

REGISTERED CLUBS (AMENDMENT) ACT 1993 No. 29

NEW SOUTH WALES



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REGISTERED CLUBS (AMENDMENT) ACT 1993 No. 29

NEW SOUTH WALES



Act No. 29, 1993

An Act to amend the Registered Clubs Act 1976 with respect to investigations, poker machines, membership and penalties; and for other purposes. [Assented to 8 June 1993]

Registered Clubs (Amendment) Act 1993 No. 29

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Registered Clubs (Amendment) Act 1993.

Commencement

2 (1) Except as provided by this section, this Act commences on a day or days to be appointed by proclamation.

(2) Section 4 commences on the commencement of section 129 of the Registered Clubs Act 1976, as inserted by Schedule 1 (20) and section 3 in its application to Schedule 1 (20).

(3) Schedule 5 (34), and section 3 in its application to Schedule 5 (34), commence on the date of assent.

Amendment of Registered Clubs Act 1976 No. 31

3. The Registered Clubs Act 1976 is amended as set out in Schedules 1–7.

Amendment of Search Warrants Act 1985 No. 37

4. The Search Warrants Act 1985 is amended by inserting in the definition of “search warrant” in section 10 in alphabetical order of Acts the following matter:

Section 129 of the Registered Clubs Act 1976

**SCHEDULE 1—AMENDMENTS RELATING TO POKER
MACHINES**

(Sec. 3)

(1) Section 4 (Definitions):

(a) From section 4 (1), omit the definition of “approved poker machine”, insert instead:

“approved poker machine” means a poker machine declared under section 77B to be an approved poker machine and includes:

(a) any subsidiary equipment approved by the Board for use in connection with the poker machine; and

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- (b) any component of the poker machine other than a component prescribed by the regulations as not being part of the poker machine;
 - (b) In section 4 (1), from the paragraph (b) of the definition of “established poker machine”, omit “prescribed”, insert instead “declared under section 77B”.
 - (c) From section 4 (1), omit the definition of “special inspector”, insert instead:
 - “**special inspector**” means an inspector (including the Director) holding office under section 109 of the Liquor Act 1982;
 - (d) Omit section 4 (6) and (7).
- (2) Section 63 (**Evidentiary provisions**):
- After section 63 (1), insert:
- (1A) In any legal proceedings, any one or more of the following allegations is taken to be proved unless the contrary is proved:
- (a) that a specified machine is, or is not, an approved poker machine or is, or is not, an established poker machine;
 - (b) that a specified poker machine is, or is not, an authorised poker machine;
 - (c) that a specified registered club is, or is not, authorised to keep, and to permit the use and operation of, a specified poker machine or a specified number of poker machines;
 - (d) that a specified person is the Principal Registrar;
 - (e) that a specified person is the holder of a gaming-related licence or a specified kind of gaming-related licence;
 - (f) that a specified person is not the holder of a gaming-related licence or a specified kind of gaming-related licence;
 - (g) that a specified gaming-related licence has been suspended;
 - (h) that a specified person is a special inspector.

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(3) Section 73 (**Regulations**):

(a) Omit section 73 (1) (1)–(y);

(b) At the end of section 73 (1) (k), insert:

or

(1) the duties and functions of a registered club.

(c) After section 73 (l), insert:

(1A) Without limiting the generality of subsection (l), a regulation may make provision for or with respect to any of the following:

(a) the manufacture and assembly of poker machines;

(b) the supply, offering to supply, sale, acquisition, ownership, possession, keeping, use, operation, transport, control, management, servicing, repair, maintenance and disposal of poker machines;

(c) the design and construction of poker machines;

(d) the means of identification, and the appearance, of poker machines;

(e) the terms and conditions of acquisition, ownership and disposal of poker machines;

(f) the types of poker machines which may, or may not, be kept, used and operated on premises or a part of premises;

(g) the installation and location of poker machines on premises or a part of premises;

(h) the offering and provision of prizes and bonuses relating to the use of poker machines and the calculation and determination of the prizes and bonuses;

(i) the keeping of records in relation to the keeping, use and operation of poker machines, the form in which the records are to be kept, the transfer of the records, the inspection of the records and the obtaining of copies of the records;

(j) the furnishing of returns, including periodic returns, in relation to poker machines;

(k) tampering or interfering with poker machines;

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- (l) the examination and inspection of poker machines;
 - (m) the sealing of a poker machine to prevent it from being operated without breaking the seal;
 - (n) the withdrawal of a poker machine from operation until a defect in the machine is rectified;
 - (o) the removal of poker machines from premises or parts of premises and the disposal of poker machines by sale or otherwise;
 - (p) the rebuilding or reconstruction of poker machines and the distribution of used or second-hand poker machines;
 - (q) information to be provided on or in relation to poker machines and the display of signs on or in relation to poker machines;
 - (r) the apportionment of duty payable in respect of poker machines;
 - (s) security procedures for the manufacture, assembly, storage, handling, transport, consignment and receipt of poker machines;
 - (t) any matter relevant to the conduct of gaming by the use of a poker machine.
- (d) After section 73 (2), insert:
- (2A) The regulations may provide that the form to be used for a particular purpose is to be the form approved for the purpose by the Board.
- (e) From section 73 (3), omit “\$1,000”, insert instead “50 penalty units”.
- (4) Section 77 (**Lawful keeping etc. of poker machine**):
- (a) Omit section 77 (1), insert instead:
 - (1) Despite anything in the Lotteries and Art Unions Act 1901, the Gaming and Betting Act 1912 or any other Act except this Act, and despite any law, it is lawful:
 - (a) to keep and operate an authorised poker machine on the defined premises of a registered club; and
 - (b) to pay or present prizes and bonuses won as a direct or indirect consequence of operating a poker machine,

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if the poker machine is kept and operated, and the prizes and bonuses are paid or presented, in accordance with this Act and any conditions of the certificate of registration of the club.

(b) Omit section 77 (2).

(5) Sections 77A–77C:

After section 77, insert:

Investigation of certain devices

77A. (1) The holder of a dealer's licence may apply to the Board for declaration of a device as an approved poker machine and the Board may:

- (a) investigate the application, or authorise its investigation, in order to determine whether the device is suitable for declaration; and
- (b) require the applicant to meet the cost of the investigation.

(2) It is a condition of the licence of the applicant that the licensee is to pay to the Board, within a time allowed by the Board, such of the costs of the investigation as may be required by the Board and is to do so even if the investigation is terminated without a decision being made as to whether or not the device is to be declared to be an approved poker machine.

(3) Costs determined by the Board for the purposes of this section are reviewable only by the Board.

(4) This section does not:

- (a) confer a right to have a device investigated; or
- (b) prevent the Board from terminating at its discretion an investigation of a device.

Declaration of approved poker machine or of cessation as established poker machine

77B. (1) The Board may:

- (a) declare that a device referred to in the declaration is an approved poker machine for the purposes of this Act; or

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(b) if it considers it necessary to do so in the public interest, declare that a poker machine referred to in the declaration has ceased to be an established poker machine.

(2) A declaration under this section:

(a) may refer to a device or poker machine specifically or by reference to a class or description of devices or poker machines; and

(b) in relation to a device, may be a temporary declaration pending final determination of an application for declaration of the device as an approved poker machine.

(3) Without affecting the discretion of the Board to make, or refuse to make, a declaration of a device as an approved poker machine, the Board may refuse to make such a declaration if the Board considers that it would relate to a device that does not meet such technical standards as the Board considers to be necessary to ensure the integrity of gaming by use of the device.

(4) If an approved poker machine kept by a registered club is modified in such a way that it is in the form of a different approved poker machine, it ceases to be an approved poker machine despite being in that form unless:

(a) the material used to effect the modification was supplied by the holder of a dealer's licence, either directly or through the holder of another gaming-related licence; and

(b) the modification was effected in accordance with a variation of the authority in force in relation to the poker machine under section 78A.

(5) Subsection (4) applies to an established poker machine in the same way as it applies to an approved poker machine.

(6) A minor or insignificant variation does not preclude a poker machine from being an approved poker machine or an established poker machine if the variation does not affect its security or integrity or the manner in which the poker machine from which it varies was designed and programmed to function.

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(7) The Board may revoke a declaration in force under this section if it considers that it is necessary to do so in the public interest or if it is a temporary declaration.

(8) If the Board:

- (a) revokes a declaration of a device as an approved poker machine; or
- (b) declares that a poker machine has ceased to be an established poker machine,

the revocation or declaration does not take effect until the registered club or licensee in possession of the poker machine has been given, or served by post with, written notice of the revocation or declaration.

(9) A poker machine:

- (a) ceases to be an approved poker machine if its declaration as an approved poker machine is revoked; or
- (b) ceases to be an established poker machine if a declaration under this section so provides.

(10) Neither the Board nor a member of the Board incurs, or has ever incurred, any liability that but for this section might be claimed to arise from:

- (a) a declaration by the Board to the effect that a device is an approved poker machine; or
- (b) a revocation by the Board of such a declaration; or
- (c) a declaration by the Board that a poker machine has ceased to be an established poker machine,

whether the declaration or revocation took effect before, or takes effect on or after, the commencement of this section.

Dealer may make representations on investigation of device or revocation of declaration

77C. (1) The Board may not:

- (a) terminate the investigation of an application by the holder of a dealer's licence for declaration of a device as an approved poker machine; or
- (b) refuse such an application; or

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- (c) revoke an existing declaration of a device as an approved poker machine that was made on the application of the holder of a dealer's licence; or
- (d) declare that a poker machine referred to in the declaration has ceased to be an established poker machine,

unless this section is complied with before it decides to do so.

(2) The Board must:

- (a) except in the case of a declaration referred to in subsection (1) (d), serve on the relevant holder of a dealer's licence; or
- (b) in the case of a declaration referred to in Subsection (1) (d) serve on the relevant registered club,

a notice in writing that complies with subsection (3).

(3) The notice must:

- (a) specify the reasons why the Board is considering taking such action as is specified in the notice; and
- (b) afford the licensee or registered club an opportunity to show cause within such period of at least 14 days as is specified in the notice why the Board should not take that action.

(4) The licensee or registered club may, within the period allowed by the notice, arrange with the Board for the making of submissions to the Board as to why the proposed action should not be taken and the Board is to consider any submissions so made.

(5) After considering any submissions made by the licensee or registered club, or if no such submissions are made, the Board may:

- (a) proceed with the proposed action; or
- (b) conditionally or unconditionally desist from taking the proposed action.

(6) The decision of the Board takes effect when written notice of the decision is given to the licensee or registered club or on a later date specified in the notice.

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(6) Section 78 (**Keeping, acquisition and disposal of poker machine**):

After section 78 (a), insert:

- (a1) keep an authorised poker machine without complying with any conditions imposed by the Board in relation to the keeping of the machine;

(7) Section 78A:

After section 78, insert:

Authority to keep poker machine

78A. (1) The Board may authorise a registered club to acquire and keep, or to dispose of, an approved poker machine or an established poker machine.

(2) The Board may vary an authority in force under this section to allow a modification of the poker machine in accordance with section 77B.

(3) In the instrument by which it authorises the acquisition, keeping or disposal of a poker machine, or by which it varies an authority, the Board is to identify the machine.

(8) Section 79 (**Application to keep or dispose of poker machine**):

(a) Omit section 79 (1), insert instead:

(1) An application to the Board:

(a) for authority to acquire and keep, or to dispose of, an approved poker machine or an established poker machine; or

(b) for a variation of an existing authority to keep a poker machine,

is to be in a form approved by the Board and is to be accompanied by such documents as comply with the requirements of the form.

(b) In section 79 (5), after “acquire”, insert “or modify”.

(c) In section 79 (5) (b), after “acquired”, insert “or modified”.

(d) In section 79 (6), after “acquires”, insert “or modifies”.

(e) From section 79 (8) (b), omit “prescribed as having”, insert instead “that has, in accordance with section 77B”.

SCHEDULE 1—AMENDMENTS RELATING TO POKER
MACHINES—*continued*(9) Section 81 (**Keeping of old pokes machine**):

Omit the section.

(10) Section 82 (**Defective poker machine**):

(a) Omit section 82 (1), insert instead:

(1) A registered club is guilty of an offence if a poker machine available for use on the club premises fails to function in the manner in which it was designed and programmed to function.

