



NSW Responsible Service of Alcohol

Course handbook

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Version: 5

Date modified: August 2024

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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 2022	Liquor & Gaming NSW
5	19 August 2024	Liquor & Gaming NSW

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Introduction

Welcome to the Liquor & Gaming NSW Responsible Service of Alcohol (RSA) training.

This participant 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 will 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 participant 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.

Who needs to complete RSA training

Responsible Service of Alcohol (RSA) training is mandatory for people who sell, serve or supply alcohol to the public in NSW. 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.

RSA training is the foundation that qualifies you to sell, serve or supply liquor in accordance with the law. 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.

If you are new to the liquor industry or your RSA competency training took place more than five years ago, you need to complete a full RSA training course with a Liquor & Gaming NSW approved training provider. There are no exemptions to the requirement for undertaking RSA training.

If you do not permanently live in NSW, but want to work here to sell, serve or supply alcohol, you must have completed an approved interstate RSA course within the last 5 years from another Australian State or Territory.

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.

If you work as security staff or an RSA marshal in a licensed premises in NSW, regardless of whether you live permanently in NSW or not, you are required to hold an NSW competency card displaying the RSA endorsement. You can obtain the NSW competency card by completing the NSW RSA Bridging course.

Refer below for further information on pathways for interstate RSA holders to work in NSW.

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 with Liquor & Gaming NSW and register their successful completion. This course is separate to the RSA course. Refer below for more information on RSA



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>

Pathway for interstate RSA holders to work in NSW:

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

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>

Module 1

NSW liquor laws

1



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 is 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 responsible service of alcohol 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, 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 most 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. During the financial year 2017/2018, the total cost of alcohol-related issues to Australia was estimated to be \$66.8 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:

<https://www.healthstats.nsw.gov.au/indicator?name=-beh-alc-paf-hos&location=NSW&view=Trend&measure=DSTRate&groups=>

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 Examining the Social and Economic Costs of Alcohol use in Australia: detailed findings at <https://ndri.curtin.edu.au/ndri/media/documents/publications/T302.pdf>

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	• 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	• a safer and more enjoyable working environment • training, support and knowledge to deal with customers • better rapport with customers
Local community and neighbourhood	• better engagement with the local community • fewer complaints by the local community • local community more inclined to visit the venue
Customers	• safer and more enjoyable venues • enhanced reputation • better rapport with staff and other customers
Government agencies	• 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 have 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 (Sentencing Procedure) Act 1999*. View the current penalty unit value at:

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1999-092>

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 Section 9	Outlines the main offences relating to sale and supply of liquor. <i>Key section to be aware of as a frontline worker:</i> 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.	• 100 penalty units • imprisonment for 12 months; or • both penalty and imprisonment.	https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-090#sec.9
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: • 100 penalty units • imprisonment for 12 months; or • both penalty and imprisonment.	https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-090#pt.3

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.).	100 penalty units	https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-090#pt.4
PART 5 Section 73 (Division 1)	Covers the regulation and control of licensed premises. It outlines the rules that need to be followed when managing or working on licensed premises. <i>Key clauses to be aware of as a frontline worker:</i> 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. 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. If an intoxicated person is on a licensed premises, you must stop service and take appropriate steps to remove them from the premises.	100 penalty units.	https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-090#pt.5-div.1
PART 6	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. For example, drinking games or promotions that encourage people to become intoxicated are not allowed.	5-100 penalty units for individuals, depending on the offence. 250 penalty units for corporations.	https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-090#pt.6
PART 7 Section 117	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. <i>Key section to be aware of as a frontline worker:</i> This section makes it illegal for anyone to sell or supply alcohol to people under 18 on licensed premises.	100 penalty units - imprisonment for 12 months; or - both penalty and imprisonment.	https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-090#pt.7

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://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-090#pt.8
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://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-090#pt.9
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://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-090#pt.9A
PART 10	Outlines criminal proceedings where individuals or businesses that break the law need to be dealt with in court.		https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-090#pt.10

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/whole/html/inforce/current/sl-2018-0473#pt.2

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/html/inforce/current/si-2018-0473#pt.3
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/html/inforce/current/si-2018-0473#pt.4
PART 5 Clauses 63-65 (Division 2) Clause 75 (Division 3)	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> 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. 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.	10 penalty units, or 20 units if the licensed premises are in a prescribed precinct. 5 penalty units.	https://legislation.nsw.gov.au/view/html/inforce/current/si-2018-0473#pt.5 https://legislation.nsw.gov.au/view/html/inforce/current/si-2018-0473#sec.63 https://legislation.nsw.gov.au/view/html/inforce/current/si-2018-0473#sec.75
PART 6	Covers the provisions for harm minimisation, including: - 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/html/inforce/current/si-2018-0473#pt.6

Parts and sections of the Liquor Regulation 2018	What is covered in this part of the Regulations?	Maximum penalty for breaches	Reference
	Covers prescribed precincts located in Sydney CBD and Kings Cross. This includes several mandatory requirements to help prevent alcohol-related harms, including per person drink sale limits during late trade, the use of incident registers, and restrictions on the use of glass to serve alcohol.		https://legislation.nsw.gov.au/view/html/inforce/current/sl-2018-0473#pt.7
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://legislation.nsw.gov.au/view/html/inforce/current/sl-2018-0473#pt.7A
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. RSAT is mandatory for anyone involved in same day alcohol delivery to the public in NSW. This applies to same day alcohol delivery providers, delivery agents and persons making same day deliveries.		https://legislation.nsw.gov.au/view/html/inforce/current/sl-2018-0473#pt.7B
PART 8	Sets out legal definitions, such as what is considered acceptable proof of identity in NSW.		https://legislation.nsw.gov.au/view/html/inforce/current/sl-2018-0473#pt.8
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/html/inforce/current/sl-2018-0473#pt.9



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>

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.

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.

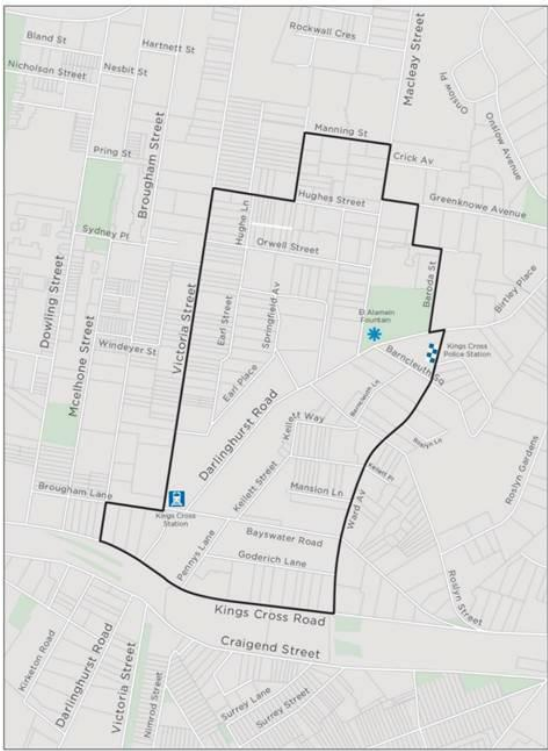


What does this mean?

