

Registered Clubs Regulation 1996

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New South Wales

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New South Wales

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Registered Clubs Regulation 1996



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Registered Clubs Regulation 1996*.

2 Commencement

This Regulation commences on 1 September 1996.

3 Definitions

(1) In this Regulation:

Board means the Liquor Administration Board constituted by the *Liquor Act 1982*.

local consent authority, in relation to premises or proposed premises, means:

- (a) (unless paragraph (b) applies) the council in whose area (within the meaning of the *Local Government Act 1993*) the premises are, or will be, situated, or
- (b) if consent to the carrying out of development on the land concerned is required from a person or body other than the council—that person or body.

local court district means a district appointed under section 6 (1) of the *Local Courts Act 1982* for which a local court may be held.

Principal Registrar means the registrar of the Licensing Court at Sydney.

Sydney Metropolitan Area means the local court districts of Eastern Metropolitan, Manly-Warringah, Northern Metropolitan, Parramatta, Southern Metropolitan and Western Metropolitan.

the Act means the *Registered Clubs Act 1976*.

(2) Expressions used in this Regulation which are defined in the Act have the meanings set out in the Act.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

Part 2 Applications

Division 1 Lodgment of applications

5 Form of applications

- (1) An application under the Act must be made in a form approved by the Board.
- (2) An application must be lodged in triplicate. If the application is required to be advertised, the notice of hearing of the application must be lodged in quadruplicate.
- (3) An application must be accompanied by an affidavit setting out the facts on which the applicant proposes to rely.
- (4) Any affidavit required by this Regulation or the Act must be lodged in triplicate.

6 Lodgment of applications

- (1) An application must be lodged with the Principal Registrar if the premises to which the application relates are, or will be, in the Sydney Metropolitan Area.
- (2) Any other application must be lodged:
 - (a) with the registrar at the prescribed place at, or nearest to which, the premises to which the application relates are, or will be, located, or
 - (b) with the consent of the Principal Registrar—with the Principal Registrar, or
 - (c) as the Licensing Court directs.
- (3) Immediately after fixing the date for the hearing of an application, the Principal Registrar or registrar must send a copy of the application to the Commissioner of Police and the Director of Liquor and Gaming.

Division 2 Advertisement of applications

7 Definition

In this Division:

application means:

- (a) an application for a certificate of registration of a club (section 7 of the Act), or
- (b) a conditional application for approval of the amalgamation of 2 or more registered clubs or an application for the variation of the grant of such an application (section

17A of the Act), or

- (c) a conditional application in relation to a club's new premises or club premises to be added to or altered (section 18 (1) of the Act), or
- (d) an application for the endorsement of a certificate of registration of a club on the club moving to other premises (section 19 (1) of the Act), or
- (e) an application for an order for the endorsement of a certificate of registration indicating that additional premises are part of the premises of a club (section 19A of the Act), or
- (f) an application for authority for a club to move to temporary premises (section 21 (1) of the Act), or
- (g) (Repealed)

8 Applications to be advertised in newspapers

- (1) An applicant must advertise the application in:
 - (a) a newspaper that circulates throughout New South Wales, and
 - (b) a local newspaper that circulates in the area in which the premises to which the application relates are, or will be, located.
- (2) The advertisement must be published 14 clear days before the date fixed by the registrar for the hearing of the application.
- (3) The advertisement must include the following:
 - (a) the full name and address of the applicant,
 - (b) the purpose of the application,
 - (c) the name and location of the premises or proposed premises,
 - (d) the date and place fixed for the hearing of the application.

9 Fixing of copies of applications to premises

- (1) A copy of an application, with the date for hearing inserted in it, must be fixed by the applicant:
 - (a) in the case of an application under section 7 of the Act—to the premises to which the application relates, and
 - (b) in the case of an application under section 17A of the Act—to each of the premises affected by the amalgamation, and

- (c) in the case of an application under section 18 (1) of the Act—to a notice board on the land on which the new premises are to be erected or to the premises proposed to be added to or altered, as the case may be, and
 - (d) in the case of an application under section 19 (1) or 21 (1) of the Act—to the premises from which, and the premises to which, it is proposed to move the club to which the application relates, and
 - (e) (Repealed)
- (2) The copy must be at least of the same print and paper size as the application.
 - (3) The copy must be fixed to the premises or notice board for the whole of the period of 14 days preceding the date for hearing.
 - (4) If premises have not been erected, the requirement to fix a copy of an application to premises may be satisfied by fixing the copy to a notice board erected on the land on which it is proposed to erect the premises.
 - (5) A copy of an application is not fixed to premises or land in accordance with this clause unless:
 - (a) it is fixed to the premises or land in such a position that it is legible to members of the public passing the premises or land, and
 - (b) if the Board has directed that it also be fixed in another specified position—it is also fixed in that other position.

