



New South Wales

Registered Clubs Amendment Bill 2022

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*, the *Registered Clubs Regulation 2015*, the *Gaming and Liquor Administration Act 2007* and the *Liquor Act 2007* to—

- (a) reduce the regulatory burden on registered clubs, and
- (b) provide for reforms relating to the operation of registered clubs, including—
 - (i) reforms relating to the exclusion of persons from club premises, and
 - (ii) reforms relating to the use of technology by a registered club to enhance the club's ability to appropriately manage the entry and exclusion of persons on and from club premises, and
- (c) modernise and clarify provisions in the current legislation, including provisions relating to—
 - (i) the appointment of members of club governing bodies, club secretaries and managers of club premises, and
 - (ii) club amalgamations and de-amalgamations, and
 - (iii) holding functions for non-members and young persons on club premises, and
 - (iv) the retention by particular clubs of unrestricted trading hours if the club's premises are relocated within close proximity to the club's existing premises, and
 - (v) require that at least 1 member of the Independent Liquor and Gaming Authority be a Judge, former Judge or Australian lawyer and remove criteria for the nomination of persons for appointment as members of the Authority.

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.

Schedule 1 Amendment of Registered Clubs Act 1976 No 31

Schedule 1[1] amends the definitions of *full member*, *guest* and *Secretary*, inserts definitions of *authorisation*, *authorised person*, *excluded person*, *exclusion order*, *licensed premises*, *Secretary* and *voting member* and omits the definition of *ordinary member*. **Schedule 1[2]**, **[18]** and **[19]** make consequential amendments.

Schedule 1[3] provides that a registered club is not required to meet the minimum number of full members prescribed by the Act, section 12 for the first 3 years after the club receives a club licence.

Schedule 1[4] clarifies that a registered club may offer a refund to members of the club in accordance with the club's rules.

Schedule 1[5] omits a redundant reference to "annual" in a provision confirming that a profit, benefit or advantage may be paid to the member of the governing member of a registered club in respect of the member's services as a member of the governing body or a committee of the club if the payment has been approved by a resolution passed at a general meeting of the persons entitled to vote at the election of the governing body of the club.

Schedule 1[6] provides that a registered club does not fail to meet the requirements set out in the Act, section 10 if the club prevents certain persons from entering the club's premises or removes certain persons from the club's premises in certain circumstances.

Schedule 1[7] provides for the circumstances in which, on the amalgamation of 2 or more registered clubs, the members of the dissolved club are automatically eligible to become members of the parent club.

Schedule 1[8] clarifies that the requirement for a registered club to notify the club's members of a proposed amalgamation under the Act, section 17AE is met if the club notifies its members in a notice of a general meeting of the voting members of the club.

Schedule 1[9] provides that the Independent Liquor and Gaming Authority (the *Authority*) may not approve the transfer of the licence of a dissolved club unless the Authority is satisfied the proposed amalgamation has been approved in principle at separate general meetings of the voting members of each of the clubs proposing to amalgamate.

Schedule 1[11] provides that a registered club may amalgamate with more than 10 registered clubs as prescribed by the regulations. **Section 1[10]** makes a consequential amendment.

Schedule 1[12] provides for the obligations of a parent club in circumstances where more than 10 clubs are amalgamated. Proposed section 17AG provides for the requirements of a parent club in relation to the operation of a dissolved club's premises, including an obligation on the parent club to continue operating the dissolved club's premises for a period of 5 years after the amalgamation and a requirement to give the Authority reports about the amalgamation. Proposed section 17AH provides for the circumstances in which a parent club may apply to the Authority for permission to cease operating a dissolved club's premises before the end of the period of 5 years after the amalgamation and sets out the process for the Authority to decide whether to allow the application.

Schedule 1[13] amends the Act, section 17AM to provide that the Authority may not approve the transfer of the licence held by a parent club in relation to club premises to a de-amalgamated club unless the Authority is satisfied the proposed de-amalgamation has been approved in principle at separate general meetings of the voting members of the parent club and members of the dissolved club.

Schedule 1[14] substitutes provisions relating to authorisations for the use of specified areas of club premises for particular purposes, including functions, to simplify and clarify the existing provisions relating to authorisations. Proposed section 18 provides for authorisations related to specifying parts of the club premises as non-restricted areas, allowing access to particular areas of the club premises to members who are under the age of 18 years or allowing particular persons to attend a function in a specified part of the club premises. Proposed section 19 provides for the requirements of an application for an authorisation and makes it an offence to fail to immediately notify the Authority of a change in information relating to the application before the application is decided, with a maximum penalty of 20 penalty units. Proposed sections 20–22 provide for the powers of the Authority to decide an application for an authorisation and impose particular conditions on an authorisation, and the particulars of mandatory conditions imposed on an authorisation. Proposed section 23 provides that an authorisation is in force only while all the conditions to which it is subject are complied with and makes it an offence for a registered club and the secretary of the club to contravene particular authorisations, with a maximum penalty of 20 penalty units for the registered club or 10 penalty units for the secretary. Proposed section 24 provides for the circumstances in which the Authority may vary, revoke or impose conditions on an authorisation. **Schedule 1[21]** makes a consequential amendment.

Schedule 1[15] provides that a registered club may use technology to—

- (a) keep a register of persons entering club premises, and
- (b) identify, and prevent from entering club premises, persons excluded from the club, and
- (c) identify, and remove from club premises, persons who engage in conduct that constitutes an offence.

Schedule 1[17] provides that if the governing body of a club comprises 3 or more members and the rules of the club allow non-members to be appointed to the club's governing body, the majority of members of the governing body must be members of the club.

Schedule 1[22] omits certain provisions related to temporary memberships for persons whose ordinary place of residence in New South Wales is within a radius of 5km from a registered club. **Schedule 1[20]** makes a consequential amendment.

Schedule 1[23] provides that the Act, section 30 is a Corporations legislation displacement provision for the purposes of the *Corporations Act 2001* of the Commonwealth, section 5G.

Schedule 1[24] clarifies that a registered club, or a governing body or committee of the club, may allow a person entitled to vote at a meeting or election related to the registered club to vote in person, electronically, by post or in another remote way. **Schedule 1[16]** makes a consequential amendment.

