



New South Wales

# **Registered Clubs Amendment (Clubs With Separate Premises) Regulation 1998**

under the

Registered Clubs Act 1976

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

J. Richard Face

Minister for Gaming and Racing

## **Explanatory note**

Section 85 (1A) of the *Registered Clubs Act 1976* provides that where a registered club's defined premises include two or more areas that, in accordance with the regulations, are determined by the Liquor Administration Board or otherwise taken to be separate and distinct premises, the provisions of Division 2 of Part 10 of the Act (which impose duty on approved gaming devices) apply as if each of those premises were a separate club. Section 85 (1A) replaces section 87G of the Act which relates solely to clubs formed on the amalgamation of two or more other clubs. Section 87G is to be repealed on 1 December 1998.

The object of this Regulation is to prescribe a procedure for the Liquor Administration Board to determine which premises are to be taken to be separate and distinct.

The Regulation also provides, as a transitional measure, that the premises of a club whose profits are being notionally divided and assessed in accordance with section 87G of the Act after the commencement of this Regulation but

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before the repeal of that section. are not to be taken to be separate clubs under section 85 (1A) of the Act. That is, a club may not benefit from section 85 (1A) and section 87G at the same time.

This Regulation is made under the *Registered Clubs Act 1976*, including sections 73 (the general regulation-making power) and 85 (1A).

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## Registered Clubs Amendment (Clubs With Separate Premises) Regulation 1998

### 1 Name of Regulation

This Regulation is the *Registered Clubs Amendment (Clubs With Separate Premises) Regulation 1998*.

### 2 Commencement

This Regulation commences on 21 August 1998\*.

### 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.

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\* The regulation (statutory rule) appointed 21 August 1998 as the date of its commencement. Pursuant to section 39 (2A) of the *Interpretation Act 1987*, the regulation is not invalid merely because the regulation was published in the Gazette after the day on which one or more of its provisions is or are expressed to take effect, but provides, in that case, for that or those provisions to take effect from the day on which it is published in the Gazette, instead of from the earlier day.

## Schedule 1 Amendments

(Clause 2)

### [1] Clause 23AA

Insert after clause 23:

#### **23AA Separate premises taken to be separate clubs: section 85 (1A)**

For the purposes of section 85 (1A) of the Act, two or more areas of the defined premises of a registered club are to be taken to be separate and distinct premises if:

- (a) on application to the Board by the club in a form approved by the Board and on such evidence as it thinks appropriate the Board determines that they should be treated as separate and distinct premises with effect from such date (not being earlier than 1 February 1998) as is specified by the Board. or
- (b) the areas belong to a club whose profits were, at any time, notionally divided and assessed in accordance with section 87G of the Act.

### [2] Clause 56B

Insert before Part 8:

#### **56B Transitional provision—clubs receiving concession under section 87G not to be taken to be separate clubs under section 85 (1A)**

Despite clause 23AA (b), separate and distinct premises of a registered club, whose profits are notionally divided and assessed in accordance with section 87G of the Act after the commencement of this clause and before the repeal of that section, are not to be taken to be separate clubs under section 85 (1A) of the Act before that repeal.