10 Service of copies of applications on local authorities

- (1) An applicant must serve a copy of the application, with the date of hearing inserted in it:
 - (a) in the case of an application under section 7 or 18 (1) (a) or (b1) of the Act—on the local consent authority for the area in which the premises to which the application relates are, or will be, situated, and
 - (b) in the case of an application under section 17A of the Act—on the local consent authority for the area or the local consent authorities for the areas in which the premises affected by the amalgamation are situated, and
 - (c) in the case of an application under section 18 (1) (b), 19 (1) or 21 (1) of the Act—on the local consent authority for the area in which the premises from which it is proposed to move the club are situated and on the local consent authority for any other area in which the premises to which it is proposed to move the club are, or will be, situated, and
 - (d) (Repealed)

- (2) The copy must be served not later than 14 days before the date of hearing of the application.

Division 3 Advertisement of other applications

11 Other applications

A licensing magistrate or the Licensing Court hearing the application may, in relation to an application not covered by Division 2, give any or all of the following directions:

- (a) that specified particulars relating to the application be published in a specified newspaper, or in specified newspapers, in accordance with the direction,
- (b) that a copy of the application be fixed to premises or land in accordance with the direction,
- (c) that a copy of the application be served on a local consent authority in accordance with the direction.

Part 3 Minors

12 Prescribed notices

- (1) For the purposes of section 50B (1) of the Act, the particulars and requirements prescribed, in the case of the notice in a bar, are that the notice, apart from any heading and signature, contain the following words, and no others, in capital letters not less than one centimetre in height:

THE REGISTERED CLUBS ACT 1976 PROHIBITS ANY PERSON UNDER THE AGE OF 18 YEARS BEING IN THIS PART OF THE CLUB.

- (2) (Repealed)

- (3) For the purposes of section 50B (2) of the Act, the particulars and requirements prescribed are that the notice, apart from any heading and signature, contain the following words, and no others, in capital letters not less than one centimetre in height:

THE REGISTERED CLUBS ACT 1976 PROHIBITS ANY MEMBER ENTERING THE NAME OF A PERSON UNDER THE AGE OF 18 YEARS IN THE GUEST REGISTER OR PERMITTING ANY SUCH PERSON TO BE IN A PART OF THE CLUB PREMISES DEFINED UNDER THE ACT AS A BAR.

- (4) (Repealed)

13 Evidence of age

A document of one of the following classes is, for the purposes of section 57 of the Act, acceptable evidence that a person holding the document is at least 18 years of age, but

only if the document bears a photograph of the person and indicates (by reference to the person's date of birth or otherwise) that the person is of or above that age (and only if the document has not expired and otherwise appears to be in force):

- (a) a motor vehicle driver's or rider's licence or permit issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth, of some other State or Territory or of some other country,
- (b) a "proof of age" card issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth or of some other State or Territory,
- (c) a passport issued by the Commonwealth or under the law of some other country,
- (d) a Photo Card issued under the *Photo Card Act 2005*.

14 Denial of allegation as to age

For the purposes of section 63 (3) of the Act, an allegation in an information is denied as prescribed if it is denied:

- (a) at any adjournment prior to the commencement of the hearing of the information—by informing the Licensing Court, the informant or a person appearing for the informant in writing of the denial, or
- (b) at any time not later than 14 days before the hearing of the information—by informing the informant or a person appearing for the informant in writing of the denial.

Part 3A Approvals for access to club premises by junior members

14A Conditions of approval

- (1) For the purposes of section 22A of the Act, an approval to allow members of a registered club who are under the age of 18 years access to areas of the club that would otherwise be restricted is subject to the following conditions:
 - (a) the club is to keep a register of the dates on which members under the age of 18 years have been granted access to those areas of the club in accordance with the approval,
 - (b) the club is to give written notice to the appropriate member of the Police Service of each date on which members under the age of 18 years are to be granted such access at least 7 clear days before that date.
- (2) For the purposes of this clause, the appropriate member of the Police Service is a police officer who holds or is for the time being acting in the position of Patrol Commander of the area in which the registered club that holds the approval is located.

14B (Repealed)

Part 3B Functions authorities

14C Conditions of functions authorities applying to functions for persons under the age of 18 years

(1) In this clause:

function means a function for persons under the age of 18 years.

