

**REGISTERED CLUBS (AMENDMENT) ACT, 1980,
No. 25**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 25, 1980.

An Act to amend the Registered Clubs Act, 1976, with respect to the hours during which liquor may be carried away from the premises of a registered club and the enforcement of the provisions of that Act relating to the sale or supply of liquor to, and the consumption of liquor by, persons under the age of 18 years, and for other purposes. [Assented to, 16th April, 1980.]

See also Gaming and Betting (Registered Clubs) Amendment Act, 1980.

Registered Clubs (Amendment).

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 :—

Short title. **1.** This Act may be cited as the "Registered Clubs (Amendment) Act, 1980".

Commence-
ment. **2.** (1) Except as provided in subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Section 3 shall, in its application to a provision of Schedule 1 (except Schedule 1 (1), (2), (3), (5), (6) and (10)), commence on the day on which that provision commences.

(3) The several provisions of Schedule 1 (except Schedule 1 (1), (2), (3), (5), (6) and (10)) shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment
of Act No.
31, 1976. **3.** The Registered Clubs Act, 1976, is amended in the manner set forth in Schedule 1.

Registered Clubs (Amendment).

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976.

(1) Section 9A—

After section 9, insert :—

9A. (1) A certificate of registration shall be subject to such conditions as the licensing court directs upon the grant or renewal of the certificate of registration or upon the grant of any application made by or on behalf of the club under section 19 (1), 20 (1), 21 (1) or 22 (1). Conditions relating to certificates of registration.

(2) Any condition to which a certificate of registration is subject under subsection (1)—

(a) shall, subject to paragraph (b), be a condition to which any renewal or further renewal of the certificate of registration is subject; and

(b) may be revoked or varied—

(i) by the licensing court, on application made to the licensing court by or on behalf of the club which is the holder of the certificate of registration or by an inspector; or

(ii) by the licensing court of its own motion, on the renewal or further renewal of the certificate of registration.

(2) Section 17 (1A)—

After section 17 (1), insert :—

(1A) If a registered club is convicted of an offence arising under the provisions of section 50 (1) (a) that relates to a person under the age of 18 years and, within the previous 3 years (those previous 3 years being after the commencement of this subsection), the registered club

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

had been convicted of another offence arising under those provisions that occurred on a different day, the district inspector shall, as soon as practicable after the later conviction, make a complaint for the purposes of subsection (1).

(3) (a) Section 18 (2)—

After “application” where secondly occurring, insert “either unconditionally or subject to such conditions as it thinks fit”.

(b) Section 18 (8) (a) (ii)—

Omit “or”.

(c) Section 18 (8) (b)—

Omit “sustained.”, insert instead “sustained; or”.

(d) Section 18 (8) (c)—

After section 18 (8) (b), insert :—

(c) except where any conditions subject to which the conditional application was granted have not been complied with.

(e) Section 18 (9A)—

After section 18 (9), insert :—

(9A) Subsection (8) (c) does not prevent the licensing court from making an order referred to in subsection (7) (c) or (d) if it is satisfied that non-compliance with the conditions, if any, does not warrant refusal of the order.

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(4) Section 22 (1)—

Omit the subsection, insert instead :—

(1) An application for an authority specifying a part or parts of the premises of a registered club as—

- (a) a dining area; or
- (b) a non-restricted 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.

(5) Section 25 (2) (va)—

After section 25 (2) (v), insert :—

- (va) any condition to which the certificate of registration of the club is subject has not been complied with;

(6) (a) Section 40 (1) (a)—

Omit the paragraph, insert instead :—

- (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 of income and expenditure in relation to each aspect of the club's activities during the period commencing on the date up to which the next previous such statement was so submitted (whether before or after the commencement of this paragraph) and ending on a date not earlier than 42 days before the date the statement is so submitted;

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(b) Section 40 (1) (c)—

Omit “14”, insert instead “28”.

(c) Section 40 (1A)—

After section 40 (1), insert :—

(1A) Where the last statement submitted by a registered club, as referred to in subsection (1) (a), as in force immediately before the commencement of this subsection, was a statement of the receipts of and payments made by the club, the reference in subsection (1) to a statement of income and expenditure shall be construed as a reference to a statement of receipts and payments until, and only until, the club first causes to be prepared and submitted, as referred to in subsection (1) (a), a statement of income and expenditure.