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
• 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	• 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
 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, Manning St, Crick Av, Greenknow Avenue, Brougham Street, Dowling Street, McElhone Street, Windeyer St, Victoria Street, Earl Street, Springfield Av, Orwell Street, Hughes Street, Kensington Road, Kensington Lane, Bayswater Road, Goderich Lane, Kings Cross Road, Craigend Street, and Victoria Lane. The Kings Cross Police Station is marked with a blue star.	 A map of the Sydney CBD Entertainment Precinct. The precinct boundary is outlined in black and shaded in light brown. The map shows the precinct's location relative to the Sydney Harbour Bridge and the city center. A legend in the top right corner identifies the precinct and includes a scale bar (0 to 250 meters) and a north arrow. The map also shows surrounding areas like the Kings Cross Precinct (shaded yellow) and the Sydney CBD (shaded light brown).



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://legislation.nsw.gov.au/#/view/regulation/2018/473>

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	An on-premises licence allows the sale of alcohol for consumption on the premises when another product or service - including food, entertainment and accommodation - is sold, supplied, or provided to customers. All restaurants holding an on-premises licence need to meet the primary purpose test. If the primary purpose of the business or activity is the sale or supply of alcohol, they are not eligible for an on-premises licence. Types of businesses that are eligible for this licence include: nightclubs, catering services, function centres, karaoke venues, airports, sea vessels, function centres, accommodation venues. See note below.
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. The sale of house-made cocktails mixed on-site can be sold for consumption away from the licensed premises provided they are packaged and sealed. Small bars are permitted a limited amount of liquor for takeaway purposes provided it is sold with a genuine takeaway meal. See note below.
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.

Note: From 1 March 2025 it will be unlawful for restaurants and small bars to sell takeaway or home delivery liquor without an authorisation (with the exception of small bars selling takeaway house-made cocktails). Licensed restaurants and small bars have 6 months from 1 July 2024 to apply for the authorisation (including those who are currently selling takeaway and home delivery under L&GNSW relaxed enforcement approach taken during covid-19).

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 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.

Employees and delivery agents delivering the alcohol must ensure:

- they have completed Responsible Supply of Alcohol training (RSAT) and the Liquor & Gaming NSW RSAT knowledge test
- 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

Same day delivery providers will need to ensure:

- 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)

There are requirements that must be adhered to under the *Liquor Act 2007* and regulations for the verifying of identity and age at the time a person places an order.

There are three options available to verify the alcohol purchaser's age.

- Option 1: Using an accredited digital identity service provider under the Trusted Digital Identity Framework (TDIF)
- Option 2: Artificial Intelligence (AI) based authentication of evidence of age document
- Option 3: Requiring the purchaser to make a statement

These measures increase protections to help prevent minors from purchasing alcohol online.

Who needs to complete an RSAT course?

Responsible Supply of Alcohol Training (RSAT) is mandatory for anyone involved in same day alcohol delivery to the public in NSW. This applies to same day alcohol delivery providers, delivery agents and persons making same day deliveries.

Same day alcohol delivery providers, delivery agents, registered training organisations and L&GNSW may deliver RSAT, however, only L&GNSW can conduct the RSAT assessment and issue the certificate.

What does this mean for same day delivery providers?

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

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

2



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
- imposition of demerit points
- 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 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 consumption, and what to do in this situation.

Let's start by looking 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 reckons 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 most assaults and neighbourhood disturbances.

2.2.2. NSW definition of intoxication

Each state and territory have 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			
• slurring words • rambling or unintelligible conversation	• incoherent or muddled speech • loss of train of thought	• not understanding normal conversation	• difficulty paying attention
Balance			
• unsteady on feet • swaying uncontrollably	• staggering • difficulty walking straight	• cannot stand, or falling down • stumbling	• bumping into or knocking over furniture or people
Coordination			
• lack of coordination • spilling drinks	• dropping drinks • fumbling change	• difficulty counting money or paying • difficulty opening or closing doors	• inability to find one's mouth with a glass
Behaviour			
• rude • aggressive • belligerent • argumentative • offensive • bad tempered	• physically violent • loud / boisterous • confused • disorderly • exuberant	• using offensive language • annoying / pestering others • overly friendly • loss of inhibition	• 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 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=7izzcaOgcqc&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

Introduction to drink spiking

Drink spiking is when someone deliberately adds alcohol or another drug to someone's drink without their knowledge or permission. This can lead to the person falling ill, unconscious and, in extreme cases, it can even lead to death.

One of the most common ways to spike a drink is by adding alcohol to a non-alcoholic drink or adding extra alcohol (double/triple shots). A range of drugs can also be used to spike a drink which is added to alcohol to act as a powerful sedative.

Everyone who works in licensed premises, including security staff, has a part to play in eliminating drink spiking.

In addition to monitoring the amount of alcohol consumed by a customer or the time spent at the venue, staff should also monitor for drink spiking which can result in similar signs to intoxication and lead to negative consequences such as assault.

Drink spiking incidents

Whether you have noticed suspicious activity yourself, or have been approached by someone with concerns, you must act quickly.

Symptoms may be similar to intoxication, so it is important to understand the situation and have processes in place to manage it appropriately.

The safety and health of the victim, other customers, and staff are paramount, as is following procedures for reporting a crime and preserving evidence.

Drink spiking is a scary experience, and the victim needs to be reassured they are safe. Once attended by the police/emergency services, ensure the victim has a planned journey home and are accompanied by someone they know and trust.

Maintain a list of local services for quick reference in the event of a drink spiking.

These can include:

- Police/Emergency Services Triple Zero (000)
- Police Assistance (131 444)
- Crime Stoppers (1800 333 000)
- Your local Police stations direct number
- Local taxi service
- Counselling service like 1800RESPECT

What to do if drink spiking occurs

Listen

Listening and believing is the vital first step to supporting someone who has been affected, whether it has been proven to be a spiking incident or not. Avoid judgment, always believe the person, be mindful of their wishes and wellbeing.

Ensure everyone's safety

Act quickly to ensure the safety of those affected. With another member of staff, help the individual to place where they feel safe away from crowds. Ask a friend or trusted individual to accompany the victim. Ensure anyone offering to help is a friend and can be fully trusted. If in doubt, intervene. Don't leave the victim alone. Call an ambulance if medical attention is required.

Gather all information

Gather as much information as possible about the incident for the emergency services ahead of their arrival. Speak calmly and reassuringly. The victim is in a vulnerable state and needs to know they are safe. Act quickly to provide the greatest possible chance of apprehending and prosecuting the perpetrator.

Information will also be required for your incident register. Even if your venue is not required to keep an incident register, it is best practice to do so.

