

**REGISTERED CLUBS (FURTHER AMENDMENT)  
ACT 1990 No. 43**

NEW SOUTH WALES



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**REGISTERED CLUBS (FURTHER AMENDMENT)  
ACT 1990 No. 43**

NEW SOUTH WALES



**Act No. 43, 1990**

An Act to amend the Registered Clubs Act 1976 with respect to the appointment of administrators of clubs, the resolution of noise complaints, the conduct of club elections and in other respects.  
[Assented to 22 June 1990]

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Registered Clubs (Further Amendment) Act 1990.

**Commencement**

2 This Act commences on a day or days to be appointed by proclamation.

**Amendment of Registered Clubs Act 1976 No. 31**

3. The Registered Clubs Act 1976 is amended as set out in Schedule 1.

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**SCHEDULE 1 - AMENDMENTS**

(Sec. 3)

**(1) Section 9A (Conditions relating to certificate of registration):**

(a) After section 9A (3), insert:

(3A) The certificate of registration of a club is subject to such conditions as a member of the Board imposes on the hearing of a complaint under section 17AA.

(b) In section 9A (4), after “(3)”, insert “or (3A)”.

**(2) Section 17 (Determination of complaints against registered clubs):**

(a) From section 17 (2) (c), omit “\$1,000”, insert instead “500 penalty units”.

(b) From section 17 (2) (d), omit “or”.

SCHEDULE 1 - AMENDMENTS - *continued*

- (c) Omit section 17 (2) (e), insert instead:
  - (e) appoint a person to administer the affairs of the club who, on appointment and until the Licensing Court orders otherwise, has, to the exclusion of any other person or body of persons, the functions of the governing body of the club;
  - (f) dismiss the complaint.

(3) Section 17AA

After section 17, insert:

**Quiet and good order of neighbourhood**

17AA. (1) If a written complaint is made to the Board of undue disturbance of the quiet and good order of the neighbourhood of a registered club caused by

- (a) the manner in which the business of the club is conducted; or
- (b) the behaviour of persons after they have left the club premises; or
- (c) the manner in which the business of the club is conducted and the behaviour of persons after they have left the club premises,

the Board may convene a conference to hear submissions relating to the complaint.

(2) Notice of the time and place for the conference is to be given to all complainants and the registered club as directed by the Board.

(3) The conference is to be presided over by a member of the Board who may, after giving each complainant present and the registered club (if a representative is present) a reasonable opportunity to be heard in relation to the complaint:

- (a) impose, vary or revoke conditions to which the certificate of registration of the club is subject; or
- (b) adjourn the conference subject to implementation and continuation of undertakings given by the club; or

SCHEDULE 1 - AMENDMENTS - *continued*

- (c) issue a warning to the club; or
- (d) take no action.

(4) The conditions that may be imposed on the registration of the club include, but are not limited to, conditions relating to:

- (a) noise abatement; or
- (b) prohibition of the sale or supply of liquor before 10 a.m. and after 11 p.m.; or
- (c) noise abatement and such a prohibition.

(5) Procedure at the conference (including any decision to adjourn the conference) is to be determined by the presiding member of the Board.

(6) The functions exercised by the member of the Board presiding at the conference are to be taken to be functions of the Board delegated to the presiding member under section 75 of the Liquor Act 1982.

(7) For the purposes of Part 5 (Appeals) a decision of the member of the Board presiding at the conference is to be taken to be an adjudication made by a licensing magistrate sitting alone.

(8) The lodging of an appeal against the decision of a member of the Board under this section does not operate to stay the decision unless the Licensing Court as constituted by section 10 of the Liquor Act 1982, on application or of its own motion, otherwise directs.

(4) **Section 35 (Complaint against secretary or member of governing body):**

After section 35 (8), insert:

(9) The Licensing Court constituted as provided by section 9 (1) (a) or (b) of the Liquor Act 1982 may appoint a person to administer the affairs of a registered club until a vacancy in the position of the secretary or a member of the governing body of the club resulting from a declaration referred to in subsection (4) is filled.

