

# Registered Clubs Act 1976 No 31

[1976-31]



New South Wales

## Status Information

### Currency of version

Historical version for 13 January 2023 to 30 October 2024 (accessed 13 November 2024 at 6:50)

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

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **See also**  
[24-Hour Economy Legislation Amendment \(Vibrancy Reforms\) Bill 2024](#)

### Responsible Minister

- Minister for Gaming and Racing

For full details of Ministerial responsibilities, see the [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#).

### 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 15 October 2024

# Registered Clubs Act 1976 No 31



New South Wales

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# Registered Clubs Act 1976 No 31



New South Wales

An Act to make provision with respect to the rules and management of registered clubs; to amend the [Gaming and Betting Act 1912](#) and certain other Acts; to validate certain matters; and for purposes connected therewith.

## Part 1 Preliminary

### 1 Name of Act

This Act may be cited as the [Registered Clubs Act 1976](#).

#### Note—

This Act is part of the gaming and liquor legislation for the purposes of the [Gaming and Liquor Administration Act 2007](#). That Act contains administrative and other relevant provisions that apply in relation to this Act (including investigation and enforcement powers and provisions relating to the probity of officials).

### 2 Commencement

- (1) This section and section 1 shall commence on the date of assent to this Act.
- (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.
- (3) (Repealed)

### 3, 3A (Repealed)

### 4 Definitions

- (1) In this Act—

**adult** means a person of or above the age of 18 years.

**amalgamated club** means a registered club that results from the amalgamation of 2 or more registered clubs as referred to in Division 1A of Part 2.

**approved gaming machine** has the same meaning as in the [Gaming Machines Act 2001](#).

**authorised officer** has the same meaning as in the *Law Enforcement (Powers and Responsibilities) Act 2002*.

**Authority** means the Independent Liquor and Gaming Authority constituted under the *Gaming and Liquor Administration Act 2007*.

**close associate** means a close associate within the meaning of the *Gaming and Liquor Administration Act 2007*.

**club licence** means a club licence granted under the *Liquor Act 2007*.

**exercise** a function includes perform a duty and **function** includes a power, authority or duty.

**financial institution** means a bank or authorised deposit-taking institution.

**full member**, in relation to a club, means a person who is an ordinary member or a life member of that club.

**guest**—

- (a) of a full member, provisional member or honorary member of a registered club, means a person—
  - (i) whose name and address (unless the person is a minor), countersigned by the member, are entered in a register kept for the purpose by the club, and
  - (ii) who, at all times while on the club premises, remains in the reasonable company of the member, and
  - (iii) who does not remain on the club premises any longer than the member, and
- (b) of a temporary member of a registered club, means a minor—
  - (i) who, at all times while on the club premises, remains in the company and immediate presence of the member, and
  - (ii) who does not remain on the club premises any longer than the member, and
  - (iii) in relation to whom the member is a responsible adult.

**honorary member**, in relation to a club, means a person who, under the rules of that club, is an honorary member of that club.

**hotel** has the same meaning as in the *Liquor Act 2007*.

**inspector** means an inspector within the meaning of the *Gaming and Liquor Administration Act 2007*.

**life member** of a club means a person who is elected to membership of the club for



life.

**liquor** has the same meaning as it has in the [Liquor Act 2007](#).

**local consent authority**, in relation to premises or proposed premises of a registered club, means—

- (a) 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.

**member** of a club means a person who is a full member, a provisional member, an honorary member or a temporary member of the club.

**ordinary member** of a club means a person who is elected to membership of the club in accordance with the rule of the club referred to in section 30 (1) (g).

**provisional member** of a club means a person who has applied for admission as a full member of the club, has paid the subscription appropriate for the membership applied for, and is awaiting a decision on the application.

**registered club** means a club that holds a club licence.

**Registered Clubs Accountability Code** (or the **Code**) means the Registered Clubs Accountability Code prescribed by the regulations under section 41C.

**responsible adult**, in relation to a minor, means an adult who is—

- (a) a parent, step-parent or guardian of the minor, or
- (b) the minor's spouse or de facto partner, or
- (c) for the time being standing in as the parent of the minor.

**Secretary** means the Secretary of the Department of Enterprise, Investment and Trade.

**secretary** of a club means—

- (a) the person who, under section 33, holds an approval of the Authority to act as the secretary of the club, or
- (b) if the person referred to in paragraph (a) has ceased to hold office or is absent from office—the person, if any, referred to in section 34 (3) who is appointed by the club to act as its secretary, or
- (c) if—

- (i) the person referred to in paragraph (a) has ceased to hold office or is absent from office, and
  - (ii) no person has been appointed as referred to in paragraph (b) to act as secretary of the club,
- any person who is acting for the time being as the secretary of the club.

**temporary member**, in relation to a club, means a person who, under the rules of the club, is a temporary member of that club.

**Note—**

The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

- (2) Notes included in this Act do not form part of this Act.
- (3) A reference in this Act to a person acting as the secretary of a registered club includes a reference to a person who—
  - (a) holds or acts in a position in the management of the club (other than as a member of the governing body of the club), and
  - (b) is responsible to the governing body of the club for the management of the business and affairs of the club or is otherwise responsible for the exercise of the functions of chief executive officer of the club.

**4A-6 (Repealed)**

**6A Delegations**

- (1) The Minister may delegate to a person any function conferred or imposed on the Minister by this Act, other than this power of delegation.
- (2) The Commissioner of Police may delegate to a person any function conferred or imposed on the Commissioner by this Act, other than this power of delegation.
- (3) A person to whom a function has been delegated by the Minister or the Commissioner of Police may delegate the function to another person, subject to any conditions to which the delegation by the Minister or the Commissioner is subject.
- (4) The Secretary may delegate to a person any function conferred or imposed on the Secretary by this Act, other than this power of delegation.
- (5) (Repealed)

**Part 2 Club requirements, amalgamations, de-amalgamations and certain authorities**

## Division 1 General requirements

### 7-9A (Repealed)

#### 10 Requirements to be met by clubs

- (1) The following requirements apply in relation to a club—
- (a) The club shall be conducted in good faith as a club.
  - (b) The club shall be—
    - (i) a company within the meaning of the *Corporations Act 2001* of the Commonwealth, or
    - (ii) if the club was registered, or applied for registration, before the commencement of Part 10—a co-operative under the *Co-operatives Act 1992* or a corporation constituted by another Act.
  - (c) (Repealed)
  - (d) The membership of the club shall consist of or include not less than such number of ordinary members as is prescribed in respect of it by section 12.
  - (e) The club shall be established—
    - (i) for social, literary, political, sporting or athletic purposes or for any other lawful purposes, and
    - (ii) for the purpose of providing accommodation for its members and their guests.
  - (e1) If the regulations prescribe objects that are to apply in relation to specified types of clubs, the club is, if it is of such a type, to have the objects so prescribed in relation to that type of club.
  - (f) The club shall have premises of which it is the bona fide occupier for the purposes of the club and which are provided and maintained from the funds of the club.
  - (g) The premises of the club shall contain accommodation appropriate for the purposes of the club.
  - (h) The premises of the club shall contain a properly constructed bar room but shall not contain a separate area for the sale or supply of liquor to be carried away from those premises to which area there is direct access from outside any building that is part of those premises.
  - (i) A member of the club, whether or not he or she is a member of the governing body, or of any committee, of the club, shall not be entitled, under the rules of the club or otherwise, to derive, directly or indirectly, any profit, benefit or advantage

from the club that is not offered equally to every full member of the club.

- (j) Only the club and its members are to be entitled under the rules of the club or otherwise to derive, directly or indirectly, any profit, benefit or advantage from the ownership or occupation of the premises of the club unless the profit, benefit or advantage is in the form of—
  - (i) reasonable and proper interest paid to a lender on any loan made to the club that is secured against the premises of the club, or
  - (ii) reasonable and proper rent or occupation fees paid to the owner of the premises of the club,being, in either case, a payment arising out of dealings reasonably carried out, or contracts reasonably made, with the club in the ordinary course of its lawful business.
- (k) The secretary or manager, or any employee, or a member of the governing body or of any committee, of the club is not entitled to receive, either directly or indirectly, any payment calculated by reference to—
  - (i) the quantity of liquor purchased, supplied, sold or disposed of by the club or the receipts of the club for any liquor supplied or disposed of by the club, or
  - (ii) the keeping or operation of approved gaming machines in the club.
- (k1) The membership of the governing body of the club must not, on and from such date (or the happening of such event) as may be prescribed by the regulations, exceed 9 persons.
- (l) The club must comply with any requirements imposed on the club under section 38.
- (m) The club must comply with any requirements imposed on the club by or under Part 4A.
- (n) The business conducted on the premises of the club must not be managed or controlled by any person or body other than—
  - (i) the governing body of the club, or
  - (ii) the secretary of the club, or
  - (iii) the manager (within the meaning of the *Liquor Act 2007*) of the club premises, or
  - (iv) a person acting in a capacity referred to in section 41 (1) in respect of the club, or

- (v) a person appointed under section 41A in respect of the club, or
  - (vi) a person who is exercising functions relating to the management of the business or affairs of the club under a management contract entered into in accordance with the Registered Clubs Accountability Code.
- (2) For the purposes of determining whether a club is being conducted in good faith as a club, as required by subsection (1) (a), regard is to be had to the following—
- (a) the nature of the premises of the club,
  - (b) whether the club has been under administration for an extended period of time (whether as an externally-administered body corporate, within the meaning of the *Corporations Act 2001* of the Commonwealth, or otherwise),
  - (c) whether any arrangements relating to the club have resulted in another person or body assuming the effective control of the club and its business,
  - (d) such other matters as may be prescribed by the regulations.
- (3) Subsection (1) (b) does not apply in respect of Tattersall's Club referred to in the *Tattersall's Club Act of 1888*, City Tattersall's Club referred to in the *City Tattersall's Club Act of 1912*, Newcastle Tattersall's Club referred to in the *Newcastle Tattersall's Club Act 1945*, the Newcastle International Sports Centre Club referred to in clause 9 of Schedule 5 to the *Sporting Venues Authorities Act 2008* or in respect of any club declared under section 13 (1) (a) to be an exempt club for the purposes of this subsection.
- (4) (Repealed)
- (5) Subsection (1) (e) (ii) does not apply in respect of any club declared under section 13 (1) (b) to be an exempt club for the purposes of this subsection.
- (6) A club does not fail to meet the requirement specified in subsection (1) (i) or (1) (j) by reason only that a member of the club derives or is entitled to derive any profit, benefit or advantage from the club that is not offered equally to every full member of the club if—
- (a) the member derives or is entitled to derive the profit, benefit or advantage, not being a profit, benefit or advantage referred to in paragraph (b), pursuant to a contract (including a contract of employment) or agreement with the club and the deriving of or entitlement to the profit, benefit or advantage is, in the opinion of the Authority, reasonable in the circumstances of the case, or
  - (b) the profit, benefit or advantage consists only of a sum of money paid to the member in respect of his or her services as a member of the governing body or of any committee of the club and that payment has been approved by a resolution

passed at a general meeting on which the persons entitled to vote are the same as the persons entitled to vote at the annual election of the governing body of the club, or

(c) the profit, benefit or advantage consists only of hospitality in the nature of reasonable food or refreshment offered by the holder of a dealer's licence or adviser's licence (within the meaning of the *Gaming Machines Act 2001*) in the normal course of a sale of an approved gaming machine on the licensee's premises, or at a display of an approved gaming machine that is held anywhere in the State for the purpose of directly promoting the products or services of the licensee, or

(d) the profit, benefit or advantage consists only of the payment of out-of-pocket expenses that are of a kind authorised by a current resolution of the governing body and are reasonably incurred by a member of the club, or by the secretary or any other employee, in the course of carrying out his or her duties in relation to the club.

(6A) Subsection (1) (i) does not prevent a club from providing different benefits for different classes of members if—

(a) the different benefit was being lawfully provided immediately before the commencement of this subsection, or

(b) the different benefit is not in the form of money or a cheque or promissory note and is the subject of a current authorisation given by a general meeting of the members prior to the benefit being provided.

(7) A club does not fail to meet the requirement specified in subsection (1) (j) by reason only that a person derives or is entitled to derive any profit, benefit or advantage as referred to in subsection (1) (j) if, in the opinion of the Authority, the deriving of or entitlement to the profit, benefit or advantage is reasonable in the circumstances of the case.

## **11 (Repealed)**

## **12 Calculation of minimum number of ordinary members**

For the purposes of section 10 (1) (d), the number of ordinary members prescribed in respect of a club—

(a) whose premises are situated within a radius of 24 kilometres from the General Post Office in Sydney is—

(i) in a case where a certificate of registration under the *Liquor Act 1912* in respect of the club was in force immediately before the commencement of the *Liquor (Amendment) Act 1954*—sixty, or

(ii) in any other case—200 or such lesser number, not being less than 60, as the Authority may in special circumstances determine in respect of the club, or

(b) whose premises are situated elsewhere, is—

(i) in a case where a certificate of registration under the *Liquor Act 1912* was in force immediately before the commencement of the *Liquor (Amendment) Act 1954*—thirty, or

(ii) in any other case—100 or such lesser number, not being less than 30, as the Authority may in special circumstances determine in respect of the club.

### **13 Exempt clubs**

(1) The Governor may, by order published in the Gazette—

(a) declare any club to be an exempt club for the purposes of section 10 (3), or

(b) declare any club to be an exempt club for the purposes of section 10 (5) if—

(i) the purposes, referred to in section 10 (1) (e) (i), for which the club is established are primarily athletic purposes, and

(ii) the management of the club is vested in trustees appointed by the Governor.

(2) The trustees of any club declared under subsection (1) (b) to be an exempt club shall, for the purposes of this Act, be deemed to be the governing body of the club.

### **14-17AAE (Repealed)**

## **Division 1A Provisions relating to club amalgamations**

### **17AB Club amalgamations**

(1) 2 or more registered clubs may amalgamate in accordance with this Division.

(2) An amalgamation of 2 or more registered clubs—

(a) is effected by—

(i) the dissolution of each of those clubs and the formation of a new club that owns or occupies the same premises (or part of the same premises) of at least one of the dissolved clubs, and

(ii) the transfer, under section 60 of the *Liquor Act 2007*, to the new club of the club licence or licences held by the dissolved club or clubs in respect of those premises, or

(b) is effected by—

(i) the continuation of one of those clubs and the dissolution of the other club or

clubs, and

- (ii) the transfer, under section 60 of the *Liquor Act 2007*, of the club licence held by each of those dissolved clubs to the continuing club.

**Note—**

Under section 60 (6) of the *Liquor Act 2007* the club licence held by a dissolved club may be transferred to the parent (or amalgamated) club only if the Authority is satisfied that the requirements of this Division have been complied with.

- (3) This Division (including any regulations made in relation to club amalgamations) extends, with such modifications as are necessary, to a proposed amalgamation in which one of the parties involved comprises those members of an amalgamated club who represent the interests of a proposed de-amalgamated club (being a club that is to result from a de-amalgamation under Division 1B). Accordingly, a reference in this Division (and in any such regulation) to a registered club includes a reference to a proposed de-amalgamated club and the members of that proposed de-amalgamated club are taken to be the members of the amalgamated club before the de-amalgamation.

**17AC Definitions**

- (1) In this Division—

**dissolved club**, in relation to the amalgamation or proposed amalgamation of 2 or more registered clubs, means the club whose club licence is, or is to be, transferred under section 60 of the *Liquor Act 2007* to another registered club.

**main premises** of a parent club means the premises that are, in the opinion of the Authority, the main premises of the club.

**parent club**, in relation to the amalgamation or proposed amalgamation of 2 or more registered clubs, means the registered club to which the club licence of another club is, or is to be, transferred under section 60 of the *Liquor Act 2007*.

- (2) Before any 2 or more registered clubs amalgamate, the parent club must, under its rules, establish the members of the dissolved club as a separate class of members. Such members are to be identified by the parent club as, and are referred to in this Division and in Division 1B as, **the members of the dissolved club**.

**17AD (Repealed)**

**17AE Club members to be notified of proposed amalgamation**

- (1) (Repealed)
- (2) A registered club that is a party to a proposed amalgamation must, in accordance with the regulations, notify its members of the proposed amalgamation.



(3), (4) (Repealed)

**17AEA Submissions in relation to club amalgamations**

- (1) Any person may, subject to and in accordance with the regulations, make a written submission to the Authority in relation to a proposed amalgamation under this Division.
- (2) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to approve the transfer of the licence of the dissolved club under section 60 of the *Liquor Act 2007*.

**17AEB Other matters to be considered in relation to club amalgamations**

Without limiting section 60 of the *Liquor Act 2007*, the Authority may not approve of the transfer of the licence of a dissolved club under that Act unless the Authority is satisfied that—

- (a) the parent club will meet the requirements set out in section 10 (1), and
- (b) the parent club will be financially viable, and
- (c) the proposed amalgamation is in the interests of the members of each of the clubs that are amalgamating, and
- (d) the proposed amalgamation has been approved in principle at separate extraordinary general meetings of the ordinary members of each of the clubs proposing to amalgamate.

**17AF Limit of 10 amalgamations per club**

- (1) The total number of other clubs that a registered club (the **relevant club**) may amalgamate with is 10.
- (2) The total number of amalgamations for the relevant club does not include the following—
  - (a) any club that is no longer amalgamated with the relevant club following a de-amalgamation under Division 1B,
  - (b) any premises of the relevant club that have ceased to trade on a permanent basis.

**17AG, 17AH (Repealed)**

**17AI Major assets of dissolved club to be kept intact**

- (1) During the period of 3 years following the amalgamation of 2 or more registered clubs (or during such longer period as may be agreed on by the clubs concerned before the amalgamation), the parent club must not dispose of any of the major assets of the dissolved club unless the disposal has been approved by the Authority.

Maximum penalty—100 penalty units.

