

[Act 1996 No 43]



New South Wales

Liquor and Registered Clubs Legislation Amendment (Minors' Entertainment) Bill 1996

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 *Liquor Act 1982* and the *Registered Clubs Act 1976* to facilitate the holding of alcohol-free entertainment in hotels for persons under 18 years of age (minors), to allow access to club premises for junior members of a club (members under 18 years of age) in certain circumstances and to broaden the range of clubs that can allow junior membership.

The Bill:

- (a) includes provisions in the *Liquor Act 1982* similar to existing provisions in the *Registered Clubs Act 1976* to enable the Licensing Court to grant an ongoing functions authority to allow a hotel licensee to hold alcohol-free entertainment for persons under the age of 18 years in a separate and distinct part of the hotel premises, and
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- (b) includes certain conditions relating to functions authorities in both those Acts and provides for other conditions to be prescribed by regulations, and
- (c) enables the Licensing Court to grant approval for a small registered club to allow access to normally restricted areas of club premises by junior members of the club for sporting related activities, and
- (d) expands the circumstances in which minors can be members of a registered club to include cases where membership is to enable the minor to take part in regular sporting activities organised by the club, and
- (e) clarifies that it is an offence to sell or supply liquor to a minor in any place, and
makes other amendments of a minor or consequential nature.

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 *Liquor Act 1982* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *Registered Clubs Act 1976* set out in Schedule 2.

Schedule 1 Amendment of Liquor Act 1982

Minors functions authorities for licensed premises

Provisions of the *Liquor Act 1982* currently enable the Liquor Administration Board to authorise the use of part of premises to which a hotelier's licence relates by minors under adult supervision. The amendments will replace those provisions with provisions similar to those in the *Registered Clubs Act 1976*, establishing a scheme for application to the Licensing Court for a grant of a minors functions authority to authorise a part of licensed premises to be used for entertainment for minors.

The Licensing Court may grant a minors functions authority for any period it thinks appropriate and an annual fee is payable for the authority.

A minors functions authority is subject to conditions that must be imposed by the Licensing Court in relation to specified matters, any conditions prescribed by the regulations and any other conditions that the Licensing Court thinks appropriate to impose. The conditions that must be imposed include conditions relating to the level of adult supervision required, ensuring the quiet and good order of the surrounding neighbourhood and enabling the safe conduct of minors attending entertainment on licensed premises. A minors functions authority will also be subject to a condition that tobacco vending machines must not be located in function areas or access areas while functions are being held under the authority and that liquor must not be sold in such areas.

A licensee will commit an offence if any of the conditions of a minors functions authority are breached.

The Commissioner of Police, the Director of Liquor and Gaming or a council may make a complaint on specified grounds against the continuing operation of a minors functions authority. The Licensing Court may impose certain penalties on a licensee in complaint proceedings, including cancelling or suspending a minors functions authority held by the licensee and fining the licensee. (Schedule 1 [4] and [5])

Schedule 1 [2] ensures that the normal provisions relating to restricted areas of licensed premises (such as offences for allowing access to minors) do not apply to parts of licensed premises while they are being used in accordance with a minors functions authority. Schedule 1 [1], [3], [6]-[9] and [11]-[14] contain other consequential amendments.

Schedule 1 [15] and **[16]** save existing authorisations under section 112 of the Act and take account of an amendment contained in the *Liquor and Registered Clubs Legislation Amendment Bill 1996* that has been introduced into Parliament in the event that the Bill is enacted.

Offence of selling or supplying liquor to a miner

Schedule 1 [11] makes it clear that it is an offence to sell or supply liquor to a minor, regardless of where the sale or supply takes place. The amendment removes a possible doubt caused by the location of the offence in the Act near offences relating to licensed premises.

Schedule 2 Amendment of Registered Clubs Act 1976

Approval for small clubs to allow access to club premises by junior members

Schedule 2 [3] enables the Licensing Court to grant approval to a registered club to allow junior members of the club access to areas of the club premises that would otherwise be restricted, but only for the purposes of taking part in sporting activities or a prize-giving ceremony associated with sporting activities. An approval may be granted by the Licensing Court only if the Court is satisfied that, because of the size of the club, it is impractical for the club to designate a special area as an unrestricted area.

Schedule 2 [2] enables the Licensing Court to suspend or cancel an approval in complaint proceedings against a registered club.

Schedule 2 [12] ensures that the normal provisions relating to bars in registered clubs (such as provisions creating offences for allowing access to minors) do not apply to parts of registered clubs while they are being used in accordance with an approval.

Schedule 2 [10] contains a consequential amendment.

Functions authorities

Schedule 2 [4]–[9] amend the provisions of the *Registered Clubs Act 1976* relating to functions authorities that authorise entertainment for minors on club premises to bring them into line with the new provisions relating to minors functions authorities being inserted in the *Liquor Act 1982*.

Schedule 2 [13] and **[14]** provide for existing functions authorities to expire 12 months after the commencement of the amendments unless sooner cancelled or replaced. Those authorities will be subject to the existing conditions applying to them unless the Licensing Court varies or revokes those conditions or imposes new conditions in complaint proceedings. Schedule 2 [14] also takes account of an amendment contained in the *Liquor and Registered Clubs Legislation Amendment Bill 1996* that has been introduced into Parliament in the event that the Bill is enacted.

Junior membership of clubs

At present, minors may only be junior members of registered clubs that are golf clubs or bowling clubs or that are established primarily for athletic purposes. Schedule 2 [11] enables a minor to be a junior member of a club if the purpose of membership is to enable the minor to take part in regular sporting activities organised by the club. Schedule 2 [1] contains a consequential amendment.