

REGISTERED CLUBS (LIQUOR) AMENDMENT BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Liquor (Amendment) Bill.

The objects of this Bill are—

- (a) to extend the present hours during which liquor may be taken away from the premises of a registered club; and
- (b) to provide stricter controls in relation to access to liquor by minors; and
- (c) to bring the Principal Act into conformity with the Liquor Act 1982 in so far as it relates to the powers of entry conferred on a member of the police force; and
- (d) to increase the existing penalties for offences against the Principal Act; and
- (e) to make minor, consequential and ancillary provisions.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day or days to be proclaimed.

Clause 3 gives effect to the Schedules of amendments.

SCHEDULE 1—MISCELLANEOUS AMENDMENTS

Schedule 1 (1) amends section 46 to permit liquor to be taken away from the premises of a registered club at the same times as are proposed by the Liquor (Amendment) Bill 1989 for retail outlets under the Liquor Act 1982.

Schedule 1 (2) inserts proposed sections 52A and 52B.

Proposed section 52A enables the secretary of a registered club, an employee or a member of the police force to require a minor (or a person reasonably suspected of being a minor) who is reasonably suspected of committing an offence to provide his or her name and residential address and documentary evidence of age.

Registered Clubs (Liquor) Amendment 1989

Proposed section 52B requires the secretary of a registered club, or an employee, to refuse entry to a part of the club premises by a person reasonably suspected of being a minor, if entry to that part by a minor would be an offence.

Schedule 1 (3) amends the present defence under section 57 to charges under the Principal Act relating to minors by requiring, instead of a reasonable belief that the age of the person concerned was at least 18, a requirement for the prior production of reasonable documentary evidence as to age.

Schedule 1 (4) amends section 58 to bring it into conformity with the Liquor Act 1982 in so far as it relates to the powers of entry conferred on a member of the police force.

SCHEDULE 2—AMENDMENTS INCREASING PENALTIES

This Schedule proposes increases in the present penalties for offences against the Principal Act.

REGISTERED CLUBS (LIQUOR) AMENDMENT BILL 1989

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Registered Clubs Act 1976 No. 31

SCHEDULE 1—MISCELLANEOUS AMENDMENTS

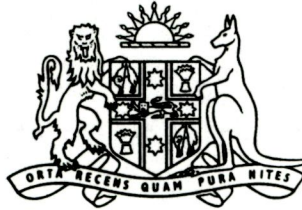
SCHEDULE 2—AMENDMENTS INCREASING PENALTIES

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REGISTERED CLUBS (LIQUOR) AMENDMENT BILL 1989

NEW SOUTH WALES



No. , 1989

A BILL FOR

An Act to amend the Registered Clubs Act 1976 to vary the times at which liquor may be taken from the premises of a registered club; to provide stricter controls in relation to minors; to increase penalties; and for other purposes.

Registered Clubs (Liquor) Amendment 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Registered Clubs (Liquor) Amendment Act 1989.

5 Commencement

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

Amendment of Registered Clubs Act 1976 No. 31

3. The Registered Clubs Act 1976 is amended as set out in Schedules 1 and 2.

SCHEDULE 1—MISCELLANEOUS AMENDMENTS

(Sec. 3)

(1) Section 46 (**Carrying away liquor from premises of registered clubs**)—

(a) Section 46 (1) (a)—

15 Omit "12 noon", insert instead "10 a.m."

(b) Section 46 (1) (d)—

Omit "10 a.m. and 11 p.m.", insert instead "5 a.m. and midnight."

(c) Section 46 (5)—

20 Omit "in such manner as the Licensing Court thinks desirable", insert instead "as provided by subsection (6)".

(d) Section 46 (6)—

Omit the subsection, insert instead:

25 (6) The Licensing Court may vary the hours referred to in subsection (1) (a) to permit liquor to be carried away from the registered club on a Sunday from a time earlier than 10 a.m. but not earlier than 5 a.m. or from 10 p.m. to a time not later than midnight but may grant a variation only—

30 (a) to meet the needs of tourists or tourism or other special needs; and

(b) if satisfied that the variation would not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the registered club.

*Registered Clubs (Liquor) Amendment 1989*SCHEDULE 1—MISCELLANEOUS AMENDMENTS—*continued*

(2) Sections 52A, 52B—

After section 52, insert:

Minor required to provide information

5 52A. (1) An authorised person may require a minor reasonably suspected of committing an offence against this Act—

- (a) to state his or her full name and residential address; and
 (b) to produce then, or at a police station within a reasonable time, documentary evidence that might reasonably be accepted as applying to the person and as proof of his or her age.