- (2) The Authority may approve of the disposal of any of the major assets of the dissolved club only if the Authority is satisfied that—
  - (a) the disposal is necessary to ensure the financial viability of the parent club, and
  - (b) a majority of the members of the dissolved club have approved of the disposal.
- (3) In this section—

**major assets** of a dissolved club means assets that are of a class prescribed by the regulations.

## Division 1B Provisions relating to club de-amalgamations

### 17AJ Club de-amalgamations

- (1) An amalgamated club may de-amalgamate in accordance with this Division.
- (2) The de-amalgamation of an amalgamated club is effected by—
  - (a) the formation of a new registered club (referred to in this Division as the **de-amalgamated club**), and
  - (b) the transfer to the de-amalgamated club of the title to (or of the right to occupy) the premises (or any part of the premises) that were, immediately before the amalgamation with the parent club, owned or occupied by the dissolved club (referred to in this Division as the **relevant premises**), and
  - (c) the transfer to the de-amalgamated club, under section 60 of the [Liquor Act 2007](#), of the club licence held by the amalgamated club in respect of the relevant premises.

**Note—**

Under section 60 (6) of the [Liquor Act 2007](#) the club licence held by the amalgamated club for the relevant premises may be transferred to the de-amalgamated club only if the Authority is satisfied that the requirements of this Division have been complied with.

- (3) In this Division—

**dissolved club** and **parent club** have the same meanings as in Division 1A.
- (4) For the purposes of this Division, **the members of the dissolved club** include any person who, following the amalgamation, has become a member of the amalgamated club but only in relation to the relevant premises.

### 17AK Notification of proposed de-amalgamation and making of submissions

- (1) If an amalgamated club is proposing to de-amalgamate, the club must, in accordance

with the regulations, notify its members of the proposed de-amalgamation.

- (2) Any person may, subject to and in accordance with the regulations, make a written submission to the Authority in relation to a proposed de-amalgamation under this Division.
- (3) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to approve the transfer under section 60 of the *Liquor Act 2007* to the de-amalgamated club of the licence held by the parent club in respect of the relevant premises.

**17AL Statement relating to proposed de-amalgamation**

- (1) If an amalgamated club is proposing to de-amalgamate, the club must prepare a statement containing the information required by the regulations in relation to the proposed de-amalgamation.
- (2) Any such statement must be made available in the manner required by the regulations.

**17AM Other matters to be considered in relation to club de-amalgamations**

Without limiting section 60 of the *Liquor Act 2007*, the Authority may not approve the transfer to the de-amalgamated club of the licence held by the parent club in respect of the relevant premises unless the Authority is satisfied that—

- (a) the de-amalgamated club will meet the requirements set out in section 10 (1), and
- (b) the de-amalgamated club will be financially viable, and
- (c) the proposed de-amalgamation is in the interests of the members of the parent club and the dissolved club, and
- (d) the proposed de-amalgamation has been approved in principle at separate extraordinary general meetings of the ordinary members of the parent club and the members of the dissolved club.

**17AN Membership of de-amalgamated club**

- (1) If an amalgamated club is de-amalgamated, the members of the dissolved club who have continued to be members of the parent club up until the time of the de-amalgamation are, subject to the regulations, entitled to become members of the de-amalgamated club.
- (2) Any such members of the dissolved club are, on becoming members of the de-amalgamated club, entitled to continue as members of the parent club.

### **17AO Transfer of relevant premises to de-amalgamated club**

Despite section 41E (1) (c), the transfer by an amalgamated club of the relevant premises to the de-amalgamated club may be effected by means of private treaty.

## **Division 2 Certain authorisations in relation to clubs**

### **17A-21 (Repealed)**

### **22 Non-restricted areas**

- (1) The Authority may, on application by or on behalf of a registered club, grant an authorisation (a ***non-restricted area authorisation***) to the club specifying a part or parts of the premises of the club as a non-restricted area.
- (2) A registered club and the secretary of the club are each guilty of an offence if any conditions of a non-restricted area authorisation held by the club are contravened.

Maximum penalty—20 penalty units in the case of the registered club and 10 penalty units in the case of the secretary.

#### **Note—**

Section 23A makes provision for the conditions to which a non-restricted area authorisation is subject.

### **22A Access to club premises by junior members**

- (1) The Authority may, on application by or on behalf of a registered club, grant an authorisation (a ***junior members authorisation***) to allow members of the club who are under the age of 18 years access to areas of the club premises that would otherwise be restricted to those members, but only for the purpose of taking part in sporting activities or a prize-giving ceremony associated with sporting activities.
- (2) Without limiting the conditions that may be imposed by the Authority under section 23A in relation to a junior members authorisation, any such conditions may relate to the following—
  - (a) the required level of adult supervision of members under the age of 18 years using the premises of the club under the authorisation,
  - (b) the establishment of, and the manner of keeping, a register to be signed by members under the age of 18 years each time they use the premises of the club under the authorisation and by each adult supervising them,
  - (c) the steps that the club must take to ensure that liquor is not sold or supplied to persons under the age of 18 years using the premises of the club under the authorisation,
  - (d) the steps that the club must take to ensure that approved gaming machines are

not used by persons under the age of 18 years using the premises of the club under the authorisation.

- (3) It is a condition of a junior members authorisation that tobacco vending machines must be unable to be operated while members under the age of 18 years are using the premises of the club under the authorisation.
- (4) A registered club and the secretary of the club are each guilty of an offence if any conditions of a junior members authorisation held by the club are contravened.

Maximum penalty—20 penalty units in the case of the registered club and 10 penalty units in the case of the secretary.

**Note—**

Section 23A also makes provision for the conditions to which a junior members authorisation is subject.

### **23 Functions on club premises**

- (1) The Authority may, on application by or on behalf of a registered club, grant an authorisation (a **club functions authorisation**) to the club to permit persons—
  - (a) who are not members of the club, or
  - (b) who are under the age of 18 years,to attend, in a specified part of the club premises, functions of a cultural, educational, religious, patriotic, professional, charitable, political, literary, sporting, athletic, industrial or community nature. Any such function may include a wedding.
- (2) A club functions authorisation is to designate function areas (that is, each part of the club premises on which the functions concerned are permitted to be held) and access areas (that is, each part of the club premises through or by means of which persons attending those functions are to be permitted to obtain entry to or to depart from a function area).
- (3) A club functions authorisation is subject to the following conditions, but only to the extent that it authorises functions for minors on the club premises—
  - (a) at least 7 days notice must be given to the local police before any function is held,
  - (b) the notice must specify the name and nature of the function, the number of minors attending, the number of adult supervisors, details of the security arrangements and such other particulars as may be prescribed by the regulations,
  - (c) the secretary of the club and person conducting the function must comply with any directions given by the local police or the Authority with respect to the conduct of functions for minors,

- (d) liquor must not be sold, supplied, disposed of or consumed in the area in which any function is held,
- (e) gaming machines must not be located in the area in which any function is held and any area of the club in which gaming machines are located must not be accessible to any minor attending the function,
- (f) such other conditions as may be prescribed by the regulations.

**Note—**

Section 23A also makes provision for the conditions to which a club functions authorisation is subject.

- (4) A registered club and the secretary of the club are each guilty of an offence if—
  - (a) any conditions of a club functions authorisation held by the club are contravened, or
  - (b) a function is held pursuant to the club functions authorisation otherwise than in accordance with the approval of the governing body of the club.

Maximum penalty—20 penalty units in the case of the registered club and 10 penalty units in the case of the secretary.

- (5) It is a defence to a prosecution of a secretary of a club for an offence under subsection (4) if it is proved that—
  - (a) the secretary had taken all reasonable precautions to avoid commission of the alleged offence, and
  - (b) at the time of the alleged offence the secretary did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.

**23A General provisions applying to authorisations**

- (1) This section applies to the following authorisations—
  - (a) a non-restricted area authorisation,
  - (b) a junior members authorisation,
  - (c) a club functions authorisation.
- (2) An application for an authorisation must—
  - (a) be in the form and manner approved by the Authority, and
  - (b) be accompanied by the fee prescribed by the regulations and such information and particulars as may be prescribed by the regulations, and

(c) if required by the regulations to be advertised—be advertised in accordance with the regulations, and

(d) comply with such other requirements as may be approved by the Authority or prescribed by the regulations.

(3) In determining an application for an authorisation, the Authority has the same powers in relation to the application as the Authority has under the *Liquor Act 2007* in relation to an application for a licence under that Act.

(4) If, before an application for an authorisation is determined by the Authority, a change occurs in the information provided in, or in connection with, the application (including information provided under this subsection), the applicant must immediately notify the Authority of the particulars of the change.

Maximum penalty—20 penalty units.

(5) Any person may, subject to and in accordance with the regulations, make a submission to the Authority in relation to an application for an authorisation.

(6) If any such submission is made to the Authority, the Authority is to take the submission into consideration before deciding whether or not to grant the authorisation.

(7) The regulations may prescribe, or provide for the determination of, a fee in respect of the granting of an authorisation. If any such fee is prescribed or determined, the authorisation does not take effect until the fee has been paid.

(8) The Authority may, in granting an authorisation, specify requirements that are to be complied with before the authorisation takes effect. The authorisation does not take effect until such time as any such requirements have been complied with.

(9) An authorisation—

(a) is subject to such conditions—

(i) as are imposed by the Authority (whether at the time the authorisation is granted or at a later time), or

(ii) as are imposed by this Act or as are prescribed by the regulations, and

(b) may be varied or revoked by the Authority on the Authority's initiative or on application by the registered club that holds the authorisation, the Secretary or the Commissioner of Police.

(10) Any such application by a registered club to vary or revoke an authorisation (including any conditions to which the authorisation is subject that have been imposed by the Authority) must be accompanied by the fee prescribed by the regulations.

- (11) An authorisation has effect only while all the conditions to which it is subject are being complied with.
- (12) The Authority must not impose a condition on an authorisation or revoke or vary an authorisation unless the Authority has—
  - (a) given the registered club that holds the authorisation a reasonable opportunity to make submissions in relation to the proposed decision, and
  - (b) taken those submissions into consideration before making the decision.
- (13) Subsection (12) does not apply if the registered club has applied for the authorisation to be revoked or varied.
- (14) This section does not authorise the revocation or variation of a condition to which an authorisation is subject if the condition is imposed by this Act or is prescribed by the regulations.

**23AA-24 (Repealed)**

**Divisions 3, 4**

**25-29 (Repealed)**

**Part 3 Rules of registered clubs**

**30 Rules of registered clubs**

- (1) The rules of a registered club shall be deemed to include the following rules—
  - (a) Except as provided by paragraphs (a1) and (a2), the governing body of the club responsible for the management of the business and affairs of the club is to be elected—
    - (i) annually, or
    - (ii) if a rule of the club so provides—biennially, or
    - (iii) if a rule of the club so provides—in accordance with Schedule 4,at an election in respect of which the full members only of the club (or a subclass of full members determined by a rule of the kind referred to in subsection (9)) are entitled to vote.
  - (a1) If the regulations so provide, any election under paragraph (a) is to be in accordance with Schedule 4.
  - (a2) If the regulations so provide, the members of the club who are entitled to vote at an election of the governing body of the club are such members (or class of members) of the club as may be specified in the regulations for the purposes of



this paragraph.

- (b) Except as provided by paragraph (b1), a person shall not hold office as a member of the governing body of the club unless the person is a full member of the club.
- (b1) The governing body of the club may include, at any one time, no more than such number of persons (whether or not full members of the club) as may be prescribed by the regulations who are appointed, in accordance with the regulations, by the elected members of the governing body of the club.
- (c) The governing body of the club shall hold a meeting at least once in each quarter and minutes of all proceedings and resolutions of the governing body shall be kept and entered in a book provided for the purpose.
- (d) A person shall not—
  - (i) attend or vote at any meeting of the club or of the governing body or any committee of the club, or
  - (ii) vote at any election of, or of a member of, the governing body of the club, as the proxy of another person.
- (e) (Repealed)
- (f) A person shall not be admitted to membership of the club except as an ordinary member (whether or not persons may be admitted as different classes of ordinary members), provisional member, life member, honorary member or temporary member.
- (g) A person shall not be admitted as a member of the club, other than as a provisional member, honorary member or temporary member, unless the person is elected to membership at a meeting of the full members of the club or at a duly convened meeting of the governing body or election committee of the club, the names of whose members present and voting at that meeting are recorded by the secretary of the club.
- (h) An employee of the club shall not vote at any meeting of the club or of the governing body of the club, or at any election of the governing body of the club, or hold office as a member of the governing body of the club.
- (h1) An employee of the club must not vote at any election of the governing body of another club or association if any member of that governing body would, as the result of that election, be entitled or qualified to be appointed (or be nominated for appointment) to the governing body of the registered club.
- (i) Any profits or other income of the club shall be applied only to the promotion of the purposes of the club and shall not be paid to or distributed among the

members of the club.

(j) (Repealed)

(2) The rules of a registered club shall be deemed also to include the following rules—

- (a) The names of persons proposed for election as ordinary members of the club shall be displayed in a conspicuous place on the premises of the club for at least 1 week before their election.
- (b) An interval of at least 2 weeks shall elapse between the proposal of a person for election as an ordinary member of the club and his or her election.
- (c) A person shall not be admitted as an honorary member or as a temporary member of the club unless—
  - (i) the person is admitted in accordance with the rules of the club, and
  - (ii) subsection (3A) is complied with in the case of an honorary member or subsection (3B) is complied with in the case of a temporary member.
- (d) Liquor must not be sold, supplied or disposed of on the premises of the club to any person who is not a member of the club except—
  - (i) on the invitation and in the company of a member of the club, or
  - (ii) if the person is attending a function in respect of which a club functions authorisation under section 23 is in force.
- (e) A person under the age of 18 years must not be admitted as a member of the club unless the purpose of membership is to enable the person to take part in regular sporting activities organised by the club.
- (f) A person under the age of 18 years shall not propose or second a person for admission as a member of the club.
- (g) Liquor shall not be sold, supplied or disposed of on the premises of the club to any person under the age of 18 years.
- (h) A person under the age of 18 years shall not use or operate approved gaming machines on the premises of the club.
- (i) A register of persons who are full members of the club shall be kept in accordance with section 31.
- (j) A register of persons who are honorary members of the club (other than honorary members referred to in section 30A) is to be kept in accordance with section 31.
- (j1) (Repealed)

- (k) A register of persons of or above the age of 18 years who enter the premises of the club as guests of members shall be kept in accordance with section 31.
  - (l) A register of persons who are temporary members of the club (other than temporary members referred to in subsection (10) or in section 30B) is to be kept in accordance with section 31.
  - (m) A register of temporary members of the club (other than temporary members referred to in subsection (10) or in section 30B) who attend the club each day is to be kept in accordance with section 31 either as a separate register or as part of the register referred to in paragraph (l).
  - (n) A register of persons who are admitted as temporary members of the club for an extended period as referred to in section 30B is to be kept in accordance with section 31 either as a separate register or as part of the register referred to in paragraph (l).
  - (o) (Repealed)
- (2A) If the rules of a club provide for the admission of honorary members or temporary members, the rules are taken also to include a rule that there is to be prominently displayed at all times at each entrance on the club premises at which members and guests are permitted to enter—
- (a) subject to any exception created by the regulations under subsection (3C), a map that clearly shows the limits of the area within which an ordinary resident of the area is not eligible for temporary membership otherwise than under section 30 (10), and
  - (b) the rules of the club that relate to temporary membership of the club, and
  - (c) a copy of section 30 (10), unless the rules of the club provide that the provisions of that subsection do not apply to the club, and
  - (d) a copy of the definition of **guest** in section 4.
- (2B) If the rules of a registered club require ordinary members of the club to pay a membership fee, the rules must specify—
- (a) the amount of the fee, or
  - (b) the procedure for determining the amount of the fee.
- (3) A rule referred to in subsection (1), (2) or (2A) has effect notwithstanding the provisions of any other law except a provision of this section.
- (3A) The rules of a registered club may not provide for a person to be an honorary member of the club unless the person holds office as a patron of the club or is a

prominent citizen or local dignitary.

- (3B) A person whose ordinary place of residence is in New South Wales and is within a radius of 5 kilometres from the premises of a registered club (in this subsection referred to as **the host club**) is not eligible for admission as a temporary member of the host club unless the person is—
- (a) a member of another registered club with similar objects to those of the host club, or
  - (b) a member of another registered club who is attending the host club as provided by subsection (10).
- (3C) The regulations may—
- (a) prescribe exceptions to subsection (3B), or
  - (b) provide for a process for the approval by the Secretary of an exception to the application of subsection (3B), including the imposition of conditions on an exception.
- (4) The provisions of subsection (1) (a) and (g) do not apply in respect of any club while—
- (a) a person is acting in a capacity referred to in section 41 (1) in respect of that club, and
  - (b) that club does not, as a result of a person having been appointed so to act, have a governing body.
- (5) Subsections (1) (a) and (g) and (2) (a) and (b) do not apply in respect of any club declared under section 13 (1) (b) to be an exempt club for the purposes of section 10 (5).
- (5A) Subsection (1) (d) does not apply in respect of a registered club that is—
- (a) a race club registered or licensed by Racing New South Wales, or
  - (b) a harness racing club registered by Harness Racing New South Wales, or
  - (c) a greyhound racing club registered by Greyhound Racing New South Wales.
- (6) Subsection (2) (d) does not apply—
- (a) in respect of the Sydney Cricket Ground Club, the merged racing club (within the meaning of the *Australian Jockey and Sydney Turf Clubs Merger Act 2010*), the Newcastle International Sports Centre Club referred to in clause 9 of Schedule 5 to the *Sporting Venues Authorities Act 2008* or any other club declared under subsection (7) to be an exempt club for the purposes of this paragraph, or
  - (b) in respect of the sale, supply or disposal of liquor to any person, other than a

member, in any part of the premises of a registered club while a reception is being held in that part where that person has been invited to the reception by a person entitled to issue the invitation.