(2) For the purposes of section 23AA of the Act, a functions authority is subject to the following conditions:

- (a) no liquor in the possession or under the control of the registered club that holds the authority is to be located in any function area or access area specified in the authority while a function is being held under the authority unless it is kept in a locked storage facility to which only the club or any employee of the club has access,
- (b) the registered club is to take all reasonable steps to prevent liquor from being brought into any function area or access area specified in the authority while a function is being held under the authority,
- (c) the registered club and any employee of the club must refuse to admit a person under the age of 18 years to a function being held under the authority if the club or the employee reasonably suspects that the person has recently consumed liquor,
- (d) the registered club is to ensure that, while a function is being held under the authority, signs are displayed at any means of access from a function area or access area specified in the authority to any other area of the premises of the club indicating that persons under the age of 18 years attending the function must not enter that other area,
- (e) the registered club is to ensure that, while a function is being held under the authority, signs are displayed at any means of access to a function area or access area specified in the authority from any other area of the premises of the club indicating that liquor must not be brought into the function area or access area,
- (f) the registered club must ensure that no person (other than an adult who will be supervising the function, a person providing services for the function or an employee of the club) is admitted to a function held under the authority without a ticket purchased from the registered club or an agent of the club before the function,
- (g) any function held under the authority is to end no later than midnight on the day on which the function is held unless the Licensing Court imposes a condition on the authority requiring such functions to end earlier than that time,

- (h) the registered club is to ensure that all persons under the age of 18 years attending the function leave the club premises within 15 minutes after the end of the function,
- (i) any advertising for a function to be held under the authority is to indicate that the function will be alcohol-free, that adult supervision will be provided, that entry will be by way of pre-sold ticket only and that any person under the age of 18 years who is suspected of having consumed alcohol will not be admitted to the function,
- (j) the registered club is to include in the record kept for the purposes of section 23AA (2) (e) of the Act in respect of a function held under the authority the nature of the function, the number of persons under the age of 18 years who attended the function and the number of adults supervising the function,
- (k) the registered club is to give written notice of the holding of a function under the authority to the appropriate member of the Police Service referred to in clause 14E at least 7 clear days before the function is held.

14D Condition of functions authorities applying to all functions

For the purposes of section 23AA of the Act, a functions authority is subject to a condition that the registered club that holds the authority must ensure that at any time during a function held under the authority the number of persons in any function area or access area specified in the authority does not contravene any requirement of the relevant approval of the area as a place of public entertainment under the [Local Government Act 1993](#).

14E Notification of grant of functions authority

For the purposes of section 23A (3) (c) of the Act, the appropriate member of the Police Service is a police officer who holds or is for the time being acting in the position of Patrol Commander of the area in which the registered club that is granted the functions authority is located.

14F Date for payment of annual fee for functions authority

For the purposes of section 23A (4) of the Act, the prescribed date is 15 January.

Part 4

15-30Z (Repealed)

Part 5 Fees

Division 1 Application fees

31 Application fees

The fees to be lodged with applications to the Licensing Court under the Act are as follows:

Application	Fee
Application for a certificate of registration (section 7 of the Act)	\$200
Conditional application in relation to a club's new premises or club premises to be added to or altered (section 18 (1) of the Act)	\$200
Application for the endorsement of a certificate of registration of a club on the club moving to other premises (section 19 (1) of the Act)	\$200
Application for a functions authority (section 23A (1) of the Act)	\$50
Application for a duplicate certificate of registration or authority (section 29 of the Act)	\$25
Application for a variation of the hours during which liquor may be carried away from a registered club on a Sunday (section 46 (6) of the Act)	\$50
Any other application (not being an application under section 33, 34 or 41 of the Act or an application for a final order in respect of an application conditionally granted)	\$50

Divisions 2-4

32-41 (Repealed)

Division 5 Functions authority fees

42 Fee payable for functions authority

- (1) For the purposes of 23A (4) of the Act, the prescribed fee for the issue of a functions authority is \$50.
- (2) The fee payable for the issue of a functions authority is to be reduced by the amount of the fee lodged with the application for the authority.

Part 6 Licensing Court proceedings

43 Hearing of applications

- (1) At the hearing of an application, the applicant and any person who has lodged an objection to the application may appear in person or by the person's counsel or

attorney.

- (2) The business of the Licensing Court may be conducted in the absence of the public:
 - (a) in the case of an application to which no objection has been taken (as provided in section 12 (6) (a) of the *Liquor Act 1982*), and
 - (b) in the case of an application to which all objections taken have subsequently been withdrawn.

44 Affidavits

- (1) An affidavit for use in proceedings before the Licensing Court must:
 - (a) identify the proceedings to which it relates, and
 - (b) if a solicitor is acting in the proceedings for the party who files the affidavit—contain the name, address and telephone number of the solicitor, and
 - (c) be signed at the end, and on each page, by the deponent and the person before whom it is sworn, and
 - (d) have each alteration, interlineation or erasure initialled by the deponent and the person before whom it is sworn, and
 - (e) have any annexure or attachment certified by the person before whom it is sworn.
- (2) The name of the person before whom an affidavit is sworn must be written or printed legibly below the person's signature at the end of the affidavit.
- (3) The Licensing Court may order any material in an affidavit to be struck out.
- (4) Except to the extent that the Licensing Court otherwise directs, an affidavit may be admitted in evidence despite any irregularity in its form.