10 (2) A person the subject of a requirement under subsection (1) shall not—

- (a) refuse or fail to state his or her full name and residential address; or
 15 (b) without reasonable cause, refuse or fail to produce evidence of age as referred to in subsection (1) (b).

Maximum penalty: 2 penalty units.

(3) In this section—

20 “authorised person” means the secretary of a registered club, an employee or agent of a registered club, or a member of the police force;

“minor” means—

- (a) a person under the age of 18 years; or
 25 (b) a person reasonably suspected of being under the age of 18 years.

Minor attempting to enter club premises or obtain liquor

52B. (1) If—

- (a) the secretary, or an employee, of a registered club is aware that a person who may reasonably be suspected of being under the age of 18 years is attempting to enter the club premises, or a part of the club premises; and
 30 (b) the presence of the person on the premises or part of the premises would, if the person were under the age of 18 years, be an offence against this Act,

35 the secretary or employee shall refuse the person entry to the premises or part.

Maximum penalty: 10 penalty units.

*Registered Clubs (Liquor) Amendment 1989*SCHEDULE 1—MISCELLANEOUS AMENDMENTS—*continued*

(2) The secretary, or an employee, of a registered club shall refuse to supply liquor to a person on the club premises who may reasonably be suspected of being under the age of 18 years.

Maximum penalty: 10 penalty units.

5 (3) Section 57 (**Defence to prosecution for offences relating to persons under 18 years**)—

(a) Section 57 (1)—

10 Omit “he believed on reasonable grounds that the person under the age of 18 years was of or above the age of 18 years”, insert instead “, at the time of commission of the alleged offence, there was produced to the defendant documentary evidence that might reasonably be accepted as applying to the person and as proving that the person was of or above the age of 18 years”.

(b) Section 57 (2)—

15 Omit “For the purposes of, but without limiting, subsection (1), the defendant, being a registered club or the secretary of a registered club, shall be deemed to have had reasonable grounds for the belief referred to in that subsection if he proves that”, insert instead “Documentary evidence sufficient for the purposes of subsection (1) shall be taken to have been produced if”.

20 (c) Section 57 (2) (a)—

Omit “to him”.

(4) Section 58 (**Powers of entry and inspection**)—

(a) Section 58 (1), (2)—

25 Omit “licensing inspector” wherever occurring, insert instead “member of the police force (whether or not a licensing inspector)”.

(b) Section 58 (2)—

30 After “night”, insert “enter and examine any part of the premises of a registered club and”.

(c) Section 58 (2) (a)—

Omit the paragraph, insert instead:

(a) take an account of all liquor on the premises; and

(d) Section 58 (3)—

35 Omit “licensing inspector” wherever occurring, insert instead “member of the police force”.

*Registered Clubs (Liquor) Amendment 1989***SCHEDULE 2—AMENDMENTS INCREASING PENALTIES**

(Sec. 3)

- (1) **Section 23 (Functions on club premises)—**
- 5 (a) Section 23 (5)—
Omit "\$500", insert instead "20 penalty units".
- (b) Section 23 (5)—
Omit "\$200", insert instead "10 penalty units".
- (2) **Section 44 (Supply of liquor on defined premises of registered club)—**
- 10 (a) Section 44 (1)—
Omit "Penalty: \$500", insert instead "Maximum penalty: 20 penalty units".
- (b) Section 44 (2)—
Omit "Penalty: \$200", insert instead "Maximum penalty: 10 penalty units".
- 15 (3) **Section 45A (Minors' names not to be entered in guests' register)—**
Omit "\$500", insert instead "10 penalty units".
- (4) **Section 46 (Carrying away liquor from premises of registered clubs)—**
- 20 Section 46 (3)—
Omit "Penalty: \$200", insert instead "Maximum penalty: 5 penalty units".
- (5) **Section 50 (Certain sales etc. of liquor by registered clubs prohibited etc.)—**
- (a) Section 50 (1)—
Omit "\$1,000", insert instead "20 penalty units".
- 25 (b) Section 50 (1), (2), (2A)—
Omit "\$500" wherever occurring, insert instead "10 penalty units".
- (6) **Section 50A (Minors not permitted in poker machine areas)—**
- (a) Section 50A (1)—
30 Omit "\$1,000", insert instead "20 penalty units".
- (b) Section 50A (1), (2)—
Omit "\$500" wherever occurring, insert instead "10 penalty units".
- (7) **Section 50B (Display of notices)—**
- 35 (a) Omit "\$1,000" wherever occurring, insert instead "20 penalty units".

