

**REGISTERED CLUBS (LIQUOR) AMENDMENT ACT, 1982,
No. 149**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 149, 1982.

An Act to amend the Registered Clubs Act, 1976, as a consequence of the enactment of the Liquor Act, 1982. [Assented to, 21st December, 1982.]

Registered Clubs (Liquor) 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 (Liquor) Amendment Act, 1982".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Liquor Act, 1982.

Principal Act.

3. The Registered Clubs Act, 1976, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE PRINCIPAL ACT.

SCHEDULE 3.—AMENDMENTS TO PART IV OF THE PRINCIPAL ACT.

SCHEDULE 4.—AMENDMENT TO PART V OF THE PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO PART VI OF THE PRINCIPAL ACT.

SCHEDULE 6.—AMENDMENTS TO PART VII OF THE PRINCIPAL ACT.

SCHEDULE 7.—AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT.

Registered Clubs (Liquor) Amendment.

SCHEDULE 8.—AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

SCHEDULE 9.—TABLES OF PROVISIONS OF THE PRINCIPAL ACT INVOLVING REPETITIVE AMENDMENTS.

SCHEDULE 10.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 31, 1976.

5. (1) The Principal Act is amended in the manner set forth in Schedules 1–8.

(2) The Principal Act is further amended—

- (a) by omitting from each provision specified in Table 1 of Schedule 9 the words “licensing court” where firstly occurring and by inserting instead the words “Licensing Court”;
- (b) by omitting from each provision specified in Table 2 of Schedule 9 the words “licensing court” wherever occurring and by inserting instead the words “Licensing Court”;
- (c) by omitting from each provision specified in Table 3 of Schedule 9 the words “clerk of the licensing court” wherever occurring and by inserting instead the word “registrar”;
- (d) by omitting from each provision specified in Table 4 of Schedule 9 the word “district” wherever occurring and by inserting instead the word “licensing”; and
- (e) by omitting from each provision specified in Table 5 of Schedule 9 the words “in a newspaper circulating in the licensing district for which the licensing court is constituted” wherever occurring and by inserting instead the words “as prescribed”.

Savings and transitional provisions.

6. Schedule 10 has effect.

Registered Clubs (Liquor) Amendment.

SCHEDULE 1.

(Sec. 5 (1).)

AMENDMENTS TO PART I OF THE PRINCIPAL ACT.

(1) Long title—

Omit “the Liquor Act, 1912, and”.

(2) Section 2 (3)—

Omit the subsection.

(3) (a) Section 3—

From the matter relating to Part V, omit “s. 42”, insert instead “ss. 42–42B”.

(b) Section 3—

From the matter relating to Division 1 of Part II, omit “*and Renewals*”.

(4) (a) Section 4 (1), definitions of “assessment period”, “Board”—

After the definition of “address”, insert:—

“assessment period”, in relation to a registration fee, means the period prescribed by the regulations for the purposes of this definition that, by an intervening period so prescribed, last preceded the registration period in respect of which the fee is payable;

“Board” means the Liquor Administration Board constituted by the Liquor Act, 1982;

(b) Section 4 (1), definition of “inspector”—

Omit the definition.

Registered Clubs (Liquor) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE PRINCIPAL ACT—*continued.*

(c) Section 4 (1), definition of "Licensing Court"—

Omit the definition of "licensing court", insert instead:—

"Licensing Court" means the Licensing Court of New South Wales constituted in accordance with the Liquor Act, 1982;

(d) Section 4 (1), definition of "licensing district"—

Omit the definition.

(e) Section 4 (1), definition of "licensing inspector"—

Before the definition of "life member", insert:—

"licensing inspector" has the same meaning as it has in the Liquor Act, 1982;

(f) Section 4 (1), definition of "liquor"—

Omit the definition, insert instead:—

"liquor" has the same meaning as it has in the Liquor Act, 1982;

(g) Section 4 (1), definitions of "prescribed place", "Principal Registrar"—

After the definition of "ordinary member", insert:—

"prescribed place" means a prescribed place within the meaning of the Liquor Act, 1982;

"Principal Registrar" means the registrar of the Licensing Court at Sydney;

Registered Clubs (Liquor) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE PRINCIPAL ACT—*continued.*

- (h) Section 4 (1), definitions of “registrar”, “registration fee”, “registration period”—

After the definition of “registered club”, insert:—

“registrar” means registrar of the Licensing Court appointed under section 17 of the Liquor Act, 1982;

“registration fee” means the fee payable for a certificate of registration in respect of a registration period;

“registration period” means the period prescribed for the purposes of section 15 (1);

- (i) Section 4 (1), definition of “secretary”—

From paragraph (a), omit “licensing court”, insert instead “Licensing Court”.