Secure test report

Report the incident to the Police as soon as possible as the individual must be tested quickly. Carefully assess any requests not to contact police.

If you do keep testing kits, preserve the kit (+ or – result) to hand to the Police. Secure the affected drink, container, and contents for examination by the police.

Working with emergency services

The Police or a medical professional will test the victim. Advise Police:

- if the victim has vomited
- of any contaminated clothing
- if the perpetrator is still present.

Any CCTV recordings should be preserved.

Penalties for drink spiking

Drink spiking is a premeditated act and is a criminal offence which carries with it serious penalties including fines and imprisonment. Drink spiking is classified as an assault, and like other assault incidents, enforcement is the responsibility of NSW Police.

Venues that have recurring issues with drink spiking will incur demerit points under the Incentives and Demerit Point System. The system is designed to reward licensees, managers, and clubs with a clean record by discounting licence fees. Demerit points are imposed for those who commit serious offences under the *Liquor Act 2007* or fail to provide a safe environment for patrons.

Mark is working as a security guard at a pub. He notices Jenny who is stumbling as she walks and needing to hold onto furnishing to support herself.

Mark remembers checking Jenny's I.D when she entered the venue with another lady earlier in the night. The other lady is sitting nearby with a couple of people. Jenny appears to be intoxicated and Mark needs to determine if she will be required to leave the venue. When he approaches Jenny, he notices that her eyes are unfocussed, and her words are slurred.

Mark asks Jenny, "Hi, how are you doing? It looks like you may have had too much to drink, and I am going to have to ask you to leave the venue. Do you have a way to get home, or do you need me to arrange some transport for you?"

Jenny states "I have only had one drink; I don't feel right, I shouldn't feel like this, can you help me?"

*Mark needs to **listen** and ensure Jenny is **safe** as his priority. Once Mark has **gathered information**, he will be in a better position to make an informed decision and provide the help that Jenny needs.*

Discuss further as a group what steps Mark should take...

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

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?"
- "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 2007*.

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

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 deciding 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 an 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

3



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.

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.



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?

3.1.3. 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
- 12 months imprisonment
- The suspension or cancellation of a liquor licence

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

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 and Registered clubs	Minors cannot enter or remain in bar areas and gaming machines 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 used primarily for the consumption of meals at tables. - 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 - Clubs may 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. - 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	Small bars that regularly provide meals between their opening time and 10pm can allow minors during these times with a responsible adult. Small bars that wish to make use of this option must ensure the correct signage is in place to convey that they are choosing to permit minors. Small bars can also apply for a ‘Minors Authorisation’ if they wish to allow minors at other times up until 12:00am or in different circumstances. More information can be found via the link: https://www.liquorandgaming.nsw.gov.au/operating-a-business/liquor-licences/liquor-licence-types/small-bar-licence
Packaged liquor licence	Unaccompanied minors are prohibited from entering or remaining in bottle shops, the liquor sales areas of supermarkets, or an area dedicated to the sale of liquor by retail in sealed containers on the licensed premises for consumption away from the licensed premises. A responsible adult must also not leave a minor unaccompanied in these areas.
Exception: - liquor is sold for takeaway or home delivery from a packaged liquor business that cannot do walk-up sales (for example, where the licensed premises is a home office) - an unaccompanied minor is in a supermarket with a liquor sales area, but is not in the liquor sales area - a minor leaves the area within a reasonable period after being informed by a responsible person that the minor must not be within the area - the minor is an employee and is not involved in the sale or supply of liquor (where this has been approved by the Independent Liquor & Gaming Authority)	

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 bottle shops
- 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.

Unaccompanied minors are prohibited from entering or remaining in;

- bottle shops,
- the liquor sales areas of supermarkets,

- or an area dedicated to the sale of liquor by retail in sealed containers on the licensed premises for consumption away from the licensed premises.

A responsible adult must also not leave a minor unaccompanied in these areas.

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 and their date of birth.

Acceptable evidence of age documents in NSW are:

- Digital or physical driver or rider licence issued by an Australian State or Territory
- Driver or rider license of 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

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 or an interstate digital driver licence (DDLs) so it's important you know how to visually verify a DDL. Several states in Australia produce digital driver licences in their own jurisdiction, which can be stored in an app on a person's phone or device. As many people only carry digital driver licences and do not carry their physical driver licence with them, NSW will allow people to produce their digital driver licences as relevant evidence of age document

Here are a few tips:

- ensure the customer is logged on to the Service NSW app or the official government channel for the state that their license is held
- ask the patron to swipe down to refresh the screen (licence checkers should not touch a customer's phone) as this automatically updates the display
- check the 'last refreshed' time stamp
- check the patron's photo matches the person in front of you
- ask the customer to tilt their phone back and forth – a hologram should move and shimmer.

If you have any issues with the above and you suspect the customer is not displaying a genuine digital driver licence, you should ask to check another form of ID.



Verifying interstate digital driver licences

The following links will provide instruction on visually verifying an interstate digital driver licence:

<https://www.sa.gov.au/mysagov/my-sagov-mobile-app>

<https://www.vicroads.vic.gov.au/licences/digital-driver-licence/verify>

<https://www.qld.gov.au/transport/projects/digital-licence/business-verify#visual>

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.

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

4



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, Responsible Gambling Officers and supervisors in hotels and clubs, and club secretaries	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 – Sunday: 5am – midnight

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

Small bar standard trading hours are 10:00am-midnight, Monday to Sunday. A two-hour extension from midnight to 2am can be granted if approved within the venue’s development consent.

4.1.2.3 Standard trading hours

	Monday – Saturday	Sunday	Good Friday	Christmas Day	New Year's Eve
Hotels ¹	5am – midnight	5am - midnight	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	5am - midnight	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	5am - midnight	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	10am – 2am	10am – 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).

Licensees can download and print approved signage or order from the Liquor & Gaming online shop.

Sign	Requirement
	Sign 1L – Under 18s not to be served alcohol - 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.
	Sign 2L – Under 18s not permitted in this area - 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.
	Sign 3L – Under 18 authorisation - 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. - used for the liquor sales area of supermarkets

Sign	Requirement
	Sign 4L – Breath testing sign - 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.
	Sign 6L – Under 18s not permitted during liquor trading hours - 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.
	Sign 7L – Minors allowed on premises, with a responsible adult - 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
	Sign 8L – Minors are allowed on premises - 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
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. From 19 July 2021: No Alcohol can be sold or supplied to anyone under 18. It's against the law.	Sign 9L – Alcohol not to be sold to under 18s sign - all internet operators and bottle shops • 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. • used for where unaccompanied minors are not allowed within the entire premises such as bottle shops.
	Entrance Sign (Sign 10L) • 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

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.

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. Same day delivery of alcohol

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.

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:

- Licensed premises and service providers selling liquor online are required to display signage. Refer to Section 4.1.3 on page 57 for more information.
- It is 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.
- Same day alcohol delivery providers need to verify the age of customers when they offer alcohol delivery online.

