

## Drinking Alcohol Around the Grounds...

### Does it affect your Club?

The drinking of alcohol around the grounds (ovals & courts) can have significant implications for your club and your liquor licence. Many variables need to be carefully considered to ensure any alcohol consumption around ovals and courts is done both legally and responsibly.



Having a clear understanding of regulated areas, your duty of care obligations to patrons and ensuring your club's licence actually covers areas where drinking occurs, is essential.

The following information is provided to help your club:

- consider your own circumstances carefully, and
- further develop your understanding of the legal duty of care you owe to members and patrons.

### What is a regulated premise?

**Regulated premises are 'public places used for the purposes of an organised event, where admission to the event is gained by payment of money, presentation of a pre-paid ticket or purchase of some item.'**

**NOTE: It is an offence to sell, supply or consume liquor on 'regulated premises' (without a licence for that area)**

Office of the Liquor and Gambling Commissioner 2009, [http://www.olgc.sa.gov.au/default.asp?menu=general&page=general/limited\\_licence/limited\\_licence\\_Regulated\\_Premises\\_021203.htm](http://www.olgc.sa.gov.au/default.asp?menu=general&page=general/limited_licence/limited_licence_Regulated_Premises_021203.htm)

For example: an event at a bowls club or football finals where an admission fee is charged at the gate (by the club, league or another party) would cause the whole area to be classified as a regulated premise. Whoever charges the admission will be deemed to 'be in control' of that area and thus owe a duty of care for people using that regulated area.

The following legal statements highlight variables that your club needs to consider in assessing your club's circumstances and compliance with the law:

- People **cannot** BYO alcohol to unlicensed club grounds that are deemed to be a regulated premises.
- People can **only** BYO alcohol if the area where they will be drinking liquor is also licensed **and only** if the licensee allows BYO around the grounds. **For example**, if only the bar and club rooms are licensed then people **cannot** drink around the oval.
- If admission is not charged and there is no licence covering the outside area, then the area is a public place, and consumption of alcohol may be permitted - subject to any dry area or council regulations.

#### IMPORTANTLY

If your liquor licence allows for drinking alcohol around your oval, court or whole grounds, your club will owe a legal duty of care to people consuming alcohol in those areas. If people drink irresponsibly and harm themselves (or others) in these outdoor licensed areas, the club may be liable.



Similarly, if your club has a licence but does not 'license' the club grounds beyond the clubrooms, and people consume alcohol around the grounds, your club can still owe a legal duty of care (even if the grounds are council owned and you are only leasing the area).

In the eyes of the law, *leasing* can mean that the grounds are exclusively 'controlled' by the club, even if the club doesn't own the grounds. If you are deemed to be in 'control of the grounds' you owe a legal duty of care.

### Further information

If you or your club are not clear about your legal duty of care OR would like to redefine your licensed area, contact the Office of the Liquor and Gambling Commissioner on Ph (08) 8226 8410.