- (j) Section 4 (1), definition of “special inspector”—

After the definition of “secretary”, insert:—

“special inspector” means an inspector holding office under section 109 of the Liquor Act, 1982;

- (k) Section 4 (2)—

Omit the subsection, insert instead:—

(2) A reference in this Act to—

(a) the day appointed for the commencement of the hearing of a matter by the Licensing Court—is a reference to the day appointed by the registrar for the matter first to come before the Licensing Court;

(b) the secretary of the Board—is a reference to the secretary of the Liquor Administration Board holding office under section 74 (2) of the Liquor Act, 1982; and

Registered Clubs (Liquor) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE PRINCIPAL ACT—*continued.*

- (c) the registrar or the licensing inspector in relation to any matter—is a reference to the registrar or, as the case may be, the licensing inspector, for the prescribed place at which the Licensing Court would sit to hear an application relating to the matter.

(1) Section 4 (4) (b)—

Omit the paragraph, insert instead:—

- (b) where the Board is of the opinion that any amount paid or payable for any thing or for the doing of any thing referred to in paragraph (a) (i), (ii), (iii) or (iv) is less than the value of that thing or the doing of that thing, as the case may be, such amount as is determined by the Board having regard to the circumstances in which that liquor was delivered to or purchased by or on behalf of the club or that secretary.

(5) (a) Section 6 (1)—

Omit “or the rules of a licensing court”.

(b) Section 6 (1)—

Omit “1912” wherever occurring, insert instead “1982”.

(c) Section 6 (1)—

Omit “a licensing court” where secondly, fourthly and fifthly occurring, insert instead “the Licensing Court”.

Registered Clubs (Liquor) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO PART I OF THE PRINCIPAL ACT—*continued.*

(d) Section 6 (1) (c)—

Omit “(including the making of rules by a licensing court)”.

(e) Section 6 (2)—

Omit “5 (9) of the Liquor Act, 1912”, insert instead “11 (4) of the Liquor Act, 1982”.

SCHEDULE 2.

(Sec. 5 (1).)

AMENDMENTS TO PART II OF THE PRINCIPAL ACT.

(1) Part II, Division 1, heading—

Omit “*and Renewals*”.

(2) Section 8—

Omit the section.

(3) (a) Section 9 (1), (6)—

Omit “or 8” wherever occurring.

(b) Section 9 (2) (b)—

Omit the paragraph, insert instead:—

(b) if it is not satisfied that the club meets the requirements specified in section 10 (1).

Registered Clubs (Liquor) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(c) Section 9 (4), (5)—

Omit the subsections.

(d) Section 9 (7)—

Omit “or has met”.

(e) Section 9 (8)—

Omit the subsection.

(4) Section 9A—

Omit the section, insert instead:—

Conditions relating to certificate of registration.

9A. (1) The certificate of registration of a club is subject to such conditions as the Licensing Court imposes—

(a) on the hearing of any matter relating to the club—of its own motion or on the application of—

(i) a party to the hearing; or

(ii) the licensing inspector; or

(b) at any other time—on the application of the licensing inspector.

(2) The Licensing Court may revoke or vary a condition to which the certificate of registration of a club is subject and which has been imposed by it—

(a) in the same way as it may impose such a condition; or

(b) on application made by or on behalf of the club.

Registered Clubs (Liquor) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(5) Section 11 (4) (b)—

Omit “court”, insert instead “Licensing Court”.

(6) Section 14—

Omit the section, insert instead:—

Issue of certificate of registration.

14. (1) Where an application for a certificate of registration in respect of a club is granted, the registrar shall, upon payment to him of the fee determined in accordance with subsection (2), issue to the club a certificate of registration in or to the effect of the prescribed form.

