



CLUB HANDBOOK

SMARTER CLUBS | SAFER CLUBS

CONTENTS

5 FOREWORD

6 CLUBS IN SOUTH AUSTRALIA

6 ABOUT CLUBS SA

8 THE LAW

Legislation governing licensed clubs in SA

10 GOVERNANCE

Club governance
Committee roles and responsibilities
Committee approvals
Working groups and sub committees
Executive roles

20 ADMINISTRATION

Constitution
The Minutes
Meetings
Finance
Privacy
Insurance

32 LIQUOR LICENSING

Club licence
Licence conditions
Making changes
Short term liquor licence

37 VENUE MANAGEMENT

Responsible service of alcohol (RSA)
Responsible persons
Risk assessment and management plan
Declared criminal organisations
Signage
Compliance & enforcement
Barrings

47 WORKPLACE RELATIONS

Awards and agreements
National employment standards (NES)
Full time, part time and casual employment
Contract of employment / letter of engagement

Enterprise agreements
Performance management & disciplinary action

54 VOLUNTEERS

Volunteer rights & entitlements

57 WORK HEALTH & SAFETY

Legislative requirements
Policies & procedures

60 CHILDREN

Child safe environment
Child safe policy
Working with children check
Child safe environment compliance statement

66 FOOD SAFETY

Food safety standards

68 SMOKING

Public outdoor dining
Smoking signage
Compliance & enforcement
Enclosed outdoor areas

72 FUNDRAISING & LOTTERIES

Fundraising administration
Lotteries

80 GAMING

Gaming machine entitlements
Gaming machine operations

83 LIQUOR FEE TABLES

84 INDUSTRY CONTACTS

DISCLAIMER

Some of the information in this resource is provided by a third party. While such material is published with necessary permission, Clubs SA accepts no responsibility for its accuracy or completeness. This information has been prepared without taking into account your objectives, financial situation or needs. Before acting on this information, you should consider its appropriateness having regard to your objectives, financial situation or needs. Any information about a third party's products or services is provided for convenience only.

FOREWORD

Welcome to Clubs SA's Handbook for Licensed Clubs in South Australia.

A licensed Club has many laws to comply with as well as providing a safe, responsible venue for members, guests and the local community.

As a committee member of a licensed Club, or if you are about to become one, it is important to understand your role and the responsibilities involved. You need to be aware of the various compliance obligations and abide by them. Your role as a committee member cannot be taken lightly as there are considerable penalties for non-compliance and you may find yourself personally liable if you do not act with due diligence.

Holding a Club licence comes with many responsibilities and obligations. You may already have the basic knowledge and experience required; however, operating a viable and compliant Club has many challenges that need addressing to succeed.

This handbook, while not exhaustive, will provide you with an overview of what is entailed in operating a licensed Club.

The environment Clubs operate in is always evolving and government is regularly amending legislation therefore it is important that you stay informed of changes in the industry and prepare and adapt accordingly.

As a member of Clubs SA, we will keep you well informed of developments in the industry and any action you may need to take.

Mike Penfold
Chief Executive Officer

NOTE

The various Acts and other legislation, fees, fines etc mentioned in this resource are correct at time of publishing but are subject to change. Club Licence holders have a responsibility to stay well informed and up to date with all legislation and regulations relating to the operating of incorporated associations in South Australia.

CLUBS IN SOUTH AUSTRALIA

Clubs in South Australia vary greatly. At one end are small volunteer run Clubs, at the other, larger gaming Clubs that are few in number but have a comparatively larger socio-economic impact on the community.

Licensed Clubs in South Australia are a valuable part of the not for profit industry and they provide a purpose and gathering place for thousands of volunteers and over 716,000 members. Many Clubs are the “backbone” of their community.

A National Club Census carried out by KPMG showed that the SA Club industry remains a key contributor to the South Australian economy and provides vital support to local communities¹. Clubs are also a significant employer in this State employing almost 20,000 people, with 5,500 of these in Regional SA.

As a whole, Clubs provide the community with:

\$918 million in social contribution

\$116 million in volunteer effort

\$10 million in cash and in kind donations

\$792 million in subsidised access to facilities

ABOUT CLUBS SA

Founded in 1919, Clubs SA is the trading name for the Licensed Clubs' Association of South Australia - the official industry body representing the interests of licensed Clubs in this State. Clubs SA's major platform has been to effect change to Government legislation to enable Clubs to become more self-sufficient over the long term and to provide a recognised infrastructure for the active support and promotion of sport and community events across the Club industry.

As an overall philosophy, Clubs SA's mission is to:

“ Preserve, promote and advance the interests of member Clubs and the Club industry as a whole ”

¹ 2015 National Club Census, KPMG Australia

Clubs SA's membership comprises sporting, ethnic, social and community Clubs. The Association works to promote and protect the interests of its members by providing a number of direct services to the Club industry of South Australia, including:

- Providing practical advice on operational matters
- Offering advice and guidance on regulatory & legal issues
- Providing representation
- Explaining complex legislation in plain English

Clubs SA has developed effective relationships with industry, Government and politicians to successfully represent Club interests.



THE LAW



LEGISLATION GOVERNING CLUBS IN SA

Mostly, a Club liquor licence can only be held by an *Incorporated Association*. Accordingly, good governance is essential in facilitating compliance with the many legislative obligations.

Clubs SA Members have readily available access to this information through the Clubs SA website and regular communications.

The challenges of operating a licensed Club in today's business world are compounded by litigation, regulatory restrictions, governance and changing legislation. Licensed Clubs need to adhere to various pieces of legislation, the main ones being:

- *Associations Incorporation Act 1985 (SA)*
- *Liquor Licensing Act 1997 (SA)*
- *Liquor Licensing Act 1997 General Code of Practice*
- *Liquor Licensing (General) Regulations 2012 (SA)*
- *Fair Work Act 2009 (Cth)*
- *Work Health & Safety Act 2012 (SA)*
- *Equal Opportunity Act 1984 (SA)*
- *Food Act 2001*
- *Tobacco and E-Cigarette Products Act 1997*
- *Registered and Licensed Clubs Award 2020*
- *Gaming Machines Act 1992*
- *Lotteries Act 2019*
- *Lotteries Regulations 2021*

Consumer and Business Services (CBS), a division of the South Australian Government's Attorney-General's Department, is the State regulator for much of the legislation governing Clubs.

All holders of a liquor licence are required to pay an annual licence fee to CBS. They are also required to create an account using CBS's Liquor and Gaming Online portal (LGO).

This is achieved using an email address and creating a password. A Club's LGO account is used for many processes including updating details, viewing and downloading documents, such as its liquor licence and relevant signage, and lodging applications

Clubs SA staff offer confidential and personal assistance with applications and other tasks administered through the LGO system to members that share their account with them.



GOVERNANCE



CLUB GOVERNANCE

Governance is the way in which your Club is managed. Good governance uses systems to effectively control resources for members and stakeholders. Committees/Boards must fully understand their responsibilities in this area.

Clubs must also be aware of the broad legal implications of negotiating contracts and contractual relationships.

Clubs must understand the core roles and responsibilities of committees/boards, including reporting obligations, elections and voting, the working and operational relationship between the board, management, members and employees, and decision-making.

Good governance involves:

- **Planning** – Developing strategic goals and objectives and determining how these can be achieved.
- **Organisational performance** - Monitoring the performance of the Club against performance targets to ensure the goals and objectives are achieved.
- **Leadership** - Ensuring the Club is governed responsibly with the best interests of members and stakeholders at the core of decision-making.

Good governance allows:

- **Better management** - Good governance encourages better managed and more efficiently organised Clubs.
- **Improved communication** - A well run Club creates better-informed members and volunteers.
- **Sustainability and growth** - Careful business planning and implementation of policies and procedures helps sustain and develop your Club.
- **Improved reputation** - Satisfied members serve to raise the reputation of your Club.

For licensed Clubs, good governance strategies should include:

- Having a full understanding of the committee's roles and responsibilities
- Understanding your Club's obligations under the various pieces of legislation, regulations and codes relevant to licensed Clubs
- Implementing an effective dispute resolution procedure

- Operating in accordance with the *Associations Incorporation Act 1985* and your constitution ie. how you go about conducting meetings, AGMs, taking minutes, reporting etc.
- Creating internal controls for administration and finance
- Creating clearly defined policies on roles, responsibilities and accountability
- Always conducting your affairs in an honest and transparent manner

COMMITTEE ROLES AND RESPONSIBILITIES

A Club is an independent legal entity, established under the *Associations Incorporation Act 1985* and *Associations Incorporation Regulations 2008*. As an incorporated association, a Club enjoys certain privileges and protections under law, however with that comes certain responsibilities for the people who run the Club.

A Club is managed by a group of like-minded people that form the *committee*. It is the *committee's* job to ensure that the affairs of the Club are conducted lawfully and in line with the Club's constitution.

Clubs elect members of the committee to perform specific roles:

- a Chairperson (or President) to preside at meetings
- a Secretary to manage correspondence, record minutes of meetings etc.
- a Treasurer to manage the Club's money and financial affairs

There is also another important role – the *Public Officer*, and every Club must have one. The Public Officer is the official connection between the Club and the rest of the World. Certain documents, statutory returns and reports must be received, signed or issued by the Club's Public Officer. The Public Officer must be a natural person above 18 years of age and doesn't need to be a member of the Association.

As committee members are appointed to act on behalf of the Club, a high level of trust is placed on them to act appropriately. Under the law, committee members have fiduciary duties to the organisation. This means that they are required to act with a high degree of trust, honesty, care and diligence, and in the best interests of the Club at all times.

Ideally, committee members will have management and/or business experience and some legal understanding. The following skills and attributes are desirable:

- Effective communication and interpersonal skills
- Basic financial understanding
- Sound legal knowledge
- Ability to plan and think strategically
- Commitment to the Club's objectives
- Ability to think analytically and critically
- Understanding of human resource management

The committee members are responsible for the proper running of the Club and for complying with the obligations of an incorporated association. The committee members must ensure that the Club satisfies those obligations and can achieve this by:

- Maintaining the Rules of the association (the Constitution)
- Proper record-keeping
- Timely payment of bills and invoices
- Preparing financial accounts
- Providing financial oversight
- Legal compliance with all aspects of the law
- Obtaining required approvals for committee members
- Conducting an annual general meeting (AGM) including preparation of financial reports and minutes
- Preparing official minutes of committee meetings
- Notifying authorities of changes to Rules, Public Officer etc.
- Identifying and acting on conflicts of interest
- Settling disputes with members and committee members
- Dealing with suspected breaches of the Rules
- Strategic planning
- Risk management
- Organisational performance
- Succession planning

There are specific additional obligations where gross receipts are in excess of \$500,000 per annum in an association's previous financial year (known as **prescribed** associations):

- Submitting an auditor's report to CBS
- Preparing an annual return (form 9) to CBS

Being part of a Club's committee and contributing toward the management of the Club's activities can be extremely satisfying, however failure to comply with the requirements of the *Associations Incorporation Act 1985* and *Associations Incorporation Regulations 2008* can result in penalties against the Club and individual committee members.

Committee members/directors are expected to:

- Take reasonable steps to monitor the activities of your Club
- Acquire a working knowledge of the business of your Club
- Remain informed of the Club's activities and assess the success or failure of these activities
- Be familiar with the Club's financial position by regularly reviewing financial statements
- Ask questions about the financial position where necessary or prudent
- Act transparently and honestly at all times

Clubs SA Members can obtain further advice and support on this topic, including copies of the relevant pieces of legislation by contacting Clubs SA House.

Further information can also be obtained at www.cbs.sa.gov.au

COMMITTEE APPROVALS

A committee member must be deemed to be a fit and proper person as they are to hold a position of authority.

Some people cannot be committee members or be in any way (whether directly or indirectly) concerned in or take part in the management of an incorporated association, unless they obtain the permission of the Commissioner. A person who does so without permission can be fined. This includes a person who is bankrupt and a person convicted in the last five years for fraud or dishonesty.

