



Casino Control Amendment (Responsible Service of Alcohol Training) Regulation 2003

under the

Casino Control Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Casino Control Act 1992*.

GRANT McBRIDE, M.P.,

Minister for Gaming and Racing

Explanatory note

Pursuant to section 89 of the *Casino Control Act 1992*, the regulations under that Act can apply specified provisions of the *Liquor Act 1982* to a casino. Section 125C of the *Liquor Act 1982* provides for the making of regulations requiring persons engaged in the sale, supply and service of liquor undertake courses of training with respect to the responsible service of alcohol.

The object of this Regulation is to amend the *Casino Control Regulation 2001* so as to apply section 125C of the *Liquor Act 1982* to a casino (with modifications to enable the making of regulations concerning the responsible service of alcohol as regulations under the *Casino Control Act 1992*) and, pursuant to the applied section 125C, to require the licensee of licensed premises, and such staff as are engaged in the retailing of liquor on the premises, to have successfully completed an approved course of training with respect to the responsible service of alcohol. The new requirement takes effect on 1 January 2004 for the licensee and any permanent staff, and on 1 July 2004 for any casual staff.

This Regulation is made under the *Casino Control Act 1992*, including section 170 (the general regulation-making power), section 89 and section 125C of the *Liquor Act 1982* (as modified and applying to the casino under the *Casino Control Regulation 2001*).

2003 No 900

Clause 1 Casino Control Amendment (Responsible Service of Alcohol Training)
Regulation 2003

Casino Control Amendment (Responsible Service of Alcohol Training) Regulation 2003

under the

Casino Control Act 1992

1 Name of Regulation

This Regulation is the *Casino Control Amendment (Responsible Service of Alcohol Training) Regulation 2003*.

2 Amendment of Casino Control Regulation 2001

The *Casino Control Regulation 2001* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Part 4A

Insert after Part 4:

Part 4A Responsible service of alcohol training

Division 1 Preliminary

34B Definitions

In this Part:

approved training course means a course of training with respect to the responsible service of alcohol that is approved by the Authority under Division 3 in relation to an approved training provider.

approved training provider means a training provider that is approved by the Authority under Division 3 to provide training courses with respect to the responsible service of alcohol.

licence and ***licensed premises*** have the same meanings as they have in the *Liquor Act 1982*, as applied by Schedule 5 and modified by Schedule 6.

recognised RSA certificate means a certificate granted to a person by an approved training provider, on behalf of the Authority, following the person's successful completion of an approved training course with respect to the responsible service of alcohol.

registered training organisation means an education or training provider registered under the *Vocational Education and Training Accreditation Act 1990*.

staff member, in relation to licensed premises, means any agent or employee of, or person purporting to act on behalf of, the licensee of the premises.

Division 2 Responsible service of alcohol

34C Obligations of licensee as to responsible service of alcohol

- (1) On and from 1 January 2004, the licensee of licensed premises must not:
- (a) sell, supply or serve liquor by retail on the premises, or
 - (b) cause or permit liquor to be sold, supplied or served by retail on the premises,

unless the licensee holds a recognised RSA certificate.

Maximum penalty: 50 penalty units.

- (2) On and from 1 January 2004, the licensee of licensed premises must not cause or permit a permanent staff member to sell, supply or serve liquor by retail on the premises unless the permanent staff member holds a recognised RSA certificate.

Maximum penalty: 50 penalty units.

- (3) On and from 1 July 2004, the licensee of licensed premises must not cause or permit a casual staff member to sell, supply or serve liquor by retail on the premises unless the casual staff member holds a recognised RSA certificate.

Maximum penalty: 50 penalty units.

34D Obligations of staff members as to responsible service of alcohol

- (1) On and from 1 January 2004, a permanent staff member of licensed premises must not sell, supply or serve liquor by retail on the premises unless the permanent staff member holds a recognised RSA certificate.

Maximum penalty: 10 penalty units.

- (2) On and from 1 July 2004, a casual staff member of licensed premises must not sell, supply or serve liquor by retail on the premises unless the casual staff member holds a recognised RSA certificate.

