



New South Wales

## Registered Clubs Regulation 1996

under the

Registered Clubs Act 1976

His Excellency the Governor, with the advice of the Executive Council, and with the consent of the Treasurer to the making of Division 3 of Part 4, has made the following Regulation under the *Registered Clubs Act 1976*.

J. RICHARD FACE, M.P.,

Minister for Gaming and Racing

### Explanatory note

The object of this Regulation is to repeal the *Registered Clubs Regulation 1983* and to remake, with modifications, the provisions of that Regulation which are still required.

The new Regulation contains provisions in respect of the following matters:

- (a) the making of applications under the *Registered Clubs Act 1976* (including the requirements for the advertisement of applications) (Part 2),
- (b) the entry of minors to certain parts of club premises (Part 3),
- (c) poker machine advisers' licences, poker machine dealers' licences, poker machine sellers' licences and poker machine technicians' licences (Division 1, Part 4),
- (d) the keeping and use of poker machines (Division 2, Part 4),
- (e) the exemption from, or deferral of, payment of poker machine duty in respect of certain clubs within 10 kilometres of a casino operating under the *Casino Control Act 1992* (Division 3, Part 4),
- (f) the fees applicable to applications, certificates of registration, licences, permits and authorities under the *Registered Clubs Act 1976* (Part 5),

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Explanatory note

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- (g) the proceedings of the Licensing Court in regard to matters under the *Registered Clubs Act 1976* (Part 6),
- (h) other matters of a minor, consequential or ancillary nature (Parts 1 and 7).

This Regulation is made under the Registered Clubs Act 1976, including section 73 (the general regulation making power) and various other provisions referred to in the Regulation.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Part 1 Preliminary

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# Registered Clubs Regulation 1996

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Registered Clubs Regulation 1996*.

### 2 Commencement

This Regulation commences on 1 September 1996.

### 3 Definitions

(1) In this Regulation:

**Board** means the Liquor Administration Board constituted by the *Liquor Act 1982*.

**gaming-related licence** means a poker machine adviser's licence, a poker machine dealer's licence, a poker machine seller's licence or a poker machine technician's licence.

**local consent authority**, in relation to premises or proposed premises, means:

- (a) (unless paragraph (b) applies) the council in whose area (within the meaning of the *Local Government Act 1993*) the premises are, or will be, situated, or
- (b) if consent to the carrying out of development on the land concerned is required from a person or body other than the council (such as the Darling Harbour Authority, for example)—that person or body.

**local court district** means a district appointed under section 6 (1) of the *Local Courts Act 1982* for which a local court may be held.

**Principal Registrar** means the registrar of the Licensing Court at Sydney.

**Sydney Metropolitan Area** means the local court districts of Eastern Metropolitan, Manly-Warringah, Northern Metropolitan, Parramatta, Southern Metropolitan and Western Metropolitan.

**the Act** means the *Registered Clubs Act 1976*.

- (2) Expressions used in this Regulation which are defined in the Act have the meanings set out in the Act.

**4 Notes**

The explanatory note and table of contents do not form part of this Regulation.

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Clause 5 Registered Clubs Regulation 1996

Part 2 Applications

Division 1

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## Part 2 Applications

### Division 1 Lodgment of applications

#### 5 Form of applications

- (1) An application under the Act must be made in a form approved by the Board.
- (2) An application must be lodged in triplicate. If the application is required to be advertised, the notice of hearing of the application must be lodged in quadruplicate.
- (3) An application must be accompanied by an affidavit setting out the facts on which the applicant proposes to rely.
- (4) Any affidavit required by this Regulation or the Act must be lodged in triplicate.

#### 6 Lodgment of applications

- (1) An application must be lodged with the Principal Registrar if the premises to which the application relates are, or will be, in the Sydney Metropolitan Area.
- (2) Any other application must be lodged:
  - (a) with the registrar at the prescribed place at, or nearest to which, the premises to which the application relates are, or will be, located, or
  - (b) with the consent of the Principal Registrar— with the Principal Registrar, or
  - (c) as the Licensing Court directs.
- (3) Immediately after fixing the date for the hearing of an application, the Principal Registrar or registrar must send a copy of the application to the Commissioner of Police and the Director of Liquor and Gaming.

### Division 2 Advertisement of applications

#### 7 Definition

In this Division:

*application* means:

- (a) an application for a certificate of registration of a club (section 7 of the Act), or



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- (b) a conditional application for approval of the amalgamation of 2 or more registered clubs or an application for the variation of the grant of such an application (section 17A of the Act), or
  - (c) a conditional application in relation to a club's new premises or club premises to be added to or altered (section 18 (1) of the Act), or
  - (d) an application for the endorsement of a certificate of registration of a club on the club moving to other premises (section 19 (1) of the Act), or
  - (e) an application for an order for the endorsement of a certificate of registration indicating that additional premises are part of the premises of a club (section 19A of the Act), or
  - (f) an application for authority for a club to move to temporary premises (section 21 (1) of the Act), or
  - (g) an application for a poker machine dealer's licence (section 40 (1) (a) of the Act).

## **8 Applications to be advertised in newspapers**

- (1) An applicant must advertise the application in:
  - (a) a newspaper that circulates throughout New South Wales, and
  - (b) a local newspaper that circulates in the area in which the premises to which the application relates are, or will be, located.
- (2) The advertisement must be published 14 clear days before the date fixed by the registrar for the hearing of the application.
- (3) The advertisement must include the following:
  - (a) the full name and address of the applicant,
  - (b) the purpose of the application,
  - (c) the name and location of the premises or proposed premises,
  - (d) the date and place fixed for the hearing of the application.

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Part 2 Applications  
Division 2

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### 9 Fixing of copies of applications to premises

- (1) A copy of an application, with the date for hearing inserted in it, must be fixed by the applicant:
  - (a) in the case of an application under section 7 of the Act—to the premises to which the application relates, and
  - (b) in the case of an application under section 17A of the Act—to each of the premises affected by the amalgamation, and
  - (c) in the case of an application under section 18 (1) of the Act—to a notice board on the land on which the new premises are to be erected or to the premises proposed to be added to or altered, as the case may be, and
  - (d) in the case of an application under section 19 (1) or 21 (1) of the Act—to the premises from which, and the premises to which, it is proposed to move the club to which the application relates, and
  - (e) in the case of an application for a licence under section 90 (1) (a) of the Act—to the premises on or from which the activity to be authorised by the licence is proposed to be carried on.
- (2) The copy must be at least of the same print and paper size as the application.
- (3) The copy must be fixed to the premises or notice board for the whole of the period of 14 days preceding the date for hearing.
- (4) If premises have not been erected, the requirement to fix a copy of an application to premises may be satisfied by fixing the copy to a notice board erected on the land on which it is proposed to erect the premises.
- (5) A copy of an application is not fixed to premises or land in accordance with this clause unless:
  - (a) it is fixed to the premises or land in such a position that it is legible to members of the public passing the premises or land, and
  - (b) if the Board has directed that it also be fixed in another specified position—its also fixed in that other position.