If a Club holds a liquor licence, any time there is a change to the composition of the committee, the Club must, within 14 days, notify the Commissioner. This is to be completed via the LGO system located on the CBS website. This does not incur a fee.

Once lodged, your application will also be sent to South Australia Police Licensing Enforcement Branch (LEB).

If your premises also holds a gaming machine licence, everyone on the committee must complete a Personal Information Declaration (PID) and will need to undertake an identity check. In this case, there is a fee and you will need to provide more detailed information.

WORKING GROUPS and SUB COMMITTEES

Occasionally a Club may have a special project or task and it can be beneficial to form a small group with specific responsibility for this project / task. Best practice means the committee needs to name the group and make it clear what needs to be done, the timeline, any special powers the group may have and so on. Each person in the group will need to have a 'job description' to ensure it is clear what they need to know and what is expected of them.

Groups formed for a short time only are usually called *Working Groups* and are temporary in nature. A working group could be established to oversee the construction of female change rooms for instance and will exist only for as long as the project takes.

An on-going sub-group of the main committee is referred to as a *sub-committee* and can be more permanent than a working group. Bowling Clubs will often have sub-committees for the men's and ladies' team selection for example.

The committee should draw up Terms of Reference for both working groups and sub-committees. These will contain the details about the who, what, when and how of its powers, decision making, reporting duties and so on.

Suggested "Role and Responsibilities" descriptions for the Executive positions follow.

EXECUTIVE ROLES

A Club's constitution will state the number of office holders and various titles that are used to describe roles within your Club. The term, "the Executive" usually refers to the President/Chairperson, Vice President, Treasurer and Secretary. It is extremely helpful to have a "job description" for each role within the Club, even with volunteer positions, as they provide a clear picture of what is expected.

Below is a brief overview of the Executive positions, followed by a fuller description of each of the roles.

President

- Provide leadership
- Ensure executive is effective in managing Club
- Ensure meetings are well organised and minuted
- Provide support
- Represent the Club at external events

Vice President

- Act for President in absence
- Undertake responsibilities as needed.

Treasurer

- Responsible for the financial management of the Club
- Ensure funds are spent for proper purpose
- Prepare and have budgets approved
- Create financial reports for committee

Secretary

- Effective records and correspondence management
- Ensure legal compliance
- Ensure meetings administrated correctly
- Ensure Minute records kept

President/Chairperson

The role of the President is to provide leadership and responsibility for the Club and the committee.

Desirable Attributes:

The President should be:

- Well informed of all Club activities and able to provide oversight
- A person who can develop good relationships internally and externally
- Forward thinking and committed to meeting the overall goals of the Club
- Able to work collaboratively with other Committee members
- A good listener and attuned to the interests of members and other key groups
- A good role model and a positive image for the Club in representing the Committee in other forums
- A competent public speaker; and
- Possess a good working knowledge of the constitution, the objectives of the Club and its financial position

Specific duties include but are not limited to:

- Chair Committee meetings, ensuring that they are run efficiently and effectively
- Act as a signatory for the Club in all legal purposes and financial purposes
- Periodically consult with Committee members on their role, to see how they are going and help them to optimise their contribution
- Ensure the necessary skills are represented on the Committee and that a succession plan is in place to help find new Committee members when required
- Ensure goals and relevant strategic and business plans are developed in order to achieve the goals of the Club
- Ensure any paid employees/volunteers of the Club including recruitment, retention, salary, performance reviews and so on are correctly administered
- Serve as a spokesperson for the Club when required
- Communicate with and assist in the development of partnerships with sponsors, local and state government, peak body and other organisations that are relevant to the goals of the Club
- Ensure planning and budgeting occurs

Vice President

The role of the Vice President (VP) is to shadow the President in providing the leadership and responsibility for the Club and the committee and to step into the President's role where needed. It can be helpful for the VP to hold another role or be given set responsibilities. The VP is seen as 'next-in-line' for the President's role.

Desirable Attributes:

The Vice President should be:

- Well informed of all Club activities and able to provide oversight
- A person who can develop good relationships internally and externally
- Willing to step in for the President where needed including chairing meetings
- Forward thinking and committed to meeting the overall goals of the Club
- Able to provide support to the executive and committee members to ensure the Club's efficient operation
- A good role model and a positive image for the Club in representing the Committee in other forums
- Able to raise concerns with the President if they arise; and
- Possess a good working knowledge of the Constitution, roles and duties of office bearers

Specific duties include but are not limited to:

- In the event of the President being unable to fulfil his/her duties, step into that role
- In the absence of the President, chair Committee meetings ensuring that they are run efficiently and effectively
- Be an alternate signatory for the Club for legal and financial purposes
- Assist the President in deciding which matters are dealt with by the Executive, the full Committee or delegated to Committees
- Coordinate Club planning to ensure appropriate plans are developed, presented to and reviewed by the Committee and enacted as required
- Represent the Club at meetings and forums as agreed with the President
- Other duties as nominated by the President and / or Committee

Treasurer

The role of the Treasurer is an extremely important one, being responsible for the financial supervision of the Club. The Treasurer must regularly report on the Club's financial status to both the Committee and the Club members.

Desirable Attributes:

The Treasurer should be honest, trustworthy and have:

- Good organisational skills
- Some financial expertise
- Ability to maintain accurate records
- Computer skills
- Good communication skills

Specific duties include but are not limited to:

- Provide advice to the Committee in the management of the Club finances
- Administer all financial affairs of the Club
- Lead the annual budget process and ensure an appropriate annual budget is provided to the Committee for approval
- Ensure development and Committee review of financial policies and procedures
- Support any required auditing processes
- Receipt of all incoming monies
- Bank all monies received
- Pay all accounts
- Maintain accurate records of all income and expenditure
- Ensure that all receipts and payments concur with bank deposits and withdrawals
- Present monthly financial reports at committee meetings
- Arrange and despatch invoices for periodical payment
- Issue periodic membership fees
- Keep accurate record of all membership payments
- Be a signatory on club account

Secretary

The Secretary is often the first point of contact. The role provides the link between members, the Club executive committee and outside agencies. The Secretary is often the Public Officer.

Desirable Attributes:

The Secretary should be:

- Organised
- A good communicator
- Sufficiently familiar with all current Club documents to note applicability during meetings
- Able to maintain confidentiality of matters; and
- Possess computer skills

Specific duties include but are not limited to:

- Maintain Committee and Club records as required by law and make available when required by authorised persons. These records may include founding documents, lists of Committee members, Committee meeting Minutes and financial reports
- Ensure that proper notification is given of Committee meetings as specified in the Constitution
- Create the agenda in consultation with other Committee members and distribute prior to the meeting
- Manage Minutes of Committee meetings, including the recording and distributing the Minutes in a timely manner
- Ensure that a signed (by the President) copy of the final approved Minutes is maintained
- Ensure that the records of the Club are maintained
- Be responsible for ensuring that accurate and sufficient documentation exists to meet legal requirements
- Manage the general correspondence of the Committee
- Help and lead the Committee in providing regular communication from the Committee to Club members and other relevant stakeholders
- Provide a summary of Committee Minutes for distribution to all Club members for instance via website, email and noticeboards



ADMINISTRATION



CONSTITUTION

Clubs develop their own set of rules (constitution) which identifies the objectives or purposes of the Club and explains how the Club will be operated. The constitution details how the Club will deal with matters such as membership, the management of the Club, elections, meetings, record-keeping, reporting and many other aspects of the Club's ongoing activities.

A copy of a Club's constitution must be lodged with CBS. The Association's rules are available to the public from CBS for a fee. A Club's constitution must be accessible to all its members. Many Clubs provide their members with a personal copy and have found that this helps with the effective management of the Club.

A Club's constitution is a crucial document for Clubs. It needs to be regularly reviewed and updated accordingly. A Club may develop its own constitution or seek professional assistance. Either way, there are specific matters that must be provided for. The constitution must not contain any provision that is contrary to or inconsistent with the *Associations Incorporation Act 1985*.

Your Club's constitution must cover the following matters:

- the name of the association
- the objects or purpose of the association
- the powers of the association and by whom and in what manner they are exercised
- membership (if there are members) including types of:
 - membership
 - subscriptions
 - resignations
 - register of members; and
 - expulsions
- who has the management and control of the funds and other property of the association
- the powers, duties and manner of appointment of the committee, including the:
 - composition and appointment
 - Public Officer
 - terms of office of members of the committee
 - notice of proposed appointments/elections to the committee
 - filling of casual vacancies occurring on the committee
 - proceedings of committee
 - disqualification of committee members
- the seal

- meetings, including:
 - annual general meetings
 - special general meetings
 - notice of meetings
 - proceedings at meetings
 - voting at meetings
 - polling at meetings
 - special and ordinary resolutions
 - whether members are entitled to vote by proxy
- the Minutes
- dispute resolution
- financial reporting, including
 - financial year
 - record keeping
 - reporting to members
 - periodic returns
 - appointment of an auditor for a *prescribed association*
- prohibition against securing profits for members
- the manner in which the rules of the association may be altered
- winding up and application of surplus assets

As constitutions can become out dated over time and not in accord with current legislation, it is recommended that Clubs review their constitution at least annually and compare it with a model constitution. Clubs SA can assist members with this if required.

THE MINUTES

OBLIGATIONS

Your Club is an incorporated association. There are legal obligations as to how the minutes of your meetings are managed as set out in the *Associations Incorporation Act 1985*, specifically section 51.

An incorporated association must:

- Minute all proceedings of all general and special committee meetings and enter them electronically or physically into a document or record kept for that purpose (referred to as books); and
- Have those minutes confirmed by the members of the committee present at a subsequent meeting; and
- Minutes must be signed by either:
 - the member who presided at the meeting at which the proceedings took place; or
 - the member presiding at the meeting at which the minutes are confirmed.

If these rules are not complied with, the association and any officer of the association who is in default is each guilty of an offence.

The maximum penalty for breaching this is \$2500.

RECORD KEEPING

The records containing the minutes of proceedings of committee meetings must be kept at the Club or in the safekeeping of an officer of the Club in accordance with its rules.

The records containing the minutes of proceedings of general meetings must be made available for inspection by any member without charge.

Minutes from committee meetings are not required to be made available.

There is no time limit for retaining these minutes and they must be retained for the life of the Club.

Non compliance by the Club of these requirements means each committee member is guilty of an offence.

Maximum penalty:

- if the offence is committed in respect of a prescribed association—\$2500; or
- in any other case—\$1250

MEETINGS

Committee meetings are vital to the effective functioning of a Club. They are the means by which the committee exercises its collective responsibility for leading the Club. It is essential therefore that committee meetings and any decisions arising from them are lawful. Following practical guidelines will go a long way to ensuring this. Your constitution will contain the details specific to your Club. It is usual to need to ensure:

- Executive positions are filled
- All members of the committee are lawfully appointed
- CBS is notified of any changes to the committee using the formal notification process
- The committee has a quorum at its meetings
- You have a formally appointed Public Officer

Holding constructive and effective meetings is important for all those involved. Setting a simple process for distributing the notice of the meeting, the agenda and previous meeting's minutes, then keeping to the agenda will assist.

THE AGENDA

A well prepared and well structured agenda will help to make sure a meeting is conducted in an efficient and timely manner.

A good agenda should be divided into four sections.

1, Formalities

- Welcome, apologies and absentees
- Minutes of previous meeting
- Matters arising from the Minutes
- Declaration of interest

2. Strategic Items

- Update on any current issues
- Matters for discussion / decision
- Governance matters

3. Operational Reports - Distributed to and read by committee members *prior* to meeting

- Financial reports
- Action item reports
- Sub committee reports

4. Management Items

- Management matters
- Any other business
- Future agenda items
- Date of next meeting and meeting close

FINANCE

Proper management of a Club's finances is an essential aspect of good governance. The committee has a significant responsibility to ensure that financial processes are transparent, systems are accurate and decisions are made in accordance with the aims and Objects of the association and in the best interests of the members.

As an incorporated association, your Club is a 'not for profit' organisation. This means that profits or surpluses must not be distributed to individuals but are retained and distributed for the benefit of the association. It also means that on winding up, any assets are applied to another association with similar objects and not to individuals.

