

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 31, 1976.

An Act to make provision with respect to the registration of clubs and their rules and management; to amend the Liquor Act, 1912, and the Gaming and Betting Act, 1912, and certain other Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 1st April, 1976.]

BE

Registered Clubs.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.**PRELIMINARY.**

Short title. **1.** This Act may be cited as the "Registered Clubs Act, 1976".

Commence-
ment. **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Notwithstanding subsection (2), the provisions of section 17 do not, until the first day of July next following the day appointed and notified under subsection (2), apply so as to enable the certificate of registration of a club to be cancelled or a club to be disqualified from holding a certificate of registration on any ground unless, had the provisions of the Liquor Act, 1912, as in force immediately before the day so appointed and notified remained in force until that first day of July, the certificate of registration of that club could have been cancelled or suspended under those provisions on that ground.

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3. This Act is divided as follows :—

Division
of Act.

PART I.—PRELIMINARY—ss. 1–6.

PART II.—REGISTRATION OF CLUBS—ss. 7–29.

DIVISION 1.—*Applications for Certificates of Registration and Renewals*—ss. 7–17.

DIVISION 2.—*Other Applications*—ss. 18–24.

DIVISION 3.—*Objections to Applications by Clubs*—ss. 25, 26.

DIVISION 4.—*General*—ss. 27–29.

PART III.—RULES OF REGISTERED CLUBS—ss. 30, 31.

PART IV.—MANAGEMENT OF REGISTERED CLUBS—ss. 32–41.

PART V.—APPEALS—s. 42.

PART VI.—OFFENCES IN RELATION TO CLUBS—ss. 43–57.

PART VII.—POWERS OF INSPECTORS—ss. 58, 59.

PART VIII.—LEGAL PROCEEDINGS—ss. 60–66.

PART IX.—MISCELLANEOUS—ss. 67–76.

SCHEDULE 1.

SCHEDULE 2.

4. (1) In this Act, except so far as the context or subject-matter otherwise indicates or requires—

Interpre-
tation.

“address”, in relation to a person, means the address of that person’s usual place of abode;

“certificate

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“certificate of registration” means a certificate of registration under Part II;

“full member”, in relation to a club, means a person who is an ordinary member or a life member of that club;

“honorary member”, in relation to a club, means a person who, under the rules of that club, is an honorary member of that club;

“inspector” means the district inspector or an inspector appointed under section 121A of the Liquor Act, 1912;

“justice” means a justice of the peace;

“licensing court” means a licensing court constituted under the Liquor Act, 1912;

“licensing district” means a licensing district within the meaning of the Liquor Act, 1912;

“life member”, in relation to a club, means a person who is elected to membership of that club for life;

“liquor” has the meaning ascribed to that expression by section 3 of the Liquor Act, 1912;

“member”, in relation to a club, means a person who is a full member, an honorary member or a temporary member of that club;

“ordinary member”, in relation to a club, means a person who is elected to membership of that club in accordance with the rule of that club referred to in section 30 (1) (g);

“registered club” means a club in respect of which a certificate of registration issued under Part II is in force;

“regulations”

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“regulations” means regulations made under this Act;

“secretary”, in relation to a registered club, means—

- (a) except as provided in paragraph (b), the person who, under section 33, holds an approval of the licensing court to act as the secretary of that club;
- (b) if the secretary referred to in paragraph (a) has ceased to hold office or is absent from office, the person, if any, referred to in section 34 (3) who is appointed by that club to act as its secretary; or
- (c) if—
 - (i) the secretary referred to in paragraph (a) has ceased to hold office or is absent from office; and
 - (ii) no person has been appointed as referred to in paragraph (b) to act as secretary of that club,any person acting as secretary of that club;

“temporary member”, in relation to a club, means a person who, under the rules of that club, is a temporary member of that club.

(2) A reference in this Act to—

- (a) a licensing court is, in relation to a club or the secretary of a club, a reference to the licensing court for the licensing district in which the premises of that club are situated;
- (b) the day appointed for the commencement of the hearing of a matter by a licensing court is a reference to the day appointed by the clerk of the licensing court for the matter first to come before the licensing court;

(c)

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- (c) a licensing magistrate is a reference to a person holding office under the Liquor Act, 1912, as a licensing magistrate ;
- (d) the secretary to the licensing magistrates is a reference to the person holding office under the Liquor Act, 1912, as secretary to the licensing magistrates appointed under that Act ;
- (e) the clerk of a licensing court is a reference to the person holding office under the Liquor Act, 1912, as clerk of that licensing court ; or
- (f) the district inspector is, in relation to any power, authority, duty or function conferred or imposed by this Act on a district inspector in respect of a club or the secretary of a club, a reference to any person who under the Liquor Act, 1912, is the district inspector or a district sub-inspector for, or who is entitled to exercise and perform the powers, authorities, duties and functions under that Act of the district inspector for, the licensing district in which the premises of that club are situated.

(3) A reference in this Act to the commencement of this Act is a reference to the day appointed and notified under section 2 (2).

**Premises
and defined
premises of
registered
clubs.**

5. (1) Where the licensing court grants an application under section 7, a conditional application under section 18, or an application under section 19, 20 or 21 (being, in the case of an application under section 20, an application the granting of which would result in an alteration of the external boundaries of the premises of the club), made by or on behalf of a club, the licensing court shall, by its determination granting the application—

- (a) define or describe the premises of the club in respect of which the certificate of its registration is in force; and

(b)

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- (b) specify that those premises, or such part of those premises as is defined or described by the determination, are or is the defined premises of the club.

(2) The premises, defined or described as referred to in subsection (1) (a), of a registered club are, for the purposes of this Act, the premises of that registered club until other premises are, under subsection (1), defined or described as the premises of the club.

(3) The premises or part of the premises of a registered club that are or is specified under subsection (1) (b) are, for the purposes of this Act, the defined premises of that registered club until the licensing court, under subsection (1), specifies differently.

6. (1) Except as may be otherwise provided by this Act or the rules of a licensing court or the regulations, the provisions of Part II of the Liquor Act, 1912, relating to—

**Application
of Part II
of Liquor
Act, 1912,
to proceed-
ings under
this Act.**

- (a) the dealing with, hearing and determining of any matter in respect of which jurisdiction is given by that Act to a licensing court;
- (b) the persons who may deal with, hear and determine any such matter;
- (c) the practice and procedure (including the making of rules by a licensing court) in proceedings on any such matter; and
- (d) the punishment of persons for contempt of court in proceedings on any such matter,

apply to and in respect of any matter in respect of which jurisdiction is given by this Act to a licensing court as if it were a matter in respect of which jurisdiction was given by the Liquor Act, 1912, to a licensing court.

(2)

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(2) Section 5 (9) of the Liquor Act, 1912, does not disqualify a person from hearing and determining any matter relating to a club by reason only of his being a member of a club unless the matter relates to a club of which he is a member.

PART II.

REGISTRATION OF CLUBS.

DIVISION 1.—*Applications for Certificates of Registration and Renewals.*

Application
for certi-
ficate of
registration.

7. An application for a certificate of registration of a club in respect of premises defined or described in the application may be made to the licensing court by or on behalf of the club by delivering the application to the clerk of the licensing court.

Application
for renewal
of certi-
ficate of
registration.

8. (1) An application for the renewal of a certificate of registration of a club in respect of the premises of the club may be made to the licensing court by or on behalf of the club by delivering the application to the clerk of the licensing court.

(2) Where—

- (a) a club is disqualified from holding a certificate of registration, whether by a determination made by the licensing court or made on an appeal and whether or not the certificate of registration of the club is continued in force by the operation of section 16 (4); and

(b)

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- (b) the certificate of registration that was in force in respect of the club immediately before the commencement of the period of disqualification would, but for the disqualification and, if applicable, section 16 (4), have expired during that period,

then, unless the disqualification was imposed by the licensing court and on appeal no disqualification was imposed on the club—

- (c) any application for the renewal of the certificate of registration referred to in paragraph (b) shall not be heard and determined by the licensing court or granted by the clerk of the licensing court; and
- (d) an application for the restoration to the club of a certificate of registration may be made to the licensing court by or on behalf of the club by delivering the application to the clerk of the licensing court.

(3) Where—

- (a) the certificate of registration of a club is by section 15 (8), 17 (7) or 62 (4) deemed not to be in force; and
- (b) that certificate of registration would, but for its being so deemed not to be in force, have expired during the period it is so deemed not to be in force,

then—

- (c) any application for the renewal of that certificate of registration shall not be heard and determined by the licensing court or granted by the clerk of the licensing court; and

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- (d) if the amount referred to in section 15 (6) (b), 17 (7) or 62 (4), as the case may be, is duly paid, an application for the restoration to the club of a certificate of registration may be made to the licensing court by or on behalf of the club by delivering the application to the clerk of the licensing court.

(4) Except where otherwise expressly provided, the provisions of this Act shall apply to and in respect of an application referred to in subsection (2) (d) or (3) (d) in the same way as they apply to an application for the renewal of a certificate of registration.

Deter-
mination
of applica-
tion for, or
for renewal
of, certificate
of regis-
tration.

9. (1) The licensing court shall hear and determine an application made under section 7 or 8 and, except as provided in this section, shall grant the application.

(2) The licensing court shall not grant such an application—

(a) if it is satisfied that—

- (i) an objection to the granting of the application, taken on a ground the onus of establishing which is placed by section 25 (9) on the objector, has been sustained; or
- (ii) where an objection to the granting of the application is taken on a ground and the onus of establishing the matter of that ground is placed by section 25 (9) on the club, the club has failed to discharge that onus; or

(b)

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- (b) if it is not satisfied that the club meets the requirements specified in section 10 (1) and, in the case of an application for the renewal of a certificate of registration, has, since the certificate of registration was granted or was last renewed, whichever occurred the later, met those requirements.
- (3) The licensing court shall not grant an application made under section 7 unless—
- (a) at least 14 days before the day appointed for the commencement of the hearing of the application, there were delivered to the clerk of the licensing court—
 - (i) the application and a copy thereof, each being signed by the secretary of the club;
 - (ii) a properly drawn plan of the proposed premises of the club showing clearly the accommodation proposed to be provided in those premises;
 - (iii) such other particulars relating to those premises as may be prescribed;
 - (iv) 2 printed copies of all of the rules of the club (except the rules contained in section 30 (1) and (2)), each copy certified as correct under the hand of the secretary of the club; and
 - (v) a statement, verified by statutory declaration made by the secretary of the club, of the names and addresses of all ordinary members and all life members of the club at the date of the application; and

(b)

Registered Clubs.

(b) at least 7 days before the day appointed for the commencement of the hearing of the application, a copy of the application was published in a newspaper circulating in the licensing district for which the licensing court is constituted and, where the regulations so require, was exhibited as prescribed.

(4) The licensing court shall not grant an application for the renewal of a certificate of registration of a club unless—

(a) the application and a copy thereof, each being signed by the secretary of the club, were delivered to the clerk of the licensing court at least 10 days before the date the certificate to which the application relates expires but not earlier than 6 weeks before that date; or

(b) where the application and copy were not so delivered, the licensing court in the circumstances considers it reasonable to deal with the application,

but this subsection does not apply to or in respect of an application referred to in section 8 (2) (d) or (3) (d).

(5) Without limiting the duty of the licensing court under any other provision of this section not to grant an application referred to in section 8 (2) (d) or (3) (d) for the restoration to a club of a certificate of registration the licensing court shall not grant such an application unless—

(a) the application and a copy thereof, each being signed by the secretary of the club, were delivered to the clerk of the licensing court during the period prescribed for the purposes of this paragraph; or

(b) where the application and copy were not so delivered, the licensing court in the circumstances considers it reasonable to deal with the application.

(6)

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(6) The provisions of subsection (2) (a) (i) and (b) do not prevent the licensing court from granting an application made under section 7 or 8 if it is satisfied that—

- (a) the grounds of the objections, if any, referred to in subsection (2) (a) (i) that have been sustained; and
- (b) any failure of the club to meet or to have met the requirements referred to in subsection (2) (b),

are or is of a trivial nature or do not or does not warrant refusal of the application.

(7) In determining for the purposes of subsection (2) whether it is satisfied that an objection has been sustained or that the onus referred to in subsection (2) (a) (ii) has been discharged or whether it is not satisfied that a club meets or has met the requirements referred to in subsection (2) (b), the licensing court shall have regard to the relevant matters up to the date it makes its determination.

(8) Notwithstanding any other provision of this Act except section 8 (2) or (3), the clerk of the licensing court to whom an application for the renewal of a certificate of registration is delivered as referred to in subsection (4) (a) shall grant the application unless—

- (a) an objection to the granting of the application has been taken; or
- (b) a licensing magistrate has directed that the application be referred to the licensing court,

but shall not grant the application on or before the twentieth day of June next preceding the year in respect of which the certificate of registration, if renewed, would be in force.

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Require-
ments to be
met by
clubs.

10. (1) For the purposes of section 9, the requirements in relation to a club are as follows :—

- (a) The club shall be conducted in good faith as a club.
- (b) The club shall be a company within the meaning of the Companies Act, 1961, or a society registered under the Co-operation Act, 1923, or be incorporated under another Act.
- (c) The membership of the club shall consist of or include not more than such number of full members as is prescribed in respect of it by section 11.
- (d) The membership of the club shall consist of or include not less than such number of ordinary members as is prescribed in respect of it by section 12.
- (e) The club shall be established—
 - (i) for social, literary, political, sporting or athletic purposes or for any other lawful purposes; and
 - (ii) for the purpose of providing accommodation for its members and their guests.
- (f) The club shall have premises of which it is the bona fide occupier for the purposes of the club and which are provided and maintained from the funds of the club.
- (g) The premises of the club shall contain accommodation appropriate for the purposes of the club and adequate sanitary and other conveniences, which accommodation and conveniences comply with the requirements of the regulations, if any, relating to the accommodation and conveniences provided in registered clubs.

(h)

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- (h) The premises of the club shall contain a properly constructed bar-room but shall not contain a separate area for the sale or supply of liquor to be carried away from those premises to which area there is direct access from outside any building that is part of those premises.

- (i) A member of the club, whether or not he is a member of the governing body, or of any committee, of the club, shall not be entitled, under the rules of the club or otherwise, to derive, directly or indirectly, any profit, benefit or advantage from the club that is not offered equally to every full member of the club.

- (j) A person, other than the club or its members, shall not be entitled, under the rules of the club or otherwise, to derive, directly or indirectly, any profit, benefit or advantage from the grant to the club of, or the fact that the club has applied for, a certificate of registration or from any added value that may accrue to the premises of the club because of the grant to the club of, or the fact that the club has applied for, such a certificate.

- (k) The secretary or manager, or any employee, or a member of the governing body or of any committee, of the club shall not be entitled, under the rules of the club or otherwise, to receive, directly or indirectly, any payment calculated by reference to the quantity of liquor purchased, supplied, sold or disposed of by the club or the receipts of the club for any liquor supplied or disposed of by the club.

- (l) The club shall keep correct accounts and books in respect of the financial affairs of the club showing the particulars usually shown in accounts and books of a like nature.

(2)

Registered Clubs.

