



New South Wales

# Liquor Amendment (Miscellaneous) Regulation (No 2) 2021

under the

Liquor Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 2007*.

VICTOR DOMINELLO, MP  
Minister for Customer Service

## Explanatory note

The objects of this Regulation are as follows—

- (a) to provide for the following matters relating to the same day delivery of alcohol—
  - (i) age verification and identity authentication processes,
  - (ii) courses of training in responsible delivery of alcohol and fees payable for the training,
  - (iii) the knowledge test to be completed following training in responsible delivery of alcohol,
  - (iv) data reporting,
- (b) to enable extended trading hours on the day of the NRL State of Origin Game 2 and on Sundays during the Tokyo Olympics,
- (c) to amend a definition as a consequence of amendments to be made to the *Public Finance and Audit Act 1983*,
- (d) to amend a penalty notice amount for an offence under the *Liquor Act 2007*.

This Regulation is made under the *Liquor Act 2007*, including sections 13, 99(2)(c), 114HA(1)(b) and (2), 114P(4)(b) and (c), 150 and 159, the general regulation-making power, including section 159(2)(f3) and (f4).

## **Liquor Amendment (Miscellaneous) Regulation (No 2) 2021**

under the

Liquor Act 2007

### **1 Name of Regulation**

This Regulation is the *Liquor Amendment (Miscellaneous) Regulation (No 2) 2021*.

### **2 Commencement**

- (1) Subject to subclauses (2)–(4), this Regulation commences on 1 July 2021 and is required to be published on the NSW legislation website.
- (2) Schedule 1[1], [5] and [8] commence on 1 December 2021.
- (3) Schedule 1[6], to the extent it inserts proposed clause 107H(1)(b), commences on 1 January 2022.
- (4) Schedule 1[3] and [4] commence on 1 June 2022.

## Schedule 1 Amendment of Liquor Regulation 2018

### [1] Clause 7AA

Insert after clause 7—

#### 7AA Fees under Part 6, Division 1B

For the purposes of section 99(2)(c) of the Act, the following fees are prescribed—

- (a) 0.24 fee units—fee for online training under clause 107G(4), including fee for knowledge test under clause 107G(3),
- (b) 0.15 fee units—fee for knowledge test under clause 107G(3).

### [2] Clause 47 Authorisation to sell liquor for consumption away from licensed premises

Omit the definition of *public authority* from clause 47(6). Insert instead—

*public authority* means each of the following—

- (a) a statutory body representing the Crown, including a NSW Government agency to which the *Interpretation Act 1987*, section 13A applies,
- (b) a Council within the meaning of the *Health Practitioner Regulation National Law (NSW)*, Part 5A.

### [3] Clause 107CA

Insert before clause 107D—

#### 107CA Definitions

In this Part—

*accredited credential service provider* means a credential service provider who has been accredited under the Trusted Digital Identity Framework.

*accredited identity service provider* means an identity service provider who has been accredited under the Trusted Digital Identity Framework.

*provisionally accepted provider*, of identity verification services, means an identity service provider who—

- (a) has applied to become an accredited identity service provider before 1 October 2022, and
- (b) is undergoing the process for accreditation as an accredited identity service provider.

*Trusted Digital Identity Framework* or *TDIF* means the *Trusted Digital Identity Framework* published by the Digital Transformation Agency on behalf of the Commonwealth.

### [4] Clauses 107DA–107DC

Insert after clause 107D—

#### 107DA Age verification process for same day deliveries

- (1) For the purposes of the Act, sections 159(2)(f3) and 114HA(1)(b), the process used by an accredited identity service provider or provisionally accepted provider to verify the age of a person entering into an agreement for same day liquor delivery must meet the following minimum standards—

- (a) the person must provide evidence of the person's identity at or above Identity Proofing Level 1 Plus under the *Role Requirements* of the TDIF, and
  - (b) the person's age must be verified by reference to the person's date of birth attribute.
- (2) In this clause—  
*date of birth attribute*, for a person, means the core identity attribute named “date of birth” under the TDIF.

**107DB Age verification for first agreement for same day delivery**

- (1) For the purposes of the Act, section 114HA(1)(b), the first time a same day delivery provider enters into an agreement with a person for same day liquor delivery, the provider may use a provisionally accepted provider of identity verification services to verify the person is at least 18 years of age.
- (2) This clause is repealed on 31 May 2023.

**107DC Identity authentication for subsequent agreement for same day delivery**

- (1) For the purposes of the Act, section 114HA(2), before entering into a second or subsequent agreement with a person for same day liquor delivery, the same day delivery provider must require the person to authenticate the person's identity using a system that relies on accredited credentials.
- (2) In this clause—  
*accredited credentials* are credentials issued to proofed individuals in accordance with authentication credential requirements under the TDIF by—
  - (a) an accredited credential service provider, or
  - (b) an accredited identity service provider, or
  - (c) until 31 May 2023—a provisionally accepted provider.*proofed individual* means a person who has been verified as being at least 18 years of age by—
  - (a) an accredited identity service provider, or
  - (b) until 31 May 2023—a provisionally accepted provider.

**[5] Clause 107G, proposed to be inserted by the Liquor Amendment (Night-time Economy) Act 2020, Schedule 3.2[1]**

Insert after clause 107G(2)—

- (3) The knowledge test required to be completed under subclause (2)(a) must be completed every 5 years.
- (4) For the purposes of the Act, section 114P(4)(c), the Secretary may provide a course of online training about the responsible supply of alcohol.
- (5) The Secretary must maintain, and make publicly available, a register of the following information relating to training completed under subclause (2)(a)—
  - (a) the details of the same day delivery provider, employee or agent,
  - (b) the date of completion of the knowledge test,
  - (c) the knowledge test completion certificate number,
  - (d) the details of the training provider.

**[6] Clause 107H**

Insert after clause 107G, proposed to be inserted by the *Liquor Amendment (Night-time Economy) Act 2020*, Schedule 3.2[1]—

**107H Same day delivery data reporting**

- (1) For the purposes of the Act, section 159(2)(f4), a same day delivery provider must keep records of the following matters in the approved form in relation to same day deliveries made in each reporting period—
  - (a) the delivery postcode,
  - (b) the type of liquor delivered, in the following categories—
    - (i) beer, cider, perry or mead,
    - (ii) wine,
    - (iii) spirits,
  - (c) the volume of packaged liquor delivered.
- (2) A same day delivery provider must provide a report to the Secretary, in the approved form, within 21 days of the end of a reporting period containing the information required to be kept under subclause (1).
- (3) In this clause—  
**reporting period** means a period of six months ending on 31 December or 30 June.

**[7] Schedule 5 Special events extended trading for hotels and clubs**

Insert in appropriate order—

NRL State of Origin Game 2	10pm to midnight on Sunday 27 June 2021	
Tokyo Olympics—a match or other Olympic sporting event in which Australia is represented	10pm to midnight on Sunday 25 July 2021	Hotel or club premises providing a live broadcast of the match or event during the extended trading period
Tokyo Olympics—a match or other Olympic sporting event in which Australia is represented	10pm to midnight on Sunday 1 August 2021	Hotel or club premises providing a live broadcast of the match or event during the extended trading period

**[8] Schedule 6 Penalty notice offences**

Omit “\$1,100” from the entry relating to section 114P(1), proposed to be inserted by the *Liquor Amendment (Night-time Economy) Act 2020*, Schedule 3.2[2].

Insert instead “\$550”.