

REGISTERED CLUBS (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to enable liquor to be sold, supplied or disposed of to persons of or above the age of 18 years attending a function authorised by an authority referred to in section 23 (1) (b) of the Registered Clubs Act, 1976 (in this Note referred to as “the Principal Act”) held on club premises (Schedule 1 (1) (c));
- (b) to enable liquor to be sold, supplied or disposed of to persons of or above the age of 18 years, other than members, while those persons are attending a wedding reception held on the premises of a registered club otherwise than at the invitation and in the company of a member (Schedule 1 (2));
- (c) to enable persons under the age of 18 years in certain circumstances to enter a bar when attending a wedding reception held on the premises of a registered club, but not to be served with or to consume liquor (Schedule 1 (3));
- (d) to provide that a registered club and its secretary are guilty of an offence if a poker machine is located in a part of the premises of a registered club in which a wedding reception is being held or in a part used for access to the wedding reception area and a person under the age of 18 years attending the wedding reception is in any such part (Schedule 1 (4));
- (e) to provide that, where objection is taken to the renewal of a certificate of registration of a club on the grounds that the club is not required to meet a genuine and substantial need, the onus of proof lies on the objector (Schedule 2);
- (f) to amend the rules of registered clubs so that voting by proxy is prohibited (Schedule 3);
- (g) to provide that it is a sufficient defence to a prosecution of a secretary of a registered club for an offence under section 23 (5) or Part VI of the Principal Act, if he proves that he acted in an honorary capacity (Schedule 4);
- (h) to alter the method of calculating the fee for renewal of a certificate of registration (Schedule 5 (1) and (4) (a));

- (i) to provide that a registered club may elect to postpone payment of part of the fee for renewal of its certificate of registration (Schedule 5 (4) (c));
- (j) to enable the secretary to the licensing magistrates in certain circumstances to grant an application for renewal of a certificate of registration and to issue the certificate (Schedule 6 (2) (e) and (3) (a));
- (k) to provide that applications for renewal of certificates of registration and the fees for renewal are to be lodged with the secretary to the licensing magistrates and that the secretary to the licensing magistrates may accept applications out of time (Schedule 6 (1) (b), (2) (d), (4) and (5));
- (l) to alter the requirements in relation to the lodging of applications for renewal of certificates of registration and the lodging of objections to applications (Schedule 6 (2) (c) and (6));
- (m) to provide for duplicate certificates of registration to be issued by the secretary to the licensing magistrates in cases where he issued the original certificate (Schedule 6 (7));
- (n) to provide that applications for renewal of certificates of registration shall not be forwarded to the district inspector unless objected to (Schedule 6 (8));
- (o) to enable more than one application to be made by a registered club for an increase in the maximum number of members applicable to that club (Schedule 7 (1));
- (p) to alter the provisions relating to the matters the licensing court must take into consideration when considering an application for an increase in the maximum number of members applicable to a registered club (Schedule 7 (2) and (3));
- (q) to provide that the rule requiring a register of guests of members to be kept does not apply to certain clubs and to alter the rule so that the register is required to be kept only in respect of guests of or above the age of 18 years (Schedule 8 (1) and (2));
- (r) to provide that certain documents, previously required by the Principal Act to be lodged with the clerk of the licensing court, be lodged instead with the secretary to the licensing magistrates (Schedule 8 (3), (4) and (7));
- (s) to give the licensing court a discretion to extend the time within which a registered club must lodge a copy of amendments to its rules (Schedule 8 (7));
- (t) to abolish the special limitation period applying to certain persons in relation to matters or things done or directed to be done in the execution of a duty or office for the purposes of the Principal Act (Schedule 8 (8));

REGISTERED CLUBS (AMENDMENT) BILL, 1978

No. , 1978.

A BILL FOR

An Act to amend the Registered Clubs Act, 1976.

[MR MULOCK—7 March, 1978.]

Registered Clubs (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Registered Clubs Short title. (Amendment) Act, 1978".

2. (1) This section and section 1 shall commence on the date Commence-
of assent to this Act. ment.

 (2) Except as provided in subsection (1), this Act shall
10 commence on the day appointed and notified pursuant to section
2 (2) of the Registered Clubs Act, 1976.

3. This Act contains the following Schedules :— Schedules.

15 **SCHEDULE 1.—AMENDMENTS TO THE REGISTERED CLUBS
ACT, 1976, RELATING TO FUNCTIONS ON THE PREMISES
OF REGISTERED CLUBS.**

**SCHEDULE 2.—AMENDMENTS TO THE REGISTERED CLUBS
ACT, 1976, RELATING TO OBJECTIONS TO APPLICATIONS
FOR RENEWAL OF CERTIFICATES OF REGISTRATION.**

20 **SCHEDULE 3.—AMENDMENTS TO THE REGISTERED CLUBS
ACT, 1976, RELATING TO RULES OF REGISTERED CLUBS
ON VOTING BY PROXY.**

**SCHEDULE 4.—AMENDMENTS TO THE REGISTERED CLUBS
ACT, 1976, RELATING TO THE COMMISSION OF
OFFENCES BY SECRETARIES OF REGISTERED CLUBS.**

25 **SCHEDULE 5.—AMENDMENTS TO THE REGISTERED CLUBS
ACT, 1976, RELATING TO THE CALCULATION OF FEES
AND THE PAYMENT OF FEES BY INSTALMENTS.**

30 **SCHEDULE 6.—AMENDMENTS TO THE REGISTERED CLUBS
ACT, 1976, RELATING TO APPLICATIONS FOR CERTIFI-
CATES OF REGISTRATION.**

Registered Clubs (Amendment).

SCHEDULE 7.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED CLUB.

SCHEDULE 8.—MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976.

4. The Registered Clubs Act, 1976, is amended in the manner set forth in Schedules 1–8. Amendment of Act No. 31, 1976.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS.

(1) (a) Section 23 (1) (a)—

After “persons”, insert “, other than members, and persons”.

(b) Section 23 (1) (b)—

After “members,”, insert “and persons under the age of 18 years”.

(c) Section 23 (5), (6)—

Omit the subsections, insert instead :—

(5) If during any period specified in accordance with subsection 4 (c) in an authority granted under this section—

(a) a poker machine is located; or

(b) where the authority is an authority referred to in subsection (1) (a), liquor is sold, supplied, disposed of or consumed,

in any part of the premises of the club specified in the authority in accordance with subsection (4) (a) or (b)—

(c) the registered club; and

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS—
continued.

5 (d) 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 \$500
and, in the case of the secretary, not exceeding \$200.

10 (6) During any period specified in accordance with
subsection (4) (c) in an authority granted under this
section and while any conditions subject to which the
authority was granted are observed and no offence is
being committed under subsection (5)—

(a) sections 45 and 52; and

15 (b) where the authority is an authority referred
to in subsection (1) (b), section 30 (2)
(d),

20 do not apply to or in respect of a part of the premises
of the club specified in the authority in accordance
with subsection (4) (a) or (b).

(2) (a) Section 30 (6)—

Omit the subsection, insert instead :—

(6) Subsection (2) (d) does not apply—

25 (a) in respect of the Sydney Cricket Ground Club,
the Australian Jockey Club, the Newcastle
International Sports Centre Club referred to in
section 9 (1) of the Newcastle International
Sports Centre Act, 1967, or any other club
30 declared under subsection (7) to be an exempt
club for the purposes of this paragraph; or

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS—
continued.

- 5 (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 referred to in section 52 (2) is being
held in that part where that person has been
10 invited to the reception by a person entitled to
issue the invitation.

(b) Section 30 (7)—

After “(6)”, insert “(a)”.

(3) Section 52(2)—

15 At the end of section 52, insert :—

(2) Subsection (1) does not prevent a person under the
age of 18 years from entering or being in a bar where—

- 20 (a) the bar is, or is in, a part of the premises of a
registered club in which part a reception is being
held in association with the wedding of a member
of the club or of a person who is a child or
parent of a member of the club or for whose
maintenance a member of the club is or has been
responsible; and
25 (b) the person under the age of 18 years has been
invited to that reception by a person entitled to
issue the invitation.

(4) (a) Section 54 (2) (a)—

30 After “area”, insert “or in which part a reception
referred to in section 52 (2) is being held”.

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS—
continued.

5 (b) Section 54 (2) (b)—

After “that registered club”, insert “or a part of the
premises of a registered club in which part a reception
referred to in section 52 (2) is being held”.

SCHEDULE 2.

Sec. 4.

10 AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO OBJECTIONS TO APPLICATIONS FOR RENEWAL OF
CERTIFICATES OF REGISTRATION.

(1) Section 25 (9) (b)—

Omit “, (2)”.

15 (2) Section 25 (9) (b)—

Omit “club; or”, insert instead “club;”.

(3) Section 25 (9) (ba)—

After section 25 (9) (b), insert :—

20 (ba) being an objection taken under subsection (2), is
taken on the ground referred to in subsection (1)
(c), the onus of proving that the club is not
required to meet a genuine and substantial need (as
referred to in subsection (1) (c)) lies upon the
objector; or

Registered Clubs (Amendment).

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO RULES OF REGISTERED CLUBS ON VOTING BY PROXY.

(1) Section 30 (1) (d)—

5 Omit the paragraph, insert instead :—

(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
- 10 (ii) vote at any election of, or of a member of,
the governing body of the club,
as the proxy of another person.

(2) Section 30 (1) (e)—

Omit the paragraph.

15 (3) Section 30 (9) (b)—

Omit the paragraph.

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE COMMISSION OF OFFENCES BY SECRETARIES OF
20 REGISTERED CLUBS.

(1) Section 56—

Omit “any provision of this Act”, insert instead “section
23 (5) or this Part”.

Registered Clubs (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE COMMISSION OF OFFENCES BY SECRETARIES OF
REGISTERED CLUBS—*continued.*

5 (2) Section 56 (a)—

Omit “or”.

(3) Section 56 (b)—

Omit “offence.”, insert instead “offence; or”.

(4) Section 56 (c)—

10 After section 56 (b), insert :—

(c) at all times relating to the offence he acted as
secretary of the club in an honorary capacity only.

(5) Section 56 (2)—

At the end of section 56, insert :—

15 (2) For the purposes of subsection (1) a secretary of a
registered club acts as such in an honorary capacity if he
receives no payment in respect of the services that he
renders to the club as secretary other than by way of
20 reimbursement for his out of pocket expenses incurred
while so acting.

Registered Clubs (Amendment).

SCHEDULE 5.

Sec. 4.

**AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS.**

5 (1) Section 4 (4), (5)—

After section 4 (3), insert :—

(4) A reference in this Act to the amount paid or payable by or on behalf of a registered club or the secretary of the club for any liquor is a reference—

10 (a) except as provided in paragraph (b), to the sum of—

(i) the amount paid or payable by or on behalf of the club or that secretary for that liquor;

15 (ii) any amount paid or payable by or on behalf of the club or that secretary for or for the hiring of any containers or packages (including corks, stoppers and labels attached thereto) in which that
20 liquor is contained or packed when it is delivered to or purchased by or on behalf of the club or that secretary or is to be contained or packed for sale or disposal by or on behalf of the club or
25 that secretary (whether or not any such amount is paid or payable to the supplier of that liquor);

30 (iii) any amount paid or payable for the packing or for the handling of that liquor and any such containers or packages or for putting it or them into the state in which it is or they are when it is or they are delivered to or purchased by or on

SCHEDULE 5—continued.

5 behalf of the club or that secretary
 (whether or not any such amount is paid
 or payable to the supplier of that liquor);

(iv) any amount paid or payable by or on behalf of the club or that secretary as freight or other delivery charges in respect of the delivery of that liquor, being an amount so paid or payable to the supplier of that liquor but not being an amount so paid or payable to that supplier as reimbursement for those freight or delivery charges if those freight or delivery charges are paid or payable by that supplier to a common carrier; and

20 (v) any amount paid or payable for duties or sales tax in respect of that liquor; or

(b) where the licensing magistrates who assess or reassess the fee payable in respect of the renewal of the certificate of registration of the club in accordance with section 15 (2) are of the opinion when assessing or reassessing, as the case may be, that fee that any amount paid or payable for any thing or for the doing of any thing referred to in paragraph (a) (i), (ii), (iii) or (iv) is less than the value of that thing or of the doing of that thing, as the case may be, to such amount as is determined by those magistrates having regard to the circumstances in which that liquor was delivered to or purchased by or on behalf of the club or that secretary.

Registered Clubs (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—*continued.*

5 (5) A reference in this Act to any amount paid or
payable by or on behalf of a registered club or the secretary
of the club for any liquor includes any amount paid or
payable by any other person for the acquisition of that
10 liquor for sale, supply or disposal by the club or that
secretary.

(2) (a) Section 8 (3) (a)—

After “15 (8)”, insert “or (10) (b)”.

(b) Section 8 (3) (d)—

After “15 (6) (b)”, insert “or (10) (b)”.

15 (3) (a) Section 14 (a)—

After “15”, insert “or, where the application is for
renewal of a certificate of registration and an election
referred to in section 15 (9) has been made in respect
of that fee, that fee less the postponed amount referred
20 to in that subsection”.

(b) Section 14 (b)—

Omit the paragraph, insert instead :—

(b) shall not issue that certificate unless—

25 (i) where the application is for renewal of
a certificate of registration and an
election referred to in section 15 (9)
has been made in respect of that fee,
that fee less the postponed amount

Registered Clubs (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—*continued.*

- 5 referred to in that subsection is paid
on or before the due date referred to
in that subsection; or
- (ii) in any other case, that fee is paid
10 within 3 months after the application
is granted.

(4) (a) Section 15 (1) (b) (i)—

- 15 Omit “gross amount (including any duties and sales
tax thereon) paid or payable for all”, insert instead
“amount paid or payable by or on behalf of the
club or the secretary of the club for”.

