

**REGISTERED CLUBS (MISCELLANEOUS AMENDMENTS)
ACT 1990 No. 115**

NEW SOUTH WALES



TABLE OF PROVISIONS

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

SCHEDULE 1—AMENDMENTS



**REGISTERED CLUBS (MISCELLANEOUS AMENDMENTS)
ACT 1990 No. 115**

NEW SOUTH WALES



Act No. 115, 1990

An Act to amend the Registered Clubs Act 1976 in relation to persons under the age of 18 years; and for other purposes. [Assented to 18 December 1990]

Registered Clubs (Miscellaneous Amendments) 1990

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Registered Clubs (Miscellaneous Amendments) Act 1990.

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 Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 52C:

After section 52B, insert:

Minor using false evidence of age

52C. A person who:

- (a) is under the age of 18 years; and
- (b) uses any evidence purporting to be evidence of his or her age in order to obtain entry to, or to obtain liquor from, a registered club,

is guilty of an offence if the evidence is false in a material particular in relation to the minor.

Maximum penalty: 10 penalty units.

(2) Section 55 (**False statements**):

- (a) After "instrument", insert "required by this Act to be".
- (b) Omit "by or on behalf of a club".

SCHEDULE 1—AMENDMENTS—*continued*

(3) Sections 57, 57A, 57B:

Omit section 57, insert instead:

Defence to prosecution for offence relating to juveniles

57. It is a defence to a prosecution for an offence under this Act alleged to have been committed in relation to a person under the age of 18 years if it is proved that there was produced to the defendant:

- (a) documentary evidence that might reasonably be accepted as evidence that the person was of or above the age of 18 years; or
- (b) evidence of a kind prescribed by the regulations as acceptable evidence that a person is at least 18 years of age.

Infringement notices for minors

57A. (1) A police officer to whom it appears that a person under the age of 18 years has committed an offence that, because of the age of the person, is an offence against this Act, may serve on the apparent offender a notice to the effect that, if it is not desired to have the matter determined by a court, the person may, within a time specified in the notice, pay \$50 to a police officer so specified.

(2) A notice under this section may be served personally or by post.

(3) If the amount of \$50 for the alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.

(4) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect, any civil claim, action or proceeding arising out of the same occurrence.

(5) This section is to be read as supplementing, and not as derogating from:

- (a) any other provision of this Act or any provision of the regulations; or
- (b) a provision of any other Act or of a regulation, by-law or ordinance under any other Act,

in relation to proceedings which may be taken in respect of offences.

Registered Clubs (Miscellaneous Amendments) 1990

SCHEDULE 1—AMENDMENTS—*continued*

Minors not to be detained

57B. A minor may not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a penalty under this Act.

(4) Section 63 (**Evidentiary provisions**):

After section 63 (2), insert:

(3) In any proceedings under this Act, an allegation in an information that, at a specified time, a person was under the age of 18 years is evidence of the truth of the allegation unless, as prescribed, the defendant denies the allegation.

(5) Section 69 (**Suppliers to registered clubs to furnish returns**):

From section 69 (1), omit “forward to”, insert instead “lodge with”.

(6) Section 88 (**Definitions**):

In the definition of “poker machine adviser”, after “profession”, insert “or, in the case of the secretary of a registered club, is solely incidental to his or her duties as secretary of the club”.

[*Minister's second reading speech made in—
Legislative Assembly on 21 November 1990
Legislative Council on 30 November 1990*]





FIRST PRINT

**REGISTERED CLUBS (MISCELLANEOUS AMENDMENTS)
BILL 1990**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Liquor (Miscellaneous Amendments) Bill 1990.

The object of this Bill is to amend the Registered Clubs Act 1976 to provide more efficient procedures for the administration of registered clubs.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Clause 3 gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) makes it an offence for a minor to use false evidence of age in order to obtain entrance to, or liquor from, a registered club.

Schedule 1 (2) extends to persons such as poker machine manufacturers an existing offence relating to the making of false statements.