45 Admissions

- (1) A party to proceedings before the Licensing Court (other than proceedings for an offence) may, by notice served on another party, admit, in favour of that other party and for the purpose only of the proceedings, facts specified in the notice.
- (2) A party to proceedings before the Licensing Court (other than proceedings for an offence) may, by notice served on another party, require that other party to admit, in favour of the party serving the notice and for the purpose only of the proceedings, facts specified in the notice.
- (3) A fact specified in a notice served under subclause (2) is, in favour of the party who served the notice and for the purpose only of the proceedings to which the notice relates, admitted by the party on whom the notice was served unless, within the

period of 14 days after that service, that party serves on the party who served the notice a notice disputing the fact.

- (4) A party to proceedings who serves a notice disputing a fact which is later proved in the proceedings is liable for the costs of proving the fact (except to the extent that the Licensing Court otherwise directs).
- (5) An admission under this clause for the purpose of any proceedings must not be used:
 - (a) against the admitting party in any other proceedings, or
 - (b) in favour of any person other than the person in whose favour the admission is made.

46 Procedural directions

- (1) In relation to any proceedings before the Licensing Court under the Act (other than proceedings for an offence):
 - (a) a licensing magistrate may, before hearing the proceedings, and
 - (b) the Licensing Court may, of its own motion or on application,give such directions (not inconsistent with the Act or this Regulation) as the magistrate or Court thinks necessary or desirable for the proper disposal of the proceedings.
- (2) The directions may include a direction that an application be heard and determined with any other specified application, even though the applications to which the direction relates:
 - (a) are subject to objections that are based on different grounds, or
 - (b) are subject to objections that are based on the same grounds for different reasons, or
 - (c) were made on different dates.
- (3) The Licensing Court may give directions under this clause in respect of a class of proceedings.

47 Appeals to the Licensing Court

- (1) An appeal under section 42B of the Act must be made by:
 - (a) lodging written notice of the appeal with the Principal Registrar not later than 21 days after the adjudication appealed against, and
 - (b) serving copies of that notice on all other parties to the proceedings.

(2) The copies of the notice must be served not later than 7 days after lodgment of the appeal.

(3) A fee of \$100 is payable on lodgment of the notice.

Part 6A Responsible service of alcohol training

47A Definitions

In this Part:

recognised RSA certificate means a recognised RSA certificate within the meaning of Part 7A of the *Liquor Regulation 1996*.

staff member, in relation to a registered club, means any agent or employee of, or person purporting to act on behalf of, the club.

47B Obligations of secretary as to responsible service of alcohol

(1) On and from 1 January 2004, the secretary of a registered club must not:

(a) sell, supply or serve liquor by retail on the premises of the club, or

(b) cause or permit liquor to be sold, supplied or served by retail on the premises of the club,

unless the secretary holds a recognised RSA certificate.

Maximum penalty: 50 penalty units.

(2) On and from 1 January 2004, the secretary of a registered club must not cause or permit a permanent staff member to sell, supply or serve liquor by retail on the premises of the club unless the permanent staff member holds a recognised RSA certificate.

Maximum penalty: 50 penalty units.

(3) On and from 1 July 2004, the secretary of a registered club must not cause or permit a casual staff member to sell, supply or serve liquor by retail on the premises of the club unless the casual staff member holds a recognised RSA certificate.

Maximum penalty: 50 penalty units.

47C Obligations of staff members as to responsible service of alcohol

(1) On and from 1 January 2004, a permanent staff member of a registered club must not sell, supply or serve liquor by retail on the premises of the club unless the permanent staff member holds a recognised RSA certificate.

Maximum penalty: 10 penalty units.

- (2) On and from 1 July 2004, a casual staff member of a registered club must not sell, supply or serve liquor by retail on the premises of the club unless the casual staff member holds a recognised RSA certificate.

Maximum penalty: 10 penalty units.

47CA Obligations in relation to persons carrying on certain security activities

- (1) On and from 1 March 2005, the secretary of a registered club must not cause or permit a person to be employed or engaged to carry on activities as a crowd controller or bouncer on or about the premises of the club unless the person holds a recognised RSA certificate.

Maximum penalty: 50 penalty units.

- (2) On and from 1 March 2005, a person must not, in the course of the person's employment, carry on activities as a crowd controller or bouncer on or about the premises of a registered club unless the person holds a recognised RSA certificate.

Maximum penalty: 10 penalty units.

Note—

Under the [Security Industry Act 1997](#), a person who is employed to act as a crowd controller or bouncer is required to hold a class 1C licence under that Act.