Schedule 1[25] amends the heading to section 32.

Schedule 1[26] amends the current obligation for a registered club to have a Secretary appointed at all times, to give a registered club a period of 2 days within which to fill a vacancy. The amendment clarifies that it is an offence for a registered club to fail to appoint a person to act as the secretary of the club within 2 days after the former secretary ceases to hold office, with a maximum penalty of 100 penalty units.

Schedule 1[27] and [28] provide that for a registered club under official management or receivership or in liquidation, a person is not capable of being appointed as a member of the governing body of the club unless the person has been appointed by the Supreme Court or the Federal Court of Australia or approved by the Authority.

Schedule 1[29] provides that the Act, section 41 is a Corporations legislation displacement provision for the purposes of the *Corporations Act 2001* of the Commonwealth, section 5G.

Schedule 1[30] omits a redundant transitional provision.

Schedule 1[31] provides for the circumstances in which costs incurred by the Secretary of the Department of Enterprise, Investment and Trade in reviewing a contract entered into by a

registered club in contravention of the Registered Clubs Accountability Code are recoverable by the Secretary from the club.

Schedule 1[32] provides that a registered club must not dispose of any core property of the club unless the disposal has been approved at a general meeting of the members of the club at which a majority of the votes cast supported the approval. **Schedule 1[33]** makes a consequential amendment.

Schedule 1[34] makes it an offence for a person to offer or provide a benefit or advantage to a registered club that is predominantly educational and relates to a specific and genuine course of study for use by a person, or by more than one person individually, as the whole or a part of the consideration for the purchase by, or provision to, the club of goods or services.

Schedule 1[35] provides that a registered club or a person who is the secretary or a member of the governing body of a registered club contravening a condition of an authorisation held by the club is grounds for the Authority to take disciplinary action against the club or person.

Schedule 1[36] provides for the circumstances in which the Authority may order a registered club to pay costs incurred by the Secretary of the Department of Enterprise, Investment and Trade in carrying out an investigation or inquiry in relation to the club or a person who is the secretary or a member of the governing body of the club or in connection with a complaint or proposed complaint.

Schedule 1[37] makes a grammatical correction, omitting a redundant word.

Schedule 1[38] provides that a court may, as a penalty for an offence committed by a registered club under the Act or the *Registered Clubs Regulation 2015*, cancel or suspend an authorisation held by the club.

Schedule 1[39] provides that a registered club may prohibit a person from entering or remaining in the club's premises by *exclusion order* in certain circumstances, the process for reviewing a decision to make an exclusion order and the particulars of the protection from liability of a registered club in relation to the exclusion of a person in accordance with proposed section 68. Proposed section 68 makes it an offence for a person who is excluded from a registered club under the proposed section to enter or remain in the club's premises, with a maximum penalty of 50 penalty units.

Schedule 1[40] omits redundant provisions that allowed persons over the age of 72 to be a member of the governing body of a registered club. The provisions is redundant because of changes to the *Corporations Act 2001* of the Commonwealth removing relevant age limits for members of governing bodies.

Schedule 1[41] provides for transitional and savings matters, including—

- (a) that an authorisation in force before the commencement of proposed Schedule 2, Part 24, clause 107 continues as in force after the commencement, and
- (b) that a proposed amalgamation of 2 or more registered clubs that had started but not been completed before the commencement of proposed Schedule 2, Part 24, clause 108 is to continue after the commencement as if the proposed Act had not commenced, and
- (c) that if notice had been given to the members of a registered club about a general meeting before the commencement of proposed Schedule 2, Part 24, clause 109 but the meeting had not yet been held after the commencement, the meeting is to be held, and a decision made at the meeting applies, as if the proposed Act had not commenced.

Schedule 2 Amendment of Registered Clubs Regulation 2015

Schedule 2[1] provides that a registered club may amalgamate with up to 15 other clubs.

Schedule 2[2] provides that a registered club must disclose certain information to voting members in certain circumstances and that a registered club must secure approval by a majority vote at a general meeting of the voting members of the club for certain decisions.

Schedule 2[3] and [4] makes amendments consequent on the amendments made by **Schedule 1[14]**.

Schedule 2[5] provides that a person who is a member of the governing body of a registered club, other than a small club, must complete governance refresher training within 5 years of completing the required training and at least once in each 5-year period after the refresher training was last completed and makes it an offence to fail to complete the required or refresher training in the specified periods, with a maximum penalty of 10 penalty units. **Schedule 2[6]** makes a consequential amendment. **Schedule 2[7]** makes it an offence for a registered club to fail to meet the club's required and governance refresher training requirements, with a maximum penalty of 10 penalty units.

Schedule 2[8] provides that if the number of members of the governing body of a small club who have completed governance refresher training falls below 2, another member of the governing body must, within 12 months, complete the refresher training.

Schedule 2[9] provides that a person who is the secretary or manager of a registered club must complete the required training within 12 months after becoming the secretary or manager and complete club management refresher training within 5 years of completing the required training and at least once in each 5-year period after the refresher training was last completed. It also makes it an offence to fail to complete the required or refresher training in the specified periods, with a maximum penalty of 10 penalty units.

Schedule 2[10] inserts the definition of *required training* for clause 27.

Schedule 2[11] omits provisions that provide exceptions to the 5km rule that enable residents who ordinarily reside within 5km of the premises of a registered club to be admitted as temporary members in certain circumstances consequent on the amendment made by **Schedule 1[22]**.

Schedule 2[12] increases the maximum number of persons the elected members of the governing body of a registered club may appoint as members of the governing body to 3. **Schedule 2[13]** clarifies that a person appointed as a member of the governing body by the elected members of the governing body is not required to meet the eligibility requirements of the governing body specified in the club's constitution. **Schedule 2[14]** removes a requirement that a person appointed to the governing body by the elected members of the governing body must be a full member of the club.

Schedule 2[15] inserts penalty notice offences set out in the proposed Act into the Regulation, Schedule 1.

Schedule 2[16] provides for the circumstances in which a registered club must make particular information, including financial statements that incorporate a balance sheet and the club's profit and loss accounts and trading accounts, available to full members of the club.