(b) Section 15 (4) (b)—

Omit “gross” wherever occurring.

(c) Section 15 (9), (10), (11)—

After section 15 (8), insert :—

- 20 (9) A registered club may, by notice in writing
given on or before 20th June (in this section referred
to as “the due date”) next preceding the date of
expiry of its certificate of registration to the person
to whom the fee for the renewal of its certificate of
25 registration is payable, elect to postpone payment of
so much of that fee as is an amount (in this section
referred to as “the postponed amount”) equal to—

- (a) where that fee is exactly an even number
of dollars—one-half of that fee; or

Registered Clubs (Amendment).

SCHEDULE 5—continued.

**AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—continued.**

5 (b) where that fee is not exactly an even
number of dollars—one-half of the highest
even number of dollars next below that fee.

(10) Where a registered club makes an election
referred to in subsection (9)—

10 (a) it is, if on or before the due date it pays
the fee referred to in that subsection less
the postponed amount to the person to
whom the fee is payable, entitled to post-
pone payment of the postponed amount
15 until 30th November next following the due
date; and

(b) its certificate of registration in respect of
which that fee was assessed or reassessed
shall, if it has not, on or before that 30th
November, paid an amount equal to the
20 difference between that fee, as originally
assessed or as reassessed, as the case may
be, and the portion of that fee paid by it
on or before the due date, be deemed after
25 that 30th November not to be in force, until
it pays the difference.

(11) Where a registered club has made an election
referred to in subsection (9)—

30 (a) the reference in subsection (6) (a) to the
difference between the reassessed fee and
the original fee shall, if the reassessment of
the original fee was made before 30th
November next following the due date, be
construed, for the purpose of making a
35 refund in relation to the original fee to

Registered Clubs (Amendment).

SCHEDULE 5—continued.

**AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—continued.**

- 5 which the election relates, as a reference
to the difference between the portion of the
original fee paid by the club on or before
the due date and the portion that would
10 have been payable by it on or before that
date had the reassessed fee been the original
fee; and
- (b) a reference in subsection (6) (b) to the
difference between the original fee and the
reassessed fee shall, if the reassessment of
15 the original fee was made before 30th
November next following the due date, be
construed, for the purpose of determining
the liability of the club, under subsection
(6) (b), in relation to the original fee to
20 which the election relates, as a reference
to the difference between the portion that
would have been payable by the club on
or before the due date had the reassessed
fee been the original fee and the portion
25 of the original fee paid by it on or before
the due date.

SCHEDULE 6.

Sec. 4.

**AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION.**

30 (1) (a) Section 8 (1)—

Omit "to the licensing court".

Registered Clubs (Amendment).

SCHEDULE 6—continued.**AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
— TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.**

5 (b) Section 8 (1)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(c) Section 8 (2) (c)—

10 Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(d) Section 8 (3) (c)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(2) (a) Section 9 (1)—

15 Omit the subsection, insert instead :—

(1) Except as provided in this section, the licensing
court shall hear and determine and grant an
application made under section 7 or 8.

(b) Section 9 (4)—

20 After “court” where firstly occurring, insert “or the
secretary to the licensing magistrates, as the case may
be,”.

(c) Section 9 (4) (a)—

25 Omit “clerk of the licensing court at least 10 days”,
insert instead “secretary to the licensing magistrates
on or”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (d) Section 9 (4) (b)—

After “court”, insert “or the secretary to the licensing magistrates, as the case may be,”.

(e) Section 9 (8)—

Omit the subsection, insert instead :—

10 (8) The secretary to the licensing magistrates to
whom an application for the renewal of a certificate
of registration is delivered as referred to in subsection
15 (4) (a) shall grant the application on or after 1st
June next preceding the due date for the expiry of the
certificate, unless—

20 (a) notice of objection to the granting of the
application has been given to him, as
referred to in section 26 (3) (c), on or
before 31st May next preceding the due
date for the expiry of the certificate of
registration; or

(b) a licensing magistrate has directed that the
application be referred to the licensing
court.

25 (3) (a) Section 14—

After “court”, insert “, if the application was granted
by the licensing court, or the secretary to the licensing
magistrates, if the application was granted by him”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (b) Section 14 (a)—

After “payment”, insert “to him”.

(4) Section 15 (1A)—

After section 15 (1), insert :—

10 (1A) The fees referred to in subsection (1) shall be
paid—

(a) where the renewal of a certificate of registration
is granted by the secretary to the licensing
magistrates, to the secretary to the licensing
magistrates; and

15 (b) in any other case, to the clerk of the licensing
court.

(5) (a) Section 16 (3)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

20 (b) Section 16 (4)—

After “lodged”, insert “, where the appeal relates to a
determination by the licensing court refusing an
application for the renewal of a certificate of registra-
tion of the club, with the secretary to the licensing
magistrates or, in any other case,”.

25

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (6) (a) Section 26 (3) (b), (c)—

Omit the paragraphs, insert instead :—

10 (b) where the application is other than for the
renewal of a certificate of registration, notice
of the objection specifying the grounds of the
objection has been given to the clerk of the
licensing court and to the club by or on whose
behalf the application is made at least 3 clear
days before the time appointed for the
hearing of the application;

15 (c) where the application is for the renewal of a
certificate of registration, notice of the objec-
tion specifying the grounds of the objection
has been given to the clerk of the licensing
court, to the secretary to the licensing magis-
20 trates and to the club by or on whose behalf
the application is made on or before 31st May
next preceding the due date for the expiry of
the certificate; and

(b) Section 26 (4)—

25 Omit “(c)”, insert instead “(b)”.

(c) Section 26 (4A)—

After section 26 (4), insert :—

30 (4A) Notwithstanding subsection (3) (c) the
licensing court may entertain an objection against an
application referred to in subsection (3) (c) if the
application has not been granted under this Act by
the secretary to the licensing magistrates.

Registered Clubs (Amendment).

SCHEDULE 6—continued.

**AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.**

5 (d) Section 26 (6)—

After section 26 (5), insert :—

(6) An objection to the renewal of a certificate of registration may be made notwithstanding that an application for the renewal has not been made.

10 (7) Section 29—

Omit the section, insert instead :—

29. Upon application made by or on behalf of a registered club, the licensing court may, if it is satisfied that the certificate of registration of that club or an authority issued to that club under this Act has been lost or destroyed, order—

- (a) where the application relates to a certificate of registration issued by the secretary to the licensing magistrates, that secretary; or
- (b) in any other case, the clerk of the licensing court, on payment to him of the prescribed fee, to issue to that club a duplicate of the certificate of its registration or of that authority.

(8) (a) Section 68 (2)—

25 After “Act”, insert “, other than an application for the renewal of a certificate of registration of a club,”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (b) Section 68 (3)—

After section 68 (2), insert :—

10 (3) Where a notice of objection to an application
under this Act for the renewal of a certificate of
registration of a club is given to the secretary to the
licensing magistrates by any person other than the
district inspector, the secretary to the licensing
magistrates shall forthwith forward a copy of the
application and the notice of objection to the district
inspector.

15

SCHEDULE 7.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED
CLUB.

(1) Section 11 (3)—

20 Omit the subsection, insert instead :—

(3) The licensing court, on application made by a
club, may in circumstances which it deems special deter-
mine in respect of the club a number that is greater than
the number prescribed under subsection (2) (a), (b) or
25 (c), as the case may be.

(2) Section 11 (4) (b)—

Omit “club;”, insert instead “club; and”.

(3) Section 11 (4) (c)—

30 Omit “had at the date of the commencement of the Liquor
(Amendment) Act, 1969;”, insert instead “has”.

Registered Clubs (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED
CLUB—*continued.*

5 (4) Section 11 (4) (c)—

Omit “club; and”, insert instead “club.”.

(5) Section 11 (4) (d)—

Omit the paragraph.

SCHEDULE 8.

Sec. 4.

10 MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976.

(1) (a) Section 30 (2) (k)—

After “persons”, insert “of or above the age of 18
years”.

15 (b) Section 30 (7A)—

After section 30 (7), insert :—

(7A) Subsection (2) (k) does not apply in respect
of any club incorporated on or before 1st July,
1977—

20

(a) the articles of association or rules of which
did not at that date include a rule requiring
the maintenance of a register of the kind
referred to in that paragraph; and

25

(b) which has not since that date incorporated
such a rule in its articles of association or
rules.

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(2) Section 31 (1) (c)—

5 After “person”, insert “of or above the age of 18 years”.

(3) Section 37 (1)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(4) Section 39 (c)—

10 Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(5) Section 40 (1) (a)—

15 Omit “income and expenditure of the club received or
incurred”, insert instead “receipts of and payments made
by the club”.

(6) (a) Section 45 (1) (b)—

20 Omit “particulars of whom (referred to in section
31 (1) (c)) have been entered in the register kept
in accordance with the rule referred to in section
30 (2) (k)”.

(b) Section 45 (2)—

Omit the subsection, insert instead :—

25 (2) It is a sufficient defence to a prosecution for
an offence arising under subsection (1) alleged to
have been committed by a registered club or the
secretary of a registered club if the defendant proves

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

5 that it or he took all reasonable steps to prevent persons other than members, or guests of members, of the club from using the accommodation, facilities and amenities provided on the defined premises of the club.

(7) Section 49—

10 Omit “, it shall lodge with the clerk of the licensing court”, insert instead “or within such further time as the licensing court, on an application made by the club, may allow, the club shall lodge with the secretary to the licensing magistrates”.

15 (8) Section 66—

Omit the section.

(9) (a) Section 67 (2)—

Omit the subsection, insert instead :—

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

25 (a) demand from any person who is in a bar or is using or operating a poker machine on the premises of the club and who that member or employee suspects on reasonable grounds is under the age of 18 years, particulars of the correct age, name and address of that person;

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

5 (b) where the club is a club to which section
30 (2) (k) applies, demand from any per-
son 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

10 (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),

15 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 per-
son who enters or is on the premises of the
club and who that member or employee
suspects on reasonable grounds is not a
20 member of the club or a guest of a member
of the club—

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

(ii) particulars as to whether that per-
son is or is not a member of the
club or a guest of a member of the
club; and

30 (iii) where that person claims to be a
guest of a member of the club, par-
ticulars of the name of that member.

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(b) Section 67 (3) (a)—

5 Omit “or” where thirdly occurring.

(c) Section 67 (3) (a)—

Omit “whom”, insert instead “who”.

(d) Section 67 (3) (b), (c)—

Omit the paragraph, insert instead :—

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

15 (i) a member of the club; or
 (ii) a guest of a member of the club partic-
 ulars of whom (referred to in section
 31 (1) (c)) have been entered in the
20 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 pre-
 mises of any registered club (not being a
25 club to which section 30 (2) (k) applies)

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

5 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;

10 (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.

15 (e) Section 67 (6)—

Omit the subsection, insert instead :—

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

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

(b) where the person by whom the demand is
made—

25 (i) informs the person on whom the
demand is made that he suspects
him to be under the age of 18 years;
and

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

- 5 (ii) requires the person on whom the demand is made to do so,
refuse or fail, without reasonable cause, to produce evidence as to his correct age, name and address.

(10) (a) Schedule 1, Part 1—

- 10 In column 2, after paragraph (a) in the matter relating to section 3, insert :—

- 15 (aa) From the definition of “Persons authorised to sell liquor”, omit “and holders of permits or certificates of registration”, insert instead “,registered clubs and holders of permits”;

(b) Schedule 1, Part 1—

From the matter relating to section 5 (10), omit “41 (2)”, insert instead “42 (2)”.

(c) Schedule 1, Part 1—

- 20 From the matter relating to section 5 (12) (a), omit “41 (2)”, insert instead “42 (2)”.

(d) Schedule 1, Part 1—

After the matter relating to section 5 (12) (a), insert :—

- 25 Section 10 (1) (a) Omit “,permit or certificate of registration” wherever occurring, insert instead “or permit”;
(b) Omit “,a permit or a certificate of registration”, insert instead “or a permit”;

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

- 5 (c) Omit “except in the case of an application relating to
a registered club or to prescribed premises as defined
in section 152A (1), the applicant, or in the case of an
10 application relating to a registered club or prescribed
premises as defined in section 152A (1), the secretary
of the registered club or the person nominated
pursuant to section 152c (2) (b) (iii), as the case may
be, ”, insert instead “except in the case of an appli-
cation relating to prescribed premises as defined in
section 152A (1), the applicant or, in the case of an
15 application relating to prescribed premises as defined
in section 152A (1), the person nominated pursuant
to section 152c (2) (b) (iii).”.

(e) Schedule 1, Part 1—

Omit the matter relating to sections 21 (1) (d) and
22 (2).

20 (f) Schedule 1, Part 1—

After the matter relating to section 13 (7), insert :—

- | | | |
|---------------------|----|-----------------------------------------------------------------------------------------------------------------|
| Section 23B (2) (b) | .. | Omit “, permit or certificate”, insert instead “or permit”. |
| Section 29 (1) | .. | Omit “(not being an application made by the secretary
of a registered club for a permit under section 57A)”. |
| 25 Section 29 (2) | .. | Omit the subsection. |

(g) Schedule 1, Part 1—

Omit the matter relating to section 34 (2) (c).

