply to have the entire premises included in the **red line area**.

SERVING INTOXICATED PERSONS

It is illegal to serve alcohol to a person who is “intoxicated.”

SUFFERING DRUNKS

It is illegal to allow a “drunk” person to be on licensed premises, even if the “drunk” person is not served alcohol.

It has now become fashionable to interpret these terms to mean that there is a period of inebriation between intoxicated (when a person cannot be served alcohol) and drunkenness (when a person must not be allowed to stay on the premises).

At any rate, it is very difficult for a club to manage the conflicting requirements to discharge a duty of care to members & guests that have had too much to drink, and the legislative requirement to remove drunks from the premises. (see circular 04:097 for developments on the duty of care of servers of alcohol).

CHILDREN ON LICENSED PREMISES

Children (including members and non-members) are permitted to be on licensed premises only when they are in the company of a “responsible adult”. A “responsible adult” is a person who can be expected to exercise supervision over the child, The responsible adult may be a staff member or a member of the club, or some other responsible adult.

So it is not illegal to have children on the licensed premises so long as there is an adult to take charge.

Children cannot legally be engaged in the serving of alcohol at the club premises.

SERVING CHILDREN ALCOHOL

Children can legally be served alcohol when they are with their parent/s **and** having a meal.

At no other time may children be served alcohol.

Any club is at liberty to have as a club by-law or rule that no child will be served alcohol, regardless of whether or not they are in the company of their parent/s.

CONTRACTING/LEASING OUT THE CLUB’S BUSINESS

Without the prior consent of the Director of Liquor Licensing Victoria, a club cannot “contract out” the bar at the club. This includes percentage deals and other arrangements that mean someone other than the club itself receives the receipts or a percentage of the receipts from the sale of alcohol at the club’s premises.

Without the prior consent of the Director of Liquor Licensing Victoria, a club cannot “lease out” the kitchen at the club. This is less restrictive than the provision in respect of the bar, and clubs are advised to be extremely careful when considering these arrangements. Legal advice should be obtained in advance.

WHO IS RESPONSIBLE FOR BREACHES OF THE LAW

NOMINEES

Clubs can appoint a nominee who is responsible under the Act for any breach of legislation by the club. This means that if the club is charged for a breach of the Act, the nominee will be charged. Being nominee is a very onerous obligation, and should only be accepted by a person who is in a position to take on this responsibility.

If the club has an employee manager that manger should be the nominee as he/she is the person who has control of compliance with the Act.

DIRECTORS

If there is no nominee then each director can be held separately responsible for any breaches of the Act.

Even if the club has a nominee, if the club is proceeded against in VCAT under the general non-suitable persons provisions of the Act, and not in the Magistrate’s Court for a breach of a specific provision, then each of the Directors and the club itself can be proceeded against.

SERVERS OF ALCOHOL

In many instances the person who illegally served alcohol will be liable for the offence as well as the club or the nominee.

If volunteer members serve alcohol to intoxicated or underage persons or to non-members who are not guests, they can also be fined.

THERE ARE HEAVY FINES AND IN SOME INSTANCES PERSONAL CRIMINAL CHARGES FOR BREACHING THE LIQUOR LAWS. EACH CLUB IS ADVISED TO ENSURE THAT CONSUMERS AND SERVERS OF ALCOHOL ARE AWARE OF, AND COMPLY WITH, THE LIQUOR LAWS.

If you require any assistance with these issues or any other matter please contact Sue Thomas Mitchell or Mick Kelly at ClubsVIC on 9349 2909 or admin@clubsvic.org