(2) The fee referred to in subsection (1) is an amount fixed by the Board, being an amount that does not exceed an amount calculated at the rate of \$2 for each ordinary member of the club at the date of the grant of the application.

(7) (a) Section 15 (1)–(5A)—

Omit section 15 (1)–(5), insert instead:—

15. (1) A fee is payable to the Board for the certificate of registration of a club—

(a) while the certificate is in force; and

Registered Clubs (Liquor) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(b) while the certificate is deemed not to be in force by reason of the non-payment of any fee or costs, and is so payable in respect of each period that is prescribed for the purposes of this subsection.

(2) Subject to subsection (3), the fee payable under subsection (1) is 10 per cent of the amount paid or payable by or on behalf of the club or the secretary of the club for liquor that, during the assessment period for the fee, was delivered upon the premises of the club or purchased for or on behalf of the club.

(3) The Board shall assess the fee payable under subsection (1) but—

(a) where the fee is to be assessed for the first time after the grant of the certificate of registration; or

(b) where, in the opinion of the Board, no information, or insufficient information, has been furnished to enable it to assess the fee in accordance with subsection (2), the Board may assess the fee at such amount as it thinks reasonable.

(4) The Board may, from time to time, reassess—

(a) a registration fee assessed under subsection (3); or

(b) such a fee as last reassessed,

and any such reassessment is, subject to any further reassessment, final and conclusive.

Registered Clubs (Liquor) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(5) Where the Board decides to reassess a fee previously assessed under subsection (3) (b) or, in deciding to reassess any other fee, does so by reason of incorrect information furnished by the secretary of the registered club concerned and—

- (a) the amount at which, but for this subsection, it would have reassessed the fee would be greater than the amount of the fee being reassessed; and
- (b) where the information furnished was incorrect, the Board is of the opinion that the person who furnished the information knew, or ought to have known, it to be incorrect or that the information was furnished with reckless indifference as to whether it was correct or incorrect,

the reassessment may be of an amount not exceeding the sum of—

- (c) the amount at which, but for this subsection, the fee would have been reassessed; and
- (d) an amount not exceeding the difference between the amount of the fee before reassessment and the amount referred to in paragraph (c).

(5A) The Board—

- (a) may, for the purpose of making an assessment in accordance with subsection (2) or a reassessment under subsection (4), convert to the nearest dollar any amount of which the fee assessed or reassessed is required to be a percentage; and
- (b) shall, where such an assessment or reassessment, or any instalment prescribed as provided by subsection (9), would not, but for this paragraph, be a number of whole dollars, assess or reassess the fee or instalment at the next lower amount that is a number of whole dollars.

Registered Clubs (Liquor) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(b) Section 15 (6) (b)—

Omit “licensing magistrates making the reassessment”, insert instead “Board”.

(c) Section 15 (9)–(11)—

Omit the subsections, insert instead:—

(9) Regulations may be made for or with respect to the times for payment of registration fees, the payment of those fees by instalments, penalties for late payment of those fees or instalments and the disqualification of a club from holding, or the cancellation of, a certificate of registration after a failure to pay the registration fee or any instalment thereof.

(8) Section 16—

Omit the section, insert instead:—

Duration of certificate of registration.

16. (1) Except during any period when it is by this Act deemed not to be in force, the certificate of registration of a club continues in force until it is, in writing, surrendered to the Board or is sooner cancelled.

(2) Subject to subsection (3), where a club appeals against a decision of the Licensing Court—

- (a) cancelling the certificate of registration of the club;
- (b) disqualifying the club from holding a certificate of registration; or
- (c) imposing a penalty under section 17 (2) (c) (the penalty being unpaid),

the certificate of registration of the club continues in force until the appeal is finally disposed of.

Registered Clubs (Liquor) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(3) Where a registration period commences during the period for which the certificate of registration of a club continues in force under subsection (2), the certificate does not so continue in force unless the registration fee in respect of that registration period has been duly paid.

(4) Where, by reason of the decision on an appeal referred to in subsection (2), the certificate of registration of a club ceases to be in force, the Board shall retain from the registration fee referred to in subsection (3) an amount proportionate to the period for which the certificate of registration continued in force under subsection (2) and shall refund the balance to the club.