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**10 Service of copies of applications on local authorities**

- (1) An applicant must serve a copy of the application, with the date of hearing inserted in it:
  - (a) in the case of an application under section 7 or 18 (1) (a) or (b1) of the Act—on the local consent authority for the area in which the premises to which the application relates are, or will be, situated, and
  - (b) in the case of an application under section 17A of the Act—on the local consent authority for the area or the local consent authorities for the areas in which the premises affected by the amalgamation are situated, and
  - (c) in the case of an application under section 18 (1) (b), 19 (1) or 21 (1) of the Act—on the local consent authority for the area in which the premises from which it is proposed to move the club are situated and on the local consent authority for any other area in which the premises to which it is proposed to move the club are, or will be, situated, and
  - (d) in the case of an application under section 90 (1) (a) of the Act—on the local consent authority for the area in which the premises on or from which the activity to be authorised by the licence is proposed to be carried on are situated.
- (2) The copy must be served not later than 14 days before the date of hearing of the application.

**Division 3 Advertisement of other applications****11 Other applications**

A licensing magistrate or the Licensing Court hearing the application may, in relation to an application not covered by Division 2, give any or all of the following directions:

- (a) that specified particulars relating to the application be published in a specified newspaper, or in specified newspapers, in accordance with the direction,
- (b) that a copy of the application be fixed to premises or land in accordance with the direction,
- (c) that a copy of the application be served on a local consent authority in accordance with the direction.

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Clause 12 Registered Clubs Regulation 1996

Part 3 Minors

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**Part 3 Minors**

**12 Prescribed notices**

- (1) For the purposes of section 50B (1) of the Act, the particulars and requirements prescribed, in the case of the notice in a bar, are that the notice, apart from any heading and signature, contain the following words, and no others, in capital letters not less than one centimetre in height:

THE REGISTERED CLUBS ACT 1976 PROHIBITS ANY PERSON UNDER THE AGE OF 18 YEARS BEING IN THIS PART OF THE CLUB.

- (2) For the purposes of section 50B (1) of the Act, the particulars and requirements prescribed, in the case of the notice in a poker machine area, are that the notice, apart from any heading and signature, contain the following words, and no others, in capital letters not less than one centimetre in height:

THE REGISTERED CLUBS ACT 1976 PROHIBITS ANY PERSON UNDER THE AGE OF 18 YEARS BEING IN THIS PART OF THE CLUB.

- (3) For the purposes of section 50B (2) of the Act, the particulars and requirements prescribed are that the notice, apart from any heading and signature, contain the following words, and no others, in capital letters not less than one centimetre in height:

THE REGISTERED CLUBS ACT 1976 PROHIBITS ANY MEMBER ENTERING THE NAME OF A PERSON UNDER THE AGE OF 18 YEARS IN THE GUEST REGISTER OR PERMITTING ANY SUCH PERSON TO BE IN A PART OF THE CLUB PREMISES DEFINED UNDER THE ACT AS A BAR OR POKER MACHINE AREA.

- (4) Despite subclauses (1)–(3), a notice that complied with clause 27 of the Registered Clubs Regulation 1983, as in force immediately before 1 September 1996, may continue to be used until the expiration of 3 years from that date or until the date the notice is replaced, whichever happens first.

**13 Evidence of age**

A document of one of the following classes is, for the purposes of section 57 of the Act, acceptable evidence that a person holding the document is at least 18 years of age, but only if the document bears a photograph of the person and indicates (by reference to the person's date of birth or otherwise) that the person is of or above that age (and only if the document has not expired and otherwise appears to be in force):

- (a) a motor vehicle driver's or rider's licence or permit issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth, of some other State or Territory or of some other country,
- (b) a "proof of age" card issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth or of some other State or Territory,
- (c) a passport issued by the Commonwealth or under the law of some other country.

**14 Denial of allegation as to age**

For the purposes of section 63 (3) of the Act, an allegation in an information is denied as prescribed if it is denied:

- (a) at any adjournment prior to the commencement of the hearing of the information—by informing the Licensing Court, the informant or a person appearing for the informant in writing of the denial, or
- (b) at any time not later than 14 days before the hearing of the information—by informing the informant or a person appearing for the informant in writing of the denial.

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Clause 15 Registered Clubs Regulation 1996

Part 4 Poker machines  
Division 1

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## **Part 4 Poker machines**

### **Division 1 Gaming-related licences**

#### **15 Applications for technician's or adviser's licence**

For the purposes of section 92 (3) (a) of the Act, the prescribed class of persons by which an application for a technician's or an adviser's licence may only be made is the class consisting only of natural persons.

#### **16 Objections to the grant of applications for licences**

For the purposes of section 97 (1) of the Act, an objection to the granting by the Licensing Court of an application for a gaming-related licence may be made by lodging with the Court a notice in a form approved for the purpose by the Board.

#### **17 Notification of cessation of employment of licensee.**

For the purposes of section 118 of the Act, the prescribed notification is a notification in writing containing the following particulars:

- (a) the name of the employer concerned,
- (b) if the employer is a registered club:
  - (i) its registration number, and
  - (ii) the name of its secretary,
- (c) the date of termination of the contract and the reason for termination.

#### **18 Notification of change in the state of affairs of gaming-related licensee**

For the purposes of section 122A of the Act:

- (a) a prescribed change in the state of affairs of the holder of a gaming-related licence is any change referred to in Column 1 of Schedule 1 that the licensee is aware of, and
- (b) the prescribed particulars in respect of that change are those particulars set out next to the change concerned in Column 2 of Schedule 1 that the licensee knows or could find out by reasonable inquiry.

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## 19 Consignment of poker machines for development and testing before approval

- (1) A holder of a dealer's licence (a *dealer*) who consigns a poker machine to a person for the provision of services in relation to its (or its components') development and testing before it is submitted to the Board for approval must create in respect of the machine a written record of:
  - (a) a description of the machine, including its serial number, and
  - (b) the name and address of the person who is to provide the services, and
  - (c) the date and time of the delivery of the machine from the dealer to the person, and
  - (d) the nature of the work to be undertaken in relation to the machine, and
  - (e) the premises where the work is to be performed, and
  - (f) the date and time of the return of the machine from the person to the dealer.
- (2) The dealer must keep the record at the dealer's principal office or place of business for at least 3 years after the date of consignment.