Schedule 3 Amendment of Liquor Act 2007 No 90

Schedule 3[1] and [2] make amendments consequent on **Schedule 1[14]**.

Schedule 3[3] replaces the definition of *employee*. **Schedule 3[8]** makes a consequential amendment.

Schedule 3[4] provides that the Minister may, by notice published in the Gazette, declare a period during which liquor may be sold or supplied for consumption on a licensed premises to which a hotel licence or a club licence relates in addition to the trading hours that apply under the Act. **Schedule 3[5] and [6]** make consequential amendments.

Schedule 3[7] provides for the circumstances in which an application by a licensee to remove an unrestricted club licence to certain premises within a 5km radius of the existing licensed premises may be granted by the Authority. **Schedule 3[10]** provides that if an application is granted or not determined before the commencement of proposed section 59A, the proposed section applies as if the application had been made after the commencement of the proposed section.

Schedule 3[9] provides that regulations may be made for or with respect to matters relating to—

- (a) persons engaged by licensees or the managers of licensed premises under a contract for services, or
- (b) persons employed by persons mentioned in paragraph (a).

Schedule 4 Amendment of Gaming and Liquor Administration Act 2007 No 91

Schedule 4[1] amends the *Gaming and Liquor Administration Act 2007*, section 7 to confirm that at least 1 member of the Independent Liquor and Gaming Authority must be a person who is a Judge or former Judge or has been an Australian lawyer for at least 7 years.

Schedule 4[2] omits the *Gaming and Liquor Administration Act 2007*, section 8(3), which provided for the criteria for the nomination of a person for consideration for appointment as a member of the Independent Liquor and Gaming Authority. The amendment omits the existing requirement relating to legal experience as a consequence of the amendment made by **Schedule 4[1]** and further omits a requirement that persons nominated must have expertise or experience in the regulation of finance crime, law enforcement in relation to finance crime or accounting or corporate governance.



New South Wales

Registered Clubs Amendment Bill 2022

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New South Wales

Registered Clubs Amendment Bill 2022

No. , 2022

A Bill for

An Act to amend the *Registered Clubs Act 1976* to make miscellaneous amendments to modernise and streamline the requirements of the Act; and to amend the *Registered Clubs Regulation 2015*, the *Gaming and Liquor Administration Act 2007* and the *Liquor Act 2007* to make related and consequential amendments.

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Registered Clubs Amendment Act 2022*.

3

2 Commencement

4

This Act commences on the following days—

5

(a) for Schedule 1[32] and [33] and Schedule 2[3] and [7]—the day that is 12 months after the date of assent to this Act,

6

7

(b) otherwise—on the date of assent to this Act.

8

Schedule 1 Amendment of Registered Clubs Act 1976 No 31

[1] Section 4 Definitions

Omit the definitions of *full member*, *guest*, *ordinary member* and *Secretary* from section 4(1).

Insert in alphabetical order—

authorisation means an authorisation granted under Part 2, Division 2.

authorised person, for a registered club, means—

- (a) a member of the governing body of the registered club, or
- (b) an employee or agent of the registered club, or
- (c) a police officer.

excluded person—see section 68(1).

exclusion order—see section 68(1).

full member, of a registered club, means—

- (a) a person who is elected to membership of the club in accordance with the rule of the club referred to in section 30(1)(g), or
- (b) a life member.

guest, of a member, means—

- (a) an adult—
 - (i) whose name and address, countersigned by the member, are entered in a register kept for the purpose of recording guest details by the club, and
 - (ii) who, at all times while on the club premises, remains in the reasonable company of the member, and
 - (iii) who does not remain on the club premises any longer than the member, or
- (b) a minor—
 - (i) who, at all times while on the club premises, remains in the reasonable company of the member, and
 - (ii) who does not remain on the club premises any longer than the member.

licensed premises has the same meaning as in the *Liquor Act 2007*.

Secretary means the Secretary of the Department in which this Act is administered.

voting member, of a registered club, means a full member of the registered club, but does not include a member—

- (a) whose membership is, at the relevant time, suspended, or
- (b) who has, at the relevant time, outstanding membership fees.

[2] Sections 10(1)(d) and 12

Omit “ordinary” wherever occurring. Insert instead “full”.

[3] Section 10(4)

Insert after section 10(3)—

- (4) Subsection (1)(d) does not apply to a registered club during the period—
 - (a) starting on the date the club receives a club licence, and

(b)	ending 3 years after that date.	1
[4]	Section 10(5A)	2
	Insert after section 10(5)—	3
(5A)	Subsection (1)(i) does not prevent a registered club from offering refunds to members of the club if, in accordance with the club’s rules, the club considers it appropriate.	4 5 6
	Example— refunds offered due to an unforeseen closure of the registered club	7
[5]	Section 10(6)(b)	8
	Omit “annual”.	9
[6]	Section 10(8)	10
	Insert after section 10(7)—	11
(8)	This section does not prevent an authorised person for a registered club from—	12 13
(a)	preventing an excluded person from entering the registered club’s premises or removing an excluded person from the club’s premises under section 68, or	14 15 16
(b)	removing another person from the registered club’s premises if the authorised person reasonably suspects the other person—	17 18
(i)	is at risk of harm, or is at risk of causing harm to a family member of the person, because of gambling, or	19 20
(ii)	is engaging in, or has engaged in, conduct that constitutes an offence, or	21 22
(c)	preventing a person the subject of any of the following from entering the registered club’s premises or removing the person from the club’s premises—	23 24 25
(i)	an agreement under the <i>Liquor Act 2007</i> , section 76,	26
(ii)	an order under the <i>Liquor Act 2007</i> , section 78.	27
[7]	Section 17AB Club amalgamations	28
	Insert after section 17AB(2)—	29
(2A)	On the amalgamation of 2 or more registered clubs, the members of the dissolved club are automatically eligible to become members of the parent club if agreed between the registered clubs in writing before the amalgamation.	30 31 32 33
	Example— A memorandum of understanding between the registered clubs may provide that members of the dissolved club are automatically eligible to become members of the parent club.	34 35 36
(2B)	Subsection (2A) does not apply to a person who, at the time of the amalgamation, is an excluded person.	37 38
[8]	Section 17AE Club members to be notified of proposed amalgamation	39
	Insert after section 17AE(2)—	40
(3)	Without limiting subsection (2), a registered club may notify its members of the proposed amalgamation in a notice of a general meeting of the voting members of the club.	41 42 43

