

Passed by both Houses



New South Wales

Registered Clubs Amendment Bill 2006

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2006*



New South Wales

Registered Clubs Amendment Bill 2006

Act No , 2006

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

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

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

2 Commencement

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

3 Amendment of Registered Clubs Act 1976 No 31

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

4 Repeal of Act

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.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

Schedule 1 Amendments

(Section 3)

[1] Section 10 Requirements to be met by clubs

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

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

[2] Section 17 Determination of complaints against registered clubs

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

[3] Section 17AC Definitions

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

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

Omit the definition. Insert instead:

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

[5] Section 17AD Deed of amalgamation

Omit the section.

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

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

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

Omit the subsections.

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

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

[9] Section 17AF (2)–(4)

Omit the subsections.

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

Omit the section.

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

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

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

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

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

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

[13] Section 25 Grounds of objection

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

[14] Section 30 Rules of registered clubs

Insert after section 30 (1) (a):

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

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

Insert after section 30 (1) (b):

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

[16] Section 30 (1) (h1)

Insert after section 30 (1) (h):

- (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.

[17] Section 30 (2) (j)

Insert “(other than honorary members referred to in section 30A)” after “of the club”.

[18] Section 30 (2) (j1)

Insert after section 30 (2) (j):

- (j1) A register of persons who are honorary members of the club, being persons referred to in section 30A, who attend the club on any day is to be kept in accordance with section 31 as a separate register from the register referred to in paragraph (j).

[19] Section 30 (2) (n) and (o)

Omit the paragraphs.

[20] Section 30 (2A) (a)

Omit “a map”.

Insert instead “subject to any exception created by the regulations under subsection (3C), a map”.

[21] Section 30 (3B)

Omit “is not more than”. Insert instead “is within a radius of”.

[22] Section 30 (3C)

Insert after section 30 (3B):

- (3C) The regulations may create exceptions to subsection (3B).

[23] Section 30 (9) (a)

Omit “a majority”. Insert instead “25%”.

[24] Section 30A

Insert after section 30:

30A Honorary membership of RSL or services clubs for serving Defence Force personnel

(1) The rules of each RSL or services club are taken to include a rule that any person who:

- (a) is a member of the Australian Defence Force, and
- (b) attends the premises of the club, and
- (c) produces evidence that the person is a 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.

Note. Any such honorary member is required to sign in as an honorary member—see section 45 (a1).

(2) 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.

(3) In this section:

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

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 has amalgamated with, a club referred to in paragraph (a).

[25] Section 31 Manner of keeping registers relating to members and guests

Insert after section 31 (1) (b):

- (b1) section 30 (2) (j1) in relation to honorary members referred to in section 30A is to have entered in it, when any such honorary member first enters the club premises on any day, the full name, or the surname and initials, and the address, of the honorary member together with his or her signature,

[26] Section 34E Responsibilities and liabilities of managers of premises of registered clubs

Omit “and 35A” from section 34E (4). Insert instead “, 35A and 56”.

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- [27] **Section 37 Lodgment of registered club’s balance sheet and profit and loss account or income and expenditure account**
Omit the section.
- [28] **Section 37A Lodgment of certain information**
Omit the section.
- [29] **Section 38 Reporting requirements of registered clubs**
Omit section 38 (1). Insert instead:
(1) The regulations may make provision for or with respect to the reporting requirements of registered clubs (including requirements relating to the financial statements and accounts of registered clubs and the information to be disclosed by registered clubs).
- [30] **Section 38 (2)**
Omit “the provisions of subsection (1)”.
Insert instead “regulations made for the purposes of subsection (1)”.
- [31] **Section 40 Regular statements of receipts and payments**
Omit the section.
- [32] **Section 41B Definitions**
Omit the definition of *land* from section 41B (1).
- [33] **Section 41B (1), definition of “top executive”**
Omit the definition. Insert instead:
top executive of a registered club means each of the following:
(a) the secretary of the club,
(b) a person appointed under section 34A as the manager of any premises of the club,
(c) a person who is, or who is of a class, prescribed by the regulations for the purposes of this definition.
- [34] **Sections 41E (Disclosure of gifts and remuneration from affiliated bodies) and 41F (Disclosure of gifts and remuneration from persons or organisations with contracts with registered clubs)**
Insert “or remuneration” after “any gift” wherever occurring in sections 41E (1) and 41F (1).

[35] Section 41E (1)

Insert “, or the amount of remuneration,” after “the gift”.

[36] Sections 41E (2)–(4) and 41F (2) (b) and (3)

Insert “or remuneration” after “gift” wherever occurring.

[37] Section 41E (5)

Insert after section 41E (4):

- (5) In this section and in section 41F, *remuneration* includes any fee for service.

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

Omit the Division.

[39] Section 41J

Omit the section. Insert instead:

41J Disposal by registered club of real property

- (1) In this section:

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

- (a) the defined premises of the club, or
- (b) any facility provided by the club for the use of its members and their guests, or
- (c) any other property declared, by a resolution passed by a majority of the members present at a general meeting of the ordinary members of the club, to be core property of the club,

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

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

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

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

[40] Section 41O Controlled contracts

Omit the section.

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

Omit section 41Q (1). Insert instead:

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

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

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

[43] Section 41R Termination of certain contracts

Omit section 41R (1). Insert instead:

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

[44] Section 41ZB Regulations for purposes of Part

Insert “, or the amount of remuneration,” after “a gift” in section 41ZB (b).

[45] Section 41ZB (b1)

Insert after section 41ZB (b):

- (b1) the keeping by the secretary of a registered club of a register of disclosures, declarations and returns made to the club under Division 2 (including declarations recorded as referred to in section 41D (4)),

[46] Section 45 Unauthorised persons using defined premises of registered club

Insert after section 45 (1) (a):

- (a1) is an honorary member of the club (as referred to in section 30A) and the particulars required by section 31 (1) (b1) have not been entered on that day in the register of honorary members kept by the club in accordance with the rule of the club referred to in section 30 (2) (j1), or

[47] Section 45 (2A)

Insert “(a1) or” after “subsection (1)”.

[48] Section 49

Omit the section. Insert instead:

49 Amendment of rules of club

A registered club must, within one month after amending its rules, lodge with the Director, in electronic form or in such other manner as may be approved by the Director, a copy of all 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.

Maximum penalty: 5 penalty units.

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

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

[50] Section 73 Regulations

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

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

Omit “or” wherever occurring.

[52] Section 73 (1) (o)

Insert after section 73 (1) (n):

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

[53] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1A (1):

Registered Clubs Amendment Act 2006

[54] Schedule 2, Part 19

Insert after Part 18:

Part 19 Registered Clubs Amendment Act 2006

91 Pending applications for club amalgamations

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