(9) (a) Section 17 (1)—

Omit “district inspector”, insert instead “licensing inspector or a council or person specified in section 26 (2) (a), (b) or (c)”.

(b) Section 17 (1)—

Omit “justice”, insert instead “licensing or stipendiary magistrate”.

(c) Section 17 (1) (a)—

Omit the paragraph, insert instead:—

(a) on the ground that—

- (i) the requirements specified in section 10 (1) are not being met in relation to the club;
- (ii) 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;
- (iii) undue competition and economic waste will result if the certificate of registration continues in force;

Registered Clubs (Liquor) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

- (iv) the quiet and good order of the neighbourhood in which the premises of the club are situated will be disturbed if the certificate of registration continues in force;
- (v) 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;
- (vi) liquor has been illegally sold, supplied or disposed of on the premises of the club during the period of 2 years that last preceded the making of the complaint;
- (vii) the secretary of the club is not a fit and proper person to act as secretary;
- (viii) the club has habitually been used mainly for the supply of liquor;
- (ix) persons have habitually carried liquor away, or have attempted to carry liquor away, from the premises of the club in contravention of section 46;
- (x) 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;
- (xi) a rule of the club referred to in section 30 (1) has been broken or any other rule of the club has been habitually broken;
- (xii) the club has been conducted, or the premises of the club have been habitually used, for an unlawful purpose; or
- (xiii) intoxicated persons have frequently been on the premises of the club or have been seen to leave those premises;

Registered Clubs (Liquor) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(d) Section 17 (1) (b)—

Omit “thing.”, insert instead “thing;”.

(e) Section 17 (1) (c), (d), (e)—

After section 17 (1) (b), insert:—

(c) on the ground that the club has failed to comply with an order of the Board under section 20A;

(d) on the ground that the club has ceased to exist; or

(e) on any other ground that the magistrate issuing the summons is satisfied is not frivolous or vexatious.

(f) Section 17 (2)—

Omit “licensing court” where firstly occurring, insert instead “Licensing Court constituted as provided by section (9) (1) (a) or (b) of the Liquor Act, 1982”.

(g) Section 17 (2) (b)—

Omit “licensing court”, insert instead “Licensing Court”.

(h) Section 17 (3)—(3B)—

Omit subsection (3), insert instead:—

(3) The Licensing Court shall not hear and determine the matter of a complaint against a club under subsection (1) unless—

(a) where the complaint was made by a person specified in section 26 (2) (b) or (c)—there was annexed to the complaint at the time it was made an affidavit specifying—

(i) whether the complaint is based exclusively on considerations of public interest;

Registered Clubs (Liquor) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

- (ii) whether the complainant has any direct or indirect pecuniary interest in the success of the proceedings on the complaint or any expectation of such an interest and, if so, particulars thereof; and
 - (iii) whether any person other than the complainant is directly or indirectly interested in the making of the complaint; and
- (b) the summons issued on the complaint, with a copy of that affidavit annexed, was served on the club not later than 10 days before the day appointed for the hearing of the matter of the complaint.
- (3A) The Licensing Court shall dismiss a complaint made on the ground referred to in subsection (1) (d) if it considers that—
- (a) the complaint is frivolous or vexatious; or
 - (b) the ground is not a proper ground of complaint.
- (3B) Section 12 (2) of the Liquor Act, 1982, does not apply to or in respect of proceedings before the Licensing Court in relation to the matter of a complaint under subsection (1).
- (i) Section 17 (5)—
- Omit the subsection, insert instead:—
- (5) The onus of establishing the ground of a complaint under this section lies on the complainant except where the ground is that the requirements specified in section 10 (1) are not being met in relation to a club, in which case the onus of proving that those requirements are being met lies on the club.
- (j) Section 17 (6), (7)—
- Omit “, subject to section 16 (4),” wherever occurring.

Registered Clubs (Liquor) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(10) (a) Section 18 (6)—

Omit “licensing court” where firstly and thirdly occurring, insert instead “Licensing Court”.

(b) Section 18 (6) (a)—

Omit “court”, insert instead “Licensing Court”.

