



New South Wales

Registered Clubs and Liquor Legislation Amendment Act 1997 No 73

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Registered Clubs Act 1976 No 31	2
4 Amendment of Liquor Act 1982 No 147	2

Schedules

1 Amendments to Registered Clubs Act 1976 relating to election of members of governing bodies	3
2 Miscellaneous amendments to Registered Clubs Act 1976	4
3 Amendment of Liquor Act 1982	7



New South Wales

Registered Clubs and Liquor Legislation Amendment Act 1997 No 73

Act No 73, 1997

An Act to amend the *Registered Clubs Act 1976* to make further provision with respect to the election of governing bodies of registered clubs, and with respect to administrative and machinery matters; to amend the *Liquor Act 1982* with respect to administrative and machinery matters; and for other purposes. [Assented to 10 July 1997]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Registered Clubs and Liquor Legislation Amendment Act 1997*.

2 Commencement

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

3 Amendment of Registered Clubs Act 1976 No 31

The *Registered Clubs Act 1976* is amended as set out in Schedules 1 and 2.

4 Amendment of Liquor Act 1982 No 147

The *Liquor Act 1982* is amended as set out in Schedule 3.

Schedule 1 Amendments to Registered Clubs Act 1976 relating to election of members of governing bodies

(Section 3)

[1] Section 30 Rules of registered clubs

Omit section 30 (1) (a). Insert instead:

- (a) The governing body of the club responsible for the management of the business and affairs of the club is to be elected:
 - (i) annually, or
 - (ii) if a rule of the club *so* provides—biennially, or
 - (iii) if a rule of the club *so* provides—in accordance with Schedule 4,at an election in respect of which the full members only of the club are entitled to vote.

[2] Section 30 (5A)

Insert after section 30 (5):

- (5A) Subsection (1) (d) (ii) does not apply in respect of a registered club that is:
 - (a) a race club registered or licensed by the AJC Principal Club, or
 - (b) a harness racing club registered by Harness Racing New South Wales, or
 - (c) a greyhound racing club registered by the Greyhound Racing Authority (NSW).

[3] Section 73 Regulations

Insert at the end of section 73 (1) (m):

- , or
- (n) any matter relating to the conduct of an election of the members of the governing body of a registered club.

Schedule 2 Miscellaneous amendments to Registered Clubs Act 1976

(Section 3)

[1] Section 23 Functions on club premises

Insert after section 23 (3):

(3A) It is a sufficient defence to a prosecution of a secretary of a registered club for an offence under subsection (3) if it is proved that:

- (a) the secretary had taken all reasonable precautions to avoid commission of the alleged offence, and
- (b) at the time of the alleged offence the secretary did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.

[2] Section 54B Gaming on club premises prohibited

Insert “, or any other lawful gaming or wagering activity,” after “1901” in section 54B (3).

[3] Section 56

Omit the section. Insert instead:

56 General defence available to secretary of registered club to prosecutions

- (1) Except as provided by subsection (2), it is a sufficient defence to a prosecution of a secretary of a registered club for an offence under this Part if it is proved that:
 - (a) the secretary had taken all reasonable precautions to avoid commission of the alleged offence, and
 - (b) at the time of the alleged offence the secretary did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.

- (2) Subsection (1) does not apply to:
- (a) an offence under section 44A (1) (a), and
 - (b) any other offence under this Part in respect of which a defence is specifically available to the secretary of a registered club.

[4] Section 82D Protection of sensitive areas of poker machines

Insert after section 82D (1):

- (1A) A specially authorised person must, if the person breaks any seal in doing anything referred to in subsection (1), replace the seal.

Maximum penalty: 100 penalty units.

[5] Section 82D (2)

Omit "A person".

Insert instead "Except as provided by subsection (2A), a person".

[6] Section 82D (2A)

Insert after section 82D (2):

- (2A) Subsection (2) does not prevent the holder of a technician's licence from doing any of the following things in relation to the compliance plate on a poker machine, so long as the machine is not operated at any time when the compliance plate is not attached to the machine:
- (a) moving the compliance plate to another part of the machine,
 - (b) removing the compliance plate if it is damaged, and replacing it with a new compliance plate,
 - (c) destroying any such damaged compliance plate,
 - (d) temporarily removing the compliance plate in order to enable work to be done to the facade of the machine.

[7] Section 82D (4)

Insert before the definition of *computer cabinet*:

compliance plate has the same meaning as in section 116D.

[8] Schedule 2 Transitional provisions

Insert at the end of clause 1A (1):

Registered Clubs and Liquor Legislation Amendment Act 1997

Schedule 3 Amendment of Liquor Act 1982

(Section 4)

[1] Section 35C Nightclub licence—trading hours

Omit section 35C (2) (d). Insert instead:

- (d) on a Sunday that is 31 December and is not a restricted trading day—from noon to 2 am on the following day (whether or not that following day is a restricted trading day).

[2] Section 86KA Payment by instalments

Omit section 86KA (2). Insert instead:

- (2) Quarterly instalments of duty are payable by a hotelier in respect of each instalment period. The liability to pay such an instalment lies with the hotelier who holds the licence concerned at the end of the instalment period.

[3] Section 117D Use of approved amusement device by minor prohibited

Omit “an approved” from section 117D (2). Insert instead “an”.

[4] Section 126 Gaming on licensed premises

Insert “, or any other lawful gaming or wagering activity,” after “1901” in section 126 (3).

[5] Section 161 Authority to keep approved gaming devices

Omit “used and operated” from section 161 (1).
Insert instead “kept, used or operated”.

[6] Section 195 Protection of sensitive areas of approved amusement devices

Insert after section 195 (1):

- (1A) A specially authorised person must, if the person breaks any seal in doing anything referred to in subsection (1), replace the seal.

Maximum penalty: 100 penalty units.

[7] Section 195 (2)

Omit “A person”.

Insert instead “Except as provided by subsection (2A), a person”.

[8] Section 195 (2A)

Insert after section 195 (2):

- (2A) Subsection (2) does not prevent the holder of an amusement device technician’s licence from doing any of the following things in relation to the compliance plate on an approved amusement device, so long as the device is not operated at any time when the compliance plate is not attached to the device:
- (a) moving the compliance plate to another part of the device,
 - (b) removing the compliance plate if it is damaged, and replacing it with a new compliance plate,
 - (c) destroying any such damaged compliance plate,
 - (d) temporarily removing the compliance plate in order to enable work to be done to the facade of the device.

[9] Section 195 (4)

Insert before the definition of *computer cabinet*:

compliance plate has the same meaning as in section 186.

[10] Schedule 1 Savings and transitional provisions

Insert at the end of clause 1 (1):

Registered Clubs and Liquor Legislation Amendment Act 1997

[Minister's second reading speech made in —
Legislative Assembly on 17 June 1997
Legislative Council on 27 June 1997]