

FIRST PRINT

**REGISTERED CLUBS (ENTERTAINMENT) AMENDMENT
BILL 1986**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The following Bills are cognate with this Bill:

Liquor (Amendment) Bill 1986;

Theatres and Public Halls (Registered Clubs) Amendment Bill 1986;

Local Government (Registered Clubs) Amendment Bill 1986.

The object of this Bill is to amend the Registered Clubs Act 1976—

- (a) to provide that premises of a registered club the subject of an authority authorising the use of the premises for the holding of functions for minors and non-members of the club must comply with certain safety standards if admission is to be charged to functions held pursuant to the authority;
- (b) to allow the Liquor Administration Board to make an order requiring work to be carried out on the premises of a registered club so as to comply with fire safety standards; and
- (c) to make other miscellaneous amendments.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day or days to be appointed by the Governor-in-Council.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS TO THE REGISTERED CLUBS ACT 1976

Schedule 1 (1) amends section 15 of the Principal Act in consequence of the amendment made by Schedule 1 (2) and to give the secretary of the Liquor Administration Board, rather than the Board, the function of assessing registration fees. The secretary has power to refer any assessment to the Board for determination.

Schedule 1 (2) amends section 17 of the Principal Act to make the failure of a registered club to pay a registration fee, an instalment of a registration fee or a penalty for late payment of a registration fee a ground of complaint against the club in proceedings for the cancellation of the club's certificate of registration or its disqualification from holding a certificate of registration.

Schedule 1 (3) amends section 23 of the Principal Act to provide that the part of the premises of a registered club in respect of which an application is made for an authority authorising the use of that part for functions of a cultural, educational, religious, sporting, etc., nature for minors and non-members of the club must comply with certain safety standards prescribed by the Governor-in-Council before the application may be granted by the Licensing Court if admission is to be charged to functions held pursuant to the authority and, on the granting of the application, it becomes a condition of the authority that the premises, during the term of the authority, comply with those standards.

Schedule 1 (4) inserts proposed section 27A into the Principal Act to require the secretary of a registered club to make records relating to liquor purchased by the club and to keep those records and other records relating to the business of the club for a period of 5 years. Power is given to a licensing or special inspector to inspect or remove those records.

Schedule 1 (5) amends section 63 of the Principal Act to enable certificate evidence to be given of the failure of a registered club to pay a registration fee, an instalment of a registration fee or a penalty for late payment of a registration fee or the failure to lodge a statutory declaration in relation to liquor purchases by the club.

Schedule 1 (6) inserts proposed section 70B into the Principal Act to allow a council of a local government area to serve on the Liquor Administration Board a notice under section 317D of the Local Government Act 1919 relating to the upgrading of the premises of a registered club to meet fire safety standards. The Board is empowered to make an order requiring work to be carried out in connection with the notice.