47D Conduct of promotional activities

For the purposes of this Part:

- (a) liquor that is sold, supplied or served on the premises of a registered club as part of a promotional activity conducted by someone other than the club is taken to have been sold, supplied or served by retail, and
- (b) any person by whom liquor is sold, supplied or served on the premises of a registered club as part of a promotional activity conducted by someone other than the club is taken to be a permanent staff member.

47E Secretary to keep register of recognised RSA certificates

- (1) It is a condition of the certificate of registration of a registered club that the secretary of the club must keep a register containing:
- (a) a copy of the recognised RSA certificate for the secretary, and
- (b) a copy of the recognised RSA certificate for each staff member whose duties include the sale, supply or service of liquor by retail, and
- (c) a copy of the recognised RSA certificate for each person who is employed or engaged to carry on activities as a crowd controller or bouncer on or about the

premises of the club.

- (2) It is a condition of the certificate of registration of a registered club that the secretary of the club must make the register kept under this clause available for inspection on request by a police officer or special inspector.

Part 6B Accountability of registered clubs

47F Returns under section 41F of the Act

- (1) A return submitted under section 41F of the Act by a member of the governing body of a registered club or an employee of a registered club:
 - (a) is to be submitted within 21 days after the end of each financial year of the registered club, and
 - (b) is to relate to gifts received during that financial year, and
 - (c) is to be in a form approved by the Director.
- (2) For the purposes of section 41ZC, the prescribed guidelines for determining what constitutes a gift to be disclosed in a return referred to in subclause (1) are as follows:
 - (a) a gift must be disclosed if its value exceeds \$500 or, when added to the value of all other gifts received from the same donor during the financial year to which the return relates, exceeds \$500,
 - (b) if the value of a gift (other than money) is unable to be determined in accordance with subclause (3), the gift must be disclosed.
- (3) The value of any gift (other than money) is to be determined as a reasonable estimate of the amount that the gift would have cost the recipient if the recipient had had to obtain it for himself or herself at the time at which it was given.

47G Register to be kept under section 41G of the Act

- (1) The register required to be kept under section 41G of the Act must be kept in accordance with this clause.
- (2) The register must:
 - (a) be kept in electronic format or hard copy, and
 - (b) be kept in a form that separates entries into sections according to each financial year of the registered club concerned, and
 - (c) list separately each interest or gift included in a disclosure, declaration or return required to be recorded in the register, and
 - (d) be in a form approved by the Director.

- (3) A request under section 41G of the Act for inspection of the register is to include the name, membership number and postal address of the member making the request.

47H Annual reporting requirements under section 41H of the Act

The information to be sent by a registered club under section 41H of the Act:

- (a) must be sent within 4 months after the end of the financial year to which the information relates, and
- (b) may be sent in electronic form to a member of the club who has provided an e-mail address to the club for that purpose, and
- (c) if more than one member of the club reside at the same address and those members consent, may be sent as one copy addressed to all of those members, and
- (d) may accompany other material sent by the club or form part of another document, and
- (e) in relation to the information required to be sent under section 41H (1) (d) of the Act, must list the amount of each loan separately, but must not disclose the names of the employees to whom the loans were made, and
- (f) must be in a form approved by the Director.

47I Exemptions from disposal of land provisions in section 41J of the Act

- (1) The granting of a lease or licence by a registered club in the following circumstances is exempt from section 41J (1) of the Act:
 - (a) where the lease or licence was granted to a person for the purpose of enabling the person to provide goods or services exclusively to members of the club and their guests and to other persons attending the club in accordance with a functions authority held by the club under section 23 of the Act,
 - (b) where the lease or licence was granted to a person for the purpose of enabling the person to provide goods or services to members of the club and their guests and to other members of the public and the granting of the lease or licence for that purpose has been approved at a general meeting of the ordinary members of the club at which a majority of the votes cast supported the approval.
- (2) The granting by a registered club of an easement over land is exempt from section 41J (1) (b) of the Act.
- (3) The termination by a registered club of a lease or licence held over land by the club is exempt from section 41J (1) (b) of the Act.
- (4) The disposal of land to a government department, statutory body representing the Crown, State owned corporation or local council is exempt from the provisions of

section 41J (1) of the Act.

47J Exemptions from section 41L of the Act in relation to contracts with secretary, manager, close relatives and others

A contract entered into by a registered club for the provision of goods or services by a person or body referred to in section 41L (1) of the Act is exempt from that section if:

- (a) the premises of the club for which the goods and services are to be provided are not situated in the metropolitan area (as defined in section 17AC (1) of the Act), and
- (b) the contract has been entered into as a result of an open tender process conducted by the club.