(2) For the purposes of determining whether a club is conducted in good faith as a club, as referred to in subsection (1) (a)—

- (a) regard shall be had to the nature of the premises of the club; and
- (b) the club shall be deemed not to be so conducted if it has engaged or advertised that it is prepared to engage in selling liquor or providing food for consumption away from the defined premises of the club at functions sponsored by and paid for by persons who are not members of the club.

(3) Subsection (1) (b) does not apply in respect of Tattersall's Club referred to in the Tattersall's Club Act of 1888, City Tattersall's Club referred to in the City Tattersall's Club Act of 1912, Newcastle Tattersall's Club referred to in the Newcastle Tattersall's Club Act, 1945, the Newcastle International Sports Centre Club referred to in section 9 (1) of the Newcastle International Sports Centre Act, 1967, or in respect of any club declared under section 13 (1) (a) to be an exempt club for the purposes of this subsection.

(4) Subsection (1) (c) does not apply in respect of the Sydney Cricket Ground Club or in respect of any club declared under section 13 (1) (a) to be an exempt club for the purposes of this subsection.

(5) Subsection (1) (e) (ii) does not apply in respect of any club declared under section 13 (1) (b) to be an exempt club for the purposes of this subsection.

(6)

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(6) A club does not fail to meet the requirement specified in subsection (1) (i) by reason only that a member of the club derives or is entitled to derive any profit, benefit or advantage from the club that is not offered equally to every full member of the club if—

- (a) the member derives or is entitled to derive the profit, benefit or advantage, not being a profit, benefit or advantage referred to in paragraph (b), pursuant to a contract (including a contract of employment) or agreement with the club and the deriving of or entitlement to the profit, benefit or advantage is, in the opinion of the licensing court, reasonable in the circumstances of the case; or
- (b) the profit, benefit or advantage consists only of a sum of money paid to the member in respect of his services as a member of the governing body or of any committee of the club and that payment has been approved by a resolution passed at a general meeting on which the persons entitled to vote are the same as the persons entitled to vote at the annual election of the governing body of the club.

(7) A club does not fail to meet the requirement specified in subsection (1) (j) by reason only that a person derives or is entitled to derive any profit, benefit or advantage as referred to in subsection (1) (j) if, in the opinion of the licensing court, the deriving of or entitlement to the profit, benefit or advantage is reasonable in the circumstances of the case.

Registered Clubs.

Calculation
of maximum
number of
full
members.

11. (1) In this section—

“countable member”, in relation to a club, means any member who, at the prescribed date, was, under the rules of the club, a full member, an ordinary member, a restricted member, a social member, an associate member or a member of any other class that may be prescribed;

“prescribed date”—

(a) in relation to a club the certificate of registration (being a certificate of registration under the Liquor Act, 1912) of which was granted on or before 30th June, 1969, means 30th June, 1969; or

(b) in relation to a club the certificate of registration (being a certificate of registration under the Liquor Act, 1912) of which was granted after 30th June, 1969, and before the commencement of the Liquor (Amendment) Act, 1969, means the date on which that certificate of registration was granted.

(2) For the purposes of section 10 (1) (c), the number of full members prescribed in respect of a club is—

(a) where at the prescribed date the number of countable members was 5,000 or less—6,250;

(b) where at the prescribed date the number of countable members was more than 5,000 but not more than 10,000—the number that is equal to the number of countable members at that date plus one-quarter of the number of countable members at that date;

(c)

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- (c) where at the prescribed date the number of countable members was more than 10,000—the number that is equal to the number of countable members at that date plus one-eighth of the number of countable members at that date; or
- (d) except as provided in paragraph (a), (b) or (c)—6,250,

or such other number as may be determined in respect of the club under subsection (3) or as may have been determined under section 134A (4) of the Liquor Act, 1912, as in force at any time before the commencement of this Act.

(3) The licensing court, on an application made by a club, may determine in respect of that club a number that is greater than the number prescribed under subsection (2) (a), (b) or (c), as the case may be, but shall not make such a determination—

- (a) except in circumstances that the court deems special;
or
- (b) if a previous application has been made by the club under section 134A (4) of the Liquor Act, 1912, as in force at any time before the commencement of this Act or under this subsection.

(4) On the hearing of an application under subsection (3) the licensing court shall take into consideration, in addition to all other matters that to it seem relevant—

- (a) any hardship which would be caused to the club if the application were not granted;

(b)

Registered Clubs.

- (b) the purposes for which the club is established, the activities pursued by its members and any special objects of the club that, in the opinion of the court, would render it desirable to allow the club to increase the number of its full members beyond the number that would otherwise be applicable to the club;
- (c) any financial or other embarrassment likely to be occasioned to the club, being a club which had at the date of the commencement of the Liquor (Amendment) Act, 1969, facilities sufficient to accommodate an increase in the number of its full members beyond the number that would otherwise be applicable to the club; and
- (d) any financial or other embarrassment likely to be occasioned to the club, being a club that, on or prior to the prescribed date, had approved of plans or proposals to increase the facilities available to the members of the club, which plans or proposals included provision for an increase in the number of its full members that would be beyond the number that would otherwise be applicable to the club.

Calculation of minimum number of ordinary members.

12. For the purposes of section 10 (1) (d), the number of ordinary members prescribed in respect of a club—

- (a) whose premises are situated within a radius of 24 kilometres from the General Post Office in Sydney is—
 - (i) in a case where a certificate of registration under the Liquor Act, 1912, in respect of the club was in force immediately before the commencement of the Liquor (Amendment) Act, 1954—sixty; or

(i)

(ii)

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(ii) in any other case—200 or such lesser number, not being less than 60, as the licensing court may in special circumstances determine in respect of the club; or

(b) whose premises are situated elsewhere, is—

(i) in a case where a certificate of registration under the Liquor Act, 1912, was in force immediately before the commencement of the Liquor (Amendment) Act, 1954—thirty; or

(ii) in any other case—100 or such lesser number, not being less than 30, as the licensing court may in special circumstances determine in respect of the club.

13. (1) The Governor may, by order published in the Gazette— Exempt clubs.

(a) declare any club to be an exempt club for the purposes of section 10 (3) or (4); or

(b) declare any club to be an exempt club for the purposes of section 10 (5) if—

(i) the purposes, referred to in section 10 (1) (e) (i), for which the club is established are primarily athletic purposes; and

(ii) the management of the club is vested in trustees appointed by the Governor.

(2) The trustees of any club declared under subsection (1) (b) to be an exempt club shall, for the purposes of this Act, be deemed to be the governing body of the club.

14.

Registered Clubs.

Issue of
certificate
of registra-
tion.

14. Where an application for, or for the renewal of, a certificate of registration in respect of a club is granted under this Act, the clerk of the licensing court—

- (a) shall, upon payment of the appropriate fee determined in accordance with section 15, issue to the club a certificate of registration in or to the effect of the prescribed form; and
- (b) shall not issue that certificate unless that fee is paid within 3 months after the application is granted.

Fees.

15. (1) The following fees shall be paid in respect of the issue of a certificate of registration granted or renewed under this Act :—

- (a) For a certificate of registration, not being a certificate of registration granted pursuant to an application for renewal—such amount as may be fixed by the licensing court granting the certificate, but not exceeding an amount calculated at the rate of \$2 for each ordinary member of the club at the date of the grant of the application for the certificate.
- (b) For a certificate of registration granted pursuant to an application for renewal—
 - (i) except as provided in subparagraph (ii)—an amount equal to 8 per centum of the gross amount (including any duties and sales tax thereon) paid or payable for all liquor that, during the 12 months ended on the thirty-first day of December next preceding the date of the application for the renewal, was delivered upon the premises of the club or purchased for or on behalf of the club; or

(ii)

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- (ii) where the renewal is the first renewal of the certificate of registration or no information or insufficient information is furnished in accordance with section 27 to enable the fee to be assessed under subparagraph (i)—an amount assessed in accordance with subsection (2) as being fair and reasonable.

(2) The fee payable in respect of the renewal of a certificate of registration—

- (a) shall be assessed; and
- (b) may at any time be reassessed,

by not less than two licensing magistrates, one of whom is a person holding office as the chairman or deputy chairman of licensing courts under the Liquor Act, 1912, and the fee so assessed or reassessed, shall, subject to its reassessment under this subsection, be final and conclusive.

(3) The power under subsection (2) to reassess a fee extends to reassessing a fee previously fixed or assessed under section 150A of the Liquor Act, 1912, as if subsection (1) had been in force when the fee that is reassessed was originally fixed or assessed.

(4) In the performance of their functions under subsection (2), the licensing magistrates—

- (a) shall not sit as a court; and
- (b) may, notwithstanding subsection (1), assess or reassess the fee—
 - (i) at an amount in whole dollars that is nearest to the amount that but for this subparagraph would be payable;

(ii)

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- (ii) as if the gross amount referred to in subsection (1) (b) (i) were an amount in whole dollars that is nearest to that gross amount; and
- (iii) disregarding such part of that gross amount as relates to liquor that the magistrates are satisfied was lost, stolen or damaged.

(5) On or before the thirty-first day of May in each year the secretary to the licensing magistrates shall inform the clerk of the licensing court for each licensing district in which are situated the premises of any club in respect of which a fee has been assessed under subsection (2) in respect of the year commencing on the first day of July then next ensuing of the amount of the fee.

(6) Where, under this section, a fee (in this subsection referred to as "the original fee") is reassessed and—

- (a) the reassessed fee is less than the original fee, the registered club is entitled to a refund of an amount equal to the difference between the reassessed fee and the original fee; or
- (b) the reassessed fee is greater than the original fee, the registered club is liable, upon the expiration of such period as may be specified by the licensing magistrates making the reassessment, to pay to Her Majesty an amount equal to the difference between the original fee and the reassessed fee.

(7) Any amount which a registered club is liable to pay under subsection (6) (b) is recoverable by Her Majesty as a debt in any court of competent jurisdiction after the expiration of the period referred to in subsection (6) (b).

(8)

Registered Clubs.

(8) If a registered club does not pay any amount for which it is liable under subsection (6) (b) before the expiration of the period referred to in subsection (6) (b), the certificate of registration of that club shall be deemed not to be in force until that amount is paid.

16. (1) A certificate of registration of a club, not being a certificate of registration granted pursuant to an application for renewal, shall, subject to this Act, be in force for the period commencing on the day of its issue and ending on the thirtieth day of June next following the day of its issue. Duration of certificate of registration.

(2) A certificate of registration of a club granted pursuant to an application for renewal shall, subject to this Act, be in force for the period—

- (a) commencing on the first day of July in the year in respect of which it is issued or on the day of its issue, whichever day is the later; and
- (b) ending on the thirtieth day of June next following the day of its issue.

(3) Where—

- (a) an application for the renewal of a certificate of registration of a club has been duly made;
- (b) an objection to the renewal of the certificate has been taken or the licensing court has directed that the application be referred to it; and
- (c) the application has not been determined by the licensing court before the date the certificate would, but for this subsection, have expired by virtue of subsection (2).

the

Registered Clubs.

the certificate shall continue in force until the day on which the application is finally determined by the licensing court but shall not so continue in force in any year commencing on the first day of July unless the club has lodged with the clerk of the licensing court an amount equal to the fee that would be payable in respect of the renewal of a certificate of registration of the club in respect of that year and has so lodged that amount before the first day of July in that year.

(4) Where—

- (a) a determination is made by the licensing court refusing an application for the renewal of the certificate of registration of a club, cancelling the certificate of registration of a club, disqualifying a club from holding a certificate of registration or imposing a penalty on a club under section 17 (2) (c) which has not been paid; and
- (b) the club appeals against that determination,

the certificate of registration, renewal of which was refused, which was cancelled or which was held by the club when it was disqualified or when that penalty was imposed, as the case may be, shall continue in force until the day on which the appeal is finally disposed of but shall not so continue in force in any year commencing on the first day of July unless the club has lodged with the clerk of the licensing court an amount equal to the fee that would be payable in respect of the renewal of a certificate of registration of the club in respect of that year and has so lodged that amount before the first day of July in that year.

(5) Where the certificate of registration of a club is continued in force in any year commencing on the first day of July under subsection (3) or (4) and then ceases to be in force by reason of—

- (a) its not being renewed pursuant to the application referred to in subsection (3); or
- (b)

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- (b) any decision on the club's appeal, referred to in subsection (4), against the refusal of its application for the renewal of the certificate of its registration or against its disqualification from holding a certificate of registration,

there shall be retained out of the amount referred to in subsection (3) or (4) an amount that bears to the amount so referred to the same proportion as the period for which the certificate was so continued in force bears to one year and the balance of the amount so referred to shall be refunded to the club.

17. (1) Upon the complaint of the district inspector, made on oath, a justice may issue a summons calling upon a registered club to show cause why the certificate of its registration should not be cancelled or the club should not be disqualified from holding a certificate of registration for a specified period—

Cancellation of certificates of registration or disqualification of clubs from holding certificates of registration.

- (a) on any ground on which objection may be taken to the granting of an application for the renewal of the certificate of registration of a club; or
- (b) on the ground that the club has done anything in respect of which it may make an application under Division 2 without the licensing court having granted an application for it to do that thing.

(2) Subject to subsection (3), the licensing court shall hear and determine the matter of the complaint and shall—

- (a) cancel the certificate of registration;
- (b) disqualify the club from holding a certificate of registration for such period as the licensing court thinks fit;

(c)

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(c) order the club to pay a penalty not exceeding \$1,000 within such time as may be specified in the order; or

(d) dismiss the complaint.

(3) The licensing court shall not hear and determine the matter of a complaint unless the summons issued on the complaint was served on the club at least 10 days before the day appointed for the commencement of the hearing.

(4) The provisions of section 25 (8), (9) and (10) apply to a complaint under this section in the same way as they apply to an objection.

(5) The onus of establishing the ground of a complaint referred to in subsection (1) (b) lies upon the complainant.

(6) During any period a club is disqualified under subsection (2) (b) from holding a certificate of registration, the certificate of registration of the club shall, subject to section 16 (4), be deemed not to be in force.

(7) So long as any amount ordered to be paid by a registered club under subsection (2) (c) remains unpaid after the time ordered for the payment thereof, the certificate of registration of the club shall, subject to section 16 (4), be deemed not to be in force.

DIVISION

Registered Clubs.

 DIVISION 2.—*Other Applications.*

18. (1) Where—

- (a) a club, not being a registered club, proposes to have as its premises new premises; or
- (b) a registered club proposes to move from its existing premises to new premises,

Conditional application in relation to new premises or premises to be added to or altered.

that are proposed to be erected or that are existing premises that are proposed to be added to or altered, a conditional application—

- (c) in the case of a club that is not a registered club— for a certificate of registration; or
- (d) in the case of a registered club—for the endorsement of the certificate of its registration,

in respect of the new premises or the premises as added to or altered may be made to the licensing court by or on behalf of the club by delivering the conditional application to the clerk of the licensing court.

(2) The licensing court shall hear and determine an application made under subsection (1) and, except as provided in this section, shall grant the application.

(3) The licensing court shall not grant the application—

(a) if it is satisfied that—

- (i) an objection to the granting of the application, taken on a ground the onus of establishing which is placed by section 25 (9) on the objector, has been sustained; or

(ii)

Registered Clubs.

