

Holding events in Victoria

A guide for Victorian community organisations

Mar 2022



Contents

Part 1	5
Legal issues to consider when holding an event	6
Does your organisation need a permit?	7
How to get a permit	8
Other ways to identify which permits may be needed	8
Hiring a venue or equipment	9
Copyright, marketing and promotions	9
Playing live music, recorded music or music videos	9
Marketing and promotions	10
What about insurance?	11
Getting your own insurance	11
Additional insurances	11
What are your safety obligations?	11
Do you have to provide accessible events and activities?	13
What if you have sponsorship for the event?	14
Do you need to consider fundraising laws?	14
Tax considerations	14
Tax deductible gifts	14
Goods and Services Tax (GST)	15
Other issues	15
Acknowledgement of Country	15
Local council	15
Noise management	16
Events which may impact public transport, roads and traffic	16
Handbills	16
Toilets	16



Part 2	17
Considerations for events that involve food	18
Does your organisation need a permit from the local council to provide food?	18
What is 'minimum record' keeping and when must you use it?	21
What is a Food Safety Program and do you need one?	21
Does your organisation need a Food Safety Supervisor?	22
What are the requirements for the preparation of food?	22
What are the requirements for the labelling of food?	23
What are the requirements for food storage, display and serving?	23
If someone is injured as a result of eating your food, will insurance cover you?	24
Part 3	25
Considerations for events that involve alcohol	26
Overview of liquor licensing law	26
What do you need to do if you are holding an event with alcohol?	27
What is the role of the police and the local council in the liquor licensing process?	27
The police	27
Your local council	28
If you serve alcohol, what signs are required?	28
What about smoking?	28
What steps can you take to minimise risks at your event involving alcohol?	28
Responsible service of alcohol	28
Food	28
Inform your local neighbourhood	29
First aid	29
Public liability insurance	29
Part 4	30
Considerations for events that involve travel	31
Main areas of risk	31
Personal injury	31
Occupational health and safety	32
What kind of risk management can you conduct to prevent travel incidents?	33
Risk identification and management process	33
Registration, maintenance, insurance and licences	33
Policies	33
Authorities	33
Medical consent	34



What kind of insurance do you need for events that involve travel?	34
Public liability insurance	34
Motor vehicle insurance.....	34
Travel insurance	34
Should you let your volunteers or employees use their own cars?	35
Are there laws that regulate the use of buses?	35
What if you are transporting children?	35
Working with Children Check	35
Parent or guardian's informed consent	35
Medical consent	35
Part 4	37
Considerations for events that involve sport and adventure activities.....	38
Who will be liable if someone participating in your activity is injured?	38
Is it enough to warn people or get them to sign waivers?	40
What steps can you take to reduce the likelihood of an incident?	40
Are there codes of practices or standards you can follow?	41
Australian Adventure Activity Standards	41
Sporting standards	41
What insurance will you need?	41
What if you're organising sporting events for children?	42
Working with Children Check	42
Parent or guardian's informed consent	42
Medical consent	42
What other laws should you be aware of?	43
Annexure	44
Event checklist.....	45



Part 1

**Legal issues to consider when
holding an event**

Legal issues to consider when holding an event

This section covers:

- ▶ permits
- ▶ hiring a venue and equipment
- ▶ copyright, marketing and promotions
- ▶ insurance
- ▶ safety
- ▶ accessibility
- ▶ sponsorship
- ▶ fundraising
- ▶ tax considerations,
- ▶ other issues

This guide outlines some of the main legal issues community organisations should consider when organising and holding an event in Victoria.



Note

This guide does not specifically cover issues for events run outside of Victoria, even if the organisation running the event is Victorian-based. However, you will need to consider many of the same legal issues if you are running an event outside Victoria.

This guide contains general information, is not intended to provide an exhaustive list of all issues your organisation should consider and should not be used as a substitute for legal advice or tax advice. Your organisation may need to get specific legal and tax advice about its event plans and potential legal responsibility.

Please refer to [the full disclaimer](#) that applies to this guide.



Caution – government restrictions (eg. COVID-19)

The ability of organisations to hold events may be subject to any government restrictions in force in your state or territory at all relevant times.

You need to make sure your organisation complies with these restrictions, which may relate to public safety, climatic or local conditions.



Event checklist

Use [our checklist](#) to help you work through some of the legal considerations for community organisations when holding an event.

Does your organisation need a permit?

The permits that your community organisation may need before holding an event (and for the duration of the event) will depend on:

- the type of event
- the activities that will take place
- the facilities which will be provided to patrons and participants including any particular goods or services (such as food, alcohol, merchandise and gaming), and
- the particular requirements of the relevant local council and other authorities



Permits are generally required for the following events and activities:

- holding an event on council or other public land
- setting up a temporary structure or using a venue for a purpose it is not designed for
- serving food to the public
- serving alcohol to the public
- playing live or recorded music
- displaying signs and banners
- community gaming
- setting up a market stall
- filming on council land
- access to St John Ambulance services
- participation in the [Victorian Companion Card Program](#)
- using gas cylinders to cook or for other purposes
- using an open flame
- using fireworks, and
- using the footpath or closing a road

This is not an exhaustive list and there may be other permits required for your event.



Example

For a fun run, you may need permits to:

- close a road or footpath
- provide access to St John Ambulance services
- film the event if it takes place on council land
- put up signs and banners marking the start and finish line, and
- play music and serve food and drink at the finish line

How to get a permit

Always check with your local council to see what permits you may require from them or other relevant authorities. Most councils have officers who can provide your organisation with information about permits, venue availability, public liability insurance requirements, selling food or alcohol and other issues associated with your event. This information may also be available on your local council's website.

Depending on the type and size of your event, some local councils will also ask for a risk management plan, and often provide detailed event planning guides to help you through the process.

You may also need to contact other authorities, such as the [Victorian Gambling and Casino Control Commission](#) (for liquor licenses and other kinds of permits).



Caution

If you're running a sporting event on ANZAC Day, be aware that, without the written approval of the Minister, you may not hold sporting events to which people are required to pay a fee or make a donation.

The Minister may approve the sport event if the sport doesn't start before 1pm and a payment is made to the ANZAC Day Proceeds Fund or RSL Patriotic Welfare Fund.

Sporting events that don't charge a fee or seek a donation don't need approval.

Other ways to identify which permits may be needed

One way to identify local, state and federal permits, licences and registrations that are relevant to your event is to access the [Australian Business Licence Information Service \(ABLIS\)](#).

Although designed mainly to help small businesses, ABLIS may be helpful for community organisations working out the permits, licences or registrations they need.



Tip

The ['Not sure where to start' search option](#) is a useful way to determine which licenses and permits you may need depending on the type of event that you plan to hold.

The [Business Victoria website](#) also has a events and festivals planning information page with a guided planning tool and permit search function.

Melbourne City has published an [Event Planning Guide](#) and other resources.



Hiring a venue or equipment

An agreement to hire a venue or equipment is usually a legally-enforceable contract.

This means it's important to read the terms and conditions of the contract carefully and make sure your organisation can comply with these. In particular, be aware of the terms and conditions relating to insurance, liability and indemnity (see below) and your organisation's obligations to repair or replace any damage to equipment or property.

You should also carefully consider your payment obligations and whether these will still apply if you need to cancel the event for any reason (such as not selling enough tickets, because of poor weather conditions or because of COVID restrictions).



Note

You may still have to comply with your contractual obligations under a hire agreement, even if your event doesn't run. You should obtain legal advice if you don't understand the terms of a hire agreement, or if it imposes significant financial obligations on your organisation. Similarly, you should seek specific legal advice if it becomes necessary to postpone or cancel your event.

Copyright, marketing and promotions

Playing live music, recorded music or music videos

If you are planning to broadcast, communicate or publicly perform recorded music or music videos at your event, there are two main copyrights to consider:

- the copyright in the musical work, and
- the copyright in the audio recording of the musical work

You can obtain a licence that covers the copyright in the public performance of both the musical work and sound recording from [OneMusic Australia](#).

However, these licences are available separately from [Australasian Performing Right Association Limited and Australasian Mechanical Copyright Owners Society \(APRA AMCOS\)](#) and the [Phonographic Performance Company of Australia Limited \(PPCA\)](#).



Caution

Simply buying a CD or a DVD doesn't give your organisation the right to play that music or music video in a public setting or at a public event.



Examples

If you play music protected by copyright out loud in a public place, for a commercial purpose, this is a public performance of music and requires a licence from OneMusic Australia.