47K Controlled contracts under section 41O of the Act

(1) For the purposes of section 41O of the Act, a contract with a registered club for the provision of professional advice to the club (other than legal advice or advice provided by a registered liquidator) relating to any of the following matters is prescribed as a controlled contract:

- (a) significant changes to the management structure of the club or the governance of the club,
- (b) significant changes to the financial management of the club,
- (c) the disposal of real property owned by the club,
- (d) the amalgamation of the club with another club.

(2) The following are included as terms and conditions of a contract prescribed as a controlled contract by subclause (1):

- (a) that the contract is of no effect unless it has been approved by the governing body of the registered club concerned,
- (b) that a person (other than the registered club) that is a party to the contract must not be employed or otherwise engaged by the registered club to carry out functions relating to the governance of the club or the financial management of the club,
- (c) that a person (other than the registered club) that is a party to the contract must not buy or otherwise receive from the club any real property disposed of by the club as a result of the advice provided under the contract.

Part 7 Miscellaneous

48 Maximum period for which court may order closure of premises

The period prescribed for the purposes of section 17AAD (5) of the Act is 6 months.

48A Maintenance of records

For the purposes of clause 72 of Schedule 2 to the Act, the prescribed date is 31 December 1998.

49 Notification of cessation as secretary

For the purposes of section 32 (3) of the Act, the prescribed notification is a notification in writing containing the following particulars:

- (a) the name and address of the registered club,
- (b) the registration number,
- (c) the former secretary's name,
- (d) the date on which the former secretary ceased to be the secretary and the reason for the cessation.

50 Submission of regular statements of income and expenditure to club's board or committee

The statement of income and expenditure referred to in section 40 (1) (a) of the Act must be in a form approved for the purpose by the Board.

50A Sale of undesirable liquor products

- (1) For the purposes of section 57C of the Act, the following are declared to be undesirable liquor products:
 - (a) alcoholic iceblock—a product that is sold in an individual package or individual packages for consumption in frozen form and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
 - (b) a product that is sold in an aerosol container for consumption by humans and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
 - (c) any milk product that is sold or supplied under a name that consists of, or includes, the words "Moo Joose" and that, at 20° Celsius, contains more than 1.15 per cent ethanol by volume,
 - (d) any alcoholic vapour that is sold or supplied for consumption in that form.
- (2) In subclause (1) (c), **milk product** includes any product made from reconstituted milk

(that is, any substance in the nature of milk that has been prepared from milk concentrate or milk powder).

50B Drinking water to be available free of charge where liquor served

The certificate of registration of a club is subject to a condition that drinking water must, at all times while liquor is sold or supplied on the premises of the club, be available free of charge to patrons at or near the point of service at which, or by the same means of service by which, liquor is sold or supplied on the premises.

50C Exceptions to 5-kilometre rule

- (1) The object of this clause is to enable local residents (that is, persons who ordinarily reside within a radius of 5 kilometres from the premises of a registered club) to be admitted as temporary members of that club in certain circumstances.
- (2) Section 30 (3B) of the Act does not apply in relation to a person who ordinarily resides in an area that is for the time being approved by the Director as an excepted area for the purposes of this clause.

Note—

Under section 30 (3B) of the Act, a person whose ordinary place of residence is within a 5-kilometre radius of the premises of a registered club is not eligible for admission as a temporary member of that club.

- (3) The Director may, on application by a registered club, approve an area that is within a radius of 5 kilometres of the premises of the club as an excepted area.
- (4) Any such application must be in the form and manner approved by the Director and be accompanied by such information as may be required by the Director.
- (5) An area that is within a radius of 5 kilometres of the premises of a registered club may be approved as an excepted area only if the Director is satisfied that persons living in that area are required, because of a geographical or other physical barrier, to travel more than 5 kilometres (using the most direct or practicable route) in order to reach the premises of the club.
- (6) An approval under this clause:
 - (a) is subject to such conditions as may be determined by the Director, and
 - (b) may be varied or revoked at any time by the Director.
- (7) Without limiting the conditions to which an approval may be subject, the Director may impose a condition requiring the registered club to which the approval relates to indicate the excepted area concerned on the map displayed under section 30 (2A) (a) of the Act.

51 Penalty notice offences

For the purposes of section 66 of the Act:

- (a) each offence created by a provision of the Act or this Regulation specified in Column 1 of Schedule 3 is stated to be an offence to which that section applies, and
- (b) the prescribed penalty payable for such an offence if dealt with under that section is:
 - (i) in the case of a person other than a minor—the amount specified in Column 4 of Schedule 3 (if any), or
 - (ii) in the case of a minor—the amount specified in Column 5 of Schedule 3 (if any).