- (ii) where an objection to the granting of the application is taken on a ground and the onus of establishing the matter of that ground is placed by section 25 (9) on the club, the club has failed to discharge that onus; or
 - (b) if it is not satisfied that the club meets the requirements specified in section 10 (1).
- (4) The licensing court shall not grant the application unless—
- (a) at least 14 days before the day appointed for the commencement of the hearing of the application, there were delivered to the clerk of the licensing court—
 - (i) the application and a copy thereof, each being signed by the secretary of the club;
 - (ii) a properly drawn plan of the proposed premises of the club showing clearly the accommodation proposed to be provided in those premises;
 - (iii) such other particulars relating to those premises as may be prescribed; and
 - (iv) in the case of an application made by a club that is not a registered club, 2 printed copies of all of the rules of the club (except the rules contained in section 30 (1) and (2)), each copy certified as correct under the hand of the secretary of the club, and a statement, verified by statutory declaration made by the secretary of the club, of the names and
addresses

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addresses of all ordinary members and all life members of the club at the date of the application; and

- (b) at least 7 days before the day appointed for the commencement of the hearing of the application, a copy of the application was published in a newspaper circulating in the licensing district for which the licensing court is constituted and, where the regulations so require, was exhibited as prescribed.

(5) The provisions of subsection (3) (a) (i) and (b) do not prevent the licensing court from granting the application if it is satisfied that—

- (a) the grounds of the objections, if any, referred to in subsection (3) (a) (i) that have been sustained; and
- (b) any failure of the club to meet the requirements referred to in subsection (3) (b),

are or is of a trivial nature or do not or does not warrant refusal of the application.

(6) An application for the variation of the grant of a conditional application previously granted under this section may be made to the licensing court by or on behalf of the club concerned by delivering the application to the clerk of the licensing court and the licensing court shall hear and determine an application made under this subsection and, upon such terms as to it seem proper, may vary the grant of that conditional application by substituting—

- (a) for the premises specified in the conditional application other premises that are shown in a plan submitted to the court with the application under

this

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this subsection, being premises proposed to be erected or added to or altered on the same site as those specified in the conditional application or on a site within the immediate vicinity of the site so specified; or

- (b) for the site of the premises specified in the conditional application another site within the immediate vicinity of the site so specified.

(7) Where the new premises or the additions or alterations specified in a conditional application granted under this section or in an application referred to in subsection (6) for the variation of such a conditional application—

- (a) have been completed within 12 months after the date of the grant of the conditional application or within such further period or periods (any such further period not exceeding 6 months) as the licensing court may from time to time have allowed; and
- (b) have been so completed substantially in accordance with the plan referred to in the conditional application or submitted with the application, if any, granted under subsection (6), as the case may be,

an application—

- (c) in the case of a club which is not a registered club, for an order that a certificate of registration be issued to the club in respect of the new premises or the premises as added to or altered; or

(d)

Registered Clubs.

(d) in the case of a registered club, for an order that the certificate of registration in respect of the club—

- (i) be endorsed so that it indicates that the new premises or the premises as added to or altered are the premises of the club; and
- (ii) be amended so as to delete any reference to the previous premises of the club,

may be made to the licensing court by or on behalf of the club by delivering the application to the clerk of the licensing court.

(8) The licensing court shall, upon an application being made under subsection (7) and upon the district inspector certifying that the new premises or the additions or alterations have been completed as referred to in subsection (7) (a) and (b), make the order applied for—

(a) except where an appeal against the granting of the conditional application has been made and that appeal—

- (i) has not been heard and determined or otherwise disposed of; or
- (ii) has been upheld; or

(b) except where the application is for an order referred to in subsection (7) (c) and the licensing court is satisfied that any objection taken to the making of the order has been sustained.

(9)

Registered Clubs.

(9) Subsection (8) (b) does not prevent the licensing court from making an order referred to in subsection (7) (c) if it is satisfied that the grounds of the objections, if any, that have been sustained are of a trivial nature or do not warrant refusal of the order.

(10) In determining for the purposes of subsections (3) and (8) (b) whether it is satisfied that an objection has been sustained or that the onus referred to in subsection (3) (a) (ii) has been discharged or whether it is not satisfied that a club meets the requirements referred to in subsection (3) (b), the licensing court shall have regard to the relevant matters up to the date it makes its determination.

(11) A reference in any provision of this Act to the premises of a club shall, for the purpose of dealing with an application under this section, be construed as a reference to the premises of the club when erected, added to or altered as referred to in the conditional application or in the variation of the grant of the conditional application.

**Removal
of club
to other
existing
premises.**

19. (1) Where a registered club proposes to move from the premises occupied by it to other existing premises, an application for an order for the endorsement of the certificate of its registration as referred to in subsection (6) may be made to the licensing court by or on behalf of the club by delivering the application to the clerk of the licensing court.

(2) The licensing court shall hear and determine an application made under subsection (1) and, except as provided in this section, shall grant the application.

(3)

Registered Clubs.

(3) The licensing court shall not grant the application if it is satisfied that any objection to the granting of the application has been sustained or unless—

(a) at least 14 days before the day appointed for the commencement of the hearing of the application, there were delivered to the clerk of the licensing court—

(i) the application and a copy thereof, each being signed by the secretary of the club;

(ii) a properly drawn plan of the premises to which the club proposes to move showing clearly the accommodation proposed to be provided in those premises; and

(iii) such other particulars relating to those premises as may be prescribed; and

(b) at least 7 days before the day appointed for the commencement of the hearing of the application, a copy of the application was published in a newspaper circulating in the licensing district for which the licensing court is constituted and, where the regulations so require, was exhibited as prescribed.

(4) The fact that an objection to the granting of the application has been sustained does not prevent the licensing court from granting the application if it is satisfied that the ground of objection is of a trivial nature or does not warrant refusal of the application.

(5) In determining for the purposes of subsection (3) whether it is satisfied that an objection has been sustained, the licensing court shall have regard to the relevant matters up to the date it makes its determination.

(6)

Registered Clubs.

(6) Where the licensing court grants the application, it shall order that the certificate of registration of the club—

- (a) be endorsed so that it indicates that the premises to which the club proposes to move are the premises of the club; and
- (b) be amended so as to delete any reference to the previous premises of the club.

Alteration
of club
premises.

20. (1) Where a registered club proposes—

- (a) to make any material alterations or additions to any building comprised in the premises of the club;
- (b) to increase or decrease the area of the premises of the club; or
- (c) to alter substantially the use of any portion of the premises of the club,

an application for an authority to do so may be made to the licensing court by or on behalf of the club by delivering the application to the clerk of the licensing court.

(2) The licensing court shall hear and determine an application made under subsection (1) and, except as provided in this section, shall grant the application.

(3) The licensing court shall not grant the application if it is satisfied that any objection to the granting of the application has been sustained or unless at least 14 days before

the

Registered Clubs.

the day appointed for the commencement of the hearing of the application, there were delivered to the clerk of the licensing court—

- (a) the application and a copy thereof, each being signed by the secretary of the club;
- (b) a properly drawn plan showing the premises of the club, the buildings comprised in those premises and the proposed alterations or additions to buildings, the proposed increase or decrease in the area of the premises of the club or the proposed alteration of the use of a portion of the premises of the club, as the case may be; and
- (c) such other particulars relating to those proposals as may be prescribed.

(4) The licensing court shall not grant the application being an application to do anything referred to in subsection (1) (a) involving an external alteration or addition, other than a minor alteration or addition, to any building comprised in the premises of the club unless at least 7 days before the day appointed for the commencement of the hearing of the application a copy of the application was published in a newspaper circulating in the licensing district for which the licensing court is constituted and, where the regulations so require, was exhibited as prescribed.

(5) Where—

- (a) the application is for an authority to do anything referred to in subsection (1);
- (b) a copy of the application has not been published as referred to in subsection (4); and

(c)

Registered Clubs.

- (c) the licensing court is of the opinion that the proposal contained in the application is of such a nature that it may affect the use and enjoyment of land adjoining the premises of the club, or that, for any other reason, the provisions of this subsection should apply in respect of the application,

the licensing court—

- (d) shall adjourn the hearing of the application so as to enable a copy of the application to be published in a newspaper circulating in the licensing district for which the licensing court is constituted and, where the regulations so require, to be exhibited as prescribed; and
- (e) shall not grant the application unless a copy of that application was so published and exhibited at least 7 days before it continues the hearing of the application after the adjournment.

(6) The fact that an objection to the granting of the application has been sustained does not prevent the licensing court from granting the application if it is satisfied that the ground of objection is of a trivial nature or does not warrant refusal of the application.

(7) In determining for the purposes of subsection (3) whether it is satisfied that an objection has been sustained, the licensing court shall have regard to the relevant matters up to the date it makes its determination.

(8) An authority granted on an application made under subsection (1) shall be in force for such period as is specified in the authority and for such further period (any such further period not exceeding 6 months) as the licensing court may allow.

Registered Clubs.

21. (1) Where a registered club proposes to move from the premises occupied by it to other existing premises for a temporary period by reason of its existing premises being, or being about to become, unfit for the accommodation of the club, an application for an authority to move to those premises may be made to the licensing court by or on behalf of the club by delivering the application to the clerk of the licensing court. ^{Temporary premises.}

(2) The licensing court shall hear and determine an application made under subsection (1) and, except as provided in this section, shall grant the application.

(3) The licensing court shall not grant the application if it is satisfied that any objection to the granting of the application has been sustained or unless—

(a) at least 14 days before the day appointed for the commencement of the hearing of the application, there were delivered to the clerk of the licensing court—

(i) the application and a copy thereof, each being signed by the secretary of the club;

(ii) a properly drawn plan of the premises to which the club proposes to move showing clearly the accommodation proposed to be provided in those premises; and

(iii) such other particulars relating to those premises as may be prescribed; and

(b)

Registered Clubs.

(b) at least 7 days before the day appointed for the commencement of the hearing of the application, a copy of the application was published in a newspaper circulating in the licensing district for which the licensing court is constituted and, where the regulations so require, was exhibited as prescribed.

(4) The fact that an objection to the granting of the application has been sustained does not prevent the licensing court from granting the application if it is satisfied that the ground of objection is of a trivial nature or does not warrant refusal of the application.

(5) In determining for the purposes of subsection (3) whether it is satisfied that an objection has been sustained, the licensing court shall have regard to the relevant matters up to the date it makes its determination.

(6) An authority granted on an application made under subsection (1) shall be in force for a period not exceeding 12 months as is specified in the authority and for such further periods (any such further period not exceeding 6 months) as the licensing court may from time to time allow.

(7) While an authority granted on an application made under subsection (1) is in force, the premises that the club is authorised by the authority to use for the purposes of the club shall be deemed to meet the requirements specified in section 10 (1) (g) and (h) and shall be deemed to be the premises of the club.

Registered Clubs.

22. (1) An application for an authority to use a specified part or specified parts of the premises of a registered club as a dining area may be made to the licensing court by or on behalf of the club by delivering the application to the clerk of the licensing court.

(2) The licensing court shall hear and determine an application made under subsection (1) and, except as provided in this section, shall grant the application.

(3) The licensing court shall not grant the application if it is satisfied that any objection to the granting of the application has been sustained.

(4) The licensing court shall not grant the application unless at least 7 days before the day appointed for the commencement of the hearing of the application there were delivered to the clerk of the licensing court—

- (a) the application and a copy thereof, each being signed by the secretary of the club; and
- (b) a properly drawn plan showing the position in the premises of the club of the part or parts of those premises in respect of which the application is made.

(5) An authority granted under this section may be revoked by the licensing court at any time on an application made by the club to which the authority was granted or by the district inspector.

Registered Clubs.

(6) The fact that an objection to the granting of an application under subsection (1) has been sustained does not prevent the licensing court from granting the application if it is satisfied that the ground of objection is of a trivial nature or does not warrant refusal of the application.

(7) In determining for the purposes of subsection (3) whether it is satisfied that an objection has been sustained, the licensing court shall have regard to the relevant matters up to the date it makes its determination.

Functions
on club
premises.

23. (1) An application for an authority—

- (a) for persons under the age of 18 years to attend functions associated with the celebration of Christmas in a part, specified in the application, of the premises of a registered club; or
- (b) for persons, other than members, to attend a function of a cultural, educational, religious, patriotic, professional, charitable, political, literary, sporting, athletic, industrial or community nature in a part, specified in the application, of the premises of a registered club,

may be made to the licensing court by or on behalf of the registered club by delivering the application to the clerk of the licensing court.

(2) The licensing court shall hear and determine an application made under subsection (1) and, except as provided in this section, shall grant the application.

(3) The licensing court shall not grant the application if it is satisfied that any objection to the granting of the application has been sustained.

(4)

Registered Clubs.

(4) An authority granted under this section shall specify—

- (a) each part of the premises of the club to which the authority relates;
- (b) each part of the premises of the club through or by means of which persons attending the function referred to in the application for the authority are by virtue of the authority permitted to obtain entry to or to depart from a part of the premises of the club referred to in paragraph (a);
- (c) the day or days and the period or periods during that day or those days in respect of which the authority is granted; and
- (d) any conditions subject to which the authority is granted.

(5) If during any period specified in an authority granted under this section, being a period specified in accordance with subsection (4) (c)—

- (a) liquor is sold, supplied, disposed of or consumed;
or
- (b) a poker machine is located,

in any part of the premises of the club specified in the authority in accordance with subsection (4) (a) or (b)—

- (c) the registered club; and
- (d) the secretary of the registered club,

are each guilty of an offence and liable to a penalty, in the case of the registered club, not exceeding \$500 and, in the case of the secretary, not exceeding \$200.

(6)

Registered Clubs.

(6) Sections 45 and 52 do not—

- (a) during any period specified in accordance with subsection (4) (c) in an authority granted under this section; and
- (b) while any conditions subject to which the authority was granted are observed and no offence is being committed under subsection (5),

apply to or in respect of a part of the premises of the club specified in the authority in accordance with subsection (4) (a) or (b).

(7) The fact that an objection to the granting of an application under subsection (1) has been sustained does not prevent the licensing court from granting the application if it is satisfied that the ground of objection is of a trivial nature or does not warrant refusal of the application.

(8) In determining for the purposes of subsection (3) whether it is satisfied that an objection has been sustained, the licensing court shall have regard to the relevant matters up to the date it makes its determination.

(9) Notwithstanding any other provision of this section the clerk of the licensing court to whom an application under subsection (1) is delivered shall grant the application if the district inspector has informed the clerk in writing that the district inspector has no objection to the granting of the application.

(10) An authority granted under this section may be revoked by the licensing court at any time on an application made by or on behalf of the club to which the authority was granted or by the district inspector.

Registered Clubs.

24. An application under this Division delivered to the clerk of a licensing court shall not be granted unless it is accompanied by the appropriate prescribed fee, if any. Fees for certain applications.

DIVISION 3.—*Objections to Applications by Clubs.*

25. (1) Objection may be taken to the granting of an application made under section 7 for a certificate of registration of a club or the granting of a conditional application under section 18 (1) made by a club other than a registered club for a certificate of registration on any one or more of the following grounds :— Grounds of objection.

