



New South Wales

# Liquor and Registered Clubs Legislation Amendment Act 1999 No 12

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New South Wales

# **Liquor and Registered Clubs Legislation Amendment Act 1999 No 12**

Act No 12, 1999

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An Act to amend the *Liquor Act 1982* and the *Registered Clubs Act 1976* with respect to complaints of disturbance in the neighbourhood of licensed premises and registered clubs, and for other purposes. [Assented to 9 June 1999]

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

**1 Name of Act**

This Act is the *Liquor and Registered Clubs Legislation Amendment Act 1999*.

**2 Commencement**

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

**3 Amendment of Liquor Act 1982 No 147**

The *Liquor Act 1982* is amended as set out in Schedule 1.

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

The *Registered Clubs Act 1976* is amended as set out in Schedule 2.

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## Schedule 1 Amendment of Liquor Act 1982

(Section 3)

### [1] Section 4 Definitions

Insert “a local consent authority or” after “including” in the definition of *non-proprietary association* in section 4 (1).

### [2] Section 45 Grounds of objection

Omit section 45 (2AA) (a) and (b). Insert instead:

- (a) the primary purpose of the business to be conducted under the authority of the licence to which the application relates is not the sale of liquor by retail, or
- (b) the proposed use of approved gaming devices on the premises to which the application relates will detract unduly from the character of the premises or from the enjoyment of persons ordinarily resorting to the premises (otherwise than for gaming).

### [3] Section 45 (4) (c1) and (c2)

Omit the paragraphs. Insert instead:

- (c1) in the case of an objection on the ground specified in subsection (2AA) (a)—that the primary purpose of the business to be conducted under the authority of the licence to which the application relates is the sale of liquor by retail, or
- (c2) in the case of an objection on the ground specified in subsection (2AA) (b)—that the proposed use of approved gaming devices on the premises to which the application relates will not detract unduly from the character of the premises or from the enjoyment of persons ordinarily resorting to the premises (otherwise than for gaming), or

### [4] Section 69C Restrictions on who may be appointed as manager

Insert “or class of premises” after “the premises” in section 69C (1) (a).

**[5] Section 74A Certificate of suitability for on-licence**

Insert “(other than a Governor’s licence)” after “under this Act” in section 74A (2) (a1).

**[6] Section 97 Breath analysis equipment**

Omit “—1993” from section 97 (3).

**[7] Section 97 (3)**

Insert “, as in force from time to time,” after “That standard”.

**[8] Section 104 Quiet and good order of neighbourhood**

Insert after section 104 (1AA):

- (1AB) A complaint may relate to more than one licensed premises.
- (1AC) A conference may relate to more than one complaint.
- (1AD) A conference convened in relation to licensed premises the subject of a complaint may be extended to include any other licensed premises, and any registered club, if the Board is satisfied:
  - (a) that the evidence given in support of the complaint would support a complaint against the other licensed premises or registered club, or
  - (b) that, assuming that the complaint is shown to be justified, action taken in relation to the licensed premises the subject of the complaint will be ineffective unless similar action is taken in relation to the other licensed premises or registered club.
- (1AE) Any licensed premises or registered club to which a conference is extended as referred to in subsection (1AD) is, for the purposes of this section, taken to be the subject of a complaint, and this section applies to the complaint:
  - (a) as if the complaint had been made under subsection (1), and
  - (b) as if a reference in this section to licensed premises included a reference to a registered club, and

- (c) as if a reference in this section to a licence included a reference to a certificate of registration, and
- (d) as if the powers exercisable by a member of the Board under subsection (3) included, in relation only to a registered club, the power referred to in section 17AA (3) (a1) of the *Registered Clubs Act 1976*.

(1AF) Action taken under this section in relation to a registered club has effect under the *Registered Clubs Act 1976* in the same way as if it had been taken under section 17AA of that Act in relation to a complaint dealt with under that section.

**[9] Section 104 (2)**

Insert “or licensees” after “licensee”.

**[10] Section 104 (3)**

Insert “in relation to a licence,” after “may,”.

**[11] Section 104 (4)**

Omit “the licence”. Insert instead “a licence”.

**[12] Section 145A Penalty notices**

Omit “Division 8A (Special provisions for body corporate licensees) of Part 3 or section 144 (Licensee liable for act of employee)” from section 145A (7).

Insert instead “section 69F, 69G, 69H or 144”.

**[13] Section 163A**

Insert after section 163:

**163A Granting interests in approved amusement devices**

- (1) It is a condition of a hotelier’s licence that the licensee is not to grant any interest in an approved amusement device to any other person.

- (2) This section does not apply to:
- (a) an interest in an approved amusement device that arises from an interest (such as a floating charge) granted over the whole of the licensee's assets or over a portion of the licensee's assets that includes, but does not specifically identify, the device, or
  - (b) an interest in an approved amusement device that is granted in accordance with financial or other arrangements approved by the Board.

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## **Schedule 2      Amendment of Registered Clubs Act 1976**

(Section 4)

### **[1] Section 17AA Quiet and good order of neighbourhood**

Insert after section 17AA (1AA):

- (1AB) A complaint may relate to more than one registered club.
- (1AC) A conference may relate to more than one complaint.
- (1AD) A conference convened in relation to a registered club the subject of a complaint may be extended to include any other registered club, and any licensed premises within the meaning of the *Liquor Act 1982*, if the Board is satisfied:
  - (a) that the evidence given in support of the complaint would support a complaint against the other registered club or licensed premises, or
  - (b) that, assuming that the complaint is shown to be justified, action taken in relation to the registered club the subject of the complaint will be ineffective unless similar action is taken in relation to the other registered club or licensed premises.
- (1AE) Any registered club or licensed premises to which a conference is extended as referred to in subsection (1AD) is, for the purposes of this section, taken to be the subject of a complaint, and this section applies to the complaint:
  - (a) as if the complaint had been made under subsection (1), and
  - (b) as if a reference in this section to a registered club included a reference to licensed premises, and
  - (c) as if a reference in this section to a certificate of registration included a reference to a licence.
- (1AF) Action taken under this section in relation to licensed premises has effect under the *Liquor Act 1982* in the same way as if it had been taken under section 104 of that Act in relation to a complaint dealt with under that section.

**[2] Section 17AA (2)**

Insert “or registered clubs” after “registered club”.

**[3] Section 17AA (3)**

Insert “in relation to a registered club’s certificate of registration,” after “may,”.

**[4] Section 17AA (4)**

Omit “the club”. Insert instead “a club”.

**[5] Section 30 Rules of registered clubs**

Omit “(ii)” from section 30 (5A).

**[6] Section 68 Breath analysis equipment**

Omit “—1993” from section 68 (3).

**[7] Section 68 (3)**

Insert “, as in force from time to time,” after “That standard”.

**[8] Section 81**

Insert after section 80:

**81 Granting interests in poker machines**

- (1) A registered club must not grant any interest in a poker machine to any other person.

Maximum penalty: 50 penalty units.

- (2) This section does not apply to:
- (a) an interest in a poker machine that arises from an interest (such as a floating charge) granted over the whole of the registered club's assets or over a portion of the registered club's assets that includes, but does not specifically identify, the machine, or
  - (b) an interest in a poker machine that is granted in accordance with financial or other arrangements approved by the Board.

[Minister's second reading speech made in—  
Legislative Assembly on 12 May 1999  
Legislative Council on 2 June 1999]