

First print



New South Wales

# Registered Clubs Amendment Bill 1995

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.  
This Bill is cognate with the *Liquor Amendment Bill 1995*.

## Overview of Bill

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

- to require residents' noise complaints against clubs to be supported by at least 3 residents
  - to provide for interstate club members who visit a club in New South Wales to take part in organised sport or competitions to be given the status of temporary members of the local club
  - to make certain changes to that Act for the sake of statute law revision, particularly as a result of the administrative changes under which the Chief Secretary's Department became the Department of Gaming and Racing.
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## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

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

**Clause 3** is a formal provision that gives effect to the Schedule of amendments to the *Registered Clubs Act 1976*.

## Schedule 1 Amendments

### Residents' complaints

**Schedule 1 (4)** amends section 17AA to require a complaint relating to the quiet and good order of the neighbourhood of a club, if made by residents, to be supported by at least 3 of them (one of whom can be the actual complainant). At present, such a complaint may be brought by one resident alone. The amendment also introduces a list of persons who may complain (residents, the Commissioner of Police, a council representative, a person whose interests are affected and the Director of Liquor and Gaming). At present, section 17AA does not specify who may complain.

### Variation of licence condition

**Schedule 1 (5)** amends section 17AA to enable a club subject to a trading hours restriction as a result of a noise complaint to apply for a variation or revocation of the condition at any time if the club can show that there has been a material change in circumstances. At present the club must wait 6 months before re-applying.

### Interstate temporary members

**Schedule 1 (6) and (7)** amend section 30 to provide for interstate club members who visit a club in New South Wales to take part in organised sport or competitions to be given the status of temporary members of the local club.

### Statute law revision

**Schedule 1 (1)–(3), (8) and (11)** amend references in the *Registered Clubs Act 1976* to the Chief Secretary's Department and the Secretary of that Department so that they become references to the Department of Gaming and Racing and the Director-General respectively. This amendment reflects changes already made in 1995 under the *Administrative Changes Act 1976*.

