

REGISTERED CLUBS (FURTHER AMENDMENT) BILL 1990

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Registered Clubs Act 1976:

- (a) to enable the Licensing Court to appoint a temporary administrator of a registered club after determining a complaint against the club; and
- (b) to increase the penalty that the Court may impose on a registered club when hearing a complaint from \$1,000 to 500 penalty units (currently \$50,000); and
- (c) to enable the Liquor Administration Board to hear and determine a complaint against a registered club relating to the disturbance of the quiet and good order of the neighbourhood of the club; and
- (d) to allow a registered club to apply to the Electoral Commissioner to conduct a club election; and
- (e) to enable a person of or above the age of 72 years to be a member of the governing body of a registered club.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

Appointment of temporary administrators

Schedule 1 (2) (c) enables the Licensing Court to appoint a person to administer the affairs of a registered club when determining a complaint against the club.

Schedule 1 (4) enables the Licensing Court to appoint a person to administer the affairs of a registered club if the secretary of the club or a member of the governing body has been removed from office by the Court.

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Schedule 1 (6) provides that a registered club is responsible for the remuneration of a person appointed to administer the affairs of the club and for expenses incidental to the administration and provides that the administrator is not liable for any loss incurred by the club unless due to the misconduct or gross negligence of the administrator.

Schedule 1 (8) contains a transitional provision which allows the Licensing Court to appoint administrators in the circumstances described above in proceedings which are commenced before those amendments take effect.

Increase in penalty

Schedule 1 (2) (a) increases from \$1,000 to 500 penalty units (currently \$50,000) the maximum penalty which the Licensing Court may impose on a registered club in determining a complaint against the club.

Neighbourhood disturbances

Schedule 1 (3) allows a person to make a written complaint to the Liquor Administration Board that the quiet and good order of the neighbourhood of a registered club is being unduly disturbed because of the club.

A member of the Board may convene conferences to hear submissions relating to the complaint and may impose conditions on club registration relating to noise abatement and the times at which liquor may be sold.

An appeal may be made against a decision of the member.

Schedule 1 (1) makes a consequential amendment.

Conduct of club elections by Electoral Commissioner

Schedule 1 (5) enables a registered club to apply to the Electoral Commissioner to conduct an election of the governing body of the club. The Principal Registrar of the Licensing Court is to be notified by the club of any such application.

At present a registered club must apply to the Licensing Court for an order if the club wants an election to be conducted by the Electoral Commissioner.

Age of members of governing body of club

Schedule 1 (7) states that nothing in the Companies (New South Wales) Code or in any Act prevents a person from being a member of the governing body of a registered club only because the person is of or above the age of 72 years.