Maximum penalty (subclauses (1) and (2)): 20 penalty units.

## Division 2 General

### 20 Conditions relating to poker machines

In accordance with section 9A (6) of the Act, the conditions relating to poker machines set out in Schedule 2 are prescribed as conditions to which the certificate of registration of a registered club is subject.

### 21 Qualifications for acquisition or modification of poker machines

For the purposes of section 79 (5) of the Act, the prescribed terms and conditions for a contract to acquire or modify a poker machine are terms and conditions setting out:

- (a) the serial number of the machine, and

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Part 4 Poker machines  
Division 2

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- (b) the place where the machine is to be installed, and
- (c) the period the contract is to be in force, and
- (d) the consideration and the interest rate (if any) chargeable, and
- (e) if there is an option to purchase, the residual value required to exercise that option.

### **22 Club may possess certain poker machines that are not authorised machines**

For the purposes of section 84 of the Act, a registered club may be in possession of not more than 2 poker machines that are not authorised poker machines if

- (a) the machines are not used for paying out money or tokens or for registering a right to an amount of money or money's worth available to be paid out or claimed, and
- (b) the reel strips of the machines have been changed to numerical cards, and
- (c) the machines are electro-mechanical or mechanical.

### **23 Prohibition on use of certain poker machines**

A poker machine on which player interactive draw poker, or some other player interactive game derived from draw poker, can be played must not be operated on the premises of a registered club.

Maximum penalty: 20 penalty units.

### **24 Authorised possession of poker machines before approval**

For the purposes of section 122 (1) of the Act, a person may be in possession of a poker machine that is not an approved poker machine or an established poker machine if the person:

- (a) has been requested by the holder of a dealer's licence to provide services in relation to the development or testing of the poker machine or its components before it is submitted to the Board for approval, and



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- (b) has possession of the poker machine in order to provide those services, and
  - (c) has written evidence of the request to provide the services.

### **Division 3 Exemption from, or deferral of, payment of poker machine duty**

#### **25 The Committee**

- (1) There is to be a Committee for the purposes of this Division consisting of:
  - (a) the Auditor-General or a senior officer of the Auditor-General's Office appointed by the Auditor-General, and
  - (b) the Secretary of the Treasury or a senior officer of the Treasury appointed by the Secretary, and
  - (c) the Director-General of the Department of Gaming and Racing or a senior officer of the Department appointed by the Director-General, and
  - (d) a person appointed by the Club Industry Advisory Council established by the Minister.
- (2) If a person is not appointed for the purposes of subclause (1) (d), the Minister may appoint a person to be a member of the Committee for the purposes of that paragraph.
- (3) A member of the Committee may appoint a person to act in the place of that member at meetings of the Committee.
- (4) Each member of the Committee has a deliberative vote and, in the event of an equality of votes, the member referred to in subclause (1) (a) has a second or casting vote.
- (5) The procedure for the calling of meetings of the Committee and the conduct of business at those meetings is to be as determined by the Committee. The Minister may call the first meeting of the Committee.

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Clause 26 Registered Clubs Regulation 1996

Part 4 Poker machines  
Division 3

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### 26 Exemption or deferral in certain cases of hardship

The Committee may by order in writing exempt a club from its liability to pay, or defer for a specified period a club's liability to pay, the whole or part of an instalment of duty payable by the club under Part 10 of the Act, but only if the Committee is satisfied that:

- (a) a casino was in operation (under the *Casino Control Act 1992*) during the whole or part of the instalment period concerned and the whole or any part of that casino was within 10 kilometres of any part of the defined premises of the club, and
- (b) the club first became registered under the Act before 23 April 1993, and
- (c) the club is suffering serious financial hardship as a result of a reduction in the profits from poker machines kept by the club during that period, and
- (d) the reduction in profits is reasonably attributable to the availability of poker machines in the casino during that period, and
- (e) the exemption or deferral is necessary to alleviate or assist in the alleviation of that hardship.

### 27 Interest on deferred duty

- (1) Interest is payable by a club on any amount of duty the payment of which is deferred under this Division.
- (2) Interest is payable from the time the duty concerned would have become due and payable (had payment not been deferred) on so much of the deferred duty as from time to time remains unpaid.
- (3) The rate of interest is to be the rate offered from time to time on 10-year bonds issued by the Treasury Corporation. A certificate given by the Treasurer as to the rate of interest applying under this clause at a particular time or during a particular period is evidence of the matter certified.
- (4) Interest payable on deferred duty is payable as duty.

- (5) This Division applies to interest on deferred duty in the same way as it applies to the deferred duty itself (so as to enable the Committee to exempt a club from its liability to pay, or defer for a specified period a club's liability to pay, the whole or part of that interest).

**28 Notification and operation of exemption or deferral**

- (1) The details of an exemption or deferral of duty or interest are to be notified in writing to the club concerned.
- (2) The Committee may impose such conditions as it thinks fit on a deferral of duty or interest.
- (3) An exemption or deferral granted by the Committee operates in accordance with its terms to exempt from or defer the liability to which it relates.

**29 Revocation, amendment or extension of deferral**

- (1) A deferral of duty or interest (and any conditions to which it is subject) may be revoked, amended or extended by the Committee at any time by a further order in writing, notice of which is given to the club concerned.
- (2) The effect of the revocation of a deferral of duty or interest is that the duty or interest deferred becomes immediately due and payable.

**30 Application for exemption or deferral**

- (1) An exemption or deferral under this Division can only be granted on application by the club concerned. An application (and any exemption or deferral granted on the application) can relate to one instalment of duty only. Further applications relating to an instalment can be made.
- (2) An application is to be in writing and accompanied by:
- (a) a copy of the income and expenditure statement and balance sheet for the club in respect of the 3 financial years immediately preceding the application, and

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Part 4 Poker machines  
Division 3

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- (b) such other information and documentation as the Committee may request, being information and documentation that it reasonably requires to determine the application.
- (3) The Committee may require an application and the details and information accompanying an application to be verified by statutory declaration.

## Part 5 Fees

### Division 1 Application fees

#### 31 Application fees

The fees to be lodged with applications to the Licensing Court under the Act are as follows:

Application	Fee
Application for a certificate of registration (section 7 of the Act)	\$200
Conditional application in relation to a club's new premises or club premises to be added to or altered (section 18 (1) of the Act)	\$200
Application for the endorsement of a certificate of registration of a club on the club moving to other premises (section 19 (1) of the Act)	\$200
Application for a functions authority (section 23A (1) of the Act)	\$50
Application for a duplicate certificate of registration or authority (section 29 of the Act)	\$25
Application for a variation of the hours during which liquor may be carried away from a registered club on a Sunday (section 46 (6) of the Act)	\$50
Application for a poker machine dealer's licence (section 90 (1) of the Act)	\$500
Application for any other gaming-related licence (section 90 (1) of the Act)	\$50
Any other application (not being an application under section 33, 34 or 41 of the Act or an application for a final order in respect of an application conditionally granted)	\$50

## Division 2 Registration fees

### 32 Periods in respect of which periodic registration fees are payable (registration periods)

For the purposes of section 15 (1) of the Act, a period of one year that commences on 16 January is prescribed.