- (a) The requirements specified in section 10 (1) are not met in relation to the club.
- (b) The application does not comply in all respects with the requirements of this Act and the regulations.
- (c) Having regard to existing facilities and social amenities available to meet the purposes of the club, the club is not required to meet a genuine and substantial need.
- (d) The registration or conduct of the club will, if the application is granted, result in undue competition and economic waste.
- (e) The quiet and good order of the neighbourhood in which the premises of the club are situated will be disturbed if the application is granted.
- (f) The premises of the club are in the immediate vicinity of a place of public worship, a hospital or a public school or of the site of a place of public worship, a hospital or a public school.

(g)

Registered Clubs.

- (g) Any rule of the club referred to in section 30 (1) has been broken or any other rule of the club has been habitually broken.
- (h) The club has been conducted or the premises of the club have been habitually used for any unlawful purpose.
- (i) The supply of liquor to the club or on the premises of the club will, if the application is granted, not be under the control of the governing body of the club.
- (j) Intoxicated persons have frequently been on the premises of the club or have been seen to leave those premises.
- (k) Liquor has been illegally sold, supplied or disposed of on the premises of the club during the period of 2 years immediately before the date of the application.
- (l) The secretary of the club is not a fit and proper person to act as secretary.
- (m) The certificate of registration should not be granted on any other ground.

(2) Objection may be taken to the renewal of a certificate of registration on any one or more of the following grounds :—

- (a) Any ground referred to in subsection (1) (a), (b), (c), (d), (e), (i), (k) or (l).
- (b) Since the certificate of registration was granted—
 - (i) the requirements specified in section 10 (1) have not been met in relation to the club;

(ii)

Registered Clubs.

- (ii) the supply of liquor to the club or on the premises of the club has not been under the control of the governing body of the club;
 - (iii) the club has habitually been used mainly for the supply of liquor;
 - (iv) persons have habitually carried liquor away or attempted to carry liquor away from the premises of the club in contravention of section 46;
 - (v) the club has failed to comply with the provisions of section 37, 39, 40, 48 or 49, whether or not it has been convicted of an offence in respect of that failure;
 - (vi) any rule of the club referred to in section 30 (1) has been broken or any other rule of the club has been habitually broken;
 - (vii) the club has been conducted or the premises of the club have been habitually used for any unlawful purpose; or
 - (viii) intoxicated persons have frequently been on the premises of the club or have been seen to leave those premises.
- (c) The club has ceased to exist.
- (d) The certificate of registration should not be renewed on any other ground, not being a ground referred to in subsection (1) (f), (g), (h) or (j).

(3)

Registered Clubs.

(3) Objection may be taken to the granting of a conditional application under section 18 (1) made by a registered club, an application under section 19 (1) for an order for the endorsement of a certificate of registration or an application for an authority made under section 20 (1) on any one or more of the following grounds :—

- (a) The proposed premises of the club referred to in the conditional application made under section 18 (1) or in the application made under section 19 (1) or 20 (1) do not meet the requirements of section 10 (1) (f), (g) and (h).
- (b) Either of the grounds referred to in subsection (1) (e) or (f).
- (c) In the case of such an application made under section 18 (1) or 19 (1)—
 - (i) having regard to the existing facilities and social amenities available to meet the purposes of the club, the club is not required to meet a genuine and substantial need in the area in which the proposed premises will be situated ; or
 - (ii) the registration or conduct of the club at the site of the proposed premises will, if the application is granted, result in undue competition and economic waste.
- (d) The application should not be granted on any other ground, not being a ground referred to in subsection (1) (a), (c), (d), (g), (h), (i), (j), (k) or (l).

(4) Objection may be taken to the granting of an application under section 18 (7) made by a club other than a registered club for an order referred to in section 18 (7) (c) on any ground referred to in subsection (1) (a), (g),

(h)

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(h), (i), (j), (k) or (l) that has arisen at any time since the conditional application made under section 18 (1) by or on behalf of the club was granted, except the ground that the requirements specified in section 10 (1) (f), (g) or (h) have not been or are not met.

(5) Objection may be taken to the granting of an application made under section 21 (1) on any one or more of the following grounds :—

- (a) The proposed premises of the club referred to in the application are not suitable as temporary premises for the club or do not contain adequate sanitary and other conveniences.
- (b) Either of the grounds referred to in subsection (1) (e) or (f) in relation to those proposed premises.
- (c) The application should not be granted on any other ground, not being a ground referred to in subsection (1) (a), (c), (d), (g), (h), (i), (j), (k) or (l).

(6) Objection may be taken to the granting of an application made under section 22 (1) or 23 (1) (a) on any ground.

(7) Objection may be taken to the granting of an application made under section 23 (1) (b) on any one or more of the following grounds :—

- (a) Any part of the premises of the club in which liquor is ordinarily sold, supplied or disposed of or consumed or in which poker machines are ordinarily kept is not capable of being physically separated from—
 - (i) the part of the premises of the club referred to in the application as the part in which the function so referred to is to be held; and
 - (ii)

Registered Clubs.

(ii) any part of those premises through or by means of which it would be necessary for persons attending that function to pass in order to obtain entry to or to depart from the part referred to in subparagraph (i) or any sanitary conveniences referred to in paragraph (b).

(b) The sanitary conveniences in the premises of the club are not adequate or are not suitably located for use by persons attending the function specified in the application.

(c) There are other premises that are within a reasonable distance of the premises of the club and that are reasonably suitable for the holding of the function.

(d) The application should not be granted on any other ground.

(8) The licensing court shall not entertain an objection that may be taken on a ground referred to in subsection (1) (m), (2) (d), (3) (d), (5) (c), (6) or (7) (d) if it considers that—

(a) the objection is frivolous or vexatious; or

(b) the ground is not a proper ground of objection.

(9) Where an objection—

(a) is taken on the ground that any of the requirements of section 10 (1) are not or have not been met, the onus of proving that those requirements have been met lies upon the club;

(b) being an objection taken under subsection (1), (2) or (3), is taken on the ground referred to in subsection (1) (c) or (3) (c) (i), the onus of proving that the club is required to meet a genuine and substantial need (as referred to in subsection (1) (c) or (3) (c) (i)) lies upon the club; or

(c)

Registered Clubs.

- (c) is taken on any other ground, the onus of establishing that ground lies upon the objector.

(10) Where, in relation to any objection taken on the ground that a rule of a registered club has been broken, the licensing court is satisfied—

- (a) where the rule relates to persons under a specified age, that the person who caused or permitted any such breach to occur believed on reasonable grounds that the person in relation to whom the rule was broken was of or above that specified age; or
- (b) where the rule relates to the sale, supply or disposal of liquor to a person under a specified age, that the sale, supply or disposal in respect of which any such breach occurred was made in a case of sickness or accident,

the licensing court shall, in determining whether the rule has been broken, disregard that breach.

26. (1) In this section, “application” means— **Objectors.**

- (a) an application made under section 7 for a certificate of registration;
- (b) an application made under section 8 (1) for the renewal of a certificate of registration;
- (c) a conditional application under section 18 (1) made by a club other than a registered club for a certificate of registration;
- (d) a conditional application under section 18 (1) made by a registered club for the endorsement of the certificate of its registration;

(e)

Registered Clubs.

- (e) an application for an order referred to in section 18 (7) (c);
- (f) an application under section 19 (1) for an order for the endorsement of a certificate of registration; or
- (g) an application for an authority under section 20, 21, 22 or 23.

(2) An objection to the granting of an application may be taken only by the district inspector or, except in the case of an application referred to in subsection (1) (e) or an application for an authority under section 22 or 23, by—

- (a) the council of the area, within the meaning of the Local Government Act, 1919, within which the premises or proposed premises of the club are situated;
- (b) the owner or lessee of any land, or a person who ordinarily resides on any land, being land situated—
 - (i) within 2 kilometres of the premises or proposed premises of the club, if those premises or proposed premises are situated in a city or municipality within the meaning of the Local Government Act, 1919;
 - (ii) within 8 kilometres of the premises or proposed premises of the club, if those premises are situated elsewhere; or
- (c) any person who alleges that his interests, financial or other, are likely to be adversely affected by the granting of the application.

(3)

Registered Clubs.

(3) An objection to the granting of an application shall not be entertained by the licensing court unless—

- (a) the objection is in writing and signed by the objector whose signature, if he is a person referred to in subsection (2) (c), is witnessed by a justice or a member of the police force;
- (b) notice of the objection specifying the grounds of objection has been given to the clerk of the licensing court and to the club by or on whose behalf the application is made;
- (c) the notice is so given at least 3 clear days before the time appointed for the hearing of the application;
and
- (d) where the objector is a person referred to in subsection (2) (b) or (c), the notice given to the clerk of the licensing court is accompanied by an affidavit as to the matters specified in subsection (5) and the notice given to the club is accompanied by a copy of that affidavit.

(4) Notwithstanding subsection (3) (c) 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 shall be adjourned for a period of not less than 3 clear days or, if the applicant consents to an adjournment for a shorter period, for a period at least equal to that shorter period.

(5) The matters to be specified in an affidavit made for the purposes of subsection (3) (d) are—

- (a) whether the objection is based exclusively on considerations of public interest;
- (b)

Registered Clubs.

- (b) whether the objector has any direct or indirect pecuniary interest in the refusal of the application or any expectation of such an interest and, if so, particulars thereof; and
- (c) whether any person other than the objector is directly or indirectly interested in the taking of the objection.

DIVISION 4.—*General.*

Annual
return
of liquor
deliveries
and
purchases.

27. The secretary of a registered club shall, during the month of January in each year, forward to the secretary to the licensing magistrates, a statement, verified by statutory declaration, setting forth in respect of the period of 12 months ended on the preceding thirty-first day of December the prescribed particulars in respect of liquor delivered at the premises of the club or purchased in New South Wales or elsewhere for the club.

Penalty : \$1,000.

Limitation
on applica-
tions under
section 7 or
19 and con-
ditional
applications
under
section 18.

28. (1) An application made under section 7 or under section 19 or a conditional application made under section 18 shall be refused if—

- (a) within the period of 3 years before the application or conditional application is made, a like application, made by the same club in respect of the same premises or proposed premises, has been refused; and
- (b) within the period of 3 years before that like application was refused, another like application, made by the same club in respect of the same premises or proposed premises, has been refused.

Registered Clubs.

- (2) For the purposes of subsection (1)—
- (a) an application for a certificate of registration made under the Liquor Act, 1912, shall be deemed to be an application under section 7;
 - (b) an application under section 145 (1) of the Liquor Act, 1912, shall be deemed to be an application under section 19; and
 - (c) a conditional application under section 136A, or an application for an order under section 145 (2), of the Liquor Act, 1912, shall be deemed to be a conditional application under section 18.

29. Upon application made by or on behalf of a registered club, the licensing court may, if it is satisfied that the certificate of registration of that club or an authority issued to that club under this Act has been lost or destroyed, order the clerk of the licensing court, on payment to him of the prescribed fee, to issue to that club a duplicate of the certificate of its registration or of that authority.

Duplicate certificate of registration or authority.

PART III.

RULES OF REGISTERED CLUBS.

30. (1) The rules of a registered club shall be deemed to include the following rules :—

Rules of registered clubs.

- (a) The governing body of the club responsible for the management of the business and affairs of the club shall be elected annually at an election at which the members entitled to vote consist only of such number of full members of the club as comprises not less than a majority of the full members of the club.

(b)

Registered Clubs.

- (b) A person shall not hold office as a member of the governing body of the club unless he is a full member of the club.
 - (c) The governing body of the club shall hold a meeting at least once in each month of the year and minutes of all proceedings and resolutions of the governing body shall be kept and entered in a book provided for the purpose.
 - (d) A person shall not, as the proxy of another person, attend and vote at any general meeting of the club unless—
 - (i) the rules governing the conduct of that meeting provide for the appointment of proxies;
 - (ii) the donee of the proxy is entitled under those rules to attend and vote at that meeting in his own right; and
 - (iii) the donor of the proxy is a full member of the club and is, or but for the giving of the proxy would be, entitled under those rules to attend and vote at that meeting in his own right.
 - (e) A person shall not attend and vote at any general meeting of the club as the proxy of more than 3 persons or at any meeting of the governing body or any committee of the club as the proxy of more than one person.
 - (f) A person shall not be admitted to membership of the club except as an ordinary member (whether or not persons may be admitted as different classes of ordinary members), life member, honorary member or temporary member.
- (g)

Registered Clubs.

- (g) A person shall not be admitted as a member of the club, other than as an honorary member or temporary member, unless he is elected to membership at a meeting of the full members of the club or at a duly convened meeting of the governing body or election committee of the club, the names of whose members present and voting at that meeting are recorded by the secretary of the club.

- (h) An employee of the club shall not vote at any meeting of the club or of the governing body of the club, or at any election of the governing body of the club, or hold office as a member of the governing body of the club.

- (i) Any profits or other income of the club shall be applied only to the promotion of the purposes of the club and shall not be paid to or distributed among the members of the club.

- (j) The fee payable by, or by any class of, ordinary members for membership of the club shall be an amount, not being less than \$2 per annum, specified in the rules of the club other than the rules contained in this subsection or subsection (2) and be payable annually or, if the rules of the club other than the rules contained in this subsection or subsection (2) so provide, by quarterly or half-yearly instalments, and in advance.

(2) The rules of a registered club shall be deemed also to include the following rules :—

- (a) The names and addresses of persons proposed for election as ordinary members of the club shall be displayed in a conspicuous place on the premises of the club for at least 1 week before their election.

(b)

Registered Clubs.

- (b) An interval of at least 2 weeks shall elapse between the proposal of a person for election as an ordinary member of the club and his election.
- (c) A person shall not be admitted as an honorary member or as a temporary member of the club unless—
 - (i) he is admitted in accordance with the rules of the club; and
 - (ii) he has the qualifications, as specified in the rules of the club, requisite and appropriate in relation to the purposes of the club for honorary membership or, as the case may be, temporary membership of the club.
- (d) Liquor shall not be sold, supplied or disposed of on the premises of the club to any person, other than a member, except on the invitation and in the company of a member.
- (e) A person under the age of 18 years shall not be admitted as a member of the club unless the purposes, referred to in section 10 (1) (e) (i), for which the club is established are primarily athletic purposes.
- (f) A person under the age of 18 years shall not propose or second a person for admission as a member of the club.
- (g) Liquor shall not be sold, supplied or disposed of on the premises of the club to any person under the age of 18 years.
- (h) A person under the age of 18 years shall not use or operate poker machines on the premises of the club.
- (i) A register of persons who are full members of the club shall be kept in accordance with section 31.
- (j)

Registered Clubs.

(j) A register of persons who are honorary members or temporary members (other than temporary members referred to in subsection (10)) of the club shall be kept in accordance with section 31.

(k) A register of persons who enter the premises of the club as guests of members shall be kept in accordance with section 31.

(3) A rule referred to in subsection (1) or (2) has effect notwithstanding the provisions of any other law except a provision of this section.

