



NSW Responsible Service of Alcohol

Course handbook

Copyright notice

Version: 4.3

Date modified: 16 December 2022

© State of New South Wales through Liquor & Gaming NSW 2019.

Liquor & Gaming NSW has provided this work to certain training organisations for the purpose of training persons intending to work in the NSW liquor industry. Those training organisations may modify, update, and use this work solely for that purpose. All other users must contact Liquor & Gaming NSW for permission to use this work, except as permitted by the *Copyright Act 1968* (Cth).

This work is licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License. See full terms and conditions at <https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode>.

Attribution: You must always provide credit to Liquor & Gaming NSW.

Non-Commercial: You must not use the material for commercial purposes.

No-Derivatives: You must not distribute modified versions of the work.

You may freely link to the publication on a NSW Government website.

Disclaimer

This work has been produced by Liquor & Gaming NSW (L&GNSW) to support learning by providing knowledge requirements under NSW State liquor laws for employees in the sale, supply or service of alcohol. The information is current at the date of writing (stated above). You are reminded that the relevant laws and policies will change over time, and that you must make your own enquiries before relying on information in this work.

Version	Date Created	Created by
3.0	28 April 2020	Liquor & Gaming NSW
4.0	22 January 2021	Liquor & Gaming NSW
4.1	8 March 2022	Liquor & Gaming NSW
4.3	16 December 22	Liquor & Gaming NSW

Contents

Introduction	1
Welcome to the Liquor & Gaming NSW RSA training	1
Purpose of the training	2
Why do I need to complete RSA training?	4
Module 1: NSW liquor laws	6
Introduction	6
Module 1 - key topics	6
1.1. What is RSA?	7
1.1.1. History of RSA	7
1.1.2. Why was RSA introduced?	8
1.1.3. How does RSA help?	9
1.2. NSW liquor laws	9
1.2.1. <i>Liquor Act 2007</i>	10
1.2.2. Liquor Regulation 2018	12
1.2.3. Prescribed Precincts	14
1.2.3.1. Cumulative Impact Framework	15
1.2.4. Liquor licensing in NSW	17
1.2.4.1. Licence types	17
1.2.4.1.1 Promoting live music and performance venues	18
1.2.4.1.2 Enhanced same day delivery framework	19
1.2.4.2. Licence conditions	21
1.2.4.3. Understanding licensing conditions	21
1.3. NSW regulatory authorities	22
1.3.1. Liquor & Gaming NSW	22
1.3.2. Independent Liquor & Gaming Authority	22
1.3.3. NSW Police Force	23
Module summary	23
Module 2: Intoxication	24
Module 2 key topics	24
2.1. Law relating to intoxication	24
2.1.1. What does the law say?	24
2.1.2. What does this mean for you?	25
2.1.3. Penalties for serving an intoxicated person	25
2.2. Assessing intoxication	26
2.2.1. What is intoxication?	26
2.2.2. NSW definition of intoxication	27
2.2.3. Reasonable belief	27
2.2.4. Signs of intoxication	28
2.2.5. Erratic drinking patterns	29
2.2.6. Alcohol and other drugs or medications	30
2.2.7. Conditions that exhibit similar signs to intoxication	30
2.2.8. Drink spiking	32
2.3. Preventing intoxication	32
2.3.1. Steps to prevent intoxication	32
2.3.2. Provide accurate information to customers	33
2.3.3. Standard drinks	33
2.3.4. Know your customer	35
2.3.5. Early intervention	35

2.3.6.	Encourage responsible drinking	36
2.3.6.1	Free drinking water	37
2.3.6.2	Non or low-alcohol beverages	37
2.3.6.3	Food options	37
2.4.	Refusing service	38
2.4.1.	Identify customers to whom service must be refused	38
2.4.1.1	Troublesome or disorderly customers	38
2.4.1.1.1	Options to refuse service	38
2.4.2.	Work as a team	39
2.4.3.	How to refuse service	39
2.4.4.	Steps to refuse service	40
2.4.5.	Ensure the customer's safety	41
2.4.6.	Refused customers – their responsibilities	42
2.4.7.	Fail to Quit	42
2.4.8.	Barring and banning	43
	Module summary	43
	Module 3: Minors	44
	Module 3 key topics	44
3.1.	Laws relating to minors	44
3.1.1.	What does the law say?	44
3.1.2.	Statutory defence	45
3.1.3.	What does this mean for you?	45
3.1.3.1.	Penalties for serving minors	45
3.1.4.	When is a minor allowed inside licensed premises?	46
3.1.5.	Who is a responsible adult?	47
3.1.6.	Secondary sales/supply	47
3.1.6.1	Penalties for secondary supply	48
3.2.	Monitoring and preventing underage drinking	48
3.2.1.	Proof of age	48
3.2.1.1	Acceptable proof of age documents	49
3.2.2.	Checking customer ID thoroughly	49
3.2.3.	Checking a Digital Driver Licence	50
3.2.4.	False ID procedure	51
3.2.5.	Refusing alcohol service to minors	51
3.2.6.	Schoolies	52
	Module summary	52
	Module 4: Harm minimisation strategies and approaches	53
	Module 4 key topics	53
4.1.	Mandatory strategies to minimise harm in NSW	53
4.1.1.	Mandatory training	54
4.1.2.	Trading hours	55
4.1.2.1	Staffies	55
4.1.2.2	Small Bars	55
4.1.2.3	Standard trading hours	56
4.1.3.	Signage	57
4.1.4.	Advertising and promotions	59
4.1.5.	Remote sales	60
4.1.5.1.	Enhanced regulation of same day delivery	61
4.2.	Best practice strategies to minimise harm in NSW	62
4.2.1.	Plan of management	62
4.2.2.	House policy	62
4.2.3.	Other business policies and procedures	62
4.2.4.	Incident registers	63
4.2.5.	RSA marshals	64
4.2.6.	Liquor accords	64

4.2.7.	Voluntary signage	64
4.2.8.	Self-exclusion	65
4.2.9.	No gang colours	66
4.2.10	Best practice frontline worker strategies	66
	Module summary	66
Module 5: Compliance and enforcement.....		67
	Module 5 key topics	67
5.1.	Compliance and enforcement in NSW	67
5.1.1.	Identifying non-compliance.....	67
5.1.2.	Investigation and enforcement.....	68
5.1.3.	Possible penalties	68
5.1.4.	What can enforcement action mean for you and your employer?	69
5.2.	Regulatory schemes – ceased on 1 January 2021	69
5.2.1.	Violent Venues scheme.....	69
5.2.2.	Three Strikes scheme	70
5.2.3.	Minors Sanctions scheme	70
5.3.	Incentives and demerit points system	70
5.3.1.	Old Strikes	71
5.3.2.	What does this system mean for you and your employer?	73
	Module summary	74
Next steps		75
	Additional training	75
	Responsible Conduct of Gambling (RCG) training.....	75
	Privacy training 75	
	Licensee and Advanced Licensee training.....	75
	Getting your competency card	76
	Renewal of NSW competency cards	76
	Minors and NSW competency card	76
	Key resources.....	77
	RSA videos.....	77

Introduction

Welcome to the Liquor & Gaming NSW RSA training

This course handbook includes an introduction, a detailed breakdown of the five modules, and an explanation of the next steps to finalise your licence.

Introduction

Session 1: NSW liquor laws

Session 2: Intoxication

Session 3: Minors

Session 4: Harm minimisation strategies and approaches

Session 5: Compliance and enforcement

Next steps

Purpose of the training

The purpose of Responsible Service of Alcohol (RSA) training is twofold:

1. to ensure that you have the knowledge and skills to meet your responsibilities under the law
2. to understand and appreciate the importance of your role as a staff member in the NSW liquor industry

Whether you are a bar attendant, a restaurant server, a retail assistant in a bottle shop, security personnel, or working in any other role within the liquor industry, responsible service of alcohol is about meeting your responsibilities under the NSW liquor laws and helping to minimise alcohol-related harms.

By joining the liquor industry, you'll have the power to positively impact your workplace, your customers, and the broader community when you promote the sale, service and supply of alcohol in a responsible and professional manner.

The level of investment that you have in your role as a responsible member of the liquor industry can directly contribute to the minimisation of alcohol-related harms and help to improve the wellbeing and social lives of people across NSW.

When you practice RSA well, you help ensure patrons do not become intoxicated and then become a problem for themselves, other customers, staff, and the local community.

As well as reducing the risk of alcohol-related violence, injuries and health issues, serving alcohol responsibly can create a great atmosphere and bolster the reputation of your business and neighbourhood. It provides a place where people can come together to celebrate, share and socialise in a safe environment. It can also support local businesses, provide employment and increase tourism in areas around popular venues.

This course handbook contains information and guidance on working in the liquor industry in NSW. Together, this guide and the national unit of competency (SITHFAB021 – Provide responsible service of alcohol), will provide you with the skills and knowledge you need to serve alcohol responsibly and make a positive contribution to the liquor industry and your local community.

A new unit of the national competency SITHFAB021 – Provide responsible service of alcohol was released on 10 June 2022. SITHFAB021 is regarded as equivalent to the previous SITHFAB002 and there are no changes to workplace outcomes. Some changes for students include the removal of the requirement to undertake practical assessment activities. However, please note that in NSW this aspect remains as before and there are no changes to how the RSA is assessed. To be deemed competent in the NSW RSA, you must demonstrate understanding of the concept of responsible service of alcohol through practical assessment activities, such as, for example, roleplay or other simulated activities set up for the purposes of an assessment in a simulated industry environment.



Why do I need to complete RSA training?

RSA training is mandatory for anyone involved in the sale, service and supply of alcohol to the public.

This includes service staff, food and beverage attendants, retail liquor salespersons, winery and brewery staff, promotional staff, RSA marshals, licensees, club secretaries, delivery services, non-same day delivery services and sales representatives working for suppliers. It also applies to security staff and crowd controllers monitoring customer behaviour.

There are no exemptions to the requirement for undertaking RSA training. If you are new to the liquor industry, have come from interstate, or are returning to a job after your previous RSA competency has lapsed, then this training applies to you.

Note that interstate RSA holders intending to move permanently to NSW can complete the online NSW RSA Bridging Course in lieu of completing the full RSA course. Refer below for more information on the RSA Bridging Course.

From 1 July 2021, holders of a valid and current RSA certificate from states participating in the Automatic Mutual Recognition scheme (AMR) for RSA and intending to work temporarily in NSW will no longer need to complete this training or the NSW RSA Bridging Course. However, should they decide to move permanently to NSW, they must complete the NSW RSA Bridging Course. Refer below for more information on the AMR scheme.

RSA training is integral to better managing the negative impacts alcohol can have on our community. You are required to meet a range of obligations under the NSW liquor laws as well as being able to serve alcohol responsibly and minimise harm. RSA training is the foundation that qualifies you to sell, serve or supply liquor in accordance with the law.

Note: Mandatory training for same day alcohol delivery people introduced under the *Liquor Amendment (Night-Time Economy) Act 2020*.

Since 1 December 2021, to make same day alcohol deliveries to retail customers in NSW, you must complete the mandatory Responsible Supply of Alcohol training (RSAT) and an online knowledge test. This training will provide guidance on:

- how to comply with the obligations for responsibly delivering alcohol
- how to recognise intoxication and reduce the risk of supply of liquor to minors
- ensuring personal safety when delivering alcohol

This training is offered by Liquor & Gaming NSW and other service providers. All same day delivery people that complete the training will also need to undertake an online knowledge test with Liquor & Gaming NSW and register their successful completion.



More information

Learn more about the Responsible Supply of Alcohol training (RSAT) here:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/training-to-work-in-the-industry/getting-trained/responsible-supply-of-alcohol-training-rsat>

Enhanced alcohol delivery laws:

<https://www.liquorandgaming.nsw.gov.au/resources/alcohol-delivery-laws>

About the RSA Bridging course:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/training-to-work-in-the-industry/getting-trained/responsible-service-of-alcohol-rsa#bridging>

About the Automatic Mutual Recognition of RSA

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/training-to-work-in-the-industry/getting-trained/responsible-service-of-alcohol-rsa#amr>

<https://www.nsw.gov.au/nsw-government/projects-and-initiatives/making-it-easier-for-registered-professionals-to-work-interstate>



Module 1: NSW liquor laws

Introduction

In NSW, everyone involved in the sale, service or supply of alcohol is required to hold an RSA competency card to ensure that their venue, event or workplace provides a safe environment for people to enjoy alcohol. Alcohol can usually only be sold, served or supplied by a business which holds a current liquor licence, although there are a few exceptions.

There's a good reason why you should care about the responsible service of alcohol. When poor customer behaviour is left unchecked, it has the potential to result in serious injuries or other harms such as assault, drink driving and property damage.

You can do a lot more than just sell and serve drinks when you work in the NSW liquor industry. When you do RSA well, it helps to:

- reduce alcohol-related crime and violence
- reduce health implications for customers
- encourage a more positive social experience that is less likely to result in customers harming themselves, other customers or staff
- improve the morale and safety of staff, which in turn reduces staff turnover and benefits productivity
- improve the reputation and sustainability of the business you work for and reduce compliance and legal costs.

Your key obligations as an RSA practitioner are to:

- not serve anyone under the age of 18
- not serve anyone who is intoxicated
- comply with the liquor laws

Module 1 - key topics

Module 1 covers the following key topics:

- the meaning, purpose, and importance of RSA
- the purpose and objectives of NSW liquor laws and what they mean for you
- the purpose of liquor licences and licence conditions
- the role and purpose of NSW liquor regulatory authorities.

1.1. What is RSA?

RSA is the responsible service of alcohol.



Meaning - RSA

Responsible Service of Alcohol (or RSA) means selling, serving and supplying liquor in a responsible manner and in accordance with the law.

The law states that businesses, community organisations and individuals that sell alcohol have RSA obligations to:

- minimise the harms associated with alcohol abuse and alcohol-related problems
- encourage responsible attitudes towards the sale and consumption of alcohol
- ensure the sale and consumption of alcohol contributes to, and does not detract from, the amenity of community life

RSA applies to any workplace where alcohol is sold, served or supplied, including all types of hospitality venues, and packaged liquor outlets and wineries, breweries and distilleries.

1.1.1. History of RSA

RSA has been part of the NSW liquor laws for more than 100 years. There have been many significant amendments made to the liquor laws over the past 20 years in response to changing community attitudes and government policy related to the sale and supply of alcohol.

Some of the most significant changes occurred in 1996 when the liquor laws were amended to introduce the concept of “harm minimisation” – i.e., minimising the harm associated with the misuse and abuse of alcohol – as one of the key purposes of the liquor laws.



Meaning - Harm minimisation

Harm minimisation aims to address alcohol-related issues by reducing the harmful effects of alcohol on individuals and society. Harm minimisation considers the health, social and economic consequences of alcohol use on both the individual and the community.

The move to a harm minimisation approach in the liquor laws followed increasing concern about the extent of alcohol-related crime and violence, particularly in and around licensed premises.



Meaning - Licensed premises

In the context of RSA, a “licensed premises” is the premises to which a liquor licence relates.

1.1.2. Why was RSA introduced?

Alcohol is widely available and enjoyed safely and responsibly by many people in our society. For the vast majority of adults, the consumption of alcohol is considered a form of relaxation and social entertainment.

However, the misuse and abuse of alcohol can have a devastating effect on individuals, their families, and on society in general. This is because alcohol is a drug that can have negative effects if not used carefully and moderately.

People who drink regularly at higher levels are more at risk of health problems such as cancer, heart disease, chronic ill health, premature death and mental health problems.

The binge consumption of alcohol also increases the risk of injury to both the drinker and others. It can lead to crime and violence such as physical and sexual assaults, domestic abuse and property damage.

To give you an idea of the scale of the problem, almost five million Australians aged 14 years and over were victims of alcohol-related incidents in 2013. In the 2017 to 2018 period, there were almost 50,000 hospitalisations due to alcohol-related injuries in NSW alone¹. In an Australian drug ranking study in 2019, alcohol was ranked as the most harmful drug overall for the individual and for harms to others².

Alcohol misuse and abuse also increases the costs incurred by the health system, police, the justice system, road authorities and reduced productivity. In 2010, the total cost of alcohol-related issues to Australia was estimated to be \$14.35 billion³.



RSA case study video – impacts of alcohol

This short case study video explores some of the impacts alcohol can have when misused and abused:

<https://www.youtube.com/watch?app=desktop&v=XIFmqh51Xdl&feature=youtu.be>

¹ Health Stats NSW: Alcohol attributable hospitalisations: detailed findings available at: http://www.healthstats.nsw.gov.au/Indicator/beh_alcafhos/beh_alcafhos?&topic=Alcohol&topic1=topic_alcohol&code=beh_alc [accessed 1 Mar 2020]; National Drug Strategy Household Survey 2016: detailed findings available at: <https://www.aihw.gov.au/reports/illicit-use-of-drugs/2016-ndshs-detailed/contents/summary> [accessed 1 Mar 2020];

² Bonomo et al., 2019, The Australian drug harms ranking study. *Journal of Psychopharmacology*, 0269881119841569: detailed findings at: <https://www.ncbi.nlm.nih.gov/pubmed/31081439> [accessed 1 Mar 2020]

³ The societal costs of alcohol misuse in Australia: Trends & issues in crime and criminal justice 2013: detailed findings at: <https://www.aic.gov.au/sites/default/files/2020-05/tandi454.pdf> [accessed 15 July 2022]

1.1.3. How does RSA help?

RSA benefits frontline staff members like yourself, the business you work in, your customers and the wider community.

