

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 2A Requirements relating to club amalgamations

11A Calling for expressions of interest

- (1) If a registered club (***the proponent club***) is seeking or proposing to amalgamate, the proponent club must, before entering into any agreement or understanding with another club about an amalgamation (regardless of where the premises of that other club are situated), call for expressions of interest in amalgamating from each other registered club that has premises within a radius of 50 kilometres of the premises of the proponent club.
- (2) The Director may give directions to registered clubs with respect to calling for expressions of interest under subclause (1) and a registered club must, in calling for expressions of interest, comply with any such direction given to the club.

11B Notification to club members of proposed amalgamation

For the purposes of section 17AE (2) of the Act, the members of a registered club that is a party to a proposed amalgamation must be notified of the proposed amalgamation by means of a notice:

- (a) displayed on a notice board on the club's premises, and
- (b) published on the club's website (if any).

11C Memorandum of understanding between amalgamating clubs

- (1) If 2 or more registered clubs are proposing to amalgamate, the clubs must enter into a memorandum of understanding with respect to the proposed amalgamation.

- (2) The memorandum of understanding must state each club's position regarding the proposed amalgamation and deal with (or include) the following:
- (a) the manner in which the premises and other facilities of the dissolved club will be managed and the degree of autonomy that will be permitted in the management of those premises and facilities,
 - (b) a list of the traditions, amenities and community support that will be preserved or continued by the amalgamated club,
 - (c) intentions regarding the future direction of the amalgamated club,
 - (d) the extent to which the employees of the amalgamated club will be protected,
 - (e) intentions regarding the following assets of the dissolved club:
 - (i) any core property (within the meaning of section 41J of the Act) of the club,
 - (ii) any cash or investments held by the club,
 - (iii) any poker machine entitlements allocated under the [Gaming Machines Act 2001](#) in respect of the premises of the club,
 - (f) the circumstances that would permit the amalgamated club to cease trading on the premises of the dissolved club or to substantially change the objects of the dissolved club,
 - (g) an agreed period of time before any action referred to in paragraph (f) can be taken by the amalgamated club.
- (3) The memorandum of understanding must:
- (a) be made available to the ordinary members of each registered club that is a party to the proposed amalgamation at least 21 days before any meeting is held by the members of the club for the purposes of voting on whether to approve the proposed amalgamation, and
 - (b) be made available for inspection on the premises of each such registered club and on the club's website (if any) for at least 21 days before any such meeting is held.
- (4) If a conditional application is made under section 17A (2) of the Act for approval of the amalgamation of 2 or more registered clubs, the application must be accompanied by a copy of the memorandum of understanding required to be entered into under this clause.

11D "Major assets" of dissolved club

For the purposes of the definition of **major assets** of a dissolved club in section 17AI (3) of the Act, any core property (within the meaning of section 41J of the Act) of the club is a

prescribed class of assets.

Note—

Section 17A1 of the Act restricts the “parent” club from disposing of the major assets of the dissolved club during the period of 3 years following the amalgamation.

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

47FA Definition of “top executive”

- (1) Except as provided by subclause (2), the following persons are prescribed for the purposes of the definition of **top executive** of a registered club in section 41B (1) of the Act:

Note—

Club secretaries (including acting club secretaries) and managers of club premises are already covered by

the definition of **top executive** in the Act.

- (a) a person appointed under section 34A (3) of the Act to act as a manager of any premises of the club,
- (b) a person (other than the secretary of the club, any manager appointed under section 34A of the Act or any person referred to in paragraph (a)) who is one of the 5 highest paid employees of the club (including any person who acts in the position of any such employee for a continuous period of not less than 3 months),
- (c) any person who is nominated by the club as a top executive.

(2) Subclause (1) does not apply in relation to a person if:

- (a) the person's total remuneration package does not exceed \$100,000 per year, or
- (b) the person is not involved in the general administration of the registered club or with its liquor and gaming business.

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 or remuneration 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 Secretary to keep register of disclosures, declarations and returns

The secretary of a registered club must keep, in the form and manner approved by the Director, a register of all disclosures, declarations and returns made in relation to the club under Division 2 of Part 4A of the Act (including a declaration recorded as referred to in

section 41D (4)).

Maximum penalty: 50 penalty units.

