

Subject **FURTHER INFORMATION ON EASING OF RESTRICTIONS ON CLUBS**

Circular No **20-075**

Date **27 May 2020**

Appropriate for  Directors  CEO  Gaming Mgr  Entertainment Mgr  
 HR Mgr  Marketing Mgr  Food and Beverage Mgr

Following Circular [20-072](#) (NSW Government to Ease Restrictions on Clubs), ClubsNSW has continued to engage closely with the NSW Government to confirm the conditions which will apply to clubs and the hospitality sector from 1 June 2020.

The below information has been confirmed by NSW Health and the Chief Health Officer following ClubsNSW' engagement. A draft Checklist by NSW Health is attached [here](#) to assist your planning. Member clubs are advised that further change is still possible and subject to parliamentary drafting. ClubsNSW will provide updates to member clubs via additional circulars as necessary.

NSW Government officials, including the Chief Health Officer, have acknowledged that the reopening conditions for the hospitality sector were heavily influenced by ClubsNSW's reopening plan. Clubs will see that appropriate venue safety, rather than how small the venue is, has now become the measure adopted by government for venue re-opening conditions.

ClubsNSW is pleased that our strategy to engage an infectious diseases expert to review and approve our industry re-opening plan, at some cost, has proven effective in allowing clubs to re-open safely, much sooner.

In order to have more than ten (10) patrons, all licensed venues in NSW will be required to adhere to the following requirements. ClubsNSW strongly urges clubs not to seek to push the boundaries of these very generous conditions to avoid significant reputational damage to the club, management and the industry.

Where there is ambiguity on how the reopening conditions apply to a club's circumstances, clubs are advised to take a conservative and risk-averse approach. The section below in relation to penalties should also provide sufficient cause for caution.

### Venue registration with Service NSW

Clubs and other hospitality businesses will be required to register details of their venue using an online form via Service NSW – the details you need to provide will include the number of dining areas (described below), total floor space, intended patron capacity and number of staff being re-employed (this should include administrative staff, as it will be used by government to indicate the economic impact of the re-opening).

The online registration form is not yet available. ClubsNSW will notify member clubs by circular when it is available. ClubsNSW understands that additional compliance and auditing will occur at venues which have not completed the registration.

CIRCULAR SERVICE PROVIDED BY



The Registered Clubs Association of New South Wales  
 ABN 61 724 302 100  
 Level 8, 51 Druitt Street, Sydney NSW 2000  
 P 02 9268 3000 F 02 9268 3066  
 Member Enquiries 1300 730 001  
[www.clubsnsw.com.au](http://www.clubsnsw.com.au)

## Key Risks

NSW Health has identified several key risks that all venues will need to manage through a *Venue Plan*. The NSW Government will soon provide example plans, covering venues of differing sizes, to assist in the development of your plan.

The key risks include:

- Ingress and egress – patrons entering and exiting the building via the same doors can pose a risk, so alternate ingress and egress points should be considered where possible. You will be required to assess the health of all people entering the building (including staff) and deny entry to anyone displaying symptoms (further information will be provided on the symptoms to look for). You will also be required to manage and avoid crowding in the immediate vicinity of the club, by avoiding queues or separating patrons by 1.5m where queues cannot be avoided, staggering entry and exit times, as well as facilitating the dispersion of crowds upon their departure (e.g. by directing patrons to public transport)
- Commingling – this is where a patron or staff member moves from area to area, or group to group within the club. The risk is they can infect numerous others, in different areas. You must have a plan in place to limit the movement of people between areas and to limit a person's interaction with multiple other groups of people. This risk underpins the requirement for patrons to remain seated as much as possible.
- Bathrooms – bathrooms are considered locations where the virus can spread more easily. Your *Venue Plan* should include a very high frequency of cleaning in bathrooms, with availability of hand sanitiser to reduce virus transmission.

## Removal of 500 patron cap

Following further engagement by ClubsNSW, the upper limit of 500 patrons in a venue has been removed. Instead, the upper limit will be determined by the number of "dining areas" in the club, in conjunction with the 4 sqm rule, as detailed below. Please note, a dining area will **not** be assessed in connection with the presence of a kitchen.

## Venue and area capacities

A club's *patron capacity* for the venue is 50 patrons for each *dining area*. Minors **are** included in the number of patrons, but staff and contractors are **excluded**.

As noted below, under the heading "1 person for every 4 square meters cap", the patron capacity must be assessed in conjunction with the 4 sqm rule.

## What is a 'dining area'?

A dining area is open to interpretation as there is not yet a definition. In ClubsNSW' view, based on engagement with Health, it refers to an area in which patrons can consume food and beverages purchased at the club. The area must involve the food being consumed while patrons are seated.