Maximum penalty: 100 penalty units.

(b) From section 82 (2) (b) (ii), omit “had no reason to know”, insert instead “could not reasonably be expected to have known”.

(11) Sections 82A–82F:

After section 82, insert:

Security in relation to poker machines

82A. (1) A registered club which fails to ensure that all keys and other devices related to the security of poker machines on the club premises are kept, stored, secured, possessed and used as prescribed is guilty of an offence.

Maximum penalty: 50 penalty units.

(2) A person who possesses or uses a key or other device related to the security of poker machines on the premises of a registered club is guilty of an offence unless the possession or use is in accordance with requirements prescribed in relation to the key or other device.

Maximum penalty: 50 penalty units.

Access to poker machines

82B. (1) A person who, on the premises of a registered club:

- (a) opens a poker machine; or
- (b) checks money inside a poker machine; or
- (c) removes money from inside a poker machine; or
- (d) places money inside a poker machine otherwise than for the purpose of operating the machine,

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is guilty of an offence unless the person is authorised by this section to do so.

Maximum penalty: 100 penalty units.

(2) The following persons are authorised for the purposes of subsection (1):

- (a) the secretary of the registered club;
- (b) a member of the governing body of the registered club if a record is kept under subsection (3) in relation to the member;
- (c) an employee of the registered club if a record is kept under subsection (3) in relation to the employee;
- (d) the holder of a gaming-related licence who is exercising functions authorised by the licence;
- (e) a special inspector exercising the functions of a special inspector.

(3) A registered club is to keep a record (whether or not as part of another record) of the name, address and date of birth of each person employed by the club, and of each member of the governing body of the club, who is authorised by the club to:

- (a) supervise the operation of a poker machine; or
- (b) clear money from a poker machine; or
- (c) exercise a function resulting from the clearance of money from a poker machine; or
- (d) exercise a function in conjunction with the clearance of money from a poker machine; or
- (e) exercise a function referred to in subsection (1); or
- (f) exercise on the club premises a function prescribed as a function to which this section applies.

(4) A registered club is to keep as part of its records details of the authorisation of a person for the purposes of subsection (3).

(5) A registered club which fails to keep a record as required by this section is guilty of an offence.

Maximum penalty: 50 penalty units.

SCHEDULE 1—AMENDMENTS RELATING TO POKER
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Poker machine access register

82C. (1) A registered club which keeps poker machines on the club premises is to:

- (a) keep on the club premises, in a form approved by the Board, a register relating to access to the poker machines; and
- (b) ensure that subsection (2) is complied with.

(2) A person who opens a poker machine, or a part of a poker machine, in a registered club is to make in the register required by this section a legible entry of:

- (a) the date and time of the opening of the machine or part; and
- (b) the reason for opening the machine or part; and
- (c) any replacement of the logic board; and
- (d) the number of the licence and details of anything done to the machine, if the person holds a gaming-related licence.

(3) Subsection (2) does not apply to the opening of a poker machine, or a part of a poker machine:

- (a) to clear the cashbox of the machine, if access to the cashbox is gained without access to any other of the electronic or mechanical components of the machine; or
- (b) in any other circumstances approved by the Board.

(4) If a poker machine in a registered club is taken out of operation without being removed from the club, the secretary of the club is to ensure that there is made in the register required by this section a legible entry of

- (a) the reason for taking the machine out of operation; and
- (b) details of the return of the machine, if it is again made available for operation.

(5) A person who makes an entry in a register kept under this section is to sign the entry and have the signature witnessed by the secretary of the club or a person whose name is recorded under section 82B (3) and is added to the signature in legible form.

SCHEDULE 1—AMENDMENTS RELATING TO POKER
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(6) A registered club is to retain each register kept under this section for at least 3 years after the making of the latest entry in the register, unless the removal of the register is authorised by this Act.

(7) A registered club which, or a person who, is required to act under this section and fails to do so is guilty of an offence.

Maximum penalty: 50 penalty units.

Protection of sensitive areas of poker machines

82D. (1) It is an offence for a person (other than a specially authorised person) to do any of the following:

- (a) break a seal securing a computer cabinet or gain access to anything within a computer cabinet;
- (b) affix a seal to a computer cabinet;
- (c) remove, replace or in any way affect or interfere with the operation of a computer cabinet or anything within a computer cabinet;
- (d) break a seal protecting the integrity of the game program of a poker machine;
- (e) remove, or interfere with, any security device on a poker machine;
- (f) remove, or interfere with, the housing protecting the meters of a poker machine;
- (g) remove, disconnect or interfere with a meter of a poker machine;
- (h) interfere with information received, stored or transmitted electronically by a poker machine;
- (i) remove, or interfere with, any mark or seal affixed to a poker machine to preserve the integrity of operation of the machine.

Maximum penalty: 100 penalty units.

(2) A person (including a specially authorised person) who removes, alters or otherwise interferes with the compliance plate on a poker machine is guilty of an offence.

Maximum penalty: 100 penalty units.

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(3) A person who authorises or permits another person to act in a way that is an offence under another provision of this section is also guilty of an offence.

Maximum penalty: 100 penalty units.

(4) In this section:

"computercabinet" means the sealable part of a poker machine that contains the game program storage medium and the random access memory;

"specially authorised person" means a special inspector, a holder of a technician's licence, a person exercising a function under section 127 or a person appointed by the Director as a specially authorised person for the purposes of this section.

Modification of poker machine

82E. (1) A person who modifies an approved poker machine in such a way that it is in the form of a different approved poker machine is guilty of an offence unless the person holds a technician's licence or the modification does not, as provided by section 77B, preclude the poker machine from being an approved poker machine.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) A holder of a technician's licence who modifies an approved poker machine in such a way that it is in the form of a different approved poker machine is guilty of an offence unless there is returned within a reasonable time to the supplier of the materials for the conversion so much of the poker machine as ceased to form part of it after its conversion and comprised:

(a) a meter, circuit board, read-only memory device or artwork; or

(b) a component prescribed as a restricted component.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

SCHEDULE 1—AMENDMENTS RELATING TO POKER
MACHINES—*continued*

Consignment or movement of poker machines

82F. (1) A holder of a dealer's licence, a seller's licence or an adviser's licence who consigns or moves a poker machine:

- (a) to or from any place at which the licensee carries on the business authorised by the licence; or
- (b) from outside the State to a place within the State,

is to give, the Director a written notification stating the particulars required by this section, and is to do so not later than 3 clear days before the consignment or movement or, in a particular case or class of cases, within a time approved by the Director.

(2) The required particulars are:

- (a) the number of machines; and
- (b) the number of each type of machine; and
- (c) the manufacturer's serial number for each of the machines; and
- (d) the origin and destination of the machines; and
- (e) the intended dates of transportation; and
- (f) the intended method of transport and the name of the carrier.

(3) The Director may, conditionally or unconditionally, grant an exemption from the operation of this section in a particular case or a particular class of cases.

(4) A licensee who fails to comply with a requirement of this section that is applicable to the licensee is guilty of an offence.

Maximum penalty: 50 penalty units.

(12) Section 83:

Omit the section, insert instead:

Unlawful interference with poker machine

83. (1) A person who:

- (a) has possession of a device made or adapted, or intended by the person to be used, for interfering with the normal operation of a poker machine in a registered club; or

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- (b) does anything calculated, or likely, to interfere with the normal operation of a poker machine in a registered club; or
- (c) does anything calculated to render a poker machine in a registered club incapable, even temporarily, of producing a winning combination,

is guilty of an offence.

Maximum penalty: 100 penalty units.

(2) Subsection (1) does not apply to anything done in good faith in connection with:

- (a) the installation, alteration, adjustment, maintenance or repair of a poker machine by the holder of a technician's licence; or
- (b) the exercise by a person of a function conferred or imposed by this Act on a specially authorised person referred to in section 82D.

(3) A person who, with intent to dishonestly obtain money or a financial advantage for himself or herself or another person, inserts in a poker machine in a registered club anything other than:

- (a) a coin or token of the denomination or type displayed on the machine as that to be used to operate the machine; or
- (b) a banknote of a denomination approved by the Board for use in order to operate the machine; or
- (c) a card of a type approved by the Board for use in order to operate the machine,

is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(4) A person who knows of any faulty or fraudulent computer programming and as a result gains, or gains for another person, an advantage in the operation of a poker machine is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

SCHEDULE 1—AMENDMENTS RELATING TO POKER
MACHINES—*continued*

(5) A person who authorises or permits another person to act in a way that is an offence under another provision of this section is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(13) Section 83A:

After section 83, insert:

Illegal advantage gained during design etc. of poker machine

83A. (1) A person who, during the design, manufacture, assembly, maintenance or repair of a poker machine, dishonestly makes provision to gain an advantage (whether or not for another person) in the operation of the machine is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) A person who, as a result of gross negligence during the design, manufacture, assembly, maintenance or repair of a poker machine, makes provision to gain an advantage (whether or not for another person) in the operation of the machine is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(3) A person who does anything to a poker machine in order to conceal anything that is an offence under subsection (1) or (2) is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(4) A person who authorises or permits another person to act in a way that is an offence under another provision of this section is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(14) Section 90 (**Granting of gaming-related licences**):

(a) From section 90 (2) (a), omit “licence” where secondly occurring, insert instead “gaming-related licence”.

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MACHINES—*continued*

(b) From section 90 (2) (b), omit “licence”, insert instead “gaming-related licence”.

(c) From section 90 (3), omit “licences”, insert instead “gaming-related, licences”.

(d) Omit section 90 (5), insert instead:

(5) Section 96 (Expenses of investigation of application) and sections 97–99 (relating to objections) do not apply to an application for a gaming-related licence made by a person who holds another gaming-related licence under this Act or a gaming-related licence under the Liquor Act 1982.

(15) Section 102A:

After section 102, insert:

Board may require dealer to alter certain poker machines

102A. (1) The Board may require the holder of a dealer’s licence to arrange, at the expense of the dealer and within a specified time (or within such further time as the Board may allow), for a specified alteration to be made to an approved poker machine that is to be, or has been, supplied by the licensee to a registered club after the commencement of this section.

(2) It is a condition of a dealer’s licence that the licensee is to comply with any requirement made of the licensee under this section.

(3) It is a condition of the certificate of registration of a club that the club is to allow the holder of a dealer’s licence or a technician’s licence such access to a poker machine in the club as may be required to enable the holder of the dealer’s licence to comply with a requirement of the Board under this section.

(16) Section 115 (**Investigation of certain devices**):

Omit the section.

(17) Section 120 (**Sale of old poker machines**):

Omit the section.

SCHEDULE 1—AMENDMENTS RELATING TO POKER
MACHINES—*continued*

(18) Section 121:

Omit the section, insert instead:

Possession of approved or established poker machines

121. (1) A person knowingly in possession of an approved poker machine or an established poker machine is guilty of an offence unless the person:

- (a) is the holder of a gaming-related licence; or
- (b) is a registered club lawfully in possession of the poker machine; or
- (c) has possession of the poker machine in the ordinary course of a business involving the transportation or storage of goods; or
- (d) is an authorised person exercising functions under section 127 (which confers certain powers of entry and inspection and related functions); or
- (e) is in lawful possession of the poker machine as a consequence of its seizure under the authority of a search warrant.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) This section does not apply to the possession of an approved poker machine or an established poker machine by a club if:

- (a) the club has been disqualified from holding a certificate of registration and the period of disqualification has not expired; or
- (b) the certificate of registration of the club has been cancelled,

and the possession has not extended beyond a reasonable time after the disqualification or cancellation.

(3) This section does not apply to a person in possession of an approved poker machine, or in possession of an established poker machine, if the possession resulted from the exercise of a power conferred on the person by a mortgage and has not extended beyond a reasonable time after the exercise of the power.

SCHEDULE 1—AMENDMENTS RELATING TO POKER
MACHINES—*continued*

(4) This section does not apply to a person in possession of an approved poker machine or an established poker machine if the person:

- (a) obtained possession of the poker machine by exercising a power or proprietary right under financial or other arrangements approved by the Board before or after the commencement of this section; and
- (b) has not retained possession beyond a reasonable time after the exercise of the power.