47H Reporting requirements of clubs—financial statements

A registered club must:

- (a) prepare, on a quarterly basis, financial statements that incorporate:
 - (i) the club's profit and loss accounts and trading accounts for the quarter, and
 - (ii) a balance sheet as at the end of the quarter, and
- (b) provide the financial statements to the governing body of the club, and
- (c) make the financial statements available to the members of the club within 48 hours of the statements being adopted by the governing body, and
- (d) indicate, by displaying a notice in the form approved by the Director on the club's premises and on the club's website (if any), how the members of the club can access the financial statements, and
- (e) provide a copy of the financial statements to any member of the club or the Director on the request (in writing) of the member or the Director.

Maximum penalty: 50 penalty units.

47HA Reporting requirements of clubs—provision of information to members

(1) A registered club must:

- (a) record the information specified in subclause (2) and keep it in a form approved by the Director, and
- (b) make the information available to the members of the club within 4 months after the end of the reporting period to which the information relates, and
- (c) indicate, by displaying a notice in the form approved by the Director on the club's premises and on the club's website (if any), how the members of the club can access the information, and
- (d) provide a copy of the information to any member of the club or the Director on the request (in writing) of the member or the Director.

Maximum penalty: 50 penalty units.

(2) The information to be recorded is as follows:

- (a) any disclosure, declaration or return received by the club under Division 2 of Part 4A of the Act during the reporting period,

- (b) the number of top executives of the club (if any) whose total remuneration for the reporting period (comprising salary, allowances and other benefits) falls within each successive \$10,000 band commencing at \$100,000,
- (c) details (including the main purpose) of any overseas travel during the reporting period by a member of the governing body of the club or an employee of the club in the person's capacity as a member of the governing body or employee, including the costs wholly or partly met by the club for the member of the governing body, employee and any other person connected with any such travel,
- (d) details of any loan made during the reporting period to an employee of the club if the amount of the loan (together with the amount of any other loan to the employee by the club that has not been repaid) is more than \$1,000, including the amount of the loan and the interest rate, if any,
- (e) details of any contract approved during the reporting period under section 41M of the Act,
- (f) the name of any employee of the club who the registered club is aware is a close relative of a member of the governing body of the club or of a top executive of the club and the amount of the remuneration package paid to the employee,
- (g) details of any amount equal to or more than \$30,000 paid by the club during the reporting period to a particular consultant, including the name of the consultant and the nature of the services provided by the consultant,
- (h) the total amount paid by the club during the reporting period to consultants (other than amounts required to be included under paragraph (g)),
- (i) details of any settlement made during the reporting period with a member of the governing body of the club or an employee of the club as a result of a legal dispute and the amount of any associated legal fees incurred by the member or employee that were or are to be paid by the club, unless the disclosure of such information would be in breach of any confidentiality provision agreed to by the club,
- (j) details of any legal fees (not referred to in paragraph (i)) paid by the club on behalf of a member of the governing body of the club or an employee of the club,
- (k) the total amount of the profits (within the meaning of the *Gaming Machine Tax Act 2001*) from the operation of approved gaming machines in the club during the gaming machine tax period relating to the reporting period,
- (l) the amount applied by the club during the gaming machine tax period to community development and support under Part 4 of the *Gaming Machine Tax Act 2001*.

- (3) For the purposes of subclause (2) (f), a registered club is to make all reasonable inquiries to ascertain the name of any employee of the club who is a close relative of a member of the governing body of the club or of a top executive of the club.
- (4) A reference in subclause (2) (f) or (3) to an employee of a registered club does not include a reference to an employee who:
 - (a) holds a position that is subject to an industrial award under a law of the State or the Commonwealth, and
 - (b) receives a remuneration package for that position of a value not exceeding the rate of pay applicable to the position that is provided for in the award.
- (5) In this clause:

gaming machine tax period means the period of 12 months beginning on 1 September in the financial year concerned and ending on 31 August in the following year.

reporting period means the relevant financial year of the registered club in relation to which the information is provided.

471 Exceptions to requirements relating to disposal of core property

- (1) Section 41J (3) of the Act does not apply in relation to the disposal of any core property of a registered club in any of the following circumstances:
 - (a) the property is being leased or licensed for a period not exceeding 10 years on terms that have been the subject of a valuation by a registered valuer,
 - (b) the property is being disposed of to a wholly owned subsidiary of the club,
 - (c) the property is being leased or licensed to a telecommunications provider for the purposes of a telecommunication tower,
 - (d) the disposal of the property involves calling for expressions of interest and a subsequent selective tendering process, and the disposal and disposal process has been approved by a majority vote at a general meeting of the ordinary members of the club,
 - (e) the property is being sold by private treaty, but only if it failed to sell at public auction or open tender following compliance with the requirements of section 41J (3) of the Act,
 - (f) the terms and nature of the disposal (including details of the parties, property, price and valuation) are disclosed to the ordinary members of the club, and the disposal is approved at a general meeting of the ordinary members of the club,
 - (g) the Director has, on application by the registered club, approved of the property

being disposed of otherwise than in accordance with section 41J (3) of the Act.