The committee is the custodian of the association finances on behalf of the members. There is an obligation to manage these finances responsibly and transparently.

The first decision to be made is whether the Club uses cash accounting or accrual accounting. Cash accounting is the simplest method but may be inadequate for a Club's needs. Accrual accounting is considered a more accurate method of indicating financial position. With this method, income is only recognised when it has been earned and expenditure as it is incurred, rather when paid.

Any system employed must clearly state who is authorised to spend what and the levels of approval needed in each case. For instance, a minor expenditure can be approved by the Treasurer or President whereas a major expenditure may need the approval of the entire committee. Signatories for each circumstance need to be decided also. A distinction needs to be made between budgeted and unbudgeted expenditure.

It is good practice to bank all receipts promptly and record them in a bookkeeping system.

The Treasurer needs the following to perform their job effectively, some of which may be in electronic format rather than paper based:

- cheque books
- bank deposit books
- a cash book or general ledger
- payment authorisation (cheque requisition) vouchers
- a numbered receipt book with carbon copy page
- account forms for members' subscriptions
- a petty cash payment book and petty cash vouchers
- a file for accounts payable, that is, amounts owing to suppliers for goods and services purchased
- a file to store receipts from accounts paid
- a file of orders placed with suppliers
- a file to store bank statements.

ACCOUNTING SYSTEMS AND SOFTWARE

A computerised accounting system is the easiest and simplest way to keep track of a Club's accounts. There are several simple programmes or software packages available. If a Club is very small, Excel spreadsheets and a manual system may be sufficient.

FINANCIAL REPORTS

The most important financial reports for a Club are the Budget, Balance Sheet, Profit and Loss and the Cash Flow.

BUDGETS

Every Club needs an annual budget, which is agreed on by the Club's committee. Once the budget is approved, it is added into the accounting system so that it can be compared to the Club's actual income and expenses.

To prepare a budget:

- Start with actual income and expenditure from the previous year - if the Club is new you will have to base this on realistic estimates
- Add what you know about the coming year
- Adjust and modify until you have a realistic and reasonable budget
- Get the budget approved by the committee

CASH FLOW

The cash flow report tells you how much physical money has come in and gone out of the Club each month. Both operating and capital items are included in the cash flow. The cash flow movements should always reconcile back to the bank statement for the period.

A cash flow can simply be divided into:

- cash received and spent in operating activities
- cash received and spent in investment activities (property & equipment)
- cash received and spent in financing activities (loans, overdrafts)

CASH FLOW FORECASTING

Cash flow forecasting allows you to anticipate any dips in your Club's income and plan around them. If the Club's income is variable, good forecasting will mean you will still be able to meet expenses.

To prepare a cash flow forecast, use historical patterns of receipts and payments to help you predict the future timing of cash flow

You can forecast cash flow on a daily, weekly or monthly basis.

BALANCE SHEET

A balance sheet provides a snapshot of what your Club is worth at a particular point in time. It is a statement of what a Club owns and what it owes, with the difference being the net worth or accumulated funds of the Club.

List the Club's assets and liabilities, arranged in general categories with an estimated or actual value for each item. The liabilities when deducted from the total assets will then show the Club's net worth.

PROFIT AND LOSS STATEMENT

The Profit and Loss statement is a summary of the financial performance of a Club. It can also be called the Financial Statement and it shows how much money a Club has made or lost over a period of time as a result of its operations. It will show:

Income – What You Earn

This can come from areas such as membership fees, sales, grants, bank interest, fundraising and sponsorship.

Expenditure – What You Spend

This will include utilities, rent, staff expenses, printing and insurance.

AUDITS

The Club's financial records may be audited from time to time, whether by choice or as a requirement of being a prescribed association. During an audit, a person independent of the Club (such as an accountant) checks that the financial statements are a correct record of the financial position of the Club at the time of the audit. A suitably qualified volunteer can audit the Club's accounts or it may be necessary to use a professional auditing service.

Auditing can be a lengthy process and it is a good idea to allow six to eight weeks for an audit to be completed. Your Club's auditor will need:

- the Club's cashbooks, written up and balanced for the year, and journals or ledgers that the Club uses for records
- bank statements for the whole year
- copies of deposit slips and cheque butts
- receipt books with duplicate and original copies, plus any unused receipt books
- vouchers for payments made by the Club, arranged in numerical order
- receipts or copies of cheques paid to your Club
- copies of minutes from your committee meetings that show how financial decisions were made and agreed
- copies of any previous audit statements
- all financial statements for the year being audited
- any other relevant financial documents.

PRIVACY

In South Australia not for profit organisations have responsibilities under the *Privacy Act 1988 (Cth)* (Privacy Act). As a Club, you will collect and store personal details about people such as staff and Members.

You must consider your Club's responsibilities under the Privacy Act when you deal with personal information. This includes when you engage and manage employees and volunteers, advertise your events, products and services, fundraise and communicate with members and the public, and store and manage records.

Handling personal information in a lawful, transparent and respectful way is an important part of building the trust of the people your organisation works with, as well as avoiding any legal consequences of a data breach, including financial penalties. A Club should develop a privacy policy detailing how it will collect, store, use and disclose personal information.

There is also the *Surveillance Devices Act 2016 (SA)* which regulates the laws on optical and listening devices such as cameras in the workplace. It is important that Clubs obtain consent from employees before engaging in any type of surveillance and this can best be achieved via a policy.

INSURANCE

Insurance is used to lessen risks and cover the financial losses should those events occur. Your Club needs insurance to cover risks associated with your liabilities, assets and income. Clubs should carefully read any insurance policy they receive and know exactly what is covered and if there are any omissions or excess monies to be paid..

Insurance does not change the law nor reduce your guilt. It simply shifts the onus of paying for any liability from you to the insurer. Having said that, no insurance will cover criminal behaviour.

Generally, there are three broad categories of insurance needed to protect your Club:

- Liabilities insurance
- Assets insurance
- Income insurance

LIABILITIES INSURANCE

Workers' compensation

The law requires accident and sickness insurance cover to be provided for employees through an approved insurer. In South Australia, the approved insurer is Return to Work SA, which ensures South Australian workers can access professional health care, claims management and financial support for workplace injury.

Some of the major entitlements under the *Return to Work Act 2014* are:

- weekly payments of income maintenance
- returning to work
- some medical expenses
- lump sum compensation for permanent disability

If you have any questions about your obligations or your employees' entitlements, check with Return to Work SA (formerly Workcover) or call the Return to Work SA information line on 13 18 55.

Liabilities to customers or the public

This may arise from the operation of your Club, from products sold or from professional negligence.

Types of liabilities insurance include:

- product liability
- public liability
- professional indemnity

Public liability insurance is essential for all Clubs. It provides cover for bodily or personal injury and damage to property.

Voluntary Workers Insurance

A Club's most valuable asset can be its volunteers and it is important to not put them at risk. Many Clubs think that their public liability insurance covers their volunteers. This is an urban myth. Public liability insurance can cover third party injury (i.e. your Club's visitors, not your volunteers), and property damage.

Taking out voluntary workers' insurance can cover volunteers for activities such as serving behind the bar, cooking and preparing meals, cleaning, maintenance inside and outside the Club and helping with events and other activities. The insurance will cover an accident that occurred while the volunteer was performing authorised voluntary work on the Club's behalf or while they were travelling to or from that work.

Association Liability Insurance

It is the key responsibility of a Club and its committee members to steer the Club to accomplish its mission, while fulfilling a legal duty to utilise the Clubs assets prudently.

These assets could include:

- People (e.g. Board members, volunteers, employees, clients and the general public)
- Property (e.g. buildings, equipment, materials and facilities)
- Income (e.g. grants and contributions)
- Goodwill (e.g. the Club's reputation and its ability to appeal to prospective volunteers and raise funds)

Clubs run the risk of being sued for alleged transgressions such as:

- Incompetent supervision
- Ineffective administration
- Misuse of assets
- Discrimination, bullying and / or harassment
- Employee wrongful termination
- Employee theft

Minimising risk through carefully defined organisational and Board processes can assist greatly, but it is still important to ensure your Club is protected with appropriate insurance in the unfortunate event of legal action.

Association Liability Insurance is essential. It offers financial peace of mind and helps to ensure your Club will be able to continue to operate long into the future, doing what it does best: supporting the community.

Assets insurance

This takes many forms and each policy is designed to stand alone and not overlap any other policy.

Types of assets you may wish to insure include:

- building and contents - may include losses incurred as a result of fire, impact, storm and tempest, malicious damage and theft
- cash - including loss of cash held on the Club's premises, in transit or held at home
- glass - it is common to insure plate glass against breakage
- machinery breakdown
- computer damage - including reinstating data and
- motor vehicles

Premiums depend on the underlying risk.

Income insurance

This covers areas such as:

- Loss of profits or revenue - your Club must be able to survive after damage. A profits policy helps maintain the trading result regardless of the loss. Remember that after a fire, wages must be paid or employees laid off (losing key staff can

be a problem), customers may go elsewhere, records could be lost and loan repayments, leases and other debts continue.

Key person insurance - life assurance providing a lump sum upon the death or total disablement of a key employee. The money provides financial support until a replacement skilled employee is found and trained, which may take many months.

Arranging business insurance

Once your insurance needs are assessed, you need to arrange your insurance cover. This can be done directly with an insurance company or through a broker or agent. The choice is yours but consider choosing insurance companies and brokers that are locally represented. This enhances personal contact and speedy settlement of claims.

Here are the key points to remember when assessing your insurance needs:

- There are several important principles when choosing an insurance policy.
- It pays to read the small print on insurance proposal forms.
- Look to obtain different quotes and be aware lower prices may result in less cover.
- Two of the most important types of business insurance for Clubs are public liability insurance and association liability insurance.
- Other insurance you take out will depend on your assessment of the risk versus the cost.
- Always consult an expert in the field to help you determine and obtain the cover required.



LIQUOR LICENSING



All Clubs SA member Clubs in South Australia hold a liquor licence under the *Liquor Licensing Act 1997*.

Since 2017, the State Government has reviewed and introduced in excess of one hundred amendments to the liquor legislation in three stages over a period of two years, with the final stage completed in November 2019.

The review focussed on three key themes: a safer drinking culture, red tape reduction and vibrancy.

CLUB LICENCE

Subject to the conditions of the licence, the category authorises the licensee to sell liquor:

- For consumption on and off the premises to members of the club, the general public and to a resident of the premises for consumption on or off the premises
- To a club member through direct sales transactions, as long as liquor is despatched and delivered in South Australia between 8am to 10pm.

The conditions for Club licences are detailed under section 36 in the *Liquor Licensing Act 1997*.

All licensees may trade on:

- Good Friday as if it were any Friday
- Easter Saturday as if it were any Saturday
- Any Public Holiday as if it were the day of the week on which the holiday occurs

Trading hours may affect your annual fees (*Table 1 Annual Liquor Fees 2022*)

Licensed areas are outlined in **RED** on premises plans. Alcohol can be sold and consumed within the red line.

Dining and reception areas can be anywhere within the red line.

Most forms of entertainment may be conducted between 11am and midnight, anywhere on the licensed premises when it is open for trading and without the need for formal approval.

LICENCE CONDITIONS

Takeaway Liquor

A Club can apply for approval to sell takeaway liquor either to the general public or just to members. Applying to sell takeaway liquor to members only is a simple application process, while selling to the public requires a more onerous process. The grant of an authorisation to sell liquor for takeaway will increase your annual fees. The hours you specify must not exceed 13 hours between 8.00 am to 10.00 pm on any day. Applications are made to Consumer and Business Services.

Direct Sales

You can sell liquor online or through mail order at any time on any day to members of the Club, but it can only be delivered to an address in South Australia between 8.00 am and 10.00 pm, to a person 18 years or over.

Prescribed Entertainment consent - Outlined in broken blue line on plan

If a Club intends to provide *prescribed entertainment* - entertainment that is sexually explicit or involves boxing or martial arts - on the licensed premises, the licensee must apply for entertainment consent.

