

Act 1994 No. 43

REGISTERED CLUBS (AMENDMENT) BILL 1994*

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 1994.

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

- (a) to exempt from the price of beer (for registration fee calculation purposes) the cost of freight from breweries to country depots;
- (b) to add new provisions for preventing names and descriptions for registered clubs that are objectionable, inappropriate or misleading or prohibited by the regulations and to require the Board's approval for a change to the name of a registered club;
- (c) to enable registered club registration certificates that are granted in Sydney to be issued by the Sydney registry directly to clubs outside Sydney;
- (d) to make it clear that the Board has power to require a complaint that a registered club is unduly disturbing the quiet and good order of the neighbourhood be made or verified by statutory declaration;
- (e) to replace an existing provision dealing with the granting of authority to registered clubs to hold functions at the club to be attended by persons who are not members of the club so that such an authority can be of a continuing nature (rather than specific to a particular function) and to make other procedural amendments concerning those authorities;
- (e) to permit the replacement of a magistrate who is absent, ill or otherwise unavailable for duty when a matter is remitted to the Licensing Court on appeal;
- (f) to provide that the lodging of an appeal to the Licensing Court does not operate to stay the decision appealed against unless the Court otherwise directs;

* Amended in committee—see table at end of volume.

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- (h) to give a registered club a defence to the offence of allowing liquor to be served to a minor when the liquor is served by the parent or guardian of the minor;
- (i) to create new offences in respect of unlawful gaming in a registered club;
- (j) to extend an existing provision which deals with the issue of penalty notices for offences committed by minors on club premises so that the regulations will be able to apply it to other offences under the Act or the regulations, and provide for the penalty payable and the persons who may issue a penalty notice;
- (k) to insert a provision in the Act that is currently found in the regulations concerning the manner of giving evidence before the Licensing Court;
- (l) to require the Director of Liquor and Gaming to complete his or her investigation of an applicant for a gaming-related licence within 6 months after the application is lodged and to provide for the application to proceed even if the investigation has not been completed within that time;
- (m) to authorise a member of a registered club to access poker machines so long as the member is authorised to do so by the club (with a maximum of 5 members to be authorised at any one time) and the secretary and other members of the governing body and authorised employees are unavailable;
- (n) to provide for the refund of club registration fees and gaming-related licence fees paid for the period during which the registration or licence is surrendered;
- (o) to increase the penalty for an offence concerned with a statement of liquor purchases;
- (p) to make amendments by way of statute law revision and to enact consequential savings and transitional provisions.

Clause 1 specifies 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 that gives effect to the Schedule of amendments to the Registered Clubs Act 1976.

Clause 4 makes an amendment to the Justices Act 1902 that extends the courtesy letter and enforcement order provisions of that Act to penalty notices issued under the Registered Clubs Act 1976. The amendment is consequential on the amendments referred to in (j) above.

Clause 5 amends the Registered Clubs Regulation 1983 to omit the provision that is to be inserted in the Act by the amendment referred to in (k) above.

Clause 6 provides that explanatory notes appearing in the Bill do not form part of the proposed Act.

Schedule 1 makes the amendments to the Registered Clubs Act 1976 described above. Each amendment is described in detail in the explanatory note relating to the amendment concerned.