52 Short descriptions of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 3 consists of the IPB Code (if any) set out in relation to that offence in Column 3 of Schedule 3 and:
 - (a) the text set out in relation to the offence in Column 2 of Schedule 3, or
 - (b) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 3, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.
- (5) In this clause:

Infringement Processing Bureau means the Infringement processing bureau within the Police Service.

IPB Code, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

53 Divulging of information

- (1) For the purposes of section 72C (2) (c) of the Act, the following persons are

prescribed:

- (a) the Director of Liquor and Gaming,
- (b) the Casino Control Authority.

(2) For the purposes of section 72C (2) (c) of the Act, the following persons are prescribed, but only in relation to the divulging of information necessary to enable them to carry out the services referred to in the following paragraphs for which they were engaged or employed:

- (a) persons who the Minister is satisfied have been engaged as consultants by the government to carry out a survey of the registered clubs industry and an analysis of the results of the survey and who are designated in writing by the Minister for the purposes of this subclause,
- (b) persons engaged or employed by those consultants to perform services in relation to that survey and analysis and who are designated in writing by the Minister for the purposes of this subclause.

53A Transitional provision—application of club amalgamation provisions to “pre-committed” clubs

- (1) A registered club that is a party to a proposed amalgamation under section 17A of the Act is taken to have complied with the requirements of sections 17AD and 17AE of the Act (as inserted by Schedule 3 [15] to the *Gaming Machines Act 2001*) with respect to the proposed amalgamation if:
 - (a) an application under section 17A of the Act in relation to the proposed amalgamation was made before 26 July 2001, or
 - (b) the Board is satisfied that the members of the clubs proposing to amalgamate had voted, before that date, in support of the proposed amalgamation, or
 - (c) the Board is satisfied that there is documentary evidence, made or prepared before that date, of an intention to amalgamate (such as a memorandum of understanding between the clubs proposing to amalgamate).
- (2) Accordingly, sections 17AD and 17AE of the Act do not apply to an application under section 17A of the Act if the parties to the proposed amalgamation are taken, as provided by subclause (1), to have complied with the requirements of those sections.
- (3) Section 17AH of the Act (as inserted by Schedule 3 [15] to the *Gaming Machines Act 2001*) does not apply to an application under section 17A of the Act if the parties to the proposed amalgamation are taken, as provided by subclause (1), to have complied with the requirements of sections 17AD and 17AE of the Act.

54 Repeal

- (1) The *Registered Clubs Regulation 1983* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Registered Clubs Regulation 1983*, had effect under that Regulation continues to have effect under this Regulation.

55 (Repealed)

55A Transitional provision—existing rules relating to full members' entitlement to vote at election of club directors

If, immediately before 1 August 1997, the rules of a registered club provided, in accordance with section 30 (9) (a) of the Act, that a certain class or classes of the full members of the club only are entitled to vote at the annual election of the governing body of the club, those rules are taken to also apply to and in respect of the election of the club's governing body on a biennial basis in accordance with section 30 (1) (a) (ii) of the Act (as amended by the *Registered Clubs and Liquor Legislation Amendment Act 1997*).

56 Transitional provisions relating to *Registered Clubs Amendment Act 2003*

- (1) Section 34A (1) of the Act has no operation until 9 October 2004.
- (2) Section 34D (1) and (2) of the Act do not apply to any appointment of a manager of a registered club that occurred before the commencement of that section.
- (3) If section 41C of the Act would (but for this subclause) operate so as to require a person to declare an interest that the person became aware of before the commencement of that section, the section is to be read as:
 - (a) requiring the person to declare the interest at a meeting of the governing body of the registered club concerned as soon as practicable after that commencement, and
 - (b) not requiring the person to declare an interest that has already been declared by the person under section 39 of the Act before the repeal of that section.
- (4) A return under section 41F of the Act for a financial year that began before the commencement of that section but ended after that commencement need only include gifts received during the part of the financial year that began on that commencement.
- (5) Section 41J of the Act does not apply to the disposal of land by a registered club in the following circumstances:
 - (a) if a contract of sale of the land, or some other binding agreement to sell the land, was entered into by the club before that commencement,

- (b) if an option to buy the land was granted by the club before that commencement,
- (c) if a lease in relation to the land was entered into before the commencement of that section that included an option to renew that would take effect after that commencement,
- (d) if the club had given notice before that commencement that it intended to terminate a lease or licence held over the land by the club.