(19) Section 123:

Omit the section, insert instead:

Poker machines not used for gaming

123. (1) This Part does not operate to prohibit the possession, keeping, use or operation of a poker machine if:

- (a) it is not operated for gaming; and
- (b) it is used only for therapeutic purposes with the prior written approval of the Board; and
- (c) any conditions imposed by the Board when giving the approval are complied with.

(2) This Part does not operate to prohibit the possession, keeping, use or operation of a poker machine if:

- (a) it is not operated for gaming; and
- (b) it is used only for promotional, educational or cultural purposes; and
- (c) the Board has been given at least 3 days' written notice of the kind of use intended and the Board has not, before the period of notice expires, refused to allow the use; and
- (d) any conditions imposed by the Board within that period of notice are complied with.

(3) In a particular case or a particular class of cases, the Board may waive compliance with the requirement for giving notice under subsection (2) and may impose conditions for operation of the waiver.

SCHEDULE 1—AMENDMENTS RELATING TO POKER
MACHINES—*continued*

(20) Sections 126–130A:

Omit sections 126–130, insert instead:

Identification of special inspectors

126. (1) The Board is to cause each special inspector to be issued with a means of identification that is approved by the Board and includes the following information:

- (a) that it is issued under this Act by the Liquor Administration Board;
- (b) the name of the special inspector;
- (c) that the special inspector is authorised to exercise the powers conferred on a special inspector by the Registered Clubs Act 1976.

(2) A special inspector is not authorised to exercise the functions of a special inspector in a registered club without production of his or her means of identification for inspection:

- (a) by the secretary of the club; or
- (b) in the absence of the secretary, by the person believed by the inspector to be the most senior person on duty in the club,

unless to do so would defeat the purpose for which the functions are to be exercised.

Powers of entry, inspection etc.—poker machines

127. (1) This section applies to:

- (a) the premises of a registered club; or
- (b) premises on which the holder of a gaming-related licence or a work permit carries on business, or on which the holder of such a licence or a work permit is employed.

(2) An authorised person may enter any part of premises to which this section applies and exercise the powers conferred by this section, but may do so only:

- (a) at a reasonable hour of the day or night, unless it is being exercised in an emergency; and

SCHEDULE 1—AMENDMENTS RELATING TO POKER
MACHINES—*continued*

- (b) after giving reasonable notice, unless the giving of notice would defeat the purpose for which the powers are to be exercised; and
 - (c) by using no more force than is reasonably necessary.
- (3) The authorised person may do any of the following:
- (a) inspect, count, check and test, and make notes relating to, poker machines;
 - (b) require a person having access to records relating to relevant matters to produce the records for examination;
 - (c) make copies of, and take extracts from, records relating to relevant matters;
 - (d) affix a temporary seal to any part of a poker machine;
- (e) for the purpose of further examination, take possession of, and remove, a record relating to relevant matters.
- (4) The authorised person may ask any of the following persons to answer questions relating to relevant matters:
- (a) a member of the governing body of a registered club;
 - (b) a holder of a gaming-related licence or, if a holder of a gaming-related licence is a corporation, a director of the corporation;
 - (c) an employee of a registered club or of a holder of a gaming-related licence;
 - (d) the person who appears to be in charge of the premises entered.
- (5) The authorised person may take possession of, and remove, a poker machine or a part of a poker machine that is on the premises entered (including any money in the machine or part):
- (a) for the purposes of further examination; or
 - (b) if the authorised person believes on reasonable grounds that the poker machine or part is in the possession of a person who, by being in possession of the machine or part, is guilty of an offence,

SCHEDULE 1—AMENDMENTS RELATING TO POKER
MACHINES—*continued*

but may do so only if the authorised person issues the person apparently in charge of the premises with a written receipt for the machine or part and for any money in the machine or part

(6) If damage is caused by the exercise of the powers conferred by this section, the Minister is to pay reasonable compensation for the damage unless the exercise of the powers was obstructed by the occupier of the premises.

(7) A poker machine or part removed under this section, and any money in the poker machine or part, are to be returned if the Board so directs on the application of the owner made not earlier than 14 days after its removal, unless a summons has been issued under section 130.

(8) If a person claims on reasonable grounds that a record removed under this section is necessary for the conduct of business on the premises from which the record was removed, the record is not to be retained beyond the end of the next succeeding day, unless the claimant is first provided with a copy of the record certified by an authorised person to be a true copy.

(9) A certified copy of a record provided under this section is for all purposes of equal validity to the original.

(10) A Licensing Magistrate or other Magistrate, or the Principal Registrar, may, on the application of an authorised person, issue a summons requiring a person:

- (a) to produce to the Licensing Court records that the person summoned has failed to produce in accordance with a requirement made under this section; or
- (b) to appear before the Licensing Court and give evidence in relation to a matter in respect of which the person summoned has failed to answer a question in accordance with such a requirement,

and, on the return of the summons, the person summoned may be represented and be heard.

(11) A person who, having been served with a summons under this section, fails to comply with the summons, is guilty of an offence.

Maximum penalty: 50 penalty units.

SCHEDULE 1—AMENDMENTS RELATING TO POKER
MACHINES—*continued*

(12) A person who, not being an authorised person, breaks a temporary seal that has been affixed to a poker machine by an authorised person is guilty of an offence.

Maximum penalty: 100 penalty units.

(13) In this section:

“authorised person” means a special inspector, the Commissioner of Police or a person prescribed as an authorised person for the purposes of this section;

“relevant matter” means a matter relating to:

- (a) the manufacture, supply, sale, servicing, possession, keeping or operation of a poker machine; or
- (b) a transaction referred to in section 117 (which relates to the provision of financial assistance to a registered club by the holder of a gaming-related licence).

Club to comply with requirements of special inspector

128. (1) A special inspector may require a registered club to:

- (a) withdraw from operation a poker machine that, in the opinion of the inspector, is not operating properly; or
- (b) refrain from making available for operation a poker machine withdrawn from operation under paragraph (a) until, in the opinion of the inspector or another special inspector, it is operating properly; or
- (c) refrain from making a poker machine available for operation except in accordance with controls specified by the inspector in relation to the poker machine; or
- (d) deliver to the Board, in writing in the English language and within a time specified by the inspector, such particulars relating to a poker machine in the club as are so specified; or
- (e) refrain from making available for operation a poker machine indicated by the inspector until it has been fitted with a device approved by the Board for the purposes of the secure keeping and operation of the poker machine.

SCHEDULE 1—AMENDMENTS RELATING TO POKER
MACHINES—continued

(2) A registered club which is required by a special inspector to act under this section and fails to comply with the requirement is guilty of an offence.

Maximum penalty: 50 penalty units.

Search warrants (poker machines)

129. (1) A police officer may apply to an authorised justice for a search warrant if the police officer has reasonable grounds for believing that, on specified premises, this Act or a condition of a gaming-related licence is being contravened in relation to a poker machine.

(2) An authorised justice to whom an application is made under this section may, if satisfied that there are reasonable grounds for doing so, issue a search warrant to any police officer to enter and search the premises.

(3) Part 3 of the Search Warrants Act 1985 applies to a search warrant issued under this section.

(4) A police officer who enters any premises on the authority of a search warrant issued under this section may search the premises and may:

(a) seize and carry away:

(i) any device in the nature of a poker machine; or

(ii) any part of such a device,

and any money in the device or part; or

(b) seize, and carry away any books of account and documents that may reasonably be suspected to relate to poker machines or devices in the nature of poker machines; or

(c) require any person on the premises to state his or her name and address.

(5) This section does not authorise a police officer to carry away anything for which the officer does not give a receipt.

(6) In this section, “**authorised justice**” has the same meaning as it has in the Search Warrants Act 1985.

SCHEDULE 1—AMENDMENTS RELATING TO POKER
MACHINES—*continued*

Forfeiture or return of removed or seized poker machine

130. (1) This section applies to a poker machine if it is removed under section 127 or is seized under section 129 in the execution of a search warrant.

(2) A Licensing Magistrate or other Magistrate, the Principal Registrar, or an authorised justice under the Search Warrants Act 1985, may (whether or not on application by a police officer) issue a summons requiring:

- (a) the owner of a poker machine to which this section applies; or
- (b) the owner or occupier of the premises from which such a poker machine was removed or on which it was seized,

to appear before the Licensing Court and show where and for what purpose the person summoned came to be in possession of the poker machine.

(3) On the return of the summons and whether or not there is an appearance in response to the summons, the Licensing Court is to inquire into the matter and:

- (a) order the forfeiture to the use of the Crown of the poker machine, and of any money found in the poker machine, if satisfied that this Act or a condition of a certificate of registration or of a gaming-related licence was being contravened in relation to the poker machine on the premises from which it was removed or on which it was seized; or
- (b) if not so satisfied, order the return to the person summoned of the poker machine and any money found in the poker machine.

Other forfeitures of poker machines

130A. (1) If, in proceedings of any kind before it, the Licensing Court or any other Court finds that this Act or a condition of a certificate of registration or of a gaming-related licence has been contravened in relation to a poker machine, the Court may order the forfeiture to the Crown of the poker machine and any money found in it.

**SCHEDULE 1—AMENDMENTS RELATING TO POKER
MACHINES—*continued***

(2) A police officer may seize and carry away anything that the police officer reasonably suspects may be liable to forfeiture under this section or which a Court has ordered to be forfeited to the Crown, including any money in a poker machine or other device at the time of its seizure.

**SCHEDULE 2—AMENDMENTS RELATING TO KEY
OFFICIALS**

(Sec. 3)

(1) Section 4 (Definitions):

In section 4 (1), insert the following definition in alphabetical order:

“key official” means:

- (a) the Secretary, Chief Secretary’s Department; or
- (b) an officer of the Chief Secretary’s Department who is listed in Schedule 3B to the Public Sector Management Act 1988; or
- (c) an officer of the Chief Secretary’s Department who is not referred to in paragraph (a) or (b) but is the subject of a current written order by the Secretary of the Department that has been served on the officer and is to the effect that the officer is a key official for the purposes of this Act; or
- (d) the Director of Liquor and Gaming; or
- (e) the Commissioner of Police; or
- (f) a member of the Police Service Senior Executive Service; or
- (g) a police officer who holds the position of Patrol Commander or a higher position but is not referred to in paragraph (e) or (f); or
- (h) a member of the Police Service who is not referred to in paragraph (e), (f) or (g) but is the subject of a current written order by the Commissioner of Police that has been served on the member and is to the effect that the member is a key official for the purposes of this Act;

SCHEDULE 2—AMENDMENTS RELATING TO KEY OFFICIALS—*continued*

(2) Part 7A:

After Part 7, insert:

PART 7A—KEY OFFICIALS**Restrictions on key officials (registered clubs)**

59A. (1) A key official must not:

- (a) accept nomination for election or appointment as a member of the governing body of a registered club; or
- (b) hold office as a member of the governing body of a registered club; or
- (c) solicit employment, in any capacity, from a registered club; or
- (d) solicit employment, in any capacity, from a person known by the key official to be a member of the governing body of a registered club, the secretary of a registered club or any other close associate of a registered club; or
- (e) be an employee of a registered club in any capacity; or
- (f) be an employee, in any capacity, of a person known by the key official to be a member of the governing body of a registered club, the secretary of a registered club or any other close associate of a registered club.

(2) A person holding the office of Secretary, Chief Secretary's Department, or the office of Director, or the office of Commissioner of Police, must not knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a registered club or a person known by the holder of the office to be:

- (a) a member of the governing body of a registered club; or
- (b) the secretary of a registered club; or
- (c) any other close associate of a registered club.

(3) A key official (other than a key official who is the Secretary, Chief Secretary's Department, or is the Director, or is the Commissioner of Police) must not without the approval of the appropriate authority knowingly have, directly or

SCHEDULE 2—AMENDMENTS RELATING TO KEY OFFICIALS—*continued*

indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a registered club or a person known by the key official to be:

(a) a member of the governing body of a registered club;
or

(b) the secretary of a registered club; or

(c) any other close associate of a registered club.

(4) While a member of the governing body of a registered club, or the secretary of a registered club, knows that another person is a key official, the club must not:

(a) accept nomination of the key official for election or appointment as a member of the governing body of the club; or

(b) permit the key official to hold office as a member of the governing body of the club; or

(c) employ the key official in any capacity.