[9] Section 17AEB Other matters to be considered in relation to club amalgamations	1
Omit “extraordinary general meetings of the ordinary members” from section 17AEB(d).	2
Insert instead “general meetings of the voting members”.	3
[10] Section 17AF, heading	4
Omit “of 10”. Insert instead “on number of”.	5
[11] Section 17AF(1)	6
Omit the subsection. Insert instead—	7
(1) The total number of other clubs that a registered club (the <i>relevant club</i>) may amalgamate with is—	8
(a) 10, or	9
(b) a higher number prescribed by the regulations.	10
[12] Sections 17AG and 17AH	11
Insert after section 17AF—	12
17AG Amalgamation of more than 10 registered clubs	13
(1) This section applies if—	14
(a) under section 17AF(1)(b), a regulation prescribes that the total number of other clubs that a registered club may amalgamate with is more than 10, and	15
(b) a registered club amalgamates with more than 10 other clubs.	16
(2) The parent club must, in relation to the amalgamation with any club after the tenth club with which it amalgamates—	17
(a) ensure the dissolved club’s premises continue to be operated as club premises for a period of at least 5 years after the amalgamation, and	18
(b) use the parent club’s best endeavours to support the viability of the dissolved club, including by ensuring the dissolved club’s premises are operated in a way that is not detrimental to the long-term sustainability of the dissolved club, and	19
(c) for the first 5 years after the amalgamation occurs, give the Authority a prescribed report annually about the amalgamation and the operation of the parent club’s and dissolved club’s premises.	20
(3) For subsection (2)(c)—	21
<i>prescribed report</i> means—	22
(a) for a registered club that is a company—the financial reports under the <i>Corporations Act 2001</i> of the Commonwealth, section 292, or	23
(b) for another registered club—a report prescribed by the regulations.	24
17AH Obligations applying to parent club	25
(1) This section applies if, after an amalgamation mentioned in section 17AG, the parent club wishes to cease operating a dissolved club’s premises before the end of the period of 5 years after the amalgamation.	26
(2) The parent club must apply to the Authority for approval to cease operating the dissolved club’s premises as club premises.	27
(3) The application must—	28

(a)	be in the form approved by the Authority, and	1
(b)	comply with any requirements prescribed by the regulations.	2
(4)	After considering the application, the Authority may decide to—	3
(a)	if the Authority is satisfied operating the dissolved club is in the best interest of the club and its members—require the parent club to keep operating the dissolved club’s premises for the period of 5 years after the amalgamation, or	4 5 6 7
(b)	allow the parent club to cease operating the dissolved club.	8
[13]	Section 17AM Other matters to be considered in relation to club de-amalgamations	9
	Omit “extraordinary general meetings of the ordinary members” from section 17AM(d).	10
	Insert instead “general meetings of the voting members”.	11
[14]	Part 2, Division 2	12
	Omit the Division. Insert instead—	13
	Division 2 Authorisations	14
18	Authority may grant authorisations	15
(1)	The Authority may, on application by or on behalf of a registered club, grant an authorisation to the club—	16 17
(a)	specifying a part or parts of the premises of the club as a non-restricted area, or	18 19
(b)	allowing members of the club who are under the age of 18 years access to areas of the premises of the club that would otherwise be restricted, but only for the purpose of taking part in sporting activities or a prize-giving ceremony associated with sporting activities, or	20 21 22 23
(c)	allowing the following persons to attend, in a specified part of the premises of the club, a function—	24 25
(i)	persons who are not members of the club,	26
(ii)	persons who are under the age of 18 years.	27
(2)	For subsection (1)(c)—	28
	<i>function</i> includes—	29
(a)	an event of a cultural, educational, religious, patriotic, professional, charitable, political, literary, sporting, athletic, industrial or community nature, and	30 31 32
(b)	a wedding.	33
19	Applications for authorisations	34
(1)	An application for an authorisation must—	35
(a)	be made in the form and way approved by the Authority, and	36
(b)	include or be accompanied by the information prescribed by the regulations, and	37 38
(c)	be accompanied by the fee prescribed by the regulations, and	39
(d)	if required by the regulations to be advertised—be advertised in accordance with the regulations, and	40 41

(e)	comply with any other requirement approved by the Authority or prescribed by the regulations.	1 2
(2)	If, before an application for an authorisation is decided by the Authority, a change occurs in information relating to the application, the applicant must immediately notify the Authority about the change. Maximum penalty—20 penalty units.	3 4 5 6
(3)	A person may, in accordance with the regulations, make a submission to the Authority in relation to an application for an authorisation.	7 8
(4)	If a submission is made to the Authority under subsection (3), the Authority must consider the submission before deciding whether or not to grant the authorisation.	9 10 11
20	Deciding application and granting of authorisation	12
(1)	In deciding an application for an authorisation, the Authority has the same powers in relation to the application as the Authority has under the <i>Liquor Act 2007</i> in relation to an application for a licence under that Act.	13 14 15
(2)	The regulations may prescribe, or provide for the determination of, a fee in relation to the granting of an authorisation.	16 17
(3)	If a fee is prescribed or determined under subsection (2), the authorisation does not take effect until the fee has been paid.	18 19
(4)	The Authority may, in granting an authorisation, specify requirements that must be complied with before the authorisation takes effect.	20 21
(5)	If the Authority specifies requirements under subsection (4) for an authorisation, the authorisation does not take effect until the requirements have been complied with.	22 23 24
21	Conditions of authorisation	25
(1)	An authorisation is granted subject to the conditions—	26
(a)	imposed by the Authority under this section, and	27
(b)	imposed by this Act or prescribed by the regulations.	28
(2)	Without limiting the conditions the Authority may impose on an authorisation under this section, conditions may relate to the following—	29 30
(a)	the required level of adult supervision of members under the age of 18 years using the premises of a registered club under an authorisation,	31 32
(b)	the establishment of, and the way of keeping, a register to be signed by—	33 34
(i)	members under the age of 18 years each time the members use the premises of the club under an authorisation, and	35 36
(ii)	each adult supervising members mentioned in subparagraph (i),	37
(c)	the steps a registered club must take to ensure liquor is not sold or supplied to persons under the age of 18 years using the premises of the club under an authorisation,	38 39 40
(d)	the steps a registered club must take to ensure approved gaming machines are not used by persons under the age of 18 years using the premises of the club under an authorisation.	41 42 43