- (7) The Governor may, by order published in the Gazette, declare any club to be an exempt club for the purposes of subsection (6) (a).
- (7A) (Repealed)
- (8) Any rule of a registered club (except a rule that is deemed by subsection (10) to be included in the rules of the club) that is inconsistent with any rule specified in subsection (1) or (2) is to the extent of the inconsistency of no force or effect.
- (9) For the purposes of subsection (8) a rule of a club is not inconsistent with a rule specified in subsection (1) or (2) by reason only that—
- (a) in relation to the election of the governing body of the club, referred to in subsection (1) (a), the rules of the club provide that the members of the club entitled to vote at that election consist of such class or classes of full members specified in those rules as comprises or comprise not less than 25% of the full members of the club,
  - (b) (Repealed)
  - (c) in relation to the age of any person, it specifies an age that is higher than the age specified in a rule contained in subsection (2).
  - (d) (Repealed)
- (9A) Subsection (9) (a) is subject to any regulations made under subsection (1) (a2).
- (9B) The regulations made under subsection (1)(a2) may require a registered club to comply with a direction of the Secretary relating generally to the election of the governing body of the club and which members are entitled to vote.
- (10) The rules of a registered club (in this subsection referred to as **the host club**) shall, unless its rules provide that the provisions of this subsection do not apply to that club, be deemed to include a rule that a full member of any other registered club or any interstate club (as defined in subsection (13)) who, at the invitation of the governing body or of a full member of the host club, attends on any day at the premises of the host club for the purpose of participating in an organised sport or competition to be conducted by the host club on that day shall be a temporary member of the host club from the time on that day when he or she so attends the premises of the host club until the end of that day.
- (11) Any person who is a temporary member of a registered club under the rule deemed by subsection (10) to be a rule of a registered club shall, for the purposes of this Act,

be deemed to have been admitted as a temporary member of that club in accordance with its rules.

(12) The provisions of—

- (a) subsection (2) (c) do not apply to a temporary member referred to in subsection (10) of a registered club, and
- (b) subsection (10) do not affect the right of a registered club to make rules with respect to the admission of persons as temporary members of the club.

(13) For the purposes of subsection (10), an interstate club is a club that is—

- (a) incorporated in a Territory or in a State other than New South Wales, and
- (b) licensed, permitted or otherwise authorised under the law in force in the Territory or State to sell liquor, and
- (c) licensed, permitted or otherwise authorised under the law in force in the Territory or State to keep and to operate gaming machines within the meaning of the [Gaming Machines Act 2001](#).

For the purposes of subsection (10), a full member of an interstate club is a member of an interstate club who has full voting rights at general meetings of the interstate club.

(14) In this section—

**quarter** means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.

### **30A Honorary membership of RSL or services clubs for serving and ex-service Defence Force personnel**

- (1) The rules of each RSL or services club are taken to include a rule that any person attending the club premises who produces evidence that the person is a serving member of the Australian Defence Force is taken to have been admitted as an honorary member of the club for the day the person attends the club premises.
- (2) The rules of each RSL or services club are also taken to include a rule that any person attending the club premises who—
  - (a) is a former member of the Australian Defence Force, and
  - (b) produces evidence that the person is a Service Member of the RSL and a member of at least one other RSL or services club,

is taken to have been admitted as an honorary member of the club for the day the person attends the club premises.

(3) Section 30 (2) (c) does not apply in relation to a person who is taken to be admitted as an honorary member of an RSL or services club under this section.

(4) In this section—

**Australian Defence Force** includes the armed forces of the Commonwealth, however described.

**RSL** means the Returned and Services League of Australia.

**RSL or services club** means—

(a) an RSL, Services, Ex-services, Memorial, Legion or other similar club that is a registered club, or

(b) a registered club that has objects similar to, or that amalgamated with, a club of the kind referred to in paragraph (a).

### **30B Admission of temporary members for extended period**

(1) If the rules of a registered club provide for the admission of temporary members, the rules are taken to include a rule that persons may be admitted as temporary members of the club for a period of up to, but not exceeding, 7 consecutive days (or for such longer period as the Authority may approve in writing in relation to that club).

(2) The Authority cannot, under subsection (1), approve a period that is more than 30 consecutive days.

### **30C Meetings and voting**

(1) The rules of a registered club are taken to include the rules specified in subsection (3).

(2) A rule of a registered club is void to the extent that it is inconsistent with a rule specified in subsection (3).

(3) A registered club, or a governing body or committee of the club, may—

(a) distribute a notice of, or information about, a meeting or election of the registered club, governing body or committee by electronic means, and

(b) hold a meeting at which all or some persons attend by electronic means but only if a person who speaks at the meeting can be heard by the other persons attending, and

(c) allow a person entitled to vote at a meeting of the registered club, governing body or committee to vote in person or by electronic means.

(4) Nothing in this section prevents the rules of a registered club from allowing a person entitled to vote at a meeting of the registered club, or a governing body or committee

of the club, to vote by post.

### **31 Manner of keeping registers relating to members and guests**

- (1) A register kept for the purposes of—
- (a) section 30(2)(i) must include—
    - (i) the full name and address of each full member, and
    - (ii) if the rules of the registered club require the payment of a membership fee—the date on which the member last paid the fee.
  - (b) section 30 (2) (j) in relation to honorary members is to have entered in it the full name or the surname and initials, and the address, of each honorary member,
  - (b1) (Repealed)
  - (c) section 30 (2) (k) shall have entered therein on each occasion on any day on which a person of or above the age of 18 years enters the premises of the club as the guest of a member the name in full or the surname and initials of the given names, and the address, of that guest, the date of that day and the signature of that member,
  - (d) section 30 (2) (l) in relation to temporary members is to have entered in it the full name or the surname and initials, and the address, of each temporary member,
  - (e) section 30 (2) (m) in relation to temporary members is to have entered in it, when a temporary member first enters the club premises on any day, the full name, or the surname and initials, and the address, of the temporary member together with his or her signature,
  - (f) section 30 (2) (n) in relation to temporary members referred to in section 30B is to have entered in it, when any such temporary member enters the club premises for the first time, the full name, or the surname and initials, and the address, of the temporary member together with his or her signature.

**Note—**

A person who is admitted as a temporary member for an extended period under section 30B does not have to sign in each time the person enters the club's premises as such a member.

- (2) Notwithstanding subsection (1) (c), if an entry in the register kept for the purposes of section 30 (2) (k) is made on any day in respect of the guest of a member, it is not necessary for an entry to be made in that register in respect of that guest if he or she subsequently enters the premises of the club on that day as the guest of that member.
- (3) A register referred to in this section must be retained by a registered club for a period of at least 3 years after the date of the last entry in the register.



Maximum penalty—20 penalty units.

## **Part 4 Management of registered clubs**

### **32 Registered club to have only one secretary**

- (1) A registered club must at any time have one, but not more than one, secretary who is to be the chief executive officer of the club.

Maximum penalty—100 penalty units.

- (2) The maximum number of secretaries of a registered club is declared to be an excluded matter for the purposes of section 5F of the *Corporations Act 2001* of the Commonwealth in relation to section 204A of that Act.

#### **Note—**

This subsection ensures that section 204A ((Minimum number of secretaries) of the *Corporations Act 2001* of the Commonwealth will not apply in relation to the matter referred to in the subsection. Section 5F of the *Corporations Act 2001* of the Commonwealth provides that if a State law declares a matter to be an excluded matter in relation to a specified provision of that Act, then that provision will not apply in relation to that matter in the State concerned.

- (3) (Repealed)

### **33 Approval of person to act as secretary of registered club**

- (1) A person may apply to the Authority for approval to act as the secretary of a registered club. Any such application is to be in the form and manner approved by the Authority.
- (2) The Authority may grant such an approval or refuse to grant the approval.
- (3) The Authority must refuse to grant an approval of a person to act as secretary of a registered club if the Authority is satisfied that the applicant is not a fit and proper person to act as the secretary of a registered club.
- (4) The Authority must not refuse to grant an approval unless the Authority has given the applicant an opportunity to make written submissions in relation to the application and has taken any such submissions into consideration before making the decision.

### **33A Secretary or manager of club prohibited from holding hotel licence**

- (1) A person who is the secretary of a registered club or the manager (within the meaning of the *Liquor Act 2007*) of the premises of a registered club must not—
  - (a) hold a hotel licence under the *Liquor Act 2007*, or
  - (b) acquire any financial interest in respect of a hotel.

Maximum penalty—100 penalty units.

- (2) Subsection (1) does not apply to or in respect of a hotel licence or a financial interest in a hotel granted to or acquired by the person concerned before the commencement of this section.

### **34 Prohibition on unapproved persons acting as secretary of club**

- (1) A person must not act as the secretary of a registered club unless the person is the approved secretary of the club.

Maximum penalty—50 penalty units.

- (2) A registered club must not appoint a person to act as the secretary of the club unless the person is the approved secretary of the club.

Maximum penalty—100 penalty units.

- (3) This section does not prevent a person who is not the approved secretary of a registered club from acting, or being appointed to act, as the secretary of a registered club for a period of not more than 2 months (or such longer period as the Authority may, on application by the person or club, approve) if the Authority is given notice of the person's appointment as the secretary of the club within 7 days of the appointment.

- (4) In this section, **approved secretary** of a registered club means the person approved by the Authority under section 33 to act as the secretary of the club.

### **34A-35 (Repealed)**

### **35A Secretary may carry out inquiries and investigations**

- (1) The Secretary may carry out such investigations and inquiries as the Secretary considers necessary in connection with—

(a) a complaint or proposed complaint under Part 6A in relation to the secretary, or a member of the governing body, of a registered club, or

(b) compliance with the provisions of Part 4A (including the provisions of the Registered Clubs Accountability Code) by a registered club or member of the governing body or employee of a registered club.

- (2) The Commissioner of Police is to inquire into, and report to the Secretary on, such matters as the Secretary may request concerning a person who is the subject of an investigation under this section.

- (3) The Secretary may, by notice in writing, require a person who is the subject of an investigation under this section, or is a member of the governing body of or an employee of a registered club that is the subject of such an investigation, to do one or more of the following things—

- (a) provide, in accordance with directions in the notice, such information verified by statutory declaration as, in the opinion of the Secretary, is relevant to the investigation and is specified in the notice,
  - (b) produce, in accordance with directions in the notice, such records as, in the opinion of the Secretary, are relevant to the investigation and permit examination of the records, the taking of extracts from them and the making of copies of them,
  - (c) authorise a person described in the notice to comply with a requirement of the kind referred to in paragraph (a) or (b),
  - (d) furnish to the Secretary such authorities and consents as the Secretary requires for the purpose of enabling the Secretary to obtain information (including financial and other confidential information) from other persons concerning the person under investigation and his or her associates.
- (4) A person who complies with a requirement of a notice under this section does not on that account incur a liability to another person.
- (5) A person must not fail to comply with a requirement of the Secretary contained in a notice under subsection (3).

Maximum penalty (subsection (5)): 20 penalty units.

### **36 Conduct of club elections by Electoral Commissioner**

- (1) In this section—

**appropriate number of full members**, in relation to a club, means such number of full members of that club who are entitled to vote at the annual election of the governing body of that club as is equal to 200 or one-tenth of the number of full members of the club so entitled to vote, whichever is the less.

**Electoral Commissioner** means the Electoral Commissioner for New South Wales for the time being holding office under the [Electoral Act 2017](#).

- (2) An order under subsection (5) in respect of a registered club may be made by the Authority—
- (a), (b) (Repealed)
  - (c) upon an application made by a full member referred to in the definition of **appropriate number of full members** in subsection (1) if—
    - (i) that application is accompanied by a request in writing for the making of the order that is signed by at least the appropriate number of full members of the club and shows the names in full or the surnames and the initials of the given names of the signatories, and

- (ii) notice in writing of intention to make the application was given to the club at least 21 clear days before the application is made.
- (d) (Repealed)
- (3) (Repealed)
- (4) An application purporting to be an application referred to in subsection (2) (c) and accompanied by a request purporting to be a request so referred to, shall be deemed to be a valid application unless the Authority is satisfied—
  - (a) that the application was not made by a full member referred to in the definition of **appropriate number of full members** in subsection (1),
  - (b) that the request—
    - (i) is not signed by at least the appropriate number of full members of the club, or
    - (ii) does not show the names in full or the surnames and initials of the given names of the signatories, or
  - (c) that notice of intention to make the application was not given in accordance with subsection (2) (c) (ii).
- (5) The Authority may, upon an application referred to in subsection (2) (c), make an order that the first election of the governing body of the registered club referred to in the order to be held after the date of the order be conducted by the Electoral Commissioner.
- (6) Notwithstanding any other provision of this Act, an order made upon an application referred to in subsection (2) (c) is final and conclusive and not subject to appeal.
- (7) Where the Authority makes an order under subsection (5), the election referred to in that subsection shall be conducted by the Electoral Commissioner or by an officer within the meaning of the *Public Sector Management Act 1988* authorised in writing by the Electoral Commissioner to conduct that election.
- (7A) The Electoral Commissioner or an officer within the meaning of the *Public Sector Management Act 1988* authorised in writing by the Electoral Commissioner is, on application by or on behalf of a registered club to the Electoral Commissioner, to conduct an election of the governing body of the club.
- (7B) When an application by or on behalf of a registered club is made under subsection (7A), the applicant is to send written notification of that fact at the same time to the Authority.
- (7C) An application by or on behalf of a registered club for the purposes of subsection (7A) cannot be withdrawn except with the consent of the Electoral Commissioner.

- (8) A person conducting an election pursuant to an order made under subsection (5) or an application made under subsection (7A) may, notwithstanding anything contained in the rules of the club to which the order or application relates, take such action and give such directions as the person considers necessary for or in connection with the conduct of the election or in order to ensure that no irregularities occur in or in connection with the election or to remedy any procedural defects in the rules of the club that appear to the person to exist.
- (8A) The power to give directions under subsection (8) extends to authorising the giving of directions for the purpose of ensuring that elections are conducted in accordance with sound and democratic electoral practices and procedures and methods of voting.
- (9) An election conducted pursuant to an order made under subsection (5) or an application made under subsection (7A) shall not be invalid by reason only of—
- (a) a breach of the rules of the club to which the order or application relates involved in an act done in accordance with subsection (8), or
  - (b) an irregularity in observing any of the provisions of subsection (2).
- (10) A person shall not—
- (a) refuse or fail to comply with a direction given under subsection (8), or
  - (b) obstruct or hinder a person conducting an election pursuant to an order made under subsection (5) or an application made under subsection (7A) or carrying out such a direction.

Maximum penalty—20 penalty units.

- (11) (Repealed)
- (12) Where a person conducting an election pursuant to an order made under subsection (5) or an application made under subsection (7A)—
- (a) dies or is unable to complete the conduct of the election, or
  - (b) ceases to be a person qualified to conduct the election,
- the Electoral Commissioner shall complete the conduct of the election or make arrangements or give directions for the completion of the conduct of the election by another person who is so qualified.
- (13) The expenses of an election conducted pursuant to an order made under subsection (5) or an application made under subsection (7A) shall be paid to the Electoral Commissioner by the registered club concerned within 1 month after a certificate referred to in subsection (15) is served on the club and, if not so paid, may be recovered from that club as a debt in any court of competent jurisdiction.

- (14) The expenses referred to in subsection (13) do not, in the case of an election conducted pursuant to an order made under subsection (5), include—
- (a) the salary or other remuneration of any officer or employee of the State performing any duty in relation to the election, including any person appointed solely for the purposes of the election,
  - (b) the cost of travel of such an officer or employee, including any travelling or similar allowance, incurred in connection with the performance of any such duty, or
  - (c) expenses in connection with the provision or use of premises provided by the State for the purposes of the election, including premises obtained solely for those purposes.
- (15) A certificate signed by the Electoral Commissioner, countersigned by the Minister and specifying the amount of the expenses required to be paid by a registered club in accordance with subsection (13) is admissible in any proceedings for the recovery of that amount and is conclusive evidence of that amount.

### **37, 37A (Repealed)**

### **38 Reporting requirements of registered clubs**

- (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).
- (2) Subject to subsections (3) and (4), regulations made for the purposes of subsection (1) have effect in addition to—
- (a) the provisions of the *Corporations Act 2001* of the Commonwealth relating to balance sheets and profit and loss accounts of companies, and
  - (b) the provisions of the *Co-operatives National Law (NSW)* relating to balance sheets and income and expenditure accounts of co-operatives.
- (3) The regulations may declare a matter that is dealt with by regulations made for the purposes of subsection (1) to be an excluded matter for the purposes of section 5F of the *Corporations Act 2001* of the Commonwealth in relation to—
- (a) the whole of the Corporations legislation to which Part 1.1A of the *Corporations Act 2001* of the Commonwealth applies, or
  - (b) a specified provision of that legislation, or
  - (c) that legislation other than a specified provision, or
  - (d) that legislation otherwise than to a specified extent.

**Note—**

Section 5F of the *Corporations Act 2001* of the Commonwealth provides that if a State law declares a matter to be an excluded matter for the purposes of that section in relation to all or part of the Corporations legislation of the Commonwealth, then the provisions that are the subject of the declaration will not apply in relation to that matter in the State concerned.

(4) If any provision of any regulation made for the purposes of subsection (1) is inconsistent with any provision of the *Co-operatives National Law (NSW)*—

(a) the provision of the regulation prevails to the extent of the inconsistency, and

(b) if the provision of the regulation is complied with by the registered club, the registered club is taken not to have failed to comply with the provision of the *Co-operatives National Law (NSW)* with which the provision of the regulation is inconsistent.

(5) In this section—

**matter** includes act, omission, body, person or thing.

**39-40 (Repealed)**

**41 Registered clubs under official management or receivership or in liquidation**

(1) A person is not capable of being appointed to act in the capacity of the administrator, the controller of property, the official manager, the receiver or manager, a member of the committee of management, the liquidator or the special manager of a registered club that is a company within the meaning of the *Corporations Act 2001* of the Commonwealth or a co-operative registered under the *Co-operatives National Law (NSW)* or of acting in any such capacity unless the person has been—

(a) appointed to act in that capacity by the Supreme Court, or

(b) approved to act in that capacity by the Authority.

(2)–(5) (Repealed)

**41A Appointment of temporary administrator**

(1) Where an appointment referred to in section 41 has not been made but the governing body of a registered club has, in the opinion of the Authority, ceased to be effective as a governing body, the Authority may appoint a person to administer the affairs of the club.