(5) While a member of the governing body of a registered club, or the secretary of a registered club, knows that another person is the Secretary, Chief Secretary's Department, or is the Director, or is the Commissioner of Police, the club must not knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, the Secretary, Director or Commissioner.

(6) While a member of the governing body of a registered club, or the secretary of a registered club, knows that another person is a key official (other than a key official who is the Secretary, Chief Secretary's Department, or is the Director, or is the Commissioner of Police) the club must not without the approval of the appropriate authority knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, the key official.

(7) A close associate of a registered club (including a close associate who is a member of the governing body or the secretary) must not:

SCHEDULE 2—AMENDMENTS RELATING TO KEY
OFFICIALS—*continued*

- (a) engage as an employee of the club, in any capacity, a person known by the close associate to be a key official; or
- (b) employ, in any capacity, a person known by the close associate to be a key official; or
- (c) knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a person known by the close associate to be the Secretary, Chief Secretary's Department, or the Director, or the Commissioner of Police; or
- (d) without the approval of the appropriate authority knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a person known by the close associate to be a key official (other than a key official who is the Secretary, Chief Secretary's Department, or is the Director, or is the Commissioner of Police).

(8) An exemption from the application of subsection (1) (a) or (b), or subsection (4) (a) or (b), in relation to a key official (other than the Secretary, Chief Secretary's Department, the Director or the Commissioner of Police) in a particular case or class of cases may be granted by the appropriate authority.

(9) A registered club which, or other person who, contravenes a provision of this section which is applicable to the club or person is guilty of an offence.

Maximum penalty: 50 penalty units.

(10) In this section:

“appropriate authority”, in relation to a key official, means:

- (a) the Secretary, Chief Secretary's Department, unless the key official is a member of the Police Service; or
- (b) the Commissioner of Police, if the key official is a member of the Police Service.

SCHEDULE 2—AMENDMENTS RELATING TO KEY OFFICIALS—*continued***Restrictions on former key officials (registered clubs)**

59B. (1) A former key official must not:

- (a) accept nomination for election or appointment as a member of the governing body of a registered club; or
- (b) hold office as a member of the governing body of a registered club; or
- (c) solicit employment, in any capacity, from a registered club; or
- (d) solicit employment, in any capacity, from a person known by the former key official to be a member of the governing body of a registered club, the secretary of a registered club or any other close associate of a registered club; or
- (e) be an employee, in any capacity, of a registered club; or
- (f) be an employee, in any capacity, of a person known by the former key official to be a member of the governing body of a registered club, the secretary of a registered club or any other close associate of a registered club; or
- (g) knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a registered club or a person known by the former key official to be a member of the governing body of a registered club, the secretary of a registered club or any other close associate of a registered club.

Maximum penalty: 50 penalty units.

(2) While a member of the governing body of a registered club, or the secretary of a registered club, knows that another person is a former key official, the club must not:

- (a) accept any nomination of the former key official for election or appointment as a member of the governing body of the club; or
- (b) permit the former key official to hold office as a member of the governing body of the club; or

SCHEDULE 2—AMENDMENTS RELATING TO KEY
OFFICIALS—*continued*

- (c) employ the former key official in any capacity; or
- (d) knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, the former key official.

Maximum penalty: 50 penalty units.

(3) While knowing that another person is a former key official, a person who is a member of the governing body of a registered club, the secretary of a registered club or any other close associate of a registered club must not:

- (a) engage the former key official as an employee of the club in any capacity; or
- (b) employ the former key official in any capacity; or
- (c) knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, the former key official.

Maximum penalty: 50 penalty units.

(4) An exemption from the application of this section in relation to a former key official (other than a person who is a former Secretary, Chief Secretary's Department, or is a former Director, or is a former Commissioner of Police) in a particular case or class of cases may be granted:

- (a) by the Secretary, Chief Secretary's Department, unless the former key official was a member of the Police Service; or
- (b) by the Commissioner of Police, if the former key official was a member of the Police Service.

(5) The Secretary, Chief Secretary's Department, and the Commissioner of Police are each to keep at his or her office a register of exemptions granted by him or her under this section. The register is to contain details of each such exemption and is to be open for inspection by any person free of charge during ordinary business hours.

SCHEDULE 2—AMENDMENTS RELATING TO KEY OFFICIALS—*continued*

(6) In this section:

“former key official” means a person who was a key official at any time during the previous 3 years, but is no longer a key official.

Restrictions on key officials (gaming-related licences)

59C. (1) A key official must not:

- (a) hold any type of gaming-related licence under this Act; or
- (b) solicit employment, in any capacity, from a holder of a gaming-related licence or a person known by the key official to be a close associate of a holder of such a licence; or
- (c) be an employee, in any capacity, of a holder of a gaming-related licence or a person known by the key official to be a close associate of a holder of such a licence.

(2) A person holding the office of Secretary, Chief Secretary’s Department, or the office of Director, or the office of Commissioner of Police, must not knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a holder of a gaming-related licence or a person known by the holder of the office to be a close associate of a holder of such a licence.

(3) A key official (other than a key official who is the Secretary, Chief Secretary’s Department, or is the Director, or is the Commissioner of Police) must not without the approval of the appropriate authority knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a holder of a gaming-related licence or a person known by the key official to be close associate of a holder of such a licence.

(4) A holder of a gaming-related licence or a close associate of a holder of such a licence must not:

- (a) employ, in any capacity, a person known by the licensee or close associate to be a key official; or

SCHEDULE 2—AMENDMENTS RELATING TO KEY
OFFICIALS—*continued*

- (b) knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a person known by the licensee or close associate to be the Secretary, Chief Secretary's Department, or the Director, or the Commissioner of Police; or
- (c) without the approval of the appropriate authority knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a person the licensee or close associate knows to be a key official (other than a key official who is the Secretary, Chief Secretary's Department, or is the Director, or is the Commissioner of Police).

(5) A person who contravenes a provision of this section applicable to the person is guilty of an offence.

Maximum penalty: 50 penalty units.

(6) In this section:

“**appropriate authority**”, in relation to a key official, means:

- (a) the Secretary, Chief Secretary's Department, unless the key official is a member of the Police Service; or
- (b) the Commissioner of Police, if the key official is a member of the Police Service.

Restrictions on former key officials (gaming-related licences)

59D. (1) A former key official must not:

- (a) hold any type of gaming-related licence under this Act; or
- (b) solicit employment, in any capacity, from a holder of a gaming-related licence or a person known by the former key official to be a close associate of a holder of such a licence; or
- (c) be an employee, in any capacity, of a holder of a gaming-related licence or a person known by the former key official to be a close associate of a holder of such a licence; or

SCHEDULE 2—AMENDMENTS RELATING TO KEY
OFFICIALS—*continued*

- (d) knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a holder of a gaming-related licence or a person known by the former key official to be a close associate of a holder of such a licence.

Maximum penalty: 50 penalty units.

- (2) While knowing that another person is a former key official, a person who holds a gaming-related licence, or a close associate of a holder of such a licence, must not:

- (a) employ the former key official in any capacity; or
(b) have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, the former key official.

Maximum penalty: 50 penalty units.

- (3) An exemption from the application of this section in relation to a former key official (other than a person who is a former Secretary, Chief Secretary's Department, is a former Director, or is a former Commissioner of Police) in a particular case or class of cases may be granted:

- (a) by the Secretary, Chief Secretary's Department, unless the former key official was a member of the Police Service; or
(b) by the Commissioner of Police, if the former key official was a member of the Police Service.

- (4) The Secretary, Chief Secretary's Department, and the Commissioner of Police are each to keep at his or her office a register of exemptions granted by him or her under this section. The register is to contain details of each such exemption and is to be open for inspection by any person free of charge during ordinary business hours.

- (5) In this section:

“former key official” means a person who was a key official at any time during the previous 3 years, but is no longer a key official.

**SCHEDULE 3—AMENDMENTS RELATING TO
GAMING-RELATED LICENCES**

(Sec. 3)

(1) Section 4 (Definitions):

In section 4 (1), insert the following definitions in alphabetical order:

“adviser’s licence” means a poker machine adviser’s licence granted under section 90 and in force;

“dealer’s licence” means a poker machine dealer’s licence granted under section 90 and in force;

“gaming-related licence” means an adviser’s licence, a dealer’s licence, a seller’s licence or a technician’s licence;

“seller’s licence” means a poker machine seller’s licence granted under section 90 and in force;

“technician’s licence” means a poker machine technician’s licence granted under section 90 and in force;

(2) Section 88 (Definitions):

Omit the definitions of “adviser’s licence”, “dealer’s licence”, “licence”, “licence fee”, “seller’s licence” and “technician’s licence”.

(3) Section 91 (Authority conferred by gaming-related licence):

(a) In section 91 (1) (a), after “manufacture”, insert “and assemble”.

(b) In section 91 (1) (b), after “machines” where secondly occurring, insert “, whether or not manufactured or assembled by the licensee”.

(c) After section 91 (1), insert:

(1A) The Board may impose a condition of a dealer’s licence prohibiting or regulating in a specified place an activity that is, or is proposed to be, carried on by the licensee in that place in addition to the activities already authorised by the licence.

(1B) Before deciding whether or not to impose a condition of a dealer’s licence under this section, the Board is to give the licensee an opportunity to make submissions about the proposed condition.

SCHEDULE 3—AMENDMENTS RELATING TO
GAMING-RELATED LICENCES—*continued*

- (4) Section 92 (**Application for gaming-related licence**):
- (a) From section 92 (1), (2) and (3), omit “licence” wherever occurring, insert instead “gaming-related licence”.
 - (b) Omit section 92 (2) (a), insert instead:
 - (a) a person who is under the age of 18 years, or is within a class of persons prescribed as being ineligible to apply, for a gaming-related licence; or
- (5) Part 11, Division 2A:
Omit section 95, insert instead:

Division 2A—Investigation of applications

Principal Registrar to refer certain applications to Director

95. (1) A registrar (other than the Principal Registrar) with whom an application to the Licensing Court for a gaming-related licence is lodged is to refer the application to the Principal Registrar.

(2) The Principal Registrar is to refer to the Director for investigation:

- (a) each application to the Licensing Court for a gaming-related licence that is lodged with the Principal Registrar or referred to the Principal Registrar by another registrar; and
- (b) any changes of which the Principal Registrar is notified under section 94 in relation to such an application.

Investigations by Director

95A. (1) On receiving for investigation an application for a gaming-related licence, the Director must carry out all such investigations and inquiries in relation to the applicant as are considered by the Director to be necessary for a proper consideration of the application.

(2) In particular, the Director must refer to the Commissioner of Police details of the applicant together with any supporting information in relation to the applicant that the Director considers to be appropriate for referral to the Commissioner.

**SCHEDULE 3—AMENDMENTS RELATING TO
GAMING-RELATED LICENCES—*continued***

(3) The Commissioner of Police is to inquire into, and report to the Director on, such matters Concerning the applicant as the Director may request.

Director may require further information

95B. (1) The Director may, by notice in writing, require a person whose application for a gaming-related licence has been referred to the Director to do one or more of the following things:

- (a) provide, in accordance with directions in the notice, such information verified by statutory declaration as is relevant to the investigation of the application and is specified in the notice;
- (b) produce, in accordance with directions in the notice, such records as are relevant to the investigation of the application and permit examination of the records, the taking of extracts from them and the making of copies of them;
- (c) authorise a person described in the notice to comply with a requirement of the kind referred to in paragraph (a) or (b);
- (d) furnish to the Director such authorities and consents as the Director requires for the purpose of enabling the Director to obtain information (including financial and other confidential information) from other persons concerning the person and his or her associates or relations.

(2) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

(3) The Licensing Court may refuse to hear an application if a requirement made under this section in relation to the application is not complied with.

SCHEDULE 3—AMENDMENTS RELATING TO
GAMING-RELATED LICENCES—*continued*

(6) Section 96:

Omit the section, insert instead:

Expenses of investigation of application

96. (1) The Licensing Court may, on the application of the Director or the Commissioner of Police, order an applicant for a gaming-related licence to pay to the Board within a stated time the amount required by this section.

(2) The amount required is a specified amount towards defraying the cost of anticipated expenditure outside the State, and anticipated travelling expenses (whether within or outside the State), involved in investigating the application for the licence.