A club with a very large dining room may be able to partition the room by an appropriate physical barrier such as a rope barrier, bollard, pot plants (erecting temporary walls is not advised), so that there are two or more dining areas within the room for the purposes of calculating the venue capacity. However, ClubsNSW advises

against this action for reasons outlined below. In any event, the conditions below on patron flow must be strictly managed.

If an area of the club is serviced by an existing restaurant or café, that area will constitute a separate 'dining area', even if the same restaurant or café also services different dining areas.

Patron capacity is based on the number of dining areas rather than dining outlets. Therefore, adding a temporary dining facility, such as a 'pie oven' or coffee cart, is unnecessary and will not affect whether an area is a dining area. Conversely, adding a temporary facility without including sufficient seating and tables would not constitute a 'dining area'.

A club may treat their conference facilities as a dining area, if that area is frequently used for seated dining. ClubsNSW believes that a gaming machine room should not be treated as a dining area, even if food is served in the room, because the area is predominantly for gaming rather than dining – to do otherwise would raise concerns about the industry's seriousness about managing the health risks.

### **Managing patron flow to limit commingling**

Clubs should not elect to use an area of the club as a 'dining area' if the club cannot properly manage the flow of patrons between different areas of the club. For example, an area of the club should not be used as a dining area if patrons must roam through other 'dining areas' to access a restroom or to enter or exit the venue.

Following reopening, you should continuously re-evaluate the club's capability to manage patron flow within the venue. If the club does not properly manage patron flow and limit commingling in relation to a 'dining area', the club must either cease using the room as a dining area or institute additional measures to properly manage patron flow.

### **1 person for every 4 square metres cap**

In addition to the cap on the number of patrons, a club must also ensure that the number of people in a club (including staff and contractors) – *and* the number of people within each area in a club – do not exceed 1 person per 4 square metres.

Clubs will be required to have one or more CovidSAFE Marshalls, dressed to be highly visible and tasked with ensuring compliance with the 1 person per 4 square metre rule (in addition to promoting good personal hygiene).

In assessing whether a dining area constitutes an additional area (thereby increasing the patron capacity by 50), a club must have regard to the following considerations:

- whether patrons in the additional area can sufficiently access restrooms;
- whether the club can appropriately prevent patron flow so that the club mitigates the risk of patrons in different areas commingling with each other;
- the reasonableness of treating the area as a dining area. For example, the provision of food to people at a gaming machine is unlikely to be regarded as causing the gaming area to become a dining area.

### **Examples of 'dining areas' and capacity**

**Example 1:** A club has 1 restaurant and 1 café. The café has an associated dining room (120 sqm) and the restaurant has 2 associated dining rooms; the bistro (140 sqm) and the bar area (220 sqm) which includes seating and tables for dining (not just drinks). The club also has a gaming machine room (100 sqm). The total floorspace of the club is 580 square metres. The club's *patron capacity* is 150 (50 patrons per 3 dining areas) and the person capacity is 145 (580 square metres of floorspace divided by 4), and the lesser number of 145 prevails.

The club plans to have 10 staff working, which means the club cannot admit more than 135 patrons under the 4sqm rule, to remain under the limit of 145 persons. The club sets its patron capacity at 130 patrons (to allow a buffer of 5 people) and separately sets person capacity limits in each room, based on the 4sqm rule (30 in the café room, 35 in the bistro, 55 in the bar, 25 in the gaming room). The club should place signs at the entrances to each room which specify these capacity limits, and instruct CovidSAFE Marshals to monitor and restrict the number of people in each room as well as the flow of patrons between the rooms. So, while patrons can engage in any activity (bar, dining, gaming) they must remain socially distanced at 1.5 metres from others within the venue.

**Example 2:** A club has 11 separate dining areas and has a total floor space large enough to accommodate more than 550 patrons in addition to staff, under the 4 sqm rule.

To admit 550 patrons, the club must first implement significant measures to limit patron flow, in order to prevent commingling. These measures may include:

- preventing patrons moving between certain areas using rope or other barriers;
- having separate entry and exit points to the venue;
- messaging on the PA system instructing patrons not to move back-and-forth between rooms or areas;
- having CovidSAFE Marshals instruct patrons not to move between areas;
- displaying signs to the nearest restrooms in each room, so patrons do not move through the venue to access more distant restrooms;
- have a plan for how patrons should access each room or area from different venue entry points; and
- move people on, or ask them to separate, as necessary – unless they are members of the same household or group.

