

ClubsNSW – Submission Proposed Liquor Regulation 2018

ClubsNSW welcomes the opportunity to provide a submission on the proposed *Liquor Regulation 2018* (the proposed Regulation). In summary, ClubsNSW:

- considers that the *Liquor Regulation 2008* (the current Regulation) has been broadly effective,
- predominantly supports the amendments in the proposed Regulation, and
- recommends that the proposed Regulation provide for recognition of prior learning, so that managers of club premises can obtain advanced Responsible Service of Alcohol endorsement if they have sufficient work experience or hold appropriate qualifications.

Operation of the current Regulation

The regulations should support club licensees to do the right thing by ensuring the rules are clear and concise. It is also important that regulatory rules and standards are evidence-based so that they do not impose an unnecessary regulatory impact on clubs.

ClubsNSW considers that the current Regulation is broadly effective at achieving these objectives, as well as the objects in section 3 of the Liquor Act. Therefore, ClubsNSW does not believe that the regulations need significant change. The current Regulation is generally clear and concise, and is thereby well-understood by clubs. Moreover, most provisions in the current Regulation are not overly or unnecessarily regulatory. Accordingly, the liquor laws have enabled clubs to contribute to the economic and social development of NSW in a responsible manner.

Subject to the point below, ClubsNSW supports the amendments which would be effected by making the proposed Regulation.

Advanced Responsible Service of Alcohol training

Subsection 59(5) of the proposed Regulation requires the manager of a club premise to satisfy an advanced RSA endorsement if the licence regularly authorises extended training until after midnight. Under paragraph 68(1)(c), a manager can obtain the endorsement by completing an advanced RSA training course.

Page 28 of the Regulatory Impact Statement for the proposed Regulation states that the changes to RSA standards seek to ensure that those working in the liquor industry are appropriately trained and well placed to ensure compliance with the liquor laws.

ClubsNSW supports the notion that managers and licensees should satisfy a higher minimum RSA standard. However, ClubsNSW proposes that the new regulations include an additional mechanism for managers or licensees to obtain the advanced RSA endorsement where they have adequate work experience managing a licensed venue or recognised prior learning.

Many club managers already satisfy the higher RSA standard, having acquired extensive, first-hand experience of managing a licensed premise and ensuring compliance with liquor laws. Subsection 3(2) of the Liquor Act confers on managers a requirement to minimise alcohol-related harm and encourage responsible attitudes to liquor. Experienced club managers have developed the sound judgement to effectively carry out these essential functions, in addition to complying with the liquor laws' more prescriptive rules.

Further, it should be noted that advanced RSA or 'licensee' training is not new, in that some club managers have already undertaken similar training, or other relevant courses, voluntarily.

Requiring suitably qualified managers to undertake the prescribed training will impose an unnecessary regulatory burden on clubs, as the training will duplicate the knowledge and skills that the managers already possess.

ClubsNSW recommends that the proposed Regulation be amended to incorporate a recognition of prior learning framework in the advanced RSA training. To ensure that this mechanism is only accessible by suitably qualified managers, it should only apply to a person employed as a manager or licensee for a consecutive three-year period in the five years before the person is required to obtain the advanced RSA endorsement. Moreover, the mechanism should only apply to existing managers or licensees; that is, persons required to obtain the advanced endorsement in accordance with the transitional provision in subsection 79(4) of the proposed Regulation. Managers of club premises who apply for this option will also need to demonstrate that they have the appropriate skills, experience or qualifications to be eligible, and this evidence should be benchmarked against the course requirements and outcomes.

Should you wish to discuss this submission further, please contact Anthony Trimarchi, Manager, Policy and Government, on (02) 9268 3072, or by email at ATrimarchi@clubsnsw.com.au.