### 33 Assessment periods for the calculation of periodic registration fees under section 15

For the purposes of the definition of *assessment period* in section 4 (1) of the Act, a period of one year that ends on 30 June that last preceded the registration period commencing on the following 16 January is prescribed.

### 34 Time for payment of periodic registration fees (section 15 (9))

- (1) The fee for a certificate of registration in respect of a registration period must be paid by one of the following methods:
  - (a) **Payment in full.** The registration fee is paid in full before the registration period commences.
  - (b) **Payment in 2 instalments.** The registration fee is paid in 2 instalments, calculated in accordance with subclause (2). The first instalment is payable on or before 15 January in the year the registration period commences and the second instalment is payable on or before 15 May in that year.
  - (c) **Payment in 6 instalments.** The registration fee is paid in 6 instalments, calculated in accordance with subclause (3). The first instalment is payable on or before 15 January in the year the registration period commences and the remaining instalments are payable on or before 15 February, 15 March, 15 April, 15 May and 15 June in that year.

- (2) **Payment in 2 instalments.** If a registration fee is paid as provided for by subclause (1) (b):
- (a) the amount of the first instalment is:
    - (i) if the registration fee is an even number of dollars—half the registration fee, or
    - (ii) if the registration fee is an odd number of dollars—an amount that would be half the registration fee if the registration fee were increased by 1 dollar, and
  - (b) the amount of the second instalment is the balance of the registration fee after payment of the first instalment.
- (3) **Payment in 6 instalments.** If a registration fee is paid as provided for by subclause (1) (c):
- (a) the amount of each of the first 5 instalments is:
    - (i) if the registration fee is a multiple of 6 dollars—one sixth of the registration fee, or
    - (ii) if the registration fee is not a multiple of 6 dollars—an amount that would be one sixth of the registration fee if the registration fee were increased by the amount (of less than 6 dollars) necessary to make the registration fee a multiple of 6 dollars, and
  - (b) the amount of the last instalment is the balance of the registration fee after payment of the first 5 instalments.

### Division 3 Gaming-related licence fees

#### 35 Fees for the grant of licences

- (1) In accordance with section 103 (1) of the Act, the following fees are prescribed:
- (a) for the grant of a poker machine dealer's licence—\$5,000,
  - (b) for the grant of a poker machine seller's licence—\$250,
  - (c) for the grant of a poker machine technician's licence—\$100,
  - (d) for the grant of a poker machine adviser's licence—\$250.

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Clause 35 Registered Clubs Regulation 1996

Part 5 Fees  
Division 3

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- (2) The fee payable for the grant of a licence is to be reduced by the amount of the fee lodged with the application for the licence.

### **36 Periods in respect of which periodic licence fees are payable (licensing periods)**

For the purposes of section 105 (1) of the Act, a period of one year that commences on 16 February (other than the period of one year during which the licence concerned is granted) is prescribed in respect of gaming-related licences.

### **37 Amount of periodic licence fees**

In accordance with section 105 (2) of the Act, the following periodic licence fees are prescribed:

- (a) for a poker machine dealer's licence—\$5,000,
- (b) for a poker machine seller's licence—\$250,
- (c) for a poker machine technician's licence—\$100,
- (d) for a poker machine adviser's licence—\$250.

### **38 Time for payment of periodic licence fees' (section 105 (2) (a))**

A periodic licence fee payable in respect of a licensing period must be paid in full on or before the commencement of that period.

## **Division 4 Work permit fees**

### **39 Periods in respect of which periodic permit fees are payable (permit periods)**

For the purposes of section 105 (1) of the Act, the following periods are prescribed in respect of a work permit:

- (a) a period that commences on the date of issue of the work permit and ends on the following 15 February,
- (b) a period of one year that commences on 16 February (other than the period of one year during which the permit was issued).



**40 Amount of periodic permit fees**

In accordance with section 105 (2) of the Act, \$50 is prescribed as the periodic fee payable for a work permit.

**41 Time for payment of periodic permit fees (section 105 (2) (a))**

A periodic permit fee payable in respect of a permit period must be paid in full on or before the commencement of that period.

**Division 5 Functions authority fees**

**42 Fee payable for functions authority**

- (1) For the purposes of 23A (4) of the Act, the prescribed fee for the issue of a functions authority is \$50.
- (2) The fee payable for the issue of a functions authority is to be reduced by the amount of the fee lodged with the application for the authority.

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Clause 43 Registered Clubs Regulation 1996

Part 6 Licensing Court proceedings

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## Part 6 Licensing Court proceedings

### 43 Hearing of applications

- (1) At the hearing of an application, the applicant and any person who has lodged an objection to the application may appear in person or by the person's counsel or attorney.
- (2) The business of the Licensing Court may be conducted in the absence of the public:
  - (a) in the case of an application to which no objection has been taken (as provided in section 12 (6) (a) of the *Liquor Act 1982*), and
  - (b) in the case of an application to which all objections taken have subsequently been withdrawn.

### 44 Affidavits

- (1) An affidavit for use in proceedings before the Licensing Court must:
  - (a) identify the proceedings to which it relates, and
  - (b) if a solicitor is acting in the proceedings for the party who files the affidavit—contain the name, address and telephone number of the solicitor, and
  - (c) be signed at the end, and on each page, by the deponent and the person before whom it is sworn, and
  - (d) have each alteration, interlineation or erasure initialled by the deponent and the person before whom it is sworn, and
  - (e) have any annexure or attachment certified by the person before whom it is sworn.
- (2) The name of the person before whom an affidavit is sworn must be written or printed legibly below the person's signature at the end of the affidavit.
- (3) The Licensing Court may order any material in an affidavit to be struck out.
- (4) Except to the extent that the Licensing Court otherwise directs, an affidavit may be admitted in evidence despite any irregularity in its form.

