

SPORTING MATTERS

June 2014



Event Recap

Corporate Governance & Sporting Organisations – What Keeps a Board Member Awake at Night?

We would like to thank all the participants of our March breakfast seminar on Corporate Governance & Sporting Organisations, with special mention to our panel of experts that included:

- Mike Allenby, recently retired Chairman of the WA Sports Federation;
- Wayne Bradshaw, former CEO of the West Australian Football Commission Inc; and
- Grant Boyce, Olympian who represented Australia at the Los Angeles Games in 1984 and current Chairman of the Board of the WA Institute of Sport.

We had an engaging session resulting in many questions being asked and important issues raised. The key points that came out of the discussion were:

- Building the right culture at the club is crucial, both at the Board level and amongst the members. This not only assists in ensuring that the club works together towards achieving a common goal, but also helps to establish transparency and accountability within the Board.
- The constitution of a club or sporting organisation is a document that is often overlooked despite its importance. It should serve to guide the Board in various matters such as membership of the Board, the conduct of general meetings and other aspects of club management.
- Clubs can and should seek assistance from sporting bodies such as the Department of Sports and Recreation and the WA Sports Federation when they are confronted with issues that they may find difficult to resolve.
- Before deciding to become a member of a Board, an individual should carry out the necessary due diligence so as to be aware of the potential challenges and liabilities that the individual might face.

Save the Date

In late August, we will be holding our next seminar in our Sports Breakfast Series, focussing on head injuries in sport and the role of sporting clubs in identifying and managing risk.

Recently, Department of Sport and Recreation director-general Ron Alexander labelled concussion as “an emerging and serious issue”.

- Where does liability extend?
- Are we projecting a litigious mind-set on playing sport, to its detriment?

Please contact Isla Rollason on (08) 9429 7624 for further details.



Important Changes to Australian Privacy Laws

On 12 March 2014 the new Australian privacy law amendments came into effect.

These changes to the Australian *Privacy Act 1988 (Cth)* (**Privacy Act**) affect organisations and agencies that collect and maintain records of personal information such as names, addresses, phone numbers, email addresses and other information about individuals.

The changes to the Privacy Act:

- create a new set of *Australian Privacy Principles (APPs)*, that apply to both the private sector and the Commonwealth public sector;
- create new rules around direct marketing, requiring greater consent from consumers;
- require that businesses develop and document a privacy compliance program that ensures compliance with the APPs, and adequate privacy complaints handling mechanisms;
- impose full liability directly on Australian businesses for breaches of the APPs by their offshore data storage contractors; and
- allow for civil penalty orders of up to AU\$340,000 for individuals and up to AU\$1.7 million for bodies corporate (including incorporated associations) that breach privacy laws.

Do the Australian Privacy Principles Apply to You?

The Australian Privacy Principles or the APPs are a combination of the former Information Privacy Principles (applicable to government) and National Privacy Principles (applicable to business).

The APPs apply to business organisations, such as companies, trusts, partnerships and other bodies corporate and to Australian Federal Government agencies. However, small business operators (turnover less than AU\$3 million) and certain other entities (such as registered political parties) are exempt from the legislation.

How Does this Affect You?

If your organisation collects personal information it may need to have a privacy policy and develop formal policies which govern the way it deals with personal information.

With substantial local and international experience dealing with privacy and data protection law, Squire Patton Boggs can help you understand these new laws and help to make sure that your organisation is compliant. For assistance drafting a privacy policy or advice regarding Australian privacy laws and compliance, please contact us.



Club Liquor Licences – Are You Still Compliant?

Having a drink with team mates has become an important collective part of grass root sport, regardless of code. A club liquor licence often facilitates a social camaraderie between various levels of your player and member community, often with additional financial benefits for a club. However, it also requires strong and responsive control, awareness of associated risks and considered management plans. This burden falls on the club and its Board.

The WA State Government is currently considering 141 recommendations made in the report released by the Independent Review Committee of the *Liquor Control Act 1988 (WA)* (**Act**) on 14 January 2014.

The report has been criticised for focusing too heavily on the health and police sectors, with much harsher penalties recommended for actions such as selling and supplying alcohol to minors.

This is a good opportunity for sporting clubs and associations to revisit their liquor licensing and service obligations and ensure that staff, members and club policies are in compliance with the Act.

The following are some key things that all clubs need to consider:

- What type of licence do you have and what restrictions have been imposed?
- What are your allowable trading hours and how do you ensure compliance with them?
- Does your club have an up-to-date register of members?
- Do your junior members access the club rooms during licensed hours? What protocol is in place to check for identification and/or avoid underage drinking?

- What policies are in place to avoid “lock-ins” and the consumption of off-premises alcohol?
- How do you ensure that alcohol is not taken off-premises?
- Are the licensee and approved manager appropriately accredited in the Management of Licensed Premises?
- Have all people serving alcohol on site completed the Provide Responsible Service of Alcohol course? What is the club policy in checking that this has occurred?
- Is free drinking water readily available?
- What protocol is in place for identifying and responding to drunkenness on site? Does the club have a policy in line with the Act in terms of defining “drunk”?

If you are concerned with the status of your club’s alcohol policies and liquor licence compliance, please contact us. We provide a range of services and can audit existing protocol and provide recommendations for the future.



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