(h) Schedule 1, Part 1—

After the matter relating to section 57A (1), insert :—

- | | | |
|-------------------------|----|-----------------------------------------------------------------------------------------------------------|
| 30 Section 57A (1b) (a) | .. | Omit “, as the case may be, the license or certificate of
registration”, insert instead “the license”. |
| Section 57A (1d) | .. | Omit the subsection. |

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(i) Schedule 1, Part 1—

5 After the matter relating to section 114, insert :—

- | | |
|--------------------------|-----------------------------------------------------------------------------|
| Section 125 (3) | Omit “, permit or certificate of registration”, insert instead “or permit”. |
| Section 125 (4) | Omit “, permit or certificate of registration”, insert instead “or permit”. |
| 10 Section 125 (6) | Omit the subsection. |

(j) Schedule 1, Part 1—

After the matter relating to section 161 (1), insert :—

- | | |
|-----------------------|------------------------------------------------------------------------------------------------|
| Section 167 (4) | Omit “, permit or certificate of registration” wherever occurring, insert instead “or permit”. |
|-----------------------|------------------------------------------------------------------------------------------------|

15 (k) Schedule 1, Part 1—

Omit the matter relating to sections 168B (1), 168C and 168D (1).

(11) Schedule 1, Part 2—

- | | |
|----|---------------------------------------------------------------------------|
| 20 | From the matter relating to section 1, omit “III”, insert instead “IIIA”. |
|----|---------------------------------------------------------------------------|

Regulation of the ...

Section 1, Part 1

Section 1, Part 1, ...

Section 1, Part 1

Section 1, Part 1, ...

Section 1, Part 1, ...

Section 1, Part 1

Section 1, Part 1, ...

Section 1, Part 1, ...

Section 1, Part 1

Section 1, Part 1, ...

Section 1, Part 1

Section 1, Part 1, ...

- (u) to extend in certain circumstances the particulars which may be demanded from certain persons on the premises of a registered club (Schedule 8 (9));
 - (v) to amend the provisions of the Principal Act which amend the Liquor Act, 1912, to take account of amendments to the Liquor Act, 1912, which have taken effect since the Principal Act was assented to (Schedule 8 (10));
 - (w) to make other provisions of a minor, consequential or ancillary nature.
-

REGISTERED CLUBS (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to enable liquor to be sold, supplied or disposed of to persons of or above the age of 18 years attending a function authorised by an authority referred to in section 23 (1) (b) of the Registered Clubs Act, 1976 (in this Note referred to as "the Principal Act") held on club premises (Schedule 1 (1) (c));
- (b) to enable liquor to be sold, supplied or disposed of to persons of or above the age of 18 years, other than members, while those persons are attending a wedding reception held on the premises of a registered club otherwise than at the invitation and in the company of a member (Schedule 1 (2));
- (c) to enable persons under the age of 18 years in certain circumstances to enter a bar when attending a wedding reception held on the premises of a registered club, but not to be served with or to consume liquor (Schedule 1 (3));
- (d) to provide that a registered club and its secretary are guilty of an offence if a poker machine is located in a part of the premises of a registered club in which a wedding reception is being held or in a part used for access to the wedding reception area and a person under the age of 18 years attending the wedding reception is in any such part (Schedule 1 (4));
- (e) to provide that, where objection is taken to the renewal of a certificate of registration of a club on the grounds that the club is not required to meet a genuine and substantial need, the onus of proof lies on the objector (Schedule 2);
- (f) to amend the rules of registered clubs so that voting by proxy is prohibited (Schedule 3);
- (g) to provide that it is a sufficient defence to a prosecution of a secretary of a registered club for an offence under section 23 (5) or Part VI of the Principal Act, if he proves that he acted in an honorary capacity (Schedule 4);
- (h) to alter the method of calculating the fee for renewal of a certificate of registration (Schedule 5 (1) and (4) (a));

- (i) to provide that a registered club may elect to postpone payment of part of the fee for renewal of its certificate of registration (Schedule 5 (4) (c));
- (j) to enable the secretary to the licensing magistrates in certain circumstances to grant an application for renewal of a certificate of registration and to issue the certificate (Schedule 6 (2) (e) and (3) (a));
- (k) to provide that applications for renewal of certificates of registration and the fees for renewal are to be lodged with the secretary to the licensing magistrates and that the secretary to the licensing magistrates may accept applications out of time (Schedule 6 (1) (b), (2) (d), (4) and (5));
- (l) to alter the requirements in relation to the lodging of applications for renewal of certificates of registration and the lodging of objections to applications (Schedule 6 (2) (c) and (6));
- (m) to provide for duplicate certificates of registration to be issued by the secretary to the licensing magistrates in cases where he issued the original certificate (Schedule 6 (7));
- (n) to provide that applications for renewal of certificates of registration shall not be forwarded to the district inspector unless objected to (Schedule 6 (8));
- (o) to enable more than one application to be made by a registered club for an increase in the maximum number of members applicable to that club (Schedule 7 (1));
- (p) to alter the provisions relating to the matters the licensing court must take into consideration when considering an application for an increase in the maximum number of members applicable to a registered club (Schedule 7 (2) and (3));
- (q) to provide that the rule requiring a register of guests of members to be kept does not apply to certain clubs and to alter the rule so that the register is required to be kept only in respect of guests of or above the age of 18 years (Schedule 8 (1) and (2));
- (r) to provide that certain documents, previously required by the Principal Act to be lodged with the clerk of the licensing court, be lodged instead with the secretary to the licensing magistrates (Schedule 8 (3), (4) and (7));
- (s) to give the licensing court a discretion to extend the time within which a registered club must lodge a copy of amendments to its rules (Schedule 8 (7));
- (t) to abolish the special limitation period applying to certain persons in relation to matters or things done or directed to be done in the execution of a duty or office for the purposes of the Principal Act (Schedule 8 (8));

Act No. 1978.

REGISTERED CLUBS (AMENDMENT) BILL, 1978

No. , 1978.

A BILL FOR

An Act to amend the Registered Clubs Act, 1976.

[MR MULOCK—7 March, 1978.]

Registered Clubs (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Registered Clubs Short title. (Amendment) Act, 1978".

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

 (2) Except as provided in subsection (1), this Act shall
10 commence on the day appointed and notified pursuant to section
2 (2) of the Registered Clubs Act, 1976.

3. This Act contains the following Schedules :— Schedules.

**SCHEDULE 1.—AMENDMENTS TO THE REGISTERED CLUBS
ACT, 1976, RELATING TO FUNCTIONS ON THE PREMISES
15 OF REGISTERED CLUBS.**

**SCHEDULE 2.—AMENDMENTS TO THE REGISTERED CLUBS
ACT, 1976, RELATING TO OBJECTIONS TO APPLICATIONS
FOR RENEWAL OF CERTIFICATES OF REGISTRATION.**

**SCHEDULE 3.—AMENDMENTS TO THE REGISTERED CLUBS
20 ACT, 1976, RELATING TO RULES OF REGISTERED CLUBS
ON VOTING BY PROXY.**

**SCHEDULE 4.—AMENDMENTS TO THE REGISTERED CLUBS
ACT, 1976, RELATING TO THE COMMISSION OF
OFFENCES BY SECRETARIES OF REGISTERED CLUBS.**

**SCHEDULE 5.—AMENDMENTS TO THE REGISTERED CLUBS
25 ACT, 1976, RELATING TO THE CALCULATION OF FEES
AND THE PAYMENT OF FEES BY INSTALMENTS.**

**SCHEDULE 6.—AMENDMENTS TO THE REGISTERED CLUBS
30 ACT, 1976, RELATING TO APPLICATIONS FOR CERTIFI-
CATES OF REGISTRATION.**

Registered Clubs (Amendment).

SCHEDULE 7.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED CLUB.

5 **SCHEDULE 8.—MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976.**

4. The Registered Clubs Act, 1976, is amended in the manner set forth in Schedules 1–8. Amendment
of Act No.
31, 1976.

SCHEDULE 1.

Sec. 4.

10 **AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS.**

(1) (a) Section 23 (1) (a)—

After “persons”, insert “, other than members, and persons”.

(b) Section 23 (1) (b)—

15 After “members,”, insert “and persons under the age of 18 years”.

(c) Section 23 (5), (6)—

Omit the subsections, insert instead :—

20 (5) If during any period specified in accordance with subsection 4 (c) in an authority granted under this section—

(a) a poker machine is located; or

(b) where the authority is an authority referred to in subsection (1) (a), liquor is sold, supplied, disposed of or consumed,

25 in any part of the premises of the club specified in the authority in accordance with subsection (4) (a) or (b)—

(c) the registered club; and

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS—
continued.

5 (d) 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 \$500
and, in the case of the secretary, not exceeding \$200.

10 (6) During any period specified in accordance with
subsection (4) (c) in an authority granted under this
section and while any conditions subject to which the
authority was granted are observed and no offence is
being committed under subsection (5)—

15 (a) sections 45 and 52; and
(b) where the authority is an authority referred
to in subsection (1) (b), section 30 (2)
(d),
do not apply to or in respect of a part of the premises
of the club specified in the authority in accordance
20 with subsection (4) (a) or (b).

(2) (a) Section 30 (6)—

Omit the subsection, insert instead :—

(6) Subsection (2) (d) does not apply—

25 (a) in respect of the Sydney Cricket Ground Club,
the Australian Jockey Club, the Newcastle
International Sports Centre Club referred to in
section 9 (1) of the Newcastle International
Sports Centre Act, 1967, or any other club
declared under subsection (7) to be an exempt
club for the purposes of this paragraph; or
30

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS—
continued.

- 5 (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 referred to in section 52 (2) is being
held in that part where that person has been
10 invited to the reception by a person entitled to
issue the invitation.

(b) Section 30 (7)—

After “(6)”, insert “(a)”.

(3) Section 52(2)—

15 At the end of section 52, insert :—

(2) Subsection (1) does not prevent a person under the
age of 18 years from entering or being in a bar where—

20 (a) the bar is, or is in, a part of the premises of a
registered club in which part a reception is being
held in association with the wedding of a member
of the club or of a person who is a child or
parent of a member of the club or for whose
maintenance a member of the club is or has been
responsible; and

25 (b) the person under the age of 18 years has been
invited to that reception by a person entitled to
issue the invitation.

(4) (a) Section 54 (2) (a)—

30 After “area”, insert “or in which part a reception
referred to in section 52 (2) is being held”.

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS—
continued.

5 (b) Section 54 (2) (b)—

After “that registered club”, insert “or a part of the
premises of a registered club in which part a reception
referred to in section 52 (2) is being held”.

SCHEDULE 2.

Sec. 4.

10 AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO OBJECTIONS TO APPLICATIONS FOR RENEWAL OF
CERTIFICATES OF REGISTRATION.

(1) Section 25 (9) (b)—

Omit “, (2)”.

15 (2) Section 25 (9) (b)—

Omit “club; or”, insert instead “club;”.

(3) Section 25 (9) (ba)—

After section 25 (9) (b), insert :—

20 (ba) being an objection taken under subsection (2), is
taken on the ground referred to in subsection (1)
(c), the onus of proving that the club is not
required to meet a genuine and substantial need (as
referred to in subsection (1) (c)) lies upon the
objector; or

Registered Clubs (Amendment).

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO RULES OF REGISTERED CLUBS ON VOTING BY PROXY.

(1) Section 30 (1) (d)—

5 Omit the paragraph, insert instead :—

(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
- 10 (ii) vote at any election of, or of a member of,
the governing body of the club,
as the proxy of another person.

(2) Section 30 (1) (e)—

Omit the paragraph.

15 (3) Section 30 (9) (b)—

Omit the paragraph.

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE COMMISSION OF OFFENCES BY SECRETARIES OF
20 REGISTERED CLUBS.

(1) Section 56—

Omit “any provision of this Act”, insert instead “section
23 (5) or this Part”.

Registered Clubs (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE COMMISSION OF OFFENCES BY SECRETARIES OF
REGISTERED CLUBS—*continued.*

5 (2) Section 56 (a)—

Omit "or".

(3) Section 56 (b)—

Omit "offence.", insert instead "offence; or".

(4) Section 56 (c)—

10 After section 56 (b), insert :—

(c) at all times relating to the offence he acted as
secretary of the club in an honorary capacity only.

(5) Section 56 (2)—

At the end of section 56, insert :—

15 (2) For the purposes of subsection (1) a secretary of a
registered club acts as such in an honorary capacity if he
receives no payment in respect of the services that he
renders to the club as secretary other than by way of
20 reimbursement for his out of pocket expenses incurred
while so acting.

Registered Clubs (Amendment).

SCHEDULE 5.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS.

5 (1) Section 4 (4), (5)—

After section 4 (3), insert :—

(4) A reference in this Act to the amount paid or payable by or on behalf of a registered club or the secretary of the club for any liquor is a reference—

- 10 (a) except as provided in paragraph (b), to the sum of—
- (i) the amount paid or payable by or on behalf of the club or that secretary for that liquor;
 - 15 (ii) any amount paid or payable by or on behalf of the club or that secretary for or for the hiring of any containers or packages (including corks, stoppers and labels attached thereto) in which that
 - 20 liquor is contained or packed when it is delivered to or purchased by or on behalf of the club or that secretary or is to be contained or packed for sale or disposal by or on behalf of the club or
 - 25 that secretary (whether or not any such amount is paid or payable to the supplier of that liquor);
 - (iii) any amount paid or payable for the
 - 30 packing or for the handling of that liquor and any such containers or packages or for putting it or them into the state in which it is or they are when it is or they are delivered to or purchased by or on

Registered Clubs (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—*continued.*

- 5 behalf of the club or that secretary
 (whether or not any such amount is paid
 or payable to the supplier of that liquor);
- 10 (iv) any amount paid or payable by or on
 behalf of the club or that secretary as
 freight or other delivery charges in
 respect of the delivery of that liquor,
 being an amount so paid or payable to
15 the supplier of that liquor but not being
 an amount so paid or payable to that
 supplier as reimbursement for those
 freight or delivery charges if those freight
 or delivery charges are paid or payable
 by that supplier to a common carrier; and
- 20 (v) any amount paid or payable for duties or
 sales tax in respect of that liquor; or
- 25 (b) where the licensing magistrates who assess or
 reassess the fee payable in respect of the renewal
 of the certificate of registration of the club in
 accordance with section 15 (2) are of the
 opinion when assessing or reassessing, as the case
 may be, that fee that any amount paid or pay-
 able for any thing or for the doing of any thing
 referred to in paragraph (a) (i), (ii), (iii) or
30 (iv) is less than the value of that thing or of
 the doing of that thing, as the case may be, to
 such amount as is determined by those magis-
 trates having regard to the circumstances in which
 that liquor was delivered to or purchased by or
 on behalf of the club or that secretary.