Maximum penalty: 10 penalty units.

34E Conduct of promotional activities

For the purposes of this Part:

- (a) liquor that is sold, supplied or served on licensed premises as part of a promotional activity conducted by someone other than the licensee is taken to have been sold, supplied or served by retail, and
- (b) any person by whom liquor is sold, supplied or served on licensed premises as part of a promotional activity conducted by someone other than the licensee is taken to be a permanent staff member.

34F Licensee to keep register of recognised RSA certificates

- (1) It is a condition of a licence for licensed premises that the licensee must keep a register containing:
 - (a) a copy of the recognised RSA certificate for the licensee, and
 - (b) a copy of the recognised RSA certificate for each staff member whose duties include the sale, supply or service of liquor by retail.
- (2) It is a condition of a licence for licensed premises that the licensee must make the register kept under this clause available for inspection on request by a police officer or inspector.

Division 3 Approvals

34G Applications for approvals

A registered training organisation may apply to the Authority for an approval to conduct training courses with respect to the responsible service of alcohol.

34H Decision on application

- (1) The Authority may, after considering an application for an approval:
 - (a) grant the application, or
 - (b) refuse the application.

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Schedule 1 Amendments

- (2) If the Authority grants an approval, it must issue the applicant with a written approval that sets out any conditions to which the approval is subject.
- (3) If the Authority refuses an application for approval, it must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.

34I Conditions of approval

An approval is subject to the following conditions:

- (a) that each person who conducts an approved training course on behalf of the approved training provider is accepted by the Authority,
- (b) such other conditions as the Authority may from time to time impose.

34J Effect of suspension of approval

An approval does not have effect while it is suspended.

34K Variation, suspension and cancellation of approvals

- (1) The Authority may vary any condition imposed by the Authority on an approval, or suspend or cancel an approval, but only after giving the holder of the approval an opportunity to make submissions.
- (2) A variation of the conditions of, or the suspension or cancellation of, an approval:
 - (a) must be by notice in writing, and
 - (b) must be served on the person to whom the approval relates, and
 - (c) takes effect on the day on which the notice is served or on a later day specified in the notice.

34L Training in accordance with former administrative approvals

Any person who, before 1 January 2004, had successfully completed a training course with respect to the responsible service of alcohol:

- (a) that, as at the date the person completed the course, was approved by the Authority under administrative arrangements then in force, and

(b) that, as at 1 January 2004, was an approved training course,

is taken to be the holder of a recognised RSA certificate for the purposes of this Part.

[2] Schedule 5 Application of Liquor Act 1982 to casino

Insert "125C," after "125," in Part 1.

[3] Schedule 6 Applied provisions of Liquor Act 1982 as modified

Insert after section 125A:

125C Responsible service

- (1) The regulations under the *Casino Control Act 1992* may make provision for or with respect to requiring or encouraging the adoption of responsible practices in the sale, supply, service and promotion of liquor.
- (2) In particular, the regulations may make provision for or with respect to the following:
 - (a) restricting or prohibiting the conduct of promotions or other activities (including discounting or supply of liquor free of charge) that could result in misuse or abuse of liquor, such as binge drinking or excessive consumption,
 - (b) the standards to be observed on licensed premises in the sale and service of liquor, for the purpose of preventing misuse or abuse of liquor,
 - (c) requiring licensees, managers and other persons engaged in the sale, supply, service and promotion of liquor and other activities on the licensed premises to undergo courses of training that will promote responsible practices in those activities.
- (3) Without limiting subsection (2) (b), the regulations may adopt with or without modification the standards contained in an industry code of practice as standards to be observed on licensed premises in the sale, supply, service and promotion of liquor.
- (4) The regulations under this section can create offences punishable by a penalty not exceeding 50 penalty units.

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Schedule 1 Amendments

[4] Schedule 8 Penalty notice offences

Insert at the end of Part 2:

Clause 34C	\$550
Clause 34D	\$110

BY AUTHORITY