**REGISTERED CLUBS (ENTERTAINMENT)
AMENDMENT BILL 1986**

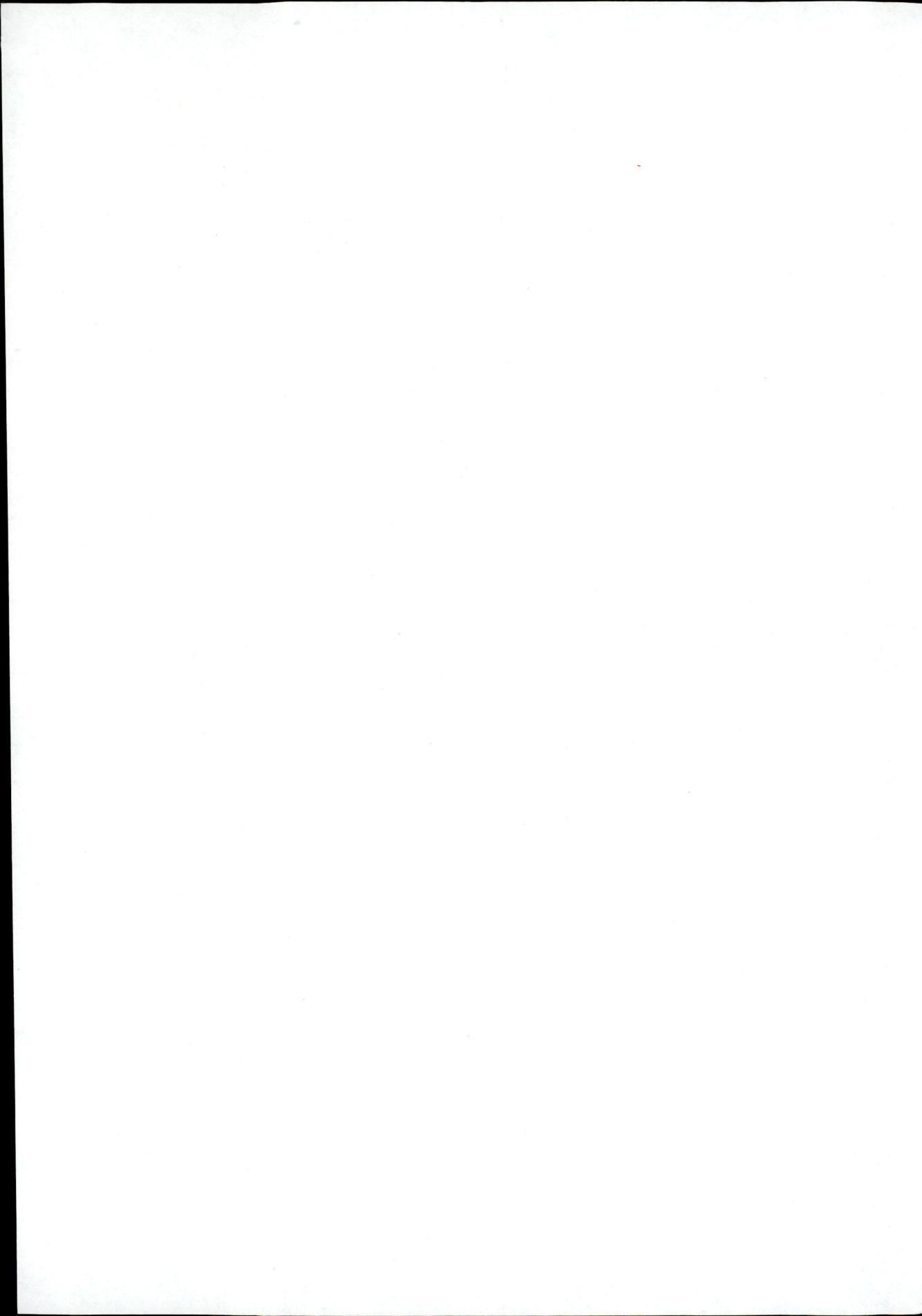
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SCHEDULE 1—AMENDMENTS TO THE REGISTERED CLUBS ACT 1976



REGISTERED CLUBS (ENTERTAINMENT) AMENDMENT BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Registered Clubs Act 1976 in relation to the safety standards for registered club premises and for other purposes.

See also Liquor (Amendment) Bill 1986; Theatres and Public Halls (Registered Clubs) Amendment Bill 1986; Local Government (Registered Clubs) Amendment Bill 1986.

Registered Clubs (Entertainment) Amendment 1986

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 Short title

1. This Act may be cited as the "Registered Clubs (Entertainment) Amendment Act 1986".

Commencement

2. (1) Except as provided by subsections (2) and (3), this Act shall
10 commence on the date of assent to this Act.

(2) The provisions of Schedule 1 shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

(3) Section 3, in its application to a provision of Schedule 1, shall
15 commence on the day on which the provision commences.

Amendment of Act No. 31, 1976

3. The Registered Clubs Act 1976 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

20

(Sec. 3)

AMENDMENTS TO THE REGISTERED CLUBS ACT 1976

(1) Section 15 (Fees)—

(a) Section 15 (3)—

Before "Board" where firstly occurring, insert "secretary of the".

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(b) Section 15 (3) (b)—

Omit "the Board", insert instead "the secretary".

Registered Clubs (Entertainment) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE REGISTERED CLUBS ACT 1976—*continued*

(c) Section 15 (3) (b)—

Omit “it”, insert instead “the secretary”.

(d) Section 15 (3)—

5 Omit “the Board” where thirdly occurring, insert instead “the secretary”.

(e) Section 15 (3A)—

After section 15 (3), insert:

10 (3A) The secretary of the Board may refer any assessment of the fee payable under subsection (1) to the Board for determination and the other provisions of this section shall apply to the assessment of the fee by the Board in the same way as they apply to the assessment of the fee by the secretary of the Board.

(f) Section 15 (5A)—

15 Omit “The Board”, insert instead “The secretary of the Board or the Board, as the case requires”.

(g) Section 15 (8), (8C)—

20 Omit “shall be deemed not to be in force until that amount is paid” wherever occurring, insert instead “is suspended until that amount is paid to the Board or the certificate of registration is cancelled, whichever first occurs”.

(2) Section 17 (**Cancellation of certificates of registration or disqualification of clubs from holding certificates of registration**)—

(a) Section 17 (1) (a) (xia)—

After section 17 (1) (a) (xi), insert:

25 (xia) the club has failed to pay the fee for the certificate of registration of the club, or an instalment of the fee, by the time determined for payment of the fee or instalment in accordance with this Act or has failed to pay a penalty for late payment of such a fee or instalment;

Registered Clubs (Entertainment) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE REGISTERED CLUBS ACT 1976—*continued*

(b) Section 17 (3A)—

Omit “(d)”, insert instead “(e)”.