SCHEDULE 1 - AMENDMENTS - *continued*

(10) A person may appointed under subsection (9) has, to the exclusion of any other person or body of persons, the functions of the governing body of the club until:

(a) the vacancy in the position of the secretary or member of the governing body of the club is filled; or

(b) the Licensing Court constituted as referred to in that subsection orders otherwise,

whichever first occurs.

(5) **Section 36 (Conduct of club elections by Electoral Commissioner):**

(a) In section 36 (2) (b), after “complaint;”, insert “or”.

(b) From section 36 (2) (c) (ii), omit "application; or", insert instead “application.”.

(c) Omit section 36 (2) (d).

(d) From section 36 (5), omit “or (d)”.

(e) From section 36 (7), omit “the Public Service Act 1979”, insert instead “the Public Sector Management Act 1988”.

(f) After section 36 (7), insert:

(7A) The Electoral Commissioner or an officer within the meaning of the Public Sector Management Act 1988 authorised in writing by the Electoral Commissioner is, on application by or on behalf of a registered club to the Electoral Commissioner, to conduct an election of the governing body of the club.

(7B) When an application by or on behalf of a registered club is made under subsection (7A), the applicant is to send written notification of that fact at the same time to the Principal Registrar.

(g) In section 36 (8), (9), (10) (b), (12) and (13), after “subsection (5)” wherever occurring, insert “or an application made under subsection (7A)”.

SCHEDULE 1 - AMENDMENTS - *continued*

- (h) In section 36 (8), after "order" where secondly occurring, insert "or application".
  - (i) In section 36 (9) (a), after "the order", insert "or application".
  - (j) In section 36 (14), after "do not", insert " , in the case of an election conducted pursuant to an order made under subsection (5),".
- (6) Sections 72A, 72B:

After section 72, insert:

**Expenses of administration**

72A (1) The expenses of and incidental to the administration of the affairs of a registered club by a person appointed under this Act are payable by the club.

(2) The remuneration of a person so appointed is an expense referred to in subsection (1) and is to be fixed by the Licensing Court.

**Liability for losses incurred during administration**

72B. (1) A person appointed by the Licensing Court to administer the affairs of a registered club is not liable for any loss incurred by the club during the person's term of office unless the loss was attributable to the person's:

- (a) wilful misconduct; or
- (b) gross negligence; or
- (c) wilful failure to comply with any provision of this Act or the regulations or the constitution of the club (in so far as that provision of the constitution is applicable to the members of the governing body of the club).

(2) Neither the Crown nor the Minister is liable for any loss incurred by a registered club during the term of office of a person appointed under this Act to administer the affairs of the club, whether or not the person is so liable.

SCHEDULE 1 - AMENDMENTS - *continued*

(7) Section 73A:

After section 73, insert:

**Age of members of governing body of club**

73A. Nothing in the Companies (New South Wales) Code or in any Act prevents a person from becoming or being a member of the governing body of a registered club only because the person is of or above the age of 72 years.

(8) Schedule 2 (**Transitional provisions**):

(a) After the heading to the Schedule, insert:

**Part 1 - Provisions relating to repeal of Liquor Act 1912**

(b) After clause 17, insert:

**Part 2 - Provisions relating to enactment of Registered Clubs (Further Amendment) Act 1990**

**Proceedings relating to complaints**

18. (1) Sections 17 and 35 as amended by Schedule 1 (2) (c) and (4) to the Registered Clubs (Further Amendment) Act 1990 apply to proceedings before the Licensing Court whether the proceedings were commenced before or after the amendments took effect,

(2) The increase in the maximum penalty referred to in section 17 (2) (c) made by the amendment contained in Schedule 1 (2) (a) to the Registered Clubs (Further Amendment) Act 1990 applies only to matters (which are the subject of complaints) occurring after the commencement of that amendment,

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*[Minister's second reading speech made in—  
Legislative Assembly on 16 May 1990  
Legislative Council on 5 June 1990]*