Who	Benefits of good RSA
Licensed premises	<ul style="list-style-type: none">• a good reputation in the local community• lower security, compliance and legal costs• reduced staff turnover• more likely to attract staff with higher skills and greater experience• a more sustainable and profitable business model• reduced regulatory costs
Staff	<ul style="list-style-type: none">• a safer and more enjoyable working environment• training, support and knowledge to deal with customers• better rapport with customers
Local community and neighbourhood	<ul style="list-style-type: none">• better engagement with the local community• fewer complaints by the local community• local community more inclined to visit the venue
Customers	<ul style="list-style-type: none">• safer and more enjoyable venues• enhanced reputation• better rapport with staff and other customers
Government agencies	<ul style="list-style-type: none">• fewer interventions, including compliance actions• reduced regulatory costs

1.2. NSW liquor laws

Across Australia, governments regulate the sale, supply and service of liquor. Each state and territory in Australia has specific legislation that sets out the requirements for responsible service of alcohol.

In NSW, this is known as the NSW liquor laws, and comprises of the *Liquor Act 2007* and the *Liquor Regulation 2018*.

As a frontline staff member, it is important you are aware of your obligations under these laws, as there are consequences to both you and your employer if you do not comply with them.



More Information

The following section contains references to “penalty units”. When a law has been breached, a fine is applied. The current dollar value of a penalty unit is \$110, and breaches can attract fines of up to 100 penalty units, equal to \$11,000.

Unit values are reviewed annually. In NSW, the value of a penalty unit is set out in the *Crimes (Sentence Procedure) Act 1999*. View the current penalty unit value at:

<https://www.legislation.nsw.gov.au/#/view/act/1999/92/part2/div4/sec17>

1.2.1. *Liquor Act 2007*

The *Liquor Act 2007* is the primary legislation regulating the sale and supply of alcohol in NSW, covering the legal provisions around key aspects of RSA such as intoxication, minors, harm minimisation, liquor licences and prescribed precincts.

The Act regulates where, when, and how alcohol can be sold on licensed premises, such as by outlining the trading conditions that apply to a business or event. It also regulates who can serve and consume alcohol, such as only persons over the age of 18.

The Act allows additional measures and controls to be applied to licensed premises in certain cases to address specific risks.

Overall, the Act has three primary objectives:

1. To regulate and control the sale, supply and consumption of alcohol in a way that is consistent with the expectations, needs, and aspirations of the community.
2. To facilitate the balanced development of the liquor industry, in a way that is in the public interest, through a flexible and practical regulatory system with minimal formality and technicality.
3. To contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.

The Act also outlines the amount a person can be fined for breaching each requirement. Fines are shown as penalty units, which are then calculated into dollars using the current 'unit amount' determined by the NSW government each year.

If you are in any way involved in the sale, supply or service of alcohol, you should familiarise yourself with the key provisions of the *Liquor Act 2007* below:

Parts and sections of the <i>Liquor Act 2007</i>	What is covered in this part of the Act?	Maximum penalty for breaches	Reference
PART 2	Outlines the main offences relating to sale and supply of liquor. <i>Key section to be aware of as a frontline worker:</i>		https://www.legislation.nsw.gov.au/#/view/act/2007/90/part2
Section 9	The sale or supply of liquor contrary to a licence is prohibited. As an employee, you must not sell or supply liquor in any way other than what is outlined in the conditions of the liquor licence.	<ul style="list-style-type: none">• 100 penalty units• imprisonment for 12 months; or• both penalty and imprisonment.	https://www.legislation.nsw.gov.au/#/view/act/2007/90/part2/section9
PART 3	Outlines the types of liquor licences available for those businesses who wish to sell, serve or supply alcohol and the general conditions that apply to each licence type. Additional conditions may be imposed by the local council, Liquor & Gaming NSW or the Independent Liquor & Gaming Authority.	For breaching any conditions on a liquor licence: <ul style="list-style-type: none">• 100 penalty units• imprisonment for 12 months; or• both penalty and imprisonment.	https://www.legislation.nsw.gov.au/#/view/act/2007/90/part3

Parts and sections of the <i>Liquor Act 2007</i>	What is covered in this part of the Act?	Maximum penalty for breaches	Reference
PART 4	Covers licensing procedures, such as the process of applying for a liquor licence, the relevant fees and what's involved in managing a liquor licence (changing it, cancelling it etc.).	<ul style="list-style-type: none"> 100 penalty units 	https://www.legislation.nsw.gov.au/#/view/act/2007/90/part4
PART 5 Section 73 (Division 1)	<p>Covers the regulation and control of licensed premises. It outlines the rules that need to be followed when managing or working on licensed premises.</p> <p><i>Key section to be aware of as a frontline worker:</i></p> <p>You cannot sell or serve alcohol to anyone who is intoxicated, and that you also can't allow intoxicated people to remain on licensed premises.</p> <p>You must prevent the excessive consumption of alcohol. You must not permit intoxication or any indecent, violent or quarrelsome conduct wherever alcohol is sold, served or supplied.</p> <p>If an intoxicated person is on a licensed premises, you must stop service and take appropriate steps to remove them from the premises.</p>	<ul style="list-style-type: none"> 100 penalty units. 	https://www.legislation.nsw.gov.au/#/view/act/2007/90/part5 https://www.legislation.nsw.gov.au/#/view/act/2007/90/part5/div1/sec73
PART 6	<p>Part 6 covers miscellaneous offences and regulatory controls, including provisions under the regulation for training requirements such as the responsible service of alcohol and the responsible supply of alcohol training. All businesses are required to minimise the risk of harm as much as possible.</p> <p>For example, drinking games or promotions that encourage people to become intoxicated are not allowed.</p>	<ul style="list-style-type: none"> 5-100 penalty units for individuals, depending on the offence 250 penalty units for corporations. 	https://www.legislation.nsw.gov.au/#/view/act/2007/90/part6
PART 7 Section 117	<p>This Part is all about protecting minors and includes offences relating to the sale and consumption of alcohol by minors, and outlines when and how minors can be allowed on licensed premises.</p> <p><i>Key section to be aware of as a frontline worker:</i></p> <p>This section makes it illegal for anyone to sell or supply alcohol to people under 18 on licensed premises.</p>	<ul style="list-style-type: none"> 100 penalty units imprisonment for 12 months; or both penalty and imprisonment. 	https://www.legislation.nsw.gov.au/#/view/act/2007/90/part7 https://www.legislation.nsw.gov.au/#/view/act/2007/90/part7/div1/sec117
PART 8	This part covers liquor accords which are voluntary partnerships across industry, community and government that develop local strategies to address local alcohol-related issues, anti-social behaviour and violence.		https://www.legislation.nsw.gov.au/#/view/act/2007/90/part8

Parts and sections of the <i>Liquor Act 2007</i>	What is covered in this part of the Act?	Maximum penalty for breaches	Reference
PART 9	Outlines possible disciplinary action that could be taken when individuals or businesses break the law.		https://www.legislation.nsw.gov.au/#/view/act/2007/90/part9
PART 9A	Outlines an integrated incentives and demerit points scheme introduced on 1 January 2021 that rewards well managed venues and imposes sanctions on those that breach the liquor laws. This scheme replaced the Three Strikes, Violent Venues and Minor Sanctions schemes.		https://www.legislation.nsw.gov.au/view/pdf/asmade/act-2020-40
PART 10	Outlines criminal proceedings where individuals or businesses that break the law need to be dealt with in court.		https://www.legislation.nsw.gov.au/#/view/act/2007/90/part10

1.2.2. Liquor Regulation 2018

The Liquor Regulation 2018 is the secondary legislation and provides greater guidance on how the legal provisions of the *Liquor Act 2007* should be applied.

For example, the Liquor Regulation 2018 provides more specific detail on a range of things such as RSA training, the issuing of competency cards and harm minimisation measures. Important details regarding the requirement to make drinking water available free of charge, not to sell or supply prohibited liquor products and the mandatory messages which are required in any liquor promotions are outlined in the Regulation.

As staff involved with the sale, service and supply of alcohol, the following excerpts from the Liquor Regulation 2018 apply to you. Note that the regulations have the same legal power and enforceability as the Act itself.

Parts and sections of the <i>Liquor Regulation 2018</i>	What is covered in this part of the Regulations?	Maximum penalty for breaches	Reference
PART 2	Outlines the different fees that can apply, such as applying for a liquor licence or obtaining a NSW competency card.		https://legislation.nsw.gov.au/#/view/regulation/2018/473/part2
PART 3	Covers liquor licence applications, including the process that needs to be followed and what applicants need to do before they apply. For example, for certain licence types applicants are required to notify neighbours, police and other parties when applying for a liquor licence and they must also conduct a community impact statement.		https://legislation.nsw.gov.au/#/view/regulation/2018/473/part3

Parts and sections of the Liquor Regulation 2018	What is covered in this part of the Regulations?	Maximum penalty for breaches	Reference
PART 4	Covers the requirements for different licences and licensed premises. For example, where gambling is and isn't allowed, the granting of pop-up licences and what signs need to be displayed.		https://legislation.nsw.gov.au/#/view/regulation/2018/473/part4
PART 5	Outlines the requirements for the responsible service of alcohol, such as training requirements and rules for businesses that provide the training. <i>Key sections to be aware of as a frontline worker</i>		https://legislation.nsw.gov.au/#/view/regulation/2018/473/part5
Clauses 63-65 (Division 2)	These clauses state that staff, RSA marshals and crowd controllers or security personnel working at licensed premises must not sell, supply or serve liquor without a recognised competency card which has a current RSA endorsement.	<ul style="list-style-type: none"> • 10 penalty units, or • 20 units if the licensed premises are in a prescribed precinct. 	https://legislation.nsw.gov.au/#/view/regulation/2018/473/part5/div2/sec63
Clause 75 (Division 3)	A police officer or Liquor & Gaming NSW inspector may require any relevant person to produce their recognised competency card for inspection. Failure to comply with this requirement without reasonable excuse can result in a penalty.	<ul style="list-style-type: none"> • 5 penalty units. 	https://legislation.nsw.gov.au/#/view/regulation/2018/473/part5/div3/sec75
PART 6	Covers the provisions for harm minimisation, including: <ul style="list-style-type: none"> • requirements to include a message that encourages the responsible consumption of alcohol in liquor promotions or advertisements • requirements to make drinking water available free of charge wherever liquor is served • requirement to not sell or supply products included in the list of undesirable liquor products. 		https://legislation.nsw.gov.au/#/view/regulation/2018/473/part6
PART 7	Covers prescribed precincts located in Sydney CBD and Kings Cross. This includes a number of mandatory requirements to help prevent alcohol-related harms, including earlier closing hours, the use of incident registers, ID scanning and restrictions on the use of glass to serve alcohol.		https://legislation.nsw.gov.au/#/view/regulation/2018/473/part7
PART 7A	Covers the provisions for an integrated incentives and demerit points system introduced on 1 January 2021 to reward well managed venues and sanction venues that breach liquor laws or have a poor record with violence or safety. This system replaced the Three Strikes, Minors Sanctions and Violent Venues schemes.		https://www.legislation.nsw.gov.au/view/pdf/asma/act-2020-40

Parts and sections of the Liquor Regulation 2018	What is covered in this part of the Regulations?	Maximum penalty for breaches	Reference
PART 7B	Covers the same-day liquor delivery framework that includes a mandatory Responsible Supply of Alcohol training (RSAT) to enhance the regulation of and support the responsible operation of this business model. The course must be completed by same-day delivery people to work in the industry from 1 December 2021.		https://www.legislation.nsw.gov.au/view/pdf/asma/act-2020-40
PART 8	Sets out legal definitions, such as what is considered acceptable proof of identity in NSW.		https://legislation.nsw.gov.au/#/view/regulation/2018/473/part8
PART 9	Outlines exemptions and exceptions, where different types of businesses, events or venues might have to follow different rules.		https://legislation.nsw.gov.au/#/view/regulation/2018/473/part9



More information

Stay up to date with changes to NSW liquor laws by subscribing to Liquor & Gaming NSW's e-news, a monthly news bulletin.

Subscribe now: <https://www.liquorandgaming.nsw.gov.au/news-and-media>

Find out more about enhanced same day alcohol delivery laws here:

<https://www.liquorandgaming.nsw.gov.au/resources/alcohol-delivery-laws>

Same day alcohol delivery one-page overview:

https://www.liquorandgaming.nsw.gov.au/_data/assets/pdf_file/0003/946713/cp6360-same-day-alcohol-delivery-final.pdf

1.2.3. Prescribed Precincts



Meaning - Prescribed precinct

The NSW Government identified two areas in Sydney which experienced high levels of alcohol-related violence. These areas are known as “prescribed precincts” and have had special conditions imposed on them by the *Liquor Act 2007* and the Liquor Regulation 2018.

After experiencing increasing levels of alcohol-related violence and anti-social behaviour, special licence conditions were introduced in the prescribed precincts. These are:

- Kings Cross precinct
- Sydney CBD entertainment precinct.



Top tips

If you are based in Sydney, check to see if your workplace is part of a prescribed precinct. You will need to be familiar with any restrictions and requirements.

These laws were further reformed on 14 January 2020, with some of the conditions being removed or relaxed.

1.2.3.1. Cumulative Impact Framework

On 30 April 2021, the NSW Government lifted the long-standing liquor licence freeze restrictions in the Sydney CBD Entertainment and Kings Cross precincts. To replace the freeze, a new evidence-based Cumulative Impact Framework was put in place to help manage the density of licenced premises in the precincts.

This approach provides an avenue for new business opportunities in suitable areas of the precincts, while continuing to manage higher risk locations.

New laws enable a 'Cumulative Impact Assessment' to be issued which provides a more sophisticated way of managing areas of the precincts with higher concentrations of licensed premises, where cumulative impacts and risks of alcohol-related harms are greater. The Cumulative Impact Assessment will inform liquor licence decisions and replaces the blanked ban on new licences in the precincts.

Consultation on the draft Cumulative Impact Assessment for the precincts ILGA must consult with relevant stakeholders such as the local council, peak industry bodies, NSW Police, Ministry of Health, local businesses and residents before issuing a Cumulative Impact Assessment. The assessment must be published on the Liquor & Gaming NSW website and reviewed periodically.

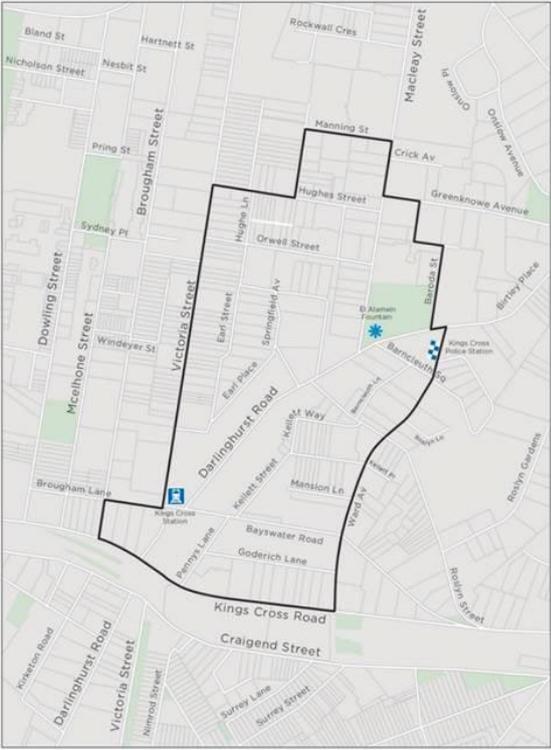


What does this mean?

This framework opens significant areas in the Sydney CBD and Kings Cross precincts to new licences for hotels, registered clubs, nightclubs and bottle shops to support a vibrant 24-hour Economy. It replaces the licence freeze with a more sophisticated evidence-based approach using advanced mapping tools and geo-spatial data.

Find out more about the [Cumulative Impact Framework](#) and other changes introduced under the *Liquor Amendment (Night-time Economy) Act 2020*.

The laws for the two precincts are as follows:

Kings Cross Precinct	Sydney CBD Entertainment Precinct
<ul style="list-style-type: none"> • bans on high strength drinks and shots at certain times • bans on high-risk drink promotions • per-person limit on drink sales during late trading • 3:30am last drinks requirements • round-the-clock incident registers for higher risk venues • exclusion of individuals wearing outlaw motorcycle gang colours or insignia 	<ul style="list-style-type: none"> • 3:30am last drinks requirements • per-person drink sale limits during late trading • glasses prohibited during late trading (midnight until closing time) • vessels not permitted to drop off at or pick up people from Sydney CBD precinct between midnight and 7am
 <p>A detailed street map of the Kings Cross Precinct in Sydney. The precinct boundary is outlined in black. Key streets shown include Bland St, Hartnett St, Rockwell Cres, Macleay Street, Nicholson Street, Nesbit St, Pring St, Brougham Street, Manning St, Crick Av, Greenknowe Avenue, Dowling Street, Michaelson Street, Windeyer St, Victoria Street, Eurl Street, Hughes St, Orwell Street, Springfield Av, Bayswater Road, Goderich Lane, Kings Cross Road, and Craigend Street. Landmarks like Kings Cross Station and the Kings Cross Police Station are also marked.</p>	 <p>A map of the Sydney CBD Entertainment Precinct. The precinct boundary is outlined in black and shaded in a light brown color. The map shows the city grid and surrounding areas. A legend in the top right corner identifies the precincts: Sydney CBD Entertainment Precinct (shaded brown) and Kings Cross Precinct (shaded yellow). A scale bar and north arrow are also present.</p>

More information

Learn more about special licence conditions for premises in Kings Cross or Sydney CBD entertainment precincts.