Having prescribed entertainment consent will affect your annual fees.

Endorsements

If you want to sell or supply liquor on a site used for Club activities, but which is not part of the Club's licensed premises, you can apply for the event and the site to be endorsed on your licence. There is an application fee to have this added to your licence however up to 5 endorsements can be added without affecting the annual liquor licence fee.

Endorsements cannot be granted for places or vehicles that are already licensed.

MAKING CHANGES

Altering or Redefining Your Premises

If a Club intends to make changes to its premises such as:

- change the layout of a licensed venue - e.g. move the bar
- make any structural changes - e.g. remove a wall
- change or redefine the approved licensed area

then you will need to apply to CBS for approval. This is done through the Club's LGO account and Clubs SA can offer assistance with these processes including what information will need to be provided to the licensing authority.

Shared Premises

Multiple licensed Clubs can operate from the same premises provided that each licensee maintains a register containing the details required by the licensing authority relating to the times at which liquor is sold by each licensee at the licensed premises.

Club Amalgamation

Amalgamation is when two (or more) separate incorporated associations become a single association. The property, assets, liabilities and members of each are transferred automatically to the new amalgamated association without formal transfers of ownership (except where necessary such as transfer of land).

Clubs may consider amalgamation for a variety of reasons. These can include:

Location - proximity of clubs can mean it is a challenge to attain viable membership numbers as separate organisations.

Finances - one or both clubs are struggling financially; increasing costs of staying in business.

Natural progression - Clubs have grown closer over time and many committee members and club members belong to both.

Opportunity - to move into a larger, more modern facility

Uncertain economic times - better option than closing.

There are specific processes that Clubs must go through to achieve amalgamation. Clubs SA can discuss the options and assist members with these.

SHORT TERM LIQUOR LICENCE

Club licence holders who want to change or extend their trading hours or trading area for an event can apply for a short term liquor licence. There are three classes of this type of licence.

- Class 1 Duration of one day and can only trade until midnight
 Maximum of 200 people at the event at any one time
 No prescribed entertainment
- Class 2 Duration of one or more days and can only trade until 2.00 am
 Maximum of 1,200 people at the event at any one time
 No prescribed entertainment
- Class 3 Duration of one or more days and/or can trade at any
 time Excess of 1,200 people permitted
 Prescribed entertainment permitted if approved

Fees for a short term licence depend on which Class the licence comes under and how far in advance the application is made. (*Table 2 Short Term Licence Fees 2022*)



VENUE MANAGEMENT



A Club's liquor licence is an important asset, often being the main source of revenue. It is important to protect it. Running a well-managed venue and promoting a culture of safety and wellbeing in a Club is vital.

RESPONSIBLE SERVICE OF ALCOHOL (RSA)

A licensee must ensure that all staff involved in the service or supply of liquor on the licensed premises have successfully completed nationally accredited responsible service of alcohol (RSA) training by a registered training organisation (RTO) approved by the Commissioner. A list of approved RTOs is published on the CBS website. This training must be completed within three months of commencing work and applies to paid and volunteer staff. This also applies to any security personnel working at the Club.

Evidence of RSA training must be presented to an authorised officer within seven days of a request. Clubs SA Members are advised to keep copies of RSA certificates in their Liquor Records folder.

RESPONSIBLE PERSONS

Unless your Club has an exemption under section 97(2) of the *Liquor Licensing Act 1997*, you are required to have a badged responsible person on duty at all times. The exemption will appear on your Club liquor licence.

A responsible person, often referred to as an RP, is a person approved by the licensing authority as fit and proper to be actively involved in the supervision or management of the business conducted under the licence.

A responsible person can be:

- (i) the licensee or a director of the licensee, who has the appropriate knowledge, experience and skills for supervising and managing; or
- (ii) any other person approved under section 71 of the *Liquor Licensing Act 1997* by the licensing authority.

A responsible person must, while acting in the role of a *responsible person* on the licensed premises, wear their authorised identification badge (above waist height) provided by the Commissioner and ensure it is visible.

Note: An approval of a person under the Liquor Licensing Act 1997 as a 'responsible person' only authorises the person to supervise and manage the liquor operations of the business. It does not authorise the person to supervise and manage the gaming operations of the business - this requires a separate approval as a 'gaming machine manager' or a 'gaming machine employee' under the Gaming Machines Act 1992.

RISK ASSESSMENT AND MANAGEMENT PLAN

All liquor licence holders must conduct a risk assessment of their venue and have a management plan in place. This must be reviewed at least every 2 years or whenever operations change enough to warrant review and modification of the management plan.

It should be noted that there are multiple fines applicable for non compliance with the requirements of a Club to have a current liquor Management Plan and it is imperative the Committee takes the necessary steps to put an effective Plan in place.

Clubs SA can provide its members with a Risk Assessment & Management Plan template tailored specifically to Clubs.

APPROVED PERSON – RESPONSIBLE PERSON – RESPONSIBLE SERVICE OF ALCOHOL

The similar terminology in liquor licensing can lead to confusion between the roles and obligations of an approved person, responsible person and holders of a responsible service of alcohol certificate. The diagram below explains the differences.



DECLARED CRIMINAL ORGANISATIONS

If a person is wearing or carrying any items associated with declared criminal organisations, often called bikie or biker gangs, they are not permitted to enter or remain on licensed premises. As a licensee, you are committing an offence if you let this person/s remain on your licensed premises. This responsibility also applies to a responsible person or employee.

Rather than risking confrontation, Clubs SA advises making a discreet phone call to South Australia Police (SAPol) notifying of the presence of such a person/s. Note the name of the officer spoken with. By law, the Police must attend your premises following the call. The

Law states this is an acceptable defence for the Club.

It is recommended to display the SAPol poster of the prohibited items in a non public area and keep a copy in your Liquor Compliance folder.

SIGNAGE

Licensed Clubs are required to display certain signage around their licensed premises. Failure to comply with these requirements may result in an expiation or fine. Requirements include:

- Signs must be printed in the original form as downloaded from the Consumer and Business Services' website. No modifications or additions to the form or content of the posters is permitted
- Signs must be printed in colour on A4 (210 x 297mm) paper
- Signs must be printed at a sufficient quality to ensure that they are clearly legible
- Signs must be displayed so that the information contained in them is clearly visible to the public
- At licensed premises where minors are not permitted to enter, signs must be displayed at or near each entrance

It is a legal requirement to display a copy of your liquor licence at or near the front entrance of your venue so that it is readily visible to members of the public.

On 18 November 2019, the following signage was prescribed by the Commissioner and replaced all previous signage. A Club should select the relevant signage from the signs listed below.

LGC2019-1

All licensed Clubs must display this sign



LGC2019-2

Display this sign if your licence allows consumption of alcohol after midnight.



LGC2019-3

People under 18 must be with a responsible adult at all times.

This sign is intended for Packaged Liquor licensees however, it may be useful to Club licensees



LGC2019-4

Display this sign if your Club licence does not permit people under 18 in a particular area of the licensed premises.



Other Optional Signage

Standard Drinks

Displaying the standard drink measurement of various drinks can be a useful educational tool for your customers.



NO ID NO SERVICE

This sign informs Club patrons of the forms of identification that will be accepted. Digital forms of identification are also permitted such as a person's driving licence and proof of age card through the mySA GOV app



A good culture takes time to build but can be quickly ruined, especially with the speed and spread of content over social media. Barrings are an effective tool to assist committees and Club managers in maintaining a safe environment and therefore good culture.

BARRINGS

There are two types of barring/exclusion processes available to Club licences:

- Common Law Exclusions
- Liquor Licensing Barrings

COMMON LAW EXCLUSIONS

A Club is the occupier of the venue and as the occupier, the Club can refuse entry or remove people from the Club provided they don't breach anti-discrimination laws. If the person fails to leave the premises when asked, they become a 'trespasser.'

COMMON LAW EXCLUSION PROS AND CONS

Pros

- This method can be applied to a wide range of matters
- Decisions can be made and acted upon immediately
- There are no time limits
- Minimum paperwork /administrative processes involved

Cons

- Only Committee members can impose the exclusion or oversee the removal
- This method is less formal than a liquor barring therefore less likely to be recognised by Authorities
- It can only be applied to the venue itself
- There is a risk someone could claim they have been discriminated against
- Any unresolved disputes end up in the Magistrates Court which can be timely and costly

LIQUOR LICENSING BARRINGS

Under section 125 of the *Liquor Licensing Act 1997*, a person can be barred from a licensed venue for their own safety or for the wellbeing of others.

You can only bar someone from your licensed venue if:

- They behave in an offensive or disorderly way
- They commit an offence
- You, as a manager or employee, believe they may hurt themselves or a person living with them or another member of their family

- There is any other reasonable cause

Barring orders can be completed and served on an individual by a licensee or a responsible person of the licensed premises.

How to bar someone from a venue

Each time you bar a person from your venue, you must complete a barring form. Blank barring orders should be kept on the premises, in the Clubs SA Liquor Records folder. The form must be served on the person. This “serving” of the Barring Order must be done either personally, sent to the person’s residential, business or email address, or to the person’s solicitor.

If you are unsure of the identity of the person then SA Police can help with identification.

Note that the person does not need to formally “accept” the barring order; it is still considered valid if the Club has followed the service process above.

You must keep a copy of the completed form on the premises.

Copies of the barring orders can be accessed on the Clubs SA Members site and there are separate barring orders for misconduct and welfare.

First barring – Misconduct

If it is the first time that a person is being barred from your venue, you can bar them for up to three months. A 24 hour barring can be issued without any paperwork.

Second barring – Misconduct

The second time a person is barred from your venue, regardless of how long ago the first barring was, you can bar them for up to six months.

Third barring – Misconduct

If a person has been barred from your venue on two prior occasions, regardless of how long ago they were barred, you can bar them anywhere from six months to an indefinite period. In this case, the order must be provided to the Commissioner within 7 days of service with details of the conduct giving rise to the order.

This staged process must be followed at all times, that is, you cannot move straight to a six month or indefinite ban unless the Club applies to the Commissioner for the person to be barred indefinitely without following the staged process. This would only be under extreme circumstances.

In this case there is an optional section on the barring form that can be filled out and you will need to detail why you believe a longer period is warranted. This section can be filled out after the person is served and then sent to CBS, along with a copy of the original barring order.

Barring - Welfare

When someone is barred from a premises on welfare grounds they may be barred for an indefinite period or any specified period.

Submitting the barring form

You must submit a copy of the welfare barring form to Consumer and Business Services within 7 days if the barring is for longer than 6 months by either emailing the scanned form to liquorandgaming@sa.gov.au or by post to:

Licensing Branch, GPO Box 2169 Adelaide SA 5001.

Entering a venue when barred

Anyone who breaches a barring order is guilty of an offence and can be issued an on the spot fine. At the time of writing, this is a \$315 expiation or fined up to \$5,000.

A Club manager, committee member, RP or employee must ask the barred person to leave the area or remove the person from the premises using reasonable force if necessary. If the person refuses to leave, then SAPol can be contacted and by law must attend the Club and remove the person.

Any licence holder, manager or employee who allows a barred person to enter the venue is also guilty of an offence and can be issued an on the spot fine as above.

If a barring is for more than one month, the barred person can apply to the Liquor and Gambling Commissioner for a review of the barring order. The Commissioner may then uphold, vary or revoke the barring following a hearing of the matter. The decision of the Commissioner cannot be appealed.

A licensee or a responsible person for the licensed premises may revoke an order barring a person from the premises by completing a licensee revocation order available from CBS.

LIQUOR LICENSING BARRING PROS AND CONS

Pros

- Very clear structure and processes
- Recognised by Authorities, including SAPol
- Committee members, Responsible Persons and Crowd Controllers can impose the exclusion or oversee the removal
- Barring can also apply to surrounding areas eg. car park
- Any disputes are heard by a Delegate at CBS. Less formal than Magistrates Court and less costly
- Police must assist with removals

Cons

- Usually applied to more serious matters only, mainly relating to liquor
- Heavily structured time frames
- Strict administrative processes to be followed
- Barring must be “served” on the person



WORKPLACE RELATIONS



AWARDS and AGREEMENTS

Minimum conditions at work can be created from registered agreements, awards or legislation. When a business has a registered agreement in place and it covers the work that the employee does, then the minimum pay and conditions in the agreement will apply. The base rates of pay under a registered agreement cannot be less than the relevant rate of pay under the modern award that would normally apply to the employee had they not been covered by the agreement or under a national minimum wage order.