Registered Clubs Amendment Bill 1995

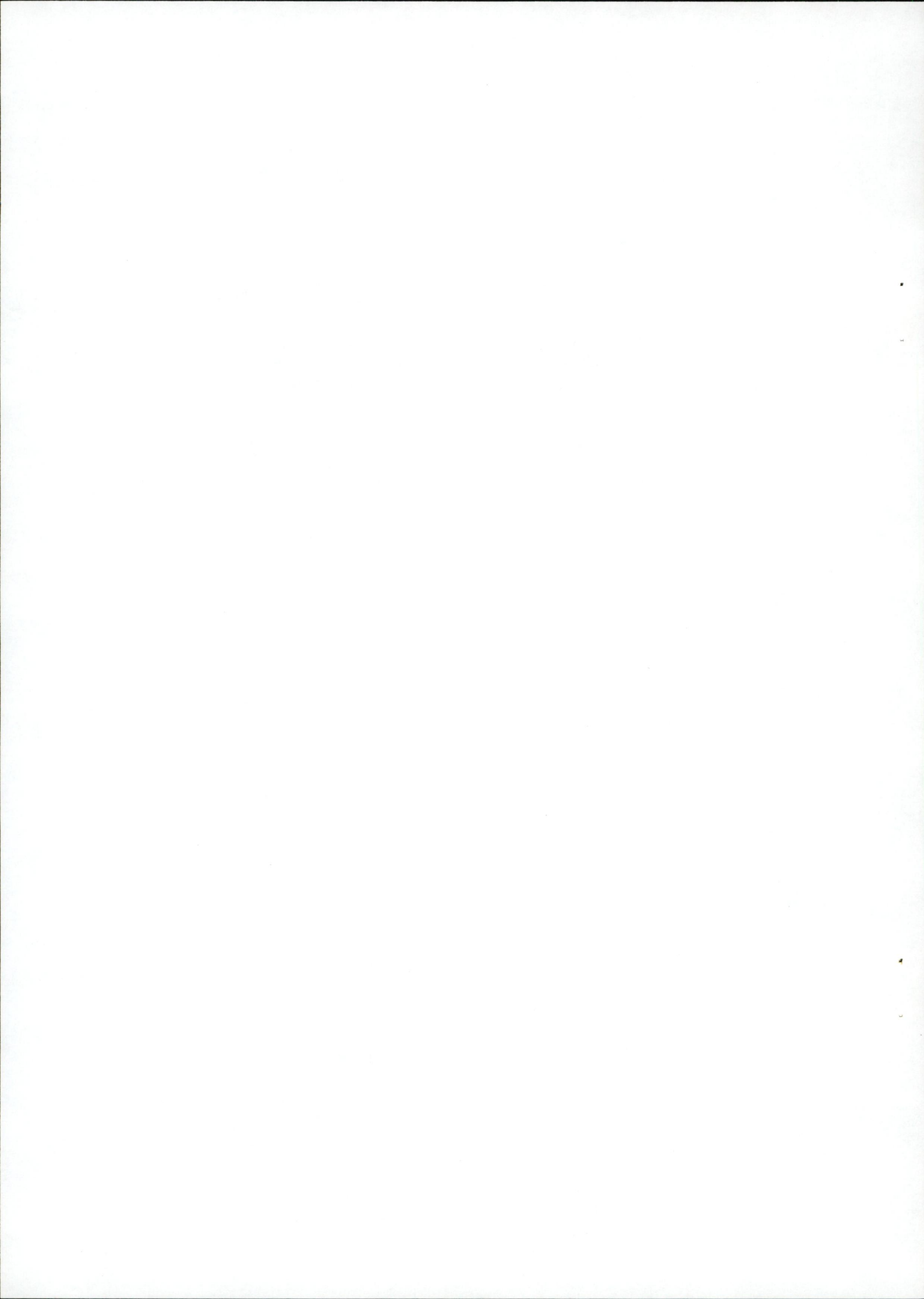
Explanatory note

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Two continuing transitional provisions inserted by **Schedule 1 (9) and (10)** ensure that sections 59B and 59D (which impose restrictions on former key officials) apply equally to an official who would have been regarded as a former key official but for a change in the title of the relevant office.

**Savings and transitional**

**Schedule 1 (12)–(15)** make amendments of a savings and transitional nature as a consequence of the above amendments.



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# Registered Clubs Amendment Bill 1995

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New South Wales

# Registered Clubs Amendment Bill 1995

No. , 1995

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## **A Bill for**

An Act to amend the *Registered Clubs Act 1976* with respect to noise complaints, temporary interstate membership, statute law revision; and for other purposes.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Registered Clubs Amendment Act 1995*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation. 5

**3 Amendment of Registered Clubs Act 1976 No 31**

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



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## Schedule 1 Amendments

(Section 3)

### [1] Section 4 Definitions

#### Section 4 (1), definition of *key official*

Omit "Secretary, Chief Secretary's Department" from paragraph (a). 5  
Insert instead "Director-General of the Department of Gaming and Racing".

### [2] Section 4 (1), definition of *key official*

Omit "Chief Secretary's Department" wherever occurring from 10  
paragraphs (b) and (c).  
Insert instead "Department of Gaming and Racing".

### [3] Section 4 (1), definition of *key official*

Omit "Secretary" from paragraph (c).  
Insert instead "Director-General".

### [4] Section 17AA Quiet and good order of neighbourhood 15

Insert after section 17AA (1A):

(1AA) A complaint under this section can be made only by:

- (a) a person authorised in writing by 3 or more persons residing in the neighbourhood of the licensed premises or a person who is such a resident and is authorised in writing by 2 or more other such residents, or 20
- (b) the Commissioner of Police, or
- (c) a person authorised by the council of the local government area (including the City of Sydney) in which the licensed premises are situated, or 25

- (d) a person who satisfies the Board that his or her interests, financial or other, are adversely affected by the undue disturbance to which the person's complaint relates, or
- (e) the Director.

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**[5] Section 17AA (9)**

Insert “, except with the leave of the Board granted on the ground that there has been a material change in the facts or circumstances on which the imposition of the condition was based” after “of the condition”.

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**[6] Section 30 Rules of registered clubs**

Insert “or any interstate club (as defined in subsection (13))” after “of any other registered club” in section 30 (10).