(3) If an applicant for a gaming-related licence is required to make a payment under this section and fails to make the payment:

- (a) the Director may refuse to proceed with investigation of the application; and
- (b) the Licensing Court may refuse to hear the application and may dismiss it.

(7) Section 98 (**Grounds of objection**):

- (a) From section 98 (1), omit “licence” where firstly occurring, insert instead “gaming-related licence”.
- (b) From section 98 (1) (a), (b) and (c) omit “suitable” wherever occurring, insert instead “fit and proper”.
- (c) From section 98 (1) (a), (b) and (c), omit “licence” wherever occurring, insert instead “gaming-related licence”.
- (d) From section 98 (2) and (3), omit “licence” wherever occurring, insert instead “gaming-related licence”.
- (e) From section 98 (2) (c), omit “a notice under section 95”, insert instead “a requirement of the Director under Division 2A”.

SCHEDULE 3—AMENDMENTS RELATING TO
GAMING-RELATED LICENCES—*continued*(8) Section 99 (**Taking of objection**):

Omit section 99 (1) (b), insert instead:

- (b) if the objection is on the basis that a person is not a fit and proper person for a particular purpose, specifies the reasons why the objector considers that the person is not a fit and proper person for that purpose.

(9) Section 105:

Omit the section, insert instead:

Periodic fee for gaming-related licence

105. (1) A fee is payable to the Board for a gaming-related licence, and for a work permit, while the licence or permit is in force or under suspension and is so payable in respect of each period prescribed for the purposes of this section.

(2) Regulations may be made prescribing the fees payable under this section and for and with respect to:

- (a) times for payment of the fees; and
- (b) payment of the fees by instalments; and
- (c) penalties for late payment of the fees or instalments; and
- (d) suspension or cancellation of a gaming-related licence or work permit after a failure to pay such a fee, or an instalment of such a fee, relating to the licence or permit; and
- (e) the circumstances in which such a fee, or a proportion of such a fee, may be refunded.

(10) Section 106:

Omit the section, insert instead

Periodic returns by gaming-related licensees

106. (1) Within the period of 1 month after the expiration of each period prescribed for the purposes of section 105, the holder of a gaming-related licence is to lodge with the Director a return that:

- (a) is in a form approved by the Director; and
- (b) is accompanied by the prescribed documents; and

SCHEDULE 3—AMENDMENTS RELATING TO
GAMING-RELATED LICENCES—*continued*

(c) is signed by the licensee or, if the licensee is a corporation, by at least 2 directors of the corporation.

(2) The form of return approved by the Director may be in the form of a statutory declaration.

(3) Compliance with this section is a condition of a gaming-related licence.

(11) Section 107A:

After section 107, insert:

Director may investigate holders of gaming-related licences and others

107A. (1) The Director may at any time carry out all such investigations and inquiries as are considered by the Director to be necessary in order to ascertain whether a complaint should be made under section 108 against the holder of a gaming-related licence.

(2) The Commissioner of Police is to inquire into, and report to the Director on, such matters as the Director may request concerning the licensee to whom the complaint, if made, would relate.

(3) The Director may, by notice in writing, require a licensee who is the subject of an investigation under this section or a person who, in the opinion of the Director, has some association or connection with the licensee that is relevant to the investigation to do one or more of the following things:

- (a) provide, in accordance with directions in the notice, such information verified by statutory declaration as is relevant to the investigation and is specified in the notice;
- (b) produce, in accordance with directions in the notice, such records as are relevant to the investigation and permit examination of the records, the taking of extracts from them and the making of copies of them;
- (c) authorise a person described in the notice to comply with a requirement of the kind referred to in paragraph (a) or (b);

SCHEDULE 3—AMENDMENTS RELATING TO
GAMING-RELATED LICENCES—*continued*

(d) furnish to the Director such authorities and consents as the Director requires for the purpose of enabling the Director to obtain information (including financial and other confidential information) from other persons concerning the person under investigation and his or her associates or relations.

(4) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

(12) Section 108 (**Summons to show cause against taking of disciplinary action**):

(a) From section 108 (1), omit “licensee”, insert instead “holder of a gaming-related licence”.

(b) After section 108 (2) (e), insert:

(e1) that a requirement of the Director made under this Act in relation to the investigation of a licensee and specified in the complaint has not been complied with;

(c) From section 108 (2) (e), (f) and (g) omit “suitable” wherever occurring, insert instead “fit and proper”.

(d) From section 108 (4) (b), omit “the unsuitability of a”, insert instead “a person not being a fit and proper”.

(e) From section 108 (5), omit “licensee”, insert instead “a holder of a gaming-related licence”.

(f) From section 108 (6), omit “licence”, insert instead “gaming-related licence”.

(13) Section 113 (Competence):

Omit the section.

(14) Section 116:

Omit the section, insert instead:

Manufacture etc. of poker machines

116. (1) A person who manufactures or assembles a poker machine is guilty of an offence unless the person:

(a) holds a dealer’s licence; or

(b) is a director or secretary of a corporation that holds a dealer’s licence; or

SCHEDULE 3—AMENDMENTS RELATING TO
GAMING-RELATED LICENCES—*continued*

(c) is an employee of the holder of a dealer's licence and is doing work as such an employee.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) A holder of a dealer's licence who manufactures or assembles a poker machine otherwise than in accordance with the authority conferred on the holder by the licence is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(3) Subsection (2) does not apply to the manufacture or assembly of a poker machine by the holder of a dealer's licence if:

- (a) the Board has agreed to the making of an application by the licensee to have the poker machine declared as an approved poker machine; and
- (b) the manufacture or assembly of the poker machine is for the purposes of the application and its investigation.

(15) Sections 116A–116D:

After section 116, insert:

Supply, sale and purchase of poker machines

116A. (1) A person who offers to supply, or supplies, a poker machine otherwise than by way of sale is guilty of an offence unless the offer or supply has the approval of the Board and any conditions imposed by the Board when giving the approval are complied with.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) A person who offers to purchase, or purchases, a poker machine is guilty of an offence unless the offer is made to, or the poker machine is purchased from, a person who is authorised by a licence, or by or under this Act, to sell the poker machine.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

SCHEDULE 3—AMENDMENTS RELATING TO
GAMING-RELATED LICENCES—*continued*

(3) A person who supplies a poker machine to a registered club is guilty of an offence unless the keeping of the machine by the club would be lawful.

Maximum penalty: 50 penalty units.

(4) A person who sells a poker machine is guilty of an offence unless:

- (a) the person is the holder of a current dealer's licence, a current seller's licence or a current adviser's licence; or
- (b) the person is a director or secretary of a corporation that is the holder of such a licence; or
- (c) subsection (5) or (6) applies.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(5) It is a defence to a prosecution for an offence under subsection (4) if it is proved that the defendant, without being the holder of a seller's licence or an adviser's licence, exercised a function of a holder of such a licence but did so only:

- (a) for the purpose of receiving training or instruction in the exercise of the function; and
- (b) under the supervision of the holder of such a licence.

(6) It is a defence to a prosecution for an offence under subsection (4) if it is proved that the sale is to a purchaser at a price, and on terms and conditions, approved by the Board and is:

- (a) a sale by a club (whether or not a registered club) of a poker machine that is, or was, a poker machine kept by the club; or
- (b) a sale by a mortgagee of the poker machine in the exercise of a power conferred by the mortgage; or
- (c) a sale by a person (other than a mortgagee) who obtained possession of the poker machine by exercising a power or proprietary right under financial and other arrangements approved by the Board under section 79.

SCHEDULE 3—AMENDMENTS RELATING TO
GAMING-RELATED LICENCES—*continued*

(7) A holder of a dealer's licence, seller's licence or adviser's licence who sells a poker machine otherwise than as authorised by the licence is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(8) A person who supplies, or offers to supply, a poker machine is guilty of an offence if possession of the machine by the person to whom the machine is supplied or offered is or would be unlawful.

Maximum penalty: 100 penalty units.

(9) This section does not apply to prohibit the sale or supply of a poker machine by:

- (a) a registered club with the authority of the Board, if any conditions imposed by the Board when authorising disposal of the machine are complied with; or
- (b) a club of which the certificate of registration has been cancelled or which has been disqualified for a period from holding a certificate of registration, if the sale or supply is effected in accordance with arrangements approved by the Board.

Servicing and repair of poker machines

116B. (1) A person who services or repairs a poker machine is guilty of an offence unless the person:

- (a) holds a dealer's licence or a technician's licence; or
- (b) services or repairs the poker machine under the supervision of the holder of such a licence for the purpose of receiving training and instruction in respect of the servicing and repair of poker machines.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) A holder of a dealer's licence or technician's licence who services or repairs a poker machine otherwise than in accordance with the authority conferred by the licence is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

SCHEDULE 3—AMENDMENTS RELATING TO
GAMING-RELATED LICENCES—*continued*

Advice relating to poker machines

116C. (1) A person who acts as a poker machine adviser without being the holder of a dealer's licence or an adviser's licence is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

(2) A holder of a dealer's licence or an adviser's licence who acts as a poker machine adviser otherwise than in accordance with the authority conferred by the licence is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 1 year, or both.

Compliance plate for poker machine

116D. (1) A holder of a dealer's licence is guilty of an offence if a poker machine leaves the licensee's premises without a compliance plate that complies with this section and is securely attached to the machine in a manner approved by the Board.

Maximum penalty: 100 penalty units.

(2) It is a defence to a prosecution for an offence under this section if it is proved that the defendant had taken all reasonable precautions aimed at ensuring attachment of a compliance plate and, at the time of the offence, did not know, and had no reason to suspect, that a compliance plate was not securely attached to the poker machine in the manner approved by the Board.

(3) Exemption from the operation of this section may be granted by the Board in a particular case or a particular class of cases.

(4) In this section:

“compliance plate”, in relation to a poker machine, means a plate that:

- (a) is made of a substance approved by the Board; and
- (b) is of dimensions not less than dimensions approved by the Board; and
- (c) may readily be seen and inspected; and

SCHEDULE 3—AMENDMENTS RELATING TO
GAMING-RELATED LICENCES—*continued*

- (d) shows the name of the dealer, the dealer's licence number, the serial number of the poker machine and the month and year of the manufacture and assembly of the poker machine; and
 - (e) has those particulars incorporated in a manner approved by the Board and in symbols that are at least of a minimum size approved by the Board.
- (16) Section 117 (**Provision of financial assistance by licensee**):
- (a) From section 117 (1), omit "licensee" where firstly occurring, insert instead "holder of a gaming-related licence".
 - (b) From section 117 (2), omit "licensee", insert instead "holder of a gaming-related licence".
 - (c) Omit section 117 (3), insert instead:
 - (3) The holder of a gaming-related licence is guilty of an offence if:
 - (a) financial arrangements made by the licensee have been approved by the Board; and
 - (b) there is a change in those arrangements that has not been approved by the Board; and
 - (c) the Board is not notified of the change immediately after it comes to the notice of the licensee.
- Maximum penalty: 20 penalty units.
- (17) Section 119 (**Supply of approved or established poker machines**):
- Omit the section.
- (18) Sections 122A, 122B:
- After section 122, insert:
- Change in state of affairs of gaming-related licensee**
- 122A. If a prescribed change takes place in the state of affairs of the holder of a gaming-related licence, the licensee is guilty of an offence if the Director is not notified in writing of the prescribed particulars of the change within the period of 14 days that next succeeds the change.
- Maximum penalty: 20 penalty units.

SCHEDULE 3—AMENDMENTS RELATING TO
GAMING-RELATED LICENCES — *continued*

Gaming-related licensee to display identification

122B. (1) A holder of a dealer's licence or a technician's licence is guilty of an offence if, at any time while servicing, repairing or maintaining a poker machine in a registered club, he or she is not wearing on his or her person a clearly visible form of identification approved by the Board.

Maximum penalty: 20 penalty units.

(2) The Board may exempt a person or the members of a class of persons from the operation of this section.

SCHEDULE 4—AMENDMENTS INCREASING PENALTIES

(Sec. 3)

(1) Section 47 (**Offences against rules**):

- (a) Omit "\$500", insert instead "18 penalty units".
- (b) Omit "\$200", insert instead "5 penalty units".