#### **Does the kitchen or dining area need to be open at all times?**

No. Importantly, it is no longer a requirement that each kitchen or dining area be open at all times in order to contribute to the venue cap. For example, a club restaurant may close at 9pm. This will not require the club to have 50 people leave the club immediately, or deny entry to additional people as those within the club depart.

#### **Can alcohol be purchased without a meal/food?**

Yes. NSW Health have confirmed that the purchase and consumption of alcohol will not be ancillary to the purchase and consumption of food.

#### **Is a patron required to consume food to visit the club and use its facilities?**

No. Patronage will not be predicated on the consumption of food.

**Do family members need to socially distance inside the club?**

Members of the same household are not required to socially distance. Family members should observe distancing standards where they are not in the same household.

Clubs should arrange seating so that chairs are distanced at 1.5 metres, to give all patrons the opportunity to socially distance. Members of the same household may wish to bring seating closer together.

If a group of patrons is not socially distanced at a table, the club's CovidSAFE Marshal should enquire whether the patrons are from the same household. If the patrons are not from the same household, the Marshal should advise the patrons to observe distancing of 1.5 metres between each other.

**Gaming machines and social distancing**

Clubs should appropriately distance gaming machines to ensure that the space between **players** is 1.5 meters. This may involve switching off machines, removing chairs and/or physically spacing out machines to separate individuals.

**Sign-in requirements and recording details**

Clubs will be required to record the names and contact details (e.g. telephone number or email address) of all patrons (including members), staff, contractors and any other person that enters the club, and to retain this information for 28 days for contact tracing purposes.

For the avoidance of doubt, the details of any minors are not required to be recorded. Further, clubs **will not** be required to record entry and exit times, however ClubsNSW encourages clubs to consider doing so if feasible as it may assist in managing venue capacity and may assist contact tracing if an outbreak occurs.

**Temperature checking not required**

ClubsNSW has been advised that temperature checking of patrons will not be required, however member clubs are encouraged to consider doing so proactively as an additional health measure in order to increase public confidence in the safety measures being employed at clubs.

**Symptom screening highly encouraged**

As an alternative or supplement to temperature-taking, clubs will be required to undertake "symptom screening" (e.g. ask all patrons attempting to enter the club if they are feeling unwell, or use the sign-in system to seek a response from patrons on whether they have COVID-19 symptoms such as coughing, sweating or shortness of breath).

Any staff who display symptoms should be prevented from attending work. Patrons displaying symptoms must be denied entry or asked to leave. In all such cases, the individual should be directed to seek a test for the virus. The club must include in its *Venue Plan* how it will escalate the management of sick people.

**Club purchasing decisions and venue modification**

Member clubs are advised against making purchases or operational decisions based on information circulating on social media and other unofficial communications. ClubsNSW is aware of misinformation circulating on Facebook and through other channels.

Given that patron capacity is based on dining areas rather than dining outlets, member clubs are advised against temporary food or beverage outlets such as coffee carts or pie warmers. These facilities will not increase a club's venue capacity and will likely be considered irresponsible.

However, clubs may wish to erect a pop-up food outlet in an outdoor area on the condition that patron flow into and out of the outdoor area is appropriately managed. The area should ideally have its own restroom and must have tables and seating.

Member clubs are also advised to reconsider the use of temporary walls to separate dining areas. The rules and conditions described in this circular will not be permanent and may only be in place for a few weeks, so significant investments should be reconsidered on this basis.

Moreover, temporary walls may affect fire safety. It is also not clear that a temporary wall is necessary (as described earlier in this circular), and other physical barriers within large rooms may be appropriate to split the room into different dining areas. Managers should also keep the penalties in mind before seeking to artificially increase the venue capacity.

### **Penalties and enforcement**

Sections 10 and 11 of the *Public Health Act 2010* include severe penalties for breaching a public health order. These include:

- 6 months imprisonment for an individual involved in the breach;
- a penalty of \$55,000 for companies; and
- an order that the club be closed.

Moreover, breaching the rules may endanger vulnerable community members and result in significant harm to the industry's reputation.

The NSW Government has indicated that local council inspectors will be empowered to enforce a club's compliance with the reopening conditions, as well as police officers. The NSW Government has also indicated that clubs' compliance with the reopening conditions will be covertly audited by inspectors, who will not give clubs pre-notification.

Clubs are strongly encouraged to invite their local police and council representatives to inspect the club's arrangements and confirm compliance.

### **How long will these conditions apply?**

The NSW Government has not advised how long these conditions will be required; however, they will be reviewed regularly in line with the broader COVID-19 situation and case numbers.

Josh Landis  
Chief Executive Officer