If there is no registered agreement that applies and an award covers the employer including the work the employee does, then the minimum pay and conditions in the award will apply.

Most employees who aren't covered by an agreement will likely be covered by an award. Awards (modern awards) are legal documents that outline the minimum pay rates and conditions of employment.

The Club industry is primarily covered by the *Registered & Licensed Clubs Award 2020*. There may however be a few Clubs that have employees covered by another award such as the *Racing Clubs Events Award 2020*.

Where no award or agreement applies, the minimum pay and conditions in the legislation will apply.

Modern Awards, together with the National Employment Standards (NES) and the national minimum wage orders made by the Fair Work Commission make up the safety net for employees covered by the national workplace relations system.

The minimum award rates of pay are subject to annual reviews and an employer needs to ensure that their employees' wages are increased if required.

Clubs SA provides pay rates to its members in the Workplace Relations section of its website at www.clubssa.com.au.

NATIONAL EMPLOYMENT STANDARDS (NES)

The NES are 11 minimum employment entitlements that have to be provided to all employees. Under the NES, employees have certain minimum conditions.

The NES involve the following minimum entitlements:

1. **Maximum weekly hours of work** –

- Full-time employees: 38 hours per week, plus reasonable additional hours as required from time to time.
- Part-time and casual employees: 38 hours or employee's ordinary weekly hours

(whichever is less) plus reasonable additional hours. An employer must not request or require an employee to work more than the above specified hours unless they are “reasonable”. When calculating the number of hours an employee has worked per week, any authorised leave, such as personal leave, should be included.

2. **Requests for flexible working arrangements** – allows certain employees such as parents or carers of a child under school age or of a child under 18 with a disability, to request a change in working arrangements eg. to assist with the care of a child.

3. **Parental leave and related entitlements** - up to 12 months unpaid leave for permanent and regular systematic casual employees, plus a right to request an additional 12 months unpaid leave, and other forms of maternity, paternity and adoption related leave.

4. **Annual leave** – permanent employees receive four weeks paid leave per year (pro rata for part-time employees), plus an additional week for certain shift workers.

5. **Personal / carer’s leave, compassionate leave, and family and domestic violence leave**

–

- 10 days paid personal / carer’s leave per annum for permanent employees (pro rata for part-time employees)
- two days unpaid carer’s per permissible occasion (permanent employees can only use if no paid personal leave left)
- two days compassionate leave (unpaid for casuals) per permissible occasion
- All employees of a small business (less than 15 employees) receive 5 days unpaid family and domestic violence leave per year until 1 August 2023 when they will receive 10 paid days per year. Employees at non-small businesses receive 10 days per year

6. **Community service leave** - unpaid leave for voluntary emergency activities and jury service as required, with an entitlement to be paid for up to 10 days for jury service with make-up pay if a permanent employee.

7. **Long service leave (LSL)** - provides paid leave for employees who have been with the same employer for a long time either from a preserved state agreement such as the *Long Service Leave Act 1987* (SA), an enterprise agreement (made after 1 July 2009) or a pre-modernised award (before 1 January 2010)

8. **Public holidays** - a paid day off on a public holiday if an employee would normally work (or unpaid for casuals) and an entitlement to refuse to work if reasonable to do so.

9. **Notice of termination and redundancy pay** - Permanent employees receive up to four weeks’ notice of termination (five weeks if the employee is over 45 and has at least two years of continuous service) and up to 16 weeks redundancy pay, both based on length of service.

10. **Provision of a Fair Work Information Statement (FWIS) and the Casual Employment**

Information Statement (CEIS) - employers must provide the [FWIS](#) to all new employees. It contains information about the NES, modern awards, agreement-making, the right to freedom of association, termination of employment, the respective roles of the Fair Work Commission and the Fair Work Ombudsman etc.

Casual employees must also be provided with the [CEIS](#) which sets out information specific to casuals, mainly to do with casual conversion.

11. **Casual conversion** - Provides the right for casual employees to become permanent employees (provided that they meet the relevant conversion requirements).

Interaction between the NES and awards and agreements

The NES sets the minimum safety net for all employees with awards and agreements providing additional minimum entitlements on top of this. Awards and agreements may also specify terms that are flexible in relation to:

- averaging an employee's ordinary hours of work
- the cashing out and taking of paid annual leave
- being paid a specified amount above award in lieu of other award entitlements
- the substitution of public holidays
- situations in which redundancy pay entitlements do not apply.

Employees cannot receive less than the minimum entitlements set in the NES and any applicable agreement or award.

Employees not covered by awards and agreements

Employers and employees who are not covered by an award, agreement or a transitional award or agreement (award/agreement-free employees) can make agreements that vary the operation of the NES in certain ways.

They may make agreements about the following:

- averaging the hours of work
- the cashing out of or taking paid annual leave
- the substitution of public holidays

In all other cases, employment contracts can only provide entitlements that are equal to, or more favourable to the employee.

FULL TIME, PART TIME and CASUAL EMPLOYMENT

To determine the pay and conditions an employee is entitled to, you need to know whether they are regarded as full-time, part-time or casual. Under the *Registered & Licensed Clubs Award 2020* (The Award), the following applies:

Full-time: Employees work 38 hours a week (or an average of 38 hours a week over the roster cycle) and have a continuing contract of employment. Benefits such as paid personal leave, annual leave, long service leave and carers or other types of leave apply.

The 38 hours a week or average of 38 hours a week has to be worked in accordance with clause 15.3 of the award.

Full-time employees receive notice of termination (unless they have engaged in serious misconduct) and possible redundancy pay where they are made redundant.

- **Part-time:** Employees work at least 8 and less than 38 ordinary hours each week or, where a Club operates a roster, an average of at least 8 and fewer than 38 hours per week over the roster cycle.

At the time of engagement, the employer and employee will agree in writing to the number of hours that will be guaranteed to be provided and paid to them each week (or over the roster cycle).

These guaranteed hours are to be worked across the employee's availability which is also to be agreed on in writing. They are usually given the same basic entitlements as full-time employees, based on the hours worked (pro rata).

Part-time employees receive leave on a pro rata basis and are also entitled to notice and possible redundancy pay based on their part-time hours.

- **Casual:** employees are usually employed on an hourly or daily basis, do not receive paid personal leave or annual leave and have no guaranteed hours of work. Under Schedule B of the Award they receive a casual loading of 25% to make up for this.

Under clause 11.5 of the Award a casual employee is entitled a minimum payment of 2 hours on each occasion they attend work. Casual bingo callers are entitled to a minimum payment of 3 hours however and casual fitness instructors just a 1 hour minimum.

A casual loading of 50% was valid until 31 December 2014 but it is now 25%. To maintain the 50% casual loading, some casual employees in the Licensed Clubs industry have opted to sign Individual Flexibility Arrangements (IFAs) to be paid a flat 50% casual loading in lieu of penalty rates under the Award (and in some cases also overtime rates). These agreements must meet the requirements of clause 5 of the Award and make the employee better off overall eg. it will not be suitable for an employee who only works Sundays when the penalty rates are higher than 50%.

A casual employee can end employment without notice, unless notice is required by a registered agreement, award or employment contract.

Regular and systematic casuals can also look to convert to permanent employment with information on this contained in the Casual Employment Information Statement.

CONTRACT OF EMPLOYMENT and Letter of Engagement

Every employment relationship where an employee performs work for a wage, salary or commission is underpinned by a Contract of Employment. This is a legally enforceable agreement, either oral or written, (or partly written and partly oral), between an employer and an employee that defines the terms and conditions to which both parties must adhere.

Whilst oral contracts can exist, it is strongly recommended that an employee has a written contract in place.

Regardless of whether there is a written employment Contractor Agreement, the terms of the relevant statutes and awards apply.

The benefits of having written Employment Contracts in your Club

Having well-drafted written employment Contracts of Employment/Letters of Engagement within your Club ensures that:

- Your employees are clear about what is required of them and their entitlements
- As an employer, you can avoid the costs associated with disputes over terms and conditions of employment
- As an employer, you are in a stronger position to justifiably terminate employment if an employee does not meet the contract's requirements
- Some contractual clauses must be in writing to be valid eg. a clause allowing for above award payments to offset against award entitlements

Each Contract of Employment or Letter of Engagement is individual in the sense that the content may vary between the individual employee and employer depending on requirements.

Every Contract of Employment or Letter of Engagement will have at its core, the rights and liabilities between an employer and an employee, and will prescribe certain terms or set minimum standards.

As an employer, it is your responsibility to ensure that the terms and conditions of employment are clearly understood by your employees.

ENTERPRISE AGREEMENTS

Enterprise agreements set out terms and conditions for the affected employees and when made

need to offer terms that are better off overall. They can be made by an employer with a group of employees, or by more than one employer with groups of employees. Bargaining can be initiated by an employer, employees or by Unions who represent one or more employees.

Before you start to make an enterprise agreement, there are several things you need to understand and consider and Clubs SA can provide advice and assistance with this.

PERFORMANCE MANAGEMENT & DISCIPLINARY ACTION

When a Club is having issues with an employee or employees, whether they be performance based or individual instances of misconduct eg. inappropriate language or behaviour, then it is important that these issues are clearly raised and discussed with the employee.

Before taking disciplinary action against an employee, such as the issuing of a written warning, the Club needs to ensure that they have met with the employee first to put the issues to them and provide them with an opportunity to respond.

A written invitation should be provided to the employee at least a day prior informing them of the content of the meeting and that they can bring a support person if they wish.

During the meeting all the issues should be discussed and once both parties have had their say the meeting can be concluded. An employer should wait a reasonable period of time before deciding on what action, if any, to take so as to show they took the appropriate time to consider the employee's response.

Whilst verbal warnings can be issued, written warnings ensure that the content and the reasons behind the warning can't be in dispute. Ensuring things are in writing will also lessen the risk of claims eventuating later.

Clubs should also consider looking at things such as performance management plans which clearly set out key performance indicators (KPI's) to employees and shows what the employee needs to achieve.

Termination of an employee should only be done where there are good reasons for doing so and where appropriate disciplinary processes have been followed. There also needs to be evidence that the employee was made aware of the issue, given time to improve performance etc.

Clubs SA can assist members with templates and further assistance on the correct process to follow when disciplining an employee.



VOLUNTEERS



Volunteers play a vital role in communities across South Australia and make significant contributions by carrying out unpaid work for a variety of organisations every day. Almost 39,000 South Australians volunteer with SA Clubs.

Volunteers are people who:

- undertake work for the main purpose of benefiting someone else
- are under no obligation to attend work and do not expect to be paid, or are entitled to be paid for their work; and
- do not intend to create a legally binding employment relationship with the organisation they are working for

VOLUNTEER RIGHTS & ENTITLEMENTS

Volunteers are not covered by awards or work-place agreements, however volunteers do have rights, some of which are legislated, such as WHS and anti-discrimination laws. Others are considered under the moral obligations of organisations involving volunteers.

Volunteers should be adequately protected by insurance, be provided with any training needed and be properly inducted.

Volunteers should not be paid for their work and there are only a few instances in which they can or should receive some form of payment:

- **Honorariums** – One off payment made to someone who is not legally entitled to payment for their work, as an honorary reward for voluntary services, or a fee for professional services voluntarily performed.
- **Reimbursements** – where a volunteer has incurred expenses on behalf of the Club and is paid back all or part of this expense.
- **Allowances** – Where a volunteer is paid a specific, predetermined amount in order to cover an anticipated expense and any money not spent is paid back.