(2) Section 48 (**Change of name of club**):

From section 48 (1), omit "Penalty: \$200", insert instead "Maximum penalty: 5 penalty units".

(3) Section 49 (**Amendment of rules of club**):

Omit "Penalty: \$200", insert instead "Maximum penalty: 5 penalty units".

(4) Section 50 (**Certain sales etc. of liquor by registered clubs prohibited etc.**):

From section 50 (I), omit ", in the case of the registered club, not exceeding 20 penalty units and, in the case of the secretary, not exceeding 10 penalty units", insert instead "not exceeding 20 penalty units".

(5) Section 50A (**Minors not permitted in poker machine areas**):

From section 50A (1), omit ", in the case of the registered club, not exceeding 20 penalty units and, in the case of the secretary, not exceeding 10 penalty units", insert instead "not exceeding 20 penalty units".

SCHEDULE 4—AMENDMENTS INCREASING
PENALTIES—*continued*

(6) Section 50B (**Display of notices**):

From section 50B (1) and (2), omit “in the case of a registered club, not exceeding 20 penalty units and, in the case of the secretary, not exceeding 10 penalty units” wherever occurring, insert instead “not exceeding 20 penalty units”.

(7) Section 52B (**Minor attempting to enter club premises or obtain liquor**):

From section 52B (1) and (2), omit “Maximum penalty: 10 penalty units” wherever occurring, insert instead “Maximum penalty: 20 penalty units”.

(8) Section 54 (**Poker machines in dining rooms and dining and non-restricted areas**):

From section 54 (2), omit “, in the case of the registered club, not exceeding 20 penalty units and, in the case of the secretary, not exceeding 10 penalty units”, insert instead “not exceeding 20 penalty units”.

(9) Section 55 (**False statements**):

Omit “Penalty: \$500”, insert instead “Maximum penalty: 10 penalty units”.

(10) Section 78 (**Keeping, acquisition and disposal of poker machine**):

Omit “Penalty: \$2,000”, insert instead “Maximum penalty: 100 penalty units”.

(11) Section 79 (**Application to keep or dispose of poker machine**):

From section 79 (5), omit “Penalty: \$2,000”, insert instead “Maximum penalty: 50 penalty units”.

(12) Section 80 (**Sharing of receipts from poker machine prohibited**):

Omit “Penalty: \$2,000”, insert instead “Maximum penalty: 50 penalty units”.

(13) Section 84 (**Illegal possession of poker machine by club**):

Omit “Penalty: \$2,000”, insert instead “Maximum penalty: 100 penalty units”.

SCHEDULE 4—AMENDMENTS INCREASING
PENALTIES—*continued*

- (14) Section 101 (**Conditions of licences**):
From section 101 (3), omit “Penalty: \$2,000”, insert instead “Maximum penalty: 100 penalty units”.
- (15) Section 109 (**Disciplinary powers of Court**):
From section 109 (1)(b), omit “\$5,000”, insert instead “500 penalty units in the case of a corporation and 200 penalty units in any other case”.
- (16) Section 122 (**Illegal possession of other poker machines**):
From section 122 (1), omit “\$5,000 or imprisonment for 12 months, or both”, insert instead “100 penalty units or imprisonment for 1 year, or both”.

SCHEDULE 5—OTHER AMENDMENTS

(Sec. 3)

- (1) Section 4 (**Definitions**):
- (a) In section 4 (1), insert the following definitions in alphabetical order:
- “**close associate**” has the meaning given by section 4A;
- “**employ**” includes engage under a contract for services;
- “**guest**”, in relation to a full member, a provisional member or an honorary member of a club, means a person:
- (a) whose name and address, countersigned by the member, are entered in a register kept for the purpose by the club; and
- (b) who, at all times while on the club premises, remains in the reasonable company of the member; and
- (c) who does not remain on the club premises any longer than the member;
- “**provisional member**”, in relation to a club, means a person who has applied for admission as a full member of the club, has paid the subscription appropriate for the membership applied for and is awaiting a decision on the application;

SCHEDULE 5—OTHER AMENDMENTS—*continued*

(b) In section 4 (1), after “full member,” in the definition of “member”, insert “a provisional member,”.

(2) Section 4A:

After section 4, insert:

Meaning of “close associate”

4A. (1) For the purposes of this Act, a person is a “**close associate**” of a registered club if the person:

- (a) is or will be entitled to exercise any relevant power (whether in his or her own right or on behalf of any other person) in the business of the club, and by virtue of that power is or will be able (in the opinion of the Licensing Court or the Director) to exercise a significant influence over or with respect to the management or operation of that business; or
- (b) holds or will hold any relevant position, whether in his or her own right or on behalf of any other person, in the business of the club.

(2) For the purposes of this Act, a person is a “**close associate**” of an applicant for, or the holder of, a gaming-related licence if the person:

- (a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in his or her own right or on behalf of any other person), in the business of the applicant or licensee that is or will be carried on under the authority of the licence, and by virtue of that interest or power is or will be able (in the opinion of the Licensing Court or the Director) to exercise a significant influence over or with respect to the management or operation of that business; or
- (b) holds or will hold any relevant position, whether in his or her own right or on behalf of any other person, in the business of the applicant or licensee that is or will be carried on under the authority of the licence.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

(3) In this section:

“relevant financial interest”, in relation to a business, means:

- (a) any share in the capital of the business; or
- (b) any entitlement to receive any income derived from the business, whether the entitlement arises at law or in equity or otherwise;

“relevant position” means:

- (a) the position of director, manager or secretary; or
- (b) any other position, however designated, if it is an executive position;

“relevant power” means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others:

- (a) to participate in any directorial, managerial or executive decision; or
- (b) to elect or appoint any person to any relevant position.

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

Omit section 9A (5A), insert instead:

(5M) It is a condition of the certificate of registration of a club that the secretary of the club is not to provide a cash advance on the club premises, or permit or suffer a cash advance to be provided on the club premises on behalf of the club, otherwise than as a prize won as a direct or indirect consequence of operating a poker machine in accordance with this Act and the other conditions to which the registration of the club is subject.

(4) Section 10 (**Requirements to be met by clubs**):

- (a) From section 10 (1), omit “17 (1) (a)”, insert instead “17 (1AA) (a)”.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

(b) Omit section 10 (1) (j), insert instead:

(j) Only the club and its members are to be entitled under the rules of the club or otherwise to derive, directly or indirectly, any profit, benefit or advantage from:

(i) the fact that the club has applied for registration;
or

(ii) the registration of the club; or

(iii) any added value that may accrue to the premises of the club because the club has applied for, or is granted, registration,

unless it is a profit, benefit or advantage derived from dealings reasonably carried out, or contracts reasonably made, with the club in the ordinary course of its lawful business.

(c) In section 10 (6), after “(1) (i)”, insert “or (1) (j)”.

(d) At the end of section 10 (6) (b), insert:

; or

(c) the profit, benefit or advantage consists only of hospitality in the nature of reasonable food or refreshment offered by the holder of a current dealer’s licence, seller’s licence or adviser’s licence in the normal course of a sale of a poker machine on the licensee’s premises, or at a display of a poker machine that is held anywhere in the State for the purpose of directly promoting the products or services of the licensee; or

(d) the profit, benefit or advantage consists only of the payment of out-of-pocket expenses that are of a kind authorised by a current resolution of the governing body and are reasonably incurred by a member of the club, or by the secretary or any other employee, in the course of carrying out his or her duties in relation to the club.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

(e) After section 10 (6), insert:

(6A) Subsection (1) (i) does not prevent a club from providing different benefits for different classes of members if:

- (a) the different benefit was being lawfully provided immediately before the commencement of this subsection; or
- (b) the different benefit is not in the form of money or a cheque or promissory note and is the subject of a current authorisation given by a general meeting of the members prior to the benefit being provided.

(5) Section 14 (**Issue of certificate of registration**):

From section 14 (1), omit “in or to the effect of the prescribed form”, insert instead “in the form approved by the Board”.

(6) Section 16 (**Duration of certificate of registration**):

From section 16 (1), omit “it is, in writing, surrendered to the Board or”, insert instead “its surrender in writing is accepted by the Board or it”.

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

- (a) From section 17 (1AA) (e), omit ““magistrate”, insert instead “person”.
- (b) From section 17 (3A), omit “(1) (e)”, insert instead “(1AA) (e)”.

(8) Section 17AA (**Quiet and good order of neighbourhood**):

After section 17AA (8), insert:

(9) If a condition restricting the trading hours of a registered club is imposed under this section, an application to vary or revoke the condition may not be made by or on behalf of the registered club during the period of 6 months that next succeeds the imposition of the condition.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

- (9) Section 18 (**Conditional application in relation to new premises or premises to be added to or altered**):
- (a) From section 18 (7), (8), (9) and (9A), omit “Licensing Court” wherever occurring, insert instead “Principal Registrar”.
 - (b) From section 18 (7), omit “the Court”, insert instead “the Principal Registrar”.
 - (c) From section 18 (8) (b), omit “Court”, insert instead “Licensing Court”.
 - (d) From section 18 (9) and (9A), omit “it is” wherever occurring, insert instead “the Licensing Court is”.
- (10) Section 26 (**Objectors**):
- (a) In section 26 (2), after “Director,”, insert “or by the council of the city (including the City of Sydney), municipality or shire within which the premises or proposed premises of the club are, or are to be, situated,”.
 - (b) Omit section 26 (2) (a).
- (11) Section 27 (**Statement of liquor purchases**):
- Omit “him setting forth such information as may be prescribed”, insert instead “the secretary that is in the form approved by the Board and includes such information as may be required by the form”.
- (12) Section 27A (**Records to be kept**):
- (a) From section 27A (1), omit “shall, as prescribed, make and keep up-to-date the prescribed records in the English language containing the prescribed particulars”, insert instead “must make and keep up-to-date in the manner and form approved by the Board records in the English language specifying the information required by the form”.
 - (b) From section 27A (4), omit “or 59”.
- (13) Section 30 (**Rules of registered clubs**):
- (a) Before “life member” in section 30 (1) (f), insert “provisional member,”.
 - (b) From section 30 (1) (g), omit “as an”, insert instead “as a provisional member,”.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

- (c) In section 30 (1) (j) after “advance”, insert “, or for more than 1 year in advance”.
- (d) Omit section 30 (2) (c) (ii), insert instead:
 - (ii) subsection (3A) is complied with in the case of an honorary member or subsection (3B) is complied with in the case of a temporary member.
- (e) In section 30 (2) (e) after “athletic purposes”, insert “, or the club is a golf club or a bowling club”.
- (f) Omit section 30 (2) (j), insert instead:
 - (i) A register of persons who are honorary members of the club is to be kept in accordance with section 31.
- (g) After section 30 (2) (k), insert:
 - (l) A register of persons who are temporary members of the club (other than temporary members referred to in subsection (10)) is to be kept in accordance with section 31.
 - (m) A register of temporary members of the club (other than temporary members referred to in subsection (10)) who attend the club each day is to be kept in accordance with section 31 either as a separate register or as part of the register referred to in paragraph (l).
 - (n) All visible promotional and advertising matter relating to the facilities of the club must include a statement that is at least as visible as the promotional or advertising matter and is to the effect that the matter is for the information of the members and their guests.
 - (o) All audible promotional and advertising matter relating to the facilities of the club must include a statement that is at least as audible as the promotional or advertising matter and is to the effect that the matter is for the information of the members and their guests.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

(h) After section 30 (2), insert:

(2A) If the rules of a club provide for the admission of honorary members or temporary members, the rules are taken also to include a rule that there is to be prominently displayed at all times at each entrance on the club premises at which members and guests are permitted to enter:

(a) a map that clearly shows the limits of the area within which an ordinary resident of the area is not eligible for temporary membership otherwise than under section 30 (10); and

(b) the rules of the club that relate to temporary membership of the club; and

(c) a copy of section 30 (10), unless the rules of the club provide that the provisions of that subsection do not apply to the club; and

(d) a copy of the definition of “guest” in section 4.

(i) From section 30 (3), omit “or (2)”, insert instead “, (2) or (2A)”.

(j) After section 30 (3), insert:

(3A) The rules of a registered club may not provide for a person to be an honorary member of the club unless the person holds office as a patron of the club or is a prominent citizen or local dignitary.