Registered Clubs (Liquor) Amendment 1989

 SCHEDULE 2—AMENDMENTS INCREASING PENALTIES—
continued

- (b) Omit "\$500" wherever occurring, insert instead "10 penalty units".
- 5 (8) Section 53 (**Sending person under 18 years for liquor**)—
 Omit "Penalty: \$500", insert instead "Maximum penalty: 10 penalty units".
- (9) Section 54 (**Poker machines in dining rooms and dining and non-restricted areas**)—
- 10 (a) Section 54 (2)—
 Omit "\$1,000", insert instead "20 penalty units".
- (b) Section 54 (2)—
 Omit "\$500", insert instead "10 penalty units".
- (10) Section 58 (**Powers of entry and inspection**)—
 Section 58 (3)—
- 15 Omit "Penalty: \$1,000", insert instead "Maximum penalty: 20 penalty units".
- (11) Section 67 (**Power to demand particulars from certain persons on premises of registered clubs**)—
 Section 67 (6)—
- 20 Omit "Penalty (subsection (6)): \$200", insert instead "Maximum penalty (subsection (6)): 10 penalty units".
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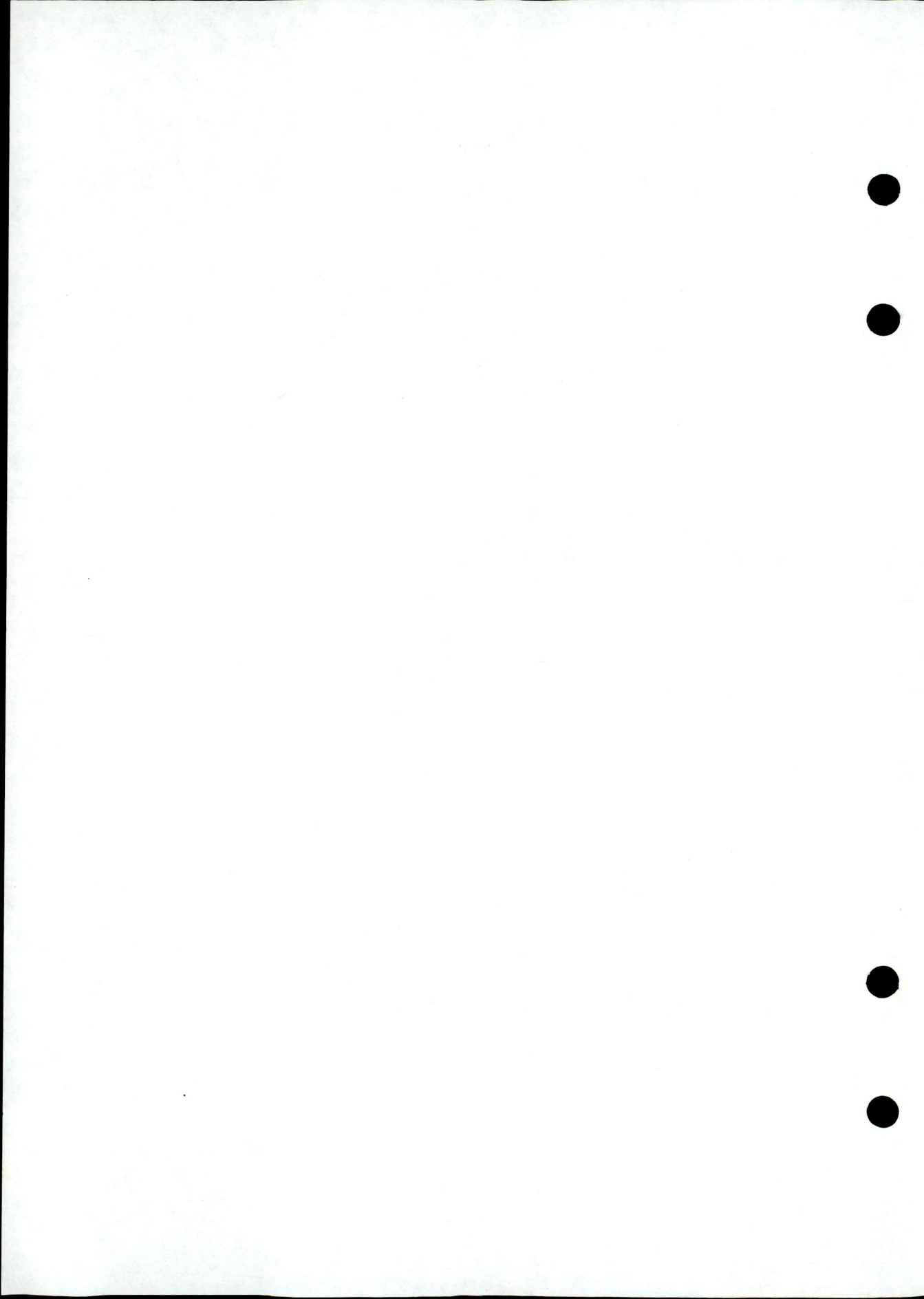
REGISTERED CLUBS (LIQUOR) AMENDMENT ACT 1989
No. 92

