



New South Wales

Liquor Amendment (RSA) Regulation 2015

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 Hospitality, Gaming and Racing

Explanatory note

The objects of this Regulation are as follows:

- (a) to allow approved training providers who are the TAFE Commission, an industry association or a provider nominated by an industry association to provide responsible service of alcohol (*RSA*) training courses online,
- (b) to enable the Independent Liquor and Gaming Authority to revoke a person's RSA certification, and disqualify that person from holding RSA certification for up to 12 months, if it is found that the person obtained RSA certification fraudulently or by deception,
- (c) to create certain penalty notice offences in relation to obtaining RSA certification fraudulently or by deception.

This Regulation is made under the *Liquor Act 2007*, including sections 99, 150 and 159 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Liquor Amendment (RSA) Regulation 2015*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Liquor Regulation 2008

[1] Clause 49A Additional approval to provide approved RSA training course online

Omit clause 49A (2). Insert instead:

- (2) However, an approved training provider may only apply for any such additional approval if the provider is the TAFE Commission, an industry association or a provider nominated by an industry association.
- (2A) An application by a provider nominated by an industry association must be accompanied by written confirmation of that nomination. The written confirmation must include an explanation of the relationship between the industry association and the provider.

[2] Clause 49A (6)–(9)

Omit the subclauses.

[3] Clause 49C

Insert after clause 49B:

49C Revocation of recognised RSA certification obtained fraudulently or by deception

- (1) The Authority may, on application by the Secretary or the Commissioner of Police, make any of the following orders:
 - (a) an order revoking any recognised RSA certification held by a person,
 - (b) an order declaring that a person is disqualified from holding any recognised RSA certification for such period (not exceeding 12 months) as is specified in the order.
- (2) The Authority may make an order under this clause in respect of a person if the Authority is satisfied that the person's recognised RSA certification was obtained fraudulently or by deception (including by allowing or arranging for another person to complete or partially complete the approved RSA training course).
- (3) The Authority may not make an order under this clause in respect of a person unless the person has been given notice of the application for the order and has been given a reasonable opportunity to make submissions to the Authority in relation to the application.
- (4) An order under this clause takes effect on the date specified by the Authority in the order. Notice of the making of the order is to be given to the person who is the subject of the order, but failure to give notice does not affect the operation of the order if a reasonable attempt has been made to notify the person.
- (5) If the Authority makes an order under this clause in respect of a person, the person may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of the Authority's decision.
- (6) Section 53 of the *Administrative Decisions Review Act 1997* does not apply in relation to the Authority's decision to make an order under this clause.

- (7) A person must not work in any capacity as an employee on any licensed premises in New South Wales during any period in which the person is disqualified under this clause from holding any recognised RSA certification.
Maximum penalty: 50 penalty units.
- (8) If a person's recognised RSA certification is revoked under this clause, the person must surrender the certification to the Secretary if required to do so by the Authority.
Maximum penalty: 20 penalty units.
- (9) A person (*the employer*) does not commit an offence under clause 40 (2) or (2A), 40A (2), 42 (1) or (1A) or 42A (1) in relation to a person whose recognised RSA certification has been revoked by the Authority under this clause if:
 - (a) the person presents the employer with a recognised RSA certification that appears to be current, and
 - (b) the employer is satisfied on reasonable grounds that the certification is current.

[4] Schedule 2 Penalty notice offences

Insert after the matter relating to clause 49B under the heading **Offences under this Regulation** in Columns 1 and 2, respectively:

Clause 49C (7)	\$550
Clause 49C (8)	\$220