OneMusic Australia offers more than 20 licence types, including for:

- clubs – including bar, dining and gym areas, certain 'featured' musical events and dance classes
- community halls – not owned by the local council, including church hall, scout/guide hall or arts halls
- community music groups – bands, choirs, ensembles and other performance groups
- functions – convention and conference centres, exhibitions, summits, fairs and awards nights
- places of interest, activity and amusement – bowling alleys, fun parks, zoos, museums, sporting venues, exhibition spaces, galleries and other places of entertainment
- sports – sporting venues and clubhouses, and
- schools

Marketing and promotions

Before marketing an event, make sure you have the necessary permissions if you are using photographs, videos and text. This also includes using photographs, videos, music or text on online forums (for example, your website or blog) or on social media platforms. You may need permission from the copyright owner for materials that have been created by someone else.



More information

Refer to the [Australian Copyright Council website](#) for information about when permission is required and how to request permission to use copyrighted works.

When advertising an event, make sure your organisation abides by any applicable laws or codes, such as consumer laws regarding misleading and deceptive conduct.

In addition, if you plan to take pictures or videos at your event and want to use the images or film in a public forum, or in future promotional material, (such as a website, brochure, newsletter, pamphlet or poster) you may need to seek permission from the people who appear in the content pursuant to privacy laws.

Seeking permission often means obtaining signed release forms from the people who appear in any images or videos you collect. A release form should explain what you'll be using the image or video for, and you should not use or share the image or video for any purpose other than that stated. Some local councils require you to obtain a permit before the event if you plan to take pictures or videos at your event.



More information

For more information, see our [guide to advertising and fact sheet on social media on our communications and advertising webpage](#).

What about insurance?

Getting your own insurance

As the organiser of an event, it's likely your community organisation will need to take out public liability insurance, particularly if your event will be held on council or public land.

Often, the owner of land or a venue you want to hire will insist that your community organisation have public liability insurance of at least \$20 million. You should check with your local council for further information. Some councils and other organisations will also ask you to list them in your policy as an 'interested party' and will request a copy of the policy (or the certificate of currency) before giving permission to hold your event.



Caution

Your organisation should not ignore requirements set out in lease agreements or permit conditions.

It may be a condition of your agreement to use the land or venue, or a condition of a permit, that all parties providing entertainment are covered by your insurance. Make sure you carefully read all your agreements and permits well in advance of your event.

Additional insurances

There may be a range of other insurances that your organisation will be required to get or will need to consider. These may include:

- if you are selling food or other products to the public – **product liability insurance**
- if you are relying on volunteers to help you with the event – **personal accident insurance**
- if you are hiring employees to help you with the event – **workers compensation insurance (WorkSafe Injury Insurance)**, and
- if you are hiring independent contractors – review the agreements that you have with your independent contractors. Such agreements should specify the insurance cover you need your independent contractors to have in place



More information

For more information about insurance, see our [webpage on risk and insurance](#).

What are your safety obligations?

Your organisation will have a legal obligation to make sure your event is safe.

Your organisation owes this obligation to the people involved in organising the event (volunteers, employees, independent contractors) and anyone who comes to the event (members of the public).

Generally, organisers of an event will owe a duty of care to participants. This means that an organisation must take precautions against any reasonably foreseeable risk of harm to people attending events.



In determining legal responsibility, courts will consider whether:

- your organisation reasonably foresaw (or should have reasonably foreseen) that its activities and actions (or inaction) created a risk of loss, damage or injury to a participant
- the risk of harm was not insignificant
- in the circumstances, a reasonable person would have taken precautions against the risk of harm, and
- the harm occurred because of the negligence (so it's appropriate for the scope of legal responsibility to extend to the harm caused)

Reasonably practicable steps

Occupational health and safety (OHS) laws also impose a duty of care on employers to take reasonably practicable steps to protect the health, safety and welfare of workers in Victoria.



What is reasonably practicable is what is reasonably able to be done to ensure health and safety, including:

- the likelihood of the hazard or risk occurring
- the degree of harm that might result from the risk
- what the organisation knows (or ought to know) about the risk and ways of eliminating or minimising the risk
- the availability and suitability of ways to eliminate or minimise the risk, and
- the cost of eliminating or minimising the risk, including whether this is disproportionate to the risk

Negligence or reckless conduct, or failure to comply with a health and safety duty is an offence which can attract a penalty, imprisonment, or both.



More information

- WorkSafe Victoria has a number of tools your organisation can use to undertake a risk assessment of your proposed event – see the [WorkSafe Victoria website](#)
- For more information about occupational health and safety laws, see our [webpage on occupational health and safety](#)

Your local council should also be able to provide specific advice in relation to safety, security and emergency procedures that apply to your community organisation's proposed event (and may require a safety plan to be put in place).

To ensure the safety of equipment, goods and persons, consider whether you need to notify some groups (or organise for them to be at your event), including:

- Victoria Police
- Metropolitan Fire Brigade, Country Fire Authority or State Emergency Service
- an appropriately qualified first aid provider, for example St John Ambulance
- private security, and
- [WorkSafe Victoria](#)



More information

[WorkSafe guidance](#) on managing events safely

[Victoria Police guidance](#) on running event, including the [Victorian Guidelines for Planning Safe Public Events](#) (developed through the collaboration of multiple agencies to present best practice for organisers in planning and executing events across Victoria)



Tip

Consider whether you need to arrange background checks or Working with Children Checks for certain people. See our [webpage on background checks](#).

Do you have to provide accessible events and activities?

Equal opportunity legislation applies in Victoria. These laws may prohibit discrimination against certain people on the basis of a person's impairment or disability, age, sex, race, religious beliefs, status as a parent or carer, pregnancy or breastfeeding among many other attributes. Some exceptions to the laws apply.

In general, equal opportunity laws apply when providing goods and services to the public. They also apply in other circumstances (for example in employment, sporting activities, and membership of clubs).

Your organisation should put reasonable measures in place to ensure that your event (including providing goods and services) is accessible to all people.



More information

- [Guidance on making your event accessible](#) published by Boroondara City Council's Social Inclusion and Policy Officer and Community Support Officer with assistance from Council staff
- [The Disability Advocacy Resource Unit website has published articles and guidelines on making events accessible including \[Accessible Events: A Guide for Meeting and Event Organisers\]\(#\) and a \[Guide for Accessible Events for People with Disability\]\(#\).](#)



Tip

Before planning an event, check that the venue can reserve or allocate seating for people who use a wheelchair. Select accessible venues for people who may have physical disabilities such as hearing or sight limitations, or who require wheelchair access.



Tip

If you are charging an entry fee for your event, register for a [Victorian Companion Card](#). This allows people with a disability requiring lifelong attendant care support from a companion to attend events and projects without having to pay for a second ticket for their companion.

What if you have sponsorship for the event?

If your community organisation is intending to share the cost of staging an event through sponsorship, it's recommended that you and your sponsor partner enter into a sponsorship agreement.

A sponsorship agreement will generally be a legally enforceable contract. Your organisation should be sure that it can comply with the terms of the contract, especially if there are any conditions around sponsorship money (for example, any requirement that your organisation refund sponsorship money if you don't meet your obligations under the agreement or if the event is cancelled). If you have any concerns about a proposed sponsorship agreement you should seek legal advice.

Do you need to consider fundraising laws?

There are laws that regulate fundraising in Victoria.

In Victoria, a 'fundraising appeal' is defined as soliciting or receiving money or some other benefit with the representation that it is not solely for the profit or commercial benefit of that person or any other person.

In most cases your organisation will need to ensure that it is registered to conduct fundraising appeals. Some organisations are exempt from registration. For example, there is a general exemption for fundraising less than \$20,000 and using only unpaid volunteers.

There are also separate laws that regulate raffles, bingo and gaming, which are administered by the [Victorian Gambling and Casino Control Commission](#).



More information

For more information about fundraising law and gaming law requirements, see our guide to fundraising and our fact sheet on fundraising events involving minor gaming on our [fundraising webpage](#).

Tax considerations

Tax considerations may be relevant to fundraising at your event.



Note

Donations and contributions are treated differently.

Tax deductible gifts

If you want donors to be able to give tax deductible gifts or donations at your events, you need to be endorsed as a deductible gift recipient (**DGR**).

Certain requirements need to be met in order to become a DGR or to satisfy tax deductibility requirements for benefiting donors.



More information

For more information on gifts and fundraising, see the [Australian Tax Office website](#) and our [webpage on DGR](#).

Goods and Services Tax (GST)

You may also be required to pay GST if you are selling tickets to your event. Generally, if you are registered for GST and you are selling tickets to a fundraising dinner or similar function in the course of your organisation's activities, you must pay GST on the tickets you sell. However, you should seek specific tax advice in relation to this issue. There are GST concessions and rebates available to many charities and not-for-profits.



More information

For more information, see [our webpage on Goods and Services Tax](#).

