

[Act 1999 No 12]



New South Wales

Liquor and Registered Clubs Legislation Amendment Bill 1999

Explanatory note

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

Overview of Bill

Under the *Liquor Act 1982* and the *Registered Clubs Act 1976*, there are procedures by which complaints can be made about the disturbance to the quiet and good order of neighbourhoods caused by patrons of licensed premises and registered clubs. These procedures involve the convening of conferences by the Liquor Administration Board to assist in the resolution of matters giving rise to complaints. However, separate procedures have to be invoked if a complaint made in relation to one licensed premises or registered club is found to affect other licensed premises or other registered clubs.

The object of this Bill is to amend the *Liquor Act 1982* and the *Registered Clubs Act 1976* so as:

- (a) to make it clear that a single complaint may be made in relation to more than one licensed premises or registered club, and
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Explanatory note

- (b) to provide that procedures on a complaint begun in relation to one licensed premises or registered club can be extended to include other licensed premises or registered clubs, and
- (c) to provide that the procedures under either of those Acts can be used where a complaint begun in relation to licensed premises is found to affect a registered club, or where a complaint begun in relation to a registered club is found to affect licensed premises.

The Bill also makes a number of other amendments of a minor, consequential or ancillary 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

Complaints concerning disturbance to the quiet and good order of neighbourhoods of licensed premises

Section 104 enables the Liquor Administration Board to convene a conference to hear submissions concerning complaints about disturbance to the quiet and good order of neighbourhoods of licensed premises. The section sets out the kinds of conditions that may be imposed on the licensee as a result of the conference, and confers certain rights of appeal against the decisions made by the Board in relation to the licence.

Explanatory note

Schedule 1 [8] inserts a number of new subsections into section 104:

Subsection (1AB) makes it clear that a complaint may relate to more than one licensed premises.

Subsection (1AC) makes it clear that a single conference may relate to more than one complaint.

Subsection (1AD) provides that a conference convened in relation to a complaint about licensed premises may be extended to include any other licensed premises and any registered club.

Subsection (1AE) applies section 104 to any licensed premises or registered club to which a conference is extended as if it had been the subject of a complaint.

Subsection (1AF) provides that action taken under section 104 in relation to a registered club to which a conference is extended has effect as if it had been taken in relation to the club under section 17AA of the *Registered Clubs Act 1976*.

Schedule 1 [9], [10] and [11] make consequential amendments to section 104.

Minor amendments

Schedule 1 [1] amends the definition of *non-proprietary association* so as to enable persons to hold on-licences authorising them to sell liquor at functions on behalf of local councils in the same way as persons who currently hold on-licences authorising them to sell liquor at functions on behalf of other non-profit organisations.

Schedule 1 [5] amends section 74A so as to make it clear that, when deciding whether any other licence would be suitable for premises the subject of an application for a special on-licence, the Liquor Administration Board is not to consider the possibility that a Governor's licence could be issued for the premises.

Schedule 1 [6] and [7] amend section 97 to provide that the reference to Australian Standard 3547 (the standard adopted by that section as the standard with which a breath analysing instrument must comply) is to be a reference to that standard as in force from time to time, rather than (as is currently the case) to a particular version of that standard.

Schedule 1 [13] inserts a new section 163A. The new section makes it a condition of a hotelier's licence that the licensee is not to grant an interest in an approved amusement device to any other person otherwise than as part of an interest granted over the licensee's assets in a manner that does not specifically identify the device or as part of financial or other arrangements approved by the Liquor Administration Board.

Explanatory note

Schedule 1 [2], [3], [4] and [12] amend sections 45, 69C and 145A by way of statute law revision.

Schedule 2 Amendment of Registered Clubs Act 1976

Complaints concerning disturbance to the quiet and good order in the neighbourhood of registered clubs

Section 17AA enables the Liquor Administration Board to convene a conference to hear submissions concerning complaints about disturbance to the quiet and good order in the neighbourhood of a registered club. The section sets out the kinds of conditions that may be imposed on the club as a result of the conference, and confers certain rights of appeal against the decisions made by the Board in relation to the club.

Schedule 2 [1] inserts a number of new subsections into section 17AA:

Subsection (1AB) makes it clear that a complaint may relate to more than one registered club.

Subsection (1AC) makes it clear that a single conference may relate to more than one complaint.

Subsection (1AD) provides that a conference convened in relation to a complaint about a registered club may be extended to include any other registered club and any licensed premises.

Subsection (1AE) applies section 17AA to any registered club or licensed premises to which a conference is extended as if it had been the subject of a complaint.

Subsection (1AF) provides that action taken under section 17AA in relation to licensed premises to which a conference is extended has effect as if it had been taken in relation to the premises under section 104 of the *Liquor Act 1982*.

Schedule 2 [2], [3] and [4] make consequential amendments to section 17AA.

Minor amendments

Schedule 2 [6] and [7] amend section 68 to provide that the reference to Australian Standard 3547 (the standard adopted by that section as the standard with which a breath analysing instrument must comply) is to be a reference to that standard as in

Explanatory note

force from time to time, rather than (as is currently the case) to a particular version of that standard.

Schedule 2 [8] inserts a new section 81. The new section makes it an offence for a registered club to grant an interest in a poker machine to any other person otherwise than as part of an interest granted over the club's assets in a manner that does not specifically identify the machine or as part of financial or other arrangements approved by the Liquor Administration Board.

Schedule 2 [5] amends section 30 to remove the current prohibition against proxy voting at meetings of clubs that are also registered or licensed by the NSW Thoroughbred Racing Board, by Harness Racing New South Wales or by the Greyhound Racing Authority (NSW).