There are minimum requirements that must be adhered to under the *Liquor Act 2007* and regulations.

There are three options available to verify the alcohol purchaser's age.

- Option 1: using an accredited digital identity service provider under the Trusted Digital Identity Framework (TDIF)
- Option 2: artificial intelligence (AI) based authentication of evidence of age document
- Option 3: requiring the purchaser to make a statement

These measures increase protections to help prevent minors from purchasing alcohol online.



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.

Overview on the Liquor & Gaming NSW website:

[Responsible Supply of Alcohol Training \(RSAT\) - Liquor & Gaming NSW](#)

New liquor & 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 & 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 is a record of certain types of incidents that occur at a licensed premises.

This should outline any reportable incident that involves violence, anti-social behaviour, when customers are asked to leave, or when an injury occurs that requires medical assistance. All required incidents must be entered as soon as practicable after the event and within 24 hours of the event occurring.

A liquor incident register is mandatory if you are the licensee of a premises that is:

- authorised to sell or supply liquor after midnight at least once a week on a regular basis
- located in the Kings Cross or Sydney CBD Entertainment precincts – with the exception of packaged liquor licences or on-premises licences ---without a Primary Service Authorisation (PSA), and the class is not a theatre or cinema
- party to a liquor accord and required to keep an incident register under the terms of the accord required to have an incident register due to a specific licence condition.

The incident register should be filled out and include the following information as per example below. The required fields include but are not limited to:

- date and time
- location of incident
- incident type
- additional details when reporting on mandatory incident types
- incident details, actions taken and summary outcomes
- witness details
- persons of interest details.
- if police were notified or attended the incident

All licensed premises are encouraged to maintain an incident register even if it is not a requirement for your licensed premises. They are a useful compliance tool and can form part of your venue's responsible practice. This should outline any reportable incident that involves violence, anti-social behaviour, when customers are asked to leave, or when an injury occurs that requires medical assistance.



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.



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.



More information

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

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.

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

5



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 willful the behaviour, the more serious the response.

Through this approach, Liquor & Gaming NSW aims to achieve future compliance, signal general deterrence and instill 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

The Independent Liquor & Gaming Authority may now revoke a person's RSA in certain high-risk situations where the person has been charged with, or found guilty of, a serious indictable offence involving violence that was:

- committed on licensed premises or in the immediate vicinity of licensed premises, and
- in the opinion of the Independent Liquor & Gaming Authority, creates, or has the potential to create, a significant risk of harm to another person associated with the person's employment on licensed premises.

Changes have also been made to allow the Independent Liquor & Gaming Authority to immediately suspend a person's RSA as soon as the notice has been provided to the person, while a formal determination is made on the revocation or permanently disqualify a person from holding a recognised competency card or a particular recognised competency card endorsement, or for a period specified (rather than previous limit 12-month maximum disqualification period).



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 three schemes were the Violent Venues, Three Strikes and Minors Sanction schemes.

The NSW Government replaced the regulatory schemes from 1 January 2021 with the introduction of an integrated incentives and demerit point system under the *Liquor Act 2007*. The incentives and demerit point system is designed to reward licensees, managers and clubs with a clean record by discounting licence fees and sanction those who commit serious offences under the *Liquor Act 2007* or fail to provide a safe environment for patrons by imposing demerit points.

5.3. Incentives and demerit points system

The Incentives and Demerit Point System aims to reduce serious alcohol-related violence and repeated non-compliance with the NSW liquor laws.

Under the system, a demerit point is automatically incurred where a licensee or approved manager commits one of the most serious offences or fails to provide a safe environment for patrons.

Double demerit points attach to offences involving the sale or supply to minors, due to the seriousness of these types of offences. Demerit points can also be imposed by the Independent Liquor & Gaming Authority (ILGA) where it decides a prescribed complaint has been made out.

The system rewards responsible operators that comply with the liquor laws by discounting licence fees. Operators that have received demerit points are not eligible for these discounts and pay higher licence fees as part of the compliance risk loading element of their licence fees.

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.

For a list of demerit offences and further information in relation to prescribed complaints, please refer to the [Incentives and Demerit Point System fact sheet PDF, 444 KB](#).

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
▲ 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	▲ 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	▲ 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

5.3.1. 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, 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 14 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 Incentives and Demerit Point System 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 consider 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

Next steps

Additional training

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

It is recommended to undertake all training you require, such as Responsible Conduct of Gambling 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 through a Liquor & Gaming NSW approved training provider.

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.

Note: If you are former licensees with an expired licensee competency card endorsement, you are able to re-enter the industry by completing licensee training only (and not also RSA training) if you held a licensee endorsement within the previous 3 years.



More information

Find out everything you need to know about all the courses available to you, including RCG 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. You are not permitted to work with an expired interim certificate.

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.

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 refresher training dependent on your role:

- Responsible Service of Alcohol Refresher training or
- Licensee Refresher training (renews both your licensee and RSA endorsements)

Completion of these refresher courses 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

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>

GL4003

Intoxication guidelines

These guidelines are designed to assist you to determine whether or not a person is intoxicated.

Overview

You must always have due regard to the following objectives of the liquor laws:

- ▲ Need to minimise harm associated with the misuse and abuse of liquor.
- ▲ Encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor.
- ▲ Ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

What is the law?

Section 5 of the *Liquor Act 2007* states that a person is intoxicated if:

- ▲ the person's speech, balance, co-ordination or behaviour is noticeably affected, and
- ▲ it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

Liquor licensees have important obligations to ensure alcohol is served responsibly to help minimise alcohol-related harm.

Supporting responsible consumption practices and preventing intoxication lowers the risk of alcohol-related violence and neighbourhood disturbance, and helps to promote a safe venue for customers and staff.

The NSW liquor laws prohibit the sale and supply of alcohol to intoxicated persons. Licensees also have a legal obligation to prevent intoxication from occurring on their premises. Fines, higher annual licence fees, and possible suspension or cancellation of a licence can apply where alcohol is served to an intoxicated person or intoxication is permitted.

Intoxication offences under the NSW liquor laws are discussed in the GL4002 'Prevention of intoxication on licensed premises March 2015' guidelines. The guidelines outline the obligations of licensees and serving staff. They provide advice on steps that can be taken by licensees and staff to manage the risk of intoxication on licensed premises.

The GL4002 'Prevention of intoxication on licensed premises March 2015' guidelines are issued by the Secretary, NSW Department of Industry, under section 73(5A) of the *Liquor Act 2007* and are available from Liquor & Gaming NSW at liquorandgaming.nsw.gov.au.

What are the noticeable signs of intoxication?

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

Speech

- ▲ slurring words
- ▲ rambling or unintelligible conversation
- ▲ incoherent or muddled speech
- ▲ loss of train of thought
- ▲ not understanding normal conversation
- ▲ difficulty paying attention.

