



New South Wales

Liquor Amendment (RSA Courses and Certification) Regulation 2016

under the

Liquor Act 2007

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

TROY GRANT, MP
Minister for Racing

Explanatory note

The object of this Regulation is to amend the *Liquor Regulation 2008* as follows:

- (a) to allow certain courses of training with respect to the responsible service of alcohol to be provided by or on behalf of the Secretary of the Department of Justice,
- (b) to allow for the issue of recognised competency cards and interim RSA certificates in electronic form,
- (c) to make it clear that it is an offence to fail (as well as refuse) to produce a recognised competency card or interim RSA certificate when required to do so by a police officer or an inspector,
- (d) to remove redundant provisions and references to existing RSA certificates consequentially on the expiry of the last of those certificates on 30 June 2016.

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

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1 Name of Regulation

This Regulation is the *Liquor Amendment (RSA Courses and Certification) Regulation 2016*.

2 Commencement

- (1) This Regulation commences on the day on which it is published on the NSW legislation website, except as provided by subclause (2).
- (2) Schedule 1 [3], [8], [13]–[15] and [20] commence on 1 July 2016.

Schedule 1 Amendment of Liquor Regulation 2008

[1] Clause 39 Definitions

Omit the definitions of *approved RSA training course*, *interim RSA certificate* and *the former Regulation* from clause 39 (1).

Insert in alphabetical order:

approved RSA training course means a course of training with respect to the responsible service of alcohol that is provided:

- (a) by an approved training provider approved by the Secretary under this Division in relation to the course, or
- (b) by or on behalf of the Secretary.

interim RSA certificate means a certificate (in hard copy or electronic form) granted to a person by the Secretary, or by an approved training provider on behalf of the Secretary, following the person's successful completion of an approved RSA training course, for use by the person in obtaining a recognised competency card.

[2] Clause 39 (1), definition of "approved training provider"

Omit "and includes any training provider that was an approved training provider under this Division immediately before 22 August 2011".

[3] Clause 39 (1), definitions of "existing RSA certificate" and "recognised RSA certification"

Omit the definitions. Insert in alphabetical order:

recognised RSA certification means an interim RSA certificate or a recognised competency card.

[4] Clause 39A Issue of recognised competency card

Insert "(in hard copy or electronic form)" after "is a card" in clause 39A (1).

[5] Clause 39A (1) (a)

Omit "with respect to the responsible service of alcohol".

[6] Clause 39A (4A)

Omit "(whether at the time the card is issued or at any other time)".

Insert instead "(other than a new recognised competency card issued by the Secretary following the successful completion, within 28 days of the expiry of a recognised competency card, of an approved RSA training course provided by the Secretary)".

[7] Clause 39AA Suspension or revocation of recognised RSA certification

Insert after clause 39AA (9):

- (9A) Subclause (9) does not apply to recognised RSA certification in electronic form.

[8] Clauses 39B, 39C (2), 40 (1A) and (1B), 42 (1A) and (1B) and 44

Omit the clauses and subclauses.

[9] Clause 39C Expiry and renewal of recognised RSA certifications

Omit clause 39C (3). Insert instead:

- (3) A new recognised competency card or interim RSA certificate may be issued or granted to a person following the expiry of a recognised competency card or interim RSA certificate held by the person if the person:
 - (a) successfully completes, within 28 days of the expiry, an approved RSA training course, and
 - (b) if that course is provided by or on behalf of the Secretary—pays the Secretary a fee of \$35.
- (3A) A person is not liable to pay a fee of more than \$35 for a new recognised competency card even if the card also certifies the successful completion of an approved RCG training course (within the meaning of clause 39A).
- (3B) Despite clause 39A (1) (b), a new recognised competency card issued to a person following the expiry of a recognised competency card or interim RSA certificate held by the person is to provide for its expiry on the 5th anniversary of the date of expiry of the expired recognised competency card or interim RSA certificate.

[10] Clause 39C (4)

Insert “provided by an approved training provider” after “approved RSA training course”.

[11] Clause 39C (4), note

Omit “approved RSA training”.

Insert instead “an approved RSA training course provided by an approved training provider”.

[12] Clause 39D Inspection of recognised RSA certification

Omit “refuse” from clause 39D (2). Insert instead “fail”.

[13] Clause 40 Obligations of licensee as to responsible service of alcohol

Omit “or existing RSA certificate” from clause 40 (2) (a).

[14] Clauses 40 (2A) and (2B), 41 (2) and (3), 42 (3) and (3A), 42A (1) and (2) and 42B (1) and (2)

Omit “(other than an existing RSA certificate)” wherever occurring.

[15] Clause 47 Conditions of approval to conduct RSA training courses

Omit clause 47 (1) (b). Insert instead:

- (b) the approved training provider must pay the Secretary a fee of \$70 for each interim RSA certificate issued by it on behalf of the Secretary,

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

Omit clause 48 (1). Insert instead:

- (1) Unless sooner cancelled, an approval under this Division to conduct training courses with respect to the responsible service of alcohol has effect until 30 June following the date on which it was granted, but may be renewed by making an application in accordance with this Division.

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

Omit “by the Secretary (or by the Authority or former Board)” from clause 49 (1) (a).

[18] Clause 49 (1) (b)

Omit “(including an approval by the Authority under this Division before 22 August 2011 or by the former Board under Part 7A of the former Regulation)”.

[19] Clause 49B Prohibition on providing training courses without approval

Insert “the Secretary, a person who provides an approved RSA training course on behalf of the Secretary or” after “unless the person is”.

[20] Schedule 2 Penalty notice offences

Omit the matter relating to clauses 40 (1A) and (1B) and 42 (1A) and (1B) under the heading **Offences under this Regulation**.