



New South Wales

Registered Clubs Amendment Regulation 2008

under the

Registered Clubs Act 1976

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Registered Clubs Act 1976*.

GRAHAM WEST, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to amend the *Registered Clubs Regulation 1996* as a consequence of:

- (a) the enactment of the *Liquor Act 2007* (which among other things provides for the licensing of registered clubs under that Act by the Casino, Liquor and Gaming Control Authority), and
- (b) the amendments made to the *Registered Clubs Act 1976* by the *Miscellaneous Acts (Casino, Liquor and Gaming) Amendment Act 2007* (in particular, those amendments that remove provisions relating to the sale and supply of liquor on club premises).

This Regulation is made under the *Registered Clubs Act 1976*, including section 73 (the general regulation-making power).

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Clause 1 Registered Clubs Amendment Regulation 2008

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1 Name of Regulation

This Regulation is the *Registered Clubs Amendment Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Registered Clubs Regulation 1996

The *Registered Clubs Regulation 1996* is amended as set out in Schedule 1.

4 Repeal of transitional regulation

The *Registered Clubs (Transitional) Regulation 1994* is repealed.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit the definitions of *Board*, *local consent authority*, *local court district*, *Principal Registrar* and *Sydney Metropolitan Area* from clause 3 (1).

[2] Part 2

Omit the Part. Insert instead:

Part 2 Applications

5 Notice to be given to local authorities and police

- (1) If an application is made to the Authority for:
 - (a) a non-restricted area authorisation under section 22 of the Act, or
 - (b) a junior members authorisation under section 22A of the Act, or
 - (c) a club functions authorisation under section 23 of the Act, the applicant must, within 2 working days of making the application, provide the local consent authority and the local police with a notice relating to the application.
- (2) The notice must be in the form approved by the Authority.

6 Notice relating to application for club functions authorisation to be fixed to premises

- (1) If an application for a club functions authorisation under section 23 of the Act is made to the Authority, a notice relating to the application that is in the form approved by the Authority must, within 2 working days of making the application, be fixed by the applicant to the club premises to which the application relates.
- (2) The notice must be fixed to the club premises until such time as the application is determined by the Authority.
- (3) If the club premises have not been erected, the requirement to fix a notice relating to an application may be satisfied by fixing the notice to a notice board erected on the land on which it is proposed to erect the premises.

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Schedule 1 Amendments

- (4) A notice is not fixed to premises or land in accordance with this clause unless:
 - (a) it is fixed to the premises or land in such a position that it is legible to members of the public passing the premises or land, and
 - (b) if the Authority has directed that it also be fixed in another specified position—it is also fixed in that other position.

7 Submissions in relation to applications

- (1) Any person may make a submission to the Authority in relation to an application referred to in clause 5.
- (2) Any such submission must:
 - (a) specify details of the application to which the submission relates, and
 - (b) be made within 30 days of the date on which the application was made (or such longer period as the Authority may, in any particular case or class of cases, allow).

8 Advertising of other applications

- (1) If an application (other than an application referred to in clause 5) is made to the Authority under the Act or this Regulation, the Authority may require the application to be advertised in such manner as the Authority considers appropriate.
- (2) The Authority may refuse to determine any such application unless it has been advertised in accordance with any such requirement.

[3] Clause 11B Notification to club members of proposed amalgamation

Insert at the end of the clause:

- (2) Any person may make a submission to the Authority in relation to the proposed amalgamation.

[4] Clause 11C Memorandum of understanding between amalgamating clubs

Omit clause 11C (4). Insert instead:

- (4) An application under section 60 of the *Liquor Act 2007* in relation to the proposed amalgamation must be accompanied by a copy of the memorandum of understanding required to be entered into under this clause.

[5] Clause 12 Prescribed notices

Omit clause 12 (1).

[6] Clauses 13, 48, 48A, 50A, 50B and 53

Omit the clauses.

[7] Clause 14

Omit the clause. Insert instead:

14 Denial of allegation as to age

For the purposes of section 63 (2) of the Act, an allegation in relation to any proceedings for an offence under the Act or this Regulation is denied as prescribed if it is denied:

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

[8] Parts 3A and 3B

Omit the Parts. Insert instead:

Part 3A Certain authorisations in relation to clubs

14A Non-restricted area authorisations

The application fee for a non-restricted area authorisation under section 22 of the Act is \$50.

14B Junior members authorisations

- (1) The application fee for a junior members authorisation under section 22A of the Act is \$50.
- (2) A junior members authorisation is subject to the following conditions:
 - (a) the club that holds the authorisation must keep a register of the dates on which members under the age of 18 years are given access to the club premises in accordance with the authorisation,

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- (b) the club must give written notice to the local police of each date on which members under the age of 18 years are to be given such access at least 7 clear days before that date.

14C Club functions authorisations

- (1) The application fee for a club functions authorisation under section 23 of the Act is \$50.
- (2) A club functions authorisation is subject to a condition that the club that holds the authorisation must ensure that, at any time during a function held under the authorisation, the number of persons in any function area or access area specified in the authorisation does not contravene the conditions of any development consent granted under the *Environmental Planning and Assessment Act 1979* relating to the use of the area as a place of public entertainment.

[9] Part 5 Fees

Omit the Part.

[10] Part 6 Licensing Court proceedings

Omit the Part.

[11] Part 6A Responsible service of alcohol training

Omit the Part.

[12] Clause 51A

Insert after clause 51:

51A Disciplinary action—persons authorised to make complaints

For the purposes of section 57F (1) of the Act, the general manager of a local council is authorised to make a complaint to the Authority under Part 6A of the Act.

[13] Clause 56A

Insert after clause 56:

56A Time limit for determining pending matters before former Board

For the purposes of clause 97 (5) of Schedule 2 to the Act, the period of 6 months commencing on 1 July 2008 is prescribed.

[14] Schedule 3

Omit the Schedule. Insert instead:

Schedule 3 Penalty notice offences

(Clause 51)

Offences under the Act

Column 1	Column 2	Column 3
Offence	Penalty (other than minors)	Penalty (minors)
Section 22 (2)	\$220	—
Section 22A (4)	\$220	—
Section 23 (4)	\$220	—
Section 23A (4)	\$220	—
Section 32 (3)	\$1,100	—
Section 34 (2) (a)	\$550	—
Section 34 (2) (b)	\$1,100	—
Section 41V	\$1,100	—
Section 45 (1)	\$110	\$55
Section 45A	\$110	\$55
Section 47 (a)	\$110	—
Section 47 (b)	\$55	—
Section 49	\$55	—
Section 50B (2)	\$220	—
Section 57J (5)	\$110	—

Offences under this Regulation

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