Registered Clubs (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—*continued.*

5 (5) A reference in this Act to any amount paid or
payable by or on behalf of a registered club or the secretary
of the club for any liquor includes any amount paid or
payable by any other person for the acquisition of that
liquor for sale, supply or disposal by the club or that
10 secretary.

(2) (a) Section 8 (3) (a)—

After “15 (8)”, insert “or (10) (b)”.

(b) Section 8 (3) (d)—

After “15 (6) (b)”, insert “or (10) (b)”.

15 (3) (a) Section 14 (a)—

After “15”, insert “or, where the application is for
renewal of a certificate of registration and an election
referred to in section 15 (9) has been made in respect
of that fee, that fee less the postponed amount referred
20 to in that subsection”.

(b) Section 14 (b)—

Omit the paragraph, insert instead :—

(b) shall not issue that certificate unless—

25 (i) where the application is for renewal of
a certificate of registration and an
election referred to in section 15 (9)
has been made in respect of that fee,
that fee less the postponed amount

Registered Clubs (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—*continued.*

- 5 referred to in that subsection is paid
on or before the due date referred to
in that subsection; or
- (ii) in any other case, that fee is paid
10 within 3 months after the application
is granted.

(4) (a) Section 15 (1) (b) (i)—

- 15 Omit “gross amount (including any duties and sales
tax thereon) paid or payable for all”, insert instead
“amount paid or payable by or on behalf of the
club or the secretary of the club for”.

(b) Section 15 (4) (b)—

Omit “gross” wherever occurring.

(c) Section 15 (9), (10), (11)—

After section 15 (8), insert :—

- 20 (9) A registered club may, by notice in writing
given on or before 20th June (in this section referred
to as “the due date”) next preceding the date of
expiry of its certificate of registration to the person
to whom the fee for the renewal of its certificate of
25 registration is payable, elect to postpone payment of
so much of that fee as is an amount (in this section
referred to as “the postponed amount”) equal to—

- (a) where that fee is exactly an even number
of dollars—one-half of that fee; or

Registered Clubs (Amendment).

SCHEDULE 5—continued.

**AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—continued.**

- 5 (b) where that fee is not exactly an even
number of dollars—one-half of the highest
even number of dollars next below that fee.
- (10) Where a registered club makes an election
referred to in subsection (9)—
- 10 (a) it is, if on or before the due date it pays
the fee referred to in that subsection less
the postponed amount to the person to
whom the fee is payable, entitled to post-
pone payment of the postponed amount
15 until 30th November next following the due
date; and
- (b) its certificate of registration in respect of
which that fee was assessed or reassessed
shall, if it has not, on or before that 30th
20 November, paid an amount equal to the
difference between that fee, as originally
assessed or as reassessed, as the case may
be, and the portion of that fee paid by it
on or before the due date, be deemed after
25 that 30th November not to be in force, until
it pays the difference.
- (11) Where a registered club has made an election
referred to in subsection (9)—
- 30 (a) the reference in subsection (6) (a) to the
difference between the reassessed fee and
the original fee shall, if the reassessment of
the original fee was made before 30th
November next following the due date, be
construed, for the purpose of making a
35 refund in relation to the original fee to

Registered Clubs (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—*continued.*

- 5 which the election relates, as a reference
 to the difference between the portion of the
 original fee paid by the club on or before
 the due date and the portion that would
10 have been payable by it on or before that
 date had the reassessed fee been the original
 fee; and
- (b) a reference in subsection (6) (b) to the
 difference between the original fee and the
 reassessed fee shall, if the reassessment of
15 the original fee was made before 30th
 November next following the due date, be
 construed, for the purpose of determining
 the liability of the club, under subsection
20 (6) (b), in relation to the original fee to
 which the election relates, as a reference
 to the difference between the portion that
 would have been payable by the club on
 or before the due date had the reassessed
 fee been the original fee and the portion
25 of the original fee paid by it on or before
 the due date.

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION.

30 (1) (a) Section 8 (1)—

Omit "to the licensing court".

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (b) Section 8 (1)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(c) Section 8 (2) (c)—

10 Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(d) Section 8 (3) (c)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(2) (a) Section 9 (1)—

15 Omit the subsection, insert instead :—

(1) Except as provided in this section, the licensing
court shall hear and determine and grant an
application made under section 7 or 8.

(b) Section 9 (4)—

20 After “court” where firstly occurring, insert “or the
secretary to the licensing magistrates, as the case may
be,”.

(c) Section 9 (4) (a)—

25 Omit “clerk of the licensing court at least 10 days”,
insert instead “secretary to the licensing magistrates
on or”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (d) Section 9 (4) (b)—

After “court”, insert “or the secretary to the licensing
magistrates, as the case may be,”.

(e) Section 9 (8)—

Omit the subsection, insert instead :—

10 (8) The secretary to the licensing magistrates to
whom an application for the renewal of a certificate
of registration is delivered as referred to in subsection
15 (4) (a) shall grant the application on or after 1st
June next preceding the due date for the expiry of the
certificate, unless—

(a) notice of objection to the granting of the
application has been given to him, as
referred to in section 26 (3) (c), on or
before 31st May next preceding the due
20 date for the expiry of the certificate of
registration; or

(b) a licensing magistrate has directed that the
application be referred to the licensing
court.

25 (3) (a) Section 14—

After “court”, insert “, if the application was granted
by the licensing court, or the secretary to the licensing
magistrates, if the application was granted by him”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (b) Section 14 (a)—

After “payment”, insert “to him”.

(4) Section 15 (1A)—

After section 15 (1), insert :—

10 (1A) The fees referred to in subsection (1) shall be
paid—

(a) where the renewal of a certificate of registration
is granted by the secretary to the licensing
magistrates, to the secretary to the licensing
magistrates; and

15 (b) in any other case, to the clerk of the licensing
court.

(5) (a) Section 16 (3)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

20 (b) Section 16 (4)—

After “lodged”, insert “, where the appeal relates to a
determination by the licensing court refusing an
application for the renewal of a certificate of registra-
tion of the club, with the secretary to the licensing
magistrates or, in any other case,”.

25

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (6) (a) Section 26 (3) (b), (c)—

Omit the paragraphs, insert instead :—

10 (b) where the application is other than for the
renewal of a certificate of registration, notice
of the objection specifying the grounds of the
objection has been given to the clerk of the
licensing court and to the club by or on whose
behalf the application is made at least 3 clear
days before the time appointed for the
hearing of the application;

15 (c) where the application is for the renewal of a
certificate of registration, notice of the objec-
tion specifying the grounds of the objection
has been given to the clerk of the licensing
court, to the secretary to the licensing magis-
20 trates and to the club by or on whose behalf
the application is made on or before 31st May
next preceding the due date for the expiry of
the certificate; and

(b) Section 26 (4)—

25 Omit “(c)”, insert instead “(b)”.

(c) Section 26 (4A)—

After section 26 (4), insert :—

30 (4A) Notwithstanding subsection (3) (c) the
licensing court may entertain an objection against an
application referred to in subsection (3) (c) if the
application has not been granted under this Act by
the secretary to the licensing magistrates.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (d) Section 26 (6)—

After section 26 (5), insert :—

(6) An objection to the renewal of a certificate of registration may be made notwithstanding that an application for the renewal has not been made.

10 (7) Section 29—

Omit the section, insert instead :—

29. Upon application made by or on behalf of a registered club, the licensing court may, if it is satisfied that the certificate of registration of that club or an authority issued to that club under this Act has been lost or destroyed, order—

15 Duplicate certificate of registration or authority.

(a) where the application relates to a certificate of registration issued by the secretary to the licensing magistrates, that secretary; or

20 (b) in any other case, the clerk of the licensing court, on payment to him of the prescribed fee, to issue to that club a duplicate of the certificate of its registration or of that authority.

(8) (a) Section 68 (2)—

25 After “Act”, insert “, other than an application for the renewal of a certificate of registration of a club,”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (b) Section 68 (3)—

After section 68 (2), insert :—

10 (3) Where a notice of objection to an application
under this Act for the renewal of a certificate of
registration of a club is given to the secretary to the
licensing magistrates by any person other than the
district inspector, the secretary to the licensing
magistrates shall forthwith forward a copy of the
application and the notice of objection to the district
inspector.

15

SCHEDULE 7.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED
CLUB.

(1) Section 11 (3)—

20 Omit the subsection, insert instead :—

(3) The licensing court, on application made by a
club, may in circumstances which it deems special deter-
mine in respect of the club a number that is greater than
the number prescribed under subsection (2) (a), (b) or
25 (c), as the case may be.

(2) Section 11 (4) (b)—

Omit “club;”, insert instead “club; and”.

(3) Section 11 (4) (c)—

30 Omit “had at the date of the commencement of the Liquor
(Amendment) Act, 1969,” insert instead “has”.

Registered Clubs (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED
CLUB—*continued.*

5 (4) Section 11 (4) (c)—

Omit “club; and”, insert instead “club.”.

(5) Section 11 (4) (d)—

Omit the paragraph.

SCHEDULE 8.

Sec. 4.

10 MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976.

(1) (a) Section 30 (2) (k)—

After “persons”, insert “of or above the age of 18
years”.

15 (b) Section 30 (7A)—

After section 30 (7), insert :—

(7A) Subsection (2) (k) does not apply in respect
of any club incorporated on or before 1st July,
1977—

20 (a) the articles of association or rules of which
did not at that date include a rule requiring
the maintenance of a register of the kind
referred to in that paragraph; and

25 (b) which has not since that date incorporated
such a rule in its articles of association or
rules.

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(2) Section 31 (1) (c)—

5 After “person”, insert “of or above the age of 18 years”.

(3) Section 37 (1)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(4) Section 39 (c)—

10 Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(5) Section 40 (1) (a)—

15 Omit “income and expenditure of the club received or
incurred”, insert instead “receipts of and payments made
by the club”.

(6) (a) Section 45 (1) (b)—

20 Omit “particulars of whom (referred to in section
31 (1) (c)) have been entered in the register kept
in accordance with the rule referred to in section
30 (2) (k)”.

(b) Section 45 (2)—

Omit the subsection, insert instead :—

25 (2) It is a sufficient defence to a prosecution for
an offence arising under subsection (1) alleged to
have been committed by a registered club or the
secretary of a registered club if the defendant proves

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

5 that it or he took all reasonable steps to prevent
persons other than members, or guests of members,
of the club from using the accommodation, facilities
and amenities provided on the defined premises of the
club.

(7) Section 49—

10 Omit “, it shall lodge with the clerk of the licensing
court”, insert instead “or within such further time as
the licensing court, on an application made by the
club, may allow, the club shall lodge with the
secretary to the licensing magistrates”.

15 (8) Section 66—

Omit the section.

(9) (a) Section 67 (2)—

Omit the subsection, insert instead :—

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

25 (a) demand from any person who is in a bar or
is using or operating a poker machine on
the premises of the club and who that
member or employee suspects on reasonable
grounds is under the age of 18 years, partic-
ulars of the correct age, name and address
of that person;

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

- 5 (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
- 10 (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),
- 15 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—
- 20
- (i) particulars of the correct name and
address of that person;
- 25
- (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
- 30 (iii) where that person claims to be a guest of a member of the club, particulars of the name of that member.

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(b) Section 67 (3) (a)—

5 Omit “or” where thirdly occurring.

(c) Section 67 (3) (a)—

Omit “whom”, insert instead “who”.

(d) Section 67 (3) (b), (c)—

Omit the paragraph, insert instead :—

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

15 (i) a member of the club; or

(ii) a guest of a member of the club partic-
ulars of whom (referred to in section
31 (1) (c)) have been entered in the
register kept for the purposes of
20 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 pre-
mises of any registered club (not being a
club to which section 30 (2) (k) applies)
25

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

5 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;
- 10 (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.

15 (e) Section 67 (6)—

Omit the subsection, insert instead :—

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

- 20 (a) refuse or fail to state to the person by whom the demand is made, the particulars demanded of him; and
- (b) where the person by whom the demand is made—
 - 25 (i) informs the person on whom the demand is made that he suspects him to be under the age of 18 years; and

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

- 5 (ii) requires the person on whom the demand is made to do so,
refuse or fail, without reasonable cause, to produce evidence as to his correct age, name and address.

(10) (a) Schedule 1, Part 1—

- 10 In column 2, after paragraph (a) in the matter relating to section 3, insert :—

- 15 (aa) From the definition of “Persons authorised to sell liquor”, omit “and holders of permits or certificates of registration”, insert instead “,registered clubs and holders of permits”;

(b) Schedule 1, Part 1—

From the matter relating to section 5 (10), omit “41 (2)”, insert instead “42 (2)”.

(c) Schedule 1, Part 1—

- 20 From the matter relating to section 5 (12) (a), omit “41 (2)”, insert instead “42 (2)”.

(d) Schedule 1, Part 1—

After the matter relating to section 5 (12) (a), insert :—

- 25 Section 10 (1) (a) Omit “,permit or certificate of registration” wherever occurring, insert instead “or permit”;
(b) Omit “,a permit or a certificate of registration”, insert instead “or a permit”;

*Registered Clubs (Amendment).*SCHEDULE 8—*continued.*MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

- 5 (c) Omit “except in the case of an application relating to
a registered club or to prescribed premises as defined
in section 152A (1), the applicant, or in the case of an
application relating to a registered club or prescribed
10 premises as defined in section 152A (1), the secretary
of the registered club or the person nominated
pursuant to section 152c (2) (b) (iii), as the case may
be, ”, insert instead “except in the case of an applica-
tion relating to prescribed premises as defined in
15 section 152A (1), the applicant or, in the case of an
application relating to prescribed premises as defined
in section 152A (1), the person nominated pursuant
to section 152c (2) (b) (iii).”.