(3B) A person whose ordinary place of residence is in New South Wales and is not more than 5 kilometres from the premises of a registered club (in this subsection referred to as “**the host club**”) is not eligible for admission as a temporary member of the host club unless the person is:

(a) a member of another registered club with similar objects to those of the host club; or

(b) a member of another registered club who is attending the host club as provided by subsection (10).

(k) Omit section 30 (7A).

(l) From section 30 (10), omit “a game or competition of a sporting or athletic nature”, insert instead “an organised sport or competition”.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

- (14) Section 31 (**Manner of keeping registers**):
- (a) Omit section 31 (1) (b), insert instead:
 - (b) section 30 (2) (i) in relation to honorary members is to have entered in it the full name or the surname and initials, and the address, of each honorary member;
 - (b) After section 31 (1) (c), insert:
 - (d) section 30 (2) (l) in relation to temporary members is to have entered in it the full name or the surname and initials, and the address, of each temporary member;
 - (e) section 30 (2) (m) in relation to temporary members is to have entered in it, when a temporary member first enters the club premises on any day, the full name, or the surname and initials, and the address, of the temporary member together with his or her signature.
- (15) Section 33 (**Approval of secretary of registered club**):
- (a) From section 33 (1), omit “registrar”, insert instead “Principal Registrar”.
 - (b) After section 33 (1), insert:
 - (1A) The Board may determine the experience, skills, competence, training and other qualifications required for the secretary of a registered club.
 - (c) Omit section 33 (3), insert instead:
 - (3) The Licensing Court:
 - (a) is to refuse to grant the application if satisfied that an objection under subsection (4) to the granting of the application has been sustained; or
 - (b) may refuse to grant the application if satisfied that an objection under subsection (4A) or (4B) to the granting of the application has been sustained.
 - (d) After section 33 (3), insert:
 - (3A) The Licensing Court may refuse to grant the application if not satisfied that the applicant:
 - (a) has the experience, skills and competence determined by the Board under subsection (1A); and

SCHEDULE 5—OTHER AMENDMENTS—*continued*

- (b) has completed to a standard acceptable to the Board any training determined by the Board under subsection (1A); and
 - (c) has other qualifications as determined by the Board under subsection (1A).
- (e) After section 33 (4), insert:
- (4A) Objection to the granting of the application may be taken by, and only by, the Director or the Commissioner of Police on the ground that a requirement of the Director made under this Act in relation to the application and specified in the objection has not been complied with.
 - (4B) Objection to the granting of the application may be taken by, and only by, the Director or the Commissioner of Police on the ground that the applicant:
 - (a) does not have the experience, skills and competence determined by the Board under subsection (1A); or
 - (b) has not completed to a standard acceptable to the Board any training determined by the Board under subsection (1A); or
 - (c) does not have other qualifications as determined by the Board under subsection (1A).
 - (4C) Even if an objection under subsection (4), (4A) or (4B) has not been taken or made out, the Licensing Court may refuse the application if it finds, after subsection (4D) has been complied with, that the applicant is not a fit and proper person to be the secretary of a registered club.
 - (4D) A finding under subsection (4C) may not be made unless:
 - (a) the applicant has been made aware of the reasons for the possibility of such a finding; and
 - (b) the applicant has been given an opportunity to make submissions, and adduce evidence, related to those reasons; and
 - (c) those reasons are, or are included in, the reasons for the finding.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

(f) Omit section 33 (5), insert instead:

(5) The Principal Registrar may grant the application if the Director and the Commissioner of Police have informed the Principal Registrar in writing that they have no objection.

(6) Sections 95–95C apply in relation to an application for appointment as secretary of a registered club, and to a person having some association or connection with the applicant, in the same way as they apply to an application for a gaming-related licence and a person having some association or connection with an applicant for such a licence.

(16) Section 34 (**Unapproved person not to act as secretary of registered club**):

(a) From section 34 (3), omit “Licensing Court”, insert instead “Principal Registrar”.

(b) From section 34 (3), omit “registrar”, insert instead “Principal Registrar”.

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

(a) From section 35 (1), omit “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”, insert instead “either of the grounds referred to in subsection (1A)”.

(b) After section 35 (1), insert:

(1A) The grounds on which a summons may require cause to be shown are that:

(a) for reasons specified in the summons, the secretary or member is not a fit and proper person to continue in his or her office as secretary or as a member of the governing body; or

(b) a requirement of the Director made under this Act in relation to the investigation of the secretary or member of the governing body and specified in the summons has not been complied with.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

(c) After section 35 (5), insert:

(5A) If a person summoned under this section vacates office as secretary or member of a governing body of a club before the matter of the summons is finally heard and determined:

(a) the Licensing Court may declare that the person is, for such period not exceeding 3 years as is specified in the declaration, ineligible for appointment or election, or to hold office, as secretary of that or any other registered club or as a member of the governing body of that or any other registered club; and

(b) if such a declaration is made, all offices held by the person summoned as secretary, or as a member of the governing body, of any registered club become vacant.

(d) In section 35 (6), after “(4) (b)”, insert “or (5A)”.

(18) Section 35A:

After section 35, insert:

Investigations by Director

35A. (1) The Director may at any time carry out all such investigations and inquiries as are considered by the Director to be necessary in order to ascertain whether a complaint should be made under section 35 in relation to the secretary, or a member of the governing body, of a registered club.

(2) The Commissioner of Police is to inquire into, and report to the Director on, such matters as the Director may request concerning the person to whom the complaint, if made, would relate.

(3) The Director may, by notice in writing, require a person who is the subject of an investigation under this section to do one or more of the following things:

(a) provide, in accordance with directions in the notice, such information verified by statutory declaration as is relevant to the investigation and is specified in the notice;

SCHEDULE 5—OTHER AMENDMENTS—*continued*

- (b) produce, in accordance with directions in the notice, such records as are relevant to the investigation and permit examination of the records, the taking of extracts from them and the making of copies of them;
- (c) authorise a person described in the notice to comply with a requirement of the kind referred to in paragraph (a) or (b);
- (d) furnish to the Director such authorities and consents as the Director requires for the purpose of enabling the Director to obtain information (including financial and other confidential information) from other persons concerning the person under investigation and his or her associates or relations.

(4) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.

(19) Section 43A:

After section 43, insert:

Offer of inducement for purchase or provision of goods or services

43A. (1) A person who provides, or offers to provide, or causes to be provided or offered, to a registered club or any other person any benefit or advantage as the whole or a part of the consideration for the purchase by, or provision to, the club of goods or services is guilty of an offence unless the benefit or advantage:

- (a) is to be received by the club and comprises money or money's worth (including any trade-ins) that is clearly set out in a written agreement for purchase or provision of the goods or services; or
- (b) is clearly set out in a written agreement and comprises reasonable training of a member of the staff of the club in the operation or maintenance of poker machines.

Maximum penalty: 100 penalty units.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

(2) A person who provides, or offers to provide, or causes to be provided or offered, to a registered club a benefit or advantage for use by a person, or by more than one person individually, is guilty of an offence unless:

- (a) the benefit or advantage is openly and generally available to all clubs or other persons or to those of a specified class or specified classes; and
- (b) the benefit or advantage is predominantly educational and relates to a specific and genuine course of study; and
- (c) the benefit or advantage would be of significant assistance to the club; and
- (d) the person making the offer does not, in making the offer or before a decision on the offer is made by the club, select a person to benefit from the offer or make any representations in relation to, or take part in, the selection of such a person; and
- (e) the person making the offer does not, if the offer is accepted, select any person to receive the benefit or advantage, or take part in the selection of such a person, or make any representations in relation to the selection of such a person.

Maximum penalty: 100 penalty units.

(3) A registered club or other person is guilty of an offence if the club or other person:

- (a) accepts or agrees to accept a benefit, advantage or offer the provision or making of which is an offence under this section; or
- (b) seeks a benefit, advantage or offer the provision or making of which would be an offence under this section.

Maximum penalty: 100 penalty units.

(20) Section 44A:

After section 44, insert:

Conduct on club premises

44A. (1) A secretary of a registered club who:

- (a) permits intoxication on the club premises; or

SCHEDULE 5—OTHER AMENDMENTS—*continued*

(b) permits any indecent, violent or quarrelsome conduct on the club premises,

is guilty of an offence.

Maximum penalty: 20 penalty units.

(2) A person who, in a registered club, sells or supplies liquor to an intoxicated person is guilty of an offence.

Maximum penalty: 20 penalty units.

(3) If a person on the premises of a registered club is intoxicated, the secretary is taken to have permitted intoxication on the premises unless it is proved that the secretary and all employees selling or supplying liquor took all reasonable steps to prevent intoxication on the premises.

(21) Section 45 (**Unauthorised persons using defined premises of registered club**):

(a) Omit section 45 (1), insert instead:

(1) If, on any day, a person uses any of the accommodation, facilities or amenities provided on the defined premises of a registered club and:

(a) is not a full member, a provisional member or an honorary member of the club, or a guest of such a member; or

(b) is a temporary member of the club and the particulars required by section 31 (1) (e) have not been entered on that day in the register of temporary members kept by the club in accordance with the rule of the club referred to in section 30 (2) (m),

the person, the club and the secretary of the club are each guilty of an offence.

Maximum penalty: 10 penalty units.

(b) Omit section 45 (2), insert instead:

(2) It is a defence to a prosecution for an offence under subsection (1) (a) committed by a registered club or its secretary if it is proved that all reasonable steps were taken to prevent persons other than members and guests of full members, provisional members and honorary members from using the accommodation, facilities and amenities provided on the defined premises of the club.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

- (2A) It is a defence to a prosecution for an offence under subsection (1) (b) committed by a registered club or its secretary if it is proved that all reasonable steps were taken in endeavouring to prevent commission of such an offence.
- (c) From section 45 (3), omit “for an offence arising under subsection (1) if the defendant proves that the person referred to in subsection (1) (a) or (b)”, insert instead “of a person for an offence under subsection (1) if it is proved that the person”.
- (22) Section 50 (**Certain sales etc. of liquor by registered clubs prohibited etc.**):
- (a) From section 50 (1) (a) and (2), omit “in a state of intoxication or” wherever occurring.
- (b) Omit section 50 (3).
- (23) Section 50B (**Display of notices**):
- After section 50B (2), insert:
- (3) It is a defence to a prosecution of a registered club, or of the secretary of the club, for an offence under this section if it is proved that:
- (a) the secretary of the club had taken all reasonable precautions to avoid commission of the alleged offence; and
- (b) at the time of the alleged offence the secretary of the club did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.
- (24) Section 52A (**Minor required to provide information**):
- (a) From section 52A (1), omit “a minor reasonably suspected of committing an offence”, insert instead “a person who is reasonably suspected of being a minor and who, if a minor, would be committing an offence”.
- (b) From section 52A (2), omit “2 penalty units”, insert instead “10 penalty units”.
- (c) From section 52A (3), omit the definition of “minor”.

SCHEDULE 5—OTHER AMENDMENTS—*continued*(25) Section 57 (**Evidence of age**):

At the end of the section, insert:

(2) A minor who:

- (a) provides information in order to obtain evidence of a kind prescribed by the regulations for the purposes of this section; and
- (b) knows that the information is false or misleading in a material particular,

is guilty of an offence.

Maximum penalty: 10 penalty units.

(3) A person who:

- (a) provides or certifies information of a kind required to enable that or any other person to obtain evidence of a kind prescribed by the regulations for the purposes of this section; and
- (b) knows that the information is to be used in order to obtain evidence, or that it is required in order to obtain evidence, prescribed for those purposes; and
- (c) knows that the information is intended to be used to obtain evidence that will be false or misleading in a material particular,

is guilty of an offence.

Maximum penalty: 20 penalty units.

(26) Section 58 (**Entry and inspection by police, the Director or a special inspector**):

(a) From section 58 (2A), omit “A member of the police force”, insert instead “A police officer, the Director”.

(b) Omit section 58 (3), insert instead:

(3) A person who wilfully delays or obstructs a police officer, the Director or a special inspector in the exercise of powers under this section is guilty of an offence.

Maximum penalty: 50 penalty units.

(4) If the premises of a registered club are entered under this section, a member of the governing body of the club, or

SCHEDULE 5—OTHER AMENDMENTS—*continued*

an employee of the club, is guilty of an offence if he or she refuses to permit, or refuses to assist, the exercise of the powers conferred by this section on the police officer, Director or special inspector making the entry.