Balance

- ▲ unsteady on feet
- ▲ swaying uncontrollably
- ▲ staggering
- ▲ difficulty walking straight
- ▲ cannot stand, or falling down
- ▲ stumbling
- ▲ bumping into or knocking over furniture or people.

Coordination

- ▲ lack of coordination
- ▲ spilling drinks
- ▲ dropping drinks
- ▲ fumbling change

Intoxication guidelines

- ▲ difficulty counting money or paying
- ▲ difficulty opening or closing doors
- ▲ inability to find one's mouth with a glass.

Behaviour

- ▲ rude
- ▲ aggressive
- ▲ belligerent
- ▲ argumentative
- ▲ offensive
- ▲ bad tempered
- ▲ physically violent
- ▲ loud / boisterous
- ▲ confused
- ▲ disorderly
- ▲ exuberant
- ▲ using offensive language
- ▲ annoying / pestering others
- ▲ overly friendly
- ▲ loss of inhibition
- ▲ inappropriate sexual advances
- ▲ drowsiness or sleeping at bar or table
- ▲ vomiting
- ▲ drinking rapidly.

Standard drinks

The concept of a standard drink enables people to keep track of how much alcohol they are consuming. A standard drink contains 10 grams of pure alcohol.

The [Standard drinks guide](#) can be used to help identify how many standard drinks have been consumed and is available from alcohol.gov.au.



How else to determine if someone is intoxicated

Make observations:

- ▲ 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?

Your observations will help you form a reasonable belief as to whether the person is intoxicated as a result of alcohol consumption.

Talk to the person and their friends to help determine whether the person is intoxicated or becoming intoxicated.

Reasonable belief that a person is intoxicated

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

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.

Are there conditions that exhibit similar symptoms/signs to intoxication?

Some medical conditions, disabilities or the use of drugs may cause similar behaviours without the person being intoxicated as a result of alcohol consumption.

Prior to refusing service on the basis that a person is intoxicated, you should endeavour to determine whether the person has a medical condition or disability which may cause signs or symptoms similar to intoxication.

If the person has a medical condition or disability, it is likely that their friends will be able to tell you. Be sensitive to a person's right to privacy.

Examples only:

- ▲ acute infections
- ▲ acquired brain injury
- ▲ brain trauma/tumours
- ▲ delirium
- ▲ diabetes/hypoglycaemia

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- ▲ epilepsy
- ▲ head injuries
- ▲ pneumonia
- ▲ seizures and post-seizure states
- ▲ stroke.

Even though a person has a pre-existing condition, if you have observed the person consuming alcohol and the person has been drinking for some time, then it would be reasonable to form a belief that the person is intoxicated as a result of alcohol consumption.

- ▲ Slow service down for the patron
- ▲ Wait for the patron to re-order, don't automatically top up drinks
- ▲ Do not conduct any activity or promotion that will result in patrons engaging in irresponsible, rapid, or excessive consumption of liquor.

What to do if someone is intoxicated

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 the law the person must also be asked to leave the premises.

Procedures for dealing with intoxication incidents should be in place and staff should be trained in these procedures.

When refusing service to a person:

- ▲ Introduce yourself to the person. Tell them your name and your role, and ask their name.
- ▲ Approach the person in a friendly and respectful manner. Patronising or authoritarian attitudes can often evoke anger and make the person more aggressive – this is a common response to threats to one's dignity and self-respect. Try not to speak to the person 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 (limit for cultural reasons); and adjust speaking pace to match the patron's.
- ▲ Give clear, concrete statement that by law they cannot be served another drink.
- ▲ Notify the manager/licensee/supervisor or security. Also notify other bar 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 with them.
- ▲ If the person refuses to leave then you should contact police for assistance in removing the person from the premises.
- ▲ If considered necessary, management may consider imposing a short term ban.

The Liquor & Gaming NSW website has a number of resources which provide further information on refusing entry or removing patrons from a premises.

See the FS3030 'Refusal of entry and patron bans/barring' fact sheet for further information on refusing entry or removing patrons from a premises, or search for 'refusing entry' at liquorandgaming.nsw.gov.au.

Penalties

Supplying alcohol to an intoxicated person can be very expensive. The licensee or staff can be fined up to \$11,000 or be issued with an on-the-spot fine by way of a penalty notice. It is also an offence for other patrons to supply alcohol to an intoxicated person, with a maximum fine of \$1,100 applying.

For further information

Visit liquorandgaming.nsw.gov.au for more information about the liquor laws. Subscriptions to our e-news service are also available from this site.

Access to the liquor laws – the *Liquor Act 2007* and the Liquor Regulation 2018 – is available from liquorandgaming.nsw.gov.au.

To find out more about the liquor laws, contact L&GNSW:

-  liquorandgaming.nsw.gov.au
-  1300 024 720
-  [Contact us online](#)

Publication details

These guidelines are published by the Secretary, NSW Department of Industry, under section 5 of the *Liquor Act 2007*. They are designed to assist you to determine whether or not a person is intoxicated.

These guidelines are subject to periodic review. Please go to liquorandgaming.nsw.gov.au to ensure you are using the latest guidelines.

GL4002

Prevention of intoxication on licensed premises guidelines

Introduction

Liquor licensees have important obligations to ensure alcohol is served responsibly to help minimise alcohol-related harm. Supporting responsible consumption practices and preventing intoxication lowers the risk of alcohol-related violence and neighbourhood disturbance, and helps to promote a safe venue for customers and staff.

The NSW liquor laws prohibit the sale and supply of alcohol to intoxicated persons. Licensees also have a legal obligation to prevent intoxication from occurring on their premises. Significant penalties – including fines, higher annual licence fees, and possible suspension or cancellation of a licence – apply where alcohol is served to an intoxicated person or intoxication is permitted.

These guidelines include practical steps that licensees can take to manage the risk of intoxication on their premises. They will assist licensees to comply with the liquor laws and the conditions of their liquor licence.

While implementing these steps is not a licence requirement, it is recommended, as the steps provide evidence of what a licensee has done to minimise the risk of intoxication in the event of a prosecution under the liquor laws.

Because liquor is sold in a diverse range of circumstances, licensees and staff should also consider whether other measures – in addition to the steps outlined in these guidelines – are needed to minimise the risk of intoxication.

What is the law?

It is unlawful for a licensee or staff member to sell or supply liquor to an intoxicated person on licensed premises (section 73(2) of the *Liquor Act 2007*). The maximum penalty is \$11,000.

A person is intoxicated if:

- a. the person's speech, balance, co-ordination or behaviour is noticeably affected, and
- b. Separate guidelines have been issued by the Secretary, of the Department of Industry, to assist licensees and staff in determining whether a person is intoxicated. Please refer to GL4003 'Intoxication guidelines' at liquorandgaming.nsw.gov.au.

It is unlawful for a licensee to permit intoxication on licensed premises (section 73(1)(a) of the *Liquor Act 2007*). The maximum penalty is \$11,000.