Schedule 1 (3) deals with matters relating to minors. It replaces the present section 57 and inserts new sections 57A and 57B.

Proposed section 57 would enable the regulations to prescribe the kind of evidence that would be acceptable as a defence to a prosecution for an offence under the Act alleged to have been committed by a minor.

Proposed section 57A follows the Summary Offences Act 1988 in enabling a police officer, instead of bringing proceedings in a court against a juvenile offender, to serve an infringement notice requiring payment by the offender of \$50.

Proposed section 57B precludes the imprisonment or detention of a person under 16 years of age for failure to pay a penalty imposed under the Act.

Registered Clubs (Miscellaneous Amendments) 1990

Schedule 1 (4) follows the Liquor Act 1982 by providing for the acceptance in evidence, unless denied as prescribed by the regulations, of an allegation that a person was, at a particular time, under the age of 18 years.

Schedule 1 (5) requires a registered club to "lodge" certain returns rather than "forward" them.

Schedule 1 (6) excludes the secretary of a registered club from the definition of "poker machine adviser".

FIRST PRINT

**REGISTERED CLUBS (MISCELLANEOUS AMENDMENTS)
BILL 1990**

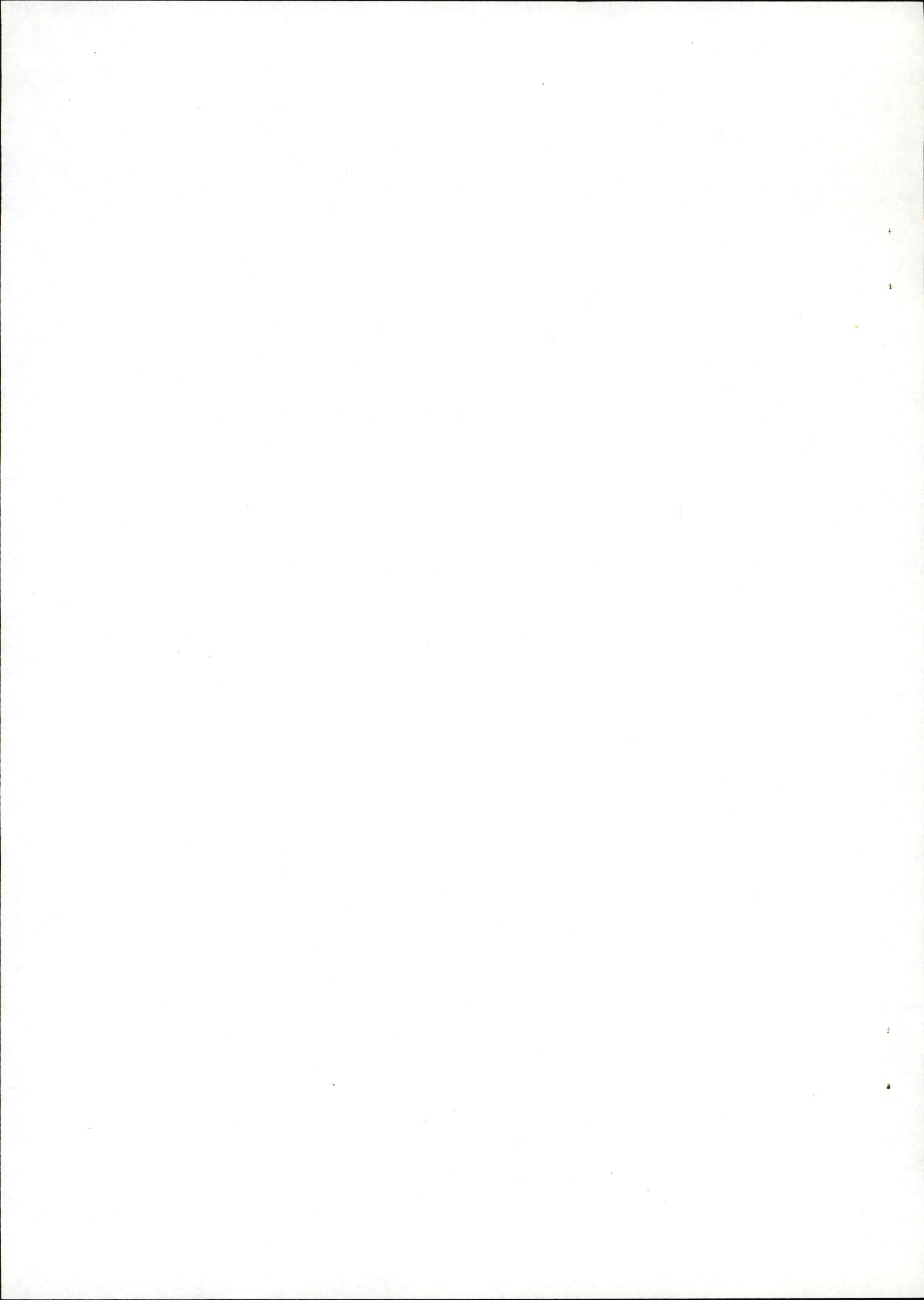
NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS



**REGISTERED CLUBS (MISCELLANEOUS AMENDMENTS)
BILL 1990**

NEW SOUTH WALES



No. , 1990

A BILL FOR

An Act to amend the Registered Clubs Act 1976 in relation to persons under the age of 18 years; and for other purposes.

Registered Clubs (Miscellaneous Amendments) 1990

The Legislature of New South Wales enacts:

Short title

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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 Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

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After section 52B, insert:

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52C. A person who:

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- (b) uses any evidence purporting to be evidence of his or her age in order to obtain entry to, or to obtain liquor from, a registered club,

is guilty of an offence if the evidence is false in a material particular in relation to the minor.

Maximum penalty: 10 penalty units.

(2) Section 55 (False statements):

- (a) After "instrument", insert "required by this Act to be".
- (b) Omit "by or on behalf of a club".

Registered Clubs (Miscellaneous Amendments) 1990

SCHEDULE 1—AMENDMENTS—*continued*

(3) Sections 57, 57A, 57B:

Omit section 57, insert instead:

Defence to prosecution for offence relating to juveniles

57. It is a defence to a prosecution for an offence under this Act alleged to have been committed in relation to a person under the age of 18 years if it is proved that there was produced to the defendant:

- (a) documentary evidence that might reasonably be accepted as evidence that the person was of or above the age of 18 years; or
- (b) evidence of a kind prescribed by the regulations as acceptable evidence that a person is at least 18 years of age.

Infringement notices for minors

57A. (1) A police officer to whom it appears that a person under the age of 18 years has committed an offence that, because of the age of the person, is an offence against this Act, may serve on the apparent offender a notice to the effect that, if it is not desired to have the matter determined by a court, the person may, within a time specified in the notice, pay \$50 to a police officer so specified.

(2) A notice under this section may be served personally or by post.

(3) If the amount of \$50 for the alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.

(4) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect, any civil claim, action or proceeding arising out of the same occurrence.

(5) This section is to be read as supplementing, and not as derogating from:

- (a) any other provision of this Act or any provision of the regulations; or
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Registered Clubs (Miscellaneous Amendments) 1990

SCHEDULE 1—AMENDMENTS—*continued*

in relation to proceedings which may be taken in respect of offences.

Certain minors not to be detained

57B. A minor under the age of 16 years may not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a penalty under this Act.

(4) Section 63 (**Evidentiary provisions**):

After section 63 (2), insert:

(3) In any proceedings under this Act, an allegation in an information that, at a specified time, a person was under the age of 18 years is evidence of the truth of the allegation unless, as prescribed, the defendant denies the allegation.

(5) Section 69 (**Suppliers to registered clubs to furnish returns**):

From section 69 (1), omit "forward to", insert instead "lodge with".

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