**45 Admissions**

- (1) A party to proceedings before the Licensing Court (other than proceedings for an offence) may, by notice served on another party, admit, in favour of that other party and for the purpose only of the proceedings, facts specified in the notice.
- (2) A party to proceedings before the Licensing Court (other than proceedings for an offence) may, by notice served on another party, require that other party to admit, in favour of the party serving the notice and for the purpose only of the proceedings, facts specified in the notice.
- (3) A fact specified in a notice Served under subclause (2) is, in favour of the party who served the notice and for the purpose only of the proceedings to which the notice relates, admitted by the party on whom the notice was served unless, within the period of 14 days after that service, that party serves on the party who served the notice a notice disputing the fact.
- (4) A party to proceedings who serves a notice disputing a fact which is later proved in the proceedings is liable for the costs of proving the fact (except to the extent that the Licensing Court otherwise directs).
- (5) An admission under this clause for the purpose of any proceedings must not be used:
  - (a) against the admitting party in any other proceedings, or
  - (b) in favour of any person other than the person in whose favour the admission is made.

**46 Procedural directions**

- (1) In relation to any proceedings before the Licensing Court under the Act (other than proceedings for an offence):
  - (a) a licensing magistrate may, before hearing the proceedings, and
  - (b) the Licensing Court may, of its own motion or on application,give such directions (not inconsistent with the Act or this Regulation) as the magistrate or Court thinks necessary or desirable for the proper disposal of the proceedings.

## **1996 No 428**

Clause 46 Registered Clubs Regulation 1996

Part 6 Licensing Court proceedings

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- (2) The directions may include a direction that an application be heard and determined with any other specified application, even though the applications to which the direction relates:
  - (a) are subject to objections that are based on different grounds, or
  - (b) are subject to objections that are based on the same grounds for different reasons, or
  - (c) were made on different dates.
- (3) The Licensing Court may give directions under this clause in respect of a class of proceedings.

### **47 Appeals to the Licensing Court**

- (1) An appeal under section 42B of the Act must be made by:
  - (a) lodging written notice of the appeal with the Principal Registrar not later than 21 days after the adjudication appealed against, and
  - (b) serving copies of that notice on all other parties to the proceedings.
- (2) The copies of the notice must be served not later than 7 days after lodgment of the appeal.
- (3) A fee of \$100 is payable on lodgment of the notice.

## **Part 7      Miscellaneous**

### **48    Notification of grant of functions authority**

For the purposes of section 23A (3) (c) of the Act, the appropriate member of the police service is a police officer who holds or is for the time being acting in the position of Patrol Commander of the area in which the registered club that is granted the functions authority is located.

### **49    Notification of cessation as secretary**

For the purposes of section 32 (3) of the Act, the prescribed notification is a notification in writing containing the following particulars:

- (a) the name and address of the registered club,
- (b) the registration number,
- (c) the former secretary's name,
- (d) the date on which the former secretary ceased to be the secretary and the reason for the cessation.

### **50    Submission of regular statements of income and expenditure to club's board or committee**

The statement of income and expenditure referred to in section 40(1) (a) of the Act must be in a form approved for the purpose by the Board.

### **51    Penalty notice offences**

For the purposes of section 66 of the Act:

- (a) each offence created by a provision of the Act specified in Column 1 of Schedule 3 is stated to be an offence to which that section applies, and
- (b) the prescribed penalty for such an offence if dealt with under that section is:
  - (i) one-tenth of the applicable maximum penalty under the Act for the offence, or
  - (ii) in the case of a penalty notice issued to a minor, 0.5 penalty units, or one-tenth of the applicable maximum penalty for the offence under the Act, whichever is the lesser.

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Clause 52 Registered Clubs Regulation 1996

Part 7 Miscellaneous

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### 52 Short descriptions of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 3 is:
  - (a) the expression specified in Column 2 of that Schedule, or
  - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 3, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

### 53 Divulging of information

For the purposes of section 72C (2) (c) of the Act, the following persons are prescribed:

- (a) the Director of Liquor and Gaming,
- (b) the Director of Casino Surveillance (under the *Casino Control Act 1992*).

### 54 Repeal

- (1) The *Registered Clubs Regulation 1983* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Registered Clubs Regulation 1983*, had effect under that Regulation continues to have effect under this Regulation.

## Schedule 1 Prescribed changes and particulars

(Clause 18)

Column 1	Column 2
Prescribed change	Prescribed particulars
<p>A change in:</p> <ul style="list-style-type: none"> <li>(a) the name of the licensee, or</li> <li>(b) the principal residential address of the licensee, or</li> <li>(c) the business or private telephone number of the licensee.</li> </ul> <p>In the case of the holder of an adviser's licence, a seller's licence or a technician's licence, a change in business address of the licensee.</p> <p>The commencement, settlement, discontinuance or finalisation of civil or criminal proceedings to which the licensee is a party.</p>	<p>Particulars of those matters as changed.</p> <p>Particulars of the address as changed.</p> <p>Particulars of:</p> <ul style="list-style-type: none"> <li>(a) the nature of the proceedings, and</li> <li>(b) the names and addresses of the other parties to the proceedings, and</li> <li>(c) the date of the commencement, settlement, discontinuance or finalisation of the proceedings, and</li> <li>(d) the terms of the settlement (unless the terms of settlement are prohibited from being disclosed) or the result of the finalisation of the proceedings (including the making of an order under section 556A of the <i>Crimes Act 1900</i>).</li> </ul>
<p>A change consisting of:</p> <ul style="list-style-type: none"> <li>(a) the obtaining of judgment against the licensee, or</li> <li>(b) the creation of a charge over any property of the licensee, or</li> <li>(c) repossession of any property of the licensee.</li> </ul>	<p>Particulars giving:</p> <ul style="list-style-type: none"> <li>(a) the terms of the judgment or charge, and</li> <li>(b) the reasons for and circumstances of the repossession, and</li> <li>(c) a description of the property affected.</li> </ul>

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Registered Clubs Regulation 1996

Schedule 1 Prescribed changes and particulars

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<b>Column 1</b>	<b>Column 2</b>
<b>Prescribed change</b>	<b>Prescribed particulars</b>
<p>The licensee:</p> <ul style="list-style-type: none"><li>(a) becomes bankrupt, or</li><li>(b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, or</li><li>(c) compounds with creditors or makes an assignment of remuneration for their benefit, or</li><li>(d) enters into a compromise or scheme of arrangement with creditors.</li></ul> <p>A person obtains a direct or indirect interest in the business or in the profits of the business that is carried on under the authority of the licence.</p>	<p>Particulars of :</p> <ul style="list-style-type: none"><li>(a) the terms, and</li><li>(b) the date, of the bankruptcy, application, compounding, assignment, compromise or scheme of arrangement.</li></ul> <p>Particulars of:</p> <ul style="list-style-type: none"><li>(a) the name of the person obtaining the direct or indirect interest, and</li><li>(b) that person's date of birth, and</li><li>(c) that person's residential address, and</li><li>(d) the nature of that person's interest, and</li><li>(e) the details of any offence that person has been convicted of (in New South Wales or elsewhere), other than parking and traffic offences, and</li><li>(f) the details of any charges pending against that person (in New South Wales or elsewhere), other than parking or traffic charges.</li></ul>



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**Schedule 2 Conditions relating to poker machines**

(Clause 20)

**Part 1 General conditions****1 Keys**

The registered club must comply with all directions and instructions determined from time to time by the Board in relation to the custody of the keys of poker machines kept by the club.