(d) Section 40 (2A)—

After section 40 (2), insert :—

(2A) A registered club shall keep every statement submitted as referred to in subsection (1) (a) for a period of 3 years after it is so submitted.

(e) Section 40 (3)—

After “(1)”, insert “or (2A)”.

(7) (a) Section 43, definition of “bar”—

Omit “portion” wherever occurring, insert instead “part”.

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(b) Section 43, definition of “bar”—

In paragraph (b), after “section 22”, insert
“specifying the portion as a dining area”.

(c) Section 43, definition of “bar”—

Omit “therein;”, insert instead :—

therein, or a portion of the premises of the
club in respect of which an authority under
section 22 specifying the portion as a
non-restricted area is in force;

(d) Section 43, definition of “poker machine area”—

After the definition of “bar”, insert :—

“poker machine area” means any part of the
premises of a registered club in which poker
machines are located and which is not
physically separated from any other part of the
premises of the registered club;

(8) Section 45 (3)—

After section 45 (2), insert :—

(3) It is a sufficient defence to a prosecution for an
offence arising under subsection (1) if the defendant proves
that the person, referred to in subsection (1) (a) and (b),
to whom the offence relates was an apprentice, within the
meaning of the Apprentices Act, 1969, or a probationer,
within the meaning of that Act, when the offence was

Registered Clubs (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE REGISTERED CLUBS ACT,
 1976—*continued.*

committed and that that person used the accommodation, facilities or amenities referred to in the information for the offence in the course of his carrying out work on the accommodation, facilities or amenities and for the purpose only of his receiving trade training as such an apprentice or probationer.

(9) Section 45A—

After section 45, insert :—

Minors'
names not
to be
entered
in guests'
register.

45A. A person who makes an entry relating to a guest under the age of 18 years in the register kept for the purposes of section 30 (2) (k) is guilty of an offence and liable to a penalty not exceeding \$500.

(10) (a) Section 46 (1) (a)—

After "Sunday", insert ", except a time between 12 noon and 10 p.m."

(b) Section 46 (1) (b)—

Omit "(2);", insert instead "(2); or".

(c) Section 46 (1) (c)—

Omit the paragraph.

(d) Section 46 (1) (d)—

Omit "10 p.m.", insert instead "11 p.m."

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(11) (a) Section 50 (1)—

Omit "\$500", insert instead "\$1,000".

(b) Section 50 (1)—

Omit "\$200", insert instead "\$500".

(c) Section 50 (2)—

Omit "\$200", insert instead "\$500".

(d) Section 50 (2A)—

After section 50 (2), insert :—

(2A) If—

(a) a person under the age of 18 years; or

(b) a prohibited person,

is on the premises of a registered club as the guest of a member of the club and is in any bar of the registered club, the member is guilty of an offence and liable to a penalty not exceeding \$500.

(e) Section 50 (3) (b)—

Omit "or (2)", insert instead ", (2) or (2A)".

(12) Sections 50A, 50B—

After section 50, insert :—

50A. (1) If a person under the age of 18 years is in any poker machine area of a registered club (other than a part of the premises of a registered club referred to in section 54 (2) (a), (b), (b1) or (b2)) and is not forthwith removed from that area—

Minors not permitted in poker machine areas.

(a) the registered club; and

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*
 AMENDMENTS TO THE REGISTERED CLUBS ACT,
 1976—*continued.*

(b) 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 \$1,000 and, in
 the case of the secretary, not exceeding \$500.

(2) If a person under the age of 18 years is on
 the premises of a registered club as the guest of a member
 of the club and is in any poker machine area of the club,
 the member is guilty of an offence and liable to a penalty
 not exceeding \$500.

Display of
 notices.

50B. (1) If there is not kept continuously displayed
 in a conspicuous place in every bar and poker machine
 area in the premises of a registered club a notice, comply-
 ing with the requirements, if any, prescribed for the
 purposes of this subsection and containing such particulars
 as may be so prescribed, with respect to the exclusion
 from the bar or area of persons under the age of 18 years—

(a) the registered club; and

(b) the secretary of the registered club,

are each guilty of an offence and liable to a penalty, in
 the case of a registered club, not exceeding \$1,000 and,
 in the case of the secretary, not exceeding \$500.