NEW SOUTH WALES



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REGISTERED CLUBS (LIQUOR) AMENDMENT ACT 1989 No. 92

NEW SOUTH WALES



Act No. 92, 1989

An Act to amend the Registered Clubs Act 1976 to vary the times at which liquor may be taken from the premises of a registered club; to provide stricter controls in relation to minors; to increase penalties; and for other purposes. [Assented to 13 June 1989]

Registered Clubs (Liquor) Amendment 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Registered Clubs (Liquor) Amendment Act 1989.

Commencement

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

Amendment of Registered Clubs Act 1976 No. 31

3. The Registered Clubs Act 1976 is amended as set out in Schedules 1 and 2.

SCHEDULE 1—MISCELLANEOUS AMENDMENTS

(Sec. 3)

(1) Section 46 (**Carrying away liquor from premises of registered clubs**)—

(a) Section 46 (1) (a)—

Omit “12 noon”, insert instead “10 a.m.”.

(b) Section 46 (1) (d)—

Omit “10 a.m. and 11 p.m.”, insert instead “5 a.m. and midnight.”.

(c) Section 46 (5)—

Omit “in such manner as the Licensing Court thinks desirable”, insert instead “as provided by subsection (6)”.

(d) Section 46 (6)—

Omit the subsection, insert instead:

(6) The Licensing Court may vary the hours referred to in subsection (1) (a) to permit liquor to be carried away from the registered club on a Sunday from a time earlier than 10 a.m. but not earlier than 5 a.m. or from 10 p.m. to a time not later than midnight but may grant a variation only—

(a) to meet the needs of tourists or tourism or other special needs; and

(b) if satisfied that the variation would not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the registered club.

*Registered Clubs (Liquor) Amendment 1989*SCHEDULE 1—MISCELLANEOUS AMENDMENTS—*continued*

(2) Sections 52A, 52B—

After section 52, insert:

Minor required to provide information

52A. (1) An authorised person may require a minor reasonably suspected of committing an offence against this Act—

- (a) to state his or her full name and residential address; and
- (b) to produce then, or at a police station within a reasonable time, documentary evidence that might reasonably be accepted as applying to the person and as proof of his or her age.

(2) A person the subject of a requirement under subsection (1) shall not—

- (a) refuse or fail to state his or her full name and residential address; or
- (b) without reasonable cause, refuse or fail to produce evidence of age as referred to in subsection (1) (b).

Maximum penalty: 2 penalty units.

(3) In this section—

“authorised person” means the secretary of a registered club, an employee or agent of a registered club, or a member of the police force;

“minor” means—

- (a) a person under the age of 18 years; or
- (b) a person reasonably suspected of being under the age of 18 years.

Minor attempting to enter club premises or obtain liquor

52B. (1) If—

- (a) the secretary, or an employee, of a registered club is aware that a person who may reasonably be suspected of being under the age of 18 years is attempting to enter the club premises, or a part of the club premises; and
- (b) the presence of the person on the premises or part of the premises would, if the person were under the age of 18 years, be an offence against this Act,

the secretary or employee shall refuse the person entry to the premises or part.

Maximum penalty: 10 penalty units.

*Registered Clubs (Liquor) Amendment 1989*SCHEDULE 1—MISCELLANEOUS AMENDMENTS—*continued*

(2) The secretary, or an employee, of a registered club shall refuse to supply liquor to a person on the club premises who may reasonably be suspected of being under the age of 18 years.

Maximum penalty: 10 penalty units.