A licensee is deemed to have permitted intoxication if an intoxicated person is on the licensed premises (section 73(4) of the *Liquor Act 2007*), unless the licensee can prove:

- a. The licensee or staff:
 - i. asked the intoxicated person to leave the premises, and
 - ii. contacted, or attempted to contact, the police for assistance in removing the person from the premises, and
 - iii. the person was refused further service of liquor, or
- b. The licensee or a staff member had taken the steps set out in guidelines issued by the Secretary of the Department of Industry, under section 73(5A) of the *Liquor Act 2007*, or
- c. The intoxicated person did not consume liquor on the licensed premises.

Prevention of intoxication on licensed premises guidelines

What is the purpose of these guidelines?

The Secretary of the Department of Industry, is required to issue these guidelines under section 73(5A) of the *Liquor Act 2007*. Their purpose is to describe the steps that licensees and their staff must take where a licensee wishes to be able to rely upon the defence in section 73(4)(a1) to establish that intoxication was not permitted on their licensed premises.

Where a licensee seeks to rely upon this defence, it will be necessary to demonstrate that **each of the steps** in these guidelines at the time that the offence of permitting intoxication was alleged to have occurred.

As an alternative to implementing the steps in these guidelines, licensees also have the option of relying upon sections 73(4)(a) or 73(4)(b) of the *Liquor Act 2007* to defend an allegation that intoxication has been permitted on the licensed premises.

References

Any reference to a licensee in these guidelines includes a reference to a manager as defined in section 4 of the *Liquor Act 2007*.

Any reference to staff or a staff member in these guidelines includes a reference to any person undertaking duties related to the sale and supply of alcohol on the licensed premises, including security personnel and RSA marshals.

Steps to prevent intoxication on licensed premises

1. Selling, supplying and promoting liquor responsibly

The steps are:

- the requirement to not sell or supply liquor to an intoxicated person (under section 73(2) of the *Liquor Act 2007*) is complied with,
- obligations relating to responsible service of alcohol training and the availability of free water (under the *Liquor Regulation 2018*) are complied with,
- any conditions imposed on the liquor licence or any requirements under the *Liquor Act 2007* which restricts the times, type or quantity of alcohol sold or supplied on the licensed premises are complied with, and
- liquor is not sold, supplied or promoted in a manner that is inconsistent with the Liquor Promotion Guidelines issued by the Secretary, of the Department of Industry, under section 102(4) of the *Liquor Act 2007*.

Please refer to GL4001 'Liquor Promotion Guidelines' at liquorandgaming.nsw.gov.au.

2. Monitoring liquor consumption and patron behaviour

The steps are:

- the licensed premises is operating under the direct supervision of the licensee or appropriately experienced supervisory staff whenever liquor is being sold and supplied,
- liquor consumption by all patrons is actively monitored by the licensee or staff,
- intervention occurs when the licensee or a staff member becomes aware that a patron is consuming liquor irresponsibly and in a manner likely to result in intoxication,
- intervention occurs when the licensee or a staff member becomes aware that a patron is intoxicated to prevent the person from consuming liquor and to request that person to leave the premises,
- patrons entering the licensed premises between midnight and 5am are actively monitored and assessed for intoxication at the time of entry, and
- any conditions imposed on the liquor licence, requirements under the *Liquor Act 2007*, or requirements of a development consent or approval under the *Environmental Planning and Assessment Act 1979*, relating to the engagement and duties of security personnel and/or RSA marshals are complied with.

3. Implementing harm minimisation measures

The steps are:

- the availability of free drinking water is actively promoted to patrons throughout the licensed premises,
- action is taken to make patrons aware of the availability of non-alcoholic and low strength alcoholic beverages in the licensed premises,
- any requirements under the *Liquor Act 2007* relating to the provision of food on the licensed premises are complied with in a manner consistent with the reasonable requirements, expectations and demands of the patrons of the premises, and
- the following drinks are not sold or supplied between midnight and 5am:
 - any drink (commonly referred to as a 'shot', a 'shooter' or a 'bomb') that is designed to be consumed rapidly,

Prevention of intoxication on licensed premises guidelines

- ii. any ready to drink beverage with an alcohol by volume content of more than 5%, and
- iii. any drink prepared on the premises that contains more than 30 ml of spirits or liqueur, other than a cocktail that contains spirits or liqueur (or both) mixed with other ingredients and that is not designed to be consumed rapidly.

4. Planning to prevent intoxication on the licensed premises

The steps are:

- a. written document (such as a plan or house policy) is prepared which:
 - i. details the measures in place to prevent intoxication on the licensed premises (including the method of complying with the steps set out in these guidelines),
 - ii. describes how staff are instructed and trained to prevent intoxication on the licensed premises, and
 - iii. is provided to police and inspectors upon request.
- b. all staff receive instructions and training on the contents of the document referred to in step 4(a) above before they commence working on the licensed premises.

Fact sheet FS3164

Liquor Plan of Management guidance

If you are applying for a liquor licence you may need a Liquor Plan of Management (LPOM). While some venues have a LPOM condition on their licence, it is not mandatory for all venues. However, it is recommended that all venues have a LPOM, as it can be used to support an application to vary your licence conditions. It can also support any development application for redevelopment or change-of-use as required by local councils.

What is a LPOM?

A LPOM provides a framework for both patrons and staff in understanding the responsible service principles adopted by your venue. It provides guidance to you and your staff on actions that will be taken to ensure compliance with your obligations under the liquor laws and your licence.

You as the manager or licensee of the business must create the LPOM to ensure your business is compliant with the law and to help reduce harm. It will then be up to all staff to ensure this plan is followed at all times.

What to include in your LPOM

A good LPOM is a statement of actions to be taken by your venue and can cover such things as:

- ▲ Not serving minors or intoxicated patrons
- ▲ Not conducting irresponsible alcohol promotions
- ▲ Ensuring quality food is always available
- ▲ Promoting safe transport options to patrons
- ▲ Offering discounted non-alcoholic drinks
- ▲ Your venue's approach to dealing with problem patrons
- ▲ Restricting the types of drinks sold after midnight.

Your LPOM should also include details of how these practices will remain current (including ongoing staff training, and how often the LPOM will be reviewed).

It is important that your LPOM includes what controls are in place to ensure your operations will be run responsibly and does not unduly impact on the quiet and good order of your neighbourhood.

LPOM checklist

The list below will help you:

- ▲ Create your document, and
- ▲ Review and keep it up to date.

LPOM contents

A LPOM should outline what procedures are in place for staff to follow, and how patron safety is maintained.