(e) Schedule 1, Part 1—

Omit the matter relating to sections 21 (1) (d) and
22 (2).

20 (f) Schedule 1, Part 1—

After the matter relating to section 13 (7), insert :—

- | | | |
|---------------------|----|-----------------------------------------------------------------------------------------------------------------|
| Section 23B (2) (b) | .. | Omit “, permit or certificate”, insert instead “or permit”. |
| Section 29 (1) | .. | Omit “(not being an application made by the secretary
of a registered club for a permit under section 57A)”. |
| 25 Section 29 (2) | .. | Omit the subsection. |

(g) Schedule 1, Part 1—

Omit the matter relating to section 34 (2) (c).

(h) Schedule 1, Part 1—

After the matter relating to section 57A (1), insert :—

- | | | |
|-------------------------|----|-----------------------------------------------------------------------------------------------------------|
| 30 Section 57A (1B) (a) | .. | Omit “, as the case may be, the license or certificate of
registration”, insert instead “the license”. |
| Section 57A (1D) | .. | Omit the subsection. |

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(i) Schedule 1, Part 1—

5 After the matter relating to section 114, insert :—

- | | | |
|--------------------|-------|-----------------------------------------------------------------------------|
| Section 125 (3) | | Omit “, permit or certificate of registration”, insert instead “or permit”. |
| Section 125 (4) | | Omit “, permit or certificate of registration”, insert instead “or permit”. |
| 10 Section 125 (6) | | Omit the subsection. |

(j) Schedule 1, Part 1—

After the matter relating to section 161 (1), insert :—

- | | | |
|-----------------|-------|------------------------------------------------------------------------------------------------|
| Section 167 (4) | | Omit “, permit or certificate of registration” wherever occurring, insert instead “or permit”. |
|-----------------|-------|------------------------------------------------------------------------------------------------|

15 (k) Schedule 1, Part 1—

Omit the matter relating to sections 168B (1), 168C and 168D (1).

(11) Schedule 1, Part 2—

- | | |
|----|---------------------------------------------------------------------------|
| 20 | From the matter relating to section 1, omit “III”, insert instead “IIIA”. |
|----|---------------------------------------------------------------------------|

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[32c]

Revised Code of Laws

SCHEDULE 1

1978—continued

(1) Schedule 1, Part 1—

After the word "and" in section 114, insert—

(2) Schedule 1, Part 1—

After the word "and" in section 114 (1), insert—

(3) Schedule 1, Part 1—

After the word "and" in section 114 (1), insert—

(4) Schedule 1, Part 1—

After the word "and" in section 114 (1), insert—

- (u) to extend in certain circumstances the particulars which may be demanded from certain persons on the premises of a registered club (Schedule 8 (9));
 - (v) to amend the provisions of the Principal Act which amend the Liquor Act, 1912, to take account of amendments to the Liquor Act, 1912, which have taken effect since the Principal Act was assented to (Schedule 8 (10));
 - (w) to make other provisions of a minor, consequential or ancillary nature.
-

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (6) (a) Section 26 (3) (b), (c)—

Omit the paragraphs, insert instead :—

10 (b) where the application is other than for the
renewal of a certificate of registration, notice
of the objection specifying the grounds of the
objection has been given to the clerk of the
licensing court and to the club by or on whose
behalf the application is made at least 3 clear
days before the time appointed for the
hearing of the application;

15 (c) where the application is for the renewal of a
certificate of registration, notice of the objec-
tion specifying the grounds of the objection
has been given to the clerk of the licensing
court, to the secretary to the licensing magis-
20 trates and to the club by or on whose behalf
the application is made on or before 31st May
next preceding the due date for the expiry of
the certificate; and

(b) Section 26 (4)—

25 Omit “(c)”, insert instead “(b)”.

(c) Section 26 (4A)—

After section 26 (4), insert :—

30 (4A) Notwithstanding subsection (3) (c) the
licensing court may entertain an objection against an
application referred to in subsection (3) (c) if the
application has not been granted under this Act by
the secretary to the licensing magistrates.

CONCURRENCE COPY

REGISTERED CLUBS (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to enable liquor to be sold, supplied or disposed of to persons of or above the age of 18 years attending a function authorised by an authority referred to in section 23 (1) (b) of the Registered Clubs Act, 1976 (in this Note referred to as "the Principal Act") held on club premises (Schedule 1 (1) (c));
- (b) to enable liquor to be sold, supplied or disposed of to persons of or above the age of 18 years, other than members, while those persons are attending a wedding reception held on the premises of a registered club otherwise than at the invitation and in the company of a member (Schedule 1 (2));
- (c) to enable persons under the age of 18 years in certain circumstances to enter a bar when attending a wedding reception held on the premises of a registered club, but not to be served with or to consume liquor (Schedule 1 (3));
- (d) to provide that a registered club and its secretary are guilty of an offence if a poker machine is located in a part of the premises of a registered club in which a wedding reception is being held or in a part used for access to the wedding reception area and a person under the age of 18 years attending the wedding reception is in any such part (Schedule 1 (4));
- (e) to provide that, where objection is taken to the renewal of a certificate of registration of a club on the grounds that the club is not required to meet a genuine and substantial need, the onus of proof lies on the objector (Schedule 2);
- (f) to amend the rules of registered clubs so that voting by proxy is prohibited (Schedule 3);
- (g) to provide that it is a sufficient defence to a prosecution of a secretary of a registered club for an offence under section 23 (5) or Part VI of the Principal Act, if he proves that he acted in an honorary capacity (Schedule 4);
- (h) to alter the method of calculating the fee for renewal of a certificate of registration (Schedule 5 (1) and (4) (a));

- (i) to provide that a registered club may elect to postpone payment of part of the fee for renewal of its certificate of registration (Schedule 5 (4) (c));
- (j) to enable the secretary to the licensing magistrates in certain circumstances to grant an application for renewal of a certificate of registration and to issue the certificate (Schedule 6 (2) (e) and (3) (a));
- (k) to provide that applications for renewal of certificates of registration and the fees for renewal are to be lodged with the secretary to the licensing magistrates and that the secretary to the licensing magistrates may accept applications out of time (Schedule 6 (1) (b), (2) (d), (4) and (5));
- (l) to alter the requirements in relation to the lodging of applications for renewal of certificates of registration and the lodging of objections to applications (Schedule 6 (2) (c) and (6));
- (m) to provide for duplicate certificates of registration to be issued by the secretary to the licensing magistrates in cases where he issued the original certificate (Schedule 6 (7));
- (n) to provide that applications for renewal of certificates of registration shall not be forwarded to the district inspector unless objected to (Schedule 6 (8));
- (o) to enable more than one application to be made by a registered club for an increase in the maximum number of members applicable to that club (Schedule 7 (1));
- (p) to alter the provisions relating to the matters the licensing court must take into consideration when considering an application for an increase in the maximum number of members applicable to a registered club (Schedule 7 (2) and (3));
- (q) to provide that the rule requiring a register of guests of members to be kept does not apply to certain clubs and to alter the rule so that the register is required to be kept only in respect of guests of or above the age of 18 years (Schedule 8 (1) and (2));
- (r) to provide that certain documents, previously required by the Principal Act to be lodged with the clerk of the licensing court, be lodged instead with the secretary to the licensing magistrates (Schedule 8 (3), (4) and (7));
- (s) to give the licensing court a discretion to extend the time within which a registered club must lodge a copy of amendments to its rules (Schedule 8 (7));
- (t) to abolish the special limitation period applying to certain persons in relation to matters or things done or directed to be done in the execution of a duty or office for the purposes of the Principal Act (Schedule 8 (8));

REGISTERED CLUBS (AMENDMENT) BILL, 1978

Enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Registered Clubs Amendment Act 1978".

2. (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 the day appointed and notified pursuant to section 2 (2) of the Registered Clubs Act 1976.

No. , 1978.

A BILL FOR

An Act to amend the Registered Clubs Act, 1976.

[MR MULOCK—7 March, 1978.]

Registered Clubs (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the “Registered Clubs Short title. (Amendment) Act, 1978”.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

(2) Except as provided in subsection (1), this Act shall
10 commence on the day appointed and notified pursuant to section 2 (2) of the Registered Clubs Act, 1976.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS.
15

SCHEDULE 2.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO OBJECTIONS TO APPLICATIONS FOR RENEWAL OF CERTIFICATES OF REGISTRATION.

SCHEDULE 3.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO RULES OF REGISTERED CLUBS ON VOTING BY PROXY.
20

SCHEDULE 4.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO THE COMMISSION OF OFFENCES BY SECRETARIES OF REGISTERED CLUBS.

SCHEDULE 5.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES BY INSTALMENTS.
25

**SCHEDULE 6.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO APPLICATIONS FOR CERTIFI-
30 CATES OF REGISTRATION.**

Registered Clubs (Amendment).

SCHEDULE 7.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED CLUB.

5 SCHEDULE 8.—MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976.

4. The Registered Clubs Act, 1976, is amended in the manner set forth in Schedules 1–8. Amendment
of Act No.
31, 1976.

SCHEDULE 1.

Sec. 4.

10 AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS.

(1) (a) Section 23 (1) (a)—

After “persons”, insert “, other than members, and persons”.

(b) Section 23 (1) (b)—

15 After “members,”, insert “and persons under the age of 18 years”.

(c) Section 23 (5), (6)—

Omit the subsections, insert instead :—

20 (5) If during any period specified in accordance with subsection 4 (c) in an authority granted under this section—

(a) a poker machine is located; or

(b) where the authority is an authority referred to in subsection (1) (a), liquor is sold, supplied, disposed of or consumed,

25 in any part of the premises of the club specified in the authority in accordance with subsection (4) (a) or (b)—

(c) the registered club; and

Registered Clubs (Amendment).

SCHEDULE 1—continued.

**AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS—
continued.**

5 (d) 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 \$500
and, in the case of the secretary, not exceeding \$200.

10 (6) During any period specified in accordance with
subsection (4) (c) in an authority granted under this
section and while any conditions subject to which the
authority was granted are observed and no offence is
being committed under subsection (5)—

(a) sections 45 and 52; and

15 (b) where the authority is an authority referred
to in subsection (1) (b), section 30 (2)
(d),

20 do not apply to or in respect of a part of the premises
of the club specified in the authority in accordance
with subsection (4) (a) or (b).

(2) (a) Section 30 (6)—

Omit the subsection, insert instead :—

(6) Subsection (2) (d) does not apply—

25 (a) in respect of the Sydney Cricket Ground Club,
the Australian Jockey Club, the Newcastle
International Sports Centre Club referred to in
section 9 (1) of the Newcastle International
Sports Centre Act, 1967, or any other club
30 declared under subsection (7) to be an exempt
club for the purposes of this paragraph; or

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS—
continued.

- 5 (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 referred to in section 52 (2) is being
held in that part where that person has been
10 invited to the reception by a person entitled to
issue the invitation.

(b) Section 30 (7)—

After “(6)”, insert “(a)”.

(3) Section 52(2)—

15 At the end of section 52, insert :—

(2) Subsection (1) does not prevent a person under the
age of 18 years from entering or being in a bar where—

20 (a) the bar is, or is in, a part of the premises of a
registered club in which part a reception is being
held in association with the wedding of a member
of the club or of a person who is a child or
parent of a member of the club or for whose
maintenance a member of the club is or has been
responsible; and

25 (b) the person under the age of 18 years has been
invited to that reception by a person entitled to
issue the invitation.

(4) (a) Section 54 (2) (a)—

30 After “area”, insert “or in which part a reception
referred to in section 52 (2) is being held”.

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS—
continued.

5 (b) Section 54 (2) (b)—

After “that registered club”, insert “or a part of the
premises of a registered club in which part a reception
referred to in section 52 (2) is being held”.

SCHEDULE 2.

Sec. 4.

10 AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO OBJECTIONS TO APPLICATIONS FOR RENEWAL OF
CERTIFICATES OF REGISTRATION.

(1) Section 25 (9) (b)—

Omit “, (2)”.

15 (2) Section 25 (9) (b)—

Omit “club; or”, insert instead “club;”.

(3) Section 25 (9) (ba)—

After section 25 (9) (b), insert :—

20 (ba) being an objection taken under subsection (2), is
taken on the ground referred to in subsection (1)
(c), the onus of proving that the club is not
required to meet a genuine and substantial need (as
referred to in subsection (1) (c)) lies upon the
objector; or

Registered Clubs (Amendment).

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO RULES OF REGISTERED CLUBS ON VOTING BY PROXY.

(1) Section 30 (1) (d)—

5 Omit the paragraph, insert instead :—

(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
- 10 (ii) vote at any election of, or of a member of,
the governing body of the club,
as the proxy of another person.

(2) Section 30 (1) (e)—

Omit the paragraph.

15 (3) Section 30 (9) (b)—

Omit the paragraph.

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE COMMISSION OF OFFENCES BY SECRETARIES OF
20 REGISTERED CLUBS.

(1) Section 56—

Omit “any provision of this Act”, insert instead “section
23 (5) or this Part”.

Registered Clubs (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE COMMISSION OF OFFENCES BY SECRETARIES OF
REGISTERED CLUBS—*continued.*

5 (2) Section 56 (a)—

Omit “or”.

(3) Section 56 (b)—

Omit “offence.”, insert instead “offence; or”.

(4) Section 56 (c)—

10 After section 56 (b), insert :—

(c) at all times relating to the offence he acted as
secretary of the club in an honorary capacity only.

