



# Liquor Amendment (Responsible Service of Alcohol Training) Regulation 2003

under the

Liquor Act 1982

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 1982*.

GRANT McBRIDE, M.P.,

Minister for Gaming and Racing

## Explanatory note

The object of this Regulation is to amend the *Liquor Regulation 1996* so as 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 *Liquor Act 1982*, including section 156 (the general regulation-making power) and section 125C.

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                         Regulation 2003

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**Liquor Amendment (Responsible Service of Alcohol Training) Regulation 2003**

under the

Liquor Act 1982

**1 Name of Regulation**

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

**2 Amendment of Liquor Regulation 1996**

The *Liquor Regulation 1996* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 2)

### [1] Part 7A

Insert after Part 7:

## Part 7A Responsible service of alcohol training

### Division 1 Preliminary

#### 79B 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 Board under Division 3 in relation to an approved training provider.

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

*recognised RSA certificate* means a certificate granted to a person by an approved training provider, on behalf of the Board, 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

#### 79C 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

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- (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.

- (4) This clause does not apply to a person who is taken to be the licensee pursuant to section 63 of the Act.

### **79D 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.

### **79E 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.

**79F 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 special inspector.

**Division 3 Approvals**

**79G Applications for approvals**

- (1) A registered training organisation may apply to the Board for an approval to conduct training courses with respect to the responsible service of alcohol.
- (2) An application under subclause (1) must be accompanied by:
  - (a) a fee of \$995, in the case of an application for an initial approval, or
  - (b) a fee of \$550, in the case of an application for a second or subsequent approval.

**79H Decision on application**

- (1) The Board may, after considering an application for an approval:
  - (a) grant the application, or
  - (b) refuse the application.
- (2) If the Board grants an approval, it must issue the applicant with a written approval that sets out any conditions to which the approval is subject.

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- (3) If the Board refuses an application for approval, it must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.

**79I Conditions of approval**

- (1) 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 Board,
  - (b) that the approved training provider will pay to the Board a fee of \$10 for each certificate issued by it on behalf of the Board,
  - (c) such other conditions as the Board may from time to time impose.
- (2) The Board must not accept a person referred to in subclause (1) (a) unless it is satisfied that the person:
- (a) holds a Certificate IV in Assessment and Workplace Training awarded by a registered training organisation, or has such other qualification as the Board considers to be equivalent, and
  - (b) has at least 5 years' experience as the holder of a managerial or supervisory position in a hotel or registered club (being a position with duties in relation to the service of liquor), or has such other experience as the Board considers to be equivalent, and
  - (c) has attended a seminar, conducted by or on behalf of the Board, on the appropriate delivery of the course.

**79J Term of approval**

- (1) Unless sooner cancelled, an approval has effect for one year from the time it is granted.
- (2) An approval does not have effect while it is suspended.

**79K Variation, suspension and cancellation of approvals**

- (1) The Board may vary any condition imposed by the Board on an approval, or suspend or cancel an approval, but only after giving the holder of the approval an opportunity to make submissions.

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- (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.

**79L 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 Board 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 and Part 6A of the *Registered Clubs Regulation 1996*.

**[2] Schedule 3 Penalty notice offences**

Insert at the end of Schedule 3:

**Offences under the Liquor Regulation 1996**

Column 1	Column 2	Column 3	Column 4	Column 5
Offence	Short description	IPB Code	Penalty (other than minors)	Penalty (minors)
Clause 79C	—	—	\$550	—
Clause 79D	—	—	\$110	—