Other issues

There are many other issues you may wish to consider when organising your event. The following is a non-exhaustive list.

Acknowledgement of Country

An Acknowledgement of Country is an opportunity for anyone to acknowledge that Australia has an ancient and proud Aboriginal history and complex ownership and land stewardship systems stretching back many thousands of years. It pays respect to the Traditional Owners of the land.

An Acknowledgement of Country is given at the beginning of a meeting, speech or event (such as conferences, events, concerts, government and local government meetings and official openings).

A Welcome to Country is also given at the beginning of a meeting, speech or event, but may only be delivered by Traditional Owners, or Aboriginal and Torres Strait Islander peoples who have been given permission from Traditional Owners, to welcome visitors to their Country.



More information

For more information, see:

- the [Protocols for Recognising Traditional Owners](#) on the First Peoples – State Relations website
- the guide to giving an Acknowledgement of Country published on the [Reconciliation Australia website](#)

Local council

It's important to discuss your proposed event with the local council to find out the particular processes that might apply to the local council area, including:

- any formal approvals that might be required, and
- any particular rules or regulations that may apply to the location in which you wish to hold your event



Noise management

Managing noise at events using public open spaces is an important consideration. Local councils may place restrictions on noise levels, as well as limits on use of amplification, unless written approval from the council has been obtained (for example, not to exceed 72dB when measured three metres from the sound source, or amplified sound must not start before, and must end by, certain times).

Residents may lodge a complaint that your event is adversely impacting on the amenity of the area and the local council may investigate and take action if they feel contraventions have occurred.

As an event organiser, you will need to consider the amenity of the surrounding area when running your event. This includes considering the noise from music, broadcasts and amplified speeches, vehicles, event activities, lighting and patrons and then thinking of ways to mitigate potential disturbances of the neighbourhood.

Events which may impact public transport, roads and traffic

If your event involves holding an event or filming on a road in Victoria, you will need to get permission from VicRoads or the local council. VicRoads must give permission where the event requires exemptions from the Road Rules or other laws. See the VicRoads website for more information.

If your event is likely to have an impact on public transport (for example, trams, buses, trains), or your event will require large numbers of people to be transported by public transport, you must submit an event notification form to Public Transport Victoria (**PTV**).

An event has 'impact' if it may delay, replace, deviate or cancel a public transportation service. If you are unsure whether your event is likely to have an impact on public transport, a self-assessment checklist is available and you can contact PTV to further discuss the likely impact of your event on public transport.

Be aware that there are long lead times for notifying PTV (for example, if you expect over 10,000 attendees, 150 days' notice to PTV should be given) and if the event is likely to have an impact on public transport, you will need to prepare a Public Transport Plan.

Handbills

Handbills' includes flyers, leaflets, brochures, place cards, notices, pamphlets, free newspapers or other printed materials. You may wish to distribute handbills before and at your event.

You should check whether there are any specific requirements at your local council, including whether a specific permit is required, what those permit conditions are, and whether any bond or infringement notices will be levied if those permit conditions are breached. In some cases, permit conditions may stipulate that the handbill itself must contain specific information (such as 'Do Not Litter' in readable font).

The City of Melbourne has a handbill permit that must be applied for [online](#). The handbill permit allows up to two people (per permit) to distribute handbills at specified locations.

Toilets

Organisers should ensure there are an adequate number of toilet facilities available to attendees, based on the number of persons expected to attend. Where existing toilet facilities are inadequate for an event, additional portable units must be made available.

Toilet locations should be:

- well-marked (including with appropriate signage where applicable)
- well lit (including the surrounding area) if night usage is expected
- serviced on a 24-hour basis (including pump-out of portables) or more frequently if required during the event (with vehicle access made available), and
- located a suitable distance from food storage and food service areas

Where portable facilities are being provided, you should consider discussing these issues with a trusted supplier. Unisex toilets will also need to be provided for people with access needs.

You can find more information about providing toilet facilities and the required numbers for events in the [City of Melbourne Event Planning Guide](#).



Part 2

**Considerations for events that
involve food**



Considerations for events that involve food

This section covers:

- ▶ does your organisation need a permit from the local council to provide food?
- ▶ what is 'minimum record' keeping and when must you use it?
- ▶ what is a Food Safety Program and do you need one?
- ▶ does your organisation need a Food Safety Supervisor?
- ▶ what are the requirements for the preparation of food?
- ▶ what are the requirements for the labelling of food?
- ▶ what are the requirements for food storage, display and serving?
- ▶ if someone is injured as a result of eating your food, will insurance cover you?

In Victoria, the *Food Act 1984 (Vic)* (**Food Act**) administered by the Food Safety Unit of the Department of Health and Human Services (**Food Authority**) regulates the way that food is provided to the public to ensure that food is safe and suitable for human consumption.



Caution – government restrictions (eg. COVID-19)

The ability of organisations to hold events is subject to any government restrictions in force in your state or territory. These may include COVID-19 or other disease-related restrictions. You need to make sure your organisation complies with these restrictions.

For up-to-date information and advice for the sale and service of food, also see:

- [Novel Coronavirus and Food Safety page](#) on the Food Safety Australia New Zealand (FSANZ) website, and
- [Business and industry - COVID-19](#) on the Food Authority website

Does your organisation need a permit from the local council to provide food?

Under the Food Act, all organisations that supply food to the public must notify or register with their local council, regardless of whether they are a for-profit (business) or a not-for-profit organisation.

Classification

Your organisation will be classified according to the level of risk involved in its food handling activities – class 1 being the highest risk and class 4 the lowest.



Different requirements apply depending on which class the local council determines your food handling risk falls into. More information about the different classes is provided on the [Food Authority website](#).

Some businesses, organisations and community groups have a predetermined classification, which are listed on the [Food Authority website](#).



Note

The Food Authority defines a **community group** as a not-for profit body, or a person or unincorporated group of persons undertaking a food handling activity solely for the purposes of raising funds for charitable purposes or for a not-for-profit body.

Class 4 (lowest risk)

In general, class 4 for a community group involves:

- pre-packaged low risk food (like jams and honey)
- sausage sizzles where sausages are cooked, served and immediately consumed (notification requirements and food safety tips can be found on the [Food Authority website](#))
- cake stalls where only packed or covered cakes without cream fillings are sold (notification and food safety tips can be found on the [Food Authority website](#))
- biscuits, tea or coffee sold by a community group (with or without milk or soymilk), and
- sessional kindergartens where cut fruit is served to children

Class 3

In general, class 3 for a community group involves:

- potentially hazardous food, cooked with the intention that the food is sold for immediate consumption
- low-risk food or pre-packaged, potentially hazardous food
- handling of food largely by volunteers, and
- events no longer than two consecutive days at any one time

Food fundraisers that fall into class 3 include those involving hamburgers (registration requirements and food safety tips can be found on the [Food Authority website](#)).

Class 2

In general, class 2 for a community group involves:

- preparing potentially hazardous food that is cooked, refrigerated, then reheated (for example, festivals selling rice dishes that have been precooked, stored in a cool room and then reheated)
- preparing and selling potentially hazardous food containing raw ingredients that has not been involved in a 'kill step' (such as homemade mayonnaise and desserts containing raw ingredients like egg)
- canteens preparing and serving potentially hazardous food (located in schools, workplaces, sporting clubs, universities or TAFEs, physical disability centres, drug and alcohol rehabilitation centres)
- camps (school, religious and others) preparing and serving potentially hazardous food
- handling of food largely by volunteers, and
- events no longer than two consecutive days at any one time

Food fundraisers that fall into class 2 include those involving sandwiches, curries, scones with jam and cream and other high risk foods (registration requirements and food safety tips can be found on the [Food Authority website](#)).



Class 1 (highest risk) Class 1 involves supplying **potentially hazardous foods** to the people most vulnerable to food related illnesses, such as people in hospitals, children's services and aged care.

Potentially hazardous foods are foods that have to be kept at certain temperatures to prevent growth of microorganisms or formation of toxins in food. These include:

- raw and cooked meat (including poultry and game and foods containing raw or cooked meat)
- smallgoods (such as ham and chicken loaf)
- dairy products (not pasteurised milk, but does include custard and dairy-based desserts)
- seafood (not live seafood, but does include seafood salads, patties, fish balls and stews containing seafood and fish stock)
- processed fruits and vegetables (including fruit salads and juices)
- cooked rice and pasta
- foods containing eggs, beans or other protein-rich foods (including quiche, fresh pasta and soybean products)
- foods such as sandwiches, rolls and cooked and uncooked pizza that contains the foods listed above

It's important that you review the legislation regularly. Changes to the classification system were made as part of the [Food Safety Reform Program 2018-21](#). A summary of the classification changes can be found on the Food Authority website.