<https://www.liquorandgaming.nsw.gov.au/operating-a-business/liquor-licences/liquor-licence-conditions-and-precincts/sydney-cbd-and-kings-cross-precincts>

NSW legislation website to review part 7 of Liquor Regulation 2018:
<https://www.legislation.nsw.gov.au/#/view/regulation/2018/473/part7>

1.2.4. Liquor licensing in NSW

A liquor licence is generally required to sell or supply alcohol, and each licence is subject to conditions which help the business minimise harm.

It is important to be aware of the conditions on your workplace's liquor licence so you can understand and meet your responsibilities.

1.2.4.1 Licence types

A different liquor licence is required depending on the type of business or activity being conducted.



Meaning - Primary purpose

The “primary purpose” of a business is the reason it exists, i.e., your main business activity is the primary purpose of your business.

The licence category needs to align with the primary purpose of the business. For example:

- the primary purpose of a restaurant or café is the provision of food and selling alcohol is secondary
- the primary purpose of a small bar is the sale and supply of alcohol and selling food is secondary.

This table shows the various licences and what types of businesses and activities they are for.

Licence type	Who this licence is for
Hotel, including a general bar licence	Hotels, bars or taverns
Club	Registered clubs selling alcohol to members and their guests
On-premises	Tailored for a range of business activities including a restaurant, entertainment venue, motel, vessel, nightclub, function centre and other settings where alcohol is consumed on the premises with, or ancillary to, another product or service e.g., for a restaurant, alcohol is sold with, or ancillary to, the provision of meals
Packaged liquor	Liquor stores or online sales
Producer wholesaler	Brewers, distillers, winemakers or wholesalers
Limited	Functions held by non-profit organisations, as well as special events, music festivals and trade fairs.
Small bar	Bars with up to 120 patrons where no gaming machines are permitted. Small bars may sell house-made that is, beverages that are mixed on the licensed premises for take-away consumption if the cocktails are in sealed containers. House made cocktails excludes pre-mixed cocktails away from the licenced premises. From 30 April 2021, eligible small bars may be issued an interim small bars authorisation to trade as soon as their liquor licence is lodged. This is subject to there being relevant development approvals in place.
Pop-up	Pop-up licences introduced in 2019, are now available across NSW for small-scale bars and events. This allows existing licensees, creatives and other businesses to run pop-up bars, restaurants, performances and promotions for a 12-week period and includes outdoor dining. The pop-up licence is also available to NSW licensed producers to provide tastings and sell take-away liquor at pop-up promotional events.

	These types of low-risk licensed activities can liven up key areas by attracting visitors to under-utilised areas and providing experiences that are unique in local communities or across NSW.
--	---

There are limited circumstances when a licence is *not* needed, such as where alcohol is sold by non-profit organisations at certain fundraising events. RSA requirements still apply to these events, including the need for persons serving alcohol to be RSA trained.



More information

Find out more about different licence types:

<https://www.liquorandgaming.nsw.gov.au/operating-a-business/liquor-licences/liquor-licence-types>

Expanding licensed boundaries to include outdoor dining

<https://www.liquorandgaming.nsw.gov.au/operating-a-business/liquor-licences/applying-for-and-managing-your-liquor-licence/outdoor-dining-change-of-boundaries>

Pop-up bars and events: <https://www.liquorandgaming.nsw.gov.au/operating-a-business/liquor-licences/liquor-licence-types/pop-up-licence>

1.2.4.1.1 Promoting live music and performance venues

Changes to liquor laws under the *Liquor Amendment (Night-time Economy) Act 2020* support more live music and performance, arts and cultural events at licensed venues across the state.

These reforms introduced on 11 December 2020 cut red tape, remove outdated conditions on live entertainment, and incentivise venues to put on live music and other arts and cultural events. This builds on the NSW Government's efforts over recent years to support a vibrant and safe 24-hour economy and improve the way the industry is regulated.

This includes venues that hosted live music as part of the Great Southern Nights event in November 2020, and public entertainment venues such as music halls, concert halls, dance halls and other spaces used primarily for live music, liver performances or creative and other cultural uses. Venues that have poor compliance history will not receive the incentives. Venues do not need to make an application to Liquor & Gaming NSW.

Key changes and incentives to support live music and performance venues commenced on 11 December 2020 including:

- automatic removal of a range of historically imposed conditions that limit music and entertainment on licensed premises
- fee reductions – apply to a broad range of live music and performance venues across NSW to have their annual liquor licence fee reduced by 80% in 2021. A list of all venues across NSW that will be eligible for the fee reduction will be published on the Liquor & Gaming NSW website before the next annual payment cycle in March 2021.
- trading extensions – eligible venues that are located in the City of Sydney LGA can trade for an extra 30-minutes beyond normal authorised closing or last drinks times in certain circumstances. This can be used on nights where they hold or provide a live music

performance or other arts and cultural event of at least 45 minutes, after 8 pm. When using this extension, venues must keep a record of the event that can be made available for inspection.

The [list of eligible live entertainment venues](#) in the City of Sydney LGA is published on the Liquor & Gaming NSW website.

From 30 April 2021:

- establishment of 'Special Entertainment Precincts' by councils as a result of changes to local government laws. These are areas where councils can adopt their own plans to encourage more live music and performance. The additional 30-minute trading extensions referred to above will apply to any listed venues located in an established precinct.
- liquor licensing decision-makers considering whether licence applications provide employment or other opportunities in the live music, arts, tourism or community and/or cultural sectors. The change recognises the integral role entertainment plays in our community and will positively support musicians, live performers and other artists in the sector.

1.2.4.1.2 Enhanced same day delivery framework

'Same day delivery' is the delivery of liquor to a person in NSW on the same day it is purchased, regardless of the state or territory from which it was purchased.

The *Liquor Amendment (Night-Time Economy) Act 2020* introduces an enhanced regulatory framework for the sale and supply of liquor via same day delivery in NSW to manage the risks of delivery to minors or intoxicated people. The framework lifts regulatory standards for the alcohol delivery market, so it is more comparable to the requirements imposed on licensed premises and addresses these key risks of harm.

The framework applies to same day delivery providers including:

- licensed takeaway liquor providers that offer online sale and deliveries in NSW
- food delivery providers that deliver alcohol in addition to, or as a part of food deliveries
- individuals offering same day delivery of alcohol.

From 1 June 2021, employees and delivery agents delivering the alcohol must ensure:

- they verify the age of any person appearing under 25 years by checking their evidence of age and identity at the point of delivery
- a declaration is completed for a person that appears to be older than 25 and cannot produce their evidence of age and identity to confirm age
- they verify the identity of a person nominated to receive a delivery
- liquor is not supplied to an intoxicated person (also applies to next day or longer deliveries)
- liquor is not delivered to a person in an alcohol-free zone, prohibited or restricted area
- liquor is not delivered between 11pm on Sunday and 9am on Monday morning and between 12pm and 9am every other day of the week
- they maintain records of non-delivery if there is concern the recipient is a minor, is intoxicated, or where it cannot be confirmed they are the nominated recipient
- they completed a Responsible Supply of Alcohol training (RSAT) and the Liquor & Gaming NSW RSAT knowledge test (mandatory since 1 December 2021).

Same day delivery providers will need to ensure:

- a person can nominate another adult for delivery of the alcohol
- sales data is collected and reported to Liquor & Gaming NSW
- records of refused deliveries are kept for 1 year
- employees or agents are not penalised for refusing to make a delivery if there is concern the recipient is a minor, is intoxicated, or if it can't be confirmed they're the nominated recipient
- consumers can self-exclude from the alcohol delivery service
- orders from a person who has self-excluded are not accepted
- that they, and their employees and delivery agents completed an RSAT and the Liquor & Gaming NSW RSAT knowledge test online
- identity and age are verified at the time the person places the order (since 1 June 2022)

Same day delivery providers are required to verify the age of the customer at the time the order is placed on-line. Additional time including alternate processes for verification have been provided until 31 May 2023 for businesses that have been unable to implement the technical solutions due to reasons outside their control.

Who needs to complete an RSAT course?

Since 1 December 2021, if you intend to make same day alcohol deliveries to retail customers in NSW as a service provider, an employee or their delivery agent, you must complete the mandatory Responsible Supply of Alcohol training (RSAT) and the Liquor & Gaming NSW knowledge test.

Liquor & Gaming NSW introduced the RSAT course and knowledge test online on 1 July 2021. Same day delivery providers, delivery agents or Registered Training Providers can also deliver an RSAT course as per the RSAT Course Handbook developed by Liquor & Gaming NSW.

What does this mean for same day delivery providers?

Since 1 December 2021, same day delivery providers may be liable for offences committed by employees or delivery agents if they cannot confirm that a person has successfully completed an RSAT course and the Liquor & Gaming NSW RSAT knowledge test prior to conducting deliveries.



More information

For more information on the *Liquor Amendment (Night-time Economy) Act 2020* in relation to:

Live music and performance venues:

<https://www.liquorandgaming.nsw.gov.au/news-and-media/live-music-and-entertainment>

24-hour economy liquor reforms – what's changing:

https://www.liquorandgaming.nsw.gov.au/news-and-media/24-hour-economy-liquor-reforms-whats-changing/_nocache

Same day alcohol delivery one-page overview:

https://www.liquorandgaming.nsw.gov.au/data/assets/pdf_file/0003/946713/cp6360-same-day-alcohol-delivery-final.pdf

Online age-verification for same day deliveries:

<https://www.liquorandgaming.nsw.gov.au/resources/same-day-delivery-age-verification-requirements>

1.2.4.2 Licence conditions

Every liquor licence in NSW is subject to licence conditions. Some conditions are imposed automatically by the NSW liquor laws and others are imposed when the liquor licence is granted or following a serious incident or complaint.

For example, licence conditions may impose restrictions or requirements about:

- restricted trading hours
- security staff
- CCTV
- six-hour closure period.

1.2.4.3 Understanding licensing conditions

You personally need to understand the licence conditions where you work. There are fines and penalties for breaching these conditions and some of these apply to frontline staff. If you don't know or understand the licence conditions, you need to check with your manager.

Breaching the law or licence conditions can result in fines of up to \$11,000 issued to you and your licensee, or 12 months in prison, or both. The licensed premises you work for could also be subject to further penalties and regulatory action.

For example, you as a frontline staff member could be fined if you sell, supply or serve liquor on any licensed premises during restricted trading hours.



Top tips

When you start a new job in the liquor industry, check to see what licence conditions apply to your new workplace. The rules might be different to what you're used to.



More information

Learn more about statutory licence conditions for each licence type:

<https://www.liquorandgaming.nsw.gov.au/resources/licence-conditions>

The public licensing register shows the conditions imposed on a specific licence:

<https://www.onegov.nsw.gov.au/PublicRegister/#/publicregister/search/Liquor>

1.3. NSW regulatory authorities

Various authorities and organisations play a role in managing the liquor industry in NSW. This section explains the roles and responsibilities of these organisations and tells you where you can go for support, guidance and resources.



Meaning - Regulatory authority

In the context of RSA in NSW, a “regulatory authority” is one of three bodies who are involved with regulating the liquor industry:

- Liquor & Gaming NSW
- Independent Liquor & Gaming Authority
- NSW Police

1.3.1. Liquor & Gaming NSW

Liquor & Gaming NSW is responsible for the regulation of liquor, wagering, gaming, casinos, and registered clubs in NSW. It undertakes compliance, enforcement and licensing functions, and provides advice and support to the NSW Government.

Liquor & Gaming NSW also provides support to the Independent Liquor & Gaming Authority.

In practical terms, Liquor & Gaming NSW is responsible for decision making on licences, regulation, and enforcement of the NSW liquor laws, while the Independent Liquor & Gaming Authority determines the more complex licence applications and any disciplinary action.

Liquor & Gaming NSW is the government department you will probably have the most interaction with regarding your competency card. It provides a range of services, including:

- administering the RSA, Licensee and Advanced Licensee training framework
- managing the issue and renewal of competency cards
- conducting inspections on licensed premises, such as for responsible service, (assessing whether intoxicated patrons are being supplied with, or allowed to consume liquor) or minors (randomly checking some patrons for IDs)
- working with NSW Police to investigate complaints in licensed premises, including interviewing staff and reviewing or seizing records
- providing regular updates and education via monthly e-news and industry engagement through local liquor accord groups

Liquor & Gaming NSW Inspectors, together with the NSW Police Force share the responsibility for enforcing the liquor laws in the community. However, L&GNSW Inspectors have wide-ranging enforcement powers under the liquor laws similar to that of NSW Police and can enforce the liquor laws individually, or in consultation with the Police.

1.3.2. Independent Liquor & Gaming Authority

The Independent Liquor & Gaming Authority’s role is to promote fair and transparent decision making under the *Gaming and Liquor Administration Act 2007*. The Authority has functions under the NSW liquor laws relating to:

- determining contentious licensing proposals
- determining disciplinary action(s) taken against licensees and others
- reviewing certain decisions made on its behalf by Liquor & Gaming NSW.

In undertaking its statutory functions, the Independent Liquor & Gaming Authority must:

- ensure it is accessible and responsive to persons it deals with
- promote fair and transparent decision making
- promote public confidence in its decision making and the conduct of its members.

1.3.3. NSW Police Force

The NSW Police Force, along with Liquor & Gaming NSW Inspectors are responsible for enforcing the liquor laws in the community.

NSW Police also provide information that helps Liquor & Gaming NSW and the Independent Liquor & Gaming Authority make decisions on licensing applications. NSW Police have wide-ranging enforcement powers under the liquor laws and can:

- issue penalty notices for breaches of the liquor laws
- prosecute licensees, staff members or patrons for breaches of the law
- take disciplinary action against a licensee on certain grounds prescribed by the liquor laws
- impose short term closures of licensed venues to prevent serious alcohol-related problems escalating in a licensed venue
- investigate complaints about licensees and/or venues from the community and police. This may include interviewing staff, licensees, and reviewing or seizing of records.

Module summary

To recap, the key topics covered in Module 1: NSW liquor laws were:

- understand the meaning, purpose and importance of RSA
- outline the purpose and objectives of NSW liquor laws
- explain liquor licence requirements, and
- identify the role and purpose of NSW liquor regulatory authorities.

Module 2: Intoxication

As someone practising the responsible service of alcohol, you play a major part in reducing the harms and disturbances that can result from intoxication. Your actions can help to promote a safe workplace for colleagues, an enjoyable environment for customers and safer neighbourhoods. Happy and well-served customers are more likely to return, are good for business, and in turn for you and your colleagues.

Module 2 key topics

Module 2 covers the following key topics:

- defining and assessing intoxication
- recognising your responsibilities in relation to intoxication under NSW liquor laws
- the techniques that help you form a judgement about whether a person is intoxicated
- demonstrating familiarity with skills to help you prevent intoxication
- identifying when and how to refuse service of alcohol and/or entry to a venue in a responsible manner

2.1. Law relating to intoxication

2.1.1. What does the law say?

The NSW liquor laws prohibit the sale and supply of alcohol to intoxicated persons. It is unlawful for you to sell or supply liquor to an intoxicated person on licensed premises or via home delivery. It is also unlawful to permit intoxication on a licensed premises.

Licensed premises other than a vessel:

If an intoxicated person is on a licensed premises, it is considered that the licensee has permitted intoxication unless they – or you as a frontline staff member – can prove:

- the person was refused further service of liquor
- they asked the intoxicated person to leave the premises, and
- they contacted, or attempted to contact, the police for assistance in removing the person from the premises

OR

- you took the steps set out in Liquor & Gaming NSW's Prevention of intoxication on licensed premises guidelines.

OR

- the intoxicated person did not consume liquor on the licensed premises.

On a vessel:

If an intoxicated person is on a vessel to which an on-premises licence applies, it is considered that the licensee has permitted intoxication unless they – or you as a frontline staff member – can prove:

- the person was not intoxicated when the person boarded the vessel

- the person was refused further service of liquor
- they contacted, or attempted to contact, the police for assistance in removing the person from the vessel, and
- if they contacted the police for assistance, they followed the police officer's instructions.

OR

- you took the steps set out in Liquor & Gaming NSW's Prevention of intoxication on licensed premises guidelines in relation to a vessel.

OR

- the intoxicated person did not consume liquor on the vessel.



More information

See the Prevention of intoxication on licensed premises guidelines that have been developed by Liquor & Gaming NSW. The guidelines contain practical steps to manage and reduce the risk of intoxication on licensed premises:

<https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4002-prevention-of-intoxication-on-licensed-premises-guidelines.pdf>

2.1.2. What does this mean for you?

You have a legal responsibility to assess and prevent intoxication while working in a licensed premises in NSW.

Not only can serving alcohol to an intoxicated person result in potential harms, permitting intoxication can result in you, your manager and/or the licensed premises being penalised.

2.1.3. Penalties for serving an intoxicated person

Significant penalties can apply if you sell, supply or serve liquor to an intoxicated person in NSW, including:

- an on-the-spot penalty notice of \$1,100
- court-imposed fines of up to \$11,000 for individuals or \$27,500 for corporations
- higher annual licence fees for the licensee and even the suspension, or cancellation of a licence
- it is also an offence for **other patrons** to supply alcohol to an intoxicated person, with a maximum fine of \$1,100 applying.



Top tips

If an intoxicated customer is hassling you to serve them a drink, the law won't show you any leniency if you give in. You will be fined for serving an intoxicated person no matter how persistent they are.

Use this to your advantage. You can say something like, "It's not my call– it's the law. I can get a huge fine and lose my job if I serve you." This shows them that it's out of your hands.

2.2. Assessing intoxication

The **Intoxication Guidelines** have been developed to assist you to determine whether or not a person is intoxicated. They provide detailed guidance on what to look out for if you believe someone is intoxicated as a result of alcohol, and what to do in this situation.