**[7] Section 30 (13)**

Insert after section 30 (12):

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(13) For the purposes of subsection (10), an interstate club is a club that is:

- (a) incorporated in a Territory or in a State other than New South Wales, and
- (b) licensed, permitted or otherwise authorised under the law in force in the Territory or State to sell liquor, and
- (c) licensed, permitted or otherwise authorised under the law in force in the Territory or State to keep and to operate poker machines.

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For the purposes of subsection (10), a full member of an interstate club is a member of an interstate club who has full voting rights at general meetings of the interstate club.

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**[8] Section 59A Restrictions on key officials (registered clubs)**

Omit "Secretary, Director or Commissioner" from section 59A (5).  
Insert instead "Director-General, Director or Commissioner".

**[9] Section 59B Restrictions on former key officials (registered clubs)**

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Insert after section 59B (6):

- (7) If a reference ("the original reference") in this Act to a position, officer or Department is replaced with, or required to be read or construed as, a reference ("the replacement reference") to another position, officer or Department, the replacement reference is for the purposes of the operation of this section to be read as including the original reference.

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**[10] Section 59D Restrictions on former key officials (gaming-related licences)**

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Insert after section 59D (5):

- (6) If a reference ("the original reference") in this Act to a position, officer or Department is replaced with, or required to be read or construed as, a reference ("the replacement reference") to another position, officer or Department, the replacement reference is for the purposes of the operation of this section to be read as including the original reference.

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**[11] Sections 59A, 59B, 59C and 59D**

Omit "Secretary, Chief Secretary's Department" wherever occurring.

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Insert instead "Director-General of the Department of Gaming and Racing".

**[12] Schedule 2 Transitional provisions**

Insert before Part 1:

**Part 1A Preliminary**

**1A Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts: 5
- Registered Clubs (Amendment) Act 1993
- Registered Clubs (Taxation) Amendment Act 1993
- Registered Clubs (Amendment) Act 1994 10
- Registered Clubs Amendment Act 1995
- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 15
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or 20
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done, or omitted to be done, before the date of its publication. 25

**[13] Schedule 2, clauses 20, 32, 43 and 44**

Omit the clauses.

**[14] Schedule 2, clause 46**

Omit "1994 Amendment". 30

Insert instead "*Registered Clubs (Amendment) Act 1994*".



[15] **Schedule 2, Part 8**

Insert after clause 57:

**Part 8 Registered Clubs Amendment Act 1995**

**58 Complaint as to quiet and good order of neighbourhood**

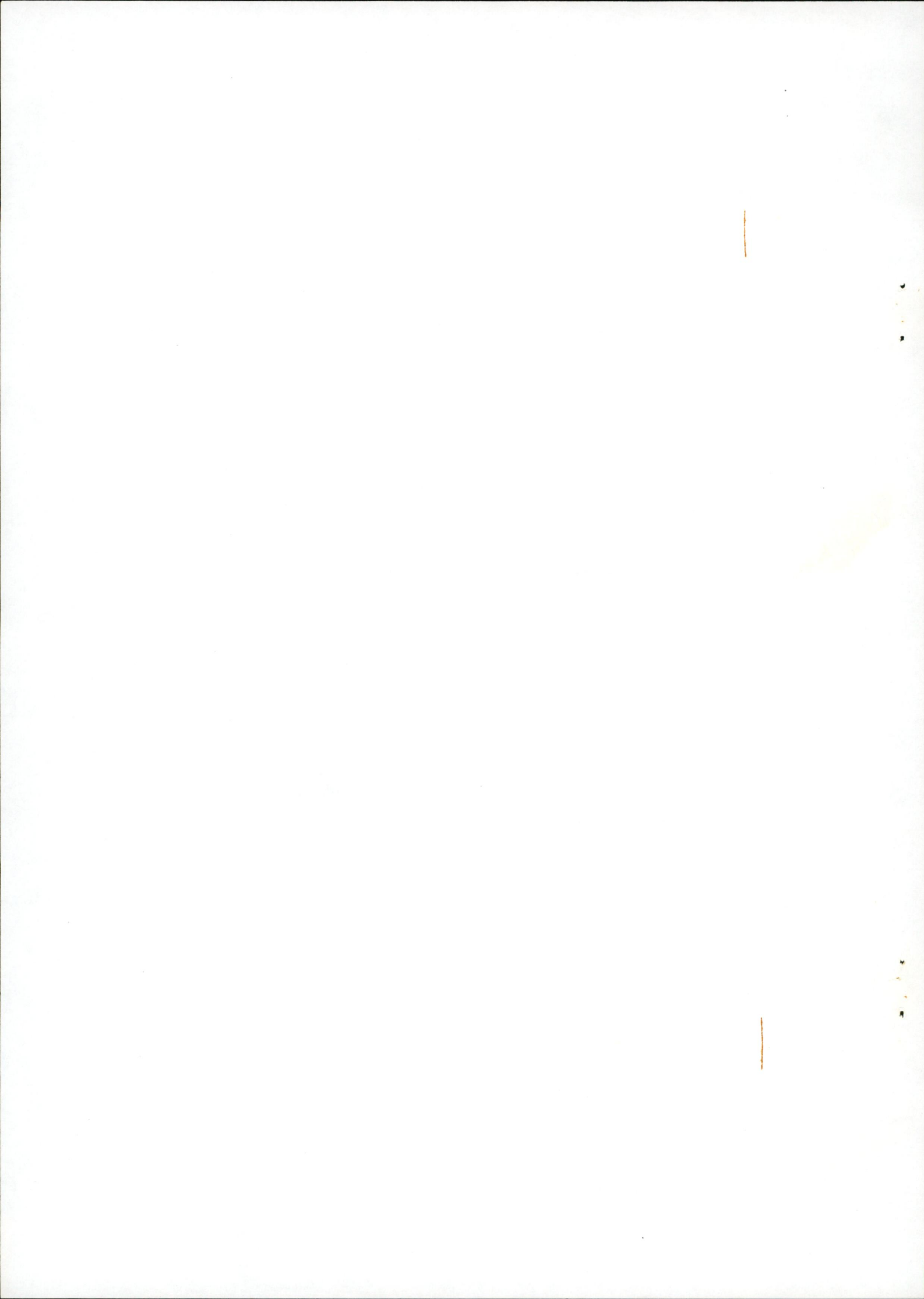
A complaint duly made to the Board under section 17AA 5  
before the amendment of that section by the *Registered  
Clubs Amendment Act 1995* is taken to have been made  
in accordance with that section as so amended.

**59 References to former key officials**

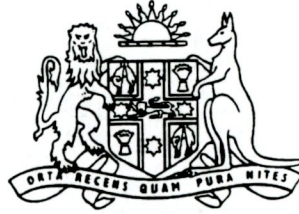
Sections 59B (7) and 59D (6), as inserted by the 10  
*Registered Clubs Amendment Act 1995*, are taken to  
have commenced on the commencement of sections 59B  
and 59D respectively.

**60 Registered Clubs (Transitional) Regulation 1994**

The repeal of clauses 43 and 44 by the *Registered Clubs* 15  
*Amendment Act 1995* does not affect the continuing  
operation of the *Registered Clubs (Transitional)*  
*Regulation 1994*. That Regulation, as in force  
immediately before that repeal, continues in force under  
clause 1A and may be repealed or amended under that 20  
clause.







New South Wales

# Registered Clubs Amendment Act 1995 No 37

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New South Wales

# Registered Clubs Amendment Act 1995 No 37

Act No 37, 1995

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An Act to amend the *Registered Clubs Act 1976* with respect to noise complaints, temporary interstate membership, statute law revision; and for other purposes. [Assented to 25 September 1995]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Registered Clubs Amendment Act 1995*.

**2 Commencement**

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

**3 Amendment of Registered Clubs Act 1976 No 31**

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

## Schedule 1 Amendments

(Section 3)

### [1] Section 4 Definitions

#### **Section 4 (1), definition of *key official***

Omit "Secretary, Chief Secretary's Department" from paragraph (a).  
Insert instead "Director-General of the Department of Gaming and Racing".

### [2] Section 4 (1), definition of *key official*

Omit "Chief Secretary's Department" wherever occurring from paragraphs (b) and (c).  
Insert instead "Department of Gaming and Racing".

### [3] Section 4 (1), definition of *key official*

Omit "Secretary" from paragraph (c).  
Insert instead "Director-General".