(4) The provisions of subsection (1) (a) and (g) do not apply in respect of any club while—

(a) a person is acting in a capacity referred to in section 41 (1) in respect of that club; and

(b) that club does not, as a result of a person having been appointed so to act, have a governing body.

(5) Subsections (1) (a) and (g) and (2) (a) and (b) do not apply in respect of any club declared under section 13 (1) (b) to be an exempt club for the purposes of section 10 (5).

(6) Subsection (2) (d) does not apply in respect of the Sydney Cricket Ground Club, the Australian Jockey Club, the Newcastle International Sports Centre Club referred to in section 9 (1) of the Newcastle International Sports Centre Act, 1967, or any other club declared under subsection (7) to be an exempt club for the purposes of this subsection.

(7) The Governor may, by order published in the Gazette, declare any club to be an exempt club for the purposes of subsection (6).

(8)

Registered Clubs.

(8) Any rule of a registered club (except a rule that is deemed by subsection (10) to be included in the rules of the club) that is inconsistent with any rule specified in subsection (1) or (2) is to the extent of the inconsistency of no force or effect.

(9) For the purposes of subsection (8) a rule of a club is not inconsistent with a rule specified in subsection (1) or (2) by reason only that—

- (a) in relation to the annual election of the governing body of the club, referred to in subsection (1) (a), the rules of the club provide that the members of the club entitled to vote at that election consist of such class or classes of full members specified in those rules as comprises or comprise not less than a majority of the full members of the club;
- (b) in relation to proxies, it imposes more stringent restrictions than those imposed by subsection (1) (d) or (e);
- (c) in relation to the age of any person, it specifies an age that is higher than the age specified in a rule contained in subsection (2); or
- (d) the fee payable by, or by any class of, ordinary members for membership of the club is an amount specified or determined in accordance with the rules of the club that exceeds \$2 per annum and is payable, as may be provided by the rules of the club other than the rules contained in subsection (1) or (2), annually or by quarterly or half-yearly instalments.

(10)

Registered Clubs.

(10) The rules of a registered club (in this subsection referred to as "the host club") shall, unless its rules provide that the provisions of this subsection do not apply to that club, be deemed to include a rule that a full member of any other registered club who, at the invitation of the governing body or of a full member of the host club, attends on any day at the premises of the host club for the purpose of participating in a game or competition of a sporting or athletic nature to be conducted by the host club on that day shall be a temporary member of the host club from the time on that day when he so attends the premises of the host club until the end of that day.

(11) Any person who is a temporary member of a registered club under the rule deemed by subsection (10) to be a rule of a registered club shall, for the purposes of this Act, be deemed to have been admitted as a temporary member of that club in accordance with its rules.

(12) The provisions of—

- (a) subsection (2) (c) do not apply to a temporary member referred to in subsection (10) of a registered club; and
- (b) subsection (10) do not affect the right of a registered club to make rules with respect to the admission of persons as temporary members of the club.

31. (1) A register kept for the purposes of—

Manner of
keeping
registers.

- (a) section 30 (2) (i) shall set forth the name in full, the occupation and the address of each full member and, if he is an ordinary member, the date on which he last paid the annual fee for membership of the club;

(b)

Registered Clubs.

- (b) section 30 (2) (j) shall set forth the name in full and the address of each honorary member and each temporary member (other than a temporary member referred to in section 30 (10)) and, where that member has been admitted to membership for a limited period, the dates on which that period commences and ends;
- (c) section 30 (2) (k) shall have entered therein on each occasion on any day on which a person enters the premises of the club as the guest of a member the name in full or the surname and initials of the given names, and the address, of that guest, the date of that day and the signature of that member.

(2) Notwithstanding subsection (1) (c), if an entry in the register kept for the purposes of section 30 (2) (k) is made on any day in respect of the guest of a member, it is not necessary for an entry to be made in that register in respect of that guest if he subsequently enters the premises of the club on that day as the guest of that member.

PART IV.

MANAGEMENT OF REGISTERED CLUBS.

Registered club to have only one secretary.

32. (1) A registered club shall at any time have one, but not more than one, secretary.

Penalty : \$1,000.

(2) Section 132 (1) of the Companies Act, 1961, to the extent of its inconsistency with subsection (1), does not apply to a registered club that is a company within the meaning of that Act.

33.

Registered Clubs.

33. (1) A person may apply to the licensing court for approval to act as the secretary of a registered club by delivering the application to the clerk of the licensing court. Approval of secretary of registered club.

(2) The licensing court shall hear and determine an application made under subsection (1) and, except as provided in this section, shall grant the application.

(3) The licensing court shall not grant the application if it is satisfied that any objection to the granting of the application has been sustained.

(4) Objection to the granting of the application may be taken on the ground that the applicant is not a fit and proper person to act as the secretary of the registered club specified in the application and may be so taken only by the district inspector.

(5) Notwithstanding any other provision of this section, the clerk of the licensing court to whom the application is delivered shall grant the application if the district inspector has informed the clerk that he has no objection to the granting of the application or if, at the expiration of 1 month after the application was delivered to the clerk, the district inspector has not taken an objection to the granting of the application.

34. (1) In this section, "approved secretary", in relation to a registered club, means a person to whom approval to act as the secretary of that club has been granted under section 33. Unapproved person not to act as secretary of registered club.

(2) If a person who is not an approved secretary of a registered club—

- (a) acts as the secretary of that club, that person; or
- (b)

Registered Clubs.

(b) is appointed by that club as its secretary, the club, is guilty of an offence and liable to a penalty, in the case of such a person, not exceeding \$500 and, in the case of the registered club, not exceeding \$1,000.

(3) Subsection (2) does not apply so as to preclude a person who is not an approved secretary of a registered club from acting, or being appointed to act, as the secretary of a registered club for a period not exceeding 2 months or for such longer period as the licensing court may, on the application of that person or club, allow if that person has been appointed by the club to act as secretary of the club but does so apply at the expiration of 7 days after his being so appointed unless the name of that person has been notified to the clerk of the licensing court as the acting secretary of the club.

(4) Section 132 (4) of the Companies Act, 1961, does not apply to or in respect of anything required or authorised to be done under this Act by or in relation to the secretary of a registered club that is a company within the meaning of that Act unless the assistant or deputy secretary or officer referred to in section 132 (4) of that Act is a person appointed to act as referred to in subsection (3).

Complaint
against
secretary or
member of
governing
body.

35. (1) Upon the complaint of the district inspector made upon oath, a justice may issue a summons to any person who is the secretary or a member of the governing body of any registered club specified in the summons calling upon him to show cause at a licensing court why he should not be removed from his position as the secretary or a member of the governing body of that club on the ground that he is not a fit and proper person to be the secretary or a member of the governing body of that club, as the case may be.

(2)

Registered Clubs.

(2) A summons under subsection (1) may be issued in respect of a person's membership of the governing bodies of two or more registered clubs specified in the summons.

(3) A summons under subsection (1) shall be served at least 10 days before the day appointed for the commencement of the hearing of the matter of the complaint.

(4) The licensing court shall hear and determine the matter of the complaint and shall dismiss the complaint or make either of the declarations referred to in the following paragraphs :—

- (a) that the position of the defendant as the secretary, or as a member of the governing body, as the case may be, of any registered club specified in the summons is vacant; or
- (b) that the position of the defendant as secretary, or as a member of the governing body, as the case may be, of any registered club specified in the summons is vacant and that the defendant is, for such period not exceeding 3 years as is specified in the declaration, ineligible to stand for election or to be appointed to, or to hold office in, the position of secretary or member of the governing body or both of those positions (whether he was summonsed as the secretary or as a member of the governing body) of—
 - (i) all registered clubs, or all registered clubs of, or other than of, a class specified in the declaration; or
 - (ii) all registered clubs specified in the summons or any registered club so specified.

(5)

Registered Clubs.

(5) Where the licensing court makes a declaration referred to in subsection (4), the position of the defendant as secretary, or as a member of the governing body, as the case may be, of any registered club to which the declaration relates thereupon becomes vacant.

(6) A person shall not, during the period for which he is declared under subsection (4) (b) to be ineligible for a position, stand for election or accept appointment to, or hold office in, that position.

Penalty : \$1,000.

(7) Notwithstanding any other law, where the licensing court makes a declaration referred to in subsection (4), the defendant is not, in consequence of the declaration or of anything done to give effect to the declaration, entitled to compensation or damages from the registered club of which he was the secretary or a member of the governing body unless the licensing court specifies in the declaration that the declaration does not affect the rights, if any, of the defendant to compensation or damages from that club.

(8) A vacancy in the position of a member of the governing body of a registered club resulting from a declaration referred to in subsection (4) may be filled as a casual vacancy.

Conduct
of club
elections
by Elec-
toral Com-
missioner.

36. (1) In this section—

“appropriate number of full members”, in relation to a club, means such number of full members of that club who are entitled to vote at the annual election of the governing body of that club as is equal to 200 or one-tenth of the number of full members of the club so entitled to vote, whichever is the less ;

“Electoral

Registered Clubs.

“Electoral Commissioner” means the Electoral Commissioner for New South Wales for the time being holding office under the Parliamentary Electorates and Elections Act, 1912.

(2) An order under subsection (5) in respect of a registered club may be made by the licensing court—

- (a) as part of its determination of an application for the renewal of the certificate of registration of the club to which objection has been taken on the ground that the last previous election of the governing body of the club was not properly conducted;
- (b) as part of its determination of the matter of a complaint against the club under section 17 if the district inspector by whom the complaint was made has given notice in writing to the club of his intention to apply for the making of the order at least 3 clear days before the day appointed for the commencement of the hearing of the matter of the complaint;
- (c) upon an application made by a full member referred to in the definition of “appropriate number of full members” in subsection (1) if—
 - (i) that application is accompanied by a request in writing for the making of the order that is signed by at least the appropriate number of full members of the club and shows the names in full or the surnames and the initials of the given names of the signatories; and
 - (ii) notice in writing of intention to make the application was given to the club at least 21 clear days before the day appointed for the commencement of the hearing of the application; or
- (d)

Registered Clubs.

(d) upon an application made by or on behalf of the club.

(3) Notwithstanding subsection (2) (b), the licensing court may make an order under subsection (5) in respect of a registered club if the notice referred to in subsection (2) (b) is given to the club at the hearing of the matter of the complaint but, if a notice is so given and the club so requests, proceedings on the application shall be adjourned for a period of not less than 3 clear days or, if the club consents to an adjournment for a shorter period, for a period at least equal to that shorter period.

(4) An application purporting to be an application referred to in subsection (2) (c) and accompanied by a request purporting to be a request so referred to, shall be deemed to be a valid application unless the licensing court is satisfied—

(a) that the application was not made by a full member referred to in the definition of “appropriate number of full members” in subsection (1);

(b) that the request—

(i) is not signed by at least the appropriate number of full members of the club; or

(ii) does not show the names in full or the surnames and initials of the given names of the signatories; or

(c) that notice of intention to make the application was not given in accordance with subsection (2) (c) (ii).

(5)

Registered Clubs.

(5) The licensing court may, in the manner referred to in subsection (2) (a) or (b) or upon an application referred to in subsection (2) (c) or (d), make an order that the first election of the governing body of the registered club referred to in the order to be held after the date of the order be conducted by the Electoral Commissioner.

(6) Notwithstanding any other provision of this Act, an order made upon an application referred to in subsection (2) (c) is final and conclusive and not subject to appeal.

(7) Where the licensing court makes an order under subsection (5), the election referred to in that subsection shall be conducted by the Electoral Commissioner or by an officer within the meaning of the Public Service Act, 1902, authorised in writing by the Electoral Commissioner to conduct that election.

(8) A person conducting an election pursuant to an order made under subsection (5) may, notwithstanding anything contained in the rules of the club to which the order relates, take such action and give such directions as he considers necessary for or in connection with the conduct of the election or in order to ensure that no irregularities occur in or in connection with the election or to remedy any procedural defects in the rules of the club that appear to him to exist.

(9) An election conducted pursuant to an order made under subsection (5) shall not be invalid by reason only of—

- (a) a breach of the rules of the club to which the order relates involved in an act done in accordance with subsection (8); or
- (b) an irregularity in observing any of the provisions of subsection (2).

(10)

Registered Clubs.

(10) A person shall not—

- (a) refuse or fail to comply with a direction given under subsection (8); or
- (b) obstruct or hinder a person conducting an election pursuant to an order made under subsection (5) or carrying out such a direction.

Penalty : \$500.

(11) An order made under subsection (5) has effect notwithstanding that the registered club in respect of which it is made is disqualified from holding a certificate of registration or is not the holder of a certificate of registration by reason of its not being issued with a certificate of registration as referred to in section 14 (b) or notwithstanding that the certificate of registration of the club is deemed by section 15 (8), 17 (7) or 62 (4) not to be in force, but ceases to have effect if the registered club in respect of which it is made otherwise ceases to be a registered club.

(12) Where a person conducting an election pursuant to an order made under subsection (5)—

- (a) dies or is unable to complete the conduct of the election; or
- (b) ceases to be a person qualified to conduct the election,

the Electoral Commissioner shall complete the conduct of the election or make arrangements or give directions for the completion of the conduct of the election by another person who is so qualified.

(13)

Registered Clubs.

(13) The expenses of an election conducted pursuant to an order made under subsection (5) shall be paid to the Electoral Commissioner by the registered club concerned within 1 month after a certificate referred to in subsection (15) is served on the club and, if not so paid, may be recovered from that club as a debt in any court of competent jurisdiction.

(14) The expenses referred to in subsection (13) do not include—

- (a) the salary or other remuneration of any officer or employee of the State performing any duty in relation to the election, including any person appointed solely for the purposes of the election;
- (b) the cost of travel of such an officer or employee, including any travelling or similar allowance, incurred in connection with the performance of any such duty; or
- (c) expenses in connection with the provision or use of premises provided by the State for the purposes of the election, including premises obtained solely for those purposes.

(15) A certificate signed by the Electoral Commissioner, countersigned by the Minister and specifying the amount of the expenses required to be paid by a registered club in accordance with subsection (13) is admissible in any proceedings for the recovery of that amount and is conclusive evidence of that amount.

37. (1) A registered club shall, within 1 month after its annual general meeting or within such further time as the licensing court, on an application made by the club, may allow, lodge with the clerk of the licensing court a copy of the balance sheet and of either the profit and loss account or the income and expenditure account, each as duly audited, submitted to that annual general meeting.

Lodgment
of
registered
club's
balance
sheet and
profit and
loss
account
or income
and
expenditure
account.

(2)

Registered Clubs.

(2) A registered club does not comply with subsection (1) unless the original of the balance sheet and profit and loss account or income and expenditure account referred to in that subsection contained the particulars prescribed, and was prepared in the manner prescribed, by any regulations made for the purposes of section 38 (1) and applicable to it.

(3) A registered club that does not comply with subsection (1) is guilty of an offence and liable to a penalty not exceeding \$1,000.

Form of
balance
sheet and
profit and
loss
account or
income and
expenditure
account of
registered
clubs.

38. (1) The balance sheet and, in the case of a registered club that is—

- (a) a company within the meaning of the Companies Act, 1961, the profit and loss account;
- (b) a society registered under the Co-operation Act, 1923, the income and expenditure account; or
- (c) neither such a company nor such a society, the profit and loss account or the income and expenditure account,

shall contain such particulars as may be prescribed and shall be prepared in the prescribed manner.