**2 Prizes**

- (1) The registered club must not, except with the Board's approval, vary the prize schedules of poker machines kept by the club.
- (2) A poker machine kept by the registered club must not be used or operated unless the machine has been adjusted so that the value of the prizes (not including prizes other than prizes normally advertised on each machine) won by players of the machine is not less than:
  - (a) if the club commenced to keep the machine on or after 1 April 1983—85 per cent of the total money invested by players, or
  - (b) if the club commenced to keep the machine before that date—80 per cent of the total money invested by players.
- (3) Subclause (2) does not apply to the following types of poker machines:
  - (a) multi-coin machines first kept by the registered club before 1 January 1979,
  - (b) hold-and-draw machines.
- (4) The registered club must keep or cause to be kept a written record, with respect to the payment of each prize and short-pay of a poker machine kept by the club (other than payments released directly by the machine), containing the following particulars:
  - (a) the date of the payment,
  - (b) the serial number of the poker machine in respect of which the payment was made,

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#### Schedule 2 Conditions relating to poker machines

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- (c) the prize-winning Combination or the number of credits to be paid,
  - (d) the amount of the prize, the value of the credits or the amount of the short-pay,
  - (e) the signature of the person to whom the payment was made,
  - (f) the signature of 2 other persons who are members or employees of the club certifying that each has sighted the prize-winning combination or the number of credits and that the record made in accordance with this clause is correct in all details.
- (5) A record referred to in subclause (4) must be retained by the registered club for not less than 3 years after the record is made.

### **3 Clearance and refilling of poker machines**

- (1) Poker machines kept by the registered club must be cleared of money by at least 2 persons who are members or employees of the club authorised for the purposes of section 82B (1) of the Act.
- (2) The registered club must keep or cause to be kept a written record, with respect to each clearance of a poker machine kept by the club, containing the following particulars:
  - (a) the date of the clearance,
  - (b) the serial number of the poker machine cleared,
  - (c) the amount cleared,
  - (d) the signatures of the persons who cleared the poker machine certifying that the record made in accordance with this clause is correct in all details.
- (3) Poker machines kept by the registered club must be refilled with money by at least 2 persons who are members or employees of the club authorised for the purposes of section 82B (1) of the Act.
- (4) The registered club must keep or cause to be kept a written record, with respect to each refill of a poker machine, containing the following particulars:
  - (a) the date of the refill,
  - (b) the serial number of the poker machine refilled,

- (c) the signatures of the persons who refilled the poker machine certifying that the record made in accordance with this clause is correct in all details,
  - (d) in the event of a refill becoming necessary following a short-pay, the name and signature of the player.
- (5) Records referred to in subclauses (2) and (4) must be retained by the registered club for not less than 3 years after the record is made.

#### **4 Progressive poker machines**

- (1) This condition applies to poker machines of a progressive type kept by a registered club.
- (2) The registered club must display on the club premises, in respect of poker machines to which this clause applies, notices containing the following particulars:
  - (a) the minimum value at which a progressive meter is set after a prize of the amount previously appearing in the meter has been paid,
  - (b) the rate of progress of the progressive meter as a result of the machine being played,
  - (c) a statement that the higher value appearing in the 2 progressive meters will be paid in the event of the appropriate jackpot occurring.
- (3) On the clearance of a poker machine to which this clause applies, in addition to the information required by clause 3, there must be recorded the amount shown on the progressive meter of each machine.
- (4) Records referred to in subclause (3) must be retained by the registered club for not less than 3 years after the record is made.

#### **5 Meters**

- (1) The registered club must cause to be read, at intervals not exceeding 7 days, the following meters of poker machines kept by the club:
  - (a) turnover meters,
  - (b) in addition, in the case of approved poker machines:
    - (i) coins out or (if applicable) credit wins meters, and

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Schedule 2 Conditions relating to poker machines

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- (ii) money to cashbox meters, and
  - (iii) cancel credit payments meters, and  
book jackpot wins meters (if applicable), and
  - (v) where fitted, money in meters (money transferred into machines through the use of centralised cash control equipment), and
  - (vi) where fitted, money out meters (money transferred out of machines through the use of centralised cash control equipment), and
  - (vii) where fitted, cash in meters (cumulative total representing the value of money inserted into the machine), and
  - (viii) where fitted, cash out meters (cumulative total representing the value of coins released from the machine's hopper).
- (2) A registered club must keep or cause to be kept a written record, with respect to each meter reading, containing the following particulars:
- (a) the serial number of the poker machine,
  - (b) the date of the reading,
  - (c) the meter reading.
- (3) If a turnover meter has malfunctioned since the last reading, an estimated reading must be recorded and any record of the reading must be clearly endorsed "Estimate" and indicated as such in any return or other information lodged with the Board.
- (4) The registered club must, at intervals not exceeding one month, in respect of each approved poker machine kept by the club, record the following information:
- (a) a cash flow analysis,
  - (b) a comparison of cancel credit payments and book jackpot wins meter readings with the corresponding entries in the club's payout sheets.
- (5) The cash flow analysis must be in or to the effect of a form approved for the purpose by the Board.
- (6) A record referred to in subclause (2) or (4) must be retained by the club for not less than 3 years after the record is made.

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- (7) The information contained in a record referred to in subclause (4) must be reported to the club's board or committee at intervals not exceeding one month.
  - (8) If a meter of a poker machine kept by the registered club ceases to function or malfunctions, the club must cause it to be repaired as soon as practicable after it so ceases or malfunctions.
  - (9) Subparagraphs (v)–(viii) of subclause (1) (b) commence on 1 November 1996.

## 6 Records

- (1) The registered club is to make, on or before the 21st day in each month, with respect to each poker machine kept by the club, a record in or to the effect of a form approved for the purpose by the Board relating to the previous month and to that part of the previous 12 months for which information is available.
- (2) Each record is to be examined by the club's board or committee within one month after the last date on which the record was required to be made.
- (3) The registered club is to retain each record for a period of not less than 3 years after the last date on which it was required to be made.

## Part 2 Additional conditions applicable to progressive poker machines and progressive poker machine systems

### 7 Definitions

In this Part:

*approved progressive machine* means a poker machine that:

- (a) contributes a percentage of the money wagered on it to a separate progressive jackpot pool, and
- (b) complies with the guidelines for progressive poker machines issued by the Board, and
- (c) is approved by the Board, and
- (d) has not been declared by the Board as having ceased to be an approved progressive machine.