Maximum penalty: 50 penalty units.

(27) Section 67 (**Power to demand certain particulars from certain persons on premises of registered clubs**):

Omit section 67 (2) (a), (3) (a) and (6) (b).

(28) Section 69 (**Suppliers to registered clubs to furnish returns**):

From section 69 (1), omit “a statement in writing specifying, in relation to that liquor, the prescribed particulars”, insert instead “a statutory declaration that is in a form approved by the Board and specifies in relation to each assessment period such information in relation to liquor so sold, supplied or disposed of as may be required by the form”.

(29) Section 70 (**Records of sale and disposal of liquor**):

(a) From section 70 (1), omit “containing the prescribed particulars in respect of that liquor”, insert instead “that is in a form approved by the Board and contains the particulars required by the form”.

(b) Omit section 70 (5).

(30) Section 72C:

After section 72B, insert:

Secrecy

72C. (1) A person who:

(a) acquires information in the exercise of a function of an office held by the person in the course of administering this Act; and

(b) directly or indirectly makes a record of the information or divulges it to another person,

is guilty of an offence unless the information is recorded or divulged in the exercise of the functions of the office or in the course of administering this Act as a holder of that or any other office.

Maximum penalty: 50 penalty units.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

- (2) Despite subsection (1), information may be divulged:
- (a) to a particular person or persons, if the Board certifies that it is necessary in the public interest that the information be divulged to the person or persons; or
 - (b) to a person who is expressly or impliedly authorised to obtain it by the person to whom the information relates; or
 - (c) to a prescribed person or a prescribed authority.

(3) It is not an offence under this section if, in legal proceedings, a person:

- (a) discloses information in answer to a question that the person is compellable to answer; or
- (b) produces a document or other thing that the person is compellable to produce.

(4) An authority or person to which or to whom information is divulged under this section, and a person or employee under the control of that authority or person, are, in respect of that information, subject to the same rights, privileges and duties under this section as the authority or person would be if that authority, person or employee were a person administering this Act and had acquired the information in the course of administering this Act.

(5) This section does not apply to the divulging of information to, or to the production of any document or other thing to, any of the following:

- the Independent Commission Against Corruption;
- the National Crime Authority;
- the New South Wales Crime Commission;
- the Ombudsman;
- any other person or body prescribed for the purposes of this section.

(6) This section does not prevent a person being given access to a document in accordance with the Freedom of Information Act 1989.

(7) In this section, a reference to the production of a document or other thing includes a reference to provision of access to the document or other thing.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

(31) Section 111A:

Omit the section, insert instead:

Retention of certain registers

111A (1) A register referred to in section 31 must be retained by a registered club for a period of at least 3 years after the date of the last entry in the register.

Maximum penalty: 20 penalty units.

(2) This section has effect instead of section 27A (2) in relation to a register referred to in section 31.

(32) Section 131 (**Secrecy**):

Omit the section.

(33) Section 132:

Omit the section, insert instead:

Exclusion of liability

132. No liability is incurred by a person who is:

- (a) a member of the Board; or
- (b) a special inspector or a member of the Police Service;
or
- (c) an officer or temporary employee appointed or employed under the Public Sector Management Act 1988,

for any act done or omitted in good faith by the person in the course of the administration of this Act.

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

After clause 18, insert:

Part 3—Provisions relating to enactment of Registered Clubs (Amendment) Act 1993**Definitions**

19. In this Part:

“**1993 Act**” means the Registered Clubs (Amendment Act) 1993;

SCHEDULE 5—OTHER AMENDMENTS—*continued*

“introduction date” means the date of introduction into Parliament of the Bill for the 1993 Act, whether or not the 1993 Act was enacted in the form of the Bill as introduced.

Regulations

20. (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the 1993 Act.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of amendment or repeal of the related provision of this Act or from a later date.

(3) To the extent that a provision referred to in subclause (1) takes effect from a date that is earlier than the date 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 the person existing before the date of publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Existing profits, benefits and advantages

21. Any person (including a registered club) may, after the amendment of section 10 (1) (i) by the 1993 Act, continue to derive any profit, benefit or advantage to which the person was lawfully entitled immediately before that amendment.

Club rules

22. (1) For the period of 1 month that next succeeds the insertion of section 30 (2A) by the 1993 Act, that subsection does not apply in relation to a registered club that, during that period, has rules providing for the admission of honorary members or temporary members.

(2) A registered club to which section 30 (7A) applies immediately before its repeal is not affected by the repeal until the expiration of the period of 3 months that next succeeds the repeal.

SCHEDULE 5—OTHER AMENDMENTS—continued

Restrictions on certain officials (registered clubs)

23. (1) On and after the commencement of section 59A and despite its provisions:

- (a) section 59A (1) (b) and (4) (b) do not apply in relation to a key official during the unexpired term of office as a member of the governing body of a registered club held by the key official immediately before the introduction date; and
- (b) section 59A (1) (e) and (f), (4) (c) and (7) (a) and (b) do not apply to prohibit the continuation of any employment of a key official that existed immediately before the introduction date; and
- (c) section 59A (2), (3), (5), (6) and (7) (c) and (d) do not apply to prohibit a business or financial association, or a business or financial interest, that existed immediately before the introduction date.

(2) On and after the commencement of section 59B and despite its provisions, a reference in that section to a former key official does not include a reference to a person who was a former key official immediately before the introduction date.

(3) This clause does not affect the operation of section 80 (1) or (2) of the Public Sector Management Act 1988, despite section 80 (3) of that Act.

Restrictions on certain officials (licences)

24. (1) On and after the commencement of section 59C and despite its provisions:

- (a) section 59C (1) (a) does not apply to prohibit the continuation of any employment of a key official that existed immediately before the introduction date; and
- (b) section 59C (1) (c) and (4) (a) do not apply to prohibit the continuation of any employment of a key official that existed immediately before the introduction date; and
- (c) section 59C (2), (3) and (4) (b) and (c) do not apply to prohibit a business or financial association, or a business or financial interest, that existed immediately before the introduction date.

SCHEDULE 5—OTHER AMENDMENTS—*continued*

(2) On and after the commencement of section 59D and despite its provisions, a reference in that section to a former key official does not include a reference to a person who was a former key official immediately before the introduction date.

(3) This clause does not affect the operation of section 80 (1) or (2) of the Public Sector Management Act 1988, despite section 80 (3) of that Act.

Investigation of certain devices

25. On the commencement of section 77A as inserted by the 1993 Act, that section applies in relation to an application for a declaration of a device as an approved poker machine made, but not determined, before that commencement in the same way as it applies in relation to such an application made after that commencement.

Approval of poker machine

26. (1) An approval by the Board of a poker machine, or of a class of poker machines, that was in force immediately before the commencement of section 77B as inserted by the 1993 Act has effect at that commencement as a declaration under that section to the effect that the poker machine, or a poker machine of that class, is an approved poker machine.

(2) If, before the commencement of section 77B (2) (b) as inserted by the 1993 Act:

- (a) the Board had made in relation to a device a declaration of a kind referred to in that paragraph; and
- (b) the declaration was in force immediately before that commencement,

the declaration is taken to have been made in accordance with that paragraph.

Gaming-related licences

27. Section 108 (2) (e1) as inserted by the 1993 Act does not, during the period of 5 years that next succeeds its commencement, apply in relation to a gaming-related licence held immediately before the introduction date.

SCHEDULE 5—OTHER AMENDMENTS—*continued***Poker machines not used for gaming**

28. An approval in force under section 123 immediately before the repeal and substitution of that section by the 1993 Act continues in force after the repeal as if that section had not been repealed and substituted.

General

29. (1) If anything done or commenced under a provision repealed or amended by the 1993 Act could have been done or commenced under a provision of this Act if the amendments made by the 1993 Act had been in force when the thing was done or commenced, it is taken to have been done or commenced under this Act as amended by the 1993 Act.

(2) This Part has effect in addition to, and does not derogate from, section 30 of the Interpretation Act 1987.

SCHEDULE 6—FORMAL AMENDMENTS TO CERTAIN EXPRESSIONS

(Sec. 3)

- (1) Sections 90A (3) and (4), 93 (2) (a), 94, 100 (1) and (3), 104: Omit “licence” wherever occurring, insert instead “gaming-related licence”.
- (2) Section 93 (**Disclosure of interested parties**): Omit “licence” where firstly occurring, insert instead “gaming-related licence”.
- (3) Section 101 (**Conditions of gaming-related licences**):
 - (a) From section 101 (1), omit “licence” where firstly and secondly occurring, insert instead “gaming-related licence”.
 - (b) From section 101 (2), omit “licence” where firstly occurring, insert instead “gaming-related licence”.
 - (c) From section 101 (3), omit “licence”, insert instead “gaming-related licence”.
 - (d) From section 101 (4), omit “licence” where firstly occurring, insert instead “gaming-related licence”.

SCHEDULE 6—FORMAL AMENDMENTS TO CERTAIN
EXPRESSIONS—*continued*

(4) Section 102 (**Condition of dealer’s licence from 1 January 1990**):

From section 102 (3), omit “licence”, insert instead “dealer’s licence”.

(5) Section 103 (**Issue of gaming-related licence**):

From section 103 (1), (2) and (3) omit “licence” wherever firstly occurring, insert instead “gaming-related licence”.

(6) Section 107:

Omit the section, insert instead:

Application of Division to former holders of gaming-related licences

107. This Division applies to a former holder of a gaming-related licence in the same way as it applies to a holder for the time being of a gaming-related licence.

(7) Section 109 (**Disciplinary powers of Court**):

(a) From section 109 (1) omit “licensee” where firstly occurring, insert instead “holder of a gaming-related licence”.

(b) From section 109 (1) (f), omit “licence”, insert instead “gaming-related licence”.

(8) Section 111 (**Keeping of records**):

From section 111 (1) and (2), omit “licence” wherever firstly occurring, insert instead “gaming-related licence”.

(9) Section 112 (**Control of business carried on under gaming-related licence**):

Omit “licence” where secondly occurring, insert instead “gaming-related licence”.

(10) Section 114 (**Lost or destroyed gaming-related licence**):

Omit “licence” where firstly occurring, insert instead “gaming-related licence”.

**SCHEDULE 6—FORMAL AMENDMENTS TO CERTAIN
EXPRESSIONS—*continued***

- (11) Section 117 (**Provision of financial assistance by gaming-related licensee**):
- (a) From section 117 (1), omit “licensee” where firstly occurring, insert instead “holder of a gaming-related licence”.
 - (b) From section 117 (2), omit “licensee”, insert instead “holder of a gaming-related licence”.
- (12) Section 118 (**Cessation of employment of seller, technician or adviser**):
- Omit section 118 (b), insert instead:
- (b) the holder of another gaming-related licence or a registered club,
- (13) Sections 122 (1), 124 (1):
- Omit “licensee” wherever occurring, insert instead “holder of a gaming-related licence”.

SCHEDULE 7—CONVERSIONS TO PENALTY UNITS

(Sec. 3)

- (1) Sections 27, 32 (1), (3), 35 (6), 39, 52 (1), 54A (1):
- Omit “Penalty: \$1,000” wherever occurring, insert instead “Maximum penalty: 10 penalty units”.
- (2) Sections 27A, 27B (1), 69 (1), 94, 117 (2), 118, 120:
- Omit “Penalty: \$2,000” wherever occurring, insert instead “Maximum penalty: 20 penalty units”.
- (3) Section 34 (**Unapproved person not to act as secretary of registered club**):
- (a) From section 34 (2), omit “\$500”, insert instead “5 penalty units”.
 - (b) From section 34 (2), omit “\$1,000”, insert instead “10 penalty units”.

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SCHEDULE 7—CONVERSIONS TO PENALTY UNITS—*continued*

(4) Sections 36 (10), 51 (1), 70 (4):

Omit “Penalty: \$500” wherever occurring, insert instead
“Maximum penalty: 5 penalty units”.

(5) Section 40 (**Regular statements of receipts and payments**):

From section 40 (3), omit “\$1,000”, insert instead “10
penalty units”.

*[Minister’s second reading speech made in—
Legislative Assembly on 2 March 1993
Legislative Council on 18 May 1993]*