Let's start by taking a look at what intoxication is and how to assess it.

GL4003 Intoxication Guidelines. <https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4003-intoxication-guidelines.pdf>

2.2.1. What is intoxication?



Meaning - Blood alcohol concentration

Blood alcohol concentration or BAC is a measurement of the amount of alcohol in a person's body and is measured in grams of alcohol per 100ml of blood.

When alcohol is consumed, it is absorbed into the blood stream. Blood alcohol concentration or BAC is a way of measuring the amount of alcohol in a person's body. A BAC of 0.05 is equal to 50mg of alcohol per 100 ml of blood.

A person's BAC levels will start to rise as soon as they start drinking alcohol and will reach its highest level about 30-60 minutes after they stop drinking.

When alcohol flows to the brain, it dampens your arousal, motor and sensory centres, affecting coordination, speech, cognition and the senses. The first adverse effect of alcohol consumption is the loss of inhibitions and fine motor skills. When a person's ability to think or act appropriately is lost due to alcohol consumption, they can be considered intoxicated.

The immediate effects of alcohol on the brain are often less apparent in people who drink regularly, as they display a degree of tolerance.

Tolerance means that more alcohol needs to be consumed before its effects are felt. Tolerance occurs because the liver becomes more efficient at breaking down alcohol. Despite this tolerance, the long-term effects remain damaging, particularly as the drinkers who have greater tolerance for alcohol are those who subject themselves to higher blood alcohol levels more frequently.

Sobering up, or reducing blood alcohol concentration, takes time. Nothing can speed up this process – not fresh air, exercise, coffee, vomiting or cold showers.

Approximately 10% of alcohol leaves the body via the breath, sweat and urine. Most alcohol is broken down by the liver, which can only eliminate about one standard drink per hour.



Picture this

You've been catching up with a couple of friends at the pub on a Friday evening. It's late and you're getting ready to head home. Your friends head to the bathroom while you stay at the table and text your partner.

Two young men come into the beer garden. They are arguing loudly about something. Or maybe they're agreeing – it's hard to tell the difference. As they pass you, one of them says, "Who do ya reckon's better? Chris or Liam?"

You don't want to engage with him, so you just shrug and keep texting. He leans in close and says, "Oy! I asked you something. What's your problem!?"

The man is showing signs of intoxication and aggression. You don't want any trouble, but he really didn't like being ignored...

These are the kinds of situations which can arise when people become intoxicated. You wouldn't want to be caught in it yourself, so as an RSA worker you should try to prevent situations like this from occurring for your colleagues, customers and the community.

While you can't stop everyone from behaving badly, you can help prevent intoxication, which is the cause of the majority of assaults and neighbourhood disturbances.

2.2.2. NSW definition of intoxication

Each state and territory has slight differences in their legal definitions of intoxication.



Meaning - Intoxication

In NSW, a person is considered intoxicated if:

- their speech, balance, coordination, or behaviour is noticeably affected, and
- it is reasonable, in the circumstances, to believe that the affected speech, balance, coordination, or behaviour is the result of the consumption of alcohol.

2.2.3. Reasonable belief

The law requires you to form a "reasonable belief" that a person is intoxicated as a result of alcohol consumption. You should refuse service to a person on the basis of this belief, even if you are wrong.



Meaning - Reasonable belief

In NSW, reasonable grounds for a belief that a person is intoxicated are what a reasonable person would believe in the circumstances, taking into account the relevant knowledge and facts presented.

You should be sure of your reasons for refusal of service and these reasons should not be discriminatory, for example due to race, sex, or disability. A person has the right to take the matter to the Anti-Discrimination Board if they feel they have been subjected to discrimination.

Forming a reasonable belief about whether or not someone is intoxicated can come from many sources, including:

- monitoring the amount and type of alcohol a person or group have consumed
- monitoring the person's behaviour and emotional state
- talking to the person and their friends
- getting a second opinion from workmates or supervisors.

2.2.4. Signs of intoxication

To help you decide whether someone is intoxicated, ask yourself:

- does the person smell of alcohol?
- how long has the person been drinking?
- when did the person enter the premises?
- was the person affected by alcohol when they arrived?
- what type of alcohol has been consumed?
- how much alcohol have you seen the person drink?
- has the person been eating?
- is there another reason they are showing signs of intoxication?



RSA video – identifying an intoxicated person

This training scenario video shows some of the signs of an intoxicated person:

<https://www.youtube.com/watch?app=desktop&v=0QvYhAmrvjw&feature=youtu.be>

The effects of alcohol and the signs of intoxication will be different for each person, but there are common signs and indicators that you can watch out for.

These symptoms or signs are not exhaustive, and not necessarily conclusive of intoxication.

Speech			
<ul style="list-style-type: none"> • slurring words • rambling or unintelligible conversation 	<ul style="list-style-type: none"> • incoherent or muddled speech • loss of train of thought 	<ul style="list-style-type: none"> • not understanding normal conversation 	<ul style="list-style-type: none"> • difficulty paying attention
Balance			
<ul style="list-style-type: none"> • unsteady on feet • swaying uncontrollably 	<ul style="list-style-type: none"> • staggering • difficulty walking straight 	<ul style="list-style-type: none"> • cannot stand, or falling down • stumbling 	<ul style="list-style-type: none"> • bumping into or knocking over furniture or people
Coordination			
<ul style="list-style-type: none"> • lack of coordination • spilling drinks 	<ul style="list-style-type: none"> • dropping drinks • fumbling change 	<ul style="list-style-type: none"> • difficulty counting money or paying • difficulty opening or closing doors 	<ul style="list-style-type: none"> • inability to find one's mouth with a glass
Behaviour			
<ul style="list-style-type: none"> • rude • aggressive • belligerent • argumentative • offensive • bad tempered 	<ul style="list-style-type: none"> • physically violent • loud / boisterous • confused • disorderly • exuberant 	<ul style="list-style-type: none"> • using offensive language • annoying / pestering others • overly friendly • loss of inhibition 	<ul style="list-style-type: none"> • inappropriate sexual advances • drowsiness or sleeping at bar or table • vomiting • drinking rapidly



More information

Liquor & Gaming NSW have created the Intoxication Guidelines to help you determine whether or not a person is intoxicated, and to provide guidance on what to do if there are reasonable grounds to believe that the person is intoxicated as a result of alcohol consumption.

<https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4003-intoxication-guidelines.pdf>

2.2.5. Erratic drinking patterns

Erratic drinking patterns are indicators that a person or group are becoming intoxicated.

Picking up on these signs and acting on them early can help to prevent intoxication and reduce the risk of harm to the affected customers and those around them.

Common erratic drinking patterns include:

- mixing a wide range of drink types
- drinking quickly and in quick succession

- ordering more than one drink for own consumption
- mixing alcohol with prescription or illicit drugs
- ordering multiple shots or extra-large drinks
- ordering multiple samples or large samples
- consistently returning to a tasting site to request more samples.

It is important that you actively watch out for erratic drinking patterns and take appropriate action to encourage responsible drinking.

We will cover ways that you can approach customers to encourage responsible drinking and preventing intoxication later in the guide.



RSA video – erratic drinking behaviours and preventing intoxication

This training scenario video demonstrates how to identify erratic drinking behaviours and slow down service:

<https://www.youtube.com/watch?app=desktop&v=7izzcaOqcqc&feature=youtu.be>

2.2.6. Alcohol and other drugs or medications

Alcohol belongs to the depressant category of drugs because it affects the central nervous system and causes it to function in a different way.

Combining alcohol with any other drug can be dangerous. The negative effects of one drug may be greatly increased by the other. Combining alcohol and other drugs can also reduce the effectiveness of medications such as antibiotics.

Mixing alcohol with other drugs that act as a depressant e.g., sleeping pills, heroin and cannabis, can:

- make it harder to think clearly
- make it harder to coordinate movement
- compound the risk of fatal respiratory failure.

Certain drugs, such as stimulants, may mask the effects of alcohol and cause a person to feel that they're not intoxicated. This can place them at risk of injury as they may feel overconfident and not realise, they are intoxicated.

If you think that someone has been affected by drugs, you should consider whether to stop serving them alcohol immediately. A person who has taken prescription or illicit drugs may exhibit erratic behaviour that is not directly related to the consumption of alcohol.

Illicit and illegal drugs can have an unwanted effect on health and behaviour. However, you must also consider that many people are prescribed drugs for conditions such as heart complaints, blood pressure and pain relief, which can also have adverse effects if mixed with alcohol.

2.2.7. Conditions that exhibit similar signs to intoxication

Before you refuse service to someone on the basis they may be intoxicated, you should try to determine whether they have a medical condition or disability that is causing signs or symptoms similar to intoxication. These include:

- acute infections
- acquired brain injury
- brain trauma/tumours
- diabetes/hypoglycaemia
- epilepsy
- head injuries
- pneumonia
- seizures and post-seizure states
- stroke.

These are examples only.

Remember that you must comply with the *NSW Anti-Discrimination Act 1977* and Commonwealth discrimination laws when assessing intoxication.

If the person has a medical condition or disability, it is likely that they or their friends will be able to tell you. However, you must always be conscious of and sensitive to a person's right to privacy.



Top tips

Determining whether someone is intoxicated, affected by drugs (illicit or prescribed), or has a physical or intellectual disability can sometimes be challenging. While being sensitive to their right to privacy, their friends might be able to tell you if they have a medical condition or disability. Either way, if you observe them drinking alcohol, it could be reasonable to form a belief that they are intoxicated due to alcohol consumption if they are showing the signs of intoxication.

So long as you are not being discriminatory, it is alright to form the belief that someone is intoxicated due to the effects of alcohol even if you are wrong.

If a person who has or may have a pre-existing medical condition has been drinking, it may still be reasonable to form a belief that they are intoxicated as a result of alcohol consumption. In this case, you should follow the appropriate refusal procedures that are in place within your venue.



More information

There are training courses on disability awareness which can help you better determine whether the signs you see are due to intoxication or a disability.

2.2.8. Drink spiking

Drink spiking is when someone deliberately adds alcohol or another drug to someone's drink without their knowledge.⁴ This can lead to negative consequences such as assault.

It is important to be aware of signs that someone's drink has been spiked. These include the person:

- feeling dizzy or faint
- feeling ill or sleepy
- feeling drunk even if they've only consumed a small amount of alcohol
- appearing incoherent and confused.

These signs may be similar to intoxication, so it is important to talk to the affected person to ensure you understand the situation and manage it appropriately.

Below are some tips to help prevent drink spiking and ensure that patrons can drink safely on your premises:

- Monitor the environment and report any suspicious behaviour to your manager.
- Remove unattended glasses from the bar area and surrounds, as well as other areas like bathrooms.
- Respond to requests for assistance from patrons who report feeling unsafe. Take them to a secure part of the premises and let your manager know. Assess the situation and work out the best course of action.
- Trust your instincts – if something feels wrong but you're unsure how to manage the situation, report it to your manager.

Keep a list of local services handy for quick reference in the event of a drink spiking. These can include:

- Triple Zero (000)
- Police Assistance (131 444)
- Crime stoppers (1800 333 000)
- Your local Police station's direct number: Ph:
- Local taxi services
- Counselling services 1800RESPECT

2.3. Preventing intoxication

You have important obligations to ensure that alcohol is served responsibly on licensed premises to help minimise alcohol-related harms.

By supporting responsible consumption and preventing intoxication, you can lower the risk of alcohol-related violence and help to promote a safe venue or event for customers, colleagues, neighbours and yourself.

2.3.1. Steps to prevent intoxication

⁴ Alcohol and Drug Foundation, 2019. Drink spiking. <https://adf.org.au/insights/drink-spiking/>

The steps you must take to prevent intoxication on licensed premises as set out in Liquor & Gaming NSW's Prevention of intoxication guidelines are:

1. selling, supplying and promoting liquor responsibly
2. monitoring liquor consumption and patron behaviour
3. implementing harm minimisation measures, and
4. planning to prevent intoxication on licensed premises.

While implementing the steps in the guideline is not mandatory, it is recommended. Following the steps can help you provide evidence that you have minimised the risk of intoxication and that intoxication was not permitted on the licensed premises.

Because liquor is sold in a diverse range of circumstances, you should also consider whether other measures – in addition to the steps outlined in the guidelines – are needed at your premises or event to minimise the risk of intoxication. Your workplace's policies should provide you with procedures to follow to help prevent intoxication.



More information

Click here to download a copy of the Prevention of intoxication on licensed premises guidelines. The guidelines contain practical steps to manage and reduce the risk of intoxication on licensed premises:

<https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4002-prevention-of-intoxication-on-licensed-premises-guidelines.pdf>

2.3.2. Provide accurate information to customers

Providing accurate information to customers enables them to make informed decisions about what they consume.

When you are serving alcohol on licensed premises, you'll be able to use your RSA knowledge to provide accurate information to customers, including:

- what the law says
- the responsible hospitality practices that are in place within your workplace
- the types, strengths, standard measures and alcoholic percentages of a range of alcoholic beverages.

You can provide this information to the customer:

- while you're speaking with them
- by referring them to the relevant signs displayed on the premises
- by giving them a copy of the information, like a standard drinks fact sheet.

2.3.3. Standard drinks

The concept of a standard drink enables people to keep track of how much alcohol they are consuming. While different drinks contain varying amounts of alcohol, one “standard drink” always contains 10 grams of pure alcohol.



Meaning - Standard drink

In Australia, a “standard drink” is any drink containing 10 grams of pure alcohol, regardless of the container size or type of alcohol.

The strength of a drink is measured by how much alcohol (or ethanol) is present, and it is represented as a percentage. For example:

- beers can have a strength of 2.7% to 4.8%
- wines typically have strengths ranging from 11.5% to 13%
- fortified wines, such as sherry and port, can typically have a strength around 17.5%
- spirits such as scotch, rum, bourbon and vodka have strengths in the range of 40%.

So, different amounts of each type of drink equate to one standard drink, such as:

- a 375ml glass of mid-strength beer is generally one standard drink
- a 100ml serve of white wine is generally one standard drink
- a 30ml serve of a high strength spirit is generally one standard drink.

One Standard Drink



It is important to remember that one standard drink is not the same as a standard serve or glass-size. For example:

- a glass of wine is often sold as a 150ml serving but one standard drink of wine is 100ml, therefore a standard serving of wine would equal 1.5 standard drinks
- cocktails usually contain multiple shots of different spirits. A cosmopolitan cocktail that contains 60ml of vodka and 30ml of Cointreau would equal 3 standard drinks
- most ready-to-drink bottles or cans of mixers or boutique beers contain more than one standard drink. Check the packaging for accurate information

All cans, bottles, and casks of liquor sold in Australia must state the number of standard drinks they contain and the percentage of alcohol on the container.



Your workplace may use a measuring instrument for pouring spirits, however, this is not legislated in NSW unless it is a specific condition of the liquor licence. However, measuring alcohol rather than free pouring will ensure accurate alcohol content.



More information

The Australian Government standard drinks guide can be used to help identify how many standard drinks have been consumed.

<https://www.health.gov.au/health-topics/alcohol/about-alcohol/standard-drinks-guide>

2.3.4. Know your customer

In most licensed premises, you have a good idea of how your regulars behave to help you to make a balanced assessment of whether or not they are intoxicated. Other than the erratic drinking patterns outlined earlier, you should also consider:

- whether your customer has had a change in their life – death in the family, birthday, celebration
- whether your customer was affected by alcohol when they arrived
- whether your customer smells of alcohol
- the length of time they have been drinking
- whether your customer has a medical condition or disability
- your customer's physical size, fitness, and gender
- whether your customer has eaten a meal.

2.3.5. Early intervention

It is easier to prevent a person from becoming intoxicated than to refuse service to an intoxicated person.



Meaning - Early intervention

A proactive strategy where an RSA worker helps prevent a customer from becoming intoxicated by intervening early.

You can use a variety of strategies to prevent customer intoxication:

- be proactive and communicate with your customers
- monitor your customers and note changes in drinking behaviour
- keep an eye on high-risk areas in your venue or at your event, such as at vertical drinking bars, toilets, darkly lit or congested areas.

If you suspect someone is intoxicated but aren't sure, you could try starting a conversation to see if they show any further signs. For example:

- "How's your night going?"
- "Who are you here with?"
- "Have you been out for long?"
- "Have you been somewhere before here?"

If in doubt, notify your manager, RSA marshal and/or other staff.

2.3.6. Encourage responsible drinking

One of your key responsibilities in preventing intoxication is to encourage responsible drinking. You can do this by:

- providing information on the range of low or non-alcoholic beverages available on your premises
- providing information on standard drinks
- offering water free of charge, or offering food
- slowing down service, such as by asking patrons if they would like another drink rather than automatically refilling glasses.



Case study

"It was lucky no one had died following the drinking session..."

Five friends celebrating a birthday were served 86 glasses of strong liquor over a six-hour period. Some might have had more, some might have had less, but that's an average of 17 drinks each.

One lady became so intoxicated she was carried from the venue. In the early hours of the morning, she was found unconscious near a pool of vomit.

Another drinker was found by roadworkers, passed out in his own vomit in the middle of the street. The workers moved him to the footpath.

Both patrons were lucky not to have been injured or even killed.

After this event, the licensee received a range of penalties including a fine and stricter conditions on his liquor licence.

Serving a small group 86 glasses of liquor is a far cry from encouraging responsible drinking. This resulted in patrons requiring hospitalisation but could have resulted in death.

Encouraging responsible drinking is key to preventing alcohol-related harm and avoiding fines and penalties.

2.3.6.1 Free drinking water

A fundamental strategy to reduce alcohol-related harms on licensed premises is to provide free drinking water.