22	Mandatory conditions of authorisations	1
(1)	It is a condition of an authorisation that tobacco vending machines must be unable to be operated while members under the age of 18 years are using the premises of the club under an authorisation mentioned in section 18(1)(b).	2 3 4
(2)	An authorisation mentioned in section 18(1)(c) must designate—	5
(a)	each part of the club premises (<i>function areas</i>) on which functions are permitted to be held, and	6 7
(b)	each part of the club premises (<i>access areas</i>) through or by means of which persons attending functions are permitted to obtain entry to, or depart from, a function area.	8 9 10
(3)	An authorisation mentioned in section 18(1)(c) that authorises functions to be held for minors on the premises of the club is subject to the following conditions—	11 12 13
(a)	at least 7 days' notice must be given to the local police before a function is held,	14 15
(b)	the notice must specify the following—	16
(i)	the name and nature of the function,	17
(ii)	the number of adult supervisors,	18
(iii)	details of the security arrangements,	19
(iv)	any other particulars prescribed by the regulations,	20
(c)	the secretary of the club and the person conducting the function must comply with any directions given by the local police or the Authority in relation to the conduct of functions for persons under the age of 18 years,	21 22 23 24
(d)	liquor must not be sold, supplied, disposed of or consumed in the area in which a function is held,	25 26
(e)	gaming machines must not be located in the area in which a function is held and an area of the club in which gaming machines are located must not be accessible to a person under the age of 18 years attending the function,	27 28 29 30
(f)	any other conditions prescribed by the regulations.	31
23	Contravention of conditions of authorisations	32
(1)	An authorisation is in force only while all the conditions to which it is subject are being complied with.	33 34
(2)	A registered club and the secretary of the club are each guilty of an offence if—	35 36
(a)	the conditions of an authorisation held by the club are contravened, or	37
(b)	for an authorisation referred to in section 18(1)(c)—a function is held in accordance with the authorisation but not in accordance with the approval of the governing body of the club.	38 39 40
	Maximum penalty—	41
(a)	for a registered club—20 penalty units, or	42
(b)	for a secretary of a registered club—10 penalty units.	43
(3)	It is a defence to a prosecution of a secretary of a club for an offence under subsection (2)(b) if it is proved that—	44 45

(a)	the secretary had taken all reasonable precautions to avoid the commission of the alleged offence, and	1 2
(b)	at the time of the alleged offence, the secretary did not know, and could not reasonably be expected to have known, the alleged offence had been committed.	3 4 5
24	Imposition of conditions on or suspension or revocation of authorisations	6
(1)	The Authority may—	7
(a)	after an authorisation is granted to a registered club, impose conditions on the authorisation, or	8 9
(b)	vary or revoke the authorisation by the Authority—	10
(i)	on the Authority’s own initiative, or	11
(ii)	on application by the registered club, or	12
(iii)	on application by the Secretary or the Commissioner of Police.	13
(2)	An application by a registered club to vary or revoke an authorisation, including by removing or changing conditions imposed by the Authority, must be accompanied by the fee prescribed by the regulations.	14 15 16
(3)	The Authority must not impose a condition on an authorisation, or otherwise vary or revoke an authorisation, unless the Authority has—	17 18
(a)	given the registered club that holds the authorisation a reasonable opportunity to make submissions in relation to the proposed decision, and	19 20 21
(b)	considered any submissions made by the registered club before deciding whether to impose a condition on the authorisation or to otherwise vary or revoke the authorisation.	22 23 24
(4)	Subsection (3) does not apply if the registered club has applied for the authorisation to be revoked or varied.	25 26
[15]	Part 2, Division 3	27
	Insert after Part 2, Division 2—	28
	Division 3	
	Use of technology	29
25	Use of technology	30
(1)	A registered club may use technology to—	31
(a)	satisfy requirements under this Act, including the requirement under sections 30(2) and 31 to keep a register of persons who enter the club’s premises, and	32 33 34
(b)	identify, and prevent from entering the club’s premises, persons excluded from the club under this Act, the <i>Liquor Act 2007</i> or the <i>Gaming Machines Act 2001</i> , and	35 36 37
(c)	identify, and remove from the club’s premises, persons who are engaging in, or have engaged in, conduct that constitutes an offence.	38 39
(2)	Without limiting subsection (1), the use of technology may include—	40
(a)	electronic sign-in to the registered club’s premises, and	41
(b)	facial recognition technology to collect biometric information from persons on the registered club’s premises.	42 43

(3)	If a registered club uses facial recognition technology in the club’s premises, the club must comply with guidelines issued by the Secretary about the use of the technology.	1 2 3
[16]	Section 30 Rules of registered clubs	4
	Insert “, including by voting in person, electronically, by post or in another remote way in accordance with section 30C” after “entitled to vote” in section 30(1)(a).	5 6
[17]	Section 30(1)(b)	7
	Omit the paragraph. Insert instead—	8
	(b) If a rule of a club with a governing body of 3 or more members provides that the governing body may include persons who are not members of the club, a person who is not a member of the club cannot be appointed to the governing body of the club if the appointment would mean the majority of members of the governing body would not be members of the club.	9 10 11 12 13 14
[18]	Section 30(1)(f)	15
	Omit “an ordinary member”. Insert instead “a full member”.	16
[19]	Section 30(1)(f)	17
	Omit “ordinary members”. Insert instead “full members”.	18
[20]	Section 30(2)(c)(ii)	19
	Omit “or subsection (3B) is complied with in the case of a temporary member”.	20
[21]	Section 30(2)(d)(ii)	21
	Omit “section 23”. Insert instead “section 18”.	22
[22]	Section 30(2A)(a), (3B) and (3C)	23
	Omit the provisions.	24
[23]	Section 30(13A)	25
	Insert after section 30(13)—	26
	(13A) This section is declared to be a Corporations legislation displacement provision for the purposes of the <i>Corporations Act 2001</i> of the Commonwealth, section 5G in relation to that Act generally.	27 28 29
	Note— The <i>Corporations Act 2001</i> of the Commonwealth, section 5G provides that if a State law declares a provision of a State law to be a Corporations legislation displacement provision, any provision of the Corporations legislation with which the State provision would otherwise be inconsistent does not apply to the extent necessary to avoid the inconsistency.	30 31 32 33 34
[24]	Section 30C Meetings and voting	35
	Omit section 30C(3)(c). Insert instead—	36
	(c) allow a person entitled to vote at a meeting of the registered club, governing body or committee, or at an election relating to the registered club, governing body or committee, to vote in person, electronically, by post or in another remote way.	37 38 39 40
[25]	Section 32, heading	41
	Omit “only one”.	42