The contents of your LPOM will vary depending on your type of business, however its primary focus should be on the responsible service of alcohol (RSA). Some key areas you may wish to include are:

- ▲ Policy/procedures regarding RSA – what are the obligations of your staff in serving alcohol
- ▲ Policy/procedures regarding running responsible liquor promotions
- ▲ Policy/procedures to manage intoxication
- ▲ Policy/procedures to manage minors
- ▲ Policy/procedures to ensure the security and safety of customers, staff and your local community, including emergency evacuation
- ▲ Details of security arrangements, if necessary (how many, when, for how long etc)
- ▲ Transport options available to customers and staff, especially for intoxicated customers
- ▲ The principal activity that you will conduct on the premises
- ▲ The provision of food (types, when it will be available etc)

- ▲ Details of the maximum number of customers permitted on your premises
- ▲ Policies and procedures to manage employees, including details on how staff are trained
- ▲ A waste management plan, including processes for managing litter in and around the business
- ▲ A complaint handling procedure
- ▲ Details of participation in a liquor accord (if applicable)
- ▲ Minimising the impact of amplified/outdoor entertainment on the surrounding locality

LPOM updates

Your LPOM should be updated each time you change your business model and/or liquor licence, e.g. for new licensed outdoor dining. In managing any new areas some key considerations include:

- ▲ If there is no direct line of sight from the indoor service area to the new area, how often will the area be checked and how (e.g. physical inspection or CCTV)
- ▲ How will serving staff keep track of the number of drinks consumed by customers
- ▲ How will noise and disruption to local residents and pedestrians be managed if the new area is outdoor.

Your general licence conditions will also apply to the outdoor dining area.

Note:

Your LPOM **should**:

- ▲ Be dated, and include clear headings and page numbers (eg. 1 of 4)
- ▲ Include the contact details of your local Licensing Police
- ▲ Be easily accessible by staff.

Your LPOM **should not**:

- ▲ Include wording which may conflict with conditions imposed on your liquor licence
- ▲ Include trading hours which may conflict with hours imposed on your liquor licence.

For further information?

The following resources may be useful in helping you to prepare your LPOM:

- ▲ Intoxication guidelines:
<https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4003-intoxication-guidelines.pdf>
- ▲ Liquor promotions guidelines:
<https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4001-liquor-promotion-guidelines.pdf>
- ▲ Managing minors:
<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/serving-alcohol-responsibly/managing-under-18s>
- ▲ Compliance checklists:
<https://www.liquorandgaming.nsw.gov.au/resources/compliance-checklist>
- ▲ Signage:
<https://www.liquorandgaming.nsw.gov.au/operating-a-business/running-your-business/signs-for-your-business>

To find out more about the liquor laws, contact L&GNSW:

 [liquorandgaming.nsw.gov.au](https://www.liquorandgaming.nsw.gov.au)

 [Contact us online](#)

 1300 024 720

You can also access the liquor laws at [legislation.nsw.gov.au](https://www.legislation.nsw.gov.au).

INCIDENT REGISTER & INDIVIDUAL REPORT

Liquor & Gaming NSW



Incident register

INCIDENT REPORT

2516247

Date	Time	Location	Reported by
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Incident details (Please tick appropriate boxes)

☐ Intoxication	☐ Gaming	☐ Fail to quit	☐ Hold up
☐ Violence/quarrelsome	☐ Asked to leave	☐ Unaccompanied minor	☐ Section 77
☐ Inappropriate conduct	☐ Refuse service	☐ Reported drink spiking	☐ Complaint
☐ Possession/use of suspected illicit drugs	☐ Minors	☐ Self-exclusion	☐ Injury/medical
	☐ Refuse entry	☐ Theft	☐ Other _____

People involved (Include name, age, sex, clothing and any other distinguishing features like scars and tattoos)

Incident report (Additional lines provided on the back of this page if required)

Action taken

THIS SECTION MUST BE COMPLETED FOR ALL REPORTS Police notified? ☐ No ☐ Yes

Date	Time	Event#	How	By whom
Responding officer				Date
Licensee/Approved manager signature				Date

INCIDENT REPORT

2516248

Date	Time	Location	Reported by
------	------	----------	-------------

Incident details (Please tick appropriate boxes)

☐ Intoxication	☐ Gaming	☐ Fail to quit	☐ Hold up
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☐ Inappropriate conduct	☐ Refuse service	☐ Reported drink spiking	☐ Complaint
☐ Possession/use of suspected illicit drugs	☐ Minors	☐ Self-exclusion	☐ Injury/medical
	☐ Refuse entry	☐ Theft	☐ Other _____

People involved (Include name, age, sex, clothing and any other distinguishing features like scars and tattoos)

Incident report (Additional lines provided on the back of this page if required)

Action taken

THIS SECTION MUST BE COMPLETED FOR ALL REPORTS Police notified? ☐ No ☐ Yes

Date	Time	Event#	How	By whom
Responding officer				Date
Licensee/Approved manager signature				Date

LG000057 LQ4763 03/2024

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		
DEMERIT POINTS ARE GIVEN FOR: Serious breaches of liquor laws 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. Prescribed complaints (made under section 139 of the <i>Liquor Act 2007</i>) - 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.	DEMERIT POINTS: - 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.	ESCALATING REMEDIAL ACTION FOR MULTIPLE DEMERITS 2+ demerits = heightened monitoring, engagement and supervision by L&GNSW, and an Authority* case review which might result in: 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). TEMPORARY LICENCE SUSPENSION The Authority might take more action when licensees or managers have multiple demerits in a 3 year period at the same premises: 4+ demerits - licence suspended for up to 7 days. 6+ demerits - licence suspended for up to 14 days. 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.
REMOVAL OF DEMERIT POINTS		
3 years Demerits are removed after 3 years.	1. By applying to the Authority* for good behaviour and if: - 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.	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: - 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

Appendix

Practical Assessment – Guidance Notes

In this practical assessment, depending on the course delivery mode you will be required to submit to your trainer for marking, **4 videos (online) or 4 presentations (classroom)** lasting no longer than 1 minute each.

Course delivery modes

- **Online delivery – 4 videos** to be a recorded response, outlining your ability to handle each of the given scenarios indicated below.
- **Classroom delivery - 4 presentations** outlining your ability to complete a verbal presentation to your trainer for each of the given scenarios indicated below.

Your first three (3) video/presentations will demonstrate procedure to refuse sale and/or service of alcohol and ask the intoxicated customer to leave the premises. You will need to use effective communication and conflict resolutions skills in completing these videos/presentations.

You must cover vital points in each video/presentation which will be to refuse service and ask the customer to leave the premises. Two (2) examples will include where a customer accepts your decision (compliant customer), and one (1) example will be a customer who refuses to leave the venue (non-compliant customer).

The fourth video/presentation will be checking a Photo ID (using your own Photo ID) in 2 example scenarios.

Your trainer will demonstrate how to conduct your 'role play' prior to your practical assessment.

Video/Presentation No 1 and 2 - Intoxicated compliant customer.

(Compliant customer: The patron accepts your decision to leave, does not want to cause trouble and would like to visit again)

- A) those in an emotional or physical distress state (Upset / Crying / Anger)
- B) those with no food consumption during an extended period of alcohol service (non-dining situation)

Video/Presentation No 3 - Intoxicated non-compliant customer refusing to leave the venue.