56B, 56C (Repealed)**Part 8****57-83 (Repealed)****Schedules 1, 2 (Repealed)****Schedule 3 Penalty notice offences**

(Clauses 51 and 52)

Offences under the Act

Column 1	Column 2	Column 3	Column 4	Column 5
Offence	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Section 27A (1)	Fail to make/keep liquor acquisition record	5597, 1615	\$220	—
Section 27A (2)	Fail to keep liquor acquisition record as required	5598, 1616	\$220	—
Section 27A (3)	Fail to retain club business document/record as required	5599, 1617	\$220	—
Section 27A (5)	Fail to comply with inspector's requirement	6492, 1618	\$220	—
Section 27B (1)	Fail to keep low alcohol liquor payments record	1619	\$220	—
Section 37 (1)	Fail to lodge AGM document	6479	\$110	—
Section 39 (1) (a)	Fail to disclose interest of governing body of registered club	5599, 0693	\$110	—
Section 39 (1) (b)	Fail to exhibit particulars for 14 days	5600, 0694	\$110	—

Section 39 (1) (c)	Fail to lodge annual report	5601, 0698	\$110	—
Section 40 (3)	Club fail to prepare, submit and display statements as required	5802, 0699	\$110	—
Section 44 (1)	Supply/dispose of/cause/suffer supply/disposal of liquor off defined premises (club)	6480, 1621	\$220	—
Section 44 (2)	Supply/dispose of/cause/suffer supply/disposal of liquor off defined premises (person)	6493, 1622	\$110	—
Section 44A (1) (a)	Secretary permit intoxication in club	6482, 1623	\$550	—
Section 44A (1) (b)	Secretary permit indecent/violent/quarrelsome conduct in club	6483, 1624	\$550	—
Section 44A (2)	Sell/supply liquor to intoxicated person in club	6494	\$550	—
Section 45 (1)	Non-member/temp member using club accommodation/ facilities/ amenities	6498	\$110	\$55
Section 45A	Make entry relating to a minor in guest register	6495	\$110	\$55
Section 47 (a)	Club breaching club rule referred to in section 30 (1)/(2)/(2A)	6481, 1628	\$110	—
Section 47 (b)	Secretary breaching club rule referred to in section 30 (2)/(2A)	6484, 1629	\$55	—
Section 48 (6)	Use prohibited name for premises or advertising material	5603, 0700	\$55	—
Section 49	Fail to lodge amended rules of club	5605, 0715	\$55	—
Section 50 (1) (a)	Sale/supply/disposal of liquor to minor on club premises	6485, 1630	\$550	—
Section 50 (1) (b)	Fail to remove minor from bar	6486, 1631	\$550	—

Section 50 (2)	Supply/disposal of liquor to minor on club premises	6496, 1632	\$220	—
Section 50 (2A)	Minor (guest of member) in bar (offence by member)	6499, 1633	\$220	—
Section 50B (1)	Fail to display minors notice in bar	6488, 1636	\$220	—
Section 50B (2)	Fail to display notice about members' obligations (minors)	6489, 1637	\$220	—
Section 51 (1) (a)	Permit minor to consume liquor on club premises	6501, 1638	—	\$55
Section 51 (1) (b)	Minor obtaining/attempting to obtain liquor to consume on premises	6502, 1639	—	\$55
Section 51 (1) (c)	Minor carrying away/attempting to carry away liquor from premises	6503, 1640	—	\$55
Section 52 (1)	Minor entering/in a bar	6506, 1643	—	\$55
Section 52A (2) (a)	Suspected minor refusing/failing to state name or address	5606, 0716, 6507, 1644	\$110	\$55
Section 52A (2) (b)	Suspected minor refusing/failing to produce evidence of age	5607, 0733, 6508, 1645	\$110	\$55
Section 52B (1)	Secretary/employee permit entry to minor	6490, 1646	\$550	—
Section 52B (2)	Secretary/employee supply liquor to minor	6491, 1647	\$550	—
Section 52C	Minor using false evidence of age	6509, 1648	—	\$55
Section 54B (1) (a)	Club permit unlawful gaming on club premises	5608, 0741	\$220	—
Section 54B (1) (b)	Secretary permit unlawful gaming on club premises	5609, 0751	\$110	—
Section 54B (2)	Employee permit unlawful gaming on club premises	5610, 0755	\$110	—
Section 55 (1)	Make false or misleading statement in/omit material matter from an official document	5611, 0767, 5612, 0786	\$550	\$55

Section 57 (2)	Minor providing false/ misleading information to get age evidence	6510, 1649	—	\$110
Section 57 (3)	Providing/certifying false/ misleading information for age evidence	6497, 1650, 5613, 1106	\$220	\$110
Section 67A (4)	Fail to leave club premises	6067, 1168, 5614, 0779	\$550	\$55
Clause 47B	—	—	\$550	—
Clause 47C	—	—	\$110	—

Offences under the Registered Clubs Regulation 1996

Column 1	Column 2	Column 3	Column 4	Column 5
Offence	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Clause 47B	—	—	\$550	—
Clause 47C	—	—	\$110	—
Clause 47CA (1)	—	—	\$550	—
Clause 47CA (2)	—	—	\$110	—

Schedules 4, 5 (Repealed)