(c) Section 18 (7)—

Omit “licensing court” where firstly and secondly occurring, insert instead “Licensing Court”.

(11) (a) Section 20—

Omit “licensing court” wherever occurring, insert instead “Board”.

(b) Section 20 (1), (3)—

Omit “clerk” wherever occurring, insert instead “secretary”.

(12) Section 20A—

After section 20, insert:—

Compulsory alterations, etc., to club premises.

20A. (1) On being satisfied of the necessity for additional accommodation in, or the renovation, structural alteration or rebuilding of, the whole or any part of the premises of a registered club, the Board may order the club to carry out on the premises work specified in the order and to carry out the work so specified within a reasonable time so specified or such extended time as the Board may allow.

Registered Clubs (Liquor) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(2) An order under subsection (1) is complied with if the work to which the order relates is carried out in accordance with the order—

- (a) within the time, or any extended time, referred to in subsection (1); or
- (b) where it is not so carried out within the time, or any extended time, referred to in paragraph (a) but further time is allowed under subsection (3)—within any further time allowed under subsection (3).

(3) Where, in relation to a registered club, and whether or not pursuant to this subsection, the court acts under section 17 (otherwise than by cancelling the certificate of registration) pursuant to a complaint made under section 17 on the ground of a failure to comply with an order under subsection (1), the Board may allow further time for compliance with the order to which the complaint relates and, if the order is not complied with, the court may, pursuant to a further complaint on that ground, again act under section 17.

(4) The Board may, subject to compliance with such conditions as it thinks fit to impose, revoke or vary an order under subsection (1).

(5) An order under subsection (1) may be made by the Board of its own motion or, subject to the prescribed notice being given in the prescribed manner, on application to the Board by the licensing inspector.

(13) Section 23 (9)—

Omit “clerk” where secondly occurring, insert instead “registrar”.

(14) Section 24—

Omit “clerk of a licensing court”, insert instead “registrar”.

Registered Clubs (Liquor) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

- (15) (a) Section 25 (2)—
Omit the subsection.
- (b) Section 25 (8)—
Omit “(2) (d)”.
- (c) Section 25 (9) (b)—
After “club;”, insert “or”.
- (d) Section 25 (9) (ba)—
Omit the paragraph.
- (16) (a) Section 26 (1) (b)—
Omit the paragraph.
- (b) Section 26 (3) (b)—
Omit “where the application is other than for the renewal of a certificate of registration”.
- (c) Section 26 (3) (b), (d)—
Omit “clerk of the licensing court” wherever occurring, insert instead “registrar”.
- (d) Section 26 (3) (c)—
Omit the paragraph.
- (e) Section 26 (4A), (6)—
Omit the subsections.

Registered Clubs (Liquor) Amendment.

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE PRINCIPAL ACT—*continued.*

(17) Section 27—

Omit the section, insert instead:—

Statement of liquor purchases.

27. The secretary of a registered club shall, during the month that next succeeds the end of the assessment period for a registration fee, lodge with the Board a statutory declaration by him setting forth such information as may be prescribed for the purpose of enabling the Board to assess the registration fee payable by him in respect of the next succeeding registration period.

Penalty: \$1,000.

(18) Section 28 (2)—

Omit the subsection.

(19) Section 29—

Omit the section, insert instead:—

Duplicate certificate or authority.

29. Upon application made by or on behalf of a registered club, the registrar may, if he is satisfied that the certificate of registration of the club, or an authority issued to the club under this Act, has been lost or destroyed, and on payment of the prescribed fee, issue to the club a duplicate of the certificate of registration or, as the case may require, of the authority.

Registered Clubs (Liquor) Amendment.

SCHEDULE 3.

(Sec. 5 (1).)

AMENDMENTS TO PART IV OF THE PRINCIPAL ACT.

(1) (a) Section 33 (2)—

Omit “licensing court”, insert instead “Licensing Court constituted as provided by section 9 (1) (a) or (b) of the Liquor Act, 1982,”.

(b) Section 33 (5)—

Omit “clerk” where secondly and thirdly occurring, insert instead “registrar”.

(2) (a) Section 35 (1)—

Omit “at a licensing court”, insert instead “to the Licensing Court”.