Where liquor is sold and supplied for consumption on premises, the law states there must be drinking water available for customers. It must be free of charge and available during all trading hours. To comply with this requirement, licensed premises can provide water:

- from a container at bar service areas
- by way of water coolers / fountains located at bar areas and throughout the venue, or
- by some other form of water dispenser.

Licensed premises that do not offer free drinking water to customers can face fines.

2.3.6.2 Non or low-alcohol beverages

It's also important to be aware of the range of non-alcoholic and low-alcohol beverages on offer in your licensed venue or at your event. You can offer these options to designated drivers, customers who ask for them, or to anyone showing early signs of intoxication.

Common non-alcoholic beverages can include:

- water
- soft drinks
- mocktails
- juices
- lemon, lime and bitters
- tea, coffee or hot chocolate

There is also an increasing range of low-alcohol beers, wines, and boutique drinks available on the market.

2.3.6.3 Food options

Drinking on an empty stomach can cause intoxication more quickly as there is nothing to absorb the alcohol. This allows the alcohol to enter the system more readily and the effects of the alcohol will happen more quickly.

If a person consumes alcohol faster than one standard drink per hour, their blood alcohol concentration (BAC) is likely to rise more rapidly.

Providing customers with a range of food options on the premises helps to slow down their alcohol consumption and potential intoxication.

In some cases, for example in a restaurant or café, the sale of alcohol is only for consumption on the licensed premises along with a meal (where the primary purpose of such on-premises licences is the provision of food). Such a meal must be considered 'substantial' and available at all times when liquor is sold, and of a nature and quantity consistent with the responsible sale, supply and service of alcohol.

2.4. Refusing service

If there are reasonable grounds for you to form a belief that someone is intoxicated as a result of alcohol consumption, you must refuse service to that person.

Under NSW law, the person must also be asked to leave the premises.

Your licensee, manager, and the venue or event will be held liable for the actions you do or don't take as an employee.

2.4.1. Identify customers to whom service must be refused

Under the NSW liquor laws, you must refuse alcohol service and ask someone to leave if they:

- are under the age of 18
- are intoxicated
- are disorderly or violent
- are smoking in designated smoke-free areas
- are in possession of a prohibited drug while on premises
- have been removed or barred from the premises or whose presence otherwise renders the licensee liable to a penalty under the Liquor Act.

You must also refuse alcohol service where alcohol appears to be purchased on behalf of a minor.

We will deal with minors in Module 3: Minors.

2.4.1.1 Troublesome or disorderly customers

Customers may be troublesome or disorderly for reasons other than intoxication. Behaviours that can affect staff, customers and the venue or event's reputation, or can lead to violence and injury, should not be tolerated and may include:

- obnoxious behaviour
- behaviour that poses a safety risk to the person or others
- physical and verbal acts of aggression or violence
- indecent acts
- harassment
- offensive actions.

2.4.1.1.1 Options to refuse service

Under both the liquor laws and common law, a number of options are available to deal with customers that must be refused service, including:

- refusing entry or removing a person at the time of an incident
- barring the person from the venue for an extended period of time
- barring the person from multiple venues for an extended period of time
- seeking a formal banning order against the person.

An intoxicated person cannot remain in the premises, and you cannot serve them. Both you and your manager, or the licensee, can be fined if an intoxicated person is permitted to remain on the premises.

A person can be refused entry to a licensed premises or as they attempt to purchase alcohol. Once refused entry or service, they must be asked to leave the premises. If the person refuses to leave the licensed premises, contact NSW Police. Bear in mind that you have a duty of care, which will be explained in section 2.4.5. Ensure the customer's safety.



More information

Learn more about refusing entry or removing patrons from premises:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/serving-alcohol-responsibly/ejecting-and-banning-patrons>

2.4.2. Work as a team

All staff have a role to play in ensuring RSA is practiced in your workplace and in creating an ambience that customers enjoy and feel safe in.

Good communication between staff, management and any security personnel can ensure everyone is aware of difficult customers or potentially difficult situations so any problems can be resolved before they escalate.

When monitoring or making a decision to refuse service and remove a customer, it's important to communicate with your colleagues. This keeps everyone in the loop and helps you provide a safe venue or event for customers and staff.

2.4.3. How to refuse service

It will become necessary to refuse service to a customer, or group of customers, at some stage during your career in the liquor industry. Each licensed business approaches this issue differently and will have different strategies.

There are, however, some basic steps that should always be followed. These include:

- follow your workplace policy – while all staff should be capable of and experienced in refusing service, the policy should detail staff and management responsibilities
- be respectful of the customer and avoid embarrassing them by being rude or abusive
- speak to the customer when they are on their own
- be calm but firm – don't give in and allow "one more for the road"
- advise other staff and security that service has been refused.

When you refuse service to a customer, it's important to be clear about what is happening, and also to remain respectful and polite throughout. This helps to prevent the situation from escalating. Some points to remember:

- be calm and courteous
- speak with a firm, confident voice that's not aggressive or raised – behaviour triggers behaviour so you can calm them down if you remain calm yourself
- customer service demands that staff respect their customers
- be polite. Tell it from your point of view:
 - “I’m sorry; if I served you another drink, I’d be breaking the law”
 - “I’m sorry; if I served you another drink, I could lose my job”
 - “I’m concerned about your safety”
- remember to focus on the behaviour, not the individual.

The following case study demonstrates the importance of having the knowledge and skills to appropriately refuse service to intoxicated customers. As part of your NSW RSA assessment, you must be able to demonstrate the procedure to refuse sale or service of alcohol to intoxicated customers using effective communication and conflict-resolution skills.



Case study

"Selling more alcohol to already intoxicated patrons is highly irresponsible and can have tragic consequences."

In January 2019, a 46-year-old man drinking at a NSW bowling club was denied service due to being intoxicated. He refused to go.

A staff member sold the man a takeaway beer as an incentive for him to leave. He drank it at the club. A little later, another staff member sold him more takeaway beer, this time outside legal trading times.

A short time after leaving the club, the man crashed into a power pole as he drove home. He died in the accident.

Allowing intoxication can have serious consequences on individuals, their families and the community as a whole.

It's not just a rule for the sake of a rule.

2.4.4. Steps to refuse service

You should follow these steps when refusing service:

- introduce yourself – tell them your name and your role and ask for their name
- approach the customer in a friendly and respectful manner. Patronising or authoritarian attitudes can evoke anger and make the person aggressive. This is a common response to threats to one's dignity. Try not to speak to the customer in front of others
- when talking to the person: use their name; use slow, distinct speech; use short simple sentences; avoid emotion and involved discussions; use appropriate eye contact (you may need to limit the amount for cultural reasons); and adjust speaking pace to match the customer
- give the clear, concrete statement that by law they cannot be served another drink
- point out appropriate signage where possible
- notify your manager or supervisor and security (if present). Also notify other staff that you have refused service to the person. If a shift change is nearing, notify the new staff

- give a clear instruction that the person must leave the premises. If necessary, guide them to the exit, ensuring that they have all their personal possessions.

You have a duty of care to customers you refuse service to, so make sure you offer appropriate assistance when you are removing them from the premises such as calling them a taxi or locating their friends.

If a situation is beyond the scope of your responsibility or poses a threat to customers or staff, you should get assistance from your manager or security personnel.



RSA video – refusal of service

This training scenario video shows some good (and bad!) ways to refuse service to someone who is intoxicated:

<https://www.youtube.com/watch?app=desktop&v=kzwrV3NdtM4&feature=youtu.be>

2.4.5. Ensure the customer's safety

When you refuse entry or remove a customer, you must ensure the customer is safe. Providing safe transport options to customers is an important element of harm minimisation.

Safe transport options, particularly late at night, should be promoted to customers to reduce the potential for drink-driving, violence, assault and sexual assault. Depending on the nature and location of the licensed premises, safe transport options can also reduce the potential for noise disturbances when customers leave the premises.

Safe transport options can include:

- courtesy buses – these show a commitment to customer safety and community amenity. It assists in reducing anti-social behaviour in the vicinity of the premises, especially late at night.
- taxis or uber rides – wherever possible, licensed premises should promote the use and availability of taxis and uber rides. Options include:
 - offering to call a taxi for customers
 - having a free phone available for customers to call a taxi
 - displaying signage
 - promoting taxi voucher schemes
- public transport – an effective option for licensed premises located close to public transport. This can be promoted by displaying timetables of local bus, train, metro and ferry services, and making announcements before the last trip of the night
- friends or family – offer to call a friend or family member to come and pick the customer up safely or order a uber ride.



2.4.6. Refused customers – their responsibilities

Customers who are refused entry or ejected from a licensed premises have responsibilities under the *Liquor Act 2007* and it's a good idea to inform them of these responsibilities.

If a customer has been refused service or refused entry, they must:

- leave the premises and vicinity immediately and stay at least 50 metres away
- not re-enter or remain in the vicinity for 6 hours
- not re-enter the premises for 24 hours.

Always ensure the customer leaves the premises. If they refuse to leave, you should contact police for their assistance in removing them from the premises. You or your manager should also record the incident in the venue's incident register as soon as possible.

Exceptions to the 50-metre vicinity rule include situations where the customer has a lawful excuse, such as:

- obtaining transport
- residing in the area
- fearing for their safety if they leave the vicinity.

The incident should be recorded in the incident register as soon as possible.

2.4.7. Fail to Quit

If a person refuses to leave or attempts to re-enter a premises after you have asked them to leave, they are committing an offence called "fail to quit." This can result in a \$550 penalty notice or a maximum court fine of \$5,500, which is a powerful disincentive for causing trouble.



Meaning - Fail to quit

Occurs when a person refuses to leave a licensed premises, stays within 50 metres of the premises or attempts to re-enter a licensed premises after being asked to leave.



Top tips

Pointing to a sign can help if you have a customer who refuses to leave. Seeing what staying around can cost them could be the encouragement they need to move on.

2.4.8. Barring and banning

If a customer has been removed or refused entry on multiple occasions or breaches house rules around intoxication or behaviour, licensees may be able to:

1. bar the customer for an extended period
2. bar the customer from multiple venues for an extended period of time, or
3. seek a formal banning order against them.

Strategies need to be in place within the premises that establish clear guidelines for acceptable and unacceptable behaviour and the consequences of unacceptable behaviour, for example, the barring terms.

Care must be taken to ensure that when you refuse someone entry or eject them from the licensed premises, either under the liquor laws or by common law, your actions are consistent with the *NSW Anti-Discrimination Act 1977* and Commonwealth discrimination laws.

Module summary

To recap, the key topics covered in Module 2: Intoxication were:

- outline the definition of intoxication and understand your responsibilities under NSW liquor laws
- assess a person and form a reasonable belief about whether the person is intoxicated
- use various methods to prevent intoxication
- refuse service and entry in a responsible manner.

Module 3: Minors

In general, the younger and smaller a person is, the less tolerant they are to alcohol. This means that minors are at a greater risk from the effects of alcohol. Additionally, puberty is often accompanied with risk-taking behaviours like binge drinking, dangerous physical activities, and risky sexual behaviour such as having unprotected sex.

This is why it's critical to be rigorous and proactive in your approach to preventing underage drinking.



Meaning - Minor

A minor is anyone under the age of 18 years.

Module 3 key topics

Module 3 covers the following key topics:

- recognising your responsibilities in relation to minors and preventing underage drinking under NSW liquor laws
- being equipped with tips and techniques to help you identify minors and prevent underage drinking
- being able to identify acceptable proof of identity and conduct thorough documentation checks
- following the correct procedure for dealing with false or misleading proof of identity documents

3.1. Laws relating to minors

3.1.1. What does the law say?

The NSW liquor laws refer to any person under the age of 18 as a minor. It is against the law for anyone to sell, supply or serve alcohol to a minor on licensed premises.

It is also against the law for anyone to obtain alcohol on behalf of a minor; this is known as “secondary supply” or “second-party sales”.

It is a serious offence to serve alcohol to a minor on a licensed premises and action can be taken against you as well as the premises and your manager.



Picture this

A young woman approaches you as you're heading to the shops. "Can you buy me some gin?" she asks. "You can keep the change."

She's asking you instead of just buying it herself for a reason: she must be underage.

You know it's against the law, but she looks sixteen or seventeen, so what's the difference? You take her money, pop into the liquor store and pick up the cheapest gin.

To be cautious, you take the young woman to the carpark, so no one sees you and pass her the gin. Moments after she leaves, a woman approaches you and shows you a badge. She explains that police had received a tip off that minors in the area had been trying to buy alcohol and police have since been monitoring the local liquor stores.

Before you know it, you're standing in the car park with an \$1,100 on-the-spot fine.

If you supply alcohol to a minor, it can lead to significant penalties.

It can also lead to harm. According to statistics from Police NSW, alcohol is a key factor in the three leading causes of death among adolescents: unintentional injury, homicide and suicide.⁵

Minors are far more susceptible to the harms of alcohol than adults. Is selling or supplying them with alcohol really worth the risk?

3.1.2. Statutory defence

There is only one statutory defence you could rely on for the offence of selling or supplying alcohol, or allowing alcohol to be sold or supplied to a minor:

- the minor was over 14 years of age, and
- they produced identification such as a driver licence, passport, Photo Card or Keypass identity card that could reasonably indicate that the minor was over 18 years of age.

3.1.3. What does this mean for you?

The law affects you directly as you personally have a legal responsibility to prevent minors from being sold or served alcohol on licensed premises.

In addition to legal and ethical considerations and the potential harm you could cause, you could receive a fine or lose your job and source of income if alcohol is served to a minor.

3.1.3.1. Penalties for serving minors

Significant penalties can apply if you sell, supply or serve liquor to a minor in NSW, including:

- an on-the-spot penalty notice of \$1,100
- court-imposed fines of up to \$11,000 for individuals or \$27,500 for corporations

⁵ See: https://www.police.nsw.gov.au/crime/drugs_and_alcohol/alcohol/alcohol_pages/alcohol_and_young_people

- 12 months' imprisonment
- the suspension or cancellation of a liquor licence.

3.1.4. When is a minor allowed inside licensed premises?

Minors can enter and remain in most types of licensed premises in NSW, though some restrictions apply to hotels, clubs, nightclubs and small bars. Ensure you understand when and where a minor can be in your licensed premises.

Licence Type	Condition
Hotels	Minors cannot access bar areas and gaming machine areas.
Exceptions	Hotels may have pre-approved authorisation areas where minors are allowed in the company of a responsible adult , for example, bistros, beer gardens and lounge areas. These are called "minors area authorisations." Minors are allowed in a hotel's dining area, so long as that area is always used primarily for the consumption of meals at tables.
Registered clubs	Minors cannot enter or remain in bar areas and gaming machines areas.
Exceptions	Minors are allowed in club dining areas and any part of a club's premises where a non-restricted area authorisation is in force, but they must be in the company of a responsible adult. Clubs can also have a club functions authorisation which allows minors to attend functions such as weddings or cultural activities in certain parts of the club's premises. Clubs may also have a junior members authorisation that allows under-18s club members to access otherwise restricted areas to allow participation in sporting activities or sports-related prize-giving ceremonies.
Additional exceptions for hotels and registered clubs	There are exemptions that may apply for a minor being in an unauthorised area in a licensed premise unless they are in the company of a responsible adult, for example: <ul style="list-style-type: none"> • minors performing in a bar area • minors travelling through a bar area • apprentices and trainees.
Nightclubs (Now called public entertainment venues)	Minors cannot ordinarily be in a nightclub that operates under an on-premises licence.
Exception	There is an exception for minors to be able to enter and remain in a nightclub if they are in the company of a responsible adult.
Small bars	From 11 December 2020, small bars that regularly provide meals between their opening time and 10pm are able to allow minors during these times in the company of a responsible adult. Small bars can also apply to the Independent Liquor & Gaming Authority for a minors authorisation to allow minors on the premises in the company of a responsible adult, if – <ul style="list-style-type: none"> • they regularly provide meals between their opening time and 10pm, and want to allow minors on their premises during their extended trading hours between midnight and 5am, or • don't regularly serve meals but want to allow minors on their premises in the company of a responsible adult between the opening time and midnight. Appropriate signage must be displayed on premises allowing minors inside at all times

3.1.5. Who is a responsible adult?

Minors are allowed on licensed premises with a responsible adult. It is essential that you understand the definition of a responsible adult.



Meaning - Responsible adult

A responsible adult is an adult who is:

- a parent, stepparent, or guardian of the minor, or
- the minor's spouse or de facto partner

A guardian could include a relative such as a grandparent or an aunt/uncle, or a person nominated to act as guardian.



Ask yourself

Emily is 17 years old. She is with her boyfriend Jake, who is 21 years old. Emily and Jake want to listen to live music at the local pub. Jake has suitable ID and is able to get into the venue without any issues. Emily does not have identification.

Is Jake able to act as Emily's 'responsible adult'?

3.1.6. Secondary sales/supply

It is unlawful to buy or obtain alcohol on behalf of a minor on a licensed premises. Second-party sales occur when a person purchases alcohol on behalf of a minor. It is often difficult to detect a second party sale. Therefore, care must be taken by staff to identify potential second party sales to prevent alcohol being supplied to minors:



Meaning - Secondary sales, second-party sales or secondary supply

When alcohol is purchased on behalf of a minor.

- be aware of people at a bar or liquor store who might be purchasing for others
- watch for minors hanging around outside licensed premises, especially liquor stores
- have security or floor staff monitor areas that are out of sight of the service points
- take wine glasses away from minors at a dining table in a restaurant
- do not allow minors to be served liquor, even by their parents
- keep in mind that some food dishes have alcohol in them.

In NSW, parents and guardians cannot give permission for alcohol to be served to their underage children on licensed premises. Care must be taken to ensure that minors, including those in the company of a responsible adult, are not supplied alcohol on licensed premises.