(2) If there is not kept continuously displayed
 in a conspicuous place in the vicinity of the place where
 the register is kept for the purposes of section 30 (2) (k)
 a notice, complying with the requirements, if any,

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

prescribed for the purposes of this subsection and containing such particulars as may be so prescribed, with respect to the obligations of members in relation to their guests who are under the age of 18 years—

- (a) the registered club; and
- (b) the secretary of the registered club,

are each guilty of an offence and liable to a penalty, in the case of a registered club, not exceeding \$1,000 and, in the case of the secretary, not exceeding \$500.

- (13) (a) Section 51 (1) (c)—
Omit “or” where secondly occurring.

- (b) Section 51 (1) (d)—
Omit “club.”, insert instead “club; or”.

- (c) Section 51 (1) (e)—
After section 51 (1) (d), insert :—

(e) enter or be in a poker machine area.

- (d) Section 51 (1)—
Omit “\$100”, insert instead “\$200”.

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(e) Section 51 (3)—

After section 51 (2), insert :—

(3) It is a sufficient defence to a prosecution for an offence arising under subsection (1) (d) or (e) if the defendant proves that he was an apprentice, within the meaning of the Apprentices Act, 1969, or a probationer, within the meaning of that Act, when the offence was committed and that he used or operated poker machines, or entered or was in a poker machine area, as the case may be, for the purpose only of his receiving trade training as such an apprentice or probationer.

(14) (a) Section 52 (1)—

Omit "\$100", insert instead "\$200".

(b) Section 52 (3)—

After section 52 (2), insert :—

(3) It is a sufficient defence to a prosecution for an offence arising under subsection (1) relating to a person under the age of 18 years if the defendant proves that he was an apprentice, within the meaning of the Apprentices Act, 1969, or a probationer, within the meaning of that Act, when the offence was committed and that he entered or was in the bar referred to in the information for the offence for the purpose only of his receiving trade training as such an apprentice or probationer.

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(15) Section 53—

Omit “\$200”, insert instead “\$500”.

(16) (a) Section 54 (1)—

Omit the subsection, insert instead :—

(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 specifying the part as a dining area is in force;

“non-restricted area” means any part of the premises of a registered club in respect of which an authority under section 22 specifying the part as a non-restricted area is in force.

(b) Section 54 (2) (a)—

Omit “or” where thirdly occurring.

(c) Section 54 (2) (b)—

Omit “held;”, insert instead “held;”.

(d) Section 54 (2) (b1), (b2)—

After section 54 (2) (b), insert :—

(b1) any part of the premises of a registered club that is a non-restricted area; or

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(b2) 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 non-restricted area in the premises of the registered club,

(e) Section 54 (2)—

Omit “or part”, insert instead “, non-restricted area or part”.

(f) Section 54 (2)—

Omit “\$500”, insert instead “\$1,000”.

(g) Section 54 (2)—

Omit “\$200”, insert instead “\$500”.

(17) (a) Section 57—

After “that” where firstly occurring, insert “the person under the age of 18 years was of or above the age of 14 years and that”.

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(b) Section 57 (2)—

At the end of section 57, insert :—

(2) For the purposes of, but without limiting, subsection (1), the defendant, being a registered club or the secretary of a registered club, shall be deemed to have had reasonable grounds for the belief referred to in that subsection if he proves that—

- (a) the person under 18 years of age produced to him, duly signed—
 - (i) a driver's licence issued under the Motor Traffic Act, 1909;
 - (ii) a notice given under the regulations made under section 35 (1A) of the Parliamentary Electorates and Elections Act, 1912; or
 - (iii) a certificate issued in accordance with the regulations made under this Act under which the person to whom the certificate is issued is required to authenticate it by signing it;
- (b) the person under 18 years of age made his signature in the premises of the registered club in the presence of the secretary or an employee of the registered club;
- (c) the person in whose presence the signature was made compared it with the signature appearing on the driver's licence, the notice or the certificate referred to in paragraph (a), being the signature of the person to whom it purported to have been issued; and

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

- (d) the person in whose presence the signature was made did not believe and had no reasonable grounds for believing that the person under 18 years of age—
 - (i) was not the person referred to in the driver's licence, the notice or the certificate so referred to; or
 - (ii) was under 18 years of age.

(18) Section 62 (2)—

Omit "An order", insert instead "Except in such circumstances as may be prescribed, an order".
