

1994—No. 106

REGISTERED CLUBS ACT 1976—REGULATION

(Concerning gaming-related licences and work permits)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Registered Clubs Act 1976, has been pleased to make the Regulation set forth hereunder.

Mrs Anne Cohen, MP
Chief Secretary.

Commencement

1. This Regulation commences on 1 April 1994.

Amendments

2. The Registered Clubs Regulation 1983 is amended:

(a) by omitting clause 15 (d1) and by inserting instead the following subclause:

(d1) on lodging an application under section 90 (1) of the Act for:

(i) a poker machine dealer's licence—\$500; or

(ii) any other gaming-related licence—\$50;

(b) by omitting from clause 20E the words "For the purposes of section 105 of the Act, the prescribed fee payable in respect of a period prescribed by clause 20F" and by inserting instead the words "For the purposes of section 103 of the Act, the prescribed fee payable for the grant of a gaming-related licence";

- (c) by inserting at the end of clause 20E the following subclauses:
 - (2) The fee payable under subclause (1) is to be reduced by the amount of the court fee payable in respect of the application for the licence under clause 15 (d1).
 - (3) A fee is not payable for the grant of a gaming-related licence in respect of an application lodged under section 90 (1) of the Act before 1 April 1994.
- (d) by omitting from clause 20F (1) the words “The periods prescribed for the purposes of section 105 of the Act are” and by inserting instead the words “For the purposes of section 105 of the Act, the prescribed fee for a licence is the same amount as the fee prescribed for the grant of the licence by clause 20E (1). The periodic licence fee is payable in respect of each of the following periods”;
- (e) by inserting in clause 20F (2) after the word “A” the word “periodic”;
- (f) by inserting at the end of clause 20F the following subclause:
 - (3) For the purposes of section 180 of the Act, the prescribed fee for a work permit is \$50 and is payable in respect of each of the following periods:
 - (a) the period that commences on the date the work permit is issued and ends on 15 February that is not more than 1 year after the date of issue of the permit;
 - (b) each period of 1 year that commences on 16 February (being a period subsequent to the period referred to in paragraph (a)).
- (g) by inserting in clause 20G after the words “A licence fee” the words “or work permit fee”;
- (h) by inserting after clause 20I the following clause:

Notification of change in the state of affairs of gaming-related licensee

20IA. For the purposes of section 122A of the Act:

- (a) a prescribed change in the state of affairs of the holder of a gaming-related licence is any change referred to in Column 1 of the Table to this clause that the licensee is aware of; and
- (b) the prescribed particulars in respect of that change are those particulars set out next to the change concerned in Column 2 of the Table to this clause that the licensee knows or could find out by reasonable inquiry.

TABLE

Column 1 Prescribed Change	Column 2 Prescribed Particulars
<p>A change in:</p> <ul style="list-style-type: none"> (a) the name of the licensee; or (b) the principal residential address of the licensee; or (c) the telephone number of the licensee. <p>The commencement, settlement, discontinuance or finalisation of any civil or criminal proceedings to which the licensee is a party.</p>	<p>The new name, address or telephone number of the licensee.</p> <p>The following information:</p> <ul style="list-style-type: none"> (a) particulars of the nature of the proceedings; (b) the names and addresses of the other parties to the proceedings; (c) the date of the commencement, settlement, discontinuance or finalisation of the proceedings; (d) the terms of the settlement (unless the terms of settlement are prohibited from being disclosed) or the result of the finalisation of the proceedings (including any order made under section 556A of the Crimes Act 1900).
<p>Any of the following:</p> <ul style="list-style-type: none"> (a) the obtaining of judgment against the licensee; (b) the creation of a charge over any property of the licensee; (c) repossession of any property of the licensee. 	<p>The terms of the judgment or charge, the reasons for and circumstances of the repossession of property, and a description of the property affected by the judgment, charge or repossession.</p>

The licensee:

- (a) becoming bankrupt; or
- (b) applying to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
- (c) compounding with creditors or making an assignment of remuneration for their benefit; or
- (d) entering into a compromise or scheme of arrangement with creditors.

A person obtaining a direct or indirect interest in the business or in the profits of the business that is carried on under the authority of the licensee.

The terms and date of the bankruptcy, application, compounding, assignment, compromise or scheme of arrangement.

The name, date of birth and residential address of the person obtaining that interest, the nature of that interest and details of any offence the person has been convicted of (in New South Wales or elsewhere) or any charges pending against the person, other than parking and traffic offences or charges.

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to split the initial fee for a gaming-related licence under the Registered Clubs Act 1976 so that only a portion of the fee is payable at the application stage and the remainder is payable if the application is granted; and
- (b) to prescribe a fee of \$50 for a work permit under that Act payable in respect of each year (or part of a year) in which the permit is in force or under suspension; and
- (c) to prescribe the changes in the state of affairs of the holder of a gaming-related licence which must be notified to the Director of Liquor and Gaming by the licensee and the particulars which must accompany that notification.

Fees for gaming-related licences

This Regulation lowers the present fee payable for an application for a gaming-related licence and makes the remainder of that fee payable only if the licence is granted. Accordingly, the total amount payable by a successful applicant for a gaming-related licence is unchanged. However, an unsuccessful applicant will only be liable for the

reduced application fee. The new application fees are \$500 for an application for a poker machine dealer's licence and \$50 for an application for any other gaming-related licence.

Fees for work permits

Section 90A of the Registered Clubs Act 1976 provides that the Principal Registrar may issue a work permit to a person pending a decision on his or her application for a seller's licence, technician's licence or adviser's licence. The permit operates, subject to any conditions or restrictions imposed on its issue, to apply the Act to the holder of the permit as if that person held a gaming-related licence of the type applied for.

This Regulation prescribes a fee of \$50 for a work permit, which is payable in respect of the period commencing on the date of issue of the permit and ending on 15 February (being a period of not more than 1 year). The fee is then payable in respect of each subsequent 1 year period commencing on 16 February that the work permit is in force or under suspension.

Notification of changes by holder of gaming-related licence

It is an offence under the Registered Clubs Act 1976 for the holder of a gaming-related licence to fail to notify the Director of Liquor and Gaming of the prescribed particulars of a prescribed change in the affairs of the licensee within 14 days of the change. This Regulation sets out the changes which must be notified and the information to accompany that notification. The prescribed changes include a change in the name or address of the licensee, the commencement of proceedings by or against the licensee, or a person obtaining a direct or indirect interest in the profits of the business of the licensee.

This Regulation is made under the Registered Clubs Act 1976, in particular sections 103 (Issue of gaming-related licence), 105 (Periodic fee for gaming-related licence), 122A (Change in state of affairs of gaming-related licensee) and 73 (the general regulation making power).