(2) A person appointed under subsection (1) has, to the exclusion of any other person or body of persons, the functions of the governing body of the club until—

(a) an appointment referred to in section 41 is made, or

(b) the Authority orders otherwise,

whichever first occurs.

(3) (Repealed)

## **Part 4A Accountability, disposal of property and termination of contracts**

### **41B Definitions**

In this Part—

**contract** includes commercial arrangement.

**director** of a registered club means a member of the governing body of the club.

### **41C Registered Clubs Accountability Code**

- (1) The regulations may prescribe a Registered Clubs Accountability Code.
- (2) The Code may make provision for or with respect to the following—
  - (a) requiring the directors and employees of a registered club to disclose interests in matters relating to the affairs of the club,
  - (b) requiring the directors and employees of a registered club to disclose any gifts or remuneration they receive from specified persons or bodies,
  - (c) restricting registered clubs from entering into specified contracts or classes of contracts or requiring clubs to amend or terminate such contracts,
  - (d) restricting the lending of money to the directors or employees of a registered club,
  - (e) restricting the use and disposal of the property of registered clubs,
  - (f) the remuneration payable to directors and employees of registered clubs,
  - (g) reporting requirements,
  - (h) any other matter relating to the accountability of registered clubs.
- (3) A person who contravenes a provision of the Code that is identified by the Code as an offence provision is guilty of an offence.

Maximum penalty—50 penalty units.

- (4) If a registered club contravenes a provision of the Code that is identified as an offence provision, the club is not guilty of an offence under this section but each person who is the secretary of the club, a director of the club or a close associate of the club is guilty of an offence punishable by a maximum penalty of 100 penalty units unless the person satisfies the court that—



- (a) the club contravened the provision without the actual, imputed or constructive knowledge of the person, or
  - (b) the person was not in a position to influence the conduct of the club in relation to the contravention, or
  - (c) the person, if in such a position, used all due diligence to prevent the contravention by the club.
- (5) An individual is not liable to be convicted of an offence under both subsections (3) and (4) in respect of essentially the same act or omission.

**41D Termination by Secretary of contracts entered into in contravention of Code**

- (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 the Registered Clubs Accountability Code.
- (2) If the Secretary is of the opinion that a contract is a contract to which this section applies, the Secretary may serve on each party to the contract a notice in writing affording the party an opportunity to show cause within 14 days why the contract should not be terminated.
- (3) The notice is to specify the provision of the Code that the Secretary considers has been contravened or the term or condition of the contract that the Secretary considers is not being, or has not been, complied with.
- (4) A party to the contract may, within the period specified in the notice, arrange with the Secretary for the making of submissions as to why the contract should not be terminated.
- (5) After considering any submissions so made, the Secretary may, by notice in writing served on each party to the contract, declare that the contract will be terminated on a day specified in the notice.
- (6) A contract the subject of a notice under subsection (5) is terminated by force of this section on and from the date specified in the notice for the termination of the contract.
- (7) The Secretary is not to issue a notice under subsection (5) if the Secretary considers that the registered club concerned may be affected adversely by the termination of the contract.
- (8) The Secretary may take action under this section in relation to a contract whether or not proceedings have been instituted against any person with respect to the purported contravention of the Code that the Secretary believes is the ground for taking the action.

- (9) This section extends to a contract entered into by a registered club before the commencement of this section (as inserted by the *Registered Clubs Amendment (Accountability and Amalgamations) Act 2018*) if the club would have contravened a provision of the Code by entering into the contract after that commencement and so extends as if the contract was entered into in contravention of the provision.

**41E Disposal of real property by registered clubs**

- (1) A registered club must not dispose of any core property of the club unless—
- (a) the property has been valued by a qualified valuer, 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.
- (2) If core property is disposed of by a registered club in contravention of subsection (1), the Secretary may make an application to the Supreme Court for an order in relation to the disposition of the property.
- (3) In determining an application under subsection (2), the Supreme Court may make such of the following orders as it thinks fit if it is of the opinion that the disposal of the core property has not been generally to the benefit of the members of the registered club—
- (a) an order declaring a contract for the disposal of the property void,
  - (b) where the property had been owned by the club when it was disposed of, an order directing that the property be transferred back to the registered club,
  - (c) an order directing the payment of an amount or a further amount in relation to the disposal of the property by the person to whom the club disposed of the property or any person who benefited from the disposal of the property,
  - (d) such other orders as the Supreme Court considers necessary or appropriate in the circumstances.
- (4) The Supreme Court may not make an order under subsection (3) that, in the opinion of the Supreme Court—
- (a) would unfairly and materially prejudice an interest or right of a person who acted in good faith and with no reasonable grounds to suspect that the disposal of the property concerned was in contravention of this Act, or
  - (b) would result in the extinguishment of an interest in the property (without proper compensation) held by a person who had no knowledge that the property had

been disposed of in contravention of this Act or no means of preventing the disposal of the property.

- (5) 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.
- (6) In this section—

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

- (a) the 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.

**qualified valuer** means a person who—

- (a) has membership of the Australian Valuers Institute (other than associate or student membership), or
- (b) has membership of the Australian Property Institute (other than student or provisional membership) acquired in connection with his or her occupation as a valuer, or
- (c) has membership of the Royal Institution of Chartered Surveyors as a chartered valuer, or
- (d) is of a class of persons prescribed by the regulations.

#### **41F Effect of termination of contract**

- (1) If a contract is terminated under this Part—
- (a) the termination does not affect a right acquired, or a liability incurred, before that termination by a person who was a party to the contract, as a result of the

performance before that termination of any obligation imposed by the contract, and

(b) no liability for breach of contract is incurred by a person who was a party to the contract by reason only of that termination, and

(c) no liability is incurred by the Crown or the Secretary by reason of that termination.

(2) Subject to subsection (1) (a), a party to a contract terminated under this Part must not give any further effect to any part of the contract.

Maximum penalty—20 penalty units.

(3) This section extends to a contract that is declared void under this Part, and accordingly a reference in this section to the termination of a contract includes a reference to a contract that has been so declared.

#### **41G Exemptions**

The regulations may provide for exemptions from any of the provisions of this Part.

#### **41H-41ZC (Repealed)**

### **Part 5**

#### **42-42C (Repealed)**

### **Part 6 Offences in relation to clubs**

#### **43 (Repealed)**

#### **43A Offer of inducement for purchase or provision of goods or services**

(1) A person who provides, or offers to provide, or causes to be provided or offered, to a registered club or any other person any benefit or advantage as the whole or a part of the consideration for the purchase by, or provision to, the club of goods or services is guilty of an offence unless the benefit or advantage—

(a) is to be received by the club and comprises money or money's worth (including any trade-ins) that is clearly set out in a written agreement for purchase or provision of the goods or services, or

(b) is clearly set out in a written agreement and comprises reasonable training of a member of the staff of the club in the operation or maintenance of approved gaming machines.

Maximum penalty—100 penalty units.

(2) A person who provides, or offers to provide, or causes to be provided or offered, to a registered club a benefit or advantage for use by a person, or by more than one

person individually, is guilty of an offence unless—

- (a) the benefit or advantage is openly and generally available to all clubs or other persons or to those of a specified class or specified classes, and
- (b) the benefit or advantage is predominantly educational and relates to a specific and genuine course of study, and
- (c) the benefit or advantage would be of significant assistance to the club, and
- (d) the person making the offer does not, in making the offer or before a decision on the offer is made by the club, select a person to benefit from the offer or make any representations in relation to, or take part in, the selection of such a person, and
- (e) the person making the offer does not, if the offer is accepted, select any person to receive the benefit or advantage, or take part in the selection of such a person, or make any representations in relation to the selection of such a person.

Maximum penalty—100 penalty units.

- (3) A registered club or other person is guilty of an offence if the club or other person—
  - (a) accepts or agrees to accept a benefit, advantage or offer the provision or making of which is an offence under this section, or
  - (b) seeks a benefit, advantage or offer the provision or making of which would be an offence under this section.

Maximum penalty—100 penalty units.

#### **44-44D (Repealed)**

#### **45 Unauthorised persons using club premises**

- (1) If, on any day, a person uses any of the accommodation, facilities or amenities provided on the premises of a registered club and—
  - (a) is not a member of the club, or a guest of such a member, or
    - (a1) is not an honorary member of the club as referred to in section 30A, or
  - (b) is a temporary member of the club (other than a temporary member referred to in section 30B) and the particulars required by section 31 (1) (e) have not been entered on that day in the register of temporary members kept by the club in accordance with the rule of the club referred to in section 30 (2) (m), or
  - (b1) is a temporary member of the club (as referred to in section 30B) and the particulars required by section 31 (1) (f) have not been entered in the register of temporary members kept by the club in accordance with the rule of the club

referred to in section 30 (2) (n), or

(c) is not attending a function in accordance with a club functions authorisation under section 23,

the person, the club and the secretary of the club are each guilty of an offence.

Maximum penalty—10 penalty units.

(2) It is a defence to a prosecution for an offence under subsection (1) (a) committed by a registered club or its secretary if it is proved that all reasonable steps were taken to prevent persons other than members and guests of members from using the accommodation, facilities and amenities provided on the premises of the club.

(2A) It is a defence to a prosecution for an offence under subsection (1) (a1) or (b) committed by a registered club or its secretary if it is proved that all reasonable steps were taken in endeavouring to prevent commission of such an offence.

(3) It is a sufficient defence to a prosecution of a person for an offence under subsection (1) if it is proved that the person to whom the offence relates was an apprentice or trainee, within the meaning of the *Apprenticeship and Traineeship Act 2001*, when the offence was committed and that that person used the accommodation, facilities or amenities referred to in the information for the offence in the course of carrying out work on the accommodation, facilities or amenities and for the purpose only of receiving trade training as such an apprentice or trainee.

#### **45A Minors' names not to be entered in guests' register**

A person who makes an entry relating to a guest under the age of 18 years in the register kept for the purposes of section 30 (2) (k) is guilty of an offence and liable to a penalty not exceeding 10 penalty units.

#### **46 (Repealed)**

#### **47 Offences against rules**

If any rule, being a rule referred to in section 30 (1), (2) or (2A) (except section 30 (2) (g) or (h)) of a registered club is broken—

(a) the registered club, and

(b) if it is a rule referred to in section 30 (2) or (2A), the secretary of the registered club,

are each guilty of an offence and liable to a penalty, in the case of the registered club, not exceeding 10 penalty units and, in the case of the secretary, not exceeding 5 penalty units.

#### **48, 48A (Repealed)**

#### **49 Amendment of rules of club**

- (1) A registered club must—
  - (a) within one month after amending its rules, lodge with the Secretary notice of the amendment, and
  - (b) if requested by the Secretary, lodge with the Secretary a copy of the rules of the club (other than the rules contained in section 30 (1) and (2)) and of the amendments certified as correct by the secretary of the club within one month after the request.
- (2) Notice of an amendment or a copy of the rules and amendments may be lodged electronically or in another manner approved by the Secretary.

Maximum penalty—5 penalty units.

#### **50, 50A (Repealed)**

#### **50B Display of notices**

- (1) (Repealed)
- (2) If there is not kept continuously displayed in a conspicuous place in the vicinity of the place where the register is kept for the purposes of section 30 (2) (k) a notice, complying with the requirements, if any, prescribed for the purposes of this subsection and containing such particulars as may be so prescribed, with respect to the obligations of members in relation to their guests who are under the age of 18 years—
  - (a) the registered club, and
  - (b) the secretary of the registered club,are each guilty of an offence and liable to a penalty not exceeding 20 penalty units.
- (3) It is a defence to a prosecution of a registered club, or of the secretary of the club, for an offence under this section if it is proved that—
  - (a) the secretary of the club had taken all reasonable precautions to avoid commission of the alleged offence, and
  - (b) at the time of the alleged offence the secretary of the club did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.

#### **51-55 (Repealed)**

#### **56 General defence available to secretary of registered club**

- (1) Except as provided by subsection (2), it is a sufficient defence to a prosecution of a

secretary of a registered club for an offence under this Part if it is proved that—

- (a) the secretary had taken all reasonable precautions to avoid commission of the alleged offence, and
- (b) at the time of the alleged offence the secretary did not know, and could not reasonably be expected to have known, that the alleged offence had been committed.

- (2) Subsection (1) does not apply to any other offence under this Part in respect of which a defence is specifically available to the secretary of a registered club.

#### **57-57D (Repealed)**

### **Part 6A Disciplinary action**

#### **Note—**

Disciplinary action may also be taken against a registered club under Part 9 of the [Liquor Act 2007](#) in its capacity as a licensee under that Act.

#### **57E Interpretation**

- (1) In this Part—
  - (a) a reference to a secretary of a registered club includes a reference to a person who was the secretary of the club, and
  - (b) a reference to a member of the governing body of a registered club includes a reference to a person who was a member of the governing body of any registered club.
- (2) Without limiting the grounds on which disciplinary action may be taken under this Part, the grounds for taking any such action may relate to conduct occurring before the commencement of this Part.

#### **57F Grounds for making complaint**

- (1) A complaint in relation to a registered club or a person who is the secretary or a member of the governing body of a registered club may be made to the Authority by any of the following (referred to in this Part as **the complainant**)—
  - (a) the Secretary,
  - (b) the Commissioner of Police,
  - (c) a person authorised by the regulations to make a complaint under this Part.
- (2) A complaint must be in writing and specify the grounds on which it is made.
- (3) Disciplinary action may be taken by the Authority against a registered club or a



person who is the secretary or a member of the governing body of a registered club on any one or more of the following grounds—

- (a) that the requirements specified in section 10 (1) are not being met, or have not been met, by the club or the person,
- (b) that the supply of liquor to the club, or on the premises of the club, has not been under the control of the governing body of the club,
- (c) that the club or the person has contravened a condition to which any of the following authorisations held by the club is subject—
  - (i) a non-restricted area authorisation under section 22,
  - (ii) a junior members authorisation under section 22A,
  - (iii) a club functions authorisation under section 23,
- (d) that the club or the person has contravened a provision of this Act or the regulations, whether or not the club or the person (as the case requires) has been convicted of an offence in respect of that contravention,
- (e) that a rule of the club referred to in section 30 (1) has been broken or any other rule of the club has been habitually broken,
- (f) that the club has been conducted, or the premises of the club have been habitually used, for an unlawful purpose,
- (g) that the secretary of the club or any member of the governing body of the club is not a fit and proper person to act as such,
- (h) that a requirement of the Secretary made under this Act in relation to the investigation of the secretary of the club or any member of the governing body of the club has not been complied with,
- (i) that the club has ceased to exist,
- (j) any other ground that the complainant considers appropriate for the taking of disciplinary action against the club or the person.

### **57G Procedure for taking disciplinary action**

- (1) If a complaint in relation to a registered club or a person who is the secretary or a member of the governing body of a registered club is made under this Part, the Authority must, before taking any disciplinary action against the club or the person, notify the registered club or the person (as the case requires) in writing of the grounds on which the Authority is proposing to take disciplinary action.
- (2) Any such notice is to invite the registered club or person concerned to show cause, by

way of a written submission, as to why the Authority should not take disciplinary action against the club or person.

(3) The Authority may specify—

- (a) the time within which a submission under this section may be made, and
- (b) any other requirements that must be complied with in relation to the making of any such submission.

(4) If any written submission is made in accordance with this section, the Authority must take the submission into consideration in deciding whether or not to take disciplinary action against the registered club or person concerned.

### **57H Disciplinary powers of Authority**

(1) The Authority may deal with and determine a complaint that is made to it under this Part.

(2) If the Authority is satisfied that any of the grounds on which the complaint was made apply in relation to the registered club or the person who is the secretary or member of the governing body of a registered club, the Authority may decide not to take any action or may decide to do any one or more of the following—

- (a) order the club to pay a monetary penalty not exceeding 2,500 penalty units within such time as is specified in the order,
  - (a1) order the person to pay a monetary penalty not exceeding 100 penalty units within such time as is specified in the order,
- (b) suspend the club's licence for such period as the Authority thinks fit,
- (c) cancel the club's licence,
- (d) suspend or cancel any authorisation held by the registered club under this Act,
- (e) impose a condition on the club's licence or on any authorisation held by the club under this Act,
- (f) remove the person from office as the secretary of the club or as a member of the governing body of the club,
- (g) declare that the person or any other specified person is, for such period as is specified by the Authority, ineligible to stand for election or to be appointed to, or to hold office in, the position of secretary or member of the governing body (or both of those positions) of—
  - (i) the club, and

- (ii) if the Authority so determines—all other registered clubs or such other registered clubs as are specified (or as are of a class specified) by the Authority,
  - (h) appoint a person to administer the affairs of the club who, on appointment and until the Authority orders otherwise, has, to the exclusion of any other person or body of persons, the functions of the governing body of the club,
  - (i) order the registered club or person to pay the amount of any costs incurred by—
    - (i) the Secretary in carrying out any investigation or inquiry under section 35A in relation to the club or person, or
    - (ii) by the Authority in connection with the taking of disciplinary action against the club or person under this section.
- (3) Any monetary penalty or costs ordered to be paid under subsection (2) are payable to the Secretary.

#### **57I Procedure for implementing disciplinary action**

- (1) If the Authority decides to take disciplinary action under section 57H against a registered club or against the secretary or a member of the governing body of a registered club, the Authority is required to serve on the club or the person a notice informing the club or the person of the Authority's decision.
- (2) The notice must include the reasons for the Authority's decision.
- (3) The disciplinary action specified in the notice takes effect when notice of it is given or on a later date specified in the notice.
- (4) The Authority may, by serving a further notice on the registered club or person concerned, cancel a notice under this section before the notice takes effect.
- (5) The Authority is not prevented from taking disciplinary action under this Part merely because the registered club, or the secretary or member of the governing body of the registered club concerned, as the case requires, is subject to criminal or civil proceedings that relate to the same matters or incident to which the disciplinary action relates.