(5) Section 56 (2)—

At the end of section 56, insert :—

15 (2) For the purposes of subsection (1) a secretary of a
registered club acts as such in an honorary capacity if he
receives no payment in respect of the services that he
renders to the club as secretary other than by way of
20 reimbursement for his out of pocket expenses incurred
while so acting.

Registered Clubs (Amendment).

SCHEDULE 5.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS.

5 (1) Section 4 (4), (5)—

After section 4 (3), insert :—

(4) A reference in this Act to the amount paid or payable by or on behalf of a registered club or the secretary of the club for any liquor is a reference—

10 (a) except as provided in paragraph (b), to the sum of—

(i) the amount paid or payable by or on behalf of the club or that secretary for that liquor;

15 (ii) any amount paid or payable by or on behalf of the club or that secretary for or for the hiring of any containers or packages (including corks, stoppers and labels attached thereto) in which that
20 liquor is contained or packed when it is delivered to or purchased by or on behalf of the club or that secretary or is to be contained or packed for sale or disposal by or on behalf of the club or
25 that secretary (whether or not any such amount is paid or payable to the supplier of that liquor);

(iii) any amount paid or payable for the
30 packing or for the handling of that liquor and any such containers or packages or for putting it or them into the state in which it is or they are when it is or they are delivered to or purchased by or on

SCHEDULE 5—continued.

5 behalf of the club or that secretary
 (whether or not any such amount is paid
 or payable to the supplier of that liquor);

- (iv) any amount paid or payable by or on behalf of the club or that secretary as freight or other delivery charges in respect of the delivery of that liquor, being an amount so paid or payable to the supplier of that liquor but not being an amount so paid or payable to that supplier as reimbursement for those freight or delivery charges if those freight or delivery charges are paid or payable by that supplier to a common carrier; and
- (v) any amount paid or payable for duties or sales tax in respect of that liquor; or
- (b) where the licensing magistrates who assess or reassess the fee payable in respect of the renewal of the certificate of registration of the club in accordance with section 15 (2) are of the opinion when assessing or reassessing, as the case may be, that fee that any amount paid or payable for any thing or for the doing of any thing referred to in paragraph (a) (i), (ii), (iii) or (iv) is less than the value of that thing or of the doing of that thing, as the case may be, to such amount as is determined by those magistrates having regard to the circumstances in which that liquor was delivered to or purchased by or on behalf of the club or that secretary.

Registered Clubs (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—*continued.*

5 (5) A reference in this Act to any amount paid or
payable by or on behalf of a registered club or the secretary
of the club for any liquor includes any amount paid or
payable by any other person for the acquisition of that
10 liquor for sale, supply or disposal by the club or that
secretary.

(2) (a) Section 8 (3) (a)—

After “15 (8)”, insert “or (10) (b)”.

(b) Section 8 (3) (d)—

After “15 (6) (b)”, insert “or (10) (b)”.

15 (3) (a) Section 14 (a)—

After “15”, insert “or, where the application is for
renewal of a certificate of registration and an election
referred to in section 15 (9) has been made in respect
of that fee, that fee less the postponed amount referred
20 to in that subsection”.

(b) Section 14 (b)—

Omit the paragraph, insert instead :—

(b) shall not issue that certificate unless—

25 (i) where the application is for renewal of
a certificate of registration and an
election referred to in section 15 (9)
has been made in respect of that fee,
that fee less the postponed amount

Registered Clubs (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—*continued.*

- 5 referred to in that subsection is paid
on or before the due date referred to
in that subsection; or
- (ii) in any other case, that fee is paid
10 within 3 months after the application
is granted.

(4) (a) Section 15 (1) (b) (i)—

- 15 Omit “gross amount (including any duties and sales
tax thereon) paid or payable for all”, insert instead
“amount paid or payable by or on behalf of the
club or the secretary of the club for”.

(b) Section 15 (4) (b)—

Omit “gross” wherever occurring.

(c) Section 15 (9), (10), (11)—

After section 15 (8), insert :—

- 20 (9) A registered club may, by notice in writing
given on or before 20th June (in this section referred
to as “the due date”) next preceding the date of
expiry of its certificate of registration to the person
to whom the fee for the renewal of its certificate of
25 registration is payable, elect to postpone payment of
so much of that fee as is an amount (in this section
referred to as “the postponed amount”) equal to—

- (a) where that fee is exactly an even number
of dollars—one-half of that fee; or

Registered Clubs (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—*continued.*

5 (b) where that fee is not exactly an even
number of dollars—one-half of the highest
even number of dollars next below that fee.

(10) Where a registered club makes an election
referred to in subsection (9)—

10 (a) it is, if on or before the due date it pays
the fee referred to in that subsection less
the postponed amount to the person to
whom the fee is payable, entitled to post-
pone payment of the postponed amount
15 until 30th November next following the due
date; and

(b) its certificate of registration in respect of
which that fee was assessed or reassessed
shall, if it has not, on or before that 30th
November, paid an amount equal to the
20 difference between that fee, as originally
assessed or as reassessed, as the case may
be, and the portion of that fee paid by it
on or before the due date, be deemed after
25 that 30th November not to be in force, until
it pays the difference.

(11) Where a registered club has made an election
referred to in subsection (9)—

30 (a) the reference in subsection (6) (a) to the
difference between the reassessed fee and
the original fee shall, if the reassessment of
the original fee was made before 30th
November next following the due date, be
construed, for the purpose of making a
35 refund in relation to the original fee to

Registered Clubs (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—*continued.*

- 5 which the election relates, as a reference
 to the difference between the portion of the
 original fee paid by the club on or before
 the due date and the portion that would
10 have been payable by it on or before that
 date had the reassessed fee been the original
 fee; and
- (b) a reference in subsection (6) (b) to the
 difference between the original fee and the
 reassessed fee shall, if the reassessment of
15 the original fee was made before 30th
 November next following the due date, be
 construed, for the purpose of determining
 the liability of the club, under subsection
20 (6) (b), in relation to the original fee to
 which the election relates, as a reference
 to the difference between the portion that
 would have been payable by the club on
 or before the due date had the reassessed
25 fee been the original fee and the portion
 of the original fee paid by it on or before
 the due date.

SCHEDULE 6.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION.

30 (1) (a) Section 8 (1)—

Omit “to the licensing court”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (b) Section 8 (1)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(c) Section 8 (2) (c)—

10 Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(d) Section 8 (3) (c)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(2) (a) Section 9 (1)—

15 Omit the subsection, insert instead :—

(1) Except as provided in this section, the licensing
court shall hear and determine and grant an
application made under section 7 or 8.

(b) Section 9 (4)—

20 After “court” where firstly occurring, insert “or the
secretary to the licensing magistrates, as the case may
be,”.

(c) Section 9 (4) (a)—

25 Omit “clerk of the licensing court at least 10 days”,
insert instead “secretary to the licensing magistrates
on or”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (d) Section 9 (4) (b)—

After “court”, insert “or the secretary to the licensing
magistrates, as the case may be,”.

(e) Section 9 (8)—

Omit the subsection, insert instead :—

10 (8) The secretary to the licensing magistrates to
whom an application for the renewal of a certificate
of registration is delivered as referred to in subsection
(4) (a) shall grant the application on or after 1st
15 June next preceding the due date for the expiry of the
certificate, unless—

(a) notice of objection to the granting of the
application has been given to him, as
referred to in section 26 (3) (c), on or
before 31st May next preceding the due
20 date for the expiry of the certificate of
registration; or

(b) a licensing magistrate has directed that the
application be referred to the licensing
court.

25 (3) (a) Section 14—

After “court”, insert “, if the application was granted
by the licensing court, or the secretary to the licensing
magistrates, if the application was granted by him”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (b) Section 14 (a)—

After “payment”, insert “to him”.

(4) Section 15 (1A)—

After section 15 (1), insert :—

10 (1A) The fees referred to in subsection (1) shall be
paid—

(a) where the renewal of a certificate of registration
is granted by the secretary to the licensing
magistrates, to the secretary to the licensing
magistrates; and

15 (b) in any other case, to the clerk of the licensing
court.

(5) (a) Section 16 (3)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

20 (b) Section 16 (4)—

After “lodged”, insert “, where the appeal relates to a
determination by the licensing court refusing an
application for the renewal of a certificate of registra-
tion of the club, with the secretary to the licensing
25 magistrates or, in any other case,”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (b) Section 14 (a)—

After “payment”, insert “to him”.

(4) Section 15 (1A)—

After section 15 (1), insert :—

10 (1A) The fees referred to in subsection (1) shall be
paid—

(a) where the renewal of a certificate of registration
is granted by the secretary to the licensing
magistrates, to the secretary to the licensing
magistrates; and

15 (b) in any other case, to the clerk of the licensing
court.

(5) (a) Section 16 (3)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

20 (b) Section 16 (4)—

After “lodged”, insert “, where the appeal relates to a
determination by the licensing court refusing an
application for the renewal of a certificate of registra-
tion of the club, with the secretary to the licensing
25 magistrates or, in any other case,”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (d) Section 26 (6)—

After section 26 (5), insert :—

(6) An objection to the renewal of a certificate of registration may be made notwithstanding that an application for the renewal has not been made.

10 (7) Section 29—

Omit the section, insert instead :—

15 29. Upon application made by or on behalf of a registered club, the licensing court may, if it is satisfied that the certificate of registration of that club or an authority issued to that club under this Act has been lost or destroyed, order—

(a) where the application relates to a certificate of registration issued by the secretary to the licensing magistrates, that secretary; or

20 (b) in any other case, the clerk of the licensing court, on payment to him of the prescribed fee, to issue to that club a duplicate of the certificate of its registration or of that authority.

(8) (a) Section 68 (2)—

25 After “Act”, insert “, other than an application for the renewal of a certificate of registration of a club,”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

5 (b) Section 68 (3)—

After section 68 (2), insert :—

10 (3) Where a notice of objection to an application
under this Act for the renewal of a certificate of
registration of a club is given to the secretary to the
licensing magistrates by any person other than the
district inspector, the secretary to the licensing
magistrates shall forthwith forward a copy of the
application and the notice of objection to the district
inspector.

15

SCHEDULE 7.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED
CLUB.

(1) Section 11 (3)—

20 Omit the subsection, insert instead :—

(3) The licensing court, on application made by a
club, may in circumstances which it deems special deter-
mine in respect of the club a number that is greater than
the number prescribed under subsection (2) (a), (b) or
25 (c), as the case may be.

(2) Section 11 (4) (b)—

Omit “club;”, insert instead “club; and”.

(3) Section 11 (4) (c)—

30 Omit “had at the date of the commencement of the Liquor
(Amendment) Act, 1969,”, insert instead “has”.

Registered Clubs (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED
CLUB—*continued.*

5 (4) Section 11 (4) (c)—

Omit “club; and”, insert instead “club.”.

(5) Section 11 (4) (d)—

Omit the paragraph.

SCHEDULE 8.

Sec. 4.

10 MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976.

(1) (a) Section 30 (2) (k)—

After “persons”, insert “of or above the age of 18
years”.

15 (b) Section 30 (7A)—

After section 30 (7), insert :—

(7A) Subsection (2) (k) does not apply in respect
of any club incorporated on or before 1st July,
1977—

20

(a) the articles of association or rules of which
did not at that date include a rule requiring
the maintenance of a register of the kind
referred to in that paragraph; and

25

(b) which has not since that date incorporated
such a rule in its articles of association or
rules.

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(2) Section 31 (1) (c)—

5 After “person”, insert “of or above the age of 18 years”.

(3) Section 37 (1)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(4) Section 39 (c)—

10 Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(5) Section 40 (1) (a)—

15 Omit “income and expenditure of the club received or
incurred”, insert instead “receipts of and payments made
by the club”.

(6) (a) Section 45 (1) (b)—

20 Omit “particulars of whom (referred to in section
31 (1) (c)) have been entered in the register kept
in accordance with the rule referred to in section
30 (2) (k)”.

(b) Section 45 (2)—

Omit the subsection, insert instead :—

25 (2) It is a sufficient defence to a prosecution for
an offence arising under subsection (1) alleged to
have been committed by a registered club or the
secretary of a registered club if the defendant proves

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

- 5 that it or he took all reasonable steps to prevent persons other than members, or guests of members, of the club from using the accommodation, facilities and amenities provided on the defined premises of the club.
- (7) Section 49—
- 10 Omit “, it shall lodge with the clerk of the licensing court”, insert instead “or within such further time as the licensing court, on an application made by the club, may allow, the club shall lodge with the secretary to the licensing magistrates”.
- 15 (8) Section 66—
- Omit the section.
- (9) (a) Section 67 (2)—
- Omit the subsection, insert instead :—
- 20 (2) A member of the governing body or of any committee of a registered club or an employee of a registered club may—
- 25 (a) demand from any person who is in a bar or is using or operating a poker machine on the premises of the club and who that member or employee suspects on reasonable grounds is under the age of 18 years, particulars of the correct age, name and address of that person;

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

5 (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

10 (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),

15 particulars of the correct name and address of that person; or

20 (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—

25 (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

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

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(b) Section 67 (3) (a)—

5 Omit “or” where thirdly occurring.

(c) Section 67 (3) (a)—

Omit “whom”, insert instead “who”.

(d) Section 67 (3) (b), (c)—

Omit the paragraph, insert instead :—

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

15 (i) a member of the club; or

(ii) a guest of a member of the club partic-
ulars of whom (referred to in section
31 (1) (c)) have been entered in the
register kept for the purposes of
20 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 pre-
mises of any registered club (not being a
club to which section 30 (2) (k) applies)
25

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

5 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;
- 10 (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.

