

# Registered Clubs Amendment Act 2006 No 103

[2006-103]



New South Wales

## Status Information

### Currency of version

Historical version for 4 July 2007 to 30 June 2008 (accessed 12 July 2024 at 3:31)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

### Notes—

- **See also**  
[Statute Law \(Miscellaneous Provisions\) Bill 2008](#)
- **Proposed repeal**  
The Act is to be repealed by sec 4 (1) of this Act on the day following the day on which all of the provisions of this Act have commenced.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 6 June 2008

# Registered Clubs Amendment Act 2006 No 103



New South Wales

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# Registered Clubs Amendment Act 2006 No 103



New South Wales

An Act to amend the *Registered Clubs Act 1976* to make further provision with respect to club amalgamations, rules and membership of clubs, reporting and disclosure requirements and the disposal of club property; and for other purposes.

## 1 Name of Act

This Act is the *Registered Clubs Amendment Act 2006*.

## 2 Commencement

This Act commences on a day or day to be appointed by proclamation.

## 3 Amendment of *Registered Clubs Act 1976 No 31*

The *Registered Clubs Act 1976* is amended as set out in Schedule 1.

## 4 Repeal of Act

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

## Schedule 1 Amendments

(Section 3)

### [1] Section 10 Requirements to be met by clubs

Omit section 10 (1) (l). Insert instead:

- (l) The club must comply with any requirements imposed on the club under section 38.

### [2] Section 17 Determination of complaints against registered clubs

Omit "37, 39, 40," from section 17 (1AA) (a) (x).

**[3] Section 17AC Definitions**

Omit the definition of *metropolitan area* from section 17AC (1).

**[4] Section 17AC (1), definition of “same area”**

Omit the definition. Insert instead:

*same area*, in relation to the amalgamation or proposed amalgamation of 2 or more registered clubs, means the area within a radius of 50 kilometres of the main premises of the parent club.

**[5] Section 17AD Deed of amalgamation**

Omit the section.

**[6] Section 17AE Requirements in relation to club amalgamations**

Insert “and the regulations” after “this section” in section 17AE (1).

**[7] Section 17AE (3) and (4)**

Omit the subsections.

**[8] Section 17AF General limit of 10 amalgamations per club**

Omit “4” from section 17AF (1). Insert instead “10”.

**[9] Section 17AF (2)-(4)**

Omit the subsections.

**[10] Section 17AG Clubs that have already amalgamated with more than 4 other clubs**

Omit the section.

**[11] Section 17AH Clubs allowed to amalgamate if situated in same area only**

Omit “is not able” wherever occurring in section 17AH (2).

Insert instead “is not, after calling for expressions of interests in accordance with the regulations from clubs in the same area, able”.

**[12] Section 17AI Major assets of dissolved club to be kept intact**

Omit “the assets identified in a notice under section 17AE” from the definition of *major assets* in section 17AI (3).

Insert instead “assets that are of a class prescribed by the regulations”.

**[13] Section 25 Grounds of objection**

Insert “(including any regulations made under or for the purposes of that Division)” after “this Part” in section 25 (2) (g).

**[14] Section 30 Rules of registered clubs**

Insert after section 30 (1) (a):

- (a1) In the case of a club that has more than 10,000 full members, the election of the governing body of the club is to be conducted by a person or body approved by the Director.
- (a2) In the case of a club that has 10,000 or less full members, the election of the governing body of the club is to be conducted in such manner as may be determined by the regulations.

**[15] Section 30 (1) (b1) and (b2)**

Insert after section 30 (1) (b):

- (b1) A person is not eligible to stand for election as a member of the governing body of the club unless the person declares in writing that the person has received the education and training material for club directors that is approved by the Director.
- (b2) Any such written declaration is to be kept by the club in a register for a period of at least 3 years and made available to the Director on request.

**[16]-[26] (Repealed)**

**[27] Section 37 Lodgment of registered club’s balance sheet and profit and loss account or income and expenditure account**

Omit the section.

**[28] Section 37A Lodgment of certain information**

Omit the section.