(b) Section 35 (4)—

Omit “licensing court”, insert instead “Licensing Court constituted as provided by section 9 (1) (a) or (b) of the Liquor Act, 1982,”.

(3) (a) Section 36 (2) (a)—

Omit the paragraph.

(b) Section 36 (5)—

Omit “(a) or”.

(c) Section 36 (7)—

Omit “1902”, insert instead “1979”.

(d) Section 36 (11)—

Omit “not being issued with a certificate of registration as referred to in section 14 (b)”, insert instead “being cancelled as provided by regulations referred to in section 15 (9)”.

Registered Clubs (Liquor) Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO PART IV OF THE PRINCIPAL ACT—*continued.*

(4) Section 37 (1)—

Omit “to the licensing magistrates”, insert instead “of the Board”.

(5) Section 39 (c)—

Omit “to the licensing magistrates”, insert instead “of the Board”.

SCHEDULE 4.

(Sec. 5 (1).)

AMENDMENT TO PART V OF THE PRINCIPAL ACT.

Sections 42–42B—

Omit section 42, insert instead:—

Appeal to the Supreme Court on question of law.

42. (1) A person aggrieved by an adjudication of the Licensing Court in proceedings under this Act may appeal therefrom to the Supreme Court on a question of law.

(2) On the determination of an appeal under subsection (1), the Supreme Court shall—

- (a) remit the matter to the Licensing Court with the decision of the Supreme Court; or
- (b) make such other order in relation to the appeal as it thinks fit.

(3) An appeal under subsection (1) shall be made in accordance with rules of court of the Supreme Court.

Appeal to District Court from conviction.

42A. Division 4 of Part V of the Justices Act, 1902, applies to and in respect of an adjudication of the Licensing Court exercising jurisdiction under section 65 (1) (a) in the same way as it applies to and in respect of a conviction or order of a justice or justices.

Registered Clubs (Liquor) Amendment.

SCHEDULE 4—*continued.*

AMENDMENT TO PART V OF THE PRINCIPAL ACT—*continued.*

Appeal to Licensing Court.

42B. (1) Except where an appeal lies by reason of section 42 or 42A, a person aggrieved by an adjudication of the Licensing Court constituted by less than 3 magistrates in proceedings under this Act may appeal from the adjudication, as prescribed, to the Licensing Court constituted as provided by section 10 of the Liquor Act, 1982.

(2) An appeal under subsection (1) is an appeal by way of rehearing and the decision on such an appeal is, subject to section 42, final and conclusive and not subject to appeal.

SCHEDULE 5.

(Sec. 5 (1).)

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT.

(1) (a) Section 43, definition of "poker machine area"—

Omit "club;"; insert instead "club."

(b) Section 43, definition of "prohibited person"—

Omit the definition.

(2) Section 44 (3)—

Omit "section 43 of the Liquor Act, 1912," insert instead "section 122 of the Liquor Act, 1982".

(3) Section 48 (2) (b)—

Omit "to the licensing magistrates", insert instead "of the Board".

(4) Section 49—

Omit "to the licensing magistrates and the district inspector", insert instead "of the Board and the licensing inspector".

Registered Clubs (Liquor) Amendment.

SCHEDULE 5—*continued.*

AMENDMENTS TO PART VI OF THE PRINCIPAL ACT—*continued.*

- (5) (a) Section 50 (1) (a)—
 Omit “to a person who is a prohibited person or”.
- (b) Section 50 (1) (b)—
 Omit “is a prohibited person”.
- (c) Section 50 (2)—
 Omit “to a person who is a prohibited person or”.
- (d) Section 50 (2A) (b)—
 Omit the paragraph.
- (e) Section 50 (3) (b)—
 Omit the paragraph.
- (6) Section 52 (1)—
 Omit “or is a prohibited person”.
- (7) Section 55—
 Omit “a licensing court or the clerk of a licensing court”, insert
 instead “the Licensing Court or the registrar”.

SCHEDULE 6.

(Sec. 5 (1).)

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT.

- (1) (a) Section 58 (2)—
 Omit “An inspector”, insert instead “A licensing inspector or a
 special inspector”.