- (2) An application under subclause (1) (g) for the Director's approval must:
 - (a) be in the form and manner approved by the Director, and
 - (b) be accompanied by such information as may be required by the Director.
- (3) Section 41J (3) of the Act does not apply in relation to the leasing or licensing of any core property of a registered club if the lease or licence:
 - (a) is 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, or
 - (b) is 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.
- (4) Section 41J (3) of the Act does not apply in relation to the disposal of any core property of a registered club to a government department, statutory body representing the Crown, State owned corporation or local council.

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

- (1) 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, and
 - (b) the contract has been entered into as a result of an open tender process conducted by the club.
- (2) In this clause, **metropolitan area** means any of the following areas as determined by the Australian Bureau of Statistics:
 - (a) the Sydney Statistical Division,
 - (b) the Statistical Local Areas of Newcastle (Statistical Local Areas 5901 and 5902),
 - (c) the Statistical Local Area of Lake Macquarie (Statistical Local Area 4650),
 - (d) the Statistical Local Area of Wollongong (Statistical Local Area 8450).

47K Pecuniary interests in companies (section 41K of the Act)

The following guidelines are prescribed under section 41ZC of the Act for determining whether or not a member of the governing body of a registered club, or a top executive of a registered club, has a pecuniary interest in a company for the purposes of section 41K (1) of the Act:

- (a) a shareholding of more than 5% in a company is a pecuniary interest (unless the company is of a kind referred to in paragraph (b)),
- (b) any shareholding interest in a company that carries on the business of supplying gaming machines or liquor to the club is a pecuniary interest.

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 (Repealed)

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.

50D Approval of club rules that limit voting members to less than 50% of full members

- (1) In this clause, **voting member** of a registered club means a full member who, under the rules of the club, is entitled to vote in an election of the governing body of the club.

Note—

Under section 30 (9) (a) of the Act, at least 25% of the club's full members have to be voting members.

- (2) Any rule of a registered club that provides for its voting members to comprise less than 50% of the full members of the club has no effect unless:
- (a) the rule has been approved by a majority vote at a general meeting of the ordinary members of the club, and
 - (b) the club has complied with such directions as may be given by the Director in relation to the rule.

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 2 of Schedule 3 (if any), or
 - (ii) in the case of a minor—the amount specified in Column 3 of Schedule 3 (if any).

52 (Repealed)

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**

(Clause 51)

Offences under the Act

Column 1	Column 2	Column 3
Offence	Penalty (other than minors)	Penalty (minors)
Section 27A	\$220	—
Section 27B	\$220	—
Section 32 (3)	\$1,100	—
Section 34 (2) (a)	\$550	—
Section 34 (2) (b)	\$1,100	—
Section 34A (1)	\$550	—
Section 41V	\$1,100	—
Section 44 (1)	\$220	—
Section 44 (2)	\$110	—
Section 44A	\$550	—
Section 45 (1)	\$110	\$55
Section 45A	\$110	\$55
Section 47 (a)	\$110	—
Section 47 (b)	\$55	—
Section 48 (6)	\$55	—
Section 49	\$55	—
Section 50 (1)	\$550	—
Section 50 (2) and (2A)	\$220	—
Section 50B	\$220	—
Section 51	—	\$55
Section 52	—	\$55

Section 52A (2)	\$110	\$55
Section 52B	\$550	—
Section 52C	—	\$55
Section 54B (1) (a)	\$220	—
Section 54B (1) (b) and (2)	\$110	—
Section 54C (1)	\$550	—
Section 55	\$550	\$55
Section 57 (2)	—	\$110
Section 57 (3)	\$220	\$110
Section 67A (4)	\$550	\$55

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Penalty (other than minors)	Penalty (minors)
Clause 47B	\$550	—
Clause 47C	\$110	—
Clause 47CA (1)	\$550	—
Clause 47CA (2)	\$110	—
Clause 47H	\$550	—
Clause 47HA (1)	\$550	—

Schedules 4, 5 (Repealed)