#### **57J Declarations concerning ineligibility of persons to be secretary or member of governing body**

- (1) This section applies to the power of the Authority to make a declaration under section 57H (2) (g) in relation to a person who is the secretary or a member of the governing body of a registered club.
- (2) The Authority must not make a declaration in relation to such a person unless—

- (a) it is satisfied that the person was the secretary of the club or a member of the governing body of the club at a relevant time or was materially involved in the management of the affairs of the registered club at a relevant time, and
  - (b) the person has been given an opportunity to show cause why the declaration should not be made.
- (3) The Authority may make a declaration in relation to a person regardless of whether the Authority is dealing with the matter on the ground that the person is not a fit and proper person to act as the secretary or a member of the governing body of the registered club.
- (4) If the Authority makes a declaration in relation to a person, the position of the person as the secretary or a member of the governing body of any registered club to which the declaration relates immediately becomes vacant.
- (5) A person must not, during the period for which the person is declared ineligible for a position, stand for election or accept appointment to, or hold office in, that position.
- Maximum penalty—10 penalty units.
- (6) Despite any other law, if the Authority makes a declaration in relation to a person, the person is not, in consequence of the declaration or of anything done to give effect to the declaration, entitled to compensation or damages from the club of which he or she was the secretary or a member of the governing body, unless the Authority specifies in the declaration that the declaration does not affect the rights, if any, of the person to compensation or damages from the club.
- (7) A vacancy in the position of a member of the governing body of a registered club resulting from a declaration may be filled as a casual vacancy.

**57K Requirement for legal member of Authority to be present**

The Authority cannot determine any complaint made to it under this Part (including any decision to take any disciplinary action) unless a member of the Authority who is or has been a Judge, or who has been an Australian lawyer for at least 7 years, is present at the meeting of the Authority (or the committee of the Authority) at which the complaint is determined or the decision to take the action is made.

**57L Administrative review by NCAT of decision by Authority under this Part**

- (1) Each of the following persons may apply to the Civil and Administrative Tribunal for an administrative review under the [Administrative Decisions Review Act 1997](#) of a decision by the Authority in relation to a complaint under this Part—
- (a) the registered club or person against whom any disciplinary action is taken by the Authority in relation to the complaint,

(b) the complainant.

- (2) Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997* does not apply to an application to the Civil and Administrative Tribunal for an administrative review of a decision by the Authority under this Part.

## **Parts 7, 7A**

### **59-59D (Repealed)**

## **Part 8 Criminal proceedings and related matters**

### **60-62 (Repealed)**

### **63 Evidentiary provisions**

- (1) In any proceedings for an offence under this Act or the regulations, any one or more of the following allegations (however expressed) is evidence of the truth of the allegation unless the contrary is proved—
- (a) that a specified club is or was a registered club,
  - (b) that a specified person is or was the secretary of a registered club,
  - (c) that a specified person is the Secretary,
  - (d) that a specified person is a delegate of the Minister, or of the Commissioner of Police, or of the Secretary, to whom a specified function has been delegated under section 6A,
  - (e) that a specified person is an inspector.
- (2) In any proceedings for an offence under this Act or the regulations, an allegation that, at a specified time, a person was under the age of 18 years is evidence of the truth of the allegation unless the defendant denies the allegation in the manner prescribed by the regulations.

### **63A, 64 (Repealed)**

### **65 Proceedings for offences**

- (1) Proceedings for an offence under this Act or the regulations are to be dealt with summarily before the Local Court.
- (2) Except as provided by subsection (3), proceedings for an offence under this Act or the regulations may be commenced within but not later than 12 months after the date on which the offence is alleged to have been committed.
- (3) Proceedings for an offence under section 32, 34, 43A, 45, 45A, 47 or 49 may be commenced within but not later than 3 years after the date on which the offence is

alleged to have been committed.

#### **65A Additional penalties may be imposed by court**

In addition to any other penalty that a court may impose for an offence committed by a registered club under this Act or the regulations, the court may, if it thinks it appropriate, do any one or more of the following—

- (a) cancel or suspend the club licence held by the club,
- (b) cancel or suspend—
  - (i) a non-restricted area authorisation held by the club under section 22, or
  - (ii) a junior members authorisation held by the club under section 22A, or
  - (iii) a club functions authorisation held by the club under section 23,
- (c) subject the club licence, or any such authorisation, to a specified condition,
- (d) declare that each person specified in the declaration is, for such period as is specified in the declaration, ineligible to stand for election or to be appointed to, or to hold office in, the position of secretary or member of the governing body (or both of those positions) of—
  - (i) the club, and
  - (ii) if the court so declares—all other registered clubs or such other registered clubs as are specified or as are of a class specified in the declaration.

#### **65B (Repealed)**

#### **66 Penalty notices**

- (1) A police officer or an inspector may issue a penalty notice to a person (including a registered club) if it appears to the police officer or inspector that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.

**Note—**

The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) However—
  - (a) section 22A (1) of the *Fines Act 1996* does not apply in relation to disciplinary

action under Part 6A of this Act, and

(b) despite section 22A (2) of the *Fines Act 1996*, when an amount is paid under this section in respect of a penalty notice issued to a person, the person is, for the purposes of Part 6A of this Act, taken to have been convicted of the offence to which the penalty notice relates.

(5) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

(6) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

#### **66A (Repealed)**

### **Part 9 Miscellaneous**

#### **67 Power to demand particulars from certain persons on club premises**

(1) (Repealed)

(2) A member of the governing body or of any committee of a registered club or an employee of a registered club may—

(a) (Repealed)

(b) where the club is a club to which section 30 (2) (k) applies, demand from any person who enters or is on the premises of the club and who that member or employee suspects on reasonable grounds is not—

(i) a member of the club, or a minor who is the guest of a member, or

(ii) a guest of a member of the club particulars of whom (referred to in section 31 (1) (c)) have been entered in the register kept for the purposes of section 30 (2) (k),

particulars of the correct name and address of that person, or

(c) where the club is not a club to which section 30 (2) (k) applies, demand from any person who enters or is on the premises of the club and who that member or employee suspects on reasonable grounds is not a member of the club or a guest of a member of the club—

(i) particulars of the correct name and address of that person,

(ii) particulars as to whether that person is or is not a member of the club or a guest of a member of the club, and

(iii) where that person claims to be a guest of a member of the club, particulars of the name of that member.

(3) A member of the police force may demand—

(a) (Repealed)

(b) from any person who enters or is on the premises of any registered club (being a club to which section 30 (2) (k) applies) and who that member suspects on reasonable grounds is not—

(i) a member of the club, or a minor who is the guest of a member, or

(ii) a guest of a member of the club particulars of whom (referred to in section 31 (1) (c)) have been entered in the register kept for the purposes of section 30 (2) (k),

particulars of the correct name and address of that person, or

(c) from any person who enters or is on the premises of any registered club (not being a club to which section 30 (2) (k) applies) and who that member suspects on reasonable grounds is not a member of the club or a guest of a member of the club—

(i) particulars of the correct name and address of that person,

(ii) particulars as to whether that person is or is not a member of the club or a guest of a member of the club, and

(iii) where that person claims to be a guest of a member of the club, particulars of the name of that member.

(4) If a member of the governing body or of a committee of a registered club, an employee of a registered club or a member of the police force, by whom a demand has been made under subsection (2) or (3), believes on reasonable grounds that any particular given by the person on whom the demand was made is false he or she may require that person to produce evidence of the correctness of that particular.

(5) If a person on whom a demand is made under subsection (3) refuses or fails to state the particulars demanded or, without reasonable cause, to produce evidence referred to in subsection (4), the member of the police force by whom the demand was made may without any warrant apprehend that person forthwith and where he or she does so shall bring that person before a Magistrate or an authorised officer within the meaning of the [Criminal Procedure Act 1986](#) as soon as practicable to be dealt with according to law.

(6) A person on whom a demand is made under subsection (2) or (3) shall not—



(a) refuse or fail to state to the person by whom the demand is made, the particulars demanded of him or her.

(b) (Repealed)

Maximum penalty (subsection (6)): 10 penalty units.

#### **67A-70 (Repealed)**

#### **70A Additional functions of Authority**

In addition to the functions conferred on it by this Act, the Authority—

- (a) shall keep under constant review the operation of this Act and make such recommendations to the Minister in relation thereto as it thinks fit,
- (b) shall, upon being directed by the Minister so to do, inquire into, and make a report and recommendations to the Minister upon, any matter connected with the administration of this Act,
- (c) shall keep under constant review the standard of the premises of registered clubs,
- (d) may receive submissions or reports from any person with respect to the operation of this Act, and
- (e) may impose conditions with respect to any matter that relates to its functions under this Act and revoke or vary any such condition.

#### **70B (Repealed)**

#### **71 Service of notices**

- (1) Any notice or other instrument to be served on a registered club under this Act may be served by any of the following methods—
  - (a) by leaving it with the secretary of the club, a member of the governing body or of a committee of the club or a person who is apparently an employee of the club at the premises of the club,
  - (b) by affixing it to a conspicuous part of the premises of the club,
  - (c) by email to an email address specified by the registered club for the service of notices or other instruments of that kind.
- (2) A notice or other instrument required or permitted to be served under this Act by post is taken to have been properly addressed for the purpose of its service by post if addressed to the person to whom it is directed at any of the following addresses—
  - (a) the address of the premises of the registered club (in the case of service on the club),

- (b) the address of the place at which the person resides, as last known to the Authority,
  - (c) the address of a place at which the person carries on business, as last known to the Authority.
- (3) The provisions of this section operate in addition to and do not derogate from the operation of a provision of any other law relating to service (such as section 109X of the *Corporations Act 2001* of the Commonwealth in respect of a registered club that is a company within the meaning of that Act).

#### **71A Date of payment by direct deposit**

A payment made to the Secretary or the Chief Commissioner for the purposes of this Act or the *Gaming Machine Tax Act 2001* by means of payment to a bank, building society or credit union for direct deposit to the credit of the Secretary or the Chief Commissioner is taken to have been paid to the Secretary or the Chief Commissioner, as the case may be, on the date of payment to that bank, building society or credit union.

#### **72 Special provisions relating to Sydney Cricket Ground Club and Newcastle International Sports Centre Club**

- (1) In this section **club** means the Sydney Cricket Ground Club and the club referred to in clause 9 of Schedule 5 to the *Sporting Venues Authorities Act 2008*.
- (2) Notwithstanding any other provision of this Act, the Governor may, by order and subject to such conditions as he or she thinks fit—
  - (a) (Repealed)
  - (b) from time to time exempt a club or the governing body, secretary or members of a club from any of the provisions of this Act otherwise applicable in respect of the club or the governing body, secretary or members of the club.
- (3)–(6) (Repealed)
- (7) Nothing in this section affects the operation of any other provision of this Act expressly exempting a club from any such provision.
- (8), (9) (Repealed)

#### **72A Expenses of administration**

- (1) The expenses of and incidental to the administration of the affairs of a registered club by a person appointed under this Act are payable by the club.
- (2) The remuneration of a person so appointed is an expense referred to in subsection (1) and is to be fixed by the Authority.

## **72B Liability for losses incurred during administration**

- (1) A person appointed by the Authority to administer the affairs of a registered club is not liable for any loss incurred by the club during the person's term of office unless the loss was attributable to the person's—
  - (a) wilful misconduct, or
  - (b) gross negligence, or
  - (c) wilful failure to comply with any provision of this Act or the regulations or the constitution of the club (in so far as that provision of the constitution is applicable to the members of the governing body of the club).
- (2) Neither the Crown nor the Minister is liable for any loss incurred by a registered club during the term of office of a person appointed under this Act to administer the affairs of the club, whether or not the person is so liable.

## **72C (Repealed)**

## **73 Regulations**

- (1) The Governor may make regulations not inconsistent with this Act for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to the following—
  - (a)–(d) (Repealed)
  - (e) the making of and the procedure with respect to applications under this Act,
  - (f) the exhibition of notices in connection with applications under this Act,
  - (g) (Repealed)
  - (h) the fees in respect of any application under this Act,
  - (i) the accommodation in registered clubs,
  - (j) the particulars to be furnished by registered clubs,
  - (k) (Repealed)
  - (l) the duties and functions of a registered club,
  - (m) requiring members of the governing bodies of registered clubs, secretaries of clubs or persons appointed under the [Liquor Act 2007](#) as managers of club premises to undergo training courses relating to financial management and other matters that are relevant to their functions,

(n) any matter relating to the conduct of an election of the members of the governing body of a registered club, and recommended minimum levels of emoluments payable to such members,

(o) the amalgamation of registered clubs under Division 1A of Part 2 and the de-amalgamation of amalgamated clubs under Division 1B of Part 2.

(p)-(y) (Repealed)

(1A), (2) (Repealed)

(2A) The regulations may provide that the form to be used for a particular purpose is to be the form approved for the purpose by the Authority.

(2B) A regulation may apply, adopt or incorporate any publication as in force from time to time.

(3) A regulation may impose a penalty not exceeding 50 penalty units for a contravention of the regulation.

### **73A Age of members of governing body of club**

(1) A person may become or be a member of the governing body of a registered club even if the person is of or above the age of 72 years.

(2) Subsection (1) has effect despite any other Act or law.

(3) The maximum age of a member of the governing body of a registered club is declared to be an excluded matter for the purposes of section 5F of the *Corporations Act 2001* of the Commonwealth in relation to section 201C of that Act.

#### **Note—**

This subsection ensures that section 201C (Directors of public companies, or subsidiaries, over 72) of the *Corporations Act 2001* of the Commonwealth will not apply in relation to the matter referred to in the subsection. Section 5F of the *Corporations Act 2001* of the Commonwealth provides that if a State law declares a matter to be an excluded matter in relation to specified provision of that Act, then that provision will not apply in relation to that matter in the State concerned.

### **74, 75 (Repealed)**

### **76 Transitional provisions**

Schedule 2 has effect.

### **77 (Repealed)**

## **Schedule 1 (Repealed)**

## **Schedule 2 Savings, transitional and other provisions**

(Section 76)

## Part 1A Preliminary

### 1A Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.
- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done, or omitted to be done, before the date of its publication.

## Part 1 Provisions relating to repeal of [Liquor Act 1912](#)

**1** In this Schedule, **the previous Act** means the [Liquor Act 1912](#).

**2**

- (1) Any application or conditional application, or proceedings on any application or conditional application, under a provision of the previous Act, being an application or conditional application or proceedings that had been lodged or commenced but had not been finally dealt with or completed before the commencement of this Act, may be pursued, continued, dealt with, heard and determined, adjudicated upon and completed under the corresponding provision of this Act.
- (2) Any complaint under section 148 of the previous Act made before the commencement of this Act, the matter of which complaint had not been heard and determined, adjudicated upon and completed by the licensing court before that commencement, may be so heard and determined, adjudicated upon and completed in all respects as if this Act had not been enacted except that the determination of the licensing court on the matter of the complaint shall be a determination referred to in section 17 (2) and shall be subject to appeal under the provisions of this Act as if it were an adjudication of the licensing court in respect of a complaint under section 17 (1).
- (3) Any complaint under section 148A of the previous Act made before the commencement of this Act or proceedings on such a complaint, the matter of which complaint had not been heard and determined, adjudicated upon and completed by

the licensing court before that commencement, may be so heard and determined, adjudicated upon and completed under section 35.

(4) An adjudication of the licensing court that was made under a provision of the previous Act and against which an appeal could, but for the amendments made by section 74 (1) and Part 1 of Schedule 1, have been lodged under the previous Act before the commencement of this Act is subject to appeal under the provisions of this Act as if it were an adjudication under the provision of this Act that corresponds to that provision of the previous Act.

- 3** A certificate of registration under the previous Act in force immediately before the commencement of this Act shall be deemed to be a certificate of registration issued and in force under this Act.
- 4** The grant of a conditional application under section 136A, or the conditional grant of an order under section 145 (2), of the previous Act, being a grant of such an application or being such an order in force immediately before the commencement of this Act, shall respectively be deemed to be grants of conditional applications under section 18.
- 5** A permission granted under section 145A of the previous Act and in force immediately before the commencement of this Act shall be deemed to be an authority granted under section 20.
- 6** An order under section 145 (3) of the previous Act in force immediately before the commencement of this Act shall be deemed to be an authority granted under section 21.
- 7** A permission granted to a registered club under section 51B of the previous Act and in force immediately before the commencement of this Act shall be deemed to be an authority granted under section 22.
- 8** A permission granted under section 139A of the previous Act and in force immediately before the commencement of this Act shall be deemed to be an authority granted under section 23.
- 9** Where the certificate of registration of a club under the previous Act was, at the commencement of this Act, suspended, that club shall, until the suspension would but for the amendments effected by section 74 (1) and Part 1 of Schedule 1 have expired, be deemed to be disqualified from holding a certificate of registration.
- 10** A declaration made under section 148A (4) (a) or (b) of the previous Act shall have the same effect as if it were a declaration under section 35 (4) (a) or (b), as the case may be.

**11**

- (1) For the purposes of this Act, in respect of a club in respect of which a certificate of registration under the previous Act, in force immediately before the commencement of this Act, was held—
  - (a) the premises of that club are the premises in respect of which that certificate of registration was held until other premises are, under subclause (2) (a) or section 5 (1) (a), defined or described as the premises of the club, and
  - (b) the defined premises of that club are—

- (i) except as provided in subparagraph (ii)—the premises of that club in respect of which that certificate of registration was held, or
- (ii) where on any plan submitted in connection with an application made under the previous Act there was endorsed by a licensing magistrate any statement indicating that that certificate of registration extended only to a specified part of the premises of that club—that specified part,

until the licensing court, under subclause (2) (b) or section 5 (1) (b), specifies differently.

- (2) The licensing court may, upon an application made by the district inspector in respect of a club in respect of which a certificate of registration under the previous Act, in force immediately before the commencement of this Act, was held—
  - (a) define or describe the premises of the club in respect of which the certificate of its registration is in force, and
  - (b) specify that those premises, or such part of those premises as is defined or described by the licensing court, are or is the defined premises of the club.
- (3) Not more than one application may be made under subclause (2) (a) or (b) in respect of the same club.
- (4) For the purposes of this Act, the premises, defined or described as referred to in subclause (2) (a), of a registered club are the premises of that club in respect of which the certificate of its registration is in force until other premises are, under section 5 (1), defined or described as the premises of the club.
- (5) For the purposes of this Act, the premises or part of the premises of a registered club that are or is specified under subclause (2) (b) are the defined premises of that registered club until the licensing court, under section 5 (1), specifies differently.