Notification

If your community organisation is classified as class 4, you only need to notify your local council. You can notify the council using [Streatrader](#) if you are operating from a temporary or mobile stall, truck, van or cart.

Class 4 organisations that are mobile food premises are also required to lodge a [Statement of Trade](#). You can lodge a Statement of Trade on [Streatrader](#).

Registration

If you don't fall into class 4 (that is, you fall into classes 1, 2 or 3), you will need to register with (rather than simply notify) your local council, providing details of:

- your community organisation
- your event (when and where the event will be held)
- the type of food to be served, and
- equipment being used

Registration is often required well in advance of the event, especially if the local council needs to conduct an inspection.

If you plan to change the type of food you will be handling, you must notify your local council so they can decide whether you will be reclassified.

Contact your local council for an application to register a temporary food premises.

Registration is often required well in advance of the event, especially if the local council needs to conduct an inspection.

If you plan to change the type of food you will be handling, you must notify your local council so they can decide whether you will be reclassified.

You can register with the council using [Streatrader](#) if you are operating from a temporary or mobile stall, truck, van or cart.

Failure to register your organisation can attract a civil penalty.



What is 'minimum record' keeping and when must you use it?

In addition to the registration process described above, if you fall into class 3, you need to keep 'minimum records'.

The 'minimum record' keeping requirements are for you to keep basic records about food safety – like who your suppliers are or information about any potentially hazardous food. Generally, the records must be kept for one year. The types of records required to be held differ depending on whether you are a community group or other organisation.



If you are a community organisation, you must keep the following records:

- any dockets or invoices received from a food supplier
- if the event is longer than one day – the temperature of potentially hazardous food in cold storage (you must describe the cold storage unit, record the temperature of food stored and document any corrective action taken if the temperature is incorrect), and
- evidence that any ready to eat potentially hazardous food cooked on site is thoroughly cooked (such as by conducting random checks and documenting any corrective action required)

What is a Food Safety Program and do you need one?

In addition to the registration process described above, high risk (class 1 and 2) events at which potentially hazardous food is sold or served also require a Food Safety Program to be completed and submitted to your local council.



A Food Safety Program is a written plan which:

- identifies the potential hazards that may be reasonably be expected to occur in each food handling preparation
- specifies where each hazard can be controlled and the means of control
- includes systematic monitoring of controls
- specifies appropriate corrective action when a hazard is found not to be under control
- includes regular review of the program by the proprietor, and
- specifies appropriate records to be made and kept by the proprietor demonstrating action taken to, or in compliance with, the food safety program



More information

For more information on creating an Food Safety Program, visit the [Food Authority website](#).

You can use [FoodSmart](#), an online Food Safety Program template, to develop a Food Safety Program for a class 2 business.



Does your organisation need a Food Safety Supervisor?

Generally, if your organisation is required to submit a Food Safety Program, you will need either a Food Safety Supervisor or a recognised quality assurance system or code that applies to your organisation as a whole.



A Food Safety Supervisor is a person who:

- knows how to recognise, prevent and alleviate hazards associated with the handling of food at the premises
- has met an appropriate food safety competence standard for premises of that nature, and
- has the ability and authority to supervise other people handling food at, or from, the premises and ensure handling is done safely



More information

The Food Authority has published a Food Safety Program guide: [Food Safety Program Template for Community Food Events](#).

If you still have questions your organisation can call the Food Safety Unit hotline on 1300 364 352.

What are the requirements for the preparation of food?

It's important (and required by law) that anyone involved in the preparation or serving of food is appropriately trained and understands the necessary hygiene, sanitation and anti-contamination procedures.

Different regulations apply to the preparation of food, depending on where the food is prepared and what type of food is being sold or served.

Where and how you prepare the food are important factors in ensuring you meet the necessary hygiene standards. If food is not pre-packaged, it's likely that you will need to prepare the food in a registered food premises – for example, in a registered commercial kitchen.

There are regulations guiding the preparation of food on temporary premises for one-off events, for example sausage sizzles or cake stalls and for selling food from vehicles. Such regulations include the requirement that food be protected from sunlight, dust, insects and handling by customers.



More information

For more information about these requirements, see [Safe Food Australia's information sheet on temporary food premises](#) and [guide to the Food Safety Standards](#).

You can also visit the [Food Authority's food safety library webpage](#), which contains specific guides for cake stalls and sausage sizzles.

Issues your community organisation must consider when planning its event and preparing its Food Safety Program include whether:

- your organisation has a permanent residence for food preparation
- your organisation receives food donations from other sources



- the food will be cooked at the event or the food will be pre-packaged, and
- the food requires temperature control

What are the requirements for the labelling of food?

Food that is sold at events which raise money solely for charity or community causes generally don't need to be labelled (except to declare the presence of royal jelly).



Nonetheless, it's recommended that clear labels are provided which include:

- a description of the food
- the name and address of the person who made the food (this can be written in a record book, people don't have to hand their personal details out) – although note that if the Australian Privacy Principles apply to your organisation you must comply with the relevant privacy regulations
- a list of ingredients including whether the food contains nuts, and
- the 'best before' date

There are extensive rules on labelling requirements for pre-packaged food if your organisation is not exempt from the labelling requirement.

These include a requirement that:

- the production lot identification is clear
- certain mandatory statements be added (such as for royal jelly, presence of allergenic foods, presence of pollen and other items, milk and milk substitute products)
- ingredients be listed in descending weight order, and
- a nutrition information panel must be added

You must always provide directions for storage or use if required for health or safety reasons. Depending on the ingredients in the food, other advisory statements may also be required.



More information

Find more information in the [Australian New Zealand Food Standards Code](#).

Also see the [Food Authority's food labelling webpage](#).

Allergy warnings

Even if you are not required to label your food products (as food is sold at your event solely for charity or community causes), the presence of allergens, directions for storage and use and the country of origin for seafood, pork, fresh fruit and vegetables must be provided on request.

If the food includes **royal jelly**, it must be labelled with the following warning statement:

'This product contains royal jelly which has been reported to cause severe allergic reactions and in rare cases, fatalities, especially in asthma and allergy sufferers.'

If the food includes **bee pollen** or **propolis**, its label should include the following statement:

'This product contains bee pollen which can cause severe allergic reactions.'

What are the requirements for food storage, display and serving?

The main requirements for serving or supplying foods at events include:



- generally, all foods on display or in storage must be labelled and protected from contamination in undamaged packaging such as plastic wrap or sealed containers
- all storage areas must be clean, sanitary, in good repair and pest-proofed
- there should be no accumulation of garbage or food waste
- refrigeration of cooked potentially hazardous food should generally be kept at five degrees or cooler
- raw and cooked foods should be displayed and stored separately
- generally only drinking quality water should be used, and
- food which is displayed for serving must be wrapped and served with clean and sanitized utensils appropriate for serving

There are special regulations for the storage and display of hot and frozen foods, including requirements for temperature checking and procedures for re-heating and packaging requirements.

Further details of these requirements are provided in the Food Authority's [Food Safety Program Template for Community Food Events](#).

Gloves and food handling

Gloves should be worn when serving and handling food as a means of protecting food safety. If disposable gloves can't be worn, hands should be washed regularly. Hands must be washed whenever contamination is likely, including before handling ready to eat food and after handling raw food. Further, gloves and hands used to receive money should not then be used to serve food again.

If someone is injured as a result of eating your food, will insurance cover you?

Your community organisation may have public liability insurance, which will cover your organisation for some risks that may occur at an event (for example, if a person is injured after they trip over an exposed cord). However, it's unlikely that public liability insurance will cover your liability for damages caused as a result of defects to your food products or negligence in the preparation of food.

If your community organisation sells, supplies or delivers goods (including food), you are likely to need cover against claims that the goods caused injury or damage. Product liability insurance can provide further cover for damage and injury caused to other people by the failure of your product or the product your organisation is selling.

Many local councils have certain requirements about what insurance you will be required to take out to register a temporary food event.



More information

For more information about insurance, see [our webpage on risk and insurance](#).



Part 3

**Considerations for events that
involve alcohol**

Considerations for events that involve alcohol

This section covers:

- ▶ overview of liquor licensing law
 - ▶ what do you need to do if you are holding an event with alcohol?
 - ▶ what is the role of the police and the local council in the liquor licensing process?
 - ▶ if you serve alcohol, what signs are required?
 - ▶ what about smoking?
 - ▶ what steps can you take to minimise risks at your event involving alcohol?
-

In Victoria, the [Liquor Control Reform Act 1998 \(Vic\)](#) (**liquor licensing law**) regulates the sale, supply and consumption of alcohol.