The *Work Health and Safety Act (WHS) 2012 (SA)* provides for the safety, health and welfare of persons at work in South Australia. The Act, together with the *Work Health and Safety (WHS) Regulations 2012 (SA)* set up health and safety duties to provide protections from hazards and risks in the workplace. The duties fall not only on the employer running a business and their officers, but also on individual workers whether paid or unpaid.

A volunteer is a worker for the purposes of the *WHS Act* when volunteering for a Person Conducting a Business or Undertaking (PCBU) ie. an organisation that employs at least one worker.

A volunteer is not a worker if they carry out volunteer work for a 'volunteer association' that is run entirely by volunteers. However, whether managing volunteers within a PCBU or a non PCBU, it is imperative to ensure the health and safety of your volunteers.

This includes developing and informing your volunteers of the Club's policies and procedures. A Club must ensure its volunteers:

- Creating a safe and healthy environment to work
- Receive induction, training, supervision and feedback to fully understand and carry out their role safely and effectively
- Are adequately covered by the Club's insurance
- Have a position description, agreed working hours, reasonable workload and clear tasks
- Have their confidential and personal information properly managed and privacy protected

The Work Health and Safety section on the next page provides more information on this topic.



WORK HEALTH & SAFETY



Work Health & Safety (WHS) is the maintenance of a safe working environment by protecting people from possible hazards in the workplace and the improvement of the physical and mental health of people at work.

LEGISLATIVE REQUIREMENTS

Legislative requirements imposed on employers include a duty of care to employees, which is more onerous than the general duty of care one citizen owes to another. Employers also have a moral obligation to prevent injury at work. High standards of occupational health and safety contribute to the effectiveness of employer/employee relations and consultation with employees on these issues is required under legislation. The cost of managing work place injury is significant and can leave employers financially vulnerable.

The objects of the *Work Health and Safety Act 2012 Act (SA)* include:

- To ensure the health and safety of persons at work
- To eliminate, at their source, risks to the health and safety of persons at work
- To protect the public against risks to health or safety arising out of or in connection with the activities of persons at work or the use or operation of various types of plant
- To protect the public against risks to health or safety arising out of or in connection with the activities of persons at work or the use or operation of various types of plant
- To involve employees and employers in issues affecting work health & safety to encourage registered associations to take a constructive role in promoting improvements in work health and safety practices and assisting employers and employees to achieve a healthier and safer working environment.

Does the *Work Health and Safety Act 2012 Act (SA)* apply to volunteer based organisations?

- A volunteer association is exempted from being a PCBU under Section 5(7) of the Act “Meaning of “person conducting a business or undertaking”
- The definition of a “volunteer organisation” is prescribed at sub-section (8) which reads as follows:

“volunteer association” means a group of volunteers working together for one or more community purposes where none of the volunteers, whether alone or jointly with any other volunteers, employs any person to carry out work for the volunteer association.

Even if your Club is not technically an employer, your Club still has a common law duty of care to provide a safe and hazard free environment for your members, volunteers, patrons, visitors etc.

POLICIES AND PROCEDURES

The legislation applicable to all the topics listed below may not be relevant to your Club from a regulatory point of view, however, you may still consider it good practice to have policies, procedures and documentation on each relating to:

- Work health & safety requirements at your Club
- Fire and emergency response
- Drugs and alcohol
- Manual handling
- Hazardous and dangerous substances
- Electrical safety
- Slips, trips and falls
- First aid
- Smoking
- Surveillance
- Working at heights
- Risk management
- Accident / injury investigation and reporting
- Personal protective equipment
- Material safety data sheets
- Contractors
- Bullying and workplace violence
- Harassment and discrimination
- Employee / volunteer training records

Even if you are a volunteer based Club, it is recommended that your Club develops a WHS manual addressing relevant topics. The contents of the WHS manual should be communicated to all volunteers at the Club so they are aware of the Club's health and safety requirements and procedures.

Clubs SA has a number of WHS resources and templates to assist members with meeting their obligations.



CHILDREN



CHILD SAFE ENVIRONMENT

All children have a right to be safe and cared for. Keeping them safe is everyone's responsibility.

In order to keep children safe when they are accessing services in the community, the *Children and Young People (Safety) Act 2017* requires that organisations providing certain services to children, to create and maintain a child safe environment. In this context, a child safe environment is one that protects children from abuse and harm.

All organisations providing health, education, welfare, sporting and recreational, childcare, or residential services wholly or partly for children must ensure that they have a child safe environment policy in place to promote the safety and well-being of children.

A Club's commitment to this should be embedded in its culture, reflected in its policies and procedures, and understood and practiced at all levels within the Club.

A Club can do this by:

- Reviewing how well it protects children
- Having a child safe policy in place
- Taking steps to ensure that staff, volunteers and contractors are safe people to work with children and have undertaken the necessary clearances
- Listening to children and respecting their rights
- Making sure that everyone knows how to report concerns about child safety

Child safe environment policies and procedures should be established by the Club's committee and communicated to all relevant personnel (such as members, employees - including contractors and sub-contractors and volunteers who work with, or have contact with children). The policies and practices will vary according to the size, nature and resources of a Club but must reflect the standards and principles of good practice developed by the Chief Executive, Department for Families and Communities.

A Club can also look to adopt the policy of their governing body eg. Surf Life Saving SA if they have one.

CHILD SAFE POLICY

Important elements of developing and implementing a child safe policy include:

- **Consultation** – Involve all the members of your Club in the development of your child safe policy and code of conduct, as this will make it more likely that they will be used and that people will understand their purpose and support them.
- **Scope** – State who your policy applies to and that the policy requires those people to accept and act in accordance with the policy.
- **Statement of your commitment** – Your policy should clearly state your Club's commitment to the safety and well-being of children and the protection of children

from harm. This statement might be quoted in newsletters, wall posters and in other contexts to ensure that this commitment is understood by everyone in your Club.

- **Supervision, training and support** – Include what is in place to supervise, train and support employees and volunteers and if mandatory training is needed, how often this needs to occur.
- **Legislation** – In preparing your policy you should ensure that you understand your legal obligations and that the policy reflects those obligations. The policy should refer to this legal context.
- **Review your risk** – Identify, assess and take steps to minimise risks of harm to children that could arise from the actions of someone in your organisation, including members (adults and children), employees and volunteers. Your policy should refer to your risk management plan.
- **Choose and develop the right people** – Have in place safe recruitment and selection processes with employees, volunteers, contractors and sub-contractors, including comprehensive screening processes and exclusion of those who are assessed as posing an unacceptable or high risk, or unsuitable for working with children.
- **Develop a code of conduct** – A code of conduct should promote child safe and positive work practices and provide guidance about the behaviour, relationships, attitudes and responsibilities expected from employees and volunteers, and outlines what will happen if the code is not observed.
- **Report child abuse** – Your staff and volunteers may be mandated notifiers and required by law to report any suspicions of child abuse and neglect. Your policy needs to outline your process for reporting suspicions of child abuse and neglect.
- **Bullying and harassment** – Your policy should contain a statement about how your Club will address bullying by, or against children in your Club.
- **Understand privacy and data protection** – Remember that information about people needs to be treated with respect for their privacy so have safeguards in place around the collection, retention, use and disclosure of personal information.
- **Complaints management and disciplinary action** - Establish a child safe process for complaints management and disciplinary proceedings and refer to it in your policy.
- **Children's participation** – Where children are involved in planning and decision making, they will feel empowered and are more likely to let people know when they feel unsafe. Include in your policy an undertaking to encourage children to express their views and make suggestions.
- **Review, update and refine** – Set a review date for your policy that will give you the opportunity to update and refine your child safe environment practices.

WORKING WITH CHILDREN CHECK

People who are undertaking “*child related work*” as defined under the *Child Safety (Prohibited Persons) Act 2016* (SA) must, by law, have a Working with Children Check.

A Working with Children Check is an assessment of whether a person poses an unacceptable risk to children. As part of the process, the Department of Human Services Screening Unit will look at criminal history, child protection information etc.

Do your employees or volunteers require a Working with Children Check?

You and your employees / volunteers will need to get a Working with Children Check if:

- you provide coaching or tuition services for children; and/or
- you provide services or activities in the course of the operation of clubs and associations with a significant membership of, or involvement by, children

The above means where a Club has a significant membership or involvement of children all employees and volunteers at the Club will require a check regardless of the type of work they are doing.

The legislation does not define “significant” and it should be given its ordinary dictionary meaning.

There are some exemptions that apply, with the following not needing a check:

- Where someone is under 14 years of age
- Someone who lives interstate, has an accreditation to work with children from their home state or territory and are working at an organised event in SA lasting no more than 10 consecutive days
- A person who believes on reasonable grounds that they won’t work with children on more than 7 days, consecutive or not, in a calendar year (unless it involves an overnight stay or close personal contact* with children with a disability)
- Someone who is providing a service or activity that is child related work on a voluntary basis where their own child participates and it does not include accommodation for a child other than their own or close personal contact* with a child other than their own

*Close personal contact means an act involving intimate bodily functions such as using a toilet or an activity involving nudity, or exposure or partial exposure of genitals, buttocks or breasts.

An employer can only employ, or continue to employ, a person in a prescribed position if:

- they have verified that the person has had a Working with Children Check conducted in the last 5 years, and
- that the person is not prohibited from working with children.

Checks for volunteers are free and Clubs who do not comply with these requirements are guilty of an offence.

Clubs must also register with the Department of Human Services Screening Unit via their

[portal](#). After registering, a Club can apply for Working with Children Checks on behalf of others and can also register an interest in any of their workers who have a Working with Children Check.

Registering an interest is a requirement under the Act to enable ongoing compliance and whenever a Club is aware of a change in an employee's circumstance which will/may make them prohibited, they must notify the Screening Unit ASAP.

CHILD SAFE ENVIRONMENT COMPLIANCE STATEMENT

Further to the above, your Club may be required under the *Children's Protection Act 1993* to lodge a *Child Safe Environment Compliance Statement* with the Department of Human Services.

Those who provide services to children and young people including via such things as sport and coaching or tuition services need to lodge a statement. Further information on this is available on the Department of Human services website [here](#).

The 13 topics that need to be addressed in the Statement can also be found on the Department of Human Services website [here](#).

These compliance statements can be lodged on behalf of a Club by its governing body eg. Surf Life Saving SA, Bowls SA etc.



FOOD SAFETY



FOOD SAFETY STANDARDS

Community groups that sell food or provide food as part of a service that is paid for, are a food business for the purpose of the *Food Act 2001* and are required to comply with the requirements of the [Food Standards Australia and New Zealand](#) Code (FSANZ). [Chapter 3](#) of the Code sets out the minimum requirements for:

- safe food handling and preparation procedures
- health and hygiene
- temperature control
- structural and other requirements of facilities

Clubs should be aware that “food” is given a broad definition and this includes beverages.

The definition of sell includes activities such as a Club selling cakes, pies or donated food. *Sell* also includes offering food as a prize.

If you are not certain whether your Club operates as a food business, check with your local council or the Department of Health.

Food businesses have responsibilities to ensure that staff who undertake or supervise food handling activities have the skills and knowledge in food safety and food hygiene for the work that they do.

To assist you in understanding how the food legislation applies to your Club, FSANZ has created some *Charities and Community Organisations Fact Sheets* and [LINKS](#) for more information. These include

- [An introduction to Food Safety Standards](#)
- [Notification](#)
- [Skills and knowledge](#)
- [Labelling](#)
- [Temperature control](#)
- [Sausage sizzles and barbecues](#)
- [Preparing and cooking food](#)
- [Transporting food](#)
- [Health and hygiene for food handlers](#)

SA Health provides extensive information and food safety training and resources that can be accessed [HERE](#).

For further advice on the food safety standards contact the Environmental Health Officer at your local council office.



SMOKING



In South Australia, the sale, supply, promotion and use of tobacco and e-cigarette products and areas where smoking (including e-cigarettes) is regulated by the *Tobacco and E-Cigarette Products Act 1997* (the Act).