15 (e) Section 67 (6)—

Omit the subsection, insert instead :—

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

- 20 (a) refuse or fail to state to the person by whom the demand is made, the particulars demanded of him; and
- (b) where the person by whom the demand is made—
 - 25 (i) informs the person on whom the demand is made that he suspects him to be under the age of 18 years; and

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

- 5 (ii) requires the person on whom the demand is made to do so,
refuse or fail, without reasonable cause, to produce evidence as to his correct age, name and address.

(10) (a) Schedule 1, Part 1—

- 10 In column 2, after paragraph (a) in the matter relating to section 3, insert :—

- 15 (aa) From the definition of “Persons authorised to sell liquor”, omit “and holders of permits or certificates of registration”, insert instead “registered clubs and holders of permits”;

(b) Schedule 1, Part 1—

From the matter relating to section 5 (10), omit “41 (2)”, insert instead “42 (2)”.

(c) Schedule 1, Part 1—

- 20 From the matter relating to section 5 (12) (a), omit “41 (2)”, insert instead “42 (2)”.

(d) Schedule 1, Part 1—

After the matter relating to section 5 (12) (a), insert :—

- 25 Section 10 (1) (a) Omit “, permit or certificate of registration” wherever occurring, insert instead “or permit”;
(b) Omit “, a permit or a certificate of registration”, insert instead “or a permit”;

*Registered Clubs (Amendment).*SCHEDULE 8—*continued.*MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

- 5 (c) Omit "except in the case of an application relating to
a registered club or to prescribed premises as defined
in section 152A (1), the applicant, or in the case of an
10 application relating to a registered club or prescribed
premises as defined in section 152A (1), the secretary
of the registered club or the person nominated
pursuant to section 152c (2) (b) (iii), as the case may
be, ", insert instead "except in the case of an appli-
15 cation relating to prescribed premises as defined in
section 152A (1), the applicant or, in the case of an
application relating to prescribed premises as defined
in section 152A (1), the person nominated pursuant
to section 152c (2) (b) (iii).".

(e) Schedule 1, Part 1—

Omit the matter relating to sections 21 (1) (d) and
22 (2).

20 (f) Schedule 1, Part 1—

After the matter relating to section 13 (7), insert :—

- | | | | |
|---------------------|----|----|-----------------------------------------------------------------------------------------------------------------|
| Section 23B (2) (b) | .. | .. | Omit " , permit or certificate", insert instead "or permit". |
| Section 29 (1) | .. | .. | Omit "(not being an application made by the secretary
of a registered club for a permit under section 57A)". |
| 25 Section 29 (2) | .. | .. | Omit the subsection. |

(g) Schedule 1, Part 1—

Omit the matter relating to section 34 (2) (c).

(h) Schedule 1, Part 1—

After the matter relating to section 57A (1), insert :—

- | | | | |
|-------------------------|----|----|------------------------------------------------------------------------------------------------------------|
| 30 Section 57A (1B) (a) | .. | .. | Omit " , as the case may be, the license or certificate of
registration", insert instead "the license". |
| Section 57A (1D) | .. | .. | Omit the subsection. |

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(i) Schedule 1, Part 1—

- 5 After the matter relating to section 114, insert :—
- | | | | |
|--------------------|----|----|--------------------------------------------------------------------------------|
| Section 125 (3) | .. | .. | Omit “, permit or certificate of registration”, insert
instead “or permit”. |
| Section 125 (4) | .. | .. | Omit “, permit or certificate of registration”, insert
instead “or permit”. |
| 10 Section 125 (6) | .. | .. | Omit the subsection. |

(j) Schedule 1, Part 1—

After the matter relating to section 161 (1), insert :—

- | | | | |
|-----------------|----|----|---------------------------------------------------------------------------------------------------|
| Section 167 (4) | .. | .. | Omit “, permit or certificate of registration” wherever
occurring, insert instead “or permit”. |
|-----------------|----|----|---------------------------------------------------------------------------------------------------|

15 (k) Schedule 1, Part 1—

Omit the matter relating to sections 168B (1), 168C
and 168D (1).

(11) Schedule 1, Part 2—

- 20 From the matter relating to section 1, omit “III”, insert
instead “IIIA”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[32c]

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- (u) to extend in certain circumstances the particulars which may be demanded from certain persons on the premises of a registered club (Schedule 8 (9));
 - (v) to amend the provisions of the Principal Act which amend the Liquor Act, 1912, to take account of amendments to the Liquor Act, 1912, which have taken effect since the Principal Act was assented to (Schedule 8 (10));
 - (w) to make other provisions of a minor, consequential or ancillary nature.
-

Let us now turn to the second part of the paper, which is devoted to the study of the properties of the function $f(x)$.

In the first section, we shall consider the case when $f(x)$ is a continuous function. In the second section, we shall consider the case when $f(x)$ is a discontinuous function. In the third section, we shall consider the case when $f(x)$ is a function of bounded variation.

Let us now turn to the first section. We shall consider the case when $f(x)$ is a continuous function.

**REGISTERED CLUBS (AMENDMENT) ACT, 1978,
No. 68**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 68, 1978.

An Act to amend the Registered Clubs Act, 1976. [Assented to,
6th April, 1978.]

Registered Clubs (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Registered Clubs (Amendment) Act, 1978".

Commence-
ment. **2.** (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 the day appointed and notified pursuant to section 2 (2) of the Registered Clubs Act, 1976.

Schedules. **3.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS.

SCHEDULE 2.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO OBJECTIONS TO APPLICATIONS FOR RENEWAL OF CERTIFICATES OF REGISTRATION.

SCHEDULE 3.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO RULES OF REGISTERED CLUBS ON VOTING BY PROXY.

SCHEDULE 4.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO THE COMMISSION OF OFFENCES BY SECRETARIES OF REGISTERED CLUBS.

SCHEDULE 5.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES BY INSTALMENTS.

SCHEDULE 6.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION.

Registered Clubs (Amendment).

SCHEDULE 7.—AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED CLUB.

SCHEDULE 8.—MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976.

4. The Registered Clubs Act, 1976, is amended in the manner set forth in Schedules 1–8. Amendment
of Act No.
31, 1976.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS.

(1) (a) Section 23 (1) (a)—

After “persons”, insert “, other than members, and persons”.

(b) Section 23 (1) (b)—

After “members,”, insert “and persons under the age of 18 years”.

(c) Section 23 (5), (6)—

Omit the subsections, insert instead :—

(5) If during any period specified in accordance with subsection 4 (c) in an authority granted under this section—

(a) a poker machine is located; or

(b) where the authority is an authority referred to in subsection (1) (a), liquor is sold, supplied, disposed of or consumed,

in any part of the premises of the club specified in the authority in accordance with subsection (4) (a) or (b)—

(c) the registered club; and

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS—
continued.

(d) 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 \$500
and, in the case of the secretary, not exceeding \$200.

(6) During any period specified in accordance with
subsection (4) (c) in an authority granted under this
section and while any conditions subject to which the
authority was granted are observed and no offence is
being committed under subsection (5)—

(a) sections 45 and 52; and

(b) where the authority is an authority referred
to in subsection (1) (b), section 30 (2)
(d),

do not apply to or in respect of a part of the premises
of the club specified in the authority in accordance
with subsection (4) (a) or (b).

(2) (a) Section 30 (6)—

Omit the subsection, insert instead :—

(6) Subsection (2) (d) does not apply—

(a) in respect of the Sydney Cricket Ground Club,
the Australian Jockey Club, the Newcastle
International Sports Centre Club referred to in
section 9 (1) of the Newcastle International
Sports Centre Act, 1967, or any other club
declared under subsection (7) to be an exempt
club for the purposes of this paragraph; or

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS—
continued.

- (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 referred to in section 52 (2) is being held in that part where that person has been invited to the reception by a person entitled to issue the invitation.

- (b) Section 30 (7)—

After “(6)”, insert “(a)”.

- (3) Section 52(2)—

At the end of section 52, insert :—

- (2) Subsection (1) does not prevent a person under the age of 18 years from entering or being in a bar where—

- (a) the bar is, or is in, a part of the premises of a registered club in which part a reception is being held in association with the wedding of a member of the club or of a person who is a child or parent of a member of the club or for whose maintenance a member of the club is or has been responsible; and
- (b) the person under the age of 18 years has been invited to that reception by a person entitled to issue the invitation.

- (4) (a) Section 54 (2) (a)—

After “area”, insert “or in which part a reception referred to in section 52 (2) is being held”.

Registered Clubs (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO FUNCTIONS ON THE PREMISES OF REGISTERED CLUBS—
continued.

(b) Section 54 (2) (b)—

After “that registered club”, insert “or a part of the premises of a registered club in which part a reception referred to in section 52 (2) is being held”.

Sec. 4.

SCHEDULE 2.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO OBJECTIONS TO APPLICATIONS FOR RENEWAL OF
CERTIFICATES OF REGISTRATION.

(1) Section 25 (9) (b)—

Omit “, (2)”.

(2) Section 25 (9) (b)—

Omit “club; or”, insert instead “club;”.

(3) Section 25 (9) (ba)—

After section 25 (9) (b), insert :—

- (ba) being an objection taken under subsection (2), is taken on the ground referred to in subsection (1) (c), the onus of proving that the club is not required to meet a genuine and substantial need (as referred to in subsection (1) (c)) lies upon the objector; or
-

Registered Clubs (Amendment).

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO RULES OF REGISTERED CLUBS ON VOTING BY PROXY.

(1) Section 30 (1) (d)—

Omit the paragraph, insert instead :—

(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.

(2) Section 30 (1) (e)—

Omit the paragraph.

(3) Section 30 (9) (b)—

Omit the paragraph.

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE COMMISSION OF OFFENCES BY SECRETARIES OF
REGISTERED CLUBS.

(1) Section 56—

Omit “any provision of this Act”, insert instead “section
23 (5) or this Part”.

Registered Clubs (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE COMMISSION OF OFFENCES BY SECRETARIES OF
REGISTERED CLUBS—*continued.*

(2) Section 56 (a)—

Omit “or”.

(3) Section 56 (b)—

Omit “offence.”, insert instead “offence; or”.

(4) Section 56 (c)—

After section 56 (b), insert :—

(c) at all times relating to the offence he acted as
secretary of the club in an honorary capacity only.

(5) Section 56 (2)—

At the end of section 56, insert :—

(2) For the purposes of subsection (1) a secretary of a
registered club acts as such in an honorary capacity if he
receives no payment in respect of the services that he
renders to the club as secretary other than by way of
reimbursement for his out of pocket expenses incurred
while so acting.

Registered Clubs (Amendment).

SCHEDULE 5.

Sec. 4.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS.

(1) Section 4 (4), (5)—

After section 4 (3), insert :—

(4) A reference in this Act to the amount paid or payable by or on behalf of a registered club or the secretary of the club for any liquor is a reference—

(a) except as provided in paragraph (b), to the sum of—

- (i) the amount paid or payable by or on behalf of the club or that secretary for that liquor;
- (ii) any amount paid or payable by or on behalf of the club or that secretary for or for the hiring of any containers or packages (including corks, stoppers and labels attached thereto) in which that liquor is contained or packed when it is delivered to or purchased by or on behalf of the club or that secretary or is to be contained or packed for sale or disposal by or on behalf of the club or that secretary (whether or not any such amount is paid or payable to the supplier of that liquor);
- (iii) any amount paid or payable for the packing or for the handling of that liquor and any such containers or packages or for putting it or them into the state in which it is or they are when it is or they are delivered to or purchased by or on

Registered Clubs (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—*continued.*

- behalf of the club or that secretary
(whether or not any such amount is paid
or payable to the supplier of that liquor);
- (iv) any amount paid or payable by or on
behalf of the club or that secretary as
freight or other delivery charges in
respect of the delivery of that liquor,
being an amount so paid or payable to
the supplier of that liquor but not being
an amount so paid or payable to that
supplier as reimbursement for those
freight or delivery charges if those freight
or delivery charges are paid or payable
by that supplier to a common carrier; and
- (v) any amount paid or payable for duties or
sales tax in respect of that liquor; or
- (b) where the licensing magistrates who assess or
reassess the fee payable in respect of the renewal
of the certificate of registration of the club in
accordance with section 15 (2) are of the
opinion when assessing or reassessing, as the case
may be, that fee that any amount paid or pay-
able for any thing or for the doing of any thing
referred to in paragraph (a) (i), (ii), (iii) or
(iv) is less than the value of that thing or of
the doing of that thing, as the case may be, to
such amount as is determined by those magis-
trates having regard to the circumstances in which
that liquor was delivered to or purchased by or
on behalf of the club or that secretary.

Registered Clubs (Amendment).

SCHEDULE 5—*continued.*

**AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—*continued.***

(5) A reference in this Act to any amount paid or payable by or on behalf of a registered club or the secretary of the club for any liquor includes any amount paid or payable by any other person for the acquisition of that liquor for sale, supply or disposal by the club or that secretary.

(2) (a) Section 8 (3) (a)—

After “15 (8)”, insert “or (10) (b)”.

(b) Section 8 (3) (d)—

After “15 (6) (b)”, insert “or (10) (b)”.

(3) (a) Section 14 (a)—

After “15”, insert “or, where the application is for renewal of a certificate of registration and an election referred to in section 15 (9) has been made in respect of that fee, that fee less the postponed amount referred to in that subsection”.

(b) Section 14 (b)—

Omit the paragraph, insert instead :—

(b) shall not issue that certificate unless—

(i) where the application is for renewal of a certificate of registration and an election referred to in section 15 (9) has been made in respect of that fee, that fee less the postponed amount

Registered Clubs (Amendment).

SCHEDULE 5—continued.

**AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—continued.**

referred to in that subsection is paid
on or before the due date referred to
in that subsection; or

- (ii) in any other case, that fee is paid
within 3 months after the application
is granted.