The [Victorian Gambling and Casino Control Commission \(VGCCC\)](#) is the government agency that has responsibility for liquor licensing law, although Victoria Police and your local council also have a role to play.

Overview of liquor licensing law

In general, the Victorian liquor licensing law requires that any person or organisation selling or supplying alcohol to others must have a licence to do so.

If your community organisation is planning to sell, or supply alcohol (which includes providing alcohol for free), it will require a liquor licence. It's an offence not to have a licence and fines apply.

There are different types of liquor licences for different types of activities. Some are ongoing licences, while others are temporary, for one-off events. The law also sets out the eligibility criteria and process for applying for a licence.

If your organisation becomes a 'licensee', it will need to be aware of its legal responsibilities.

In particular, it's an offence for a licensee to:

- fail to comply with the conditions of the licence
- provide alcohol to people or permit alcohol to be consumed on licensed premises, other than in accordance with the liquor licence
- serve alcohol to a person who is intoxicated, or
- sell alcohol to a minor

Penalties for breaching these offences include fines and licence suspension or cancellation.

There are also offences in relation to:

- failure to comply with a police direction to leave a public place due to breaching the peace, endangering another person's safety or causing injury to a person or damage to property, and
- obscene, indecent, threatening language or behaviour and disorderly conduct in a public place



What do you need to do if you are holding an event with alcohol?

1. Work out which type of licence will best suit your organisation's needs

A **'temporary limited licence'** might suit a community organisation holding a one-off event (for example a ball or presentation night) or a series of events over a limited season of less than three months, (for example, a series of theatre performances). If you have a temporary licence, you can't have more than six one-off events at a venue over a 12 month period.

Generally, you won't need a temporary licence at a private event if alcohol is provided for free, or if the venue is already licensed, although there are exceptions.

Common exceptions include:

- you will need a licence for supplying alcohol at a ball or presentation night if the ticket price includes alcohol
- you will need a licence for supplying free alcohol at an unlicensed sports club or unlicensed restaurant

You will generally not need a licence for supplying free alcohol at a gallery, school or workplace.

If over 5,000 people are expected to attend your event, you might require a **'major event liquor licence'**.



More information

If your organisation is not selling alcohol at an event, but you want to allow people to bring their own alcohol, a number of other licences are also available for clubs and a 'BYO' permit.

The [VGCCC website](#) includes a list of all the licence types available.

2. Nominate a licensee and attend training

If your community organisation requires a liquor licence, a representative from your organisation must be nominated as the 'licensee'.

For many licences, it's a requirement that the licensee attend 'new entrant training' and a 'responsible service of alcohol (RSA) course'. There is normally a cost for these courses – get details from the [VGCCC website](#).

Depending on the licence type, staff of licensed venues who sell, offer or serve alcohol will also need to attend responsible service of alcohol training. Every three years, staff must complete an online refresher course.

3. Apply for a licence and pay fee

Application forms (including online applications) and details of the relevant fees are available from the [VGCCC website](#). Applications take a while to be processed and should be lodged at least eight weeks before the event is to be held.

Fees are charged when applying for a liquor licence. After that, they are charged annually.

4. Receive a copy of the licence and read conditions

Your community organisation has a responsibility to read and understand the conditions of its liquor licence. If you are having difficulty understanding the different sections and terms of your licence, there is a section on liquor licensing on the [VGCCC website](#).

What is the role of the police and the local council in the liquor licensing process?

The police

When you apply for a liquor licence, you will be required to complete a police questionnaire. This form will be provided to the police, who will consider the suitability of the applicant for a liquor licence. The police may lodge an objection to the application on a number of grounds, including the suitability of licensee or the suitability of premises where event is to be held.

When a licence is granted, the police has the ongoing responsibility for the enforcement of liquor laws. If a law is breached, the police may issue on-the-spot fines or charges. VGCCC compliance inspectors work in

partnership with the police. Inspectors can issue infringement notices and fines or recommend the VGCCC take disciplinary action.

Your local council

Your local council will also play a role in approving and administering your liquor licence. A council may be able to object to licence applications on the ground that the grant would detract from the amenity (that is, lessen the pleasantness or attractiveness) of the community area where you are planning to hold your event. Councils can also introduce local by-laws which limit the place and time that open containers of alcohol may be carried or consumed in public places.

If you serve alcohol, what signs are required?

At any event involving alcohol, the law requires that the licensee displays mandatory signage. The kind of signage your organisation will be required to display will depend on the type of licence your community organisation holds.

You can download signs from the [VGCCC website](#). The signs, along with a copy of your liquor licence, must be displayed in a manner which invites public attention. If your organisation does not display the signs (or they are not displayed appropriately) your organisation may be fined.



More information

See the [VGCCC website](#) for more information, including on:

- [the standard obligations of licensees](#)
- [responsible service of alcohol training](#), and
- [intoxication guidelines](#)

What about smoking?

Smoking is not allowed in all indoor licensed venues and outdoor dining areas (including at outdoor events such as community festivals and fairs). Therefore, to comply with the law, people at your event may only smoke in certain outdoor areas.

It's a good idea to consider having designated smoking areas or making your event a smoke-free event.

What steps can you take to minimise risks at your event involving alcohol?

There are a number of precautions your community organisation can take to make sure it complies with its legal responsibilities and to promote the safe consumption of alcohol.

Responsible service of alcohol

Your community organisation must make sure the person responsible for serving the alcohol:

- is a responsible adult (who is not drinking alcohol)
- has completed an RSA course, and
- is well informed of the relevant laws and risks associated with the service of alcohol

You should also provide a wide variety of drinks at your event, including mid-strength alcoholic drinks and non-alcoholic drinks. It's compulsory to provide free drinking water at every event where liquor is served.

It's an offence to serve alcohol to anyone who is intoxicated. The VGCCC has published an [Intoxication Guidelines fact sheet](#) – it's a good idea for relevant members of your organisation to familiarise themselves with these guidelines.

Food

It's a good idea to have food readily available throughout the event. Providing the right food in appropriate quantities at your event is a good way to discourage excessive alcohol consumption.



Inform your local neighbourhood

It's important that your community organisation advises neighbours and local businesses of any large event in your area, especially where alcohol will be served. Your community organisation may register its event with the police – if the police need to be called to the event, they already have information they need to respond.

First aid

It's also important to plan what your community organisation will do if your guests become sick or intoxicated. This may involve preparing a first aid kit or informing the local ambulance service about your event.

Public liability insurance

Public liability insurance is necessary for your community organisation to protect itself against claims made by participants at your event for bodily injury arising out of those events or associated with your service of alcohol.

For more information about insurance, see our [risk and insurance webpage](#).



Part 4

**Considerations for events that
involve travel**



Considerations for events that involve travel

This section covers:

- ▶ main areas of risk
- ▶ what kind of risk management can you conduct to prevent travel incidents?
- ▶ what kind of insurance do you need for events that involve travel?
- ▶ should you let your volunteers or employees use their own cars?
- ▶ are there laws that regulate the use of buses?
- ▶ what if you are transporting children?



Caution – government restrictions (eg. COVID-19)

The ability of organisations to travel are subject to any local or foreign government restrictions in force.

Restrictions may relate to public health, climatic or local conditions among other things. You need to make sure your organisation complies with these restrictions.

Main areas of risk

Personal injury

If your community organisation organises an event or activity involving travel, it may owe a duty of care to the people involved and need to take steps to ensure the safety of those involved, and in particular, to protect against reasonably foreseeable risks of harm.

For example, if your organisation owns vehicles that it uses for its activities and someone is injured because a vehicle was not properly maintained or repaired, your organisation could be sued by the person who is hurt because the vehicle was unsafe.



It's important to note:

- an organisation's duty may extend to taking specific actions to reduce risks, such as maintenance of the vehicle being travelled in
- if injury or damage is the result of an inherent risk (a risk that cannot be avoided by exercising reasonable care and skill) of a 'recreational activity' (including sport, any activity engaged in for enjoyment, relaxation or leisure or engaged in at a place where people ordinarily engage in those activities), the organisers will not be legally responsible for the injury
- if injury or damage is the result of an obvious risk (a risk that would have been obvious to a reasonable person in the position of that person in the circumstances, even if it had a low probability of occurring, and may be a matter of common knowledge) of a recreational activity, there is no duty to warn of the risk
- the law assumes that participants should take reasonable care of their own safety, so where the participant fails to take reasonable care for their own protection, their lack of care will be taken into account and responsibility may be split between the participant and the organiser (this is called contributory negligence)

In determining your organisation's legal responsibility, it will be considered whether:

- your organisation reasonably foresaw (or should have reasonably foreseen) that its activities and actions (or inaction) created a risk of loss, damage or injury to a participant
- the risk of harm was not insignificant
- in the circumstances, a reasonable person would have taken precautions against the risk of harm, and
- the harm occurred because of the negligence (so it's appropriate for the scope of legal responsibility to extend to the harm caused)

Occupational health and safety

Occupational health and safety (OHS) law is designed to protect the health, safety and welfare of workers (including volunteers, trainees and contractors) in Victoria. If your employees, volunteers or members travel while working, you owe a duty of care to those people under OHS law and you need to take reasonably practicable steps to ensure their health and safety.