(2) The provisions of subsection (1) have effect in addition to the provisions of the Companies Act, 1961, relating to balance sheets and profit and loss accounts of companies and in addition to the provisions of the Co-operation Act, 1923, relating to balance sheets and income and expenditure accounts of societies but so far as any provision of any regulation made for the purposes of subsection (1) is inconsistent with any provision of either of those Acts the provision of the regulation shall prevail and, if it is complied with by the registered club, the registered club shall be deemed not to have failed to comply with the provision of either of those Acts with which the provision of the regulation is inconsistent.

Registered Clubs.

39. A registered club shall—

- (a) within 48 hours after a declaration has been made at a meeting of the governing body of the club under section 123 (1) of the Companies Act, 1961, or section 84AB (1) of the Co-operation Act, 1923, cause particulars of the declaration specifying the name of the member of the governing body who made the declaration and the nature of the interest declared to be exhibited in a conspicuous position on the premises of the club;
- (b) cause those particulars to be so exhibited for a continuous period of not less than 14 days; and
- (c) within 1 month after its annual general meeting, lodge with the clerk of the licensing court a copy of all such particulars so exhibited during the period commencing on the day of its last preceding annual general meeting and ending on the day of that firstmentioned annual general meeting.

Disclosure
of interests
of members
of governing
body of
registered
club.

Penalty : \$1,000.

40. (1) A registered club shall—

- (a) cause to be prepared and submitted to a meeting of the governing body of the club at intervals of not more than 3 months a statement in relation to each aspect of the club's activities of the income and expenditure of the club received or incurred during the period commencing on the date of commencement of this Act or the date up to which the next previous such statement was so submitted, whichever date is the later, and ending on a date not earlier than 14 days before the date the statement is so submitted;

Regular
statements
of income
and
expenditure.

Registered Clubs.

- (b) within 48 hours after the meeting of the governing body of the club to which any such statement is submitted, cause a copy of that statement and of any resolution passed by the governing body of the club in relation to that statement to be exhibited in a conspicuous position on the premises of the club; and
- (c) cause the copy of that statement and that resolution, if any, to be so exhibited for a continuous period of not less than 14 days.

(2) A registered club does not comply with subsection (1) unless, where the regulations require the statement referred to in that subsection to be prepared in the prescribed form or so that it contains, in addition to particulars prescribed by subsection (1) (a), such other particulars as may be prescribed, the statement is so prepared.

(3) A registered club that does not comply with subsection (1) is guilty of an offence and liable to a penalty not exceeding \$1,000.

(4) The reference in subsection (1) to the governing body of a club is, while—

- (a) a person is acting in a capacity referred to in section 41 (1) in respect of that club; and
- (b) that club does not, as a result of a person having been appointed so to act, have a governing body.

a reference to the person so acting.

Registered Clubs.

41. (1) A person is not capable of being appointed to act in the capacity of the official manager, the receiver or manager, a member of the committee of management, the liquidator or the special manager of a registered club that is a company within the meaning of the Companies Act, 1961, or a society registered under the Co-operation Act, 1923, or of acting in any such capacity unless he has been—

Registered clubs under official management or receivership or in liquidation.

- (a) appointed to act in that capacity by the Supreme Court; or
- (b) approved to act in that capacity by the licensing court.

(2) An application for approval to act in any capacity referred to in subsection (1) may be made to the licensing court by any person by delivering the application to the clerk of the licensing court.

(3) The licensing court shall hear and determine an application made under subsection (2) and, except as provided in this section, shall grant the application.

(4) The licensing court shall not grant the application if it is satisfied that any objection to the granting of the application has been sustained.

(5) Objection to the granting of the application may be taken on the ground that the applicant is not a fit and proper person to act in the capacity specified in the application and may be so taken only by the district inspector.

PART

Registered Clubs.

PART V.

APPEALS.

Appeals.

42. (1) The provisions of Part V of the Justices Act, 1902, apply to and in respect of proceedings under this Act resulting in an adjudication of a licensing court in respect of—

- (a) an application under section 8 (1) for the renewal of the certificate of registration of a registered club;
- (b) a complaint under section 17 (1) for the cancellation of the certificate of registration of a registered club or the disqualification of a registered club from holding a certificate of registration;
- (c) an application under section 33 (1) for approval of a person to act as secretary of a registered club; or
- (d) a complaint under section 35 (1) in respect of the secretary or a member of the governing body of a registered club,

in the same way as those provisions apply to and in respect of proceedings referred to in those provisions and as if the proceedings resulting in such an adjudication were proceedings before a justice or justices and as if the determination made by the licensing court on such an adjudication were an order of a justice or justices against which any person aggrieved by the adjudication is entitled to appeal under this Act.

(2) Any person aggrieved by an adjudication of a licensing court constituted by a licensing magistrate or stipendiary magistrate sitting alone (not being an adjudication referred to in subsection (1) or an adjudication of a licensing court made on proceedings referred to in section 65) may appeal against the adjudication to the licensing court constituted by not less than three licensing magistrates or in accordance with section 5 (12) (b) of the Liquor Act, 1912, but not in either case including the licensing magistrate or stipendiary magistrate by whom the adjudication was made.

(3)

Registered Clubs.

(3) An appeal under subsection (2) shall be by way of rehearing.

(4) The decision on an appeal under subsection (2) is final and conclusive and, subject to subsection (5), shall not be subject to appeal.

(5) The provisions of Divisions 1 and 2 of Part V of the Justices Act, 1902, apply to and in respect of—

(a) proceedings under this Act resulting in an adjudication made by a licensing court constituted by a licensing magistrate or stipendiary magistrate sitting alone (not being an adjudication referred to in subsection (1) or an adjudication of a licensing court made on proceedings referred to in section 65) or in accordance with section 5 (12) (b) of the Liquor Act, 1912; or

(b) proceedings on an appeal under subsection (2),

in the same way as those provisions apply to and in respect of proceedings referred to in those provisions and as if the proceedings referred to in paragraph (a) or (b) were proceedings before a justice or justices and as if the determination made on those proceedings were an order of a justice or justices.

(6) Nothing in this section affects any right of appeal under Part V of the Justices Act, 1902, against any adjudication of a licensing court that any person has apart from this section.

Registered Clubs.

PART VI.

OFFENCES IN RELATION TO CLUBS.

**Inter-
pre-
ta-
tion.**

43. In this Part—

“bar” includes any portion of the premises of a registered club in which liquor is sold, supplied or disposed of to persons for consumption on those premises but does not include—

(a) a dining room; or

(b) a portion of the premises of the club in respect of which an authority under section 22 is in force,

except during any period in which meals are not being served therein;

“prohibited person” means a person in respect of whom an order under section 54 of the Liquor Act, 1912, is in force.

**Supply of
liquor on
defined
premises of
registered
clubs.**

44. (1) A registered club shall not supply or dispose of liquor or cause or suffer liquor to be supplied or disposed of except on the defined premises of the club.

Penalty : \$500.

(2) A person authorised by a registered club to supply or dispose of liquor shall not supply or dispose of liquor, or cause or suffer liquor to be supplied or disposed of, on behalf of the club except on the defined premises of the club.

Penalty : \$200.

(3) Nothing in subsection (1) or (2) affects the operation of section 43 of the Liquor Act, 1912.

45.

Registered Clubs.

45. (1) If—

- (a) a person uses any of the accommodation, facilities or amenities provided on the defined premises of a registered club; and
- (b) that person is not a member of that registered club or a guest of such a member particulars of whom (referred to in section 31 (1) (c)) have been entered in the register kept in accordance with the rule referred to in section 30 (2) (k),

Unauthor-
ised persons
using
defined
premises of
registered
club.

then—

- (c) that person;
- (d) the registered club; and
- (e) the secretary of the registered club,

are each guilty of an offence and liable to a penalty not exceeding \$200.

(2) It is a sufficient defence to a prosecution for an offence arising under subsection (1) alleged to have been committed by a registered club or the secretary of a registered club if the defendant proves that it or he took all reasonable steps to prevent persons other than—

- (a) members of the registered club; and
- (b) guests of members of the registered club particulars of whom (referred to in section 31 (1) (c)) have been entered in the register kept in accordance with the rule referred to in section 30 (2) (k),

from

Registered Clubs.

from using the accommodation, facilities and amenities provided on the defined premises of the registered club.

Carrying
away liquor
from
premises of
registered
clubs.

46. (1) In this section, "prohibited time" means any time—

- (a) on a Sunday;
- (b) on a Good Friday or Christmas Day or on any day specified in a proclamation made under subsection (2);
- (c) on any day on which Anzac Day is observed, except a time between 12 noon and 10 p.m.; or
- (d) on any other day, except a time between 10 a.m. and 10 p.m.

(2) The Governor may by proclamation published in the Gazette specify any day or days as a day or as days at any time on which liquor may not be carried away from the premises of a registered club.

(3) A person shall not carry liquor away or attempt to carry liquor away from the premises of a registered club at a prohibited time.

Penalty : \$200.

(4) It is a sufficient defence to a prosecution for an offence arising under subsection (3) if the defendant, being a person under the age of 18 years, proves that he was ordered or requested by some other person of or above the age of 18 years to carry away liquor from the premises referred to in the information for the offence.

47.

Registered Clubs.

47. If any rule, being a rule referred to in section 30 (1) ^{Offences} or (2) (except section 30 (2) (g) or (h)) of a registered ^{against} club is broken— ^{rules.}

(a) the registered club; and

(b) if it is a rule referred to in section 30 (2), the secretary of the registered club,

are each guilty of an offence and liable to a penalty, in the case of the registered club, not exceeding \$500 and, in the case of the secretary, not exceeding \$200.

48. (1) Within 1 month after a registered club ^{Change} changes ^{of name} its name, it shall lodge with the clerk of the licensing court ^{of club.} and the district inspector notice in writing of the change and with the clerk of the licensing court the certificate of its registration.

Penalty : \$200.

(2) The clerk of the licensing court shall—

(a) endorse on the certificate of registration the new name of the club; and

(b) thereupon notify the secretary to the licensing magistrates that the certificate has been so endorsed.

49. Within 1 month after a registered club amends its ^{Amendment} rules, it shall lodge with the clerk of the licensing court and ^{of rules} the district inspector a copy of all of the rules (except the ^{of club.} rules contained in section 30 (1) and (2)) and of the amendments certified as correct under the hand of the secretary of the club.

Penalty : \$200.

Registered Clubs.

Certain
sales,
etc., of
liquor by
registered
clubs
prohibited,
etc.

50. (1) If—

- (a) any person employed by, or on behalf and with the authority of, a registered club sells, supplies or disposes of liquor on the premises of a registered club, or permits liquor to be so sold, supplied or disposed of, to a person who is a prohibited person or to a person in a state of intoxication or under the age of 18 years; or
- (b) any person who is a prohibited person or is under the age of 18 years and who is in any bar is not forthwith removed from the bar,

then—

- (c) the registered club; and
- (d) the secretary of the registered club,

are each guilty of an offence and liable to a penalty, in the case of the registered club, not exceeding \$500 and, in the case of the secretary, not exceeding \$200.

(2) Any person, other than a person employed by, or on behalf and with the authority of, a registered club, who supplies or disposes of liquor on the premises of a registered club, or permits liquor to be so supplied or disposed of, to a person who is a prohibited person or to a person in a state of intoxication or under the age of 18 years, is guilty of an offence and liable to a penalty not exceeding \$200.

(3) It is a sufficient defence to a prosecution for an offence arising under—

- (a) subsection (1) (a) or (2) if the defendant proves that the sale, supply or disposal was made in a case of sickness or accident; and

(b)

Registered Clubs.

(b) subsection (1) (a) or (b) or (2), in relation to a prohibited person, if the defendant proves that he did not know, and could not reasonably have known, that the person concerned was a prohibited person.

51. (1) A person under the age of 18 years shall not—
- (a) consume liquor on the premises of a registered club;
 - (b) obtain or attempt to obtain liquor for consumption on the premises of a registered club;
 - (c) carry liquor away or attempt to carry liquor away from the premises of a registered club; or
 - (d) use or operate poker machines in the premises of a registered club.

Consumption of liquor or operation of poker machines by persons under the age of 18 years.

Penalty : \$100.

(2) It is a sufficient defence to a prosecution for an offence arising under subsection (1) (c) if the defendant proves that he was ordered or requested by some other person of or above the age of 18 years to carry liquor away from the premises of the registered club.

52. A person who is under the age of 18 years or is a prohibited person shall not enter or be in a bar.

Prohibition on persons under 18 years being in bars.

Penalty : \$100.

53. A person shall not send another person under the age of 18 years to the premises of a registered club for the purpose of obtaining any liquor, or order or request another such person to go to any such premises for that purpose.

Sending person under age of 18 years for liquor.

Penalty : \$200.

Registered Clubs.

Poker
machines
in dining
rooms and
dining
areas.

54. (1) In this section, "dining area" means any part of the premises of a registered club in respect of which an authority under section 22 is in force.

(2) If at any time when a poker machine is located in—

(a) any part of the premises of a registered club that is a dining room or dining area; or

(b) any part of the premises of a registered club through or by means of which a person under the age of 18 years is permitted or obliged to obtain entry to, or to depart from, a dining room or dining area on the premises of that registered club,

a person under the age of 18 years is in that dining room, dining area or part—

(c) the registered club; and

(d) the secretary of the registered club,

are each guilty of an offence and liable to a penalty, in the case of the registered club, not exceeding \$500 and, in the case of the secretary, not exceeding \$200.

False
statements.

55. A person shall not in any application or other instrument delivered to or lodged with a licensing court or the clerk of a licensing court by or on behalf of a club wilfully make any statement that is false or misleading in a material respect.

Penalty : \$500.

56.

Registered Clubs.

56. It is a sufficient defence to a prosecution of the secretary of a registered club for an offence arising under any provision of this Act if the secretary proves that—

Defence of secretary of registered club to prosecutions.

- (a) he did not know and could not reasonably have known that the offence was being committed; or
- (b) he used all due diligence to prevent the commission of the offence.

57. It is a sufficient defence to a prosecution of a person under this Act for an offence alleged to have been committed in relation to a person under the age of 18 years if the defendant proves that he believed on reasonable grounds that the person under the age of 18 years was of or above the age of 18 years.

Defence to prosecutions for offences relating to persons under the age of 18 years.

PART VII.

POWERS OF INSPECTORS.

58. (1) A district inspector may at any time—

Power of entry and inspection by inspectors.

- (a) enter and examine any part of the premises of a registered club;
- (b) take an account of all liquor in the premises of the club; and
- (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and the regulations are being and have been complied with.

(2)

Registered Clubs.

(2) An inspector may at any reasonable time of the day or night—

- (a) enter any part of the premises of a registered club;
- (b) require the secretary of the club or any other person having custody of any registers, books, records or documents relating to the club to produce to him those registers, books, records or documents; and
- (c) make copies of, or take extracts from, any entries in any such register, book, record or document.