**12** A person who immediately before the commencement of this Act held office as the secretary of a registered club under the previous Act shall be deemed to have been approved under section 33 as the secretary of that club.

**13** A proclamation or order made under a provision of the previous Act specified in column 1 of the Table to this clause and in force at the commencement of this Act shall be deemed—

- (a) to be an order made under the provision of this Act specified in column 2 of that Table, and
- (b) to have been so made for the purposes of the provision of this Act specified in column 3 of that Table,

opposite the provision of the previous Act specified in column 1 of that Table.

**Table**

**Column 1**

**Column 2**

**Column 3**

Section 134A (5)	Section 13 (1) (a)	Section 10 (4)
Section 134B (6)	Section 13 (1) (a)	Section 10 (3)
Section 135 (1)	Section 13 (1) (b)	Section 10 (5)
Section 135 (1A)	Section 30 (7)	Section 30 (6)

**14** If a person is, at the commencement of this Act, prevented by the rule referred to in section 30 (1) (b) from holding office as a member of the governing body of a club in respect of which a certificate of registration under the previous Act, in force immediately before that commencement, was held, the position of that person as a member of the governing body of that club becomes vacant on that commencement and may be filled as a casual vacancy.

**15** A person who became a member of a registered club before the commencement of this Act shall—

- (a) if he or she was elected to membership of the club for life, be deemed to be a life member of the club,
- (b) if he or she was elected to membership of the club in accordance with a rule of the club referred to in section 135 (1) (d) of the previous Act or if, immediately before the grant under the previous Act of the certificate of registration in respect of the club or of the conditional application, if any for the certificate of registration in respect of the club whichever was granted the later, he or she was a member of the club, not being a person who, under the rules of the club, was a life member, an honorary member or a temporary member of the club, be deemed to be an ordinary member of the club,
- (c) if he or she was admitted as an honorary member of the club or as an honorary and temporary member of the club, be deemed to be an honorary member of the club, or
- (d) except as provided in paragraphs (a), (b) and (c), be deemed to be a temporary member of the club.

**16** Section 49 applies to and in respect of a registered club in respect of any amendment to its rules made before the commencement of this Act as if section 49 had been in force when the amendment was made unless section 135A of the previous Act was complied with in relation to the amendments.

**17**

- (1) A registered club that has more than 1 certificate of registration under this Act shall, within 12 months after the commencement of the *Registered Clubs (Further Amendment) Act 1985*, surrender those certificates to the Board.
- (2) A certificate of registration of a club which is not surrendered in accordance with subclause (1) shall be deemed to be cancelled.
- (3) Where any certificates of registration are surrendered by a registered club under subclause (1) or are deemed to be cancelled under subclause (2), the Board shall, subject to section 5A, issue to the club 1 certificate of registration in respect of all the premises to which the surrendered or cancelled certificates related.



- (4) A certificate of registration issued by the Board under subclause (3) is subject to such conditions as the Board imposes and any such condition imposed by the Board shall, for the purposes of this Act, be deemed to be a condition imposed by the Licensing Court under section 9A.
- (5) A certificate of registration issued by the Board under subclause (3) shall be deemed to be a certificate of registration issued under Part 2.

## **Part 1B Provisions relating to enactment of **Registered Clubs (Liquor) Amendment Act 1982****

### **17A Transitional provisions**

- (1) A condition to which, pursuant to section 9A (as in force immediately before its amendment by the amending Act), the certificate of registration of a club was subject immediately before 1 July 1983 is taken to be a condition imposed on that day under section 9A, as amended by the amending Act.
- (2) A fee paid by a registered club before 1 July 1983 for renewal of its certificate of registration on and from that day is taken to be the fee paid by the club under section 15, as amended by the amending Act, in respect of the licensing period that commenced on that day.
- (3) The provisions of this Act, as amended by the amending Act, that relate to the reassessment of a registration fee apply to and in respect of a fee paid by a registered club before 1 July 1983 for renewal of its certificate of registration as if the fee so paid had been assessed as a registration fee under this Act, as amended by the amending Act.
- (4) Section 16, as amended by the amending Act, applies to and in respect of a certificate of registration of a club in force immediately before 1 July 1983 in the same way as it applies to and in respect of such a certificate granted on or after that day unless renewal of the certificate of registration was refused before 1 July 1983 or is, pursuant to an application made before that day, refused on or after that day.
- (5) Where a notice given before 1 July 1983 would, if the amending Act had not been enacted, have been duly given for the purposes of this Act, it is taken to have been duly given for the purposes of this Act, as amended by the amending Act.
- (6) An objection to an application taken under this Act before 1 July 1983 and not finally heard and determined before that day is to be heard and determined as if the amending Act had not been enacted.
- (7) This clause is taken to have commenced on 1 July 1983 (the date of commencement of the amending Act).
- (8) Subclauses (1)–(6) re-enact (with minor modifications) clauses 2–7 of Schedule 10 to

the amending Act. Subclauses (1)–(6) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

(9) In this clause—

**amending Act** means the *Registered Clubs (Liquor) Amendment Act 1982*.

## **Part 1C Provisions relating to enactment of Registered Clubs (Amendment) Act 1986**

### **17B Transitional provisions**

- (1) Where an application for a licence is made, but not determined, before the appointed day, the applicant is, between the commencement of that day and—
  - (a) where the application is refused—the time the applicant is notified of the refusal by posting advice of the refusal to the address of the applicant last known to the Board, or
  - (b) where the application is granted—the expiration of 14 days after the applicant is, in the same way, notified of the granting of the licence,taken to be the holder of a licence of the kind applied for.
- (2) If the Licensing Court, upon cause shown, so directs, subclause (1) ceases to apply to a specified applicant to whom or to which, but for this clause and the direction, it would apply.
- (3) Subject to any directions given by the Board to a particular licensee, or to licensees of a particular class of licensees, a reference in this Act to an established poker machine includes a reference to a poker machine (not being an approved poker machine)—
  - (a) that, immediately before the appointed day, was in the possession of a person who, on the appointed day is, or is taken to be, a licensee, or
  - (b) that is manufactured on or after the appointed day by a person who, at the time of the manufacture is, or is taken to be, the holder of a dealer's licence, or
  - (c) that, on or after the appointed day, is the subject of a contract—
    - (i) entered into by any person before the appointed day, or
    - (ii) entered into on or after the appointed day by a person who is, or is taken to be, a licensee.
- (4) The Board may, by notification in the Gazette, terminate the operation of subclause (3).
- (5) This clause is taken to have commenced on 21 May 1986 (the date of assent to the

amending Act).

- (6) Subclauses (1)–(4) re-enact (with minor modifications) clauses 2–4 of Schedule 3 to the amending Act. Subclauses (1)–(4) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.
- (7) In this clause—

**amending Act** means the *Registered Clubs (Amendment) Act 1986*.

**appointed day** means the day appointed under section 116, as inserted by the amending Act.

## **Part 1D Provisions relating to enactment of *Registered Clubs (Amendment) Act 1988***

### **17C Transitional provision**

- (1) A person who, but for this clause, would be required by this Act, as amended by the amending Act, to hold a licence in relation to subsidiary equipment is not required to hold such a licence until—
- (a) a day notified by the Liquor Administration Board in the Gazette for the purposes of section 4 of the amending Act or this clause, or
- (b) if an application for the licence was lodged before that day—until notified of the result of the application.
- (2) This clause is taken to have commenced on 19 December 1988 (the date of assent to the amending Act).
- (3) Subclause (1) re-enacts (with minor modifications) section 4 of the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.
- (4) In this clause—

**amending Act** means the *Registered Clubs (Amendment) Act 1988*.

## **Part 1E Provisions relating to enactment of *Registered Clubs (Amendment) Act 1990***

### **17D Transitional provisions**

- (1) If, immediately before 1 August 1990 (the date of commencement of Schedule 2 to the amending Act), a police officer—
- (a) held office under the *Liquor Act 1982* as superintendent of licences or as a licensing inspector, and

(b) had commenced to exercise a function conferred or imposed by this Act on a holder of the office,

the police officer may, after that commencement, complete the exercise of the function as if it had been delegated to the officer under section 6A, as amended by the amending Act.

(2) If anything done by the Principal Registrar of the Licensing Court—

(a) still has effect immediately before the commencement of a provision of the amending Act, and

(b) could be done by the Director of Liquor and Gaming after that commencement, it has effect on and after that commencement as if it had been done by the Director of Liquor and Gaming.

(3) If a condition to which a certificate of registration under this Act is subject immediately before 1 August 1990 includes a reference to the superintendent of licences or to a licensing inspector, the reference is to be read on and after that day as a reference to a police officer who is a delegate of the Commissioner of Police for the purposes of the reference.

(4) If, immediately before the repeal of section 20A by the amending Act on 1 September 1990—

(a) an application that had been made for an order under that section in relation to club premises had not been disposed of, or

(b) the Liquor Administration Board was considering whether or not to make such an order of its own motion, or

(c) an order in force under that section had not been complied with,

that section continues to have effect in relation to the club premises as if it had not been repealed.

(5) Section 6A, as amended by the amending Act, applies in relation to a function that may be exercised for the purposes of Schedule 6 to the amending Act or this clause in the same way as it applies in relation to a function conferred or imposed by this Act, as amended by the amending Act.

(6) This clause is taken to have commenced on 14 June 1990 (the date of assent to the amending Act).

(7) Subclauses (1)–(5) re-enact (with minor modifications) Schedule 6 to the amending Act. Subclauses (1)–(5) are transferred provisions to which section 30A of the [Interpretation Act 1987](#) applies.

(8) In this clause—

**amending Act** means the *Registered Clubs (Amendment) Act 1990*.

## **Part 2 Provisions relating to enactment of Registered Clubs (Further Amendment) Act 1990**

### **18 Proceedings relating to complaints**

- (1) Sections 17 and 35 as amended by Schedule 1 (2) (c) and (4) to the *Registered Clubs (Further Amendment) Act 1990* apply to proceedings before the Licensing Court whether the proceedings were commenced before or after the amendments took effect.
- (2) The increase in the maximum penalty referred to in section 17 (2) (c) made by the amendment contained in Schedule 1 (2) (a) to the *Registered Clubs (Further Amendment) Act 1990* applies only to matters (which are the subject of complaints) occurring after the commencement of that amendment.

## **Part 3 Provisions relating to enactment of Registered Clubs (Amendment) Act 1993**

### **19 Definitions**

In this Part—

**1993 Act** means the *Registered Clubs (Amendment) Act 1993*.

**introduction date** means the date of introduction into Parliament of the Bill for the 1993 Act, whether or not the 1993 Act was enacted in the form of the Bill as introduced.

### **20 (Repealed)**

### **21 Existing profits, benefits and advantages**

Any person (including a registered club) may, after the amendment of section 10 (1) (j) by the 1993 Act, continue to derive any profit, benefit or advantage to which the person was lawfully entitled immediately before that amendment.

### **22 Club rules**

- (1) For the period of 1 month that next succeeds the insertion of section 30 (2A) by the 1993 Act, that subsection does not apply in relation to a registered club that, during that period, has rules providing for the admission of honorary members or temporary members.
- (2) A registered club to which section 30 (7A) applies immediately before its repeal is not affected by the repeal until the expiration of the period of 3 months that next succeeds the repeal.

### **23 Restrictions on certain officials (registered clubs)**

- (1) On and after the commencement of section 59A and despite its provisions—
  - (a) section 59A (1) (b) and (4) (b) do not apply in relation to a key official during the unexpired term of office as a member of the governing body of a registered club held by the key official immediately before the introduction date, and
  - (b) section 59A (1) (e) and (f), (4) (c) and (7) (a) and (b) do not apply to prohibit the continuation of any employment of a key official that existed immediately before the introduction date, and
  - (c) section 59A (2), (3), (5), (6) and (7) (c) and (d) do not apply to prohibit a business or financial association, or a business or financial interest, that existed immediately before the introduction date.
- (2) On and after the commencement of section 59B and despite its provisions, a reference in that section to a former key official does not include a reference to a person who was a former key official immediately before the introduction date.
- (3) This clause does not affect the operation of section 80 (1) or (2) of the *Public Sector Management Act 1988*, despite section 80 (3) of that Act.

### **24 Restrictions on certain officials (licences)**

- (1) On and after the commencement of section 59C and despite its provisions—
  - (a) section 59C (1) (a) does not apply to prohibit the continuation of any employment of a key official that existed immediately before the introduction date, and
  - (b) section 59C (1) (c) and (4) (a) do not apply to prohibit the continuation of any employment of a key official that existed immediately before the introduction date, and
  - (c) section 59C (2), (3) and (4) (b) and (c) do not apply to prohibit a business or financial association, or a business or financial interest, that existed immediately before the introduction date.
- (2) On and after the commencement of section 59D and despite its provisions, a reference in that section to a former key official does not include a reference to a person who was a former key official immediately before the introduction date.
- (3) This clause does not affect the operation of section 80 (1) or (2) of the *Public Sector Management Act 1988*, despite section 80 (3) of that Act.

### **25 Investigation of certain devices**

On the commencement of section 77A as inserted by the 1993 Act, that section applies in relation to an application for a declaration of a device as an approved poker machine

made, but not determined, before that commencement in the same way as it applies in relation to such an application made after that commencement.

## 26 Approval of poker machine

- (1) An approval by the Board of a poker machine, or of a class of poker machines, that was in force immediately before the commencement of section 77B as inserted by the 1993 Act has effect at that commencement as a declaration under that section to the effect that the poker machine, or a poker machine of that class, is an approved poker machine.
- (2) If, before the commencement of section 77B (2) (b) as inserted by the 1993 Act—
  - (a) the Board had made in relation to a device a declaration of a kind referred to in that paragraph, and
  - (b) the declaration was in force immediately before that commencement,the declaration is taken to have been made in accordance with that paragraph.

## 27 (Repealed)

## 28 Poker machines not used for gaming

An approval in force under section 123 immediately before the repeal and substitution of that section by the 1993 Act continues in force after the repeal as if that section had not been repealed and substituted.

## 29 General

- (1) If anything done or commenced under a provision repealed or amended by the 1993 Act could have been done or commenced under a provision of this Act if the amendments made by the 1993 Act had been in force when the thing was done or commenced, it is taken to have been done or commenced under this Act as amended by the 1993 Act.
- (2) This Part has effect in addition to, and does not derogate from, section 30 of the [Interpretation Act 1987](#).

# Part 4 Registered Clubs (Taxation) Amendment Act 1993

## 30 Definitions

In this Part—

**the amending Act** means the [Registered Clubs \(Taxation\) Amendment Act 1993](#).

**the Regulation** means the [Registered Clubs Regulation 1983](#).

### **31 Purpose of provisions**

The purpose of this Part is to ensure a continuity of operation (as provisions of this Act) of those provisions of the Regulation that are repealed by the amending Act and re-enacted as provisions of this Act.

### **32 (Repealed)**

### **33 Amendments etc do not affect existing liabilities**

- (1) The amendments made to this Act and the Regulation by the amending Act and the repeal of the *Gaming and Betting (Poker Machines) Taxation Act 1956* do not affect any existing right, entitlement or obligation, in particular—
  - (a) any existing liability to pay registration fee, duty, tax or penalty or any instalment of registration fee, duty or tax, and
  - (b) any existing entitlement to a reduction of registration fee, duty or tax or to a refund or credit of registration fee, duty or tax paid, and
  - (c) any existing liability to submit a return.
- (2) Any registration fee, duty, tax, instalment or penalty so payable or paid under a provision of the Regulation repealed by the amending Act is taken to be payable or to have been paid under the corresponding provision of this Act as amended by the amending Act.
- (3) Anything done or omitted to be done under or for the purposes of a provision of the Regulation repealed by the amending Act is taken to have been done or omitted under or for the purposes of the corresponding provision of this Act as amended by the amending Act.

### **34 Transitional regulations for club amalgamations**

- (1) Clause 20ZB (Effect of amalgamation before 1 Dec 1991 on duty) of the Regulation (as in force immediately before the repeal by this Act of the other provisions of Part 4B (Duty on Poker Machines) of the Regulation) is taken to be in force as a regulation under this Act.
- (2) That clause operates as if references in it to duty were references to both the duty payable under Division 2 of that Part and the duty payable under Division 2 of Part 10 of this Act.
- (3) This clause does not prevent the repeal of clause 20ZB of the Regulation.

### **35 Validation of registration and licence cancellations**

- (1) Clauses 19 and 20H of the Regulation are taken at all times prior to their repeal to have been valid for the purposes of effecting the cancellation of a certificate of



registration or licence in accordance with the terms of those clauses.

- (2) Accordingly, a certificate of registration or licence purportedly cancelled by clause 19 or 20H of the Regulation is taken to have been validly cancelled.
- (3) However, clauses 19 and 20H of the Regulation are taken never to have operated to cancel a registration certificate or licence for failure to pay the registration fee, or an instalment of the registration fee, or for failure to pay the licence fee, payable in respect of the registration period commencing in January 1993 or the prescribed period commencing in February 1993.
- (4) This clause does not apply in respect of any registration certificate or licence in respect of which proceedings challenging the validity of a cancellation under clause 19 or 20H of the Regulation were commenced in the Supreme Court before the Bill for the amending Act was introduced into Parliament.
- (5) The repeal of clauses 19 and 20H of the Regulation does not operate to revive a cancelled certificate of registration or licence.
- (6) Neither the Crown nor the Board incurs any liability (in particular, any liability to pay compensation) by reason of the operation of this clause or clauses 19 and 20H of the Regulation.

### **36 Grounds for complaint—late payment of fee**

The amendments made to sections 17 and 108 by the amending Act do not apply in respect of the failure to pay an instalment of registration fee or a licence fee due before the commencement of the amendment.

### **37 Records and returns**

Anything done or omitted to be done under or for the purposes of section 86 immediately before the commencement of section 87H is taken after that commencement to have been done or omitted under section 87H.