*(Non-compliant customer: The patron does **not** accept your decision and refuses to leave the venue)*

- C) those who appear to be under the effect of a drug 'other than alcohol' being prescription ('Valium', 'Panadeine Forte') or illicit substances (e.g. cannabis, cocaine, Ice)

Examples are provided in the table overleaf, containing key items and words that your trainer will be expecting to hear in your video/presentation submissions.

Instruction to the student: In video/presentation 1, 2 and 3, it is important that you demonstrate:

- Introducing yourself as a member of staff.
- Using effective communication skills e.g using short sentences to offer your assistance and explaining about house policy and the law and whilst you are refusing alcohol. E.g Calm / polite / appropriate tone / do not invade patron's personal space.
- The requirement of the law and the house policy and asking the customer to leave due to intoxication. (In your Videos/Presentations 1 and 2 you are required to advise the patron each time of any three (3) signs of intoxication that you have learnt. **Note:** (See appendix at the back of the RSA Course handbook)
- Offering safe transport options for the patron to exit the venue, e.g. offer to call a taxi.
- Advising other staff/management/security of your action.
- RECORDING IN YOUR INCIDENT REGISTER.

REMINDER you are using effective communication and conflict-resolution skills when asking a non-complying customer to leave the premises (Scenario 3 Only)

***Conflict-resolution skills may involve being clear, calm, courteous, respectful, non-aggressive, non-confrontationist, empathetic*

Video/presentation 1

A) Role play - Refusal of sale or service of alcohol to an intoxicated customer who may be in a state either emotional or physical distress, and ask them to leave (Upset / Crying / Anger) – **(Compliant customer)**

The Situation - Example scenario for you to visualise.

A group of girls are having a night out. You notice after some time drinking; one girl is in a heated argument with her friend over a social media post on her phone. She is upset, emotional and seems distressed.

Example

"Hi, are you Ok? (and any other empathetic statements).

My name is I am a staff member of the hotel here. Could I please have a word with you over here. You seem very upset at the moment, and we believe you are showing several signs of intoxication being.....

(please name 3 signs)

Unfortunately we can no longer serve you alcohol and under the law and our house policy we must ask you to leave the premises. We value your custom, and you are welcome back another time. Do you require assistance with transport?"

Video/presentation 2

B) Role play - Refusal of sale or service of alcohol to an intoxicated customer who has continued to drink alcohol over an extended period of time but has not consumed ANY food. **(Compliant customer)**

The Situation - Example scenario for you to visualise.

A group of men are having a day out at the local pub watching the races. They are in a large 'round/shout*' of beers, with some drinking at a different pace (faster) and you have observed that no food has been consumed since their arrival a few hours ago. One of the patrons is clearly showing signs of intoxication.

Example

Hi, my name is I am member of the hotel staff. Could I please have a word with you over here.

"We have noticed you have not eaten since your arrival and we have observed significant signs of intoxication (please name 3) and under the house policy, and the law we are required to ask you to leave the premises. We value your custom, and you are welcome back another time. Do you require assistance with transport?"

*Round/Shout - Its primary use is in pub culture, where one person in a group elect to pay for a drink for everyone in the group. This is then repeated by each member in the group.

Video/presentation 3

C) Role play - Refusal of sale or service of alcohol to an intoxicated customer who appears to be under the effect of a drug 'other than alcohol' being prescription ('Valium', 'Panadeine Forte') or illicit substances (e.g. cannabis, cocaine, Ice) – **(The customer refuses to leave - non-compliant)**

The Situation - Example scenario for you to visualise.

A table of patrons are sitting in the corner of your bar. You notice that one of the patrons has just come back from the bathroom and appears to have some white powder under his nose, he is quite agitated, acting irrationally, his eyes are dilated, wide and is talking very fast.

Example

"Hi, my name is I am member of the hotel staff.

We have noticed you are quite agitated, acting irrationally (paranoia) and your eyes are dilated. We believe that you are showing the effects of a drug other than alcohol, and under the law we are required to ask you to leave the premises.

It appears you are not complying with our decision. If you refuse to leave the premises, the NSW Police will be called, and the police will issue you an on-the-spot fine of \$550. Also your refusal to leave could mean a banning from these premises in the future.

REMEMBER - Conflict resolution skills means being clear, calm and courteous, be respectful to the customer and explain the law and use signage to back your decision. **'Fail to Quit / Leave - No Excuse'**

Video/Presentation 4 – Checking ID and refusing entry.

You are required to do an ID check. Please have your own photo ID in front of you.

As you have learnt in your course, there are essential checks you must ask yourself, before accepting what is presented to you. What will you check before allowing entry or serve alcohol to the person in front of you?

Your video/presentation will demonstrate your ability to check ID, in which you will verbally explain the vital elements of what needs to be verified.

Video/presentation 4

Student to simulate a role play acting out the procedure for checking ID and refusing entry (or supply of alcohol). Parts 1 and 2 below are to be completed in one (1) video/presentation submission.

Example:

“Hi there, I hope that you are having a good day/night, I just need to check your ID please; my job depends on it. Thank you for providing me with your (say what type of id you are looking at, Licence, Passport, Keypass 18+. Proof of Age card) ”.

Part 1 – Checking ID

- a) Explain out loud to your trainer, have you been given an acceptable form of ID?
- b) What is the **1st** (first) item to verify as essential for you to check (SAY what you are now comparing)?
E.g “I am checking the patron’s date of birth”
- c) What is the **2nd** (second) item to verify as essential to confirm (SAY what you are now looking at)?
- d) What is the **3rd** (third) item to verify that I should be looking for (SAY what do I need to be sure of)
- e) What other items can we check to verify that the ID is authentic?

Part 2 – Refusing Entry from your ID check

In addition, **you are not satisfied** with one (1) or more of points: **a), b), c), or d)** above on the Identification that is presented to you. What would be your procedure now. How would you manage this?

Please state in your video/presentation what you will be telling or explaining to this person e.g customer

*Your example response: Unfortunately, the ID you have presented to me is not acceptable because (reason **a), b), c), or d)** and therefore we cannot)*

Signs of intoxication

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

Speech			
• slurring words • rambling or unintelligible conversation	• incoherent or muddled speech • loss of train of thought	• not understanding normal conversation	• difficulty paying attention
Balance			
• unsteady on feet • swaying uncontrollably	• staggering • difficulty walking straight	• cannot stand, or falling down • stumbling	• bumping into or knocking over furniture or people
Coordination			
• lack of coordination • spilling drinks	• dropping drinks • fumbling change	• difficulty counting money or paying • difficulty opening or closing doors	• inability to find one's mouth with a glass
Behaviour			
• rude • aggressive • belligerent • argumentative • offensive • bad tempered	• physically violent • loud / boisterous • confused • disorderly • exuberant	• using offensive language • annoying / pestering others • overly friendly • loss of inhibition	• 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>