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Schedule 2 Conditions relating to poker machines

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***approved progressive system*** means 2 or more poker machines that:

- (a) are linked electronically to contribute a percentage of the money wagered on them to a separate progressive jackpot pool, and
- (b) comply with the guidelines for linked progressive systems of poker machines issued by the Board, and
- (c) are approved by the Board or are within a class of linked progressive systems of poker machines approved by the Board, and
- (d) have not been declared by the Board as having ceased to be an approved progressive system.

***authorised progressive machine*** means an approved progressive machine which the Board has authorised a registered club to install.

***authorised progressive system*** means an approved progressive system which the Board has authorised a registered club to install.

### 8 Keeping of progressive machines and systems

The registered club must not:

- (a) keep an approved progressive machine that is not an authorised progressive machine, or
- (b) keep a progressive system of poker machines that is not an authorised progressive system, or
- (c) dispose of an authorised progressive machine or authorised progressive system without the authority of the Board or without complying with clauses 13–15 of this Schedule, or
- (d) deliberately remove from play an authorised progressive machine or authorised progressive system thereby denying members or their guests the opportunity to win existing progressive jackpots (unless removed under clause 9 of this Schedule).

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**9 Malfunction of progressive machines or systems**

- (1) The registered club must not permit the operation of an authorised progressive machine or authorised progressive system that does not function properly. In the event of malfunction, the registered club must cause the machine or system to be removed from play and repaired as soon as practicable.
- (2) If a turnover or progressive meter of a poker machine which is an authorised progressive machine or is linked to an authorised progressive system operated by the registered club ceases to function or malfunctions, the registered club must cause the poker machine to be removed from play and repaired as soon as practicable.

**10 Authorised progressive machines—reading and recording of meters and jackpot reconciliations**

- (1) The registered club must cause to be read and recorded:
  - (a) weekly, the turnover meters (both electro-mechanical and electronic) of all authorised progressive machines operated by the club, and
  - (b) weekly, the amount shown on all progressive meters on all authorised progressive machines operated by the club, and
  - (c) the amount shown on the progressive meter of an authorised progressive machine at the time the progressive jackpot is won.
- (2) The registered club must keep or cause to be kept a weekly written record of the readings made under subclause (1)) (a) and (b) in an accountable document containing the following particulars:
  - (a) the serial number of the poker machine,
  - (b) the date of the reading,
  - (c) the turnover meter reading,
  - (d) the amount shown on the progressive meter.
- (3) The registered club must carry out a weekly progressive jackpot reconciliation in respect of all authorised progressive machines operated by the club.

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#### Schedule 2 Conditions relating to poker machines

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- (4) The progressive jackpot reconciliation must be in or to the effect of a form approved for the purpose by the Board and must be retained by the registered club for not less than 3 years after the reconciliation is carried out.
- (5) If the reconciliation referred to in subclause (3) indicates that a malfunction has occurred with the machine, the Board may determine and direct the registered club to adjust the progressive jackpot amount and pay an additional amount to a jackpot recipient, if applicable.
- (6) The information contained in a record referred to in subclause (4) must be reported to the registered club's board or committee at least once each month.
- (7) The registered club must ensure the results of each authorised progressive machine are separated from the results of all other poker machines operated by the club in all net analysis reports.
- (8) If the prize pool on an authorised progressive machine may exceed \$10,000 the registered club must:
  - (a) establish with a recognised financial institution a special account which is to have at the time of each weekly progressive jackpot reconciliation a balance equal to or greater than the total value of the prize pool on each authorised progressive machine within the club, or
  - (b) obtain, on the installation of the authorised progressive machine, a formal guarantee from a bank or recognised financial institution for an amount equal to the maximum jackpot on each such machine.

#### **11 Authorised progressive systems—reading and recording of meters and jackpot reconciliations**

- (1) The registered club must cause to be read and recorded:
  - (a) daily, the turnover meters (both electro-mechanical and electronic) of all poker machines on all authorised progressive systems operated by the club, and
  - (b) daily, the amount shown on all progressive meters on all authorised progressive systems operated by the club, and



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- (c) the amount shown on the progressive meter of an authorised progressive system at the time the progressive jackpot is won.
- (2) The registered club must keep or cause to be kept a daily written record of the readings made under subclause (1) (a) and (b) in an accountable document containing the following particulars:
    - (a) the serial number of the poker machine,
    - (b) the date of the reading,
    - (c) the turnover meter reading,
    - (d) the amount shown on the progressive meter.
  - (3) The registered club must carry out a daily progressive jackpot reconciliation in respect of all authorised progressive systems operated by the club.
  - (4) The functions in subclauses (1)–(3) which are required to be performed daily may be performed weekly if
    - (a) the system is one which specifically limits the maximum jackpot generated and paid on the system to not more than \$2,000, or
    - (b) the meter reading for every unwon progressive jackpot on the system does not currently exceed \$2,000.
  - (5) The progressive jackpot reconciliation must be in or to the effect of a form approved for the purpose by the Board and must be retained by the registered club for not less than 3 years after the reconciliation is carried out.
  - (6) On installation of a variation of any authorised progressive system, reconciliations of the jackpots accumulated as at the close of business on the first day of operation in the club must be carried out on or by the next day on which the club is open for business. In addition, the first jackpots of each type paid and subsequent start-up values must be fully reconciled and accord with the characteristics of the system as approved and authorised by the Board.
  - (7) If the reconciliation referred to in subclause (3) indicates that a malfunction has occurred with the system, the Board may determine and direct the registered club to adjust the progressive jackpot amount and pay an additional amount to a jackpot recipient, if applicable.
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- (8) The information contained in a record referred to in subclause (5) must be reported to the registered club's board or committee at least once in each month.
- (9) The registered club must ensure the results of poker machines on each authorised progressive system are separated from the results of all other poker machines operated by the club in all net analysis reports.
- (10) If an authorised progressive system jackpot amount may exceed \$10,000 the registered club must:
  - (a) establish with a recognised financial institution a special account which is to have at the time of each weekly progressive jackpot reconciliation a balance equal to or greater than the total value of progressive meters on each authorised progressive system within the club, or
  - (b) obtain, on the installation of the authorised progressive system, a formal guarantee from a bank or recognised financial institution for an amount equal to the maximum jackpot on each such system.

