



Registered Clubs Amendment (Club Amalgamations and De-amalgamations) Regulation 2012

under the

Registered Clubs Act 1976

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Registered Clubs Act 1976*.

GEORGE SOURIS, MP
Minister for Tourism, Major Events, Hospitality and Racing

Explanatory note

The objects of this Regulation are as follows:

- (a) to provide that submissions in relation to the proposed amalgamation of 2 or more clubs have to be made within 30 days of the date on which the application for the transfer of the licence of the dissolved club to the parent club is made,
- (b) to provide for matters relating to the proposed de-amalgamation of an amalgamated club, including specifying the period for notifying club members, when submissions are to be made and the information to be included in the statement to club members about the proposed de-amalgamation,
- (c) to make other miscellaneous amendments of a law revision nature or that are consequential on the commencement of the *Clubs, Liquor and Gaming Machines Legislation Amendment Act 2011*.

This Regulation is made under the *Registered Clubs Act 1976* (as amended by the *Clubs, Liquor and Gaming Machines Legislation Amendment Act 2011*), including sections 17AEA, 17AK, 17AL and 73 (the general regulation-making power).

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Clause 1 Registered Clubs Amendment (Club Amalgamations and
De-amalgamations) Regulation 2012

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and De-amalgamations) Regulation 2012**

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Registered Clubs Act 1976

1 Name of Regulation

This Regulation is the *Registered Clubs Amendment (Club Amalgamations and De-amalgamations) Regulation 2012*.

2 Commencement

This Regulation commences on 30 March 2012 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Registered Clubs Regulation 2009

[1] Clause 3 Definitions

Omit the definition of *Director-General*.

[2] Clause 5A

Insert after clause 5:

5A Submissions in relation to club amalgamations

- (1) A written submission to the Authority under section 17AEA of the Act in relation to a proposed amalgamation must be made within 30 days of the date on which the application for the transfer of the licence of the dissolved club is made under section 60 of the *Liquor Act 2007*.
- (2) Despite subclause (1), the Authority may, in such case as it thinks fit, extend the period in which any such submission may be made.

[3] Clause 6 Memorandum of understanding between clubs

Omit clause 6 (2) (e) (iii). Insert instead:

- (iii) any gaming machine entitlements held by the club,

[4] Part 2A

Insert after Part 2:

Part 2A De-amalgamations

7A Notification of proposed de-amalgamation to club members

- (1) An amalgamated club that is proposing to de-amalgamate must notify its members of the proposed de-amalgamation at least 21 days before any meeting referred to in section 17AM (d) of the Act is held to decide whether or not to approve of the proposed de-amalgamation in principle.
- (2) If the proposed de-amalgamation is approved in principle by the members of the amalgamated club, the club is to notify the club members:
 - (a) of the date on which an application under section 60 of the *Liquor Act 2007* is to be made for the transfer to the de-amalgamated club of the licence held by the amalgamated club in respect of the relevant premises, and

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Schedule 1 Amendment of Registered Clubs Regulation 2009

- (b) that submissions on the proposed de-amalgamation may be made to the Authority within 30 days of that date.
- (3) Any notification under this clause is to be made by means of a written notice:
 - (a) displayed on a notice board on the premises of the amalgamated club, and
 - (b) published on the club's website (if any).

7B Submissions in relation to club de-amalgamations

- (1) A written submission to the Authority under section 17AK of the Act in relation to a proposed de-amalgamation must be made within 30 days of the date on which the application is made under section 60 of the *Liquor Act 2007* for the transfer to the de-amalgamated club of the licence held by the amalgamated club in respect of the relevant premises.
- (2) Despite subclause (1), the Authority may, in such case as it thinks fit, extend the period in which any such submission may be made.

7C Statement relating to proposed de-amalgamation

- (1) The following information is required to be included in a statement referred to in section 17AL of the Act:
 - (a) details of the premises that will be the premises of the de-amalgamated club (including the title reference),
 - (b) whether the premises will be transferred or leased to the de-amalgamated club and the amount of consideration or rent (if any) to be paid in respect of the transfer or lease,
 - (c) the number of gaming machine entitlements intended to be transferred to the premises of the de-amalgamated club,
 - (d) details and estimated values of other property, plant and equipment that will be transferred to the de-amalgamated club and the consideration (if any) to be paid for the transfer,
 - (e) the steps to be taken to protect and preserve the leave and other entitlements of those employees of the amalgamated club who will become employees of the de-amalgamated club,
 - (f) where a copy of the constitution of the de-amalgamated club can be inspected,
 - (g) details of the composition (including members' names) of the governing body of the de-amalgamated club,

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- (h) the anticipated effect of the de-amalgamation on the financial viability of the amalgamated club,
 - (i) where a copy of a report on the future financial viability of the de-amalgamated club, as prepared by an independent accountant, can be inspected,
 - (j) an outline of the steps to be taken to give effect to the de-amalgamation, including the assignment of contracts of the amalgamated club to the de-amalgamated club.
- (2) The statement must:
- (a) be sent to all the members of the amalgamated club, and
 - (b) be published on the amalgamated club's website (if any), and be displayed on a notice board on the club's premises, for at least 21 days before any meeting referred to in section 17AM (d) of the Act is held to decide whether or not to approve the de-amalgamation.

[5] Clause 20 Exemptions from section 41L of Act

Omit clause 20 (2). Insert instead:

- (2) In this clause, the *metropolitan area* comprises the local government areas of Ashfield, Auburn, Bankstown, Blacktown, Blue Mountains, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Hunter's Hill, Hurstville, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, Newcastle, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Sydney, The Hills, Warringah, Waverley, Willoughby, Wollondilly, Wollongong, Woollahra and Wyong.