



## Leigh Barrett and Associates Venue e-Newsletter April 2018

### General Issues

#### **\*\* URGENT - Know Your Licence Conditions for ANZAC Day**

Similar to the warning we gave last month about Easter, this-coming Wednesday, 25 April, is ANZAC Day. Every year many licensees fall foul of the regulators across Australia for not abiding by the opening hours conditions on their liquor licences. As LBA has stated in previously, for a licenced club or hotel, the most valuable asset you have is your liquor licence. *Any* breach of the liquor licence is regarded very seriously by the regulators and can result in significant increases in liquor licence fees, fines and even loss of licence.

Most RSLs are allowed longer hours of opening than other clubs and hotels on ANZAC Day that has been negotiated between the state branch and the regulator. In Victoria, if, normally, you are allowed to trade later than 3am, you must close at 3am.

***LBA urges venue partners to check the conditions on their liquor licence to ensure compliance with their closing time on the day before ANZAC Day and their opening time on ANZAC Day. If you are uncertain about the meaning of any of the wording on your licence email [george@leighbarrett.com.au](mailto:george@leighbarrett.com.au)***

### Gambling Issues

#### **\*\* Unclaimed Winnings Due 31 May**

Each year, gaming venue operators in Victoria are required to submit all EGM winnings that have not been claimed in the 12 months to 1 March of that year to the State Revenue Office by 31 May of that year.

The VCGLR has advised that, where previously, non-submission by 31 May did not generally attract enforcement action, as of this year enforcement action *will* be taken for non-compliance.

***Venue partners are reminded to ensure that they comply with this requirement.***

**\*\* EFTPos Within the Green Line Area**

Recently LBA has had questions from venue partners regarding the legality of having an EFTPos machine within the gaming room for the purchase of food or beverages. It appears that the Victorian *Gambling Regulation Act 2003* is silent on the matter. Clearly, a patron is not permitted to withdraw cash from a savings or credit account within the gaming room, however, there is not mention of making food and drink purchases via a saving or credit account in the gaming room.

***Venue partners who wish to make this facility available to patrons should have clear signage that no cash can be withdrawn via the EFPos in the room.***

**\*\* Self-excluded Patrons Must Not Be Loyalty Scheme Members**

Further to last month's article regarding the removal of self-excluded patrons from venue loyalty program, this also includes situations where a patron is self-excluded from one venue that has reciprocal membership rights with another venue from which that patron is not excluded. For example, members of one RSL Sub-Branch's Loyalty Program can accumulate points for attending another RSL as the programs are linked. However, if a member is self-excluded from one RSL Sub-Branch, then they cannot retain a Loyalty Program membership with another RSL, even if they are not self-excluded from the latter Sub-branch. Confused? Then just phone Leigh on 0408-525325

***Venue partners must ensure that all Self-excluded patrons are removed from any Loyalty Program to which members are linked.***

**\*\* VCGLR Supervision Charges Now Due**

This month, the VCGLR have issued invoices to gaming venues to pay a supervision charge to recover the costs of regulating the gaming industry. The invoice must be paid in full as a single instalment and be paid by 15 May. If venue partners do not pay the charge by the due date, a penalty of 20% per annum will be added.

Every venue operator is charged \$ 16.73 for each entitlements they hold plus \$ 191.15 for each gaming machine that they actually operate.

***If you have not received your supervision charge invoice by now, email [contact@vcglr.vic.gov.au](mailto:contact@vcglr.vic.gov.au) to find out where it is.***

## **Liquor Issues**

**\*\* 2018 Liquor Licences Must Be Displayed**

During recent audits, LBA has found that some venues are still displaying their 2017 Liquor Licence. Failure to comply with this provision can result in a penalty of \$ 793 and an increase in licence fees in future years.

Other penalties, including supplying an intoxicated person with liquor and supplying liquor to a person under 18 years of age can attract penalties in excess of \$ 19,000. LBA auditors can only be onsite at your venue when an audit is conducted.

***It is critical that venue partners are vigilant in ensuring that staff are aware of the venue's Responsible Service of Alcohol obligations.***

## **OH&S Issues**

### **\*\* Inspectors Out and About**

Occupational Health and Safety (OH&S) inspectors are constantly out auditing venue compliance with their OH&S obligations. As an employer you **must** provide a safe and healthy workplace for your workers, contractors and visitors.

This includes:

1. maintaining the workplace in a safe condition (such as ensuring fire exits are not blocked, emergency equipment is serviceable, and the worksite is generally tidy);
2. providing workers, contractors and visitors with adequate facilities (such as safe environment);
3. making sure workers have adequate information, instruction, training and supervision to work in a safe and healthy manner;
4. employ or engage people with the necessary qualifications or expertise to advise you on health and safety issues affecting your workers;
5. consult with employees on matters that may directly affect their health, safety or welfare;
6. nominate a senior management representative to deal with workers and their health and safety representatives in resolving health and safety issues at the workplace; and
7. provide your workers with information about your workplace health and safety arrangements, including the names of those to whom the workers can make an inquiry or complaint.

As you know, the penalties can be business-cripling with huge financial penalties and/or imprisonment for non-compliance. LBA will be including an inspection of these elements in our audits of venue partners from now on.

### **\*\* Return to Work Plans**

All venue operators must abide by the Occupational Health and Safety (OH&S) legislation and regulations. This includes having Return to Work policies and Procedures and a nominated Return to Work Officer that oversees the process.

***If you would like to have your OH&S Program fully audited for its compliance with its OH&S obligations, email [jim@leighbarrett.com.au](mailto:jim@leighbarrett.com.au)***

## Food Safety Issues

### \*\* Are You Checking Hot and Cold Held Food?

Venue partners are reminded that hot and cold held (beau marie) food temperatures must be checked in accordance with Food Safety legislation. Not only is it legislatively required, it is also not a good look when a patron suffers food poisoning!

*As advised in previous newsletters, Ann Humphrey is the registered Food Safety specialist on the LBA team. If you would like to arrange a Food Safety audit of your venue, email [emma@leighbarrett.com.au](mailto:emma@leighbarrett.com.au)*

## Privacy Issues

### \*\* Have You Updated Your Privacy Policy?

In February 2018 amendments were made to the *Privacy Act* 1988. Previously, there were no requirements to notify individuals affected by a data breach.

Now, if you have reasonable grounds to *believe* there has been an eligible data breach you must notify the Office of the Australian Information Commissioner (OAIC) and the individuals whose data was affected with:

- A description of what occurred;
- The kind of information concerned; and
- The recommended next steps that individuals affected should take in response to the data breach.

*Venue partners should look at their Privacy Policies to ensure they comply. For advice, email [leigh@leighbarrett.com.au](mailto:leigh@leighbarrett.com.au)*

## The Final Word

### \*\* LBA and SET Join Forces

From 16 April 2018 Somers Elite Training (SET) was incorporated into Leigh Barrett and Associates. Julie Barrett (no relative of Leigh Barrett) will still retain her role as SET CEO but will also assume the role of General Manager – Operations with LBA. Some venues have already been audited by Julie in her new role. We welcome her officially to the team.



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