[26] Section 32(1A)	1
Insert after section 32(1)—	2
(1A) If the secretary (the <i>former secretary</i>) of a registered club ceases to hold office, the registered club must appoint a person to act as the secretary of the club within 2 days after the former secretary ceases to hold office.	3
Maximum penalty—100 penalty units.	4
[27] Section 41 Registered clubs under official management or receivership or in liquidation	5
Omit “committee of management” from section 41(1). Insert instead “governing body”.	6
[28] Section 41(1)(a) and (b)	7
Omit the paragraphs. Insert instead—	8
(a) for a registered club that is a company—appointed to act in that capacity by the Supreme Court, or	9
(b) for a registered club that is a co-operative—appointed to act in that capacity by the Federal Court of Australia, or	10
(c) for a registered club that is a company or co-operative—approved to act in that capacity by the Authority.	11
[29] Section 41(2)	12
Insert at the end of section 41—	13
(2) This section is declared to be a Corporations legislation displacement provision for the purposes of the <i>Corporations Act 2001</i> of the Commonwealth, section 5G in relation to that Act generally.	14
Note— The <i>Corporations Act 2001</i> of the Commonwealth, section 5G provides that if a State law declares a provision of a State law to be a Corporations legislation displacement provision, any provision of the Corporations legislation with which the State provision would otherwise be inconsistent does not apply to the extent necessary to avoid the inconsistency.	15
[30] Section 41D Termination by Secretary of contracts entered into in contravention of Code	16
Omit section 41D(9).	17
[31] Section 41DA	18
Insert after section 41D—	19
41DA Secretary may recover costs	20
(1) This section applies if—	21
(a) under the Registered Clubs Accountability Code, registered clubs are restricted from entering into specified contracts or classes of contracts, and	22
(b) the Secretary incurs costs in reviewing a contract, or reviewing a report about a contract, to determine whether the contract was entered into by a registered club in contravention of the Code, and	23
(c) the Secretary determines the contract was entered into by the registered club in contravention of the Code.	24
(2) The costs incurred by the Secretary are payable by the registered club, unless the costs are waived by the Secretary.	25

(3)	Costs payable to the Secretary under subsection (2) may be recovered by the Secretary in a court of competent jurisdiction.	1 2
[32]	Section 41E Disposal of real property by registered clubs	3
	Omit “ordinary members” from section 41E(1)(b). Insert instead “voting members”.	4
[33]	Section 41E(6), definition of “core property”	5
	Omit “ordinary” wherever occurring.	6
[34]	Section 43A Offer of inducement for purchase or provision of goods or services	7
	Omit section 43A(2)(b).	8
[35]	Section 57F Grounds for making complaint	9
	Omit section 57F(3)(c). Insert instead—	10
	(c) that the club or person has contravened a condition of an authorisation held by the club,	11 12
[36]	Section 57H Disciplinary powers of Authority	13
	Omit section 57H(2)(i)(i). Insert instead—	14
	(i) the Secretary—	15
	(A) in carrying out an investigation or inquiry under section 35A in relation to the club or person, or	16 17
	(B) otherwise in connection with a complaint or proposed complaint, or	18 19
[37]	Section 57H(2)(i)(ii)	20
	Omit “by”.	21
[38]	Section 65A Additional penalties may be imposed by court	22
	Omit section 65A(b). Insert instead—	23
	(b) cancel or suspend an authorisation held by the club,	24
[39]	Sections 68–70	25
	Insert after section 67—	26
68	Exclusion of persons from registered clubs in certain circumstances	27
(1)	An authorised person for a registered club may, by written order (an <i>exclusion order</i>) given to a person (an <i>excluded person</i>), prohibit the person from entering or remaining in the club’s premises.	28 29 30
(2)	An exclusion order may be made if the authorised person reasonably suspects the person is engaging in, or has engaged in, conduct that constitutes an offence or otherwise poses a risk to the health or safety of the person or other persons in the club’s premises, including, for example, if the person—	31 32 33 34
	(a) is at risk of harm, or is at risk of causing harm to a family member of the person, because of gambling, or	35 36
	(b) has engaged in violence on the club’s premises or other licensed premises.	37 38
(3)	An exclusion order must be in a form approved by the Authority.	39
(4)	An excluded person must not enter or remain in the club’s premises.	40