(4) (a) Section 15 (1) (b) (i)—

Omit “gross amount (including any duties and sales
tax thereon) paid or payable for all”, insert instead
“amount paid or payable by or on behalf of the
club or the secretary of the club for”.

(b) Section 15 (4) (b)—

Omit “gross” wherever occurring.

(c) Section 15 (9), (10), (11)—

After section 15 (8), insert :—

(9) A registered club may, by notice in writing
given on or before 20th June (in this section referred
to as “the due date”) next preceding the date of
expiry of its certificate of registration to the person
to whom the fee for the renewal of its certificate of
registration is payable, elect to postpone payment of
so much of that fee as is an amount (in this section
referred to as “the postponed amount”) equal to—

- (a) where that fee is exactly an even number
of dollars—one-half of that fee; or

Registered Clubs (Amendment).

SCHEDULE 5—*continued.*

**AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—*continued.***

- (b) where that fee is not exactly an even number of dollars—one-half of the highest even number of dollars next below that fee.
- (10) Where a registered club makes an election referred to in subsection (9)—
 - (a) it is, if on or before the due date it pays the fee referred to in that subsection less the postponed amount to the person to whom the fee is payable, entitled to postpone payment of the postponed amount until 30th November next following the due date; and
 - (b) its certificate of registration in respect of which that fee was assessed or reassessed shall, if it has not, on or before that 30th November, paid an amount equal to the difference between that fee, as originally assessed or as reassessed, as the case may be, and the portion of that fee paid by it on or before the due date, be deemed after that 30th November not to be in force, until it pays the difference.
- (11) Where a registered club has made an election referred to in subsection (9)—
 - (a) the reference in subsection (6) (a) to the difference between the reassessed fee and the original fee shall, if the reassessment of the original fee was made before 30th November next following the due date, be construed, for the purpose of making a refund in relation to the original fee to

Registered Clubs (Amendment).

SCHEDULE 5—continued.**AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE CALCULATION OF FEES AND THE PAYMENT OF FEES
BY INSTALMENTS—continued.**

which the election relates, as a reference to the difference between the portion of the original fee paid by the club on or before the due date and the portion that would have been payable by it on or before that date had the reassessed fee been the original fee; and

- (b) a reference in subsection (6) (b) to the difference between the original fee and the reassessed fee shall, if the reassessment of the original fee was made before 30th November next following the due date, be construed, for the purpose of determining the liability of the club, under subsection (6) (b), in relation to the original fee to which the election relates, as a reference to the difference between the portion that would have been payable by the club on or before the due date had the reassessed fee been the original fee and the portion of the original fee paid by it on or before the due date.

Sec. 4.**SCHEDULE 6.****AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION.**

- (1) (a) Section 8 (1)—

Omit “to the licensing court”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

(b) Section 8 (1)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(c) Section 8 (2) (c)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(d) Section 8 (3) (c)—

Omit “clerk of the licensing court”, insert instead
“secretary to the licensing magistrates”.

(2) (a) Section 9 (1)—

Omit the subsection, insert instead :—

(1) Except as provided in this section, the licensing
court shall hear and determine and grant an
application made under section 7 or 8.

(b) Section 9 (4)—

After “court” where firstly occurring, insert “or the
secretary to the licensing magistrates, as the case may
be,”.

(c) Section 9 (4) (a)—

Omit “clerk of the licensing court at least 10 days”,
insert instead “secretary to the licensing magistrates
on or”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

(d) Section 9 (4) (b)—

After “court”, insert “or the secretary to the licensing magistrates, as the case may be,”.

(e) Section 9 (8)—

Omit the subsection, insert instead :—

(8) The secretary to the licensing magistrates to whom an application for the renewal of a certificate of registration is delivered as referred to in subsection (4) (a) shall grant the application on or after 1st June next preceding the due date for the expiry of the certificate, unless—

(a) notice of objection to the granting of the application has been given to him, as referred to in section 26 (3) (c), on or before 31st May next preceding the due date for the expiry of the certificate of registration; or

(b) a licensing magistrate has directed that the application be referred to the licensing court.

(3) (a) Section 14—

After “court”, insert “, if the application was granted by the licensing court, or the secretary to the licensing magistrates, if the application was granted by him”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

(b) Section 14 (a)—

After “payment”, insert “to him”.

(4) Section 15 (1A)—

After section 15 (1), insert :—

(1A) The fees referred to in subsection (1) shall be paid—

- (a) where the renewal of a certificate of registration is granted by the secretary to the licensing magistrates, to the secretary to the licensing magistrates; and
- (b) in any other case, to the clerk of the licensing court.

(5) (a) Section 16 (3)—

Omit “clerk of the licensing court”, insert instead “secretary to the licensing magistrates”.

(b) Section 16 (4)—

After “lodged”, insert “, where the appeal relates to a determination by the licensing court refusing an application for the renewal of a certificate of registration of the club, with the secretary to the licensing magistrates or, in any other case,”.

Registered Clubs (Amendment).

SCHEDULE 6—continued.

**AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.****(6) (a) Section 26 (3) (b), (c)—**

Omit the paragraphs, insert instead :—

- (b) where the application is other than for the renewal of a certificate of registration, notice of the objection specifying the grounds of the objection has been given to the clerk of the licensing court and to the club by or on whose behalf the application is made at least 3 clear days before the time appointed for the hearing of the application;
- (c) where the application is for the renewal of a certificate of registration, notice of the objection specifying the grounds of the objection has been given to the clerk of the licensing court, to the secretary to the licensing magistrates and to the club by or on whose behalf the application is made on or before 31st May next preceding the due date for the expiry of the certificate; and

(b) Section 26 (4)—

Omit “(c)”, insert instead “(b)”.

(c) Section 26 (4A)—

After section 26 (4), insert :—

(4A) Notwithstanding subsection (3) (c) the licensing court may entertain an objection against an application referred to in subsection (3) (c) if the application has not been granted under this Act by the secretary to the licensing magistrates.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

(d) Section 26 (6)—

After section 26 (5), insert :—

(6) An objection to the renewal of a certificate of registration may be made notwithstanding that an application for the renewal has not been made.

(7) Section 29—

Omit the section, insert instead :—

29. Upon application made by or on behalf of a registered club, the licensing court may, if it is satisfied that the certificate of registration of that club or an authority issued to that club under this Act has been lost or destroyed, order—

(a) where the application relates to a certificate of registration issued by the secretary to the licensing magistrates, that secretary; or

(b) in any other case, the clerk of the licensing court, on payment to him of the prescribed fee, to issue to that club a duplicate of the certificate of its registration or of that authority.

(8) (a) Section 68 (2)—

After “Act”, insert “, other than an application for the renewal of a certificate of registration of a club,”.

Registered Clubs (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO APPLICATIONS FOR CERTIFICATES OF REGISTRATION—
continued.

(b) Section 68 (3)—

After section 68 (2), insert :—

(3) Where a notice of objection to an application under this Act for the renewal of a certificate of registration of a club is given to the secretary to the licensing magistrates by any person other than the district inspector, the secretary to the licensing magistrates shall forthwith forward a copy of the application and the notice of objection to the district inspector.

Sec. 4.

SCHEDULE 7.

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED
CLUB.

(1) Section 11 (3)—

Omit the subsection, insert instead :—

(3) The licensing court, on application made by a club, may in circumstances which it deems special determine in respect of the club a number that is greater than the number prescribed under subsection (2) (a), (b) or (c), as the case may be.

(2) Section 11 (4) (b)—

Omit “club;”, insert instead “club; and”.

(3) Section 11 (4) (c)—

Omit “had at the date of the commencement of the Liquor (Amendment) Act, 1969,”, insert instead “has”.

Registered Clubs (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE REGISTERED CLUBS ACT, 1976, RELATING
TO THE MAXIMUM NUMBER OF MEMBERS OF A REGISTERED
CLUB—*continued.*

(4) Section 11 (4) (c)—

Omit “club; and”, insert instead “club.”.

(5) Section 11 (4) (d)—

Omit the paragraph.

SCHEDULE 8.

Sec. 4

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976.

(1) (a) Section 30 (2) (k)—

After “persons”, insert “of or above the age of 18
years”.

(b) Section 30 (7A)—

After section 30 (7), insert :—

(7A) Subsection (2) (k) does not apply in respect
of any club incorporated on or before 1st July,
1977—

- (a) the articles of association or rules of which
did not at that date include a rule requiring
the maintenance of a register of the kind
referred to in that paragraph; and
- (b) which has not since that date incorporated
such a rule in its articles of association or
rules.

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(2) Section 31 (1) (c)—

After “person”, insert “of or above the age of 18 years”.

(3) Section 37 (1)—

Omit “clerk of the licensing court”, insert instead “secretary to the licensing magistrates”.

(4) Section 39 (c)—

Omit “clerk of the licensing court”, insert instead “secretary to the licensing magistrates”.

(5) Section 40 (1) (a)—

Omit “income and expenditure of the club received or incurred”, insert instead “receipts of and payments made by the club”.

(6) (a) Section 45 (1) (b)—

Omit “particulars of whom (referred to in section 31 (1) (c)) have been entered in the register kept in accordance with the rule referred to in section 30 (2) (k)”.

(b) Section 45 (2)—

Omit the subsection, insert instead :—

(2) It is a sufficient defence to a prosecution for an offence arising under subsection (1) alleged to have been committed by a registered club or the secretary of a registered club if the defendant proves

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

that it or he took all reasonable steps to prevent persons other than members, or guests of members, of the club from using the accommodation, facilities and amenities provided on the defined premises of the club.

(7) Section 49—

Omit “, it shall lodge with the clerk of the licensing court”, insert instead “or within such further time as the licensing court, on an application made by the club, may allow, the club shall lodge with the secretary to the licensing magistrates”.

(8) Section 66—

Omit the section.

(9) (a) Section 67 (2)—

Omit the subsection, insert instead :—

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

- (a) demand from any person who is in a bar or is using or operating a poker machine on the premises of the club and who that member or employee suspects on reasonable grounds is under the age of 18 years, particulars of the correct age, name and address of that person;

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

- (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
 - (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.

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(b) Section 67 (3) (a)—

Omit “or” where thirdly occurring.

(c) Section 67 (3) (a)—

Omit “whom”, insert instead “who”.

(d) Section 67 (3) (b), (c)—

Omit the paragraph, insert instead :—

- (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

(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)

Registered Clubs (Amendment).

SCHEDULE 8—continued.**MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—continued.**

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.

(e) Section 67 (6)—

Omit the subsection, insert instead :—

(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; and**
- (b) where the person by whom the demand is made—**
 - (i) informs the person on whom the demand is made that he suspects him to be under the age of 18 years; and**

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(ii) requires the person on whom the
demand is made to do so,

refuse or fail, without reasonable cause, to
produce evidence as to his correct age, name
and address.

(10) (a) Schedule 1, Part 1—

In column 2, after paragraph (a) in the matter
relating to section 3, insert :—

(aa) From the definition of “Persons authorised to sell
liquor”, omit “and holders of permits or certificates
of registration”, insert instead “,registered clubs and
holders of permits”;

(b) Schedule 1, Part 1—

From the matter relating to section 5 (10), omit
“41 (2)”, insert instead “42 (2)”.

(c) Schedule 1, Part 1—

From the matter relating to section 5 (12) (a), omit
“41 (2)”, insert instead “42 (2)”.

(d) Schedule 1, Part 1—

After the matter relating to section 5 (12) (a),
insert :—

Section 10 (1) (a) Omit “,permit or certificate of registration” wherever
occurring, insert instead “or permit”;
(b) Omit “,a permit or a certificate of registration”,
insert instead “or a permit”;

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

- (c) Omit “except in the case of an application relating to a registered club or to prescribed premises as defined in section 152A (1), the applicant, or in the case of an application relating to a registered club or prescribed premises as defined in section 152A (1), the secretary of the registered club or the person nominated pursuant to section 152c (2) (b) (iii), as the case may be,” insert instead “except in the case of an application relating to prescribed premises as defined in section 152A (1), the applicant or, in the case of an application relating to prescribed premises as defined in section 152A (1), the person nominated pursuant to section 152c (2) (b) (iii).”.

(e) Schedule 1, Part 1—

Omit the matter relating to sections 21 (1) (d) and 22 (2).

(f) Schedule 1, Part 1—

After the matter relating to section 13 (7), insert :—

Section 23B (2) (b)	..	Omit “, permit or certificate”, insert instead “or permit”.
Section 29 (1)	..	Omit “(not being an application made by the secretary of a registered club for a permit under section 57A)”.
Section 29 (2)	..	Omit the subsection.

(g) Schedule 1, Part 1—

Omit the matter relating to section 34 (2) (c).

(h) Schedule 1, Part 1—

After the matter relating to section 57A (1), insert :—

Section 57A (1B) (a)	..	Omit “, as the case may be, the license or certificate of registration”, insert instead “the license”.
Section 57A (1D)	..	Omit the subsection.

Registered Clubs (Amendment).

SCHEDULE 8—*continued.*

MISCELLANEOUS AMENDMENTS TO THE REGISTERED CLUBS ACT,
1976—*continued.*

(i) Schedule 1, Part 1—

After the matter relating to section 114, insert :—

Section 125 (3)	Omit “, permit or certificate of registration”, insert instead “or permit”.
Section 125 (4)	Omit “, permit or certificate of registration”, insert instead “or permit”.
Section 125 (6)	Omit the subsection.

(j) Schedule 1, Part 1—

After the matter relating to section 161 (1), insert :—

Section 167 (4)	Omit “, permit or certificate of registration” wherever occurring, insert instead “or permit”.
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(k) Schedule 1, Part 1—

Omit the matter relating to sections 168B (1), 168C and 168D (1).

(11) Schedule 1, Part 2—

From the matter relating to section 1, omit “III”, insert instead “IIIA”.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 6th April, 1978.*