The *Tobacco Products Regulation Act 1997* was renamed the *Tobacco and E-Cigarette Products Act 1997* as of 31 March 2019 and included the following changes:

- new laws for electronic cigarette (e-cigarette) products
- increases in penalties and expiation fees
- a definition of 'shisha' tobacco

Smoking is banned in all enclosed or indoor public places, shared areas and workplaces. Banning smoking in enclosed public areas protects the community from the harmful effects of passive smoking. This clearly includes Clubs.

Materials such as shade sails, umbrellas, shade cloth, lattice and louvres are all considered to enclose an area as they restrict airflow.

PUBLIC OUTDOOR DINING

In addition, public outdoor dining areas must be smoke-free at all times that food is offered or available. Snack food can be eaten in an outdoor area where smoking is allowed. Snack food is considered to be pre-packaged food of a kind generally intended to be consumed between meals. Food such as chips, nuts, chocolate bars and packaged biscuits are examples of snack foods. Hot chips and sandwiches are not considered to be snack food.

Clubs can choose to allow smoking in an outdoor area at times when food is not available. For example, they can provide an outdoor dining area for a set period of time and at other times provide the same area for smoking but not dining.

Smoking and drinking can occur in the same outdoor area as long as the area is not an outdoor dining area. Coffee and other hot drinks are considered to be drinks that can be consumed in non-dining outdoor areas where smoking is allowed.

The ban on smoking in outdoor dining areas applies to all smoking products. This includes cigarettes, cigars, pipes, including shisha, hookah and water-pipes, and e-cigarettes.

SMOKING SIGNAGE

Where an area is required to be smoke free there must be signs in place that clearly show that area is smoke free. An outdoor dining area must have adequate signs displayed to show that there is no smoking in the area. Signs must be displayed in such numbers and in positions of prominence so that the signs are likely to be seen by people within the area. SA Health provides downloadable signage free of charge: [Tobacco Signage](#)

COMPLIANCE AND ENFORCEMENT

The Department of Health has officers authorised to enforce smoking bans. The *Work Health & Safety Act 2012 (SA)* also requires that workplaces implement all legislation as it relates to their premises.

Fines for non compliance

If smoking occurs in an outdoor dining area in contravention of the Act, the occupier of the premises and the person smoking can be fined. On-the-spot fines can be issued.

Maximum fines are \$2,500 for a Club operator (expiation fee \$210) and \$750 for an individual (expiation fee \$105).

Tips for making the laws clear to patrons include:

Develop a smoke-free policy to specify your Club's position on smoke-free areas. Your policy must identify:

- which areas are smoke-free
- who is responsible for enforcing the policy
- the penalties for ignoring the policy
- whether it extends to the use of e-cigarettes.

Your policy is not a personal attack on smokers. The issue is not whether people smoke but *where* they smoke, therefore minimising the effect their smoking has on the health of others.

Do not provide ashtrays or other things designed to facilitate smoking in areas where smoking is not permitted.

Clearly display no-smoking signage.

Train staff and have procedures in place so that they will know what to do if they see a patron smoking inside.

Can a Club promote it has an area for smoking?

Under Section 45 of the *Tobacco and E-Cigarette Products Act 1997*, a business must not display signs or engage in a practice of any kind, designed to promote a business as welcoming or permitting smoking on its premises.

ENCLOSED OUTDOOR AREAS

Many Clubs have outdoor areas, such as verandas or courtyards. Smoking in these areas is not permitted as they are considered enclosed.

What is meant by enclosed?

An area is enclosed if it is fully enclosed or partially enclosed by a ceiling/roof and walls such that the combined area of the ceiling (includes shade sails and umbrellas) and wall surface exceeds 70% of the total ceiling/wall area.

How do I work out if the space is enclosed or unenclosed?

To be unenclosed, at least 30% of the area must be open and allow the free flow of air. To work out whether an area is enclosed, you need to compare the total open area with the total notional surface area. As layouts in each establishment are different, you might wish to seek advice from an architect when calculating the area of your space.

Can I have smoking if the blinds or other structures can be moved or opened?

Blinds or other moveable or opening structures used to weatherproof outdoor areas may be considered to enclose an area depending on their use. Where blinds or other structures are open, smoking is permitted if their opening results in the area being less than 70% enclosed. Closed blinds or other structures are considered the same as walls and where they enclose more than 70% of the area, smoking is not permitted.

How can I get more information on enclosed outdoor areas?

Department of Health officers can provide advice on how to assess if an outdoor structure is enclosed or unenclosed. Businesses should be aware that the officer's opinions may not be the final assessment of the government or a court of law and businesses are encouraged to seek their own independent advice if they are unsure whether an existing or proposed structure complies with the legislation.

For further information call the Department of Health Info Line: 1300 363 703.

The Department of Health also has a policy guide for sporting and recreation organisations going smoke free, which can be accessed: [HERE](#)



FUNDRAISING & LOTTERIES



FUNDRAISING ADMINISTRATION

For many Clubs, it is extremely difficult to raise funds. Traditional forms of income such as membership, bar sales and food takings are often not enough to cover expenses. Therefore, Clubs look at fundraising activities. If coordinated correctly, fundraising activities can provide your Club with a healthy income. A long practised method of setting goals has been to use the S.M.A.R.T. way.

When developing fundraising activities, you should:

1. **Set a firm goal.** Goal setting the **SMART** way involves:
 - a. **Specific** – well defined and clear
 - b. **Measurable** – in terms of progress towards the goal
 - c. **Agreed** – all key stakeholders agree to the goal and have a stake in it
 - d. **Realistic** – Do not be too ambitious
 - e. **Timely** – a time frame is built in
2. **Know** how much money is needed and how it will be spent provides *motivation* and *focus* for volunteers and supporters.
3. **Appoint a fundraising coordinator**

Behind every successful fundraising event is a well-organised designated fundraising coordinator. Most committees have a president, secretary and treasurer. A fundraising coordinator is as central to the committee as those three positions. This person should not only be well organised they should be a great communicator and imaginative too.

4. **Use your Fundraising Manual**

What if your committee does not have one? This is your next **MUST** do. Clubs must recognise the cost of lost *intellectual property* when staff or volunteers move on. If you do not have a Fundraising Manual, create one now. It does not need to be complicated, you just need to document items such as; records of past activities, contact details of suppliers, contact details of volunteers, what worked well, what didn't work well, outcomes etc. A Fundraising Manual will save you stress, anxiety and time.

5. **Set your fundraising calendar**

It is recommended to have a mix of fundraisers. Take note of calendar events, e.g. Easter, Mother's Day etc. and avoid school holidays. Keep your fundraising activities short; about three weeks is a good time frame.

6. Educate people as to why the fundraiser is needed and how they can play a part

Pre-event publicity is vital. If you can tell people what the purpose of the fundraiser is and what benefit it has to them, they are more likely to engage in the fundraiser.

7. Launch the fundraiser and spread the word

Create excitement about the fundraiser, launch it with a bang and do not lose momentum for the period the fundraiser is running. To be successful, your fundraiser needs to be out there and in the limelight.

8. Share the outcome with the community

Too often, a fundraiser just fades away. Share the outcome with your committee, your members and the community. Let people know how their contribution is valued. Place a notice in your newsletter, website and social media platforms.

LOTTERIES

If you choose to undertake a fundraising lottery, you must be aware of the legislation in South Australia.

The Liquor and Gambling Commissioner is responsible for ensuring all lotteries conducted are fair and equal to all those who participate and that they are conducted in accordance with the *Lotteries Act 2019* and the *Lotteries Regulations 2021*.

The *Lotteries Act 2019 and Lotteries Regulations 2021* protects the public from nuisance lotteries and other forms of gambling by prohibiting all lotteries and gambling unless otherwise authorised or exempt by legislation.

The *Lotteries Regulations 2021* allow the following classes of lotteries:

- Minor lotteries;
- Major lotteries;
- Minor bingo sessions;
- Major bingo sessions;
- Instant lotteries;
- Sweepstakes;
- Calcutta sweepstakes;
- Non-fundraiser lotteries;
- Minor trade promotion lotteries;
- Participation lotteries;
- Trade promotion lotteries; and
- Card jackpot lotteries.

Licensed Clubs have a distinct advantage over hotels and other for profit organisations when it comes to conducting promotions. For example, as Clubs are not for profit incorporated associations, they can conduct lotteries for an “approved purpose” under the lotteries regulations.

There are nine approved purposes with the most common relating to Clubs being:

- The purpose of establishing, carrying on or improving a community centre, or promoting the interests of a local community or a particular section of a local community
- The purpose of sport, recreation or amusement.

Most lotteries conducted by Clubs are known as “permitted lotteries” which means that a licence is not required from CBS, however the Club still needs to follow the rules for each lottery as set out in the *Lottery and Gaming Regulations 2021*.

PARTICIPATION LOTTERIES (MEMBERS’ DRAWS)

This is a very common lottery that can only be held by Clubs. It is often referred to as a Members’ Draw. It can only be held for members in Clubs and entry into the lottery cannot rely on any payment for goods or services or an entrance fee.

The total value of prizes for a Participation lottery must not exceed \$5 000. It is one of the few lotteries that you can jackpot the prize if you are giving away cash. You can keep jackpotting the lottery up to the value of \$5 000.

You must set out terms and conditions relating to the Participation lottery: the Ts & Cs. These do not need to be lodged with anyone but must be made available to the members. The Ts & Cs must contain place, date and time of the draw and details of the prize/s.

Participation lotteries are the only lotteries that can require the winner to be present to collect the prize, however you must put this in the Ts & Cs. Where a prize is not claimed, another draw can take place providing at least 15 minutes is allowed between draws. It can also be drawn on another day. This is where the jackpotting comes into play if cash is being given away.

MINOR FUNDRAISING LOTTERIES

This is another permitted lottery for Clubs i.e. no licence is required if the total value of the prizes does not exceed \$5 000 and it is not an instant lottery.

This lottery can be a fundraiser for the Club, which means that at least 20% must go to the Clubs approved purpose, and at least 20% must go back in prizes.

The Club must keep accurate records of:

- The distribution of the prizes and the details of any unclaimed prizes; and
- The gross proceeds of the lottery; and
- The administrative costs of conducting the lottery.

The records must be kept for at least 3 months from when the lottery is drawn.

Each ticket in the lottery must give rise to an equal chance of winning the major prize. This is important in that it means if you are going to draw your lottery in reverse order, you need to put the minor prizewinners back into the draw to ensure that they have a chance at the major prize.

If tickets in the lottery are to be sold before the day on which the lottery is to be drawn or at places other than the place at which the lottery is to be drawn, there are rules to follow:

- Each ticket and the butt of each ticket must have the name of the Club conducting the lottery, and the date, place and time for the drawing of the lottery, clearly printed on it;
- The butt of each ticket sold in the lottery must have the name and address (or telephone number) of the purchaser of the ticket clearly written on it;
- The lottery must be drawn on the day and at the place and time specified;
- If the gross proceeds from the lottery are insufficient to meet the cost of the prizes in the lottery, the Club must make up the deficiency and notify the Commissioner in writing as soon as it becomes apparent a deficiency will arise; and
- If a prize in the lottery is not delivered to the winner at time the ticket is drawn, then within 7 days of the draw the winner must be notified in writing of the prize they have won and how it will be delivered or how it can be collected.

INSTANT LOTTERIES AND INSTANT PRIZES

Instant lotteries are fundraisers that can be conducted by Clubs only. An instant lottery contains instant scratch or 'break-open' tickets where the number, letter or symbol is hidden and is instantly recognisable by the participant once the ticket is scratched or opened.

No matter what the value of the instant lottery, a licence is needed by the Club before any instant lottery can begin or be advertised. Instant lottery prizes must not exceed \$5 000.

The tickets must be purchased from a licensed supplier of instant lottery tickets. An instant lottery ticket must not be sold to a person under the age of 18 years.

Each ticket in the lottery must be of equal value and give rise to an equal chance of winning. The Club must display, at or near the place at which the tickets in the lottery are being sold, a sign stating the nature and value of each prize to be won in the lottery, unless that information appears on the tickets. Any advertisement for the lottery must state the number of the lottery licence. The net proceeds of the lottery must be applied for the approved purposes as specified in the licence.