3.1.6.1 Penalties for secondary supply

If a person supplies alcohol to a minor – either on licensed premises or elsewhere – they are committing an offence which can attract fines of up to \$11,000 and/or 12 months' imprisonment, or a \$1,100 penalty notice.

A valid defence of second-party supply is when the person who sold or supplied alcohol to a minor is the minor's parent or guardian, or someone who has been authorised by the minor's parent or guardian to sell or supply alcohol to them.

However, this defence never applies if you sell, serve or supply alcohol to a minor on licensed premises.

3.2. Monitoring and preventing underage drinking

The first step to preventing underage drinking is to prevent unauthorised minors from entering the licensed premises.

This is the responsibility of security or door staff in the first instance, but it is also the responsibility of any member of staff who sees a customer entering the premises if you have any doubts about their age.

It is up to you to ensure a customer is genuinely over the age of 18. Identifying a minor might sound easy but estimating or judging someone's age is not an accurate or safe strategy. The only way to be sure you are not permitting a minor to enter the premises is to conduct a thorough inspection of their proof of age identification.

If you are serving alcohol and haven't personally seen a customer's ID, and you have suspicions they are underage, ask to check their ID yourself. Do this even if security checked ID at the door or if the customer says they've already been checked.

3.2.1. Proof of age

It is critical that venues focus on properly checking proof of age documents to prevent minors from accessing alcohol. A vigilant underage strategy should include:

- requiring any person appearing under 25 years of age to produce proof of age ID
- requiring close scrutiny to check the authenticity of the ID
- only accepting forms of ID recognised by NSW liquor laws
- requesting a second form of ID when in doubt.

3.2.1.1 Acceptable proof of age documents

Evidence of age documents must be current and include a photograph of the person as well as the person's date of birth.

Acceptable evidence of age documents in NSW are:

- a driver or rider licence issued by an Australian State or Territory or any foreign country
- Australian passport or a foreign passport
- NSW Photo Card issued by Roads and Maritime Services (RMS) NSW
- proof of age card issued by a public authority of the Commonwealth or of another Australian state or territory for the purpose of attesting to a person's identity and age
- Keypass (over 18) identity card issued by Australia Post.
- Australia Post digital ID (from 18 January 2021)

The NSW Photo Card is available to people aged 16 and over so take extra care when checking it.

Security features for driver licences for persons under 18 years include:

- date of birth repeated in background
- photo will appear in a red box
- the date of the cardholder's 18th birthday will appear in the top left-hand corner.



RSA video – ID checks

This training scenario video demonstrates how to check evidence of age documents and secondary ID:

<https://www.youtube.com/watch?app=desktop&v=3xnJVbkL8KE&feature=youtu.be>

3.2.2. Checking customer ID thoroughly

It is important to conduct thorough checks to verify a customer is over 18 and can legally remain on the licensed premises. Here are some tips for identifying a genuine proof of age document:

- make sure you are in a well-lit area or have a flashlight available
- don't inspect the ID through the window face of a wallet – ask the person to remove it
- take the document from the customer and take your time examining it
- make sure the document includes a hologram or other security feature
- compare the photo with that of the person presenting the document, paying attention to distinguishing facial features to check that they match
- feel around the photo, birth date and edges of the card – an ID that has wrinkles, bumps or air bubbles could indicate the document has been altered
- calculate that the date of birth on the document does in fact confirm the person is at least 18
- use a UV/black light if you have one to help identify false or altered IDs
- remember that photo cards, driver licences, Keypass and passports can be issued to persons under 18 years of age.

If you want further verification, you can ask questions which might catch out someone who is using a fake or borrowed/stolen ID. For example:

- do you live on a street or a road?
- can you spell your middle name?
- what year did you finish high school?
- what is your star sign?

If the card has a signature, have the person sign a piece of paper and check if the signatures match. If you're still unsure, ask the person for a secondary identification.

It is often best practice to request secondary ID if you're still not convinced the customer is who they say they are. Secondary ID could include:

- corporate/school/work ID card
- bank or credit card
- Medicare card.



Top tips

Don't wait for the problem to come to you. If you suspect a customer in the licensed premises you're working at to be underage, ask for their ID even if they've already been checked. You might catch someone who snuck their way in.

3.2.3. Checking a Digital Driver Licence

Customers might choose to present a NSW Digital Driver Licence, so it's important you know how to check these. Here are a few tips:

- ensure the customer is logged on to the Service NSW app
- swipe down to refresh the screen
- tilt the phone – the waratah hologram should move around
- a watermark of the customer's licence photo should be underneath their address.

If you have any issues with the above and you suspect the customer is displaying a genuine NSW Digital Driver Licence, you should ask to check another form of ID.



3.2.4. False ID procedure

It is against the law for a person to represent themselves as being 18 years old with false identification and have the intent to enter a licensed premises or to be supplied with alcohol.

In NSW, if you are shown a fake ID, you will need to:

- refuse admission to the person, and
- contact the police to report the fake ID.

You may *not* confiscate an ID if you suspect it is false or being used fraudulently. Only NSW Police and certain government agency employees can confiscate ID.

3.2.5. Refusing alcohol service to minors

Sometimes minors may make it into a licensed premises or in areas that they are not authorised to enter. Here are the steps you can take to verify a person in the premises is a minor and how you can remove them:

Step	Action
Step 1 - Be alert and proactive	Regularly monitor the venue inside and out. If there is a group of young people who are underage loitering, a quiet word will often be enough to send them on their way.
Step 2 - Stand your ground	Inform the minor that the liquor laws prevent the sale of alcohol to them as a minor. Refusal may be embarrassing, so be tactful and professional.

Step 3 - Avoid blame	Politely emphasise your legal obligations when refusing to serve someone or not allowing them into the venue or event. If asking for ID to establish a person's age, let them know it is the venue's policy to make this request of customers.
Step 4 - Ask for evidence of age	If you suspect someone of being underage, politely ask for ID. To be sure, you should request anyone who looks 25 years or younger.

3.2.6. Schoolies

Celebrating the end of school, HSC exams and Year 12 is known as 'Schoolies' or 'Schoolies week' and occurs in late November to the middle of December. Across NSW, young people flock to key areas around the State to celebrate this milestone. For licensed premises, this can be a challenging time, as alcohol is often part of the celebrations.



Meaning - Schoolies

A tradition wherein high school graduates go on a week-long holiday after their final exams.

Schoolies hot spots in NSW in 2019 included:

- Byron Bay
- Port Macquarie
- Foster
- Port Stephens
- Newcastle
- Sydney's Northern Beaches
- Mollymook.

Diligence and teamwork are critical during this potentially risky period. Beyond the usual measures, which should always be in place, staff can minimise harm and underage drinking by:

- always requesting a secondary form of ID
- giving customers a stamp or wristband once ID is checked
- being aware of fake ID trends
- adding extra security staff
- employing RSA Marshals
- making sure liquor promotions aren't attractive to young people
- ensuring staff are trained before the high-risk period and that there is regular communication during the period
- having a plan in place to minimise drink spiking or other predatory activities in and around your venue or event.

Module summary

To recap, the key topics covered in Module 3: minors were:

- understand the NSW liquor laws that relate to minors and your responsibilities under them
- request acceptable proof of age identification and conduct thorough documentation checks
- prevent underage drinking, including second-party sales.

Module 4: Harm minimisation strategies and approaches

Harm minimisation is at the core of the NSW liquor laws. As well as the laws themselves, which were designed with harm minimisation in mind, there are a range of voluntary strategies which are considered best practice in reducing alcohol-related harms.

In this module, we will explore some of the mandatory and voluntary initiatives to help you understand why they're important and how they minimise harm. We will also cover what *you* can do in your workplace.

By ensuring harm minimisation measures are in place and you always practise responsible service, you help create a safe, fun and sociable environment where customers want to return and where you want to work.



RSA case study video – Your role in harm minimisation

This short case study video explores the topic of harm minimisation in NSW and the role you as an RSA frontline worker can play in it:

<https://www.youtube.com/watch?app=desktop&v=XRYUMOC-Pv4&feature=youtu.be>

Module 4 key topics

Module 4 covers the following key topics:

- identifying mandatory harm-minimisation requirements for licensed businesses
- describing voluntary strategies that might be tailored to the business where you work.

4.1. Mandatory strategies to minimise harm in NSW

We will start by exploring the mandatory harm minimisation strategies in NSW. These include:

- mandatory training
- trading hours
- signage
- advertising and promotion
- remote sales.

4.1.1. Mandatory training

Training helps to ensure staff are aware of their responsibilities, potential penalties, and policies and practices specific to their workplace.

Your training must be done through a provider who is approved by Liquor & Gaming NSW. Depending on your role, you will need to undertake the following training:

Role	Training
Selling, serving or supplying alcohol	National Provide Responsible Service of Alcohol (RSA - SITHFAB021) along with the NSW Responsible Service of Alcohol (RSA) training.
Working with gaming machines	National Provide Responsible Gambling Services (SITHGAM022) along with the NSW Responsible Conduct of Gaming (RCG) training.
Making same day alcohol deliveries to retail customers in NSW	Responsible Supply of Alcohol Training (RSAT) course and L&GNSW online knowledge assessment.
To be a licensee, approved manager or club secretary of most licence types	NSW Licensee training, and, for some licensed premises that operate in a potentially higher risk environment such as after midnight, the NSW Advanced Licensee training.
For roles such as gambling floor managers and supervisors in hotels and clubs, and club secretaries	Voluntarily complete the Advanced Responsible Conduct of Gambling course.

Effective training:

- helps you to understand your roles and responsibilities under the NSW liquor laws
- helps you to learn the practical skills behind RSA and harm minimisation
- leads to a safe environment for you, other staff and customers.

You will also undertake additional training in your workplace. This might be:

- an induction session before starting your first shift, to learn about the business and specific requirements of their responsible hospitality practices
- regular staff meetings to discuss issues and incidents, provide current information, review policies, and encourage teamwork
- regular refresher training to keep up to date
- practical tips and training ahead of high-risk periods or events such as schoolies, big sport or racing events etc



More information

You can use the Liquor & Gaming NSW training selector tool to check your training requirements:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/training-to-work-in-the-industry/getting-trained/licensee-and-advanced-licensee-training>

4.1.2. Trading hours

All liquor licences in NSW have approved liquor trading hours, which is when a licensee is permitted to sell, serve or supply liquor. Liquor trading hours for most types of liquor licence include a standard trading period plus any extended trading granted by the Independent Liquor & Gaming Authority.

The standard trading period for most clubs, hotels, standard bars, restaurants, cafes, nightclubs, producer/wholesalers, theatres, cinemas, motels, sporting facilities, tourist venues, universities, colleges, airports, and licensed caterers is:

- Monday – Saturday: 5am – midnight
- Sunday: 10am – 10pm

Hours of operation can vary for public holidays – see the table on the following page.

Never make exceptions and serve customers after your closing time, as you would be breaking the law.



Top tips

Keep a close eye on the time towards the end of trading hours. Serving alcohol to a customer after close can result in serious penalties. You could set an alarm close to closing time on your phone if you might get distracted from checking the time.

4.1.2.1 Staffies

Venues are allowed to have “staffies” drinks for a maximum of two hours after the cease of trading on any day of the week.

This applies to staff and anyone providing services or entertainment on the premises immediately before cease of trading. Staffies enables workers to wind down and socialise with their colleagues in a relaxed environment at the end of their shifts. Bear in mind that not all venues have staffies, but if yours does, it’s important to always follow your organisation’s procedures.

4.1.2.2 Small Bars

From 30 April 2021, under the *Liquor Amendment (Night-Time Economy) Act 2020*, small bar licence holders can apply for a new, or vary an existing extended trading authorisation to trade between 2am - 5am.

A Community Impact Statement will be required as part of the application process to allow the community to comment. This is because the Government recognises the higher risks posed by late-trading, and the importance of any community impacts being carefully considered, even for smaller venues.

4.1.2.3 Standard trading hours

	Monday – Saturday	Sunday	Good Friday	Christmas Day	New Year's Eve
Hotels ¹	5am – midnight	10am – 10pm	Noon to 10pm <i>No takeaway sales</i>	Noon to 10pm <i>(In a dining area and only with a meal)</i> <i>No takeaway sales</i>	Normal opening to 2am <i>(Or later if previously approved under the liquor laws)</i> <i>Normal trading for takeaway sales</i>
Registered clubs <i>(Established after 1 July 2008)</i> ¹	5am – midnight	10am – 10pm	Normal on premises trading <i>No takeaway sales</i>	Normal on premises trading <i>No takeaway sales</i>	Normal trading
On-premises licences <i>(Except vessels)</i> ³	5am – midnight	10am – 10pm ⁴	Noon to 10pm ⁵ <i>(In a dining area and only with a meal)</i>	Noon to 10pm ⁴ <i>(In a dining area and only with a meal)</i>	Normal opening to 2am <i>(Or later if previously approved under the liquor laws)</i>
Producer wholesalers ¹	5am – midnight	10am – 10pm	Normal trading <i>(Except for drink on premises: noon to 10pm)</i>	Normal trading <i>(Except for drink on premises: noon to 10pm)</i>	Normal trading
Packaged liquor licence ¹	5am – midnight	10am – 11pm	No retail trading permitted	No retail trading permitted	Normal trading
Small bar licence ²	Midday – 2am	Midday – 2am	Midday – 10pm Midnight – 5am, if authorised by an extended trading authorisation	Midday – 10pm Midnight – 5am, if authorised by an extended trading authorisation	Normal trading: Midday – 10pm Midnight – 5am, if authorised by an extended trading authorisation

¹ There may be an 11pm restriction (10pm on Sunday) for some premises, and 11pm restriction applied to all takeaway alcohol sales from these licences

² Trading after midnight is subject to a venue's local government development approval of consent.

³ Alcohol can be sold from one hour before the vessel starts its voyage until 30 minutes after the voyage ends

⁴ Sunday trading hours for caterers are between 5am – 10am or 10pm - midnight.

⁵ Normal trading for caterers, airports and vessels (and accommodation premises for sale to residents and their guests on Good Friday).

4.1.3. Signage

The law requires signage to be displayed both inside and outside the venue or event. Visible signage helps customers to follow the rules and staff to monitor and enforce them (where necessary).

A new suite of liquor and gaming signage designed to meet Australian Standards in relation to colour and pictograms is visually appealing, and easy to understand. The new signage stock was introduced on 18 January 2021. Licensed premises and businesses selling liquor online had until 22 January 2022 to transition to the new signage. Licensees can download and print approved signage or continue to order from the [Liquor & Gaming online shop](#).

Sign	Requirement
	<p>Sign 1L – Under 18’s not to be served alcohol</p> <ul style="list-style-type: none"> • this sign is required in all licensed premises • it must be displayed wherever alcohol is sold on the premises, such as at each bar and counter • where there is no bar or counter, for example in a small restaurant, the sign must be prominently displayed at or near every entrance.
	<p>Sign 2L – Under 18’s not permitted in this area</p> <ul style="list-style-type: none"> • this sign is required in all hotels and clubs • it must be displayed in each bar area of a hotel or club • a bar area is any area of a hotel or club where alcohol is served, but does not include areas where minors are allowed such as a dining area, an accommodation area in a hotel, an authorised minors area in a hotel, or a non-restricted area in a registered club • this sign must be prominently displayed so that someone entering the bar area would reasonably be expected to see and read it.
	<p>Sign 3L – Under 18 authorisation</p> <ul style="list-style-type: none"> • this sign is required in all hotels and licensed public entertainment venues • it must be displayed in areas of a hotel that have been approved for use by minors accompanied by a responsible adult. This may include a bistro, lounge area, or beer garden • for a licensed public entertainment venue, such as a nightclub, this sign must be displayed in any area where entertainment is provided • it must be prominently displayed so that someone entering the area in which minors are permitted in the company of a responsible adult could reasonably be expected to see and read it.

Sign	Requirement
	<p>Sign 4L – Breath testing sign</p> <ul style="list-style-type: none"> • this sign must be displayed at all premises that provide breath testing facilities • it must be in good condition and positioned so that its contents can easily be read by a person using the instrument.
	<p>Sign 6L – Under 18s not permitted during liquor trading hours</p> <ul style="list-style-type: none"> • this sign is required in all small bars • it is required for a small bar licence and must be prominently displayed so that a person entering the licensed premises would reasonably be expected to see and read it.
	<p>Sign 7L – Minors allowed on premises, with a responsible adult</p> <ul style="list-style-type: none"> • this sign is required in all small bars • Small bars are permitted to have minors in the company of a responsible adult from their opening time until 10pm if they operate restaurant services on the premises (i.e., regularly provide meals at seated tables) • it must be prominently displayed so that a person entering the licensed premises would reasonably be expected to see and read it
	<p>Sign 8L – Minors are allowed on premises</p> <ul style="list-style-type: none"> • this sign is required in small bars where minors are allowed • it must be prominently displayed so that a person entering the licensed premises would reasonably be expected to see and read it • signage must be displayed showing whether minors are allowed on the premises, between what times and in what circumstances (e.g., only in the company of a responsible adult)

Sign	Requirement
<p>Until 18 July 2021: It is against the law to sell or supply alcohol to, or to obtain alcohol on behalf of, a person under the age of 18 years.</p> <p>From 19 July 2021: No Alcohol can be sold or supplied to anyone under 18. It's against the law.</p>	<p>Sign 9L – Alcohol not to be sold to under 18s sign - all internet operators</p> <ul style="list-style-type: none"> • wherever you sell alcohol online, you must display this wording • your licence number should also be displayed prominently on the website and in any advertising you undertake • we recommend including this information in your website footer, so it appears on all pages.
<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>THE BAR</p> <p>Hotel licence (General Bar) Licensee: John Smith</p> </div>	<p>Entrance Sign (Sign 10L)</p> <ul style="list-style-type: none"> • in NSW, a sign must also be displayed at the front of the premises that shows the name of the premises, the type of liquor licence held, and the name of the licensee • the sign must be displayed so that it can be read by a person from out front of the premises.