Maximum penalty—50 penalty units.	1
(5) An authorised person for the registered club may, using no more force than is reasonable in the circumstances—	2 3
(a) prevent the excluded person from entering the club’s premises, and	4
(b) remove the excluded person, or cause the excluded person to be removed, from the club’s premises.	5 6
(6) Nothing in this section operates to limit any other right a person has to refuse to admit a person to, or to turn a person out of, a registered club’s premises, including a right to exclude a member of the club under the rules of the club.	7 8 9
69 Review of exclusion orders	10
(1) A person subject to an exclusion order may apply in writing to the review body for a review of the decision to make the order (the <i>reviewable decision</i>).	11 12
(2) The application must be made within 14 days after the day on which the person is given the exclusion order under section 68(1).	13 14
(3) An application for review does not operate to stay—	15
(a) the reviewable decision, or	16
(b) the exclusion order.	17
(4) In deciding the application, the review body may—	18
(a) confirm the reviewable decision, or	19
(b) overturn the reviewable decision and revoke the exclusion order.	20
(5) The review body must, as soon as practicable after deciding the application, give written notice of the decision to—	21 22
(a) the excluded person, and	23
(b) the authorised person who made the reviewable decision, and	24
(c) the secretary of the registered club to which the exclusion order relates.	25
(6) If the review body decides to overturn the reviewable decision and revoke the exclusion order, the revocation of the order takes effect on the day on which the review body gives notice to the secretary of the club under subsection (5)(c).	26 27 28 29
(7) In this section—	30
<i>review body</i> means—	31
(a) if the reviewable decision is a decision of a registered club that is a member of Clubs NSW—Clubs NSW, or	32 33
(b) otherwise—the Authority.	34
70 Protection from liability for exclusion of persons in certain circumstances	35
No civil or criminal liability is incurred by a registered club, or an authorised person for the club—	36 37
(a) for an act done or omitted to be done in good faith, and in accordance with section 68, to, or in relation to, an excluded person of the registered club, or	38 39 40
(b) if an excluded person enters or remains in the registered club’s premises.	41 42

[40]	Section 73A Age of members of governing body of club	1
	Omit the section.	2
[41]	Schedule 2 Savings, transitional and other provisions	3
	Insert after clause 106—	4
	Part 24 Provisions consequent on enactment of Registered Clubs Amendment Act 2022	5
		6
107	Authorisations	7
	(1) This clause applies to an authorisation granted under Part 2, Division 2 and in force immediately before the commencement of this clause.	8 9
	(2) The authorisation is taken to be an authorisation granted under Part 2, Division 2 as in force after the commencement of this clause.	10 11
108	Amalgamations	12
	(1) This clause applies to a proposed amalgamation of 2 or more registered clubs that had started but not been completed before the commencement of this clause.	13 14 15
	(2) The proposed amalgamation is to continue under Part 2, Division 1A as if the <i>Registered Clubs Amendment Act 2022</i> had not commenced.	16 17
109	Meetings	18
	(1) This clause applies if, before the commencement of this clause, a notice had been given to members of a registered club about a general meeting referred to in any of the following provisions but the meeting had not yet been held—	19 20 21
	(a) section 17AM(d),	22
	(b) section 41E(1)(b),	23
	(c) section 41E(6), definition of <i>core property</i> , paragraph (c).	24
	(2) The general meeting is to be held, and a decision made at the general meeting applies, as if the <i>Registered Clubs Amendment Act 2022</i> had not commenced.	25 26

Schedule 2	Amendment of Registered Clubs Regulation 2015	1
[1] Clause 3A		2
	Insert before clause 4—	3
3A Total number of clubs that may amalgamate—the Act, s 17AF		4
	For the Act, section 17AF(1)(b), the number is 15.	5
[2] Clauses 4(5), 7(3)(a), 29B(1)(d) and (f) and (3)(b) and 30(2)(a)		6
	Omit “ordinary” wherever occurring. Insert instead “voting”.	7
[3] Clause 12 Fees to accompany application for certain authorisations		8
	Omit clause 12(a)–(c). Insert instead—	9
	(a) an authorisation under section 18(1)(a),	10
	(b) an authorisation under section 18(1)(b),	11
	(c) an authorisation under section 18(1)(c).	12
[4] Clause 14 Club functions authorisation notice to be fixed to premises		13
	Omit “a club functions authorisation under section 23 of the Act” from clause 14(1).	14
	Insert instead “an authorisation under the Act, section 18(1)(c) (a <i>club functions authorisation</i>)”.	15
[5] Clause 26 Training requirements for members of governing bodies of registered clubs		17
	Omit “must, within 12 months of becoming a member, complete the required training” from clause 26(1).	18
	Insert instead—	19
	must—	20
	(a) complete the required training within 12 months after becoming a member, and	21
	(b) complete governance refresher training conducted by or on behalf of Clubs NSW—	22
	(i) initially—within 5 years after completing the required training, and	23
	(ii) subsequently—at least once in each 5-year period after the governance refresher training was last completed.	24
	Maximum penalty—10 penalty units.	25
[6] Clause 26(3)		26
	Omit “, on and from 1 July 2016, comprise at least 2 members who have completed the required training”.	27
	Insert instead “comprise at least 2 members who have completed the required training or governance refresher training within the last 5 years”.	28
[7] Clause 26(3) and (4)		29
	Insert at the end of the subclauses—	30
	Maximum penalty—10 penalty units.	31

[8] Clause 26(4)	1
Insert “or governance refresher training” after “required training” wherever occurring.	2
[9] Clause 27 Training requirements for secretaries and managers of registered clubs	3
Omit clause 27(1). Insert instead—	4
(1) A person who is the secretary or manager of a registered club must—	5
(a) complete the required training within 12 months after becoming the secretary or manager, and	6
(b) complete club management refresher training conducted by or on behalf of the Club Managers’ Association of Australia—	8
(i) initially—within 5 years after completing the required training, and	10
(ii) subsequently—at least once in each 5-year period after the club management refresher training was last completed.	12
Maximum penalty—10 penalty units.	14
[10] Clause 27(3)	15
Insert in alphabetical order—	16
<i>required training</i> means—	17
(a) the course entitled “Board Governance, the Company Secretary and the General Manager” conducted by or on behalf of the Club Managers’ Association of Australia, or	18
(b) any other course relating to club governance approved by the Secretary.	21
[11] Clauses 29 and 29A	22
Omit the clauses.	23
[12] Clause 31 Appointments made by governing body	24
Omit “2 persons” from clause 31(1). Insert instead “3 persons”.	25
[13] Clause 31(1A)	26
Insert after clause 31(1)—	27
(1A) To avoid doubt, a person appointed under subclause (1) is not required to meet the eligibility criteria for members of the governing body of the registered club specified in the club’s constitution.	28
Note— The Act, section 57J provides that it is an offence for certain persons to accept an appointment to, or to hold office as a member of, the governing body of a registered club.	31
[14] Clause 31(2)(b) and (c)	34
Omit the paragraphs. Insert instead—	35
(b) may be appointed under subclause (1) for only one additional term, whether by re-appointment after the end of the person’s current term or otherwise.	36
[15] Schedule 1 Penalty notice offences	39
Insert at the end of the table—	40