(3) A person shall not wilfully delay or obstruct a district inspector or other inspector in the exercise of his powers under subsection (1) or (2) or, being a member of the governing body or of any committee or the secretary or any other employee of a registered club whose premises the district inspector or other inspector has entered, refuse to permit or to assist the district inspector or other inspector to exercise those powers.

Penalty : \$1,000.

Entry on premises of registered club on which unlawful conduct, etc. is taking place.

59. (1) If—

- (a) any member of the police force of or above the rank of sergeant or for the time being in charge of a police station; or
- (b) any member of the police force authorised by a general authority issued to him for the purposes of this section under the seal of a licensing court or authorised in writing in a particular case by a licensing magistrate, justice or member of the police force above the rank of sergeant,

suspects

Registered Clubs.

suspects on reasonable grounds that any unlawful or disorderly conduct is being carried on, or any offence arising under this Act is being committed, on the premises of a registered club at any time during the day or night, he may demand entry to those premises and if he is not admitted or is unreasonably delayed he may break into those premises with such assistance as he deems requisite.

(2) A person shall not, upon a demand being made on him by any person empowered by subsection (1) to demand entry to the premises of a registered club, refuse or fail to admit to those premises, or wilfully delay or obstruct the admittance to those premises of, the person making the demand.

Penalty : \$1,000.

PART VIII.

LEGAL PROCEEDINGS.

60. If an application made under this Act is refused by the licensing court the licensing court shall state its reasons for the refusal.

Licensing
court to
state
reasons
for
refusal.

61. Notwithstanding any other provision of this Act, on the hearing of an application made under this Act, the licensing court may at the request of the applicant or of any objector to the application and on such terms as to costs or adjournment as it thinks fit—

Discre-
tionary
powers of
licensing
court.

- (a) permit the lodgment or amendment of any notice or other instrument necessary to the proceedings before the court; or

(b)

Registered Clubs.

- (b) disregard any omission, error, defect or insufficiency in any such notice or other instrument or any failure, defect or insufficiency in respect of the giving, serving, fixing, keeping affixed, advertising, exhibition or publishing of any such notice or other instrument if the court is satisfied that injustice to any person will not thereby be occasioned.

Costs and expenses.

62. (1) The licensing court—

- (a) in determining an application made under this Act to which an objection may be taken, may order that—
- (i) the applicant pay to any objector the objector's reasonable costs and expenses in making the objection; or
 - (ii) any objector or any person who the licensing court is satisfied is directly or indirectly interested in the taking of any objection pay to the applicant the applicant's reasonable costs and expenses in answering the objection; or
- (b) in determining a complaint under section 17 may order that—
- (i) the registered club against which the complaint is made pay to the complainant the complainant's reasonable costs and expenses in making the complaint; or
 - (ii) the complainant pay to the registered club the registered club's reasonable costs and expenses in answering the complaint,

within such time as may be specified in the order.

(2)

Registered Clubs.

(2) An order shall not be made under subsection (1) for the payment of any amount by an objector or complainant if the licensing court is satisfied that the objection or complaint is based exclusively on considerations of public interest and is not malicious, frivolous or vexatious and that the objector or complainant has no direct or indirect pecuniary interest in the refusal of the application or any expectation of such an interest or in the upholding of the complaint.

(3) Any amount ordered to be paid under subsection (1) may be recovered as a debt in any court of competent jurisdiction.

(4) So long as any amount ordered to be paid by a registered club under subsection (1) remains unpaid after the time ordered for the payment thereof, the certificate of registration of the club shall be deemed to be not in force.

63. In any proceedings arising under this Act, the Liquor Act, 1912, or the regulations, an allegation in the information or complaint by which the proceedings were commenced or in an objection to an application the subject of those proceedings, being—

Evidentiary provisions.

- (a) an allegation that liquor was, on a specified day or during a specified period sold, supplied or disposed of shall, if it is proved that on that day or during that period a liquid was sold, supplied or disposed of, be deemed to be proof that that liquid was liquor unless the contrary is proved;
- (b) an allegation that a club is, or at any time specified in the allegation was, a registered club shall be deemed to be proved unless the contrary is proved;

(c)

Registered Clubs.

- (c) an allegation that a club is not, or at any time specified in the allegation was not, a registered club shall be deemed to be proved unless the contrary is proved or a certificate of registration is produced and that certificate is expressed to be, or, as the case may be, to have been at that time, in force in respect of that club;
- (d) an allegation that a registered club is not, or at any time specified in the allegation was not, the holder of an authority under section 20, 21, 22 or 23 shall be deemed to be proved unless the contrary is proved or such an authority is produced and that authority is expressed to be, or, as the case may be, to have been at that time, in force in respect of that club;
- (e) an allegation that a specified person is, or at any time specified in the allegation was, the secretary of a registered club, as defined in paragraph (a) or (b) of the definition of "secretary" in section 4 (1), shall, if it is proved that that person is, or at that time was, an employee of that club, be deemed to be proof that that person is or, as the case may be, was at that time the secretary of that club unless the contrary is proved;
- (f) an allegation that any person is, or at any time specified in the allegation was, the district inspector for a licensing district so specified shall be deemed to be proved unless the contrary is proved; and
- (g) an allegation that any premises are, or at any time specified in the allegation were, the premises of a registered club or, as the case may be, the defined premises of a registered club shall be deemed to be proved unless the contrary is proved.

Registered Clubs.

64. (1) An information for an offence arising under this Act of which a registered club that is not a body corporate is alleged to be guilty may be laid against the club in the name of the club. Prosecution of unincorporated clubs.

(2) Any such information may, subject to subsection (3), be prosecuted and dealt with in all respects as if the club were a body corporate.

(3) Any penalty imposed on or other amount ordered to be paid by such a club upon its conviction for such an offence may be recovered from the trustees or other governing body of the club as a debt in any court of competent jurisdiction.

(4) The trustees or other governing body of such a club are indemnified for the payment of any such penalty or other amount from the property of the club.

65. (1) Proceedings for an offence arising under this Act may be taken— Proceedings for offences arising under this Act.

(a) before the licensing court for the licensing district in which the offence was committed; or

(b) before a court of petty sessions held before a stipendiary magistrate.

(2) Proceedings referred to in subsection (1) taken before a licensing court shall for the purposes of any Act relating to summary proceedings before justices be deemed to be summary proceedings before justices.

Registered Clubs.

Limitation
of actions.

66. No action shall lie against the chairman or any member of a licensing court, a justice, an inspector or any member of the police force for or in respect of any matter or thing done by him or directed by him to be done in the execution of his duty or office for the purposes of this Act, unless the action is commenced within 3 months after the cause of action arose.

PART IX.

MISCELLANEOUS.

Power to
demand
particulars
from certain
persons on
premises of
registered
club.

67. (1) In this section, "bar" has the meaning ascribed to that expression by section 43.

(2) A member of the governing body or of any committee of a registered club or an employee of a registered club may demand—

- (a) from any person who is in a bar or is using or operating a poker machine on the premises of the club and whom that member or employee suspects on reasonable grounds is under the age of 18 years, particulars of the correct age, name and address of that person; or
- (b) from any person who enters or is on the premises of the club and whom that member or employee suspects on reasonable grounds is not—
 - (i) a member of the club; or
 - (ii) a guest of a member of the club particulars of whom (referred to in section 31 (1) (c)) have been entered in the register kept for the purposes of section 30 (2) (k),
 particulars of the correct name and address of that person.

(3)

Registered Clubs.

(3) A member of the police force may demand—

(a) from any person who is in a bar or is using or operating a poker machine on the premises of any registered club and whom that member suspects on reasonable grounds is under the age of 18 years, particulars of the correct age, name and address of that person; or

(b) from any person who enters or is on the premises of any registered club and whom that member suspects on reasonable grounds is not—

(i) a member of the club; or

(ii) a guest of a member of the club particulars of whom (referred to in section 31 (1) (c)) have been entered in the register kept for the purposes of section 30 (2) (k),

particulars of the correct name and address of that person.

(4) If a member of the governing body or of a committee of a registered club, an employee of a registered club or a member of the police force, by whom a demand has been made under subsection (2) or (3), believes on reasonable grounds that any particular given by the person on whom the demand was made is false he may require that person to produce evidence of the correctness of that particular.

(5) If a person on whom a demand is made under subsection (3) refuses or fails to state the particulars demanded or, without reasonable cause, to produce evidence referred to in subsection (4), the member of the police force by whom the demand was made may without any warrant apprehend that person forthwith and where he does so shall bring that person before some justices as soon as practicable to be dealt with according to law.

(6)

Registered Clubs.

(6) A person on whom a demand is made under subsection (2) or (3) shall not refuse or fail to state to the person by whom the demand is made his correct age, name and address or, without reasonable cause, to produce evidence as to his correct age, name and address.

Penalty : \$200.

Inspector
to be given
copies of
applications
and
objections.

68. (1) Where an application or a conditional application is, in accordance with any provision of this Act, delivered to the clerk of the licensing court, he shall forthwith forward the application or conditional application and any documents accompanying it to the district inspector.

(2) Where notice of an objection to an application under this Act is given to the clerk of the licensing court by any person other than the district inspector, the clerk of the licensing court shall forthwith forward a copy of the notice to the district inspector.

Suppliers to
registered
clubs to
furnish
returns.

69. (1) A person who sells, supplies or otherwise disposes of liquor to a registered club shall during the month of January in each year forward to the secretary to the licensing magistrates a statement in writing setting forth in respect of the 12 months ended on the preceding thirty-first day of December the prescribed particulars in respect of that liquor.

Penalty : \$1,000 or imprisonment for a term not exceeding 12 months.

(2) It is a sufficient defence to a prosecution for an offence arising under subsection (1) if the defendant proves that he had reasonable cause or excuse for failing to comply with the provisions of that subsection.

(3) An information for an offence arising under subsection (1) may be laid at any time within 3 years after the commission of the offence.

Registered Clubs.

70. (1) A person who sells, supplies or otherwise disposes of liquor to a registered club shall in a legible manner make a written record in the English language containing the prescribed particulars in respect of that liquor. Records of sale and disposal of liquor.

(2) The person by whom the record was made, or, where he has authorised some other person to have the possession, custody or control of that record, that other person, shall preserve that record for a period of 3 years after the date on which it was made.

(3) The reference in subsection (2) to a record made under subsection (1) includes a reference to a record made under section 168D (1) of the Liquor Act, 1912.

(4) A person required by subsection (2) to preserve a record referred to in that subsection shall not fail, after reasonable notice given to him by an inspector, to produce that record to that inspector.

Penalty : \$500.

(5) Where the regulations so require, the written record required to be made under subsection (1) shall be made in the prescribed manner.

71. (1) Any summons, notice or other instrument to be served on a club for the purposes of this Act may be served by leaving it with the secretary of the club, a member of the governing body or of a committee of the club or a person who is apparently an employee of the club at the premises of the club or by affixing it to a conspicuous part of the premises of the club. Service of notices, etc.

(2) Nothing in subsection (1) limits the operation of section 362 of the Companies Act, 1961, in respect of a registered club that is a company within the meaning of that Act.

72.

Registered Clubs.

Sydney
Cricket
Ground
Club and
Newcastle
International
Sports
Centre
Club.

72. (1) In this section, "club" means the Sydney Cricket Ground Club and the club referred to in section 9 (1) of the Newcastle International Sports Centre Act, 1967.

(2) Notwithstanding any other provision of this Act, the Governor may, by order and subject to such conditions as he thinks fit—

(a) sanction and authorise the renewal under this Act by the licensing court of the certificate of registration of a club; and

(b) from time to time exempt a club or the governing body, secretary or members of a club from any of the provisions of this Act otherwise applicable in respect of the club or the governing body, secretary or members of the club.

(3) Any conditions imposed by the Governor under subsection (2) (b) may be added to, revoked or varied by him during the period the certificate of registration as renewed is in force.

(4) Objection to the renewal of the certificate of registration of a club may be taken only by the district inspector.

(5) The Governor may, before sanctioning and authorising the renewal of the certificate of registration of a club under this section, refer the matter to the licensing court for inquiry and report.

(6) An application for the renewal of the certificate of registration of a club shall not be refused if the Governor has sanctioned and authorised that renewal.

(7)

Registered Clubs.

(7) Nothing in this section affects the operation of any other provision of this Act expressly exempting a club from any such provision.

(8) Any certificate of registration in respect of the Sydney Cricket Ground Club purporting to have been issued by the licensing court under Part X of the Liquor Act, 1912, at any time before the commencement of this Act shall be deemed to have been validly granted and issued.

(9) Nothing in this section affects the operation of section 9 (8).

73. (1) The Governor may make regulations not in- Regulations. consistent with this Act for or with respect to—

- (a) the practice and procedure of licensing courts;
- (b) the recording by a licensing court of its determination on any application under this Act;
- (c) the duties and functions of district inspectors, inspectors, clerks of licensing courts and the secretary to the licensing magistrates;
- (d) the making of and the procedure with respect to objections under this Act;
- (e) the making of and the procedure with respect to applications under this Act;
- (f) the exhibition of notices in connection with applications under this Act;
- (g) the forms for the purposes of this Act;
- (h) the fees in respect of any application under this Act;

(i)

Registered Clubs.

(i) the accommodation and sanitary and other conveniences in registered clubs;

(j) the particulars to be furnished by registered clubs;

(k) the submission to the licensing court of plans of the premises of registered clubs; and

(l) any matter or thing which by this Act is required or permitted to be prescribed or which is necessary or convenient to be prescribed for the purpose of carrying out or giving effect to this Act.

(2) Regulations may be made to apply differently according to such factors as are specified in the regulations.

(3) The regulations may impose a penalty not exceeding \$200 for any offence arising under the regulations and, in the case of a continuing offence, a further penalty not exceeding \$50 for each day the offence continues.

**Amend-
ments
to Liquor
Act, 1912,
and Gaming
and Betting
Act, 1912,
etc.**

74. (1) Each provision of the Liquor Act, 1912, specified in Column 1 of Part 1 of Schedule 1 is amended in the manner specified opposite that provision in Column 2 of that Part.

(2) Each provision of the Gaming and Betting Act, 1912, specified in Column 1 of Part 2 of Schedule 1 is amended in the manner specified opposite that provision in Column 2 of that Part.

(3)

Registered Clubs.

(3) The Gaming and Betting (Poker Machines) Taxation Act, 1956, is amended by omitting from section 3 (1) the words "has not been registered under Part X of the Liquor Act, 1912, as amended by subsequent Acts, or" and by inserting instead the words "is not a registered club within the meaning of the Registered Clubs Act, 1976, or has not been registered".

75. A reference in any Act, other than the Liquor Act, 1912, to a club registered under the Liquor Act, 1912, or to a certificate of registration of a club issued under the Liquor Act, 1912, shall be construed respectively as a reference to a club registered under this Act or to a certificate of registration of a club issued under this Act.

References in other Acts to registered clubs under Liquor Act, 1912.

76. Schedule 2 has effect.

Transitional provisions.

SCHEDULE 1.

PART 1.

Sec. 74 (1)

AMENDMENTS TO LIQUOR ACT, 1912.