(3) Section 23 (**Functions on club premises**)—

(a) Section 23 (3A)–(3C)—

5 After section 23 (3), insert:

10 (3A) The Licensing Court shall not grant an application for an authority under which a registered club proposes to charge admission to functions held pursuant to the authority unless the Board is satisfied that the part of the premises of the registered club to which the authority relates complies with the safety standards (if any) prescribed under subsection (11).

15 (3B) If an authority under which a registered club proposes to charge admission to functions held pursuant to the authority is granted in respect of the premises of a registered club, it is a condition of the authority that the premises shall, during the period for which the authority is in force, comply with the safety standards (if any) prescribed under subsection (11).

20 (3C) Subject to section 3A (2) of the Theatres and Public Halls Act 1908, where the holding of a function on the premises of a registered club would, but for this subsection, contravene that Act, that Act is not contravened if the function is held in compliance with an authority under this section.

(b) Section 23 (11)—

After section 23 (10), insert:

25 (11) Regulations may be made for or with respect to authorities under this section, safety standards for premises in respect of which those authorities are granted and the consideration, and granting, by the Licensing Court of applications for those authorities.

Registered Clubs (Entertainment) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE REGISTERED CLUBS ACT 1976—*continued*

(4) Section 27A—

After section 27, insert:

Records to be kept

5 27A. (1) A registered club shall, as prescribed, make and keep up-to-date the prescribed records in the English language containing the prescribed particulars relating to all liquor purchased, or otherwise acquired, by the club in connection with the running of the club.

Penalty: \$2,000.

10 (2) A record made under subsection (1) shall, until the day that is 5 years after its making, be kept on the premises of the registered club to which it relates or in some other place approved by the Board by the secretary of the club or, if the club is amalgamated with another registered club, by the secretary of the amalgamated club.

15 Penalty: \$2,000.

20 (3) The secretary of a registered club or, if the club is amalgamated with another registered club, the secretary of the amalgamated club shall retain any document or record, for a period of 5 years from its making, relating to the business of the club.

Penalty: \$2,000.

25 (4) Without limiting the generality of section 58 or 59, a licensing or special inspector may, after giving reasonable notice of the inspector's intention so to do, require the secretary of a registered club—

(a) to produce to the inspector, or at a place specified in the notice, a record referred to in subsection (1) or any other record relating to the business of the registered club; and

30 (b) to permit the inspector to inspect any such record and—

(i) make copies of it or take extracts from it, or do both;
or

Registered Clubs (Entertainment) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE REGISTERED CLUBS ACT 1976—*continued*

- (ii) remove it from the premises of the club and keep it in the inspector's custody or under the inspector's control for such period as the inspector considers necessary.

5 (5) A person shall not, without reasonable excuse, fail to comply with a requirement applicable to the person that is made by an inspector under subsection (4).

Penalty: \$2,000.

10 (6) Where an inspector removes a record under subsection (4)
(b) (ii)—

(a) the record shall, for the purposes of subsection (2) and during the period that elapses before it is returned to the premises of the club, be deemed to be kept on those premises;

15 (b) the inspector shall, at all reasonable times, permit inspection of the record, or the making of additions to it, by any person who, if the record were not in the possession of the inspector, would be entitled to inspect the record or, as the case may be, make those additions; and

20 (c) the inspector shall, as soon as practicable, return the record, or cause it to be returned, to the person required by this section to keep it.

(5) Section 63 (**Evidentiary provisions**)—

Section 63 (2)—

25 At the end of section 63, insert:

(2) In any proceedings arising under this Act or the regulations a certificate purporting to be signed by the secretary of the Board and stating that—

30 (a) the fee for the certificate of registration of a specified registered club, an instalment of the fee or a penalty for late payment of the fee has not been paid in respect of a specified period; or

Registered Clubs (Entertainment) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE REGISTERED CLUBS ACT 1976—*continued*

(b) the statutory declaration required by section 27 to be lodged had not been lodged in accordance with that section,

5 is, without proof of the signature of the secretary of the Board, evidence of the matters stated in the certificate.

(6) Section 70B—

After section 70A, insert:

Orders under Local Government Act 1919

10 70B. (1) A council within the meaning of the Local Government Act 1919 may serve on the Board a notice under section 317D (1) of that Act with respect to a registered club.

(2) If a notice is served under subsection (1), the Board may, to such extent as it thinks fit, make an order under section 20A with respect to the requirements of the notice.