What is reasonably practicable is what is reasonably able to be done to ensure health and safety, including:

- the likelihood of the hazard or risk occurring
- the degree of harm that might result from the risk
- what the organisation knows (or ought to know) about the risk and ways of eliminating or minimising the risk
- the availability and suitability of ways to eliminate or minimise the risk, and
- the cost of eliminating or minimising the risk, including whether this is disproportionate to the risk

Negligence or reckless conduct, or failure to comply with a health and safety duty is an offence which can attract a penalty, imprisonment or both.



More information

For more information about your organisation's OHS requirements, see [our OHS webpage](#).

Property damage

If your employees, volunteers or members cause property damage while travelling in the course of their work for the community organisation, the person who owns the property may make a claim for



compensation for the damage caused to their property. If the employee or volunteer creates this damage in a vehicle, it may be covered by comprehensive motor vehicle insurance. See 'Motor vehicle insurance' below).

What kind of risk management can you conduct to prevent travel incidents?

The best way that your organisation can protect itself from being legally responsible for injuries in connection with events associated with travel, is by adopting measures that minimise the risks involved.

Risk identification and management process

It's good practice to develop a risk management procedure that outlines your organisation's recognition of, and approach to, the foreseeable risks to participants involved in travel connected with events conducted by your organisation.

If your organisation follows an established risk management procedure, this may help avoid legal responsibility because it demonstrates that the organisation has taken reasonable precautions. As part of a risk management procedure, your organisation should conduct regular risk assessments for each event or activity.

There are many resources available to help you develop a risk management process. For example, the [Department of Education's policy for outdoor activities and working outdoors](#) describes the risk management process that might be adopted in the context of Victorian school excursions. This could be a useful basis for other community organisation events involving travel.

Registration, maintenance, insurance and licences

An organisation should have a system for ensuring that:

- all vehicles used at its activities or events are registered and well maintained, and have compulsory third party (CTP) insurance and comprehensive insurance policies, and
- the people who drive the vehicles (committee members, members, volunteers, employees) are appropriately licensed and experienced

Policies

It's important for an organisation to have clear written policies to provide guidance to your employees and volunteers about travel.

These policies could include:

- a requirement as to whether the organisation's vehicles must be used (if any)
- a requirement that no car be used for your organisation's activities, unless it has CTP insurance and comprehensive insurance
- time limits around the amount of driving that can be done in a given period (to prevent fatigue), and
- reinforcement of legal requirements and standards around driving (no consuming alcohol, wearing seat belts, obeying speed limits)

Your organisation might have other policies which relate to travel but not legal responsibility for incidents that happen, for example payment of expenses. You should familiarise with your organisation's existing policies.

Authorities

Whether your organisation will be liable for an accident may depend on whether the employee or volunteer was:

- acting within the scope of the authority granted by your organisation, and
- performing their duties while travelling

It's, therefore, important to make it clear, with good record keeping, whether your organisation has authorised an employee or volunteer to undertake travel.

For example, if your organisation has volunteers who are out delivering goods to elderly clients in their homes, you might want to make it a written condition of their work that they are authorised to visit and deliver goods to the client but not to drive the client at any stage. If your volunteers do drive clients around,



and have an accident, your organisation may argue that they were acting outside the scope of their authority, and therefore your organisation is not liable for the damage caused.

Medical consent

It's a good idea for your community organisation to obtain a completed medical information form from all participants to assist if an accident or injury does occur.

Medical information forms can help medical personnel to treat the injured in the event of an emergency. The form should include:

- emergency contact numbers
- whether a participant has a medical condition
- a list of medication the participant is currently taking and instructions (if necessary) on how to administer that medication
- a list of any allergies to medication, and
- a request for consent to release the medical information to appropriate medical personnel

If the Australian Privacy Principles apply to your organisation, you must comply with the relevant privacy regulations when dealing with personal and health information.

What kind of insurance do you need for events that involve travel?

Not all risks can be avoided. If your organisation is planning events involving travel, it's a good idea to ensure that you have the appropriate insurance cover.

Some brief notes on some of the insurance policies needed to cover travel are included below, but for more information about insurance, see our [webpage on insurance](#).

Public liability insurance

Public liability insurance is useful if your event will involve members of the public. However, generally, public liability insurance policies don't cover liability arising from motor vehicle, aircraft or watercraft accidents.

Motor vehicle insurance

A community organisation which uses its own motor vehicle (one that is registered in its name) should ensure that the vehicle is, at all times, registered and has CTP insurance and comprehensive motor vehicle insurance. Generally, CTP insurance covers the costs of medical expenses and other costs relating to injuries to people, whereas comprehensive insurance will provide cover for the organisation's car, damage to other people's cars or property and may also include cover for car theft.

If a volunteer or employee plans to use their own vehicle for travel, the organisation should verify that the volunteer or employee has CTP insurance and comprehensive car insurance by sighting a copy of their current policy. Your community organisation may also need to look into arranging a specific insurance policy covering property damage to the volunteer's or employee's motor vehicle incurred when the vehicle is used for the organisation's activities.

If an organisation uses a vehicle from an external provider (for example, a bus charter company) it should ensure that the external provider has public liability insurance cover of at least \$20 million. The external provider should also hold comprehensive motor vehicle insurance.

Travel insurance

If the event which your community organisation is planning involves travel overseas, your organisation might consider purchasing group travel insurance for the participants. Travel insurance generally covers medical costs incurred overseas due to sickness or accident, but can also cover cancellation costs or the cost of lost or stolen property.

At a minimum, your organisation should advise participants of the benefits of purchasing travel insurance in their own right.

Should you let your volunteers or employees use their own cars?

Sometimes, where a community organisation has limited resources, volunteers or employees will use their own vehicle to transport participants as part of an event or activities. If this is necessary, it's a good idea for your organisation to verify that the relevant volunteer or employee holds a valid driver licence and has registration, CTP insurance and comprehensive car insurance before allowing them to drive.

If an accident occurs due to the employee's or volunteer's negligence, your organisation may be held legally responsible in place of the volunteer or employee. If the employee or volunteer only has third party insurance, your organisation may be responsible for all other damage (to other cars or buildings).

Are there laws that regulate the use of buses?

Generally, if the relevant vehicle has no more than 12 seats (including the driver), all that is required is a current driver's licence for a car.

However, if the relevant vehicle has more than 12 seats (including the driver), then the driver will require a 'Light Rigid,' 'Medium Rigid' or 'Heavy Rigid' licence depending on the characteristics of the vehicle. [The VicRoads website](#) has more information on these licences.

What if you are transporting children?

As children are particularly vulnerable members of our society, there are a number of safety policies and rules that community organisations must comply with when working with children, including events that involve travel where children are participants.

Working with Children Check

In Victoria, it's mandatory for certain people who work with children (in either paid or volunteer positions) to obtain a Working with Children Check (**WWC Check**). A WWC Check involves a National Police Check and a review of reportable workplace misconduct.

When organising an event involving travel which includes children, your organisation should ensure that all employees and volunteers that are required to obtain a WWC Check, do so.



More information

For more information, see:

- the [Victorian Government's website on WWC checks](#) for more information, and
- our guide to screening checks in Victoria on our [webpage on background checks](#)

Parent or guardian's informed consent

When your event involving travel includes children under the age of 18, it's important for a community organisation to seek parent or guardian consent.

A parent or guardian consent (or waiver) form will not release a community organisation from its duty of care owed to the child while they are participating in the event. The consent form will also not prevent the organisation from being held legally responsible if they do not meet the standard of care required.

However, the consent form may serve as a useful document to inform the parents of children participating in an activity of the nature and risks of the activities that their children will be undertaking. It provides evidence of an acknowledgement by the parent of those risks and, may possibly contain an agreement on behalf of the parent about who will bear responsibility for the costs if an injury occurs.

Medical consent

It's a good idea for a community organisation to obtain a completed medical information form from all participants to assist if an accident or injury does occur. Medical information forms can help medical personnel to treat the injured in the event of an emergency. The form should include:

- emergency contact numbers
- whether a participant has a medical condition



- a list of medication the participant is currently taking and instructions (if necessary) on how to administer that medication
- a list of any allergies to medication, and
- a request for consent to release the medical information to appropriate medical personnel

If the Australian Privacy Principles apply to your organisation, you must comply with these when collecting and dealing with personal information.



