



# Liquor Amendment (RSA Courses and Certification) Regulation 2011

under the

Liquor Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 2007*.

GEORGE SOURIS, MP  
Minister for Tourism, Major Events, Hospitality and Racing  
and Minister for the Arts

## Explanatory note

The objects of this Regulation are:

- (a) to enable the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services to approve training courses for the responsible service of alcohol, and
- (b) to enable such approved courses to be provided online in certain circumstances, and
- (c) to provide for the certification of the successful completion of such approved courses and the inspection of certifications, and
- (d) to make other related amendments.

This Regulation is made under the *Liquor Act 2007*, including sections 99 and 159 (the general regulation-making power).

## **2011 No 431**

Clause 1           Liquor Amendment (RSA Courses and Certification) Regulation 2011

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### **Liquor Amendment (RSA Courses and Certification) Regulation 2011**

under the

Liquor Act 2007

#### **1 Name of Regulation**

This Regulation is the *Liquor Amendment (RSA Courses and Certification) Regulation 2011*.

#### **2 Commencement**

This Regulation commences on 22 August 2011 and is required to be published on the NSW legislation website.

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## Schedule 1 Amendment of Liquor Regulation 2008

### [1] Clause 39 Definitions

Omit the definitions of *approved training course*, *approved training provider*, *recognised RSA certificate* and *registered training organisation*.

Insert in alphabetical order:

*approved RSA training course* means a course of training with respect to the responsible service of alcohol that is approved by the Director-General under this Division in relation to an approved training provider, and includes any course of training that was an approved training course under this Division immediately before 22 August 2011.

*approved training provider* means a training provider that is approved by the Director-General under this Division to provide training courses with respect to the responsible service of alcohol, and includes any training provider that was an approved training provider under this Division immediately before 22 August 2011.

*existing RSA certificate* means a certificate granted before 22 August 2011 that was a recognised RSA certificate within the meaning of this Division immediately before that day, and includes a replacement certificate issued by an approved training provider under this Division on or after that day.

*interim RSA certificate* means a certificate granted to a person by an approved training provider, on behalf of the Director-General, following the person's successful completion of an approved RSA training course for use by the person in obtaining a recognised competency card.

*recognised competency card*—see clause 39A.

*recognised RSA certification* means any of the following:

- (a) a recognised competency card,
- (b) an interim RSA certificate,
- (c) an existing RSA certificate.

*registered training organisation* means an NVR registered training organisation within the meaning of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

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### [2] Clause 39 (2)

Insert at the end of clause 39:

- (2) For the purposes of this Division, a recognised RSA certification is *current* if it has not yet expired.

### [3] Clauses 39A–39C

Insert after clause 39:

#### 39A Issue of recognised competency cards

- (1) A *recognised competency card* is a card issued by or on behalf of the Director-General to a person that:
  - (a) certifies (based on an interim RSA certificate granted to the person within the period of 5 years before the card is issued) that the person has successfully completed an approved RSA training course with respect to the responsible service of alcohol, and
  - (b) provides for its expiry on the 5th anniversary of:
    - (i) if the card only certifies the completion of an approved RSA training course on the basis of an interim RSA certificate—the date on which the certificate was granted, or
    - (ii) if the card certifies the completion of both an approved RSA training course and approved RCG training course on the basis of interim RSA and RCG certificates—the date on which the certificates were granted or, if the dates on which the certificates were granted differ, the earliest of the dates, and
  - (c) contains such other information (including photographic or other information about the identity of the person) as the Director-General may require at the time the card is issued.
- (2) Without limiting subclause (1) (c), a recognised competency card does not cease to be a recognised competency card for the purposes of this Division only because it also certifies that the person to whom the card is issued has successfully completed an approved RCG training course.
- (3) The Director-General may, on payment of a fee of \$30, issue a replacement recognised competency card to a person if the Director-General is satisfied that the original card:
  - (a) has been lost, stolen or damaged, and
  - (b) is still current.

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- (4) A person is not liable to pay a fee of more than \$30 for the replacement of a recognised competency card even if the card also certifies the successful completion of an approved RCG training course.
- (5) In this clause:  
*approved RCG training course* and *interim RCG certificate* have the same meanings as they have in Division 5 of Part 3 of the *Gaming Machines Regulation 2010*.

**39B Issue of replacement existing RSA certificates**

- (1) An approved training provider may issue a replacement existing RSA certificate if satisfied that the original certificate:
- (a) has been lost, stolen or damaged, and
  - (b) is still current.
- (2) A replacement existing RSA certificate must specify the original date on which it was granted, along with the date on which it was re-issued as a replacement.

**39C Expiry of recognised RSA certifications**

- (1) A recognised competency card or interim RSA certificate expires at the end of the day specified by the card or certificate as its expiry date.
- (2) All existing RSA certificates expire at the end of the day (if any) specified by the Director-General, by order published in the Gazette before that day, as the expiry date for such certificates.
- (3) If the successful completion of an approved RSA training course was previously certified by a recognised RSA certification that has expired, a new recognised competency card or interim RSA certificate may be issued or granted certifying the same completion of the course only in such circumstances as the Director-General may direct from time to time.

**39D Inspection of recognised RSA certification**

- (1) A police officer or inspector may require any of the following persons to produce their recognised competency card or interim RSA certificate to the officer or inspector for inspection:
- (a) a licensee of licensed premises,
  - (b) a staff member of licensed premises who is involved in the sale, supply or service of liquor by retail on the premises,
  - (c) a person employed or engaged to carry out activities as a crowd controller or bouncer on or about licensed premises.