### [4] Section 17AA Quiet and good order of neighbourhood

Insert after section 17AA (1A):

(1AA) A complaint under this section can be made only by:

- (a) a person authorised in writing by 3 or more persons residing in the neighbourhood of the licensed premises or a person who is such a resident and is authorised in writing by 2 or more other such residents, or
- (b) the Commissioner of Police, or
- (c) a person authorised by the council of the local government area (including the City of Sydney) in which the licensed premises are situated, or

- (d) a person who satisfies the Board that his or her interests, financial or other, are adversely affected by the undue disturbance to which the person's complaint relates, or
- (e) the Director.

**[5] Section 17AA (9)**

Insert “, except with the leave of the Board granted on the ground that there has been a material change in the facts or circumstances on which the imposition of the condition was based” after “of the condition”.

**[6] Section 30 Rules of registered clubs**

Insert “or any interstate club (as defined in subsection (13))” after “of any other registered club” in section 30 (10).

**[7] Section 30 (13)**

Insert after section 30 (12):

- (13) For the purposes of subsection (10), an interstate club is a club that is:
  - (a) incorporated in a Territory or in a State other than New South Wales, and
  - (b) licensed, permitted or otherwise authorised under the law in force in the Territory or State to sell liquor, and
  - (c) licensed, permitted or otherwise authorised under the law in force in the Territory or State to keep and to operate poker machines.

For the purposes of subsection (10), a full member of an interstate club is a member of an interstate club who has full voting rights at general meetings of the interstate club.



**[8] Section 59A Restrictions on key officials (registered clubs)**

Omit "Secretary, Director or Commissioner" from section 59A (5).  
Insert instead "Director-General, Director or Commissioner".

**[9] Section 59B Restrictions on former key officials (registered clubs)**

Insert after section 59B (6):

- (7) If a reference ("the original reference") in this Act to a position, officer or Department is replaced with, or required to be read or construed as, a reference ("the replacement reference") to another position, officer or Department, the replacement reference is for the purposes of the operation of this section to be read as including the original reference.

**[10] Section 59D Restrictions on former key officials (gaming-related licences)**

Insert after section 59D (5):

- (6) If a reference ("the original reference") in this Act to a position, officer or Department is replaced with, or required to be read or construed as, a reference ("the replacement reference") to another position, officer or Department, the replacement reference is for the purposes of the operation of this section to be read as including the original reference.

**[11] Sections 59A, 59B, 59C and 59D**

Omit "Secretary, Chief Secretary's Department" wherever occurring.

Insert instead "Director-General of the Department of Gaming and Racing".

**[12] Schedule 2 Transitional provisions**

Insert before Part 1:

**Part 1A Preliminary**

**1A Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:  
Registered Clubs (Amendment) Act 1993  
Registered Clubs (Taxation) Amendment Act 1993  
Registered Clubs (Amendment) Act 1994  
Registered Clubs Amendment Act 1995
- (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done, or omitted to be done, before the date of its publication.

**[13] Schedule 2, clauses 20, 32, 43 and 44**

Omit the clauses.

**[14] Schedule 2, clause 46**

Omit "1994 Amendment".

Insert instead "*Registered Clubs (Amendment) Act 1994*".

**[15] Schedule 2, Part 8**

Insert after clause 57:

**Part 8 Registered Clubs Amendment Act 1995**

**58 Complaint as to quiet and good order of neighbourhood**

A complaint duly made to the Board under section 17AA before the amendment of that section by the *Registered Clubs Amendment Act 1995* is taken to have been made in accordance with that section as so amended.

**59 References to former key officials**

Sections 59B (7) and 59D (6), as inserted by the *Registered Clubs Amendment Act 1995*, are taken to have commenced on the commencement of sections 59B and 59D respectively.

**60 Registered Clubs (Transitional) Regulation 1994**

The repeal of clauses 43 and 44 by the *Registered Clubs Amendment Act 1995* does not affect the continuing operation of the *Registered Clubs (Transitional) Regulation 1994*. That Regulation, as in force immediately before that repeal, continues in force under clause 1A and may be repealed or amended under that clause.

[Minister's second reading speech made in—  
Legislative Assembly on 24 May 1995  
Legislative Council on 31 May 1995]

BY AUTHORITY

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