More information

The Victorian Department of Education has published a [policy for outdoor activities and working outdoors](#). Although aimed at school requirements, the policy may be useful for community organisations that are organising excursions.



Part 4

**Considerations for events that
involve sport and adventure activities**

Considerations for events that involve sport and adventure activities

This section covers:

- ▶ who will be liable if someone participating in your activity is injured?
 - ▶ is it enough to warn people or get them to sign waivers?
 - ▶ what steps can you take to reduce the likelihood of an incident?
 - ▶ are there codes of practices or standards you can follow?
 - ▶ what insurance will you need?
 - ▶ what if you're organising sporting events for children?
 - ▶ what other laws should you be aware of?
-



Caution – government restrictions (eg. COVID-19)

The ability of organisations to hold events is subject to any government restrictions in force in your state or territory at all relevant times. You need to make sure your organisation complies with these restrictions, which may relate to public safety, climatic or local conditions.

By their nature sporting and adventure activities pose a greater than normal risk that participants could be injured. These participants may be members of your organisation or the public.

Who will be liable if someone participating in your activity is injured?

Your community organisation may be legally liable if someone injures themselves during a sporting or other outdoor activity planned by your organisation. The extent of the liability will depend very much on the facts of the case. If there has been an incident, you should seek specific legal advice.

Generally, organisers of a sporting or adventure activity owe a duty of care to participants. This means that an organisation must take precautions against a reasonably foreseeable risk of harm.



In summary

- an organisation's duty may extend to:
 - warning participants of risks associated with the event
 - providing appropriate instruction, or
 - taking specific actions to reduce risks, such as appropriate care and maintenance of safety equipment
- if injury or damage is the result of an inherent risk (a risk that can't be avoided by exercising reasonable care and skill), of the sport or adventure activity, the organisers will not be legally responsible for the injury
- if injury or damage is the result of an obvious risk (a risk that would have been obvious to a reasonable person in the position of that person in the circumstances, even if it had a low probability of occurring, and may be a matter of common knowledge), there is no duty to warn of the risk
- the law assumes that participants should take reasonable care of their own safety, so where the participant fails to take reasonable care for their own protection, their lack of care will be taken into account and responsibility may be split between the participant and the organiser (this is called contributory negligence)

So, in determining your organisation's liability for negligence, it will be considered whether:

- your organisation reasonably foresaw (or should have reasonably foreseen) that its activities and actions (or inaction) created a risk of loss, damage or injury to a participant
- the risk of harm was not insignificant
- in the circumstances, a reasonable person would have taken precautions against the risk of harm, and
- the harm occurred because of the negligence (so it's appropriate for the scope of legal responsibility to extend to the harm caused)



Case examples

Obvious or inherent risk

- A woman suffered a spinal injury after a heavy landing following a tandem skydive from 13,000 feet. The heavy landing and injuries were not the result of any failure by the diving instructor to exercise reasonable care, but were instead caused by an isolated downdraft, which was the materialisation of an inherent risk in skydiving and couldn't be avoided by the exercise of reasonable care.
- A cricket player suffered a serious eye injury while playing indoor cricket. There were no signs on the premises warning of the general risks involved in playing indoor cricket or the specific risks of eye injury. The risk of a player being struck in the face by a ball was obvious and didn't require specific warning.

Contributory negligence

A child sustained a severe brain injury after diving into a pool. The owner of the pool breached its duty by failing to install depth indicators and failing to erect a sign to warn against diving into the pool. However, the child was mature and responsible and had a general awareness of the dangers of diving, and therefore failed to take care for their own safety by diving into the pool.



More information

For more information about your organisation's occupational health and safety obligations see our [OHS webpage](#).

Is it enough to warn people or get them to sign waivers?

It's usual practice for organisations to ask participants in sporting and adventure activities to sign a document that contains:

- a **warning** – that informs participants of all the risks involved with the activity, and
- a **waiver** – that outlines the limits of an organisation's liability, and releases the organisation of legal responsibility for injuries or damage sustained as a result of the activity

A warning can give participants the knowledge and opportunity to make an informed decision about whether to voluntarily assume the risk and engage in the activity.

An effective warning will mean that the organisation may not be legally responsible to a person who engages in a recreational activity. Effective warnings usually go further than simply identifying that there is a risk of participating in the activity that has consequences. For example, a risk warning which refers to the fact that 'skiing involves a significant risk of physical harm or personal injury' may not be enough.

A clear waiver providing that the recreational activity is engaged in at the participant's own risk may mean that the organisation can avoid liability for a breach of warranty that the recreational services will be rendered with due care and skill. However, this doesn't necessarily negate the duty of care owed to participants.

A waiver does not exclude consumer guarantees available at law.



Caution

Organisations should seek legal advice before preparing any warnings or waivers, and the guidance in this information note is not legal advice.

What steps can you take to reduce the likelihood of an incident?

It's good practice for a community organisation to:

- develop a risk management procedure that identifies and sets out an approach for any reasonably foreseeable risks to participants involved in events the organisation holds
- closely monitor the planning and organisation of its events
- consider whether staff and volunteers need any qualifications and training to safely facilitate an activity
- ensure any equipment used in any activity is regularly maintained, serviced and in working order before and during the event, and
- monitor the behaviour of staff, volunteers and participants during an event

If an organisation follows an established risk management procedure, this may help avoid legal responsibility because it demonstrates that the organisation has taken reasonable precautions. As part of a risk management procedure, an organisation should conduct regular risk assessments for each event or activity.

Any codes of practice and other standards in areas relevant to your events will be useful to guide the development of risk management procedures. Having a risk management strategy can also be useful when an organisation seeks public liability insurance and may help an organisation negotiate a better premium (that is, a lower cost for the insurance).



Are there codes of practices or standards you can follow?

Australian Adventure Activity Standards

The [Australian Adventure Activity Standards \(AAAS\)](#) and related Good Practice Guides (**GPGs**) published by the Outdoor Council of Australia are minimum standards for organisations conducting outdoor recreation activities for dependant participants (that is, participants that rely on the activity leader for supervision, guidance or instruction to support their engagement).

Although the AAAS are voluntary guidelines and are not legally binding, they are a useful reference for commonly accepted best practice standards for these activities. If your organisation incorporates these standards into the planning and implementation of your community organisation's sporting or adventure event, it may assist your organisation receiving appropriate insurance cover and will demonstrate an effort to comply with its duty of care.

Currently, there are specific GPGs available for the following activities:

- abseiling and climbing
- angling (including wading and rock fishing)
- bushwalking
- camping
- canyoning
- caving
- challenge ropes courses
- cycling, cycling touring and mountain biking
- enclosed and coastal waters paddle craft (including canoeing, kayaking and stand up paddle boarding)
- horse trail riding
- inland water paddle craft (including rafting), and
- snorkelling

Sporting standards

If you organise and hold sports activities, there are a number of useful injury prevention and legal compliance initiatives that have been developed to assist your organisation:

- [Play By the Rules](#) is a government-supported initiative and provides community organisations with practical information on discrimination, harassment and child protection in sport
- [Sport Safety Guidelines](#) is a resource developed by the NSW Department of Education to assist in developing appropriate risk assessments for sport and physical activity in NSW schools, including guidelines specific to particular sports and activities
- [Safety Guidelines for Children and Young People in Sport and Recreation](#) is a resource developed by Sports Medicine Australia that provides information on injury prevention strategies, record keeping, managing illness and medical conditions, considerations for participation and roles and responsibilities
- [Safe and inclusive sport](#) is a webpage run by the Australian Sports Commission (Sports Australia and the Australian Institute of Sport combined)

What insurance will you need?

Not all risks can be avoided. Public liability insurance is the main kind of insurance necessary for your community organisation to potentially obtain cover against claims made by participants of your sporting and adventure activity events in respect of injury arising out of those events.

Your organisation should also carefully consider whether its insurance covers acts or failures to act by its volunteers that cause harm or damage, and also whether volunteers are protected if they are hurt in the same way an employee would be protected. An organisation may need specific insurance to cover its volunteers.



More information

For more detailed information about insurance issues, see our [webpage on risk and insurance](#).

What if you're organising sporting events for children?

Working with Children Check

In Victoria, it's mandatory for certain people who work with children (in either paid or volunteer positions) to obtain a Working with Children Check (**WWC Check**). A WWC Check involves a National Police Check and a review of reportable workplace misconduct.

When organising sporting or outdoor adventure events which involve children, your organisation should ensure that all employees and volunteers that are required to obtain a WWC Check, do so.

