

[Act 1997 No 73]



New South Wales

Registered Clubs and Liquor Legislation Amendment Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Registered Clubs Act 1976* and the *Liquor Act 1982* for the following purposes:

- to enable the members of the governing bodies of registered clubs (ie the directors) to be elected for 2 year terms as an alternative to the current rules that provide for annual elections or for elections on a triennial basis,
 - to allow proxy voting at elections of the directors of registered clubs that are also racing clubs,
 - to enable regulations to be made with respect to the conduct of elections of the directors of registered clubs,
 - to require persons who are authorised to gain access to sensitive areas (eg the computer cabinet) of gaming machines to replace any seal that is broken while gaining such access,
-

- to enable licensed gaming machine technicians to remove the compliance plate from gaming machines in certain limited circumstances,
- to remove an anomaly that requires licensed nightclubs to cease trading on New Year's Eve one hour earlier than they are otherwise allowed to trade,
- to make a number of miscellaneous amendments to clarify and improve the operation of the legislation.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Registered Clubs Act 1976* set out in Schedules 1 and 2.

Clause 4 is a formal provision giving effect to the amendments to the *Liquor Act 1982* set out in Schedule 3.

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

At present under the Act, the rules of each registered club are taken to include the rule that the directors are to be elected annually or, if a rule of the club so provides, in accordance with Schedule 4 to the Act (ie on a triennial basis). **Schedule 1 [1]** will enable the directors of a registered club to be elected on a biennial basis (ie 2 year terms of office) if the rules of the club so provide.

Schedule 1 [2] enables proxy voting at elections of the directors of registered clubs that are also racing clubs. These clubs often have a geographically diverse membership base (unlike most other registered clubs which have a more local membership base) and rely on the proxy voting method to ensure that elections are properly representative of the members who are entitled to vote.

Schedule 1 [3] enables regulations to be made with respect to the conduct of elections of the directors of registered clubs. This will ensure that consistent procedures and standards can be prescribed in relation to the conduct of such elections.

Schedule 2 Miscellaneous amendments to Registered Clubs Act 1976

Schedule 2 [1] and **[3]** recast the general defence provision available to secretaries of registered clubs to clarify the operation of that provision and to provide that the defence is not available with respect to the offence under section 44A of the Act relating to the secretary of a registered club permitting intoxication on club premises.

Schedule 2 [2] makes it clear that the prohibition under section 54B of the Act on gaming in registered clubs does not apply in relation to any lawful gaming or wagering activity that is not otherwise prohibited on the club premises.

Schedule 2 [4] requires specially authorised persons (eg inspectors and licensed poker machine technicians) who are authorised to do certain things in relation to poker machines (eg to break seals securing a computer cabinet) to replace any such seal if it is broken while doing anything that the person is authorised to do.

Schedule 2 [6] provides that a licensed poker machine' technician does not commit an offence under section 82D of the Act with respect to the removing or altering of, or interference with, the compliance plate on a poker machine in certain circumstances (such as where it is necessary to remove the plate because it is damaged). **Schedule 2 [5]** and **[7]** are consequential amendments.

Schedule 2 [8] enables regulations to be made of a savings or transitional nature as a consequence of the enactment of the proposed Act.

Schedule 3 Amendment of Liquor Act 1982

At present under section 35C (2) of the Act, licensed nightclubs are allowed to trade until 3 am Mondays to Saturdays, but trading on Sundays is limited to midnight. However, because that section provides that the nightclub may on 31 December, trade only until 2 am, nightclubs are required to cease

trading one hour earlier on New Year's Eve than they would ordinarily be allowed to trade. **Schedule 3 [1]** overcomes this anomaly by providing that the 2 am closure on New Year's Eve only applies if 31 December happens to be a Sunday.

Section 86KA requires hoteliers to pay quarterly instalments of duty in respect of approved amusement devices. **Schedule 3 [2]** makes it clear that the person liable to pay the instalment for a particular quarter is the person who holds the hotelier's licence at the end of that quarter.

Schedule 3 [3] modifies a reference to the name of a certain type of licence.

Schedule 3 [4] makes it clear that the prohibition under section 126 of the Act with respect to gaming on licensed premises does not apply in relation to any lawful gaming or wagering activity that is not otherwise prohibited on such premises.

Schedule 3 [5] makes it clear that the requirement for a hotelier to provide a gaming room if the hotelier is authorised to have more than 10 gaming machines applies regardless of the operational status of the gaming machines that are kept, used or operated by the hotelier.

Schedule 3 [6] requires specially authorised persons (eg inspectors and licensed amusement device technicians) who are authorised to do certain things in relation to approved amusement devices (eg to break seals securing a computer cabinet) to replace any such seal if it is broken while doing anything that the person is authorised to do.

Schedule 3 [8] provides that a licensed amusement device technician does not commit an offence under section 195 of the Act with respect to the removing or altering of, or interference with, the compliance plate on an approved amusement device in certain circumstances (such as where it is necessary to remove the plate because it is damaged). **Schedule 3 [7]** and **[9]** are consequential amendments.

Schedule 3 [10] enables regulations to be made of a savings or transitional nature as a consequence of the enactment of the proposed Act.