

# University of Canberra (Liquor) Statute 2008\*

## Disallowable instrument DI2008—28

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### Citation

1. This Statute may be cited as the *University of Canberra (Liquor) Statute 2008*.

### Repeal

2. The *Liquor Statute 1992* is repealed.

### Commencement

3. This Statute commences on the date of notification.

\*Name amended under Legislation Act, s 60

## Interpretation

4. In this Statute, unless the contrary intention appears:

“**Board**” means the directors of the Union acting collectively;

“**constitution of the Staff Club**” means the body of rules which regulates the management of the Staff Club as amended or replaced from time to time;

“**constitution of the Union**” means the body of rules which regulates the functioning and management of UCU Ltd;

“**Council**” means the Council of the University established under the *University of Canberra Act 1989* (ACT);

“**General Manager**” means the person employed by the University who for the time being holds the office of General Manager of UCU Ltd;

“**liquor**” has the same meaning as in the *Liquor Act 1975* (ACT) ;

“**Liquor Administration Officer**” means the officer of the University appointed under section 5;

“**management committee**” means the committee established in accordance with the constitution of the University of Canberra Staff Club Association Incorporated;

“**Staff Club**” means the Staff Club, established at the University and managed by the University of Canberra Staff Club Association Incorporated;

“**Staff Club Officer**” means a person appointed by the Council to be the Staff Club Officer;

“**Staff Club premises**” means that part of the University that is, by resolution of the Council, declared to be the Staff Club premises for the purposes of this Statute;;

“**Union**” means UCU Ltd (ABN 33 119 755 627);

“**Union premises**” means that part of the University that is, by resolution of the Council, declared to be the Union premises for the purposes of this Statute.

## Appointment of Liquor Administration Officer

5. The Vice-Chancellor may appoint an officer of the University to be the Liquor Administration Officer.

### **Authorisation to sell and purchase liquor**

6. Subject to this Statute, liquor may be sold and purchased in:
- (a) the Union premises; and
  - (b) the Staff Club premises.

### **Consumption of liquor**

7. Subject to this Statute, liquor may be consumed:
- (a) in such buildings, or on such land, occupied by the University as are specified in rules made under this Statute; or
  - (b) in such buildings, or on such land, occupied by the University as are specified in resolutions of Council; or
  - (c) in such buildings, or on such land, occupied by the University and for such time as authorised in writing by the Liquor Administration Officer..

### **Body authorised to sell liquor**

8. (1) The Board of the Union, or a person or persons acting on behalf of the Union Board, is authorised to sell liquor in the Union premises.
- (2) The management committee of the Staff Club, as established by the constitution of the Staff Club, or a person or persons acting on behalf of the management committee, is authorised to sell liquor in the Staff Club premises.

### **Restrictions on persons to whom liquor may be sold etc.**

9. (1) Liquor must not be sold to, or purchased by:
- (a) a person under the age of 18 years; or
  - (b) a person who is, or is believed by the intending seller to be, intoxicated.
- (2) The persons to whom liquor may be sold or by whom liquor may be purchased or consumed may be restricted by rules made under this Statute.

### **Special functions - Union and Staff Club**

10. (1) Subject to subsection (4), the General Manager, in relation to the Union premises, or the Staff Club Officer, in relation to the Staff Club premises, may, by writing signed by that person, grant a person or organisation permission to hold a special function at which liquor may be sold, purchased or consumed in the part of a building for which that person is responsible, or in any specified area within that part of the building, on such a day and during such hours as that person determines.
- (2) A written permission granted under subsection (1) must specify the day and hours to which the permission relates and the conditions, if any, applying to the special function.

- (3) If the General Manager or the Staff Club Officer grants permission under subsection (1) for the holding of a special function, that officer must, as soon as practicable after the granting of the permission, notify the Liquor Administration Officer that the permission has been granted.
- (4) The General Manager or the Staff Club Officer must not grant permission under subsection (1) except in accordance with written general directions, if any, given by the Board of the Union or the management committee of the Staff Club (whichever is applicable) relating to the holding of special functions.
- (5) Records relating to permissions granted under this section must be kept as provided for in the Rules.

