

Act No. 29 of 1990

## REGISTERED CLUBS (AMENDMENT) BILL 1990

NEW SOUTH WALES



### EXPLANATORY NOTE

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

This Bill is cognate with the Liquor (Amendment) Bill 1990.

The objects of this Bill are:

- (a) to enable the Minister, the Commissioner of Police, and the Director of Liquor and Gaming appointed as provided by the Liquor Act 1982, to delegate functions conferred and imposed on them by the Registered Clubs Act 1976; and
- (b) to confer on the Commissioner of Police the functions under the Principal Act that are at present conferred on the Superintendent of Licences and licensing inspectors; and
- (c) to confer certain functions on the Director and the Principal Registrar of the Licensing Court; and
- (d) to avoid duplication of certain functions of various authorities in determining the standard of club premises; and
- (e) to prohibit the secretary of a registered club from providing credit on the club premises by way of a cash advance.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

**Clause 3** gives effect to the Schedules of proposed amendments to the Principal Act.

**Clause 4** gives effect to the Schedule of proposed consequential amendments to the uncommenced Schedule 3 to the Registered Clubs (Amendment) Act 1988.

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**Clause 5** gives effect to the transitional provisions proposed by Schedule 5.

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**SCHEDULE 1 - AMENDMENTS RELATING TO DELEGATIONS**

**Schedule 1 (1)** inserts a definition of "Director". This is the Director of Liquor and Gaming proposed to be appointed under the Liquor Act 1982.

**Schedule 1 (2)** provides for a new section 6A of the Principal Act. It would enable the Minister, the Commissioner of Police and the Director to delegate the respective functions conferred and imposed on them by the Principal Act.

**SCHEDULE 2 - AMENDMENTS RELATING TO THE FUNCTIONS OF THE POLICE FORCE AND OTHERS**

The amendments proposed by Schedule 2 would

- (a) confer and impose on the Commissioner of Police (and, in some cases, the Director) the functions under the Principal Act at present exercised by the Superintendent of Licences and the licensing inspectors (Schedule 2 except item (18)); and
- (b) add the Director to the persons entitled to institute proceedings for cancellation of the registration of a registered club or for a period of disqualification from registration (Schedule 2 (3) (a) and (b)); and
- (c) add the Director (instead of the Principal Registrar of the Licensing Court) to the persons entitled to apply for removal from office of an office-holder of a registered club or to object to an application for a licence as a poker machine dealer, seller, technician or adviser (Schedule 2 (8) and (23)); and
- (d) to simplify the manner in which the powers of entry at present conferred by sections 58 and 59 of the Principal Act are expressed (Schedule 2 (14) and (15)); and
- (e) extend from 6 months to 12 months the period within which proceedings for an offence arising under the Principal Act are to be brought (Schedule 2 (17)); and
- (f) add the Director (instead of the Principal Registrar) to the persons entitled to institute disciplinary action against the holder of a licence as a poker machine dealer, seller, technician or adviser (Schedule 2 (24)).

The amendments conferring functions on the Commissioner of Police would also, as far as possible, make the powers of entry and inspection conferred by the Principal Act uniform with those conferred by the Liquor Act 1982 (Schedule 2 (14)).

**SCHEDULE 3 - AMENDMENTS RELATING TO CLUB PREMISES**

**Schedule 3 (1)** would insert in the Principal Act a definition of "approved plan". This would be a plan of proposed club premises, or of proposed additions or alterations to club premises, for which approval had been given under the Local Government Act 1919 and consent had been given under the Environmental Planning and Assessment Act 1979.

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**Schedule 3 (2)** would require an approved plan (instead of a "properly drawn" plan) to be submitted with various kinds of applications to the Licensing Court and the Liquor Administration Board.

**Schedule 3 (3) and (4)** make consequential amendments.

**Schedule 3 (5)** requires an approved plan (instead of a "properly drawn" plan) to be submitted with a conditional application by a club for a certificate of registration in relation to its proposed premises, or by a registered club in relation to premises to which the club is proposed to be removed, or by a registered club for approval to proposed additions or alterations to the club premises.

**Schedule 3 (6)** limits to a proposed increase or decrease in the area of club premises the cases in which an alteration or addition to the club premises requires the approval of the Liquor Administration Board.

**Schedule 3 (7)** repeals the provision of the Principal Act enabling the Liquor Administration Board to order additions, alterations or renovations to, or the rebuilding of, the whole, or a part, of the premises of a registered club. Requirements of this nature will be left to local authorities.

**Schedule 3 (8), (9)** make consequential amendments.

### **SCHEDULE 4 - AMENDMENT RELATING TO CASH CREDIT**

**Schedule 4** imposes statutory conditions of the certificate of registration of a club. The conditions would

- (a) prohibit the provision, by or on behalf of a registered club of credit by way of a cash advance otherwise than as a prize on a poker machine; and
- (b) prohibit a registered club from having on the club premises a poker machine that is capable of providing cash or credit otherwise than as a prize.

### **SCHEDULE 5 - AMENDMENTS TO REGISTERED CLUBS (AMENDMENT) ACT 1988**

**Schedule 5** makes consequential amendments to Schedule 3 (not yet commenced) to the Registered Clubs (Amendment) Act 1988.

### **SCHEDULE 6 - TRANSITIONAL PROVISIONS**

**Clause 1** specifies that, in the proposed Schedule 5, a reference to the Principal Act is a reference to the Registered Clubs Act 1976.

**Clause 2** provides for completion of the exercise of a function that, immediately before the commencement of proposed Schedule 2, was in the course of being exercised by the superintendent of licences or a licensing inspector.

**Clause 3** makes provision for the transfer of certain functions from the Principal Registrar of the Licensing Court to the Director of Liquor and Gaming.

**Clause 4** provides for certain references to the Superintendent of Licences or a licensing inspector to be read as references to the Commissioner of Police or a delegate of the Commissioner.

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**Clause 5** continues orders under section 20A of the Principal Act for compulsory work on club premises if they were in force immediately before the repeal of that section.

**Clause 6** provides for the delegation of functions that would be exercisable under the proposed Schedule.

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