Registered Clubs (Liquor) Amendment.

SCHEDULE 6—*continued.*

AMENDMENTS TO PART VII OF THE PRINCIPAL ACT—*continued.*

(b) Section 58 (3)—

Omit “other inspector” wherever occurring, insert instead “special inspector”.

(2) Section 59 (1) (b)—

Omit “a licensing court”, insert instead “the Licensing Court”.

SCHEDULE 7.

(Sec. 5(1).)

AMENDMENTS TO PART VIII OF THE PRINCIPAL ACT.

(1) Section 61 (b)—

Omit “court”, insert instead “Licensing Court”.

(2) (a) Section 63—

Omit “1912”, insert instead “1982”.

(b) Section 63 (f)—

Omit “district inspector for a licensing district”, insert instead “the licensing inspector”.

(3) (a) Section 65 (1) (a)—

Omit “for the licensing district in which the offence was committed”.

(b) Section 65 (2)—

Omit “a licensing court”, insert instead “the Licensing Court”.

Registered Clubs (Liquor) Amendment.

SCHEDULE 8.

(Sec. 5 (1).)

AMENDMENTS TO PART IX OF THE PRINCIPAL ACT.

- (1) (a) Section 68 (2)—
Omit “, other than an application for the renewal of a certificate of registration of a club,”.
- (b) Section 68 (3)—
Omit the subsection.
- (2) Section 69 (1)—
Omit the subsection, insert instead:—
(1) A person who sells, supplies or otherwise disposes of liquor to a registered club shall, during the month that next succeeds each assessment period for a registration fee, forward to the secretary of the Board a statement in writing specifying, in relation to that liquor, the prescribed particulars.
Penalty: \$2,000 or imprisonment for 1 year or both.
- (3) (a) Section 70 (3)—
Omit the subsection.
- (b) Section 70 (4)—
Omit “an inspector”, insert instead “the licensing inspector or a special inspector”.
- (4) (a) Section 71 (2)—
Omit “section 362 of the Companies Act, 1961,”, insert instead “section 528 of the Companies (New South Wales) Code”.
- (b) Section 71 (2)—
Omit “Act” where secondly occurring, insert instead “Code”.
- (5) (a) Section 72 (2) (a)—
Omit the paragraph.
- (b) Section 72 (3)—
Omit “as renewed”.

Registered Clubs (Liquor) Amendment.

SCHEDULE 8—*continued.*

AMENDMENTS TO PART IX OF THE PRINCIPAL ACT—*continued.*

(c) Section 72 (4)—

Omit the subsection, insert instead:—

(4) A complaint under section 17 (1) in relation to a club may be made only by the licensing inspector.

(d) Section 72 (5), (6), (9)—

Omit the subsections.

(6) (a) Section 73 (1) (a)—

Omit “licensing courts”, insert instead “the Licensing Court”.

(b) Section 73 (1) (b)—

Omit “a licensing court”, insert instead “the Licensing Court”.

(c) Section 73 (1) (c)—

Omit the paragraph, insert instead:—

(c) the duties and functions of licensing inspectors, special inspectors, registrars and the secretary of the Board;

(d) Section 73 (1) (k)—

Omit “licensing court”, insert instead “Licensing Court”.

(7) Section 75—

Omit “, other than the Liquor Act, 1912,”.

Registered Clubs (Liquor) Amendment.

SCHEDULE 9.

(Sec. 5 (2).)

TABLES OF PROVISIONS OF THE PRINCIPAL ACT INVOLVING REPETITIVE AMENDMENTS.