### **Special functions – Not Union or Staff Club**

11. (1) Where a person or organisation wishes to hold a special function at which liquor may be sold, purchased and consumed in a building occupied by the University or on land occupied by the University, not being a building or land specified under section 6, the Liquor Administration Officer may, if the Liquor Administration Officer considers it appropriate to do so, by writing signed by the Liquor Administration Officer], grant permission to such a person or organisation to apply for and hold, under the Liquor Act 1975 (ACT), a permit allowing liquor to be sold for consumption at such a special function.
- (2) Permission granted by the Liquor Administration Officer under subsection (1) may be made subject to such conditions, if any, specified in the permission as the Liquor Administration Officer determines.
- (3) Conditions referred to in subsection (2) may include conditions relating to the prices at which liquor may be sold.
- (4) Liquor sold, purchased or consumed at a special function must be sold, purchased or consumed in accordance with any conditions referred to in subsection (2) subject to which permission to hold the special function is granted.

### **Restrictions on persons attending special functions**

12. (1) This section applies to a special function held in accordance with a permission granted under section 10 or 11.
- (2) No person, other than a person entitled to attend a special function, or a person required to be present for the purposes of that special function, may enter any part of the area where that special function is being held.
- (3) A person who is entitled to attend that special function may purchase or consume liquor in any part of the area where that special function is being held.
- (4) A person attending a special function must not remove liquor from the area where the special function is being held.

### **Suspension of provisions**

13. (1) Where the Vice-Chancellor considers it expedient to do so, the Vice-Chancellor may, by written determination signed by him or her, suspend, for the period specified in the determination:
- (a) the operation of section 6,10 or 11; or
  - (b) the operation of a rule made under this Statute; or
  - (c) the operation of an authorisation, determination or other decision given or made under such a rule.
- (2) As soon as practicable after making a determination under subsection (1), the Vice-Chancellor must notify the Council of the suspension by causing a copy of the determination to be sent to the Secretary of the Council.
- (3) The Council may, by resolution, vary the period for which any suspension made under subsection (1) is to continue in force or may revoke any such suspension.

### **Persons not to contravene the Statute**

14. A person must not sell, purchase or consume liquor in a building, or on land, occupied by the University otherwise than in accordance with this Statute and rules made under it.

### **Application of Student Conduct Rules 2007**

15. Where a student contravenes a provision of this Statute or of rules made under it, the provisions of the *Student Conduct Rules 2007* apply as if the contravention were a breach of those Rules.

### **Other commercial relationships – Application of Statute**

16. (1) The University may from time to time enter into commercial relationships with external individuals or entities, not being the Union or the Staff Club, to offer restaurant and cafe facilities in University buildings. The individual or companies may offer liquor for sale and consumption in accordance with the terms of their contracts with the University.
- (2) The *Liquor Statute 2007* does not apply to individuals or entities mentioned in subsection (1), except the Union or the Staff Club, or to permissions granted under section 11.

## Rules

17. (1) The Council may make rules, not inconsistent with this Statute, prescribing all matters that are necessary or convenient to be prescribed for carrying out or giving effect to this Statute and, in particular, for regulating subject to subsection (2), all matters relating to the sale, purchase and consumption of liquor, including:
- (a) the persons who may purchase or consume liquor; and
  - (b) the prices at which liquor may be sold; and
  - (c) the days on which and the hours during which liquor may be sold, purchased or consumed.
- (2) Before making rules relating to the sale, purchase or consumption of liquor in the Union premises or the Staff Club premises, the Council must consult with:
- (a) in the case of such rules relating to the Union premises - the Board;
  - (b) in the case of such rules relating to the Staff Club premises – the management committee; and
  - (c) in any other case – the Vice-Chancellor.
- (3) The power to make rules under this section in relation to the consumption of liquor extends to the power to make rules conferring upon an authority of the University or an officer of the University the power to authorise the consumption of liquor in rooms or other areas occupied by the University, subject to such conditions, if any, as the authority or officer determines.

The foregoing Statute is made by Council under section 40 of the *University of Canberra Act 1989 (ACT)*.

Given under the seal of the University of Canberra on 5 October 2007.

Stephen Parker

Vice-Chancellor

Greg Jones

Secretary of Council

Under subsection 42(2) of the *University of Canberra Act 1989 (ACT)* the foregoing Statute is approved by the Executive.

Andrew Barr MLA

Minister for Education  
and Training

Dated  
29 October 2007

Katy Gallagher MLA

Acting Chief Minister

Dated  
29 October 2007