More information

From 18 January 2021, standard signage required to be displayed in licensed venues or for training purposes can be downloaded and printed from the Liquor & Gaming NSW website. This will allow businesses to print signs in-house or work with their own professional printers to comply with regulatory signage requirements.

The new [Liquor & Gaming online shop](#) offers more reliable ordering and reduced wait times. All [regulatory signage](#) will continue to be available from the shop, as an optional print supplier from 18 January 2021.

4.1.4. Advertising and promotions

Promotional activities relating to the sale and supply of alcohol can have a significant influence on customers' consumption patterns and behaviour.

Undesirable promotions, or ones that are not properly managed, can contribute to alcohol-related harm and anti-social behaviour which impacts individuals, families and communities.

The *Liquor Act 2007* details the types of promotions that may be restricted or prohibited, being ones that:

- are likely to have a special appeal to minors because of the use of designs, names, motifs or characters
- are indecent or offensive
- involve providing liquor in nonstandard measures, or using emotive language that encourages irresponsible drinking and is likely to result in intoxication
- encourage irresponsible, rapid or excessive consumption of liquor

- create an incentive for patrons to consume liquor more rapidly than they otherwise might by providing free drinks, extreme discounts or discounts with a very short duration
- would be in the public interest to restrict or prohibit.

Inappropriate and unacceptable promotions are activities that risk the safety of customers. Some examples include:

- drinking competitions or races
- sculling games
- promoting free or excessively cheap drinks, for example “\$1 shots all night”
- offering free merchandise with excessive drink purchases, for example “Buy 10 bourbons and get a free cap”.



More information

Learn more about liquor promotions: <https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/serving-alcohol-responsibly/liquor-promotions>

4.1.5. Remote sales

Remote sales and home delivery service providers must also sell alcohol responsibly and provide accurate information to customers. Provisions under the NSW liquor laws for remote alcohol sales apply wherever alcohol is sold to the public via the internet, telephone, fax or mail order.

Remote alcohol sales, particularly online sales, are a potential source of supply for minors and intoxicated people. Therefore, the licence holder is currently required to display:

- the liquor licence number in any published or electronic advertising
- the liquor licence number and the statutory notice (stating it is an offence to supply alcohol to a minor) on each page of the website where alcohol is being sold.

When taking an order (via phone, fax or mail) from a new buyer, the licence holder must ensure the buyer provides a date of birth to confirm that they are over 18 years old. This only needs to be done on the first order with the customer.

The licensee must give written instructions to the person delivering the order, e.g., a courier, requiring the liquor be delivered:

- to the adult who placed the order – their name should be included in the instructions
- to another adult at the delivery address accepting the delivery on behalf of the adult who placed the order, or
- in accordance with the customer's instructions (for example, delivery to another address), but only if the delivery is made the day after either the order is taken, or the sale was made online.

If you are a courier or delivery person, you must use the following checklist to make sure you meet your requirements:

- do not deliver the alcohol to a person who is under 18 years of age
- ask for identity and proof of age documentation if you think the person accepting the delivery might be under 25

- get written instructions from the licensee on how and to whom the liquor is to be delivered
- follow the customer's delivery instructions if the delivery is made after the day the order was taken (or the sale is made through the internet site).

This isn't just good practice. Supplying alcohol to a minor as a delivery driver could result in a maximum penalty of \$11,000 or 12-months imprisonment, or both.

4.1.5.1. Enhanced regulation of same day delivery

Major reforms to the liquor laws were introduced in 2020 to address potential harms to minors and intoxicated people in the sale and supply of liquor via the same day delivery in NSW. 'Same day delivery' is the delivery of liquor to a person in NSW on the same day it is purchased, regardless of the state or territory from which it was purchased.

In November 2020, the *Liquor Amendment (Night-Time Economy) Act 2020* introduced an enhanced regulatory framework for the sale and supply of liquor via same day delivery in NSW which included:

- From 1 June 2021, significant changes were applied to same day alcohol delivery requirements for service providers, their employees and delivery agents.
- From 23 January 2022, licensed premises and service providers selling liquor online were required to display the new signage requirements. Refer to Section 4.1.3 on page 57 for more information.
- From 1 December 2021, it became mandatory for same day delivery service providers, their employees and delivery agents that make same day alcohol deliveries to retail customers in NSW to complete the [Responsible Supply of Alcohol Training \(RSAT\) and a Liquor & Gaming NSW RSAT online knowledge test](#) before they work in the industry.
- From 1 June 2022, it became mandatory for same day delivery providers to verify the age of the customer at the time the order is placed online. Additional time including alternate processes for age verification have been provided until 1 June 2023 for businesses that have been unable to implement the technical solutions due to reasons outside their control.



More information

For more information on the *Liquor Amendment (Night-time Economy) Act 2020* in relation to same day alcohol delivery refer to:

Page 17: Section 1.2.4.1.2 Enhanced same day delivery framework.

For a one-page overview on the Liquor & Gaming NSW website:

https://www.liquorandgaming.nsw.gov.au/data/assets/pdf_file/0003/946713/cp6360-same-day-alcohol-delivery-final.pdf

New liquor and gaming signage to be implemented by 19 July 2021:

Page 53: Section 4.13 Signage

Online age-verification for same day delivery providers:

<https://www.liquorandgaming.nsw.gov.au/resources/same-day-delivery-age-verification-requirements>

4.2. Best practice strategies to minimise harm in NSW

There are voluntary strategies and approaches that you and your manager can implement within your workplace to minimise harm and create a safe, happy and prosperous workplace. These strategies can show that your workplace is serious about addressing potential harms.

4.2.1. Plan of management

A plan of management is a detailed document that specifies the policies and procedures contained in your workplace's house policy.

A plan of management is specific to each business and demonstrates how a licensee intends to remain compliant with the law. Venue- or business-specific risks are first identified then managed by using appropriate strategies and approaches.

The plan should be a working document that is regularly reviewed to ensure continued validity. For example, if a new risk is identified, there is a strategy in place for managing it. As a frontline worker, you may be involved in reviewing this plan.

See [L&GNSW Liquor Plan of Management fact sheet](#)

4.2.2. House policy

One of the most powerful ways of reducing potential harms and promoting compliance with the NSW liquor laws is to have a house policy that is visible in the premises. The house policy represents a commitment to harm minimisation and the responsible service of alcohol. It should be known by both customers and staff, and it should be applied at all times.

A comprehensive house policy should include:

- a list of customers who are not to be served alcohol, such as minors and intoxicated persons
- expected standards of behaviour from customers
- drink limits
- approach to dealing with problem customers.

4.2.3. Other business policies and procedures

Many businesses develop their own policies and procedures around managing the day-to-day operations of their venue or event, including any conditions which must be met. These can help to further minimise harm, protect staff and customers, and help a business comply with NSW laws.

Policies, procedures, and voluntary conditions should be reviewed regularly to ensure they are effective.



Top tips

You need to understand all plans, policies, and procedures within your workplace and regularly check with your manager for updates. You can suggest ideas, improvements, or changes to these.



Meaning - What's the difference?

Plan of management

A formal document outlining how a business will address how a licensee will remain compliant with the law. These can be mandated by NSW Police or the Independent Liquor and Gaming Authority.

House policy

A document showing the rules and conditions for customers. It should be visible for customers and staff.

Other business policies and procedures

Internal documents where a business outlines its approach to addressing alcohol-related risks. These are made available for all staff so they can easily see how to handle the various situations that can occur in their workplace.

4.2.4. Incident registers

An incident register allows licensed premises to record:

- incidents involving violence and anti-social behaviour
- details of when people are removed from the premises under the NSW liquor laws.

All licensed premises are encouraged to maintain an incident register, and there are some instances where licensed premises are required to keep one. An incident register helps provide a more detailed understanding of events that may impact adversely on the safety of their licensed premises, staff and customers.

You should be familiar with how to complete an incident register if one is maintained by your workplace. Information that should be recorded in the register includes:

- date and time of the incident
- name and description of the customer involved
- name of staff member involved
- description of the incident
- if relevant, reason for removal from the premises.



More information

Learn more about using incident registers and their benefits:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/licensees-and-approved-managers/incident-registers>

4.2.5. RSA marshals

An RSA marshal is someone whose role is to make sure venues comply with RSA obligations. They are generally employed to conduct RSA supervisory duties such as monitoring responsible service of alcohol practices by staff, monitoring alcohol consumption and intervening at an early stage to prevent intoxication and anti-social behaviour.

There are certain circumstances where it is mandatory for venues to employ an RSA marshal, but licensed premises may also elect to employ them voluntarily to assist with harm minimisation.



More information

Learn more about RSA marshals:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/serving-alcohol-responsibly/rsa-marshals-in-precincts>

4.2.6. Liquor accords

A liquor accord is a group of local stakeholders who are committed to minimising the harms associated with alcohol. They include representatives of licensed premises, local councils, NSW Police, government departments and community organisations.

Liquor accords identify alcohol-related problems in the area and come up with practical solutions to solve these.

It's a great idea for your workplace to be part of a local liquor accord.



More information

Liquor & Gaming NSW provides a range of educational resources and tools to support liquor accords.

Find out more:

<https://www.liquorandgaming.nsw.gov.au/operating-a-business/running-your-business/liquor-accords>

4.2.7. Voluntary signage

Liquor & Gaming NSW provide a range of voluntary signs that can be useful to assist with harm minimisation, such as a Fail to Quit postcard and ID checklist. They can be purchased or downloaded from the Liquor & Gaming NSW website.

UNDER 25?

Be prepared to show ID

The **ONLY** acceptable forms of evidence of age in NSW are a current:

- Driver or rider licence or permit issued in Australia or another country
- NSW Digital Driver Licence
- Australian or other passport
- NSW photo card
- Proof of age card (issued by an Australian state or territory except NSW)
- Keypass (over 18) identity card issued by Australia Post



Note: Only the Keypass (over 18) identity card can be accepted as evidence of age.

If you're under 18, you can be fined up to \$2,200 if you enter a venue illegally or obtain/consume alcohol



Tough penalties for buying alcohol if you're under 18

- On-the-spot fine of \$220
- Court appearance + \$2,200 fine
- Extra 6 months on your P plates

It's not worth the risk



Refuse to sell to under 18s

If you sell alcohol to a minor, this venue's liquor licence can be suspended or cancelled. Plus, your RSA competency card can be suspended or revoked.

Do they look under 25?

- Ask for photo ID
- Check date of birth

Unsure about their ID?

- Check ID surface, typeface, security features
- Ask questions, request another ID, compare signatures

Still unsure?



It's not worth the risk



Tough measures on sale of alcohol to under 18s*

ID checklist

- Accept only current photo ID**
 - **NSW Photo Card** (Issued by NSW Roads & Maritime Services)
 - **Driver's Licence** (Issued by an Australian State or Territory or another country)
 - **Passport** (Issued by Australia or another country)
 - **Proof of Age card** (Issued by an Australian State or Territory except NSW)
 - **Keypass (over-18) identity card** (Issued by Australia Post)

Look at the photograph. Does it look like the person in front of you?
- Dates**

Check the date of birth. Are you satisfied about the person's age?
Check expiration date. Do not accept expired IDs.
- ID Appearance**
 - Has the card been tampered with?
 - Is the font type and card thickness consistent?
 - Is the card surface dusty, peeling, wrinkled, bubbled or corner lifted?

Unsure? Quiz the holder about details from the ID. Ask for secondary ID. Compare the person's signature with what appears on the ID.

Still unsure? REFUSE TO SELL

*A liquor licence can be suspended or cancelled when alcohol is sold to a minor. A person's RSA certification can also be suspended or revoked when alcohol is sold to a minor.





More information

Voluntary signs are available at: <https://www.liquorandgaming.nsw.gov.au/operating-a-business/running-your-business/signs-for-your-business>

From 18 January 2021, standard signage required to be displayed in licensed venues or for training purposes can be downloaded and printed from the Liquor & Gaming NSW website.

The new [Liquor & Gaming online shop](#) offers more reliable ordering and reduced wait times. All [regulatory signage](#) will continue to be available from the shop, as an optional print supplier from 18 January 2021.

4.2.8. Self-exclusion

Self-exclusion is when a customer excludes themselves from a licensed venue by entering into a formal agreement with a licensee or licensed venue. Self-exclusion agreements are a crucial strategy in harm minimisation.

Customers may self-exclude because of liquor or gambling issues. Many people enter into a self-exclusion agreement when they are undertaking a rehabilitation program.

Under the self-exclusion agreement, you can lawfully stop a customer from entering or remaining on the licensed premises. You have the legal power to use 'reasonable force' to:

- prevent the person from entering the venue
- remove the person who refuses to leave the venue.

Ask your manager about the location of the self-exclusion register and familiarise yourself with the names and faces of customers who have self-excluded.

4.2.9. No gang colours

A person or member wearing any form of clothing, jewellery, tattoos or any other accessory associated with a gang may be refused entry or removed from the premises. This includes:

- any image, colour, club patch insignia or logo, even as little as 1% of the symbol or image
- any abbreviation, acronym or other form of writing that indicates membership.

This is a requirement for premises subject to special conditions, such as those in the prescribed precincts. Many liquor accords have also adopted similar restrictions.

4.2.10 Best practice frontline worker strategies

While many of these strategies are put in place by licensees and workplaces, *you* will be the one serving, selling and supplying alcohol to the customers. You are in the best position to minimise alcohol-related harms, so you should always have best-practice RSA in mind.



Top tips for best-practice RSA

- talk to your customers so you can develop rapport and monitor them for signs of intoxication
- slow down service if customers are drinking quickly or erratically
- offer food, water and non-alcoholic beverages
- speak to a colleague, manager or security staff if you're concerned about a customer
- if one person is buying drinks for friends, make sure you check on their intoxication levels too
- check IDs even if security staff have already checked them.

Module summary

To recap, the key topics covered in Module 4: Harm minimisation strategies and approaches were:

- understand and support the implementation of the mandatory harm minimisation strategies in NSW
- understand the purpose and benefits of voluntary harm minimisation strategies in your workplace
- understand what best practice strategies you can use personally.

Module 5: Compliance and enforcement

To make sure venues stay safe for staff, customers and the community, a range of measures are in place to enforce the NSW liquor laws. These measures include enforcement actions which can directly impact you as an RSA worker by changing the conditions in your workplace. Your actions can result in significant penalties not only for you personally, but also your licensee and the licensed premises.

Module 5 key topics

Module 5 covers the following key topics:

- understanding compliance and enforcement of NSW liquor laws
- understanding why NSW has a regulatory system in place and how it operates
- understanding the potential consequences of non-compliance for you, your licensee and the licensed premises.

5.1. Compliance and enforcement in NSW

Liquor & Gaming NSW promotes voluntary compliance while applying escalating enforcement action that targets industry workers and businesses who demonstrate more serious, repeat or sustained contraventions or other misconduct inconsistent with community expectations and the public interest.

Encouraging the responsible development of industry and promoting voluntary compliance and best practice through industry engagement and guidance is a key feature of Liquor & Gaming NSW's regulatory approach.

To ensure compliant and vibrant industries, engagement must be underpinned by a flexible and robust compliance framework that can apply escalating enforcement action to target specific misconduct.

Liquor & Gaming NSW approaches enforcement in a way that is in proportion to the seriousness of any non-compliance of the NSW liquor laws, the associated harm, a licensee's compliance history, aggravating or mitigating factors, and community expectations of behaviour. The more serious the offence or more wilful the behaviour, the more serious the response.

Through this approach, Liquor & Gaming NSW aims to achieve future compliance, signal general deterrence and instil public confidence in the regulation of industry.

5.1.1. Identifying non-compliance

The first step in compliance action is to identify any breaches of the NSW liquor laws. In order to identify a breach, Liquor & Gaming NSW may:

- receive complaints via various channels, including members of the public, and
- work in conjunction with NSW Police to conduct regular overt or covert inspections of venues.

5.1.2. Investigation and enforcement

Where an alleged breach of the liquor laws has been committed, for example, if a minor has been supplied alcohol, Liquor & Gaming NSW and/or NSW Police will investigate. To assess the seriousness of the breach, they will make enquiries, gather evidence, and work with other government bodies where relevant.

Liquor & Gaming NSW can enforce the NSW liquor laws through a range of actions, including:

- issuing warning notices
- issuing penalty notices
- voluntary or binding undertakings
- imposing additional controls such as licence conditions or orders
- adding a licensee to the Incentives and Demerit Points system
- prosecution, leading to criminal conviction, financial penalties, forfeiture of assets and/or imprisonment
- disciplinary action, resulting in additional licence conditions or the suspension, cancellation or disqualification of a licence.

These regulatory actions are used to promote changes in attitudes and behaviours, rather than simply applying a punishment.

5.1.3. Possible penalties

Liquor & Gaming NSW inspectors and NSW Police can issue warnings for less serious offences with lower levels of risk and harm. They can also issue a penalty notice for an offence against the Act or the regulations, such as a breach of a liquor licence condition.

Penalties for offences under the *Liquor Act 2007* can comprise of up to:

- \$11,000 for individuals
- \$27,500 for corporations
- 12 months' imprisonment

Penalties to individuals include RSA workers who have served alcohol to a minor or an intoxicated person.

