



New South Wales

# Registered Clubs Amendment (Enforcement and Minors' Entertainment) Regulation 1996

under the

Registered Clubs Act 1976

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Registered Clubs Act 1976*.

J. RICHARD FACE, M.P.,

Minister for Gaming and Racing

## Explanatory note

The object of this Regulation is:

- (a) to prescribe conditions for approvals to allow members of a registered club who are under the age of 18 years access to areas of the club that would otherwise be restricted, and
- (b) to prescribe who may take objections to the granting of such approvals and the manner in which such objections may be made, and
- (c) to prescribe conditions for functions authorities (that is, authorities authorising the holding of functions on the premises of a registered club for persons under the age of 18 years or for persons who are not club members), and
- (d) to prescribe the appropriate member of the Police Service to whom notice of the grant of a functions authority is to be given, and
- (e) to prescribe a maximum period of 6 months that closure orders for club premises made by the Licensing Court can operate.

This Regulation is made under the *Registered Clubs Act 1976*, including section 73 (the general regulation-making power) and sections 17AAD, 22A, 23A and 23AA.

## 1996 No 489

Clause 1 Registered Clubs Amendment (Enforcement and Minors' Entertainment) Regulation 1996

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# Registered Clubs Amendment (Enforcement and Minors' Entertainment) Regulation 1996

## 1 Name of Regulation

This Regulation is the *Registered Clubs Amendment (Enforcement and Minors' Entertainment) Regulation 1996*.

## 2 Commencement

This Regulation commences on 1 October 1996.

## 3 Amendment of Registered Clubs Regulation 1996

The *Registered Clubs Regulation 1996* is amended as set out in Schedule 1.

## 4 Notes

The explanatory note does not form part of this Regulation.

## Schedule 1 Amendments

(Clause 3)

### [1] Parts 3A and 38

Insert after Part 3:

#### **Part 3A Approvals for access to club premises by junior members**

##### **14A Conditions of approval**

- (1) For the purposes of section 22A of the Act, an approval to allow members of a registered club who are under the age of 18 years access to areas of the club that would otherwise be restricted is subject to the following conditions:

- (a) the club is to keep a register of the dates on which members under the age of 18 years have been granted access to those areas of the club in accordance with the approval,
  - (b) the club is to give written notice to the appropriate member of the Police Service of each date on which members under the age of 18 years are to be granted such access at least 7 clear days before that date.
- (2) For the purposes of this clause, the appropriate member of the Police Service is a police officer who holds or is for the time being acting in the position of Patrol Commander of the area in which the registered club that holds the approval is located.

#### **14B Objections to approvals**

- (1) An objection to the granting of an application for approval under section 22A of the Act may be taken only by the Commissioner of Police or the Director, or by the council of the local government area in which the registered club is located.
- (2) An objection to the granting of such an application must not be entertained by the Licensing Court unless:
  - (a) the objection is in writing and signed by the objector, and
  - (b) notice of the objection specifying the grounds of the objection has been given to the registrar and to the club by or on whose behalf the application is made at least 3 clear days before the time appointed for the hearing of the application.
- (3) Despite subclause (2) (b), the Licensing Court may entertain an objection that is taken at the hearing of an application but, if such an objection is taken and the applicant so requests, the proceedings on the application must be adjourned for:
  - (a) a period of not less than 3 clear days, or

- (b) if the applicant consents to an adjournment for a shorter period, for a period at least equal to that shorter period.

### **Part 3B Functions authorities**

#### **14C Conditions of functions authorities applying to functions for persons under the age of 18 years**

- (1) In this clause:

*function* means a function for persons under the age of 18 years.

- (2) For the purposes of section 23AA of the Act, a functions authority is subject to the following conditions:
  - (a) no liquor in the possession or under the control of the registered club that holds the authority is to be located in any function area or access area specified in the authority while a function is being held under the authority unless it is kept in a locked storage facility to which only the club or any employee of the club has access,
  - (b) the registered club is to take all reasonable steps to prevent liquor from being brought into any function area or access area specified in the authority while a function is being held under the authority,
  - (c) the registered club and any employee of the club must refuse to admit a person under the age of 18 years to a function being held under the authority if the club or the employee reasonably suspects that the person has recently consumed liquor,
  - (d) the registered club is to ensure that, while a function is being held under the authority, signs are displayed at any means of access from a function area or access area specified in the authority to any other area of the premises of the club indicating that persons under the age of 18 years attending the function must not enter that other area.

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- (e) the registered club is to ensure that, while a function is being held under the authority, signs are displayed at any means of access to a function area or access area specified in the authority from any other area of the premises of the club indicating that liquor must not be brought into the function area or access area,
  - (f) the registered club must ensure that no person (other than an adult who will be supervising the function, a person providing services for the function or an employee of the club) is admitted to a function held under the authority without a ticket purchased from the registered club or an agent of the club before the function,
  - (g) any function held under the authority is to end no later than midnight on the day on which the function is held unless the Licensing Court imposes a condition on the authority requiring such functions to end earlier than that time,
  - (h) the registered club is to ensure that all persons under the age of 18 years attending the function leave the club premises within 15 minutes after the end of the function,
  - (i) any advertising for a function to be held under the authority is to indicate that the function will be alcohol-free, that adult supervision will be provided, that entry will be by way of pre-sold ticket only and that any person under the age of 18 years who is suspected of having consumed alcohol will not be admitted to the function,
  - (j) the registered club is to include in the record kept for the purposes of section 23AA (2) (e) of the Act in respect of a function held under the authority the nature of the function, the number of persons under the age of 18 years who attended the function and the number of adults supervising the function,
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## 1996 No 489

Registered Clubs Amendment (Enforcement and Minors' Entertainment) Regulation 1996

Schedule 1 Amendments

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- (k) the registered club is to give written notice of the holding of a function under the authority to the appropriate member of the Police Service referred to in clause 14E at least 7 clear days before the function is held.

### **14D Condition of functions authorities applying to all functions**

For the purposes of section 23AA of the Act, a functions authority is subject to a condition that the registered club that holds the authority must ensure that at any time during a function held under the authority the number of persons in any function area or access area specified in the authority does not contravene any requirement of the relevant approval of the area as a place of public entertainment under the *Local Government Act 1993*.

### **14E Notification of grant of functions authority**

For the purposes of section 23A (3) (c) of the Act, the appropriate member of the Police Service is a police officer who holds or is for the time being acting in the position of Patrol Commander of the area in which the registered club that is granted the functions authority is located.

## **[2] Clause 48**

Omit the clause. Insert instead:

### **48 Maximum period for which court may order closure of premises**

The period prescribed for the purposes of section 17AAD (5) of the Act is 6 months.