No part of the net proceeds of the lottery may be applied for the benefit of a member of the association or a registered corporation that returns profits to its members. The total amount of proceeds applied for the approved purposes specified in the licence must not be less than an amount equivalent to 20% of the gross proceeds of the lottery.

The total value of all prizes in the lottery must be not less than 20% of the total face value of all tickets in the lottery.

The Club must:

- Pay all money received from the sale of tickets in the lottery into an ADI² account operated by the licensee; and
- Keep accurate accounts of all income and expenditure relating to the lottery, being accounts that are separate from the other accounts kept by the licensee; and
- Have the accounts audited annually by an auditor where gross proceeds are \$50 000 or more; and
- Within one month of the expiry of each licence period, provide the Minister with a financial statement that is certified correct by the auditor who audited the accounts, unless an exemption has been received.

MINOR TRADE AND INSTANT TRADE PROMOTION LOTTERIES

A trade promotion is a lottery that promotes the sale of goods or services.

A minor trade promotion lottery is an exempted lottery if the prizes do not include instant prizes and the total value of all the prizes does not exceed \$5 000.

Entry must be free but the participant may have to buy goods or services, which are the subject of the promotion. The winners can be drawn or can win instantly depending on the type of promotion. For Trade Promotion Lotteries only, if prizes are drawn electronically then this must be a random number generator and information relating to this must be made available to the Commission on request.

Minor trade promotions - Prizes in a minor trade promotion have a retail value of less than \$5,000 and cannot include instant prizes.

Instant prize trade promotions - An instant prize lottery has instant scratch or 'break-open' tickets where the number, letter or symbol is hidden. A licence is needed regardless of the total prize value.

MINOR BINGO SESSIONS

Fundraising bingo sessions can be conducted by a Club. They must be for an approved purpose and a licence is not needed if the gross proceeds are less than \$1 000 per session.

Bingo cards must be purchased from a licensed supplier and the cards must be the same price and give an equal chance of winning.

If a session is licenced, the bingo cards must have a serial number at the bottom. Players must be at least 18 years old unless accompanied by an adult.

Sessions must be held at the place and day as stated on the licence with at least two members of staff or management committee present. They must not be longer than three hours and no more than five sessions can be played each week. There must be a break of at least 30 minutes between sessions.

² ADI is short for Authorised Deposit-Taking Institution. Since the Banking Act of 1959, a bank or financial institution must be an ADI if it is to accept deposits from members of the public.

At least 15% of gross proceeds must be kept for an approved purpose and prizes must be at least 20% of gross proceeds. You can have a jackpot game as long as the amount does not exceed 10% of the gross proceeds of the session. Cash prizes must be paid immediately after the game.

The Club must keep accurate records including the bingo cards in a form approved by the Government and the records need to be kept for 3 months after the session was conducted.

CARD JACKPOT LOTTERIES (FLIP THE JOKER)

Also known as Flip the Joker, these lotteries can be operated by a Club for fundraising purposes.

There are very specific rules on tickets and draws for this type of lottery, which are as follows:

- Each ticket has to be of equal value
- The determination of the winner must be undertaken in a fair and transparent manner with each ticket in a particular draw of the lottery having an equal chance of being drawn
- If tickets in the lottery are to be sold before the day on which the lottery is to be drawn or at places other than the place at which the lottery is to be drawn:
 - the name of the organisation conducting the lottery, and the date, place and time for the drawing of the lottery, must be clearly printed on each ticket in the lottery or must be otherwise made available to the purchaser at the time of purchase; and
 - the butt of each ticket sold in the lottery must have the name and address (or telephone number or email address) of the purchaser of the ticket clearly written on it; and the lottery must be drawn on the day and at the place and time so specified
- The lottery must be drawn on the date and at the time and place specified in the terms and conditions of the lottery
- No more than 1 lottery may be conducted at a venue at any given time
- A new deck of standard playing cards must be used for each lottery
- The cards in a lottery must be safely secured at all times during the lottery
- No more than 2 members of the management committee may have access to the display board during the lottery
- The position of the winning card must not be revealed to any person before or during the lottery
- A winner of the draw must be given a reasonable opportunity, of no less than 15 minutes, to select a card from the display board
- Each turned card that is not the winning card must be displayed face side up on the display board or removed from the board
- The draw and selection of a card must take place in the presence of at least 1 participant in the lottery
- An owner, occupier or employee of a venue where the lottery is conducted cannot enter and neither can someone who is under 18.

A set of suitable terms and conditions is also required that must include:

- how to enter the lottery; and
- the date, time and location of the draw; and
- the details of the prizes, including an estimate of the total prize value; and
- how the proceeds will be distributed; and
- how prizes may be claimed; and
- the rules of the lottery.

At least 20% of gross proceeds must be kept for an approved purpose and the administrative expenses of conducting a lottery must not exceed 10% of the gross proceeds.

Prizes may jackpot where a winning card is not selected as long as the amount does not exceed \$5 000 in total. Cash prizes must be paid immediately after the game.

The Club must keep accurate records including details of the draw, gross proceeds and administrative costs in a form approved by the Government and the records need to be kept for 3 months after the session was conducted.



GAMING



Gaming machines (or *pokies*) were first introduced into South Australian hotels and Clubs in 1994. Around 500 venues operate 12,000 gaming machines across the state.

South Australian gaming machines have a maximum bet of \$5, a maximum prize of \$10,000 and a minimum return to player (RTP) rate of 87.5%. From December 2020, machines in South Australia can be operated by inserting \$1 coins, bank notes up to a \$50 denomination, or using a “ticket in ticket out” system. There are no linked jackpots.

To own and operate gaming machines in South Australia you must have a gaming machine licence. Only holders of a *General and Hotel Licence*, *Club Licence* or *On Premises Licence* can apply for a gaming machine licence. Each gaming machine licence specifies the maximum number of gaming machines approved for a venue. The most any venue can have is 40 machines.

Gaming is a highly regulated activity; the gaming area, types of machines and games available must all be approved by the Liquor and Gambling Commissioner. The staff who will attend to the machines and customers must be notified to the Commissioner via the BOEN online System. The licensee (Club Committee) must also undertake a Personal Information Declaration (PID) in order to be approved in a position of authority.

GAMING MACHINE ENTITLEMENTS

To operate gaming machines, you need more than just a gaming machine licence; you will also need *gaming machine entitlements* (GMEs). GMEs are a bit like registration plates - you need one for every gaming machine you intend to operate. GMEs can only be bought and sold through a government-run trading system or from a special organisation called *Club One*. *Club One (SA) Limited* is the only holder in South Australia of a *special club licence* that enables it to buy and place Gaming Machine Entitlements (GMEs).

Gaming machine entitlements can only be purchased sold or moved between gaming venues in one of three ways:

- through the government's approved trading system
- under a contractual agreement with Club One, subject to approval by the Liquor and Gambling Commissioner
- under an arrangement between licensed non-profit associations, subject to approval by the commissioner.

If a gaming machine licence is held by a Club, entitlements can be transferred to another non-profit association under an arrangement approved by the Commissioner. This could be to allow the merger or amalgamation of gaming operations for the benefit of both non-profit associations.

Any changes to the number of entitlements held by a licence holder must be approved by the commissioner and will be stated on the gaming machine licence. This will not affect the maximum number of gaming machines that are approved for a venue.

Approved gaming machines can only be purchased from a licensed gaming machine dealer such as Ainsworth, Aristocrat, IGT, Konami, and SG Gaming.

GAMING MACHINE OPERATIONS

In South Australia, all gaming machines in hotels and Clubs are connected to a central computer monitoring system operated by the Independent Gaming Corporation (IGC). The IGC is owned by the peak industry bodies – Clubs SA and the AHA|SA. Gaming machine operators pay a monthly monitoring fee of around \$2.30 per machine. Apart from covering the costs of operating the IGC's computer monitoring system, this fee also contributes over \$2 million annually to the Gamblers Rehabilitation Fund, another \$17 million since 1996 to various charities and community service groups and also funding for the industry's responsible gambling agencies – Club Safe and Gaming Care.

Gaming staff can only perform a small amount of maintenance on their gaming machines, e.g. cleaning, clearing coin jams, changing some light globes etc. Licensees must have a contract with an approved service provider to service their gaming machines.

It is best practice for all Operators to keep extensive gaming records, such as cash clearances, hand payments, hopper fills, monthly cash flow reconciliations, gaming machine door opening, hopper weighs, and soft and hard meter readings. This provides operational security, identifies discrepancies and reduces theft.

The revenue from gaming machines is subject to state gaming tax. The rate of tax is lower for not-for-profit licensees such as Clubs and community hotels. Gaming tax is calculated on a sliding scale – the higher the revenue, the higher the tax rate - the highest rate for Club gaming tax is 55%.

While obtaining a gaming machine licence and GMEs for your Club is challenging, a successful gaming operation can be an entertaining and rewarding addition to your Club's hospitality facilities.

For more information on obtaining a gaming machine licence, members can contact Clubs SA. If your Club already has an existing gaming machine licence, you can contact Club SA and Club Safe with any queries regarding operating your gaming venue.

LIQUOR FEE TABLES

The fee structures for 2022 – 23 are as follows:

Table 1. ANNUAL LIQUOR LICENCE FEES

CLUB LICENCE	BASE FEE	PLUS CAPACITY FEE	PLUS TRADING HOURS FEE	PLUS CONSUMPTION OFF PREMISES FEE
Capacity up to 800	\$129	nil		
Capacity up to 1,200	\$129	\$96.75		
Capacity more than 1,200	\$129	\$129		
Close by 2am			nil	
Close between 2am and 3am			\$2,077	
Close between 3am and 4am			\$6,230	
Close between 3am and 4am			\$15,575	
Close after 5am			\$31,151	
CONSUMPTION OFF PREMISES Members only				nil
CONSUMPTION OFF PREMISES Members and Public				\$312

Table 2. SHORT TERM LIQUOR LICENCE FEES

Club running bar	Application Fee	Late Fee	Late fee applicable
Class 1	nil	\$99	less than 7 days before event
Class 2	nil	\$210	less than 30 days before event
Class 3	\$656	\$656	less than 60 days before event

INDUSTRY CONTACTS

CLUB SAFE
T 8290 2200
W WWW.CLUBSAFE.COM.AU

CLUB & HOSPITALITY TRAINING SERVICES
(CHTS)
T 8290 2200
W WWW.CHTS222.COM.AU

CONSUMER AND BUSINESS SERVICES (CBS)
T 131 882
W WWW.CBS.SA.GOV.AU

SAFEWORK SA
T 1300 365 255
E HELP.SAFEWORK@SA.GOV.AU
W WWW.SAFEWORK.SA.GOV.AU

RETURN TO WORK
T 131 855
W WWW.RTWSA.COM

TOBACCO CONTROL UNIT
T 8274 3451
W WWW.TOBACCOLAWS.SA.GOV.AU

SA HEALTH
T 8226 6000
W WWW.SAHEALTH.SA.GOV.AU

FAIR WORK OMBUDSMAN
T 13 13 94
E [ONLINE QUERIES](#)
W WWW.FAIRWORK.GOV.AU

AUSTRALIAN TAX OFFICE
T 13 28 66
E [LIVE CHAT](#)
W WWW.ATO.GOV.AU

REFERENCES AND FURTHER INFORMATION

[SAFEWORK AUSTRALIA](#)

[VOLUNTEERING SA/NT](#)

[NOT FOR PROFIT LAW](#)

[DEPARTMENT OF HUMAN SERVICES –
SCREENING UNIT](#)

[DEPARTMENT FOR COMMUNITIES AND
SOCIAL INCLUSION](#)

[DEPARTMENT FOR CHILD PROTECTION](#)

[OFFICE FOR RECREATION AND SPORT](#)

[DHS OFFICE OF VOLUNTEERS](#)

[SPORT AUSTRALIA](#)



Clubs SA House
222a Henley Beach Road
Torrensville SA 5031
T: (08) 8290 2200
E: admin@clubssa.com.au
W: www.clubssa.com.au