(3) Section 57 (**Defence to prosecution for offences relating to persons under 18 years**)—

(a) Section 57 (1)—

Omit “he believed on reasonable grounds that the person under the age of 18 years was of or above the age of 18 years”, insert instead “, at the time of commission of the alleged offence, there was produced to the defendant documentary evidence that might reasonably be accepted as applying to the person and as proving that the person was of or above the age of 18 years”.

(b) Section 57 (2)—

Omit “For the purposes of, but without limiting, subsection (1), the defendant, being a registered club or the secretary of a registered club, shall be deemed to have had reasonable grounds for the belief referred to in that subsection if he proves that”, insert instead “Documentary evidence sufficient for the purposes of subsection (1) shall be taken to have been produced if”.

(c) Section 57 (2) (a)—

Omit “to him”.

(4) Section 58 (**Powers of entry and inspection**)—

(a) Section 58 (1), (2)—

Omit “licensing inspector” wherever occurring, insert instead “member of the police force (whether or not a licensing inspector)”.

(b) Section 58 (2)—

After “night”, insert “enter and examine any part of the premises of a registered club and”.

(c) Section 58 (2) (a)—

Omit the paragraph, insert instead:

(a) take an account of all liquor on the premises; and

(d) Section 58 (3)—

Omit “licensing inspector” wherever occurring, insert instead “member of the police force”.

*Registered Clubs (Liquor) Amendment 1989***SCHEDULE 2—AMENDMENTS INCREASING PENALTIES**

(Sec. 3)

- (1) Section 23 (**Functions on club premises**)—
 - (a) Section 23 (5)—
Omit “\$500”, insert instead “20 penalty units”.
 - (b) Section 23 (5)—
Omit “\$200”, insert instead “10 penalty units”.
- (2) Section 44 (**Supply of liquor on defined premises of registered club**)—
 - (a) Section 44 (1)—
Omit “Penalty: \$500”, insert instead “Maximum penalty: 20 penalty units”.
 - (b) Section 44 (2)—
Omit “Penalty: \$200”, insert instead “Maximum penalty: 10 penalty units”.
- (3) Section 45A (**Minors’ names not to be entered in guests’ register**)—
Omit “\$500”, insert instead “10 penalty units”.
- (4) Section 46 (**Carrying away liquor from premises of registered clubs**)—
Section 46 (3)—
Omit “Penalty: \$200”, insert instead “Maximum penalty: 5 penalty units”.
- (5) Section 50 (**Certain sales etc. of liquor by registered clubs prohibited etc.**)—
 - (a) Section 50 (1)—
Omit “\$1,000”, insert instead “20 penalty units”.
 - (b) Section 50 (1), (2), (2A)—
Omit “\$500” wherever occurring, insert instead “10 penalty units”.
- (6) Section 50A (**Minors not permitted in poker machine areas**)—
 - (a) Section 50A (1)—
Omit “\$1,000”, insert instead “20 penalty units”.
 - (b) Section 50A (1), (2)—
Omit “\$500” wherever occurring, insert instead “10 penalty units”.
- (7) Section 50B (**Display of notices**)—
 - (a) Omit “\$1,000” wherever occurring, insert instead “20 penalty units”.

Registered Clubs (Liquor) Amendment 1989

SCHEDULE 2—AMENDMENTS INCREASING PENALTIES—
continued

- (b) Omit “\$500” wherever occurring, insert instead “10 penalty units”.
- (8) Section 53 (**Sending person under 18 years for liquor**)—
Omit “Penalty: \$500”, insert instead “Maximum penalty: 10 penalty units”.
- (9) Section 54 (**Poker machines in dining rooms and dining and non-restricted areas**)—
- (a) Section 54 (2)—
Omit “\$1,000”, insert instead “20 penalty units”.
- (b) Section 54 (2)—
Omit “\$500”, insert instead “10 penalty units”.
- (10) Section 58 (**Powers of entry and inspection**)—
Section 58 (3)—
Omit “Penalty: \$1,000”, insert instead “Maximum penalty: 20 penalty units”.
- (11) Section 67 (**Power to demand particulars from certain persons on premises of registered clubs**)—
Section 67 (6)—
Omit “Penalty (subsection (6)): \$200”, insert instead “Maximum penalty (subsection (6)): 10 penalty units”.

[*Minister's second reading speech made in—
Legislative Assembly on 3 May 1989
Legislative Council on 24 May 1989*]