#### **12 Access to progressive machines or systems**

- (1) A registered club must not permit a person to access an authorised progressive machine or authorised progressive system to correct minor faults, clear money or carry out any of the other functions required by these or any other conditions or legislation unless that person:
  - (a) has been nominated by the club's board or committee or its delegate, or
  - (b) is the holder of a poker machine technician's licence, or
  - (c) is a special inspector holding office under section 109 of the *Liquor Act 1982*, or
  - (d) has the prior written approval of the Board to do so.
- (2) The registered club must keep a record where such access to the authorised progressive machine or authorised progressive system necessitates the breaking of any security seal. The record must include the date and time of and reason for the access, the name and qualification of the person accessing the machine or system and the number of the replacement seal.

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**13 Disposal of authorised progressive machines or systems**

- (1) A registered club must not dispose of an authorised progressive machine unless:
  - (a) all progressive jackpot amounts accumulated on the machine have been won, or
  - (b) any accumulated progressive jackpot amounts are to be transferred to another authorised progressive machine or other authorised progressive system within the club, or
  - (c) any accumulated progressive jackpot amounts are to be used to pay additional prizes on another poker machine within the club, or
  - (d) the Board, in exceptional circumstances, approves of an alternative proposal to use any accumulated progressive jackpot amounts and those amounts are to be used in accordance with that proposal.
- (2) A registered club must not dispose of an authorised progressive system unless:
  - (a) all progressive jackpot amounts accumulated on the system have been won, or
  - (b) any accumulated progressive jackpot amounts are to be transferred to another authorised progressive machine or other authorised progressive system within the club, or
  - (c) any accumulated progressive jackpot amounts are to be used to pay additional prizes on another poker machine within the club, or
  - (d) the Board, in exceptional circumstances, approves of an alternative proposal to use any accumulated progressive jackpot amounts and those amounts are to be used in accordance with that proposal.
- (3) If the progressive jackpot amount is paid as an additional prize on another poker machine in accordance with subclause (1) (c) or (2) (c):
  - (a) it must be paid in conjunction with a combination paying at least 300 credits, and

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- (b) the registered club must keep a written record of the date, serial number of the poker machine on which the additional prize was paid, the prize-winning combination, the amount of the additional prize, the name and signature of the person to whom the payment was made and the names and signatures of 2 other persons who are members or employees of the club certifying the prize-winning combination is correct.
- (4) Any application of accumulated progressive jackpot amounts in accordance with subclause (1) (b) or (c) or (2) (b) or (c) is subject to the following conditions:
  - (a) the registered club may deduct from the value of the accumulated jackpot prize the amount provided by the club to initially start up the prize offered,
  - (b) the registered club must ensure that adequate safeguards exist to control any scheme devised (in particular, that there must be no double deduction of prizes so paid for the purposes of calculation of duty),
  - (c) the registered club must include information as to the method of disbursing accumulated progressive jackpot amounts from the prize pool of the authorised progressive machine or system to be disposed of as a note to its quarterly accounts and to inform its members.

### **14 Details to be provided to the Board in connection with the disposal of authorised progressive machines or systems**

- (1) When seeking approval to dispose of an authorised progressive machine or authorised progressive system, or for an alternative proposal for use of accumulated progressive jackpot amounts, the registered club must submit details of each proposal to the Board.
- (2) Any application by a registered club to delicense an authorised progressive machine or system and disperse accumulated progressive jackpot amounts must clearly indicate the proposed method of dispersing the amounts and include a time frame for the dispersal. The time frame is to be within 6 months of the disposal of the machine or system.

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- (3) When seeking approval for an alternative proposal for use of accumulated progressive jackpot amounts, the registered club must also describe the nature of any exceptional circumstances on which basis the proposal is made.

**15 Authorised progressive machines or systems and accumulated progressive jackpot amounts not to be disposed of until approved by the Board**

A registered club must not dispose of an authorised progressive machine or authorised progressive system or any accumulated progressive jackpot amounts, or make alternative use of any such amounts, until written approval has been received by the club from the Board.

**1996 No 428**

Registered Clubs Regulation 1996

Schedule 3 Penalty notice offences

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**Schedule 3 Penalty notice offences**

(Clauses 51, 52)

<b>Column 1</b>	<b>Column 2</b>
Section 27	fail to lodge declaration for assessment of registration fee
Section 27A (1))	fail to make/keep liquor acquisition record
Section 27A (2)	fail to keep liquor acquisition record as required
Section 27A (3)	fail to retain club business document/record as required
Section 27A (5)	fail to produce/permit inspection of/permit copying of/ permit extracts from/permit removal of/permit retention of liquor acquisition record/club business record
Section 27B (1)	fail to keep low alcohol liquor payments record
Section 37 (1)	fail to lodge copy of club's balance sheet/profit and loss account/income and expenditure account
Section 44 (I)	supply/dispose of/cause/suffer supply/disposal of liquor off defined premises (club)
Section 44 (2)	supply/dispose of/cause/suffer supply/disposal of liquor off defined premises (person)
Section 44A (1)	secretary permitting intoxication/indecent/violent/ quarrelsome conduct on club premises
Section 44A (2)	sell/supply liquor to intoxicated person in club
Section 45 (1)	person not a member/guest of member using club accommodation/facilities/amenities
Section 45A	make entry relating to a minor in guest register
Section 47 (a)	club breaching club rule referred to in section 30 (1)/(2)/
Section 47 (b)	secretary breaching club rule referred to in section 30 (2)/ (2A)
Section 50 (1)	sale/supply/disposal of liquor to minor on club premises/ failure to remove minor from bar
Section 50 (2)	supply/disposal of liquor to minor on club premises
Section 50 (2A)	minor (guest of member) in bar (offence by member)
Section 50A (1)	fail to remove minor from poker machine area of club

## Registered Clubs Regulation 1996

## Penalty notice offences

## Schedule 3

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Column 1	Column 2
Section 50A (2)	minor (as guest) in poker machine area (offence by member)
Section 50B (1)	fail to display notice about minors in bar/poker machine area
Section 50B (2)	fail to display notice about members' obligations (minors)
Section 51 (1) (a)	minor consuming liquor on club premises
Section 51 (1) (b)	minor obtaining/attempting to obtain liquor to consume on premises
Section 51 (1) (c)	minor carrying away/attempting to carry away liquor from premises
Section 51 (1) (d)	minor using/operating poker machines in premises
Section 51 (1) (e)	minor entering/being in poker machine area
Section 52 (1)	minor entering/in a bar
Section 52A (2)	suspected minor refusing/failing to state name or address/produce evidence of age
Section 52B (1)	secretary/employee failing to refuse minor entry to premises/part of premises
Section 52B (2)	secretary/employee failing to refuse to supply liquor to minor
Section 52C	minor using false evidence of age to obtain entry to/liquor from club
Section 57 (2)	minor providing false/misleading information to get age evidence
Section 57 (3)	person providing/certifying false/misleading information for age evidence

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