**[29] Section 38 Reporting requirements of registered clubs**

Omit section 38 (1). Insert instead:

- (1) The regulations may make provision for or with respect to the reporting requirements of registered clubs (including requirements relating to the financial statements and accounts of registered clubs and the information to be disclosed by registered clubs).

**[30] Section 38 (2)**

Omit “the provisions of subsection (1)”.

Insert instead “regulations made for the purposes of subsection (1)”.

**[31] Section 40 Regular statements of receipts and payments**

Omit the section.

**[32] Section 41B Definitions**

Omit the definition of **land** from section 41B (1).

**[33] Section 41B (1), definition of “top executive”**

Omit the definition. Insert instead:

**top executive** of a registered club means each of the following:

- (a) the secretary of the club,
- (b) a person appointed under section 34A as the manager of any premises of the club,
- (c) a person who is, or who is of a class, prescribed by the regulations for the purposes of this definition.

**[34]-[37] (Repealed)**

**[38] Part 4A, Division 3 Register of interests and reporting requirements of registered clubs**

Omit the Division.

**[39] Section 41J**

Omit the section. Insert instead:

**41J Disposal by registered club of real property**

(1) In this section:

**core property** of a registered club means any real property owned or occupied by the club that comprises:

- (a) the defined premises of the club, or
- (b) any facility provided by the club for the use of its members and their guests,  
or

(c) any other property declared, by a resolution passed by a majority of the members present at a general meeting of the ordinary members of the club, to be core property of the club,

but does not include any property referred to in paragraphs (a)–(c) that is declared, by a resolution passed by a majority of the members present at a general meeting of the ordinary members of the club, not to be core property of the club.

**dispose** of property means to sell, lease or licence the property or to otherwise deal with the property in such manner as may be prescribed by the regulations.

**non-core property** of a registered club means any real property owned or occupied by the club that is not core property.

- (2) The annual report of a registered club must specify the core property and non-core property of the club as at the end of the financial year to which the report relates.
- (3) A registered club must not dispose of any core property of the club unless:
  - (a) the property has been valued by a registered valuer within the meaning of the *Valuers Act 2003*, and
  - (b) the disposal 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, and
  - (c) any sale is by way of public auction or open tender conducted by an independent real estate agent or auctioneer.
- (4) The regulations may create exceptions to this section.

**[40] Section 41O Controlled contracts**

Omit the section.

**[41] Section 41Q Director may apply for orders in relation to disposal of real property owned by registered club**

Omit section 41Q (1). Insert instead:

- (1) If any real property that is owned or occupied by a registered club is disposed of otherwise than as provided by section 41J, the Director may make an application to the Supreme Court for an order in relation to the disposition of the property.

**[42] Section 41Q (2) and (3)**

Omit “the land” wherever occurring. Insert instead “the property”.

**[43] Section 41R Termination of certain contracts**

Omit section 41R (1). Insert instead:

- (1) This section applies in relation to a contract (other than a contract for the disposal of real property owned or occupied by a registered club) entered into by a registered club in contravention of a provision of Division 4.

**[44]-[48] (Repealed)**

**[49] Section 65 Proceedings for offences arising under this Act**

Omit “37,” and “40,” from the Table to the section.

**[50] Section 73 Regulations**

Insert “the following” after “for or with respect to” where secondly occurring in section 73 (1).

**[51] Section 73 (1) (k), (l) and (m)**

Omit “or” wherever occurring.

**[52] Section 73 (1) (o)**

Insert after section 73 (1) (n):

- (o) the amalgamation of registered clubs under section 17A.

**[53] (Repealed)**

**[54] Schedule 2, Part 19**

Insert after Part 18:

## **Part 19 Registered Clubs Amendment Act 2006**

### **91 Pending applications for club amalgamations**

Subject to the regulations, the amendments made by the *Registered Clubs Amendment Act 2006* to Division 1A of Part 2 do not apply to or in respect of an application under section 17A that was made (but not granted) before the commencement of those amendments and any such application is to be heard and determined as if those amendments had not been made.