Table 1		Table 2				Table 3	
Sec.	Subsec.	Sec.	Subsec.	Sec.	Subsec.	Sec.	Subsec.
9	(3)	5	(1)	22	(2)	7	
18	(1)		(3)		(3)	9	(3)
	(4)	9	(1)		(5)	18	(1)
19	(1)		(2)		(6)		(4)
	(3)		(6)		(7)		(6)
21	(1)		(7)	23	(2)		(7)
	(3)	10	(6)		(3)	19	(1)
22	(1)		(7)		(7)		(3)
	(4)	11	(3)		(8)	21	(1)
23	(1)		(4)		(10)		(3)
26	(3)	12		25	(8)	22	(1)
33	(1)	17	(1)		(10)		(4)
34	(3)	18	(2)	26	(4)	23	(1)
41	(2)		(3)	33	(3)		(9)
	(3)		(5)	35	(5)	33	(1)
	(4)		(8)		(7)		(5)
48	(1)		(9)	36	(2)	34	(3)
65	(1)		(9A)		(3)	41	(2)
			(10)		(4)	48	(1)
		19	(2)		(5)		(2)
			(4)		(7)	68	(1)
			(5)	37	(1)		(2)
			(6)	41	(1)		
		21	(2)		(3)		
			(4)		(4)		
			(5)	49			
			(6)	60			
				61			
				62	(1)		
					(2)		

*Registered Clubs (Liquor) Amendment.*SCHEDULE 9—*continued.*TABLES OF PROVISIONS OF THE PRINCIPAL ACT INVOLVING REPETITIVE AMENDMENTS—*continued.*

Table 4		Table 5	
Sec.	Subsec.	Sec.	Subsec.
17	(1A)	9	(3)
18	(8)	18	(4)
22	(5)	19	(3)
23	(9)	20	(4)
26	(2)		(5)
33	(4)	21	(3)
	(5)		
35	(1)		
36	(2)		
41	(5)		
48	(1)		
58	(1)		
	(3)		
68	(1)		
	(2)		

SCHEDULE 10.

(Sec. 6.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Interpretation.

1. In this Schedule "appointed day" means the day appointed and notified under section 2 (2) of the Liquor Act, 1982.

Conditions of certificate of registration.

2. A condition to which, pursuant to section 9A of the Principal Act, the certificate of registration of a club was subject immediately before the appointed day shall be deemed to be a condition imposed on that day under section 9A of the Principal Act, as amended by this Act.

Periodic registration fee.

3. A fee paid by a registered club before the appointed day for renewal of its certificate of registration on and from that day shall be deemed to be the fee paid by the club under section 15 of the Principal Act, as amended by this Act, in respect of the licensing period that commences on that day.

Registered Clubs (Liquor) Amendment.

SCHEDULE 10—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Reassessment of registration fee.**

4. The provisions of the Principal Act, as amended by this Act, that relate to the reassessment of a registration fee apply to and in respect of a fee paid by a registered club before the appointed day for renewal of its certificate of registration as if the fee so paid had been assessed as a registration fee under the Principal Act, as amended by this Act.

Duration of certificate of registration.

5. Section 16 of the Principal Act, as amended by this Act, applies to and in respect of a certificate of registration of a club in force immediately before the appointed day in the same way as it applies to and in respect of such a certificate granted on or after that day unless renewal of the certificate of registration was refused before the appointed day or is, pursuant to an application made before that day, refused on or after that day.

Notices.

6. Where a notice given before the appointed day would, if this Act had not been enacted, have been duly given for the purposes of the Principal Act, it shall be deemed to have been duly given for the purposes of the Principal Act, as amended by this Act.

Pending objections under Principal Act.

7. (1) An objection to an application taken under the Principal Act before the appointed day and not finally heard and determined before that day shall be heard and determined as if this Act had not been enacted.

(2) Where an objection to renewal of the certificate of registration of a club is upheld after being heard and determined in accordance with subclause (1), the club shall be deemed to have failed, on the hearing of the matter of a complaint under section 17 of the Principal Act, as amended by this Act, 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.

Licensing courts.

8. A matter that, but for this clause, would be required on and after the appointed day to be heard and determined by the licensing court for a licensing district shall be heard and determined by the Licensing Court constituted under the Liquor Act, 1982.

Registered Clubs (Liquor) Amendment.

SCHEDULE 10—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

Regulations.

9. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequential upon the enactment of this Act.

(2) A provision made under subclause (1) may take effect on and from the appointed day or a later day.

(3) To the extent that a provision made under subclause (1) takes effect on and from a day that is earlier than the day of its publication in the Gazette, the provision does not operate—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State) the rights of that person existing before that day of publication; or
- (b) to impose a liability on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before that day of publication.

(4) A provision made under subclause (1) has effect notwithstanding anything in this Schedule, this clause excepted.