Column 1. Provision of Liquor Act, 1912.	Column 2. Amendment.
Section 1	Omit the matter relating to Part X, insert instead the following matter:— PART X.—UNREGISTERED CLUBS— ss. 149, 150.
Section 3	(a) After the definition of " 'Court' or 'licensing court' ", insert the following definition:— "Defined premises", in relation to a registered club, means the premises that are the defined premises, within the meaning of the Registered Clubs Act, 1976, of that club. (b) After the definition of "Prescribed", insert the following definition:— "Registered club" has the meaning ascribed to that expression by section 4 (1) of the Registered Clubs Act, 1976.
Section 5 (9)	Omit "This subsection shall not be construed to disqualify a person from hearing and determining any matter by reason only of the fact that he is a member of a club, unless the matter relates to the club of which he is a member."

SCHEDULE

Registered Clubs.

SCHEDULE 1.—*continued.*PART 1.—*continued.*AMENDMENTS TO LIQUOR ACT, 1912.—*continued.*

Column 1. Provision of Liquor Act, 1912.	Column 2. Amendment.
Section 5 (10)	After "section 170", insert "or under section 41 (2) of the Registered Clubs Act, 1976".
Section 5 (12) (a)	After "section 170", insert "or under section 41 (2) of the Registered Clubs Act, 1976".
Section 12 (5)	Omit "or of a certificate of registration of a club".
Section 13 (7)	(a) After "license", insert "or permit"; (b) After "Act", insert "or to a registered club".
Section 21 (1) (d)	After "also", insert "registered clubs and".
Section 22 (2)	Omit "persons holding any permit or certificate of registration", insert instead "registered clubs, persons holding any permit".
Section 34 (2) (c)	Omit "persons holding any permit or certificate of registration", insert instead "registered clubs, persons holding any permit".
Section 43 (1)	After "same", insert "or he does so on the defined premises of a registered club on behalf and with the authority of that club,".
Section 43 (1B)	(a) After "Act" where firstly occurring, insert "or on premises not being the defined premises of a registered club"; (b) After "Act" where secondly occurring, insert "or not being the defined premises of a registered club".
Section 43 (6)	(a) Omit "or of a certificate of registration under Part X"; (b) Omit "permit or certificate", insert instead "or permit".
Section 43A	Insert at the end of the section the following subsection:— (5) A reference in subsection (1), (2) or (3) to a house, office, room or place or to premises does not include a reference to the defined premises of a registered club.
Section 43AA	(a) Omit "a club registered under Part X", insert instead "premises of a registered club"; (b) Omit "such a club", insert instead "premises of a registered club".
Section 57A (1)	(a) Omit "or in the premises of any registered club supplied to members of the club"; (b) Omit "or (as the case may be) the secretary of the club"; (c) Omit "or club premises"; (d) Omit "or secretary".
Section 57A (2)	Omit "or club premises".
Section 57A (2A)	Omit "or, where the permit relates to club premises, a person who is not a member, or the guest of a member, of the club".

SCHEDULE

*Registered Clubs.*SCHEDULE 1.—*continued.*PART 1.—*continued.*AMENDMENTS TO LIQUOR ACT, 1912.—*continued.*

Column 1. Provision of Liquor Act, 1912.	Column 2. Amendment.
Section 57A (3) ..	Omit "or club premises".
Section 112A	Omit "Part X", insert instead "the Registered Clubs Act, 1976".
Section 113	Omit "Part X", insert instead "the Registered Clubs Act, 1976".
Section 114	(a) Omit "Part X", insert instead "the Registered Clubs Act, 1976";
	(b) Omit "and club premises", insert instead "premises of a registered club".
Part X	(a) Omit the heading to the Part, insert instead the following heading:— UNREGISTERED CLUBS.
	(b) Omit the Part, except the heading to the Part and sections 149 and 150.
Section 153 (1) (p) ..	Omit the paragraph.
Section 154	(a) Omit "or certificate of registration of a club";
	(b) Omit "or certificate".
Section 161 (1) ..	Omit "This subsection shall not apply to or in respect of a licensee or his agent or servant selling liquor under and in accordance with the authority conferred by the license held by such licensee.", insert instead "This subsection does not authorise the granting of a warrant in respect of any premises or place at or in which a person is authorised to sell liquor under this Act or in respect of the defined premises of a registered club."
Section 168 (4) ..	Omit the subsection.
Section 168B (1) ..	(a) Omit "or to a registered club";
	(b) Omit "or registered club to whom or to which", insert instead "to whom";
	(c) Omit "and to each such registered club";
	(d) Omit "and by each such registered club".
Section 168C	Omit "or to registered clubs".
Section 168D (1) ..	Omit "or to registered clubs".
Section 170 (4) ..	(a) Omit "and to every certificate of registration of a club issued under Part X,";
	(b) Omit "and to club premises";
	(c) Omit ", and the fee payable upon the renewal of a certificate of registration of a club";
	(d) Omit ", and the holder of a certificate of registration of a club".
Section 170 (5) (a) ..	(a) Omit "or of a certificate of registration of a club, or an application or a conditional application for a certificate of registration of a club";
	(b) Omit "or an application under section 134A".
Section 170A (1) ..	(a) Omit ", or under subsection (2) of section 145";
	(b) Omit "or 136A".
Section 174	Omit ", permit or certificate of registration" wherever occurring, insert instead "or permit".

SCHEDULE

Registered Clubs.

SCHEDULE 1.—*continued.*

Sec. 74 (2).

PART 2.

AMENDMENTS TO GAMING AND BETTING ACT, 1912.

Column 1. Provision of Gaming and Betting Act, 1912.	Column 2. Amendment.
Section 1	From the matter relating to Part III, Division 4, omit " <i>not licensed under Liquor Act, 1912, as amended</i> "; insert instead " <i>not registered under Registered Clubs Act, 1976</i> ".
Section 50A	Omit the definition of "Secretary", insert instead the following definition:— "Secretary"— (a) in relation to a registered club within the meaning of the Registered Clubs Act, 1976, means the secretary, within the meaning of that Act, of that club; and (b) in relation to any other club includes any officer or other person performing the duties of the secretary of that club.
Section 50B (1) (a) ..	Omit "Part X of the Liquor Act, 1912, as amended by subsequent Acts", insert instead "the Registered Clubs Act, 1976,".
Section 50B (3) ..	(a) After "section such club," insert "the governing body,"; (b) After "law such club," insert "governing body,".
Section 50B (4) ..	(a) Omit "Part X of the Liquor Act, 1912, as amended by subsequent Acts," insert instead "the Registered Clubs Act, 1976,"; (b) Omit "that Part", insert instead "that Act".
Section 50BA (1) (e) ..	After "member of the", insert "governing body or".
Section 50BA (2A) (a) ..	After "member of the", insert "governing body or".
Section 50D (1) ..	Omit "Part X of the Liquor Act, 1912," insert instead "the Registered Clubs Act, 1976,".
Section 50D (3) (b) ..	(a) Omit "Part X of the Liquor Act, 1912, as amended by subsequent Acts, or under this Part of this Act", insert instead "the Registered Clubs Act, 1976, is cancelled, a registered club under that Act is disqualified for any period from holding a certificate of registration under that Act or a certificate of registration under this Part"; (b) After "so suspended", insert "or for which the club was so disqualified".
Section 50D (5) (b) ..	After "member of the", insert "governing body or".
Section 50EA (2) (b) ..	After "member of the", insert "governing body or".
Section 50EB (2) (b) ..	After "member of the", insert "governing body or".
Section 50EB (3) (b) ..	After "member of the", insert "governing body or".
Section 50F (1) ..	Omit "the register", insert instead "any register".
Part IIIA, Division 4 ..	From the heading to the Division, omit " <i>not licensed under Liquor Act, 1912, as amended</i> ", insert instead " <i>not registered under Registered Clubs Act, 1976</i> ".

SCHEDULE

*Registered Clubs.*SCHEDULE 1.—*continued.*PART 2.—*continued.*AMENDMENTS TO GAMING AND BETTING ACT, 1912.—*continued.*

Column 1. Provision of Gaming and Betting Act, 1912.	Column 2. Amendment.
Section 50R (1) (d)	.. Omit "the submission", insert instead "subject to the provisions of the Registered Clubs Act, 1976, in relation to a registered club under that Act, the submission".
Section 50R (2)	.. Omit "Part X of the Liquor Act, 1912, as amended by subsequent Acts and the regulations thereunder", insert instead "the Liquor Act, 1912, (so far as they relate to registered clubs under the Registered Clubs Act, 1976), the Registered Clubs Act, 1976, and the regulations made under either of those Acts".
Section 50R (4)	.. After "member of the", insert "governing body or".

SCHEDULE 2.

Sec. 76.

TRANSITIONAL PROVISIONS.

1. In this Schedule, "the previous Act" means the Liquor Act, 1912.

2. (1) Any application or conditional application, or proceedings on any application or conditional application, under a provision of the previous Act, being an application or conditional application or proceedings that had been lodged or commenced but had not been finally dealt with or completed before the commencement of this Act, may be pursued, continued, dealt with, heard and determined, adjudicated upon and completed under the corresponding provisions of this Act.

(2) Any complaint under section 148 of the previous Act made before the commencement of this Act, the matter of which complaint had not been heard and determined, adjudicated upon and completed by the licensing court before that commencement, may be so heard and determined, adjudicated upon and completed in all respects as if this Act had not been enacted except that the determination of the licensing court on the matter of the complaint shall be a determination referred to in section 17 (2) and shall be subject to appeal under the provisions of this Act as if it were an adjudication of the licensing court in respect of a complaint under section 17 (1).

(3)

Registered Clubs.

(3) Any complaint under section 148A of the previous Act made before the commencement of this Act or proceedings on such a complaint, the matter of which complaint had not been heard and determined, adjudicated upon and completed by the licensing court before that commencement, may be so heard and determined, adjudicated upon and completed under section 35.

(4) An adjudication of the licensing court that was made under a provision of the previous Act and against which an appeal could, but for the amendments made by section 74 (1) and Part 1 of Schedule 1, have been lodged under the previous Act before the commencement of this Act is subject to appeal under the provisions of this Act as if it were an adjudication under the provision of this Act that corresponds to that provision of the previous Act.

3. A certificate of registration under the previous Act in force immediately before the commencement of this Act shall be deemed to be a certificate of registration issued and in force under this Act.

4. The grant of a conditional application under section 136A, or the conditional grant of an order under section 145 (2), of the previous Act, being a grant of such an application or being such an order in force immediately before the commencement of this Act, shall respectively be deemed to be grants of conditional applications under section 18.

5. A permission granted under section 145A of the previous Act and in force immediately before the commencement of this Act shall be deemed to be an authority granted under section 20.

6. An order under section 145 (3) of the previous Act in force immediately before the commencement of this Act shall be deemed to be an authority granted under section 21.

7. A permission granted to a registered club under section 51B of the previous Act and in force immediately before the commencement of this Act shall be deemed to be an authority granted under section 22.

8. A permission granted under section 139A of the previous Act and in force immediately before the commencement of this Act shall be deemed to be an authority granted under section 23.

9. Where the certificate of registration of a club under the previous Act was, at the commencement of this Act, suspended, that club shall, until the suspension would but for the amendments effected by section 74 (1) and Part 1 of Schedule 1 have expired, be deemed to be disqualified from holding a certificate of registration.

10. A declaration made under section 148A (4) (a) or (b) of the previous Act shall have the same effect as if it were a declaration under section 35 (4) (a) or (b), as the case may be.

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11. (1) For the purposes of this Act, in respect of a club in respect of which a certificate of registration under the previous Act, in force immediately before the commencement of this Act, was held—

- (a) the premises of that club are the premises in respect of which that certificate of registration was held until other premises are, under subclause (2) (a) or section 5 (1) (a), defined or described as the premises of the club; and
- (b) the defined premises of that club are—
 - (i) except as provided in subparagraph (ii)—the premises of that club in respect of which that certificate of registration was held; or
 - (ii) where on any plan submitted in connection with an application made under the previous Act there was endorsed by a licensing magistrate any statement indicating that that certificate of registration extended only to a specified part of the premises of that club— that specified part,

until the licensing court, under subclause (2) (b) or section 5 (1) (b), specifies differently.

(2) The licensing court may, upon an application made by the district inspector in respect of a club in respect of which a certificate of registration under the previous Act, in force immediately before the commencement of this Act, was held—

- (a) define or describe the premises of the club in respect of which the certificate of its registration is in force; and
- (b) specify that those premises, or such part of those premises as is defined or described by the licensing court, are or is the defined premises of the club.

(3) Not more than one application may be made under subclause (2) (a) or (b) in respect of the same club.

(4) For the purposes of this Act, the premises, defined or described as referred to in subclause (2) (a), of a registered club are the premises of that club in respect of which the certificate of its registration is in force until other premises are, under section 5 (1), defined or described as the premises of the club.

(5) For the purposes of this Act, the premises or part of the premises of a registered club that are or is specified under subclause (2) (b) are the defined premises of that registered club until the licensing court, under section 5 (1), specifies differently.

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12. A person who immediately before the commencement of this Act held office as the secretary of a registered club under the previous Act shall be deemed to have been approved under section 33 as the secretary of that club.

13. A proclamation or order made under a provision of the previous Act specified in column 1 of the Table to this clause and in force at the commencement of this Act shall be deemed—

- (a) to be an order made under the provision of this Act specified in column 2 of that Table; and
- (b) to have been so made for the purposes of the provision of this Act specified in column 3 of that Table,

opposite the provision of the previous Act specified in column 1 of that Table.

TABLE

Column 1.	Column 2.	Column 3.
Section 134A (5)	Section 13 (1) (a)	Section 10 (4)
Section 134B (6)	Section 13 (1) (a)	Section 10 (3)
Section 135 (1)	Section 13 (1) (b)	Section 10 (5)
Section 135 (1A)	Section 30 (7)	Section 30 (6)

14. If a person is, at the commencement of this Act, prevented by the rule referred to in section 30 (1) (b) from holding office as a member of the governing body of a club in respect of which a certificate of registration under the previous Act, in force immediately before that commencement, was held, the position of that person as a member of the governing body of that club becomes vacant on that commencement and may be filled as a casual vacancy.

15. A person who became a member of a registered club before the commencement of this Act shall—

- (a) if he was elected to membership of the club for life, be deemed to be a life member of the club;
- (b) if he was elected to membership of the club in accordance with a rule of the club referred to in section 135 (1) (d) of the previous Act or if, immediately before the grant under the previous Act of the certificate of registration in respect of the club or of the conditional application, if any for the certificate of registration in respect of the club

whichever

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whichever was granted the later, he was a member of the club, not being a person who, under the rules of the club, was a life member, an honorary member or a temporary member of the club, be deemed to be an ordinary member of the club;

- (c) if he was admitted as an honorary member of the club or as an honorary and temporary member of the club, be deemed to be an honorary member of the club; or
- (d) except as provided in paragraphs (a), (b) and (c), be deemed to be a temporary member of the club.

16. Section 49 applies to and in respect of a registered club in respect of any amendment to its rules made before the commencement of this Act as if section 49 had been in force when the amendment was made unless section 135A of the previous Act was complied with in relation to the amendments.