### **38 Continuation of existing regulations**

- (1) A regulation in force under a provision of this Act that is amended or substituted by the amending Act and which could be made under that provision (as so amended or substituted) continues in force and is taken to have been made under that provision as so amended or substituted.
- (2) Subclause (1) does not apply to a regulation repealed by section 4 of the amending Act and does not apply to prevent the subsequent amendment or repeal of a regulation continued in force by subclause (1).

## **Part 5 Provisions relating to enactment of [Registered Clubs](#)**

## **(Management) Amendment Act 1993**

### **39 Existing disqualifications remitted to Licensing Court for redetermination**

- (1) On the commencement of the *Registered Clubs (Management) Amendment Act 1993*, any matter determined under section 17 that resulted in the disqualification of a registered club under section 17 (2) (b) (being a disqualification in force immediately before that commencement or that is not operative because the decision of the Licensing Court is subject to an appeal) is by this clause remitted to the Licensing Court for redetermination.
- (2) Until that redetermination takes place, the decision of the Licensing Court on the matter is for the purposes of section 16 (Duration of certificate of registration) taken to be subject to an appeal that has not been finally disposed of.

### **40 Certain amendments apply to existing matters and matters remitted for redetermination**

The following amendments made by the *Registered Clubs (Management) Amendment Act 1993* extend to any matter pending before the Licensing Court at the commencement of that Act and also extend to any matter heard and determined by the Licensing Court before that commencement that as a result of any appeal or the operation of clause 39 is remitted to the Licensing Court for redetermination—

- (a) the amendments with respect to the disqualification of a registered club from holding a certificate of registration (namely the amendments made by Schedule 1 (1), (2) (a), (c) and (f) and (4) to that Act),
- (b) the amendments with respect to the power of the Licensing Court to make a declaration that a person is ineligible to stand for election or to be appointed to, or to hold office in, the position of secretary or member of the governing body of a registered club or registered clubs (namely the amendments made by Schedule 1 (2) (b) and (e) and (3) to that Act).

### **41 Penalty increase does not apply to existing matters and matters remitted for redetermination**

The increased maximum penalty effected by Schedule 1 (2) (d) to the *Registered Clubs (Management) Amendment Act 1993* does not apply in relation to anything done or omitted to be done before the commencement of the amendment or in relation to complaints made before the commencement of the amendment. This clause does not affect the generality of section 55 of the *Interpretation Act 1987*.

### **42 1989 amendment extends to pending and remitted matters**

- (1) The amendment made to section 17 (2) by Schedule 1 to the *Statute Law (Miscellaneous Provisions) Act (No 3) 1989* extends to any matter pending before the

Licensing Court at the commencement of this clause and also extends to any matter heard and determined by the Licensing Court before that commencement that as a result of any appeal or the operation of clause 39 is remitted to the Licensing Court for redetermination, even if the matter relates to a complaint made before the commencement of that amendment.

- (2) The amendment referred to in this clause enabled the Licensing Court to take any one or more of the actions specified in section 17 (2) when hearing and determining a complaint about a registered club (prior to the amendment it was limited to any one of those actions).
- (3) This clause applies despite the transitional provision enacted by the *Statute Law (Miscellaneous Provisions) Act (No 3) 1989* in respect of the amendment.

## **Part 6 Registered Clubs (Amendment) Act 1994**

### **43, 44 (Repealed)**

### **45 Freight charges to brewers' regional depots**

Section 4AA applies for the purposes of the licensing period commencing on 16 January 1995 and subsequent licensing periods and for that purpose extends to apply in respect of sales of liquor occurring before the commencement of that section.

### **46 Function authorities**

Section 23 (as in force immediately before its substitution by the *Registered Clubs (Amendment) Act 1994*) continues to apply to an authority issued and in force under that section before its substitution.

### **47 Stay of decision on appeal**

Section 42B (3) does not apply to an appeal lodged before the commencement of that subsection.

### **48 Penalty notices**

Section 57A (Infringement notices for minors) continues to apply despite its repeal in respect of a penalty notice issued under that section before its repeal.

### **49 3 year amnesty for existing advertising**

The amendments made by Schedule 1 (4) to the *Registered Clubs (Amendment) Act 1994* do not apply to any visible promotional or advertising matter first displayed before the commencement of that section, until the promotional or advertising matter is replaced or its form or contents are changed or until the day that is 3 years after the commencement of the amendments (whichever is the earlier).

## Part 7 Registered Clubs (Further Amendment) Act 1994

### 50 Definition

In this Part—

**1994 Further Amendment** means the *Registered Clubs (Further Amendment) Act 1994*.

### 51 Abolition of registration fee on low alcohol liquor

- (1) The amendments made by Schedule 1 (1), (3) and (6) to the 1994 Further Amendment apply for the purposes of the determination and payment of any registration fee payable in respect of the 1995 registration period and subsequent registration periods, and do not apply to any registration fee payable in respect of a registration period prior to the 1995 registration period.
- (2) For the purposes of the operation of this Act in relation to the registration fee payable by a registered club in respect of the 1995 registration period—
  - (a) it is to be presumed that none of the amount paid or payable for liquor on which the calculation of that registration fee is based comprised an amount paid or payable for low alcohol liquor, except as provided by paragraph (b), and
  - (b) if the club satisfies the Secretary of the Board or the Board, in relation to an assessment or reassessment of that registration fee, that a particular amount was paid or payable for low alcohol liquor, the fee to be paid by the club is to be determined having regard to the amount paid or payable for low alcohol liquor.

- (3) In this clause—

**low alcohol liquor** does not include low alcohol liquor that is beer.

**1995 registration period** means the registration period commencing on 16 January 1995.

### 52 Complaints against clubs

- (1) The amendment made by the 1994 Further Amendment to section 17 (1AA) does not apply to a complaint against a registered club made before the commencement of the amendment.
- (2) The amendment made by the 1994 Further Amendment to section 17 (2) extends to apply to a complaint against a registered club made but not finally determined before the commencement of the amendment.
- (3) The amendment made by the 1994 Further Amendment to section 17AA does not apply to a complaint against a registered club made before the commencement of the amendment.

### **53 Breath analysis equipment**

Section 68 (Breath analysis equipment) does not apply to a test by means of a breath analysing instrument that was taken before the commencement of that section, or to the results of such a test.

### **54 Secrecy**

The amendment made to section 72C (Secrecy) by the 1994 Further Amendment extends to apply to information acquired before the commencement of the amendment.

### **55 Complaints against gaming-related licensees**

The amendment made by the 1994 Further Amendment to section 109 extends to apply to a complaint against a licensee made but not finally determined before the commencement of the amendment.

### **56 Service of summonses**

The amendments made by Schedule 1 (16) and (20) to the 1994 Further Amendment do not apply to a summons issued before the commencement of those amendments.

### **57 Records for low alcohol liquor**

Section 27B (Keeping of records concerning low alcohol liquor) does not apply to require the keeping of records of amounts paid or payable in respect of low alcohol liquor (other than beer) before the commencement of the amendments made to that section by the 1994 Further Amendment.

## **Part 8 Registered Clubs Amendment Act 1995**

### **58 Complaint as to quiet and good order of neighbourhood**

A complaint duly made to the Board under section 17AA before the amendment of that section by the [Registered Clubs Amendment Act 1995](#) is taken to have been made in accordance with that section as so amended.

### **59 References to former key officials**

Sections 59B (7) and 59D (6), as inserted by the [Registered Clubs Amendment Act 1995](#), are taken to have commenced on the commencement of sections 59B and 59D respectively.

### **60 Registered Clubs (Transitional) Regulation 1994**

The repeal of clauses 43 and 44 by the [Registered Clubs Amendment Act 1995](#) does not affect the continuing operation of the [Registered Clubs \(Transitional\) Regulation 1994](#). That Regulation, as in force immediately before that repeal, continues in force under clause 1A and may be repealed or amended under that clause.

## **Part 9 Liquor and Registered Clubs Legislation Amendment Act 1996**

### **61 Brewery regional depot freight charges**

The amendments made to section 4AA (Freight costs to brewers' regional depots not included in price of beer) by the *Liquor and Registered Clubs Legislation Amendment Act 1996* do not apply for the purposes of a registration period before the registration period commencing on 16 January 1997.

### **62 Effect of amendments on pending applications**

An amendment made by the *Liquor and Registered Clubs Legislation Amendment Act 1996* does not apply to an application pending under this Act at the commencement of the amendment.

## **Part 10 Liquor and Registered Clubs Legislation Amendment (Minors' Entertainment) Act 1996**

### **63 Authorisation for use of premises by minors**

A functions authority in force immediately before the commencement of Schedule 2 [8] to the *Liquor and Registered Clubs Legislation Amendment (Minors' Entertainment) Act 1996*—

- (a) ceases to have effect at the end of the period of 12 months from that commencement unless sooner cancelled or a replacement functions authority is granted, and
- (b) is, during that 12-month period, subject only to the conditions which applied to it immediately before that commencement, unless those conditions are varied or revoked in accordance with this Act or new conditions are imposed by the Licensing Court in complaint proceedings under this Act.

### **64 References to local council**

- (1) A reference in section 22A (9) (a) or 23AA (3) (a) to a person authorised by the council of the area under the *Local Government Act 1993* within the boundaries of which the premises of the club are situated is to be read as a reference to a person authorised by the local consent authority in relation to the premises of the club.
- (2) This clause operates—
  - (a) on and from the commencement of section 23AA if Schedule 2 [3] to the *Liquor and Registered Clubs Legislation Amendment Act 1996* has commenced before the commencement of section 23AA (3), or
  - (b) on and from the commencement of Schedule 2 [3] to the *Liquor and Registered Clubs Legislation Amendment Act 1996* if that item commences on or after the commencement of section 23AA (3).

## **Part 11 Liquor and Registered Clubs Legislation Amendment (Enforcement) Act 1996**

### **65 Procedure before court**

The repeal of section 17 (3B) by the *Liquor and Registered Clubs Legislation Amendment (Enforcement) Act 1996* does not apply in respect of any proceedings on a complaint under section 17 which commenced to be heard by the Licensing Court before that repeal.

### **66 Effect of amendments on pending proceedings**

- (1) An amendment made to section 17 by Schedule 2 [4], [5] or [6] of the *Liquor and Registered Clubs Legislation Amendment (Enforcement) Act 1996* does not apply in respect of any proceedings relating to the matter of a complaint under section 17 (1) that commenced to be heard by the Licensing Court before that amendment commenced.
- (2) An amendment made to section 109 by Schedule 2 [56], [57] or [59] of the *Liquor and Registered Clubs Legislation Amendment (Enforcement) Act 1996* does not apply in respect of any proceedings relating to the matter of a complaint under section 108 that commenced to be heard by the Licensing Court before that amendment commenced.
- (3) An amendment made to section 17, 26, 33, 35, 99 or 109 by Schedule 2 [7], [10], [12], [14], [43] or [60] of the *Liquor and Registered Clubs Legislation Amendment (Enforcement) Act 1996* applies to proceedings before the Licensing Court whether or not those proceedings were commenced before or after the commencement of the amendment.
- (4) An amendment made to section 44A by the *Liquor and Registered Clubs Legislation Amendment (Enforcement) Act 1996* does not apply to proceedings for an offence alleged to have been committed before the commencement of the amendment.
- (5) Section 66A does not apply to proceedings for an offence alleged to have been committed before the commencement of that section.
- (6) An amendment made to a provision of this Act by the *Liquor and Registered Clubs Legislation Amendment (Enforcement) Act 1996* that changes the onus of proof in relation to a matter does not apply to proceedings commenced before that amendment commenced.

### **67 Complaints relating to close associates**

A complaint may not be made in relation to a person who is a close associate of a registered club on a ground specified in section 108 (2A) (b) in respect of conduct that occurred before the commencement of that provision.

### **68 Increase in time limit for taking proceedings for certain offences**

The amendment made to section 65 by the *Liquor and Registered Clubs Legislation Amendment (Enforcement) Act 1996* extends to apply in respect of an act or omission giving rise to proceedings for an offence referred to in the Table to that section that occurred within 12 months before that amendment commenced.

### **69 Application of penalty powers**

Section 65A does not apply to offences committed before the commencement of that section.

### **70 Effect of amendments on pending applications**

An amendment made by the *Liquor and Registered Clubs Legislation Amendment (Enforcement) Act 1996* does not apply to an application pending under this Act at the commencement of the amendment.

## **Part 12 Liquor and Registered Clubs Legislation Amendment Act 1997**

### **71 Definitions**

In this Part—

**ad valorem registration fee** means a fee, calculated as a proportion of the amount paid or payable for any liquor, in respect of a certificate of registration.

**amending Act** means the *Liquor and Registered Clubs Legislation Amendment Act 1997*.

### **72 Records**

Records that, immediately before the repeal by the amending Act of sections 27A and 27B, were required to be kept under those sections must be retained until a date prescribed by the regulations.

### **73 Abolition of ad valorem registration fees**

- (1) Nothing in this Act is to be construed as requiring or having required the payment, assessment or collection of the whole or part of any ad valorem registration fee after 6 August 1997.
- (2) It is not the duty of the Board to reassess any registration fee in pursuance of an application for reassessment made after 6 August 1997 (whether made before or after the commencement of this clause).
- (3) Nothing in this clause affects—
  - (a) (Repealed)
  - (b) the imposition or collection of any penalty,



at any time after 6 August 1997 on account of a failure to pay, or to pay in due time, a fee or any portion of a fee that was payable before that date.

#### **74 Duty on poker machines—instalment for the quarter ending 28 February 1998**

- (1) This clause applies to the payment of an instalment of duty on profits derived from approved gaming devices kept by a registered club in the period commencing on 1 December 1997 and ending on 28 February 1998 (the **relevant instalment period**), and so applies to the exclusion of section 87A (4A) and (4B).
- (2) Unless section 87A (3) or (4) applies to the relevant instalment period, the instalment payable in respect of that period is the sum of the amounts payable under subclauses (3)–(6).
- (3) If the profits from all approved gaming devices kept by a registered club in the period commencing on 1 December 1997 and ending on 31 January 1998 exceed \$33,333 but do not exceed \$416,667, the amount payable under this subclause is—
  - (a) the sum of \$167, and
  - (b) an amount equal to 22.5% of the amount by which the profits exceed \$33,333 but do not exceed \$416,667.
- (4) If the profits from all approved gaming devices kept by a registered club in the period referred to in subclause (3) exceed \$416,667, the amount payable under this subclause is—
  - (a) the sum of \$86,417, and
  - (b) an amount equal to 24.75% of the amount by which the profits exceed \$416,667.
- (5) If the profits from all approved gaming devices kept by a registered club in the month of February 1998 exceed \$16,667 but do not exceed \$83,333, the amount payable under this subclause is—
  - (a) the sum of \$83, and
  - (b) an amount equal to 22.5% of the amount by which the profits exceed \$16,667 but do not exceed \$83,333.
- (6) If the profits from all approved gaming devices kept by a registered club in the month of February 1998 exceed \$83,333, the amount payable under this subclause is—
  - (a) the sum of \$15,083, and
  - (b) an amount equal to 30% of the amount by which the profits exceed \$83,333.

#### **75 Effect of amending Act on pending applications**

The amendments made to sections 18, 19, 19A and 33 by the amending Act do not apply

to an application that was pending under this Act when those amendments took effect.

## **Part 13 Liquor and Registered Clubs Legislation Amendment (Community Partnership) Act 1998**

### **76 Definitions**

In this Part—

**amending Act** means the *Liquor and Registered Clubs Legislation Amendment (Community Partnership) Act 1998*.

**relevant instalment period** means the period commencing on 1 December 1997 and ending on 28 February 1998.

**transitional year** means the duty period commencing on 1 December 1997.

### **77 Duty on profits derived from approved gaming devices (other than multi-terminal gaming machines) during the relevant instalment period**

- (1) This clause applies to determine the duty payable on profits derived from approved gaming devices (other than multi-terminal gaming machines) kept on the premises of a registered club during the relevant instalment period, and so applies to the exclusion of section 87, whether as in force before its repeal by the amending Act or as inserted by that Act.
- (2) If the profits from all approved gaming devices (other than multi-terminal gaming machines) kept on the premises of a registered club during the relevant instalment period do not exceed \$25,000, no duty is payable on the profits.
- (3) If the profits from all approved gaming devices (other than multi-terminal gaming machines) kept on the premises of a registered club during the relevant instalment period exceed \$25,000 but do not exceed \$50,000, duty is payable on so much of the profits as exceeds \$25,000 but does not exceed \$50,000 at the rate of 1%.
- (4) If the profits from all approved gaming devices (other than multi-terminal gaming machines) kept on the premises of a registered club during the relevant instalment period exceed \$50,000 but do not exceed \$250,000, the duty payable on those profits is—
  - (a) the sum of \$250, and
  - (b) an amount equal to 21.72% of the amount by which the profits exceed \$50,000 but do not exceed \$250,000.
- (5) If the profits from all approved gaming devices (other than multi-terminal gaming machines) kept on the premises of a registered club during the relevant instalment period exceed \$250,000 but do not exceed \$625,000, the duty payable on those

profits is—

(a) the sum of \$43,690, and

(b) an amount equal to 23.67% of the amount by which the profits so derived exceed \$250,000 but do not exceed \$625,000.

(6) If the profits from all approved gaming devices (other than multi-terminal gaming machines) kept on the premises of a registered club during the relevant instalment period exceed \$625,000, the duty payable on those profits is—

(a) the sum of \$132,453, and

(b) an amount equal to 25.22% of the amount by which the profits so derived exceed \$625,000.

(7) This clause has effect subject to clause 80.

**78 Duty on profits derived from multi-terminal gaming machines during the relevant instalment period**

(1) This clause applies to determine the duty payable on profits derived from multi-terminal gaming machines kept on the premises of a registered club during the relevant instalment period, and so applies to the exclusion of section 87AA, as in force immediately before its repeal by the amending Act.

(2) If the profits from all approved gaming devices kept on the premises of a registered club during the relevant instalment period do not exceed \$25,000, duty is payable on so much of those profits as was derived from the operation of multi-terminal gaming machines at the rate of 20.67%.

