

1994—No. 611

REGISTERED CLUBS ACT 1976—REGULATION

(Relating to penalty notices)

NEW SOUTH WALES



[Published in Gazette No. 156 of 25 November 1994]

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.

Anne Cohen, MP
Chief Secretary.

Commencement

1. This Regulation commences on 1 December 1994.

Amendments

2. The Registered Clubs Regulation 1983 is amended:
 - (a) by inserting after clause 30 the following clause:

Penalty notices

31. (1) For the purposes of section 66 of the Act, an offence under the Act specified in Schedule 3 is a prescribed offence.

(2) For the purposes of that section, the amount of penalty prescribed for an offence specified in Schedule 3, if that offence is dealt with under section 66 of the Act, is:

- (a) one tenth of the applicable maximum penalty under the Act for the offence, unless paragraph (b) applies; or
- (b) in the case of a penalty notice issued to a minor, 0.5 penalty units, or one tenth of the applicable maximum penalty for the offence under the Act, whichever is the lesser.

(3) Matter following a reference to a provision of the Act in Schedule 3 is inserted as a general guide to the offence covered by the provision and does not form part of the Schedule.

(b) by inserting after Schedule 2 the following Schedule:

SCHEDULE 3—PENALTY NOTICE OFFENCES

(Cl. 31)

Section 27—fail to lodge statutory declaration relating to assessment of registration fee

Section 27A (1)—fail to make or keep proper record of liquor purchases and acquisitions

Section 27A (2)—fail to keep record of liquor purchases and acquisitions as required

Section 27A (3)—fail to retain document relating to the business of a club as required

Section 27A (5)—fail to comply with a requirement of the police or an inspector concerning the production and inspection of records

Section 27B (1)—fail to keep full and accurate record of amounts paid or payable for low alcohol liquor

Section 37 (1)—fail to lodge with the Board, as required, a copy of the club's balance sheet and of either the profit and loss account or the income and expenditure account submitted to the annual general meeting

Section 44 (1)—supply or dispose of liquor otherwise than on defined premises of a club

Section 44 (2)—person authorised by a club to supply or dispose of liquor supplying or disposing of liquor otherwise than on defined premises of the club

Section 44A (1)—permit intoxication or indecent, violent or quarrelsome conduct on club premises

Section 44A (2)—sell or supply liquor to an intoxicated person in a club

Section 45 (1)—person who is not a member or guest of a member using accommodation, facilities or amenities of a club

Section 45A—make entry relating to a guest who is a minor in guest register

Section 47—offences against rules of club

Section 50 (1)—sale, supply or disposal of liquor to a minor on club premises or failure to remove minor from a bar area

Section 50 (2)—supply or disposal of liquor to a minor on club premises

Section 50 (2A)—offence by member relating to a minor, who is a guest of the member, being in a bar area of a club

Section 50A (1)—fail to remove minor from poker machine area of club

Section 50A (2)—offence by member relating to a minor, who is a guest of the member, being in a poker machine area of a club

Section 50B (1)—fail to display required notice concerning minors in bar and poker machine area of club

Section 50B (2)—fail to display required notice concerning obligation of members with guests who are minors

Section 51—offences by minors on club premises

Section 52 (1)—minor entering or in a bar area

Section 52A (2)—person suspected of being a minor refusing or failing to supply name or address or to produce evidence of age to an authorised person

Section 52B (1)—secretary or employee failing to refuse a minor entry to club premises or a part of premises where minors not authorised

Section 52B (2)—secretary or employee failing to refuse to supply liquor to a minor on club premises

Section 52C—minor using false evidence of age to gain entry to, or obtain liquor from, a club

Section 57 (2)—minor providing false or misleading information in order to obtain evidence of age

Section 57 (3)—person providing or certifying information known to be false or misleading to enable minor to obtain evidence of age

EXPLANATORY NOTE

The object of this Regulation is to prescribe the offences under the Registered Clubs Act 1976 that may be dealt with by the issue of a penalty notice. The Regulation prescribes the amount of penalty for an offence if it is dealt with in that manner as one tenth of the maximum penalty for that offence under the Act, except in the case of a penalty notice issued to a minor in which case the prescribed penalty is a maximum of 0.5 penalty units (currently \$50).

This Regulation is made under section 66 (Penalty notices) of the Registered Clubs Act 1976.