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- (2) A person must not, without reasonable excuse, refuse to comply with a requirement of a police officer or inspector under subclause (1).

Maximum penalty: 5 penalty units.

**[4] Clauses 40, 41 and 42 (2)**

Omit “recognised RSA certificate” wherever occurring.

Insert instead “current recognised RSA certification”.

**[5] Clause 40 (2)**

Omit “Maximum penalty: 50 penalty units.”. Insert instead:

Maximum penalty:

- (a) in the case where the staff member concerned holds an expired recognised RSA certification—25 penalty units, or
- (b) in any other case—50 penalty units.

**[6] Clause 42 Obligations in relation to persons carrying on certain security activities**

Omit clause 42 (1). Insert instead:

- (1) A person (including the licensee of licensed premises) must not employ or engage a person to carry on activities as a crowd controller or bouncer on or about licensed premises unless the person holds a current recognised RSA certification.

Maximum penalty: 50 penalty units.

**[7] Clause 44 Licensee to keep register of existing RSA certificates**

Omit “the recognised RSA certificate” from clause 44 (1) (a).

Insert instead “any current existing RSA certificate”.

**[8] Clause 44 (1) (b) and (c)**

Omit “the recognised RSA certificate for each” wherever occurring.

Insert instead “any current existing RSA certificate for a”.

**[9] Clause 45 Applications for approvals to conduct RSA training courses**

Omit “Authority” from clause 45 (1). Insert instead “Director-General”.

**[10] Clause 45**

Insert at the end of the clause:

**Note.** See clause 49A for applications for additional approval to provide an approved RSA training course online.

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**[11] Clause 46 Decision on application**

Omit “Authority” and “it” wherever occurring.

Insert instead “Director-General”.

**[12] Clause 47**

Omit the clause. Insert instead:

**47 Conditions of approval to conduct RSA training courses**

- (1) An approval to conduct training courses with respect to the responsible service of alcohol is subject to the following conditions:
  - (a) each person conducting the approved RSA training course on behalf of the approved training provider (or, in the case of an approved RSA training course provided online, each online course worker) must:
    - (i) hold a Certificate IV in Training and Assessment awarded by a registered training organisation, or have such other qualification as the Director-General considers to be equivalent, and
    - (ii) have at least 3 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 have such other experience as the Director-General considers to be equivalent,
  - (b) the approved training provider must pay to the Director-General:
    - (i) a fee of \$70 for each interim RSA certificate issued by it on behalf of the Director-General, and
    - (ii) a fee of \$15 for each replacement existing RSA certificate issued by it on behalf of the Director-General in respect of a lost, stolen or damaged certificate,
  - (c) the approved training provider must collect the following information on behalf of the Director-General in relation to any person who is undertaking (or who has completed) an approved RSA training course conducted by or on behalf of the provider:
    - (i) the full name of the person,
    - (ii) the date and country of birth of the person,
    - (iii) the residential address of the person,

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(iv) such other information as the Director-General may require from time to time to assist in ascertaining whether or not the person has successfully completed the course,

(d) such other conditions as the Director-General may from time to time impose.

(2) In this clause:

*online course worker*, in relation to an approved RSA training course provided online, means a person who, on behalf of the approved training provider, provides information about the content of the course to, or assesses the competency of, persons undertaking the course.

**[13] Clause 48 Term of approval to conduct approved RSA training courses**

Omit “by the Authority” from clause 48 (1) (a).

**[14] Clause 49 Variation, suspension and cancellation of approvals to conduct approved RSA training courses**

Omit “Authority” where firstly occurring in clause 49 (1).

Insert instead “Director-General”.

**[15] Clause 49 (1) (a)**

Omit “the Authority (or by the former Board)”.

Insert instead “the Director-General (or by the Authority or former Board)”.

**[16] Clause 49 (1) (b)**

Insert “the Authority under this Division before 22 August 2011 or by” after “approval by”.

**[17] Clause 49A**

Insert after clause 49:

**49A Additional approval to provide an approved RSA training course online**

(1) An approved training provider may apply to the Director-General for an additional approval to provide an approved RSA training course online.

(2) However, an application may only be made by an approved training provider that was, immediately before 1 January 2007, an approved training provider under Part 7A of the former Regulation.



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- (3) An application must be accompanied by:
    - (a) a fee of \$1,200, 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.
  - (4) The Director-General may grant an additional approval only if it is satisfied that the approved training provider has appropriate measures in place:
    - (a) to verify the identity of persons undertaking the approved RSA training course online, and
    - (b) to assess the competency of those persons, and
    - (c) to minimise the potential for fraudulent activity.
  - (5) In this Division (other than clause 45), a reference to an approval to conduct training courses with respect to the responsible service of alcohol includes a reference to an additional approval to provide an approved training course online.

**[18] Clause 74 Penalty notice offences and penalties**

Insert at the end of clause 74:

- (2) If the reference to a provision in Column 1 of Schedule 2 is qualified by words that restrict its operation to specified kinds of offences or circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

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

Insert after the matter relating to clause 34 (1) or (2) of the *Liquor Regulation 2008*:

Clause 39D (2)	\$55
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**[20] Schedule 2**

Omit the matter relating to clause 40 (1) or (2) of the *Liquor Regulation 2008*.

Insert instead:

Clause 40 (1)	\$1,100
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Clause 40 (2):

- |     |  |         |
|-----|--|---------|
| (a) | in the case where the staff member concerned holds an expired recognised RSA certification, or | \$550   |
| (b) | in any other case.   | \$1,100 |