

# LORD HOWE ISLAND BOARD POLICY

<b>TITLE</b>	<b>Responsible Service of Alcohol Exemption Policy</b>		
<b>DATE ADOPTED</b>	December 2004	<b>AGENDA ITEM</b>	13
<b>CURRENT VERSION</b>	N/A	<b>AGENDA ITEM</b>	N/A
<b>REVIEW</b>	3 years	<b>FILE REFERENCE</b>	CO0001
<b>ASSOCIATED LEGISLATION</b>	N/A		
<b>ASSOCIATED POLICIES</b>	N/A		

## 1 Policy

The following conditions were included in all Liquor Permits issued on Lord Howe Island from 1 July 2004:

- The licensee of the premises, and all staff engaged in the selling or distribution of liquor on the premises, to have successfully completed an approved course of training with respect to the responsible service of alcohol.
- The licensee is to maintain a register, which is to contain a copy of the certificate of the satisfactory completion of the RSA course by the licensee and for the persons required to complete the course. The register is to be made available for inspection on request by an authorised Board representative.
- The licensee shall take all reasonable steps to prohibit or restrict activities that could encourage misuse or abuse of liquor (such as binge drinking or excessive consumption).

In respect to the first condition above, relating to approved training courses, some exemptions may be permitted.

### 1.1 Situations under which an exemption will not, or may be, granted:

The Board will not approve any exemption from standard RSA provisions where a person will sell and/or serve alcohol. For the purpose of this policy, selling and/or serving alcohol includes:

- The delivery of alcohol to a table by staff in a restaurant, café or similar service establishment;
- Selling alcohol in any manner in such an establishment, or any other retail establishment.

The Board may approve an exemption under standard RSA provisions where a person:

- a) is under 18 years and therefore precluded from undertaking RSA training, and is employed in an establishment where alcohol may be served and/or sold;
- b) has a deeply held personal or religious conviction relating to the use of alcohol which

precludes the undertaking of RSA training, and is employed in an establishment where alcohol may be served and/or sold;

### **1.2 Conditions Applying To Exemptions:**

Conditions relating to a):

- The person must not at any time, in the course of their employment at their establishment, serve, sell, deliver or otherwise provide alcohol to any person at any time.
- The person may clean up, or clear tables of, and dispose of, empty, or partially empty alcohol containers such as glasses, bottles, cans etc.
- The owner of the establishment will provide a written undertaking that the person will be directly supervised by an appropriately trained person under RSA provisions, and that the establishment takes full responsibility and liability for the conduct and welfare of the person being exempted.
- The Board may at any time undertake an inspection of the premises to ensure compliance with the exemption conditions.

Conditions relating to b):

- The person must not at any time, in the course of their employment at their establishment, serve, sell, deliver or otherwise provide alcohol to any person at any time.
- The person may clean up, or clear tables of, and dispose of, empty, or partially empty alcohol containers such as glasses, bottles, cans etc.
- The person will provide a statutory declaration setting out the reasons why their personal or religious conviction prevents them from undertaking RSA training.
- The Board may at any time undertake an inspection of the premises to ensure compliance with the exemption conditions.

### **1.3 Approving, Rejecting or Withdrawing Exemptions:**

- The Board Manager is delegated to approve, reject or withdraw, a Board exemption under RSA provisions, in accordance with this policy.
- Applications for exemptions will be made by, and, if applicable, granted to the employer of the affected person.
- Exemptions will relate to a specific person, and a specific establishment. Where a person is employed at multiple establishments, separate exemptions will be required. Where an establishment employs a number of affected persons, separate exemptions will be required.
- The Board Manager may withdraw an exemption granted under this policy at any time.
- In the event of an exemption being withdrawn, the Board Manager will give the employer of the exempted person twenty-four (24) hours notice of the withdrawal. A letter from the Board delivered to the employer of the exempted person will be deemed to be adequate notice.

The Manager is to keep at his or her office a register of exemptions granted by him or her under this policy. The register is to contain details of each such exemption and is to be open for inspection by any person free of charge during ordinary business hours.

With respect to all other conditions associated with the Responsible Service of Alcohol, no exemptions will be allowed.