The WWC Check is only one means of assessing your employee's and volunteers' suitability to work with children. In addition to the obligations required to obtain a WWC Check, your organisation should have sound screening and supervision practices in place.



More information

For more information, see:

- the [Victorian Government's website on WWC checks](#) for more information, and
- our guide to screening checks in Victoria on our [webpage on background checks](#)

Parent or guardian's informed consent

If a sporting event involves children under the age of 18, it's important for a community organisation to seek parent or guardian consent.

A parent or guardian consent (or waiver) form does not necessarily release a community organisation from its duty of care owed to the child while they are participating in the event.

The consent form also does not necessarily prevent the organisation from being held legally responsible if they do not meet the standard of care required.

However, the consent form may serve as a useful document to inform the parents of children participating in an activity of the nature and risks of the activities that their children will be undertaking. It also provides evidence of an acknowledgement by the parent of those risks and, may possibly contain an agreement about who will bear responsibility for the costs if an injury occurs.

Medical consent

It's a good idea for a community organisation to obtain a completed medical information form from all participants to assist if an accident or injury does occur. Medical information forms can help medical personnel to treat the injured in the event of an emergency.

The form should include:

- emergency contact numbers
- whether a participant has a medical condition
- a list of medication the participant is currently taking and instructions (if necessary) on how to administer that medication
- a list of any allergies to medication, and
- a request for consent to release the medical information to appropriate medical personnel



If the Australian Privacy Principles apply to your organisation, you must comply with these when collecting and dealing with personal information.

What other laws should you be aware of?

There are many other areas of law that may be relevant where your organisation wishes to conduct an adventure or sporting activity.

Anti-discrimination and equal opportunity law exists to ensure that we can all participate equally in public life in the community. In Victoria, there is specific legislation which prevents discrimination against people, including in sport.

There are also laws about **harassment, abuse, human rights and child protection** that may affect your organisation's activities.



More information

The [Play by the Rules website](#) provides information on these areas of law. You can also obtain information from the [Victorian Equal Opportunity and Human Rights Commission](#) and the [Australian Human Rights Commission](#).

If the sporting or adventure activity event will take place on your organisation's premises:

- your organisation also has a duty of care to ensure people who enter and use the premises are safe from any harm which could reasonably be caused through the condition of the premises or the activity conducted by the organisation on that premises (this is called **occupiers liability**), and
- **work health and safety laws** may also be relevant



Annexure

Event checklist

Event checklist

This checklist highlights some of the major considerations for community organisations when holding an event.

Complete this checklist when holding an event



Note

- This checklist is not a complete list of all issues that your organisation should consider.
- The laws that may apply to your event are different in each state and territory.
- Your organisation may need to get specific legal advice about its event plans and potential liability.



More information

For more information about the legal issues involved in holding an event in your state or territory, visit [our events webpage](#)



Caution – government restrictions (eg. COVID-19)

The ability of organisations to hold events may be subject to any government restrictions in force in your state or territory at all relevant times.

You need to make sure your organisation complies with these restrictions, which may relate to public safety, climatic or local conditions.

Do you require a permit for your event?

Check with your local council (or local authority) to see what council-specific permits you may require before running your event. Other bodies or organisations may also require you to obtain a permit or licence.



Permits or licenses are generally required for the following events and activities:

- holding an event on council or other public land
- setting up a temporary structure or using a venue for a purpose it is not designed for
- serving food to the public
- serving alcohol to the public
- playing live or recorded music
- displaying signs and banners
- community gaming
- setting up a market stall
- filming on council land
- access to St John Ambulance services
- using gas cylinders to cook or for other purposes
- using an open flame
- using fireworks, and
- using the footpath or closing a road

- Public or council land**
- Temporary structure**
- Food**
- Alcohol**
- Gaming**
- St John Ambulance**
- Gas cylinders**
- Open flame**
- Fireworks**
- Using footpath or closing road**

This is not an exhaustive list and there may be other permits and licenses required for your event. Each state and territory, as well as each council, may have specific or unique requirements and in the case of a council, its staff should be able to provide you with guidance. For example, some local councils and authorities now encourage sustainable measures when holding events.

**Tip**

The [Australian Business Licence Information Service website](#) may help you work out what licenses and permits you may need depending on the type of event you plan to hold.

If you are hiring a venue or equipment, have you considered the terms and conditions?

An agreement to hire a venue or equipment is usually a legally enforceable contract, so it's important to read the terms and conditions of the contract carefully and make sure your organisation can comply with these.

In particular your organisation should be aware of the terms and conditions relating to insurance or indemnity (see below), and your organisation's obligations to repair or replace any damage to equipment or property.

Have you conducted risk assessments relevant to your event?

Consider things that could go wrong as a result of running the event and what your organisation can do to avoid these risks, or at least minimise the chance they will happen.

Risk assessment doesn't have to be a formal process (although if you are a large organisation, or your event involves higher risk activities, you may need to document a formal risk management plan).

For events with low risk activities, assessing risks can simply mean setting aside an hour at a committee meeting to consider any risks that might occur and any steps to be taken.

When thinking about the risks arising from events, focus specifically on those that may arise from the involvement of those both 'internal' (such as its members, staff or volunteers) and 'external' (such as clients, members of the public) to the organisation.

Do you need to notify anyone about your event for safety reasons?

Contact local council or police about:

Traffic management

Noise management

Public transport

Your local council should be able to provide specific advice in relation to safety, security and emergency procedures applicable to your community organisation's proposed event.

Consider whether you need to notify or organise for some of the following groups to be at your event:

- the Police
- the local fire services and other relevant emergency services
- a first aid provider such as St Johns Ambulance
- private security, and
- the local work health and safety authorities



Do you need event insurance?

- Public liability insurance
- Voluntary workers personal accident insurance
- Product liability insurance
- Workers compensation insurance
- Independent contracting agreements

Your organisation has a legal obligation to make sure its event is safe.

Your organisation will owe this obligation to people involved in organising the event: volunteers, employees, independent contractors and anyone who comes to the event (for example, members of the public).

For this reason, it's likely that you will need to take out public liability insurance, particularly if your event is to be held on council or public land. If your organisation already has public liability insurance, it should check that the insurance covers the event that will be held.

Owners of land or venues often will insist that organisations hiring or using the land or venue have public liability insurance of at least \$10 million. Some councils and other organisations will specify that your insurance be with a specific provider and ask you to list them in your policy as an 'interested party' and will request a copy of the policy before giving permission to hold your event. Your organisation should ensure it complies with these requirements.

Checking others' insurance

If your community organisation is booking amusements or other entertainment for an event, insist on receiving a copy of that entertainer's current public liability policy before the event. Try to ensure that participants at your event (like food vans) have their own public liability insurance.

Additional insurances

There are a range of other insurances that your organisation could be required to get or could consider getting if the following applies to the event:

- selling food or other products to the public – you should consider product liability insurance
- relying on volunteers to help you with the event - personal accident (volunteers) insurance, and
- using employees to help you with the event – workers compensation insurance



More information

For more information about risk management and insurance, see our [webpage on risk and insurance](#).

If your event is to raise money – do you need to consider other legal requirements?

Yes. There are laws that regulate fundraising in most states and the ACT in Australia. If your community organisation is considering holding a fundraising event you will need to comply with the laws that regulate fundraising. There are also laws that regulate raffles, bingo and gaming.



More information

For more information, see our [webpages on fundraising, raffles, minor gaming and trade promotions](#).

Have you considered accessibility and discrimination?

Appropriate arrangements for people with disabilities

Equal opportunity and anti-discrimination legislation apply in most states. These laws prohibit discrimination against people on the basis of a 'protected attribute' (protected attributes include a person's impairment or disability, age, sex, race, religious beliefs, status as a parent or carer, pregnancy or breastfeeding among many other attributes). Some exceptions to the laws apply.

In general, equal opportunity laws apply to prevent discrimination when providing goods and services to the public. They also apply in other circumstances (for example in employment, sporting activities, and membership of clubs). Your organisation should put reasonable measures in place to ensure that your event (and goods and services) are accessible to all people. Even if your organisation is not covered by these laws, it's best practice to put such measures in place.

Does your event involve food, alcohol, adventure activities, sport or travel?

If your event involves food, alcohol, adventure activities, sport or travel, particular legal obligations may apply.

Performances by live artists or recorded music carry additional issues, such as event licences, which may need to be considered.

Licence from OneMusic Australia to perform music or play recorded music

Permission to use photographs, videos and text created or owned by other people

Release forms for people featured in future promotional materials



More information

For more information, see [our event fact sheet](#) for your state or territory.

Acknowledgement of country

An Acknowledgement of Country should be given at the start of meetings and events.