(3) If the profits from all approved gaming devices kept on the premises of a registered club during the relevant instalment period exceed \$25,000 but do not exceed \$50,000, duty is payable on so much of those profits as was derived from the operation of multi-terminal gaming machines at the rate of 20.98%.

(4) If the profits from all approved gaming devices kept on the premises of a registered club during the relevant instalment period exceed \$50,000 but do not exceed \$250,000, duty is payable on so much of those profits as was derived from the operation of multi-terminal gaming machines at the rate of 26.89%.

(5) If the profits from all approved gaming devices kept on the premises of a registered club during the relevant instalment period exceed \$250,000, duty is payable on so much of those profits as was derived from the operation of multi-terminal gaming machines at the rate of 28.83%.

(6) This clause has effect subject to clause 80.

**79 Duty on profits derived from approved gaming devices during the last three quarters of the duty period commencing on 1 December 1997**

- (1) This clause applies to determine the duty payable on profits derived from approved gaming devices kept on the premises of a registered club during the remainder of the transitional year after 28 February 1998, and so applies to the exclusion of section 87.
- (2) If the profits from all approved gaming devices kept on the premises of a registered club during the remainder of the transitional year after 28 February 1998 do not exceed \$75,000, no duty is payable on the profits.
- (3) If the profits from all approved gaming devices kept on the premises of a registered club during the remainder of the transitional year after 28 February 1998 exceed \$75,000 but do not exceed \$150,000, duty is payable on so much of the profits as exceeds \$75,000 at the rate of 1%.
- (4) If the profits from all approved gaming devices kept on the premises of a registered club during the remainder of the transitional year after 28 February 1998 exceed \$150,000 but do not exceed \$750,000, duty is payable—
  - (a) in the sum of \$750, and
  - (b) on so much of the profits as exceeds \$150,000 but does not exceed \$750,000—at the rate of 20%.
- (5) If the profits from all approved gaming devices kept on the premises of a registered club during the remainder of the transitional year after 28 February 1998 exceed \$750,000, duty is payable—
  - (a) in the sum of \$120,750, and
  - (b) on so much of the profits as exceeds \$750,000—at the rate of 26.25%.
- (6) This clause has effect subject to clause 80.

**80 Expenditure on community support**

- (1) This clause applies to provide for a reduction in the amount of duty payable on profits derived from approved gaming devices kept on the premises of a registered club during the transitional year, and so applies to the exclusion of section 87F, as in force immediately before its repeal by the amending Act, and section 87 (5)–(7), as inserted by that Act.
- (2) Regulations made in accordance with clause 1A may make provision for or with respect to the application (with or without modification) of the provisions of section 87F, as in force immediately before its repeal by the amending Act, in respect of duty payable on profits derived by a registered club in the months of December 1997 and January 1998.

- (3) If the Board is satisfied, on such evidence as it may require, that a proportion of so much of the profits derived from approved gaming devices kept by a club during the transitional year as exceed \$1,000,000 has been applied during that period to community development and support (as defined in guidelines published under section 87), the duty that would otherwise be payable under clauses 77-79 in respect of so much of those profits as exceed \$1,000,000 is by this clause reduced by an amount equal to the amount so applied, except as provided by subclause (4).
- (4) The amount by which duty is reduced by subclause (3) cannot exceed an amount equal to 1.25% of so much of the club's dutiable profits, derived as referred to in that subclause, as exceed \$1,000,000.

### **81 Special adjustment**

An amount paid by a registered club in accordance with clause 74, to the extent that it exceeds the duty payable (as calculated in accordance with this Part of this Schedule) for the relevant instalment period, is to be credited to the club concerned in the accounts of the Board.

### **82 Manner of making adjustments generally**

Section 87B, as inserted by the amending Act, is taken to have applied in respect of the relevant instalment period as well as to any subsequent period, and no failure to comply with the provisions of section 87B, as in force immediately before its repeal by that Act, in relation to that instalment period renders the Board, any member of the Board or any other person liable to any action, claim, suit or demand.

## **Part 14 Liquor and Registered Clubs Legislation Further Amendment Act 1999**

### **83 Trade practices exemption**

Section 76A applies to a local liquor accord entered into before or after the commencement of that section.

## **Part 15 Intergovernmental Agreement Implementation (GST) Act 2000**

### **84 Introduction of GST—instalment period commencing on 1 June 2000**

- (1) This clause applies to determine the duty payable on profits derived from approved gaming devices kept on the premises of a registered club during the instalment period commencing on 1 June 2000.
- (2) If the profits from all approved gaming devices kept on the premises of a registered club in the instalment period to which this clause applies do not exceed \$25,000, no duty is payable on the profits.

- (3) If the profits from all approved gaming devices kept on the premises of a registered club in the instalment period to which this clause applies exceed \$25,000 but do not exceed \$50,000, duty is payable on so much of the profits as exceeds \$25,000 but do not exceed \$50,000, at the rate of 0.33%.
- (4) If the profits from all approved gaming devices kept on the premises of a registered club in the instalment period to which this clause applies exceed \$50,000 but do not exceed \$250,000, duty is payable—
  - (a) in the sum of \$82.50, and
  - (b) on so much of the profits as exceed \$50,000 but do not exceed \$250,000, at the rate of 13.87%.
- (5) If the profits from all approved gaming devices kept on the premises of a registered club in the instalment period to which this clause applies exceed \$250,000, duty is payable—
  - (a) in the sum of \$27,822.50, and
  - (b) on so much of the profits as exceed \$250,000, at the rate of 18.62%.

## **Part 16 Liquor and Registered Clubs Legislation Amendment Act 2001**

### **85 Definition**

In this Part, **amending Act** means the *Liquor and Registered Clubs Legislation Amendment Act 2001*.

### **86 Applications for conditional grant of licence**

Section 18, as amended by the amending Act, extends to an application under that section that was lodged before the amendment took effect.

### **87 Appeals against decisions of Licensing Court**

The amendments made by the amending Act to section 42B do not apply in respect of a decision of the Licensing Court that was made before the amendments took effect.

## **Part 17 Liquor and Registered Clubs Legislation**

### **88 Provision consequent on the decision of the High Court in *Ha v New South Wales***

- (1) This clause applies to a certificate of registration that was, immediately before 5 August 1997, suspended under section 15 (8) (as in force immediately before its repeal) because a registration fee had not been paid in full.
- (2) A certificate of registration to which this clause applies is, on and from 5 August 1997, taken not to have been suspended by reason of failure to pay a registration fee in full.

## Part 18 Gaming Machines Act 2001

### 89 Prohibition on clubs acquiring financial interest in hotels

Section 9A (1AA), as inserted by Schedule 3 [6] to the *Gaming Machines Act 2001*, does not apply to or in respect of a hotelier's licence or financial interest in a hotel that was granted to or acquired by a registered club before the commencement of that subsection.

### 90 Operation of club amalgamation amendments

Division 1A of Part 2 (as inserted by Schedule 3 [15] to the *Gaming Machines Act 2001*) extends to an application under section 17A for the amalgamation of 2 or more registered clubs that was made before the commencement of that Division.

## 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.

## Part 20 Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007

### 92 Definitions

In this Part—

**amending Act** means the *Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007*.

**former Board** means the Liquor Administration Board constituted by section 72 of the former Liquor Act.

**former Court** means the Licensing Court constituted under the former Liquor Act.

**Note—**

The Licensing Court is abolished on the repeal of Part 2 of the former Liquor Act—see clause 23 of Schedule 1 to the *Liquor Act 2007*.

**former Liquor Act** means the *Liquor Act 1982* as in force immediately before its repeal by the *Liquor Act 2007*.

**relevant date** means the date on which section 9 of this Act is repealed by the amending Act.

### 93 Existing registered clubs taken to be licensed under [Liquor Act 2007](#)

- (1) If a certificate of registration under this Act was in force in respect of a club immediately before the relevant date, the club is, on that date, taken to be the holder of a club licence. Any such club is referred to in this Part as an **existing registered club**.
- (2) The club licence of an existing registered club—
  - (a) is subject to any conditions and restrictions to which the club's certificate of registration was subject under this Act (including provisions relating to trading hours) immediately before the relevant date, and
  - (b) may be dealt with under, and is otherwise subject to, the provisions of the [Liquor Act 2007](#).
- (3) If, immediately before the relevant date, an existing registered club owned or occupied more than one set of premises, each set of premises is, on the commencement of section 19 of the [Liquor Act 2007](#), taken to be separately licensed under that Act.

### 94 Existing on-premises trading hours

- (1) A reference in this clause to **on-premises trading hours** is a reference to the times during which liquor may be sold or supplied only for consumption on the premises concerned.
- (2) **Clubs with existing unrestricted on-premises trading hours** An existing registered club that, immediately before the relevant date, was not subject to restrictions under this Act in relation to its on-premises trading hours may, subject to this clause, continue to trade on that basis until such time as action (if any) is taken under the [Liquor Act 2007](#) to vary those on-premises trading hours.
  - (2A) If an extended trading authorisation of the kind referred to in section 49 (5) (c) of the [Liquor Act 2007](#) is granted in respect of the premises of an existing registered club, subclause (2) ceases to apply in relation to those premises during the period that the authorisation is in force.
  - (2B) If, in the case of an existing registered club referred to in subclause (2)—
    - (a) a condition is imposed under section 54 of the [Liquor Act 2007](#) to reduce the on-premises trading hours of the club's premises, and
    - (b) the condition is subsequently revoked under that Act,the on-premises trading hours of the club's premises automatically revert to those that previously applied under subclause (2).



(3), (4) (Repealed)

(5) **Clubs with existing restricted on-premises trading hours** If, immediately before the relevant date, an existing registered club was subject to restrictions imposed under this Act in relation to its on-premises trading hours, those restrictions continue to apply until such time as the Authority, on application by the registered club, varies the club's on-premises trading hours under the [Liquor Act 2007](#).

## 95 Existing off-premises trading hours

- (1) A reference in this clause to **off-premises trading hours** is a reference to the times during which liquor may be sold or supplied for consumption away from the premises concerned.
- (2) **Clubs with existing unrestricted off-premises trading hours** An existing registered club that, immediately before the relevant date, was not subject to any restrictions under this Act in relation to its off-premises trading hours may sell or supply liquor for consumption away from the club's premises only during the standard trading period under the [Liquor Act 2007](#) or at such other times as may be authorised by an extended trading authorisation.
- (3) **Clubs with existing restricted off-premises trading hours** If, immediately before the relevant date, an existing registered club was subject to restrictions imposed under this Act in relation to its off-premises trading hours, those restrictions continue to apply until such time as the Authority, on application by the registered club, varies the off-premises trading hours under the [Liquor Act 2007](#).
- (4) **No take-away sales on restricted trading days** This clause does not authorise an existing registered club to sell or supply liquor on Good Friday or Christmas Day for consumption away from the licensed premises.

## 96 Superseded references in relation to certificates of registration of clubs

A reference in any Act (other than this Act) or instrument of any kind to a registered club in respect of which a certificate of registration under this Act is in force is to be read as a reference to a registered club in respect of which a club licence under the [Liquor Act 2007](#) is in force.

## 97 Pending applications and proceedings under this Act

- (1) If any authorisation, appointment or other matter is granted or determined pursuant to this clause, it is taken to have been granted or determined under this Act (as amended by Schedule 2 to the amending Act).
- (2) **Proceedings pending before the Licensing Court** If, before the repeal of Part 2 of the former Liquor Act, proceedings in relation to any matter under this Act were commenced in the former Court but the former Court had not determined the

matter—

- (a) the matter may continue to be dealt with and determined by the Local Court as if it were sitting as the former Court, and
  - (b) the provisions of this Act (as in force immediately before being amended by Schedule 2 to the amending Act) and the former Liquor Act continue to apply, as if they had not been amended, for the purposes of—
    - (i) the hearing and determination of the matter, and
    - (ii) any appeal against the former Court's determination of the matter.
- (3) In hearing and determining a matter that is the subject of any such pending proceedings, the Local Court has the same jurisdiction as the former Court had immediately before it was abolished.
- (4) **Matters being dealt with by the Liquor Administration Board** If, before the repeal of section 72 of the former Liquor Act, any matter under this Act was being dealt with by the former Board (including by any person to whom the functions of the Board were delegated under section 75 of the former Liquor Act) but had not been determined by the date of that repeal—
- (a) the former Board (or the person to whom those functions were delegated) is to continue to deal with the matter as if the former Board had not been abolished, and
  - (b) the provisions of this Act (as in force immediately before being amended by Schedule 2 to the amending Act) continue to apply in relation to the determination of the matter by the former Board (or by the person to whom those functions were delegated) as if those provisions had not been so amended.
- (5) If any such pending matter before the former Board is not determined within such period as may be prescribed by the regulations, the Authority may deal with the matter instead under the relevant provision of this Act.
- (6) The continuation, for the purposes of this clause, of the provisions of this Act (as in force immediately before being amended by Schedule 2 to the amending Act) and the former Liquor Act is subject to such modifications as may be prescribed by the regulations.
- (7) For the purposes of this clause, **amended** includes repealed.

#### **98 Existing conditions imposed by former Court or former Board**

- (1) Any condition imposed by the former Court or the former Board (whether under the former Liquor Act or this Act) in relation to any matter under this Act, being a condition in force immediately before the repeal of Part 4 of the former Liquor Act, is

taken to have been imposed by the Authority under this Act (and accordingly a reference to the former Court or the former Board in or in relation to any such condition is to be construed as a reference to the Authority).

- (2) The Authority has such powers as are necessary to give effect to any such condition and may vary or revoke the condition.

### **99 Existing managers**

A person who, immediately before the repeal of section 34A of this Act by Schedule 2 to the amending Act, was a person appointed under that section as the manager (or to act as the manager) of any premises of a registered club is, on that repeal, taken to have been appointed as the manager of those premises under section 66 of the *Liquor Act 2007*.

### **100 General savings provision**

- (1) Subject to the regulations, anything done under or for the purposes of a provision of this Act that had effect immediately before the provision was amended by Schedule 2 to the amending Act is taken to have been done under or for the purposes of this Act as so amended.
- (2) Without limiting subclause (1), any approval, authority or appointment in force under a provision of this Act immediately before the amendment of the provision by Schedule 2 to the amending Act is taken to be an approval, authority or appointment in force under this Act as so amended.

## **Part 21 Provisions consequent on enactment of Clubs, Liquor and Gaming Machines Legislation Amendment Act 2011**

### **101 Definition**

In this Part—

**amending Act** means the *Clubs, Liquor and Gaming Machines Legislation Amendment Act 2011*.

### **102 Pending club de-amalgamations**

- (1) Subject to the regulations and this clause, Division 1B of Part 2 of this Act (as inserted by the amending Act) does not apply to or in respect of the de-amalgamation of an amalgamated club if the de-amalgamation process was commenced before the date of introduction into the Legislative Assembly of the Bill for the amending Act.
- (2) Section 17AM (as inserted by the amending Act) extends to the de-amalgamation of an amalgamated club if the de-amalgamation was initiated, but not completed, before the commencement of that section.

## Part 22 Provisions consequent on enactment of **Liquor and Gaming Legislation Amendment Act 2018**

### 103 Disciplinary powers of Authority

Section 57H (2) (g) (as amended by the *Liquor and Gaming Legislation Amendment Act 2018*) extends to a complaint made, but not determined, before the commencement of the amendment.

## Part 23 Provisions consequent on enactment of **Registered Clubs Amendment (Accountability and Amalgamations) Act 2018**

### 104 Definition

In this Part—

**amending Act** means the *Registered Clubs Amendment (Accountability and Amalgamations) Act 2018*.

### 105 Limit on club amalgamations

Section 17AF, as substituted by the amending Act, extends to amalgamations that had effect before that substitution.

### 106 Entitlement to membership of de-amalgamated club

Section 17AN (1), as substituted by the amending Act, does not apply in relation to the de-amalgamation of an amalgamated club that had effect before that substitution.

## Schedule 3 (Repealed)

## Schedule 4 Rules for election to governing body for term of 3 years

(Section 30)

### 1 Definitions

In this Schedule—

**general meeting** means a meeting of the members of the club at which members of the governing body are to be elected.

**triennial rule** means the rule of the club that provides for the election of members of the governing body in accordance with this Schedule.

**year** means the period between successive general meetings.

## **2 (Repealed)**

### **3 First general meeting under triennial rule**

- (1) The members elected to the governing body at the first general meeting at which the triennial rule applies shall be divided into 3 groups.
- (2) The groups—
  - (a) shall be determined by drawing lots, and
  - (b) shall be as nearly as practicable equal in number, and
  - (c) shall be designated as group 1, group 2 and group 3.
- (3) Unless otherwise disqualified, the members of the governing body—
  - (a) in group 1 shall hold office for 1 year, and
  - (b) in group 2 shall hold office for 2 years, and
  - (c) in group 3 shall hold office for 3 years.

### **4 Subsequent general meetings**

At each general meeting held while the triennial rule is in force (other than the first such meeting) the number of the members required to fill vacancies on the governing body shall be elected and shall, unless otherwise disqualified, hold office for 3 years.

### **5 Casual vacancies**

- (1) A person who fills a casual vacancy in the office of a member of the governing body elected in accordance with this Schedule shall, unless otherwise disqualified, hold office until the next succeeding general meeting.
- (2) The vacancy caused at a general meeting by a person ceasing to hold office under subclause (1) shall be filled by election at the general meeting and the person elected shall, unless otherwise disqualified, hold office for the residue of the term of office of the person who caused the casual vacancy initially filled by the person who ceased to hold office at the general meeting.

### **6 Re-election**

A person whose term of office as a member of the governing body under the triennial rule expires is not for that reason ineligible for election for a further term.

### **7 Revocation of triennial rule**

- (1) If the triennial rule is revoked—
  - (a) at a general meeting—all the members of the governing body cease to hold office,

or

(b) at a meeting other than a general meeting—all the members of the governing body cease to hold office at the next succeeding general meeting,

and an election shall be held at the meeting to elect the members of the governing body.

(2) The triennial rule cannot be revoked by a club if the rule is taken to apply to the club pursuant to a regulation made for the purposes of section 30 (1) (a1).