Offences under this Regulation

Clause 26(1), (3) and (4) \$110

Clause 27(1) \$110

- [16] Schedule 2 Registered Clubs Accountability Code** 1
- Insert “**full**” before “**members**” wherever occurring in clauses 9 and 10. 2

Schedule 3	Amendment of Liquor Act 2007 No 90	1
[1] Section 4 Definitions		2
	Omit “section 22 of the <i>Registered Clubs Act 1976</i> ” from section 4(1), definition of bar area , paragraph (d).	3 4
	Insert instead “the <i>Registered Clubs Act 1976</i> , section 18(1)(a)”.	5
[2] Section 4(1), definition of “bar area”, paragraph (e)(i) and (ii)		6
	Omit the subparagraphs. Insert instead—	7
	(i) an authorisation under the <i>Registered Clubs Act 1976</i> , section 18(1)(b) is in force, or	8 9
	(ii) an authorisation under the <i>Registered Clubs Act 1976</i> , section 18(1)(c) is in force,	10 11
[3] Section 4(1), definition of “employee”		12
	Omit the definition. Insert instead—	13
	employee includes—	14
	(a) a person engaged by a licensee or the manager of licensed premises under a contract for services, and	15 16
	Example— a person engaged by a licensee under a contract to provide catering at a registered club	17 18
	(b) a person employed by a person mentioned in paragraph (a).	19
[4] Section 13 Special events extended trading period for hotels and clubs		20
	Omit “regulations may prescribe” from section 13(1).	21
	Insert instead “Minister may, by notice published in the Gazette, declare”.	22
[5] Section 13(2)		23
	Omit “prescribed”. Insert instead “declared”.	24
[6] Section 13(3)		25
	Omit “regulation”. Insert instead “notice”.	26
[7] Section 59A		27
	Insert after section 59—	28
59A Removal of unrestricted club licences to other premises		29
(1)	This section applies in relation to an application under section 59 to remove an unrestricted club licence to premises other than those specified in the licence if—	30 31 32
(a)	the proposed premises are situated—	33
(i)	on land zoned or otherwise designated for use for the same purpose as the land on which the existing licensed premises are situated, and	34 35 36
(ii)	within a 1km radius of the existing licensed premises, or	37
(b)	the proposed premises are situated—	38
(i)	on urban use land, or land that adjoins urban use land, and	39
(ii)	within a 5km radius of the existing licensed premises.	40

(2)	Despite any other provision of this Act, if the application is granted, the registered club to which the licence relates may continue to operate the club's premises under the licence as if the licence were an unrestricted club licence.	1 2 3
(3)	In this section—	4
	<i>existing licensed premises</i> means the premises specified in the unrestricted club licence that is the subject of the application.	5 6
	<i>on-premises trading hours</i> means the times during which liquor may be sold or supplied only for consumption on the existing licensed premises.	7 8
	<i>proposed premises</i> means the premises to which the unrestricted club licence is proposed to be removed in the application.	9 10
	<i>unrestricted club licence</i> means a club licence—	11
(a)	to which the <i>Registered Clubs Act 1976</i> , Schedule 2, clause 94(2) applies, and	12 13
(b)	under which the licensee continues, in accordance with the <i>Registered Clubs Act 1976</i> , Schedule 2, clause 94, to operate without restrictions in relation to the registered club's on-premises trading hours.	14 15 16
	<i>urban use land</i> means land zoned or otherwise designated for use for urban purposes under an environmental planning instrument.	17 18
[8]	Section 77 Non-voluntary exclusion of persons from licensed premises	19
	Omit the definition of <i>employee</i> from section 77(1).	20
[9]	Section 159 Regulations	21
	Insert after section 159(2)(f5)—	22
(f6)	matters relating to the following persons, including requirements that must be satisfied before the persons may become employees for this Act—	23 24 25
(i)	persons engaged by licensees or the managers of licensed premises under a contract for services,	26 27
(ii)	persons employed by persons mentioned in subparagraph (i),	28
[10]	Schedule 1 Savings and transitional provisions	29
	Insert at the end of the Schedule with appropriate Part and clause numbering—	30
Part	Provision consequent on enactment of Registered Clubs Amendment Act 2022	31 32
	Application of s 59A to particular applications to remove unrestricted club licences to other premises	33 34
(1)	This clause applies in relation to an application under section 59 to remove an unrestricted club licence to premises other than those specified in the licence—	35 36 37
(a)	made, but not determined, before the commencement of section 59A, or	38
(b)	made and granted before the commencement of section 59A.	39
(2)	Section 59A applies in relation to the application as if the application had been made after the commencement of that section.	40 41
(3)	To avoid doubt, it is declared that any variation to the on-premises trading hours of a registered club as a result of the granting of an application mentioned in subclause (1)(b) is of no effect.	42 43 44

- (4) In this clause— 1
- on-premises trading hours***, of a registered club, means the times during which 2
liquor may be sold or supplied only for consumption on the club's licensed 3
premises. 4
- unrestricted club licence*** means a club licence— 5
- (a) that was, at the time the application was made, a club licence to which 6
the *Registered Clubs Act 1976*, Schedule 2, clause 94(2) applied, and 7
- (b) under which, at the time the application was made, the registered club 8
to which the licence related was continuing to operate without 9
restrictions in relation to the club's on-premises trading hours in 10
accordance with the *Registered Clubs Act 1976*, Schedule 2, clause 94. 11

Schedule 4	Amendment of Gaming and Liquor Administration Act 2007 No 91	1
		2
[1] Section 7 Members of the Authority		3
Insert after section 7(1)(a)—		4
(1A) At least 1 of the members of the Authority must be a person who—		5
(a) is or has been a Judge, or		6
(b) has been an Australian lawyer for at least 7 years.		7
[2] Section 8 Selection panel for appointment of members		8
Omit section 8(3).		9