Another thing to be aware of is “vicarious liability”. This means that when you commit an offence, not only could you be penalised, but your licensee is also accountable for your actions and can additionally be penalised.

Liquor & Gaming NSW can also suspend or revoke your RSA certification or disqualify you from holding an RSA certification for up to 12 months for serious breaches of the RSA laws.



More information

Find out more about penalties for RSA breaches:

<https://www.liquorandgaming.nsw.gov.au/community-and-stakeholders/underage-drinking/underage-drinking-fines>

5.1.4. What can enforcement action mean for you and your employer?

Breaching the liquor laws could result in a heavy penalty, losing your job or losing your livelihood.

A licensee may choose to terminate your employment if you commit an offence that results in them being penalised and the risk of harm to customers, colleagues and the community.

Enforcement action taken against you under the liquor laws can have lasting consequences and lead to:

- difficulty in securing a job in another licensed premises
- the inability to work in the liquor or gaming industry
- the inability to attain a liquor licence
- difficulty in getting into university or pursuing further education
- negative impacts on your reputation
- impact on travel
- preventing you from pursuing certain careers, for example a police officer or restaurant owner



Ask yourself...

Could you afford a fine of up to \$11,000?

Would you have other employment options if your RSA was revoked and you were no longer able to work in your current role or in a licenced venue?

How would you feel if your actions resulted in a fine for your licensee?

5.2. Regulatory schemes – ceased on 1 January 2021

Prior to **1 January 2021** licensees, managers, and venues could be placed on a regulatory scheme as a consequence of committing serious offences under the NSW liquor laws.

The NSW government operated three regulatory schemes aimed at ensuring licensed premises operate lawfully, responsibly and safely. These were:

- Violent Venues scheme
- Three Strikes scheme
- Minors Sanctions scheme.

5.2.1. Violent Venues scheme

The Violent Venues scheme aimed to manage and reduce alcohol-related violence by regulating licensed premises with high levels of assault, violent disorder or offences under the *Crimes Act*.

Under the scheme, licensed premises received a grade depending on the number of alcohol-related violence incidents occurred at the licensed premises over the past year

5.2.2. Three Strikes scheme

The purpose of the Three Strikes scheme was to identify licensees or managers who continually breaching the liquor laws and apply conditions or penalties to urge them to improve.

Strikes applied to serious breaches such as the sale or supply of liquor outside of trading hours, permitting intoxication or indecent, quarrelsome conduct, selling or supplying liquor to an intoxicated person or selling or supplying liquor to a minor or allowing such sale or supply.

Licensees who repeatedly commit serious offences or allow offences to occur on their premises could lose their liquor licence temporarily or permanently.

5.2.3. Minors Sanctions scheme

Under the Minors Sanctions scheme, selling alcohol to minors could incur significant penalties for the licensee and the business and can include licence suspension and cancellation.

Escalating sanctions could be triggered if a person was convicted of selling liquor to a minor on a licensed premises.

5.3. Incentives and demerit points system

From 1 January 2021, the *Liquor Amendment (Night-Time Economy) Act 2020*, replaced the three regulatory schemes under the *Liquor Act 2007* (Three Strikes, Violent Venues and Minors Sanctions) with an integrated system called the Incentives and Demerit Points System.

This has been done to:

- incentivise well run venues
- minimise violence, and
- reduce serious liquor law breaches

The aim of the new system is to make it easier for venues to understand and comply with their obligations. Under the new system, demerit points are incurred automatically for the most serious liquor law breaches for example permitting intoxication or violence. A double demerit point system will also be in effect for selling or supplying liquor to a minor. This is because of the seriousness of the issue and reflects the Government's continued emphasis on minimising the related risks of harm to minors.

Demerit points can also be imposed by the Independent Liquor & Gaming Authority if there are serious recurring issues with venues encouraging the following:

- risky drinking
- frequent intoxication and/or violence at the venue
- patrons committing serious indicatable offences, or
- putting the public's health or safety at risk

Demerit points will be attached to licensees and managers of licenced premises (this excludes registered clubs). Demerit points will automatically be removed after three years.

However, the Independent Liquor & Gaming Authority can consider an application to remove demerit points in two circumstances:

- for Category 1 demerit points, where the licensee or manager has not committed a prior demerit offence in the past 10 years, or

- where operators can demonstrate they have addressed the risks that led to the demerit offence or prescribed complaint and 12 months have passed since the demerit was removed.

Well-managed venues will be rewarded with a 5% liquor licence fee discount after maintaining a clear record with no demerit points for three years and a 10% discount after five years.

Venues where demerit points have been incurred or imposed will be ineligible for these discounts and will have to pay additional licence fees as part of annual compliance loadings.

Each demerit point incurred will require the payment of additional annual compliance loading fee paid once, the year after the demerit point was incurred or imposed. These venues will also be liable for location risk loading and patron capacity risk loading elements.

5.3.1. Old Strikes

Any strikes previously incurred under the old Three Strikes scheme ceased as of 1 January 2021 when the new Incentives and demerit points system commenced. While strikes incurred under the old scheme have been revoked, this does not affect the operation of any remedial action imposed by the Independent Liquor & Gaming Authority as a result of the strike.

Figure 1 below shows how the remedial action can escalate as demerit points accumulate over a 3 year period.

2-3 demerit points	4-5 demerit points	6 or more demerit points
<ul style="list-style-type: none"> ▲ Reprimand the licensee, manager or club secretary of a premises ▲ Require the licensee, manager, club secretary or member of the governing body of a club to undertake training or instruction considered appropriate by ILGA ▲ Impose any condition ILGA considers necessary to address either the risk of a demerit offence being committed or the likelihood of a prescribed complaint being made 	<ul style="list-style-type: none"> ▲ Disqualify the licensee, manager or club secretary for a specified period ▲ Suspend the venue's liquor licence for a period of up to 7 days (not applicable to clubs) ▲ Any other remedial action available as a result of accumulating 2-3 demerit points 	<ul style="list-style-type: none"> ▲ Disqualify the licensee, manager or club secretary permanently ▲ Suspend the venue's liquor licence for up to 14 days (not applicable to clubs) ▲ Any other remedial action available as a result of accumulating 2-5 demerit points

You can also refer to the flowchart on the following page to see how the scheme works.

INCENTIVES FOR NO DEMERIT POINTS		
3-5 years no demerits = 5% discount on annual liquor licence fee	5 years+ no demerits = 10% discount on annual liquor licence fee	No compliance loading on annual liquor licence fee

HOW DEMERIT POINTS ARE APPLIED		
<p>DEMERIT POINTS ARE GIVEN FOR:</p> <p>1. Serious breaches of liquor laws</p> <ul style="list-style-type: none"> • Category 1 offences = 1 demerit (not related to minors) e.g. sell/supply liquor to an intoxicated person. • Category 2 offences = 2 demerits (related to minors) e.g. sell/supply liquor to a minor. <p>2. Prescribed complaints (made under section 139 of the <i>Liquor Act 2007</i>)</p> <ul style="list-style-type: none"> • The Authority* might impose 1-2 demerits for liquor law breaches known as 'prescribed complaints'. These include encouraging risky drinking, frequent intoxication and/or violence at the venue, multiple serious indictable offences or incidents putting the health or safety of the public at risk. 	<p>DEMERIT POINTS:</p> <ul style="list-style-type: none"> • Apply for up to 3 years. • Apply to a licensee or a manager. Except for registered clubs, where the demerits are applied to the licence. • Result in compliance risk loading of 40 fee units being added to a venue's annual liquor licence fee. This loading is paid once for each demerit point. • Are published on a public register. • Can be removed on application in certain circumstances (see below). They can also be reinstated if the removal was based on inaccurate or incomplete information. 	<p>ESCALATING REMEDIAL ACTION FOR MULTIPLE DEMERITS</p> <p>2+ demerits = heightened monitoring, engagement and supervision by L&GNSW, and an Authority* case review which might result in:</p> <ul style="list-style-type: none"> • 2+ demerits - reprimand of licensee, manager or club secretary, training requirements and more conditions on the venue. • 4+ demerits - temporary disqualification of licensee, manager, or club secretary (in addition to the above actions). • 6+ demerits - permanent disqualification of the licensee, manager or club secretary, or temporary disqualification of a member of the club's governing body (in addition to the above actions). <p>TEMPORARY LICENCE SUSPENSION</p> <p>The Authority might take more action when licensees or managers have multiple demerits in a 3 year period at the same premises:</p> <ul style="list-style-type: none"> • 4+ demerits - licence suspended for up to 7 days. • 6+ demerits - licence suspended for up to 14 days. <p>For any prescribed complaint - the Authority has existing powers to suspend a licence for up to 12 months, or up to 24 months in aggravated circumstances.</p>

REMOVAL OF DEMERIT POINTS		
<p>3 years Demerits are removed after 3 years.</p> <p>Early demerit point removal There are 2 ways to have demerits removed early.</p>	<p>1. By applying to the Authority* for good behaviour and if:</p> <ul style="list-style-type: none"> • The licensee or manager has a clear 10 year record. • The demerit is for a Category 1 offence. • No remedial action was taken regarding the demerit. • The offence didn't lead to serious harm. • Practices are in place to prevent it happening again. • No other serious breaches of the Liquor Act occurred. 	<p>2. By applying to the Authority* after 12 months and demonstrating that the risk that led to the demerit has been addressed. For example by:</p> <ul style="list-style-type: none"> • Installing voluntary ID scanners and digital incident registers. • Running extra training for staff, managers and security, e.g. patron management technique training. • Employing Responsible Service of Alcohol (RSA) Marshals. • Becoming an active liquor accord member.

The Authority = Independent Liquor & Gaming Authority | L&GNSW = Liquor & Gaming NSW | NCAT = NSW Civil and Administrative Tribunal

*The Authority's decisions may be reviewed by NCAT

5.3.2. What does this system mean for you and your employer?

Remember that your actions as a frontline staff member can directly affect the likelihood of your workplace being subject to a regulatory scheme.

While the consequences of a regulatory system will generally directly affect the licensee, manager, and business as a whole, you can also experience indirect consequences such as reduced working hours if the venue has to close earlier.



Ask yourself...

How would you feel if your actions resulted in the closure your workplace for 28 days?
How would you cope with little or no income while the venue is closed?

With this in mind, it is of paramount importance that you always sell, serve and supply alcohol in a responsible manner and discuss any concerns relating to the risk of harm and non-compliance with your manager.



Picture this

A new security staff member has started at the bar where you work. As you walk through the venue collecting glasses one busy Saturday evening, you see him talking to a group of young people who you recognise from the school you used to go to. You're certain at least a couple of them are underage. Shortly afterwards, they are at the bar ordering drinks.

You speak to the security guard and he tells you the group is with him and not to worry about it. If anyone catches them, he'll take responsibility.

You're uncomfortable with this situation but you don't say anything. You don't want your new colleague to hate you for telling the boss and you're not the one who'll face the consequences anyway. It's not like you're the one serving them.

Turns out there the consequences affect you after all.

A parent of one of the underage drinkers finds out your bar served her daughter and is furious. She contacts the police, who check the CCTV footage and see that minors were indeed served on the premises. The licensee is penalised under the Minors Sanctions scheme and is forced to close the venue for a week. He in turn is angry that his staff allowed minors to be served on the premises and fires everyone who was working that shift.

This might not seem fair, but the responsible service of alcohol is everyone's responsibility. If your boss fires you because you allowed minors to be on the premises even if you didn't serve them, you might not have any recourse. At the very least, you wouldn't have any shifts when the venue has been shut down.

This doesn't even take into account the harm that could be caused as a result of the underage drinking.



More information

Find out more about the incentives and demerit point system:

https://www.liquorandgaming.nsw.gov.au/_data/assets/pdf_file/0007/946735/fs3015-incentives-and-demerit-point-system.pdf

Module summary

To recap, the key topics covered in Module 5: Compliance and enforcement were:

- Liquor & Gaming NSW's approach to compliance and enforcement
- the consequences of non-compliance
- potential enforcement outcomes including the new incentives and demerit system that is in place to ensure licensed venues across NSW operate safely and responsibly.

Next steps

Additional training

Check with your manager to see if you need to obtain any additional competencies before you start work.

It is a good idea to undertake all training you require, such as Responsible Conduct of Gambling or Privacy, at once before you apply for your NSW competency card. That way you can be issued with all your endorsements in one visit – saving you time and money.

Note: all competencies expire on the same date, calculated five years from the first competency gained.

Responsible Conduct of Gambling (RCG) training

If you plan to work in a venue where there are gaming machines and your work duties are going to involve gaming machines, you will also need to undertake the RCG training before you can start work.

Obtain an NSW RCG endorsement on your competency card by completing the training in a classroom or virtual classroom environment through a Liquor & Gaming NSW approved training provider.

Privacy training

If you work in the Kings Cross precinct and wish to operate an ID scanner, you will also need to obtain a privacy endorsement by completing the Privacy training course online.

Licensee and Advanced Licensee training

If you plan to apply for a liquor licence in NSW or be appointed as a club secretary or approved manager, you may need to complete the Licensee or Advanced Licensee training through a Liquor & Gaming NSW approved training provider. You must have a current NSW RSA endorsement before you can complete Licensee training.



More information

Find out everything you need to know about all the courses available to you, including RCG, privacy, and licensee training:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/training-to-work-in-the-industry/getting-trained>

Getting your competency card

Upon successful completion of your RSA training (and any other additional training you require), your training provider will issue you with an interim certificate. This certificate is valid for 90 days only and allows you to work immediately.

As soon as possible, take your interim certificate along with your identification documents to a Service NSW service centre to apply for a competency card.

Check the Service NSW or Liquor & Gaming NSW website for current requirements, which include proof of identity documents.

Renewal of NSW competency cards

Your NSW competency card is valid for five years.

To maintain currency, at the end of this period you will be required to undertake mandatory online RSA refresher training which will allow you to renew your competency card for an additional five years.

Minors and NSW competency card

Minors can hold a valid RSA and may also work in a licensed premises. However, the duties that can be performed in this role should not extend to the sale or supply of alcohol, unless authorised by the Independent Liquor & Gaming Authority under exceptional circumstances.

It is important to have a clear understanding from your manager on the tasks you can undertake if you are under 18 years of age.



More information

Find a participating Service NSW service centre:

<https://www.service.nsw.gov.au/>

Getting a competency card:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/training-to-work-in-the-industry/competency-cards/nsw-competency-cards>

Key resources

Liquor & Gaming NSW produces resources and fact sheets that will provide you with information, tips, and legal requirements.

Intoxication guidelines

<https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4003-intoxication-guidelines.pdf>

Prevention of intoxication on licensed premises guidelines

<https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4002-prevention-of-intoxication-on-licensed-premises-guidelines.pdf>

Liquor promotion guidelines summary

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/serving-alcohol-responsibly/liquor-promotions>

Refusal of entry and patron bans/barring

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/serving-alcohol-responsibly/ejecting-and-banning-patrons>

Liquor Plan of Management guidance

https://www.liquorandgaming.nsw.gov.au/data/assets/pdf_file/0019/1007029/fs3164-liquor-plan-of-management-guidance.pdf

COVID-19 (coronavirus) FAQs

This page contains general advice for the liquor and gaming industry.

<https://www.liquorandgaming.nsw.gov.au/news-and-media/covid-19-coronavirus-faqs-for-the-liquor-and-gaming-industries>

For the most up-to-date advice on COVID-19 restrictions, please visit the NSW Government website at:

<https://www.nsw.gov.au/covid-19>

RSA videos

Liquor & Gaming NSW have a range of videos available outlining typical scenarios which may support your learning of RSA:

Impacts of alcohol

This short video explores the impacts of alcohol. When misused, alcohol can be the cause of harm in venues, communities and homes. Find out how an RSA frontline worker can help minimise the impacts of alcohol misuse.

<https://www.youtube.com/watch?app=desktop&v=XIFmqh51Xdl&feature=youtu.be>

Identifying intoxication

Join Roz, an experienced RSA practitioner, as she starts a new job in a liquor store. Her manager Tom talks her through the ins and outs of the job and asks if she can describe the signs of intoxication. Meanwhile, a group of friends kick off their night out. What should Roz do before she serves them?

<https://www.youtube.com/watch?app=desktop&v=0QvYhAmrvjw&feature=youtu.be>

Erratic drinking behaviours and how to prevent intoxication

Heath, a waiter, notices that our group of friends are starting to get a bit on the rowdy side. When Shivam comes up to the bar to order some drinks for his friends (plus a couple for himself), Heath decides he'd better slow him down.

<https://www.youtube.com/watch?app=desktop&v=7izzcaOqcqc&feature=youtu.be>

Refusal of service

Cerise, who is working at a bar, meets the group of friends as they continue their night out. Em has become intoxicated - what should Cerise do? Slow her down? Tell her off? Refuse to serve her and ask her to leave?

<https://www.youtube.com/watch?app=desktop&v=kzwrV3NdtM4&feature=youtu.be>

ID checks

Kirsty joins the group of friends as they're lining up to enter a nightclub. Nick, who's serving behind the bar, is worried that they might be underage. Should he check their IDs, or are they okay since he saw them talking to security at the front door?

<https://www.youtube.com/watch?app=desktop&v=3xnJVbkl8KE&feature=youtu.be>

Your role in harm minimisation

This short video explores the topic of harm minimisation in NSW: what it is, what strategies have been put in place to minimise harm, and what you as an RSA practitioner can do to contribute.

<https://www.youtube.com/watch?app=desktop&v=XRYUMOC-Pv4&feature=youtu.be>

For further information, please visit: www.liquorandgaming.nsw.gov.au and Liquor & Gaming learning resources <https://www.liquorandgaming.nsw.gov.au/resources/learning-resources>

