

Australian Capital Territory

# University of Canberra (Liquor) Statute 2011

Disallowable Instrument DI2011–243

made under the

University of Canberra Act 1989, s40

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## Recitals:

- A.** The sale of liquor in the Australian Capital Territory is governed by the *Liquor Act 2010 (ACT)*.
- B.** Under section 8(1) of the *Liquor Act 2010 (ACT)*, the provisions of the *Liquor Act 2010 (ACT)* relating to the sale of liquor do not apply to the sale of liquor in an exempt university building.

Under section 8(4) of the *Liquor Act 2010 (ACT)* “*exempt university building* means a building—

- (a) that is occupied by—
  - (i) a university; or
  - (ii) a residential college affiliated with a university under a statute of the university; and
- (b) in which the sale of liquor is authorised by a statute of the university.”

and

“*university* means the—

- (a) Australian National University; or
- (b) University of Canberra.”

- C.** Under section 8(2) of the *Liquor Act 2010 (ACT)*,

- “(2) A person commits an offence if—
  - (a) the person sells liquor; and
  - (b) the sale happens in an exempt university building; and
  - (c) the sale is in contravention of a statute of the university.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if—

- (a) the person purchases liquor; and
  - (b) the purchase happens in an exempt university building; and
  - (c) the purchase is in contravention of a statute of the university.
- Maximum penalty: 10 penalty units.”

## 1. Name of Instrument

This statute may be cited as the *University of Canberra (Liquor) Statute 2011*.

## 2. Revocation and saving

- (1) The *University of Canberra (Liquor) Statute 2008* DI2008-128 is revoked.
- (2) The *Liquor (Staff Club) Rules 2008* are revoked.
- (3) Any approval, appointment or direction made, continued or given, under the *University of Canberra (Liquor) Statute 2008* or *Liquor (UCU) Rules 2008* or the *Liquor (General) Rules 2008* and in force immediately before the commencement of this Statute, continues to have effect as if it were made or given under this Statute or Rules, and may be amended, suspended, disallowed or repealed under this Statute or Rules.

## 3. Commencement

This statute commences on the day following the date of notification.

## 4. Definitions

In this Statute, unless the contrary intention appears:

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

“**Council**” means the Council of the University established by section 9 of the Act;

“**grounds**” of the University includes any part of the University, either owned or controlled by the University, other than private outlets and University buildings;

“**liquor**” has the same meaning as in the *Liquor Act 2010* (ACT) ;

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

“**member**” means:

- (a) a current member of the staff of the University;
- (b) a currently enrolled student of the University; or
- (c) an invited guest of either (a) or (b).

“**patron**” means:

- (a) a customer of a private outlet purchasing goods or services from the outlet; or
- (b) in the case of concerts and similar events held in a University building or in the grounds of the University, a ticket holder to the event;

“**private outlets**” means those cafes, restaurants, bars, shops or similar commercial outlets licensed by the Liquor Administration Officer, acting on the authority of the Vice-Chancellor in each case, to sell and serve liquor on the University’s leasehold at Bruce, ACT or at other places from premises owned by the University or under the control of the University;

“**resident**”, in relation to a student residence of the University, means a person temporarily lodging in the residence under an agreement with the management of the residence.

“**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;

“**University**” means the University of Canberra established by section 4 of the Act and referred to in section 8(4) of the *Liquor Act 2010* (ACT);

“**University buildings**” includes:

- (a) all or any part of a building occupied by the University;
- (b) all or any part of a building owned or controlled by the University and occupied for residential purposes or for management and other services supporting residential services; and
- (c) all or any part of a building owned or controlled by the University and occupied by an external party under agreement or lease to the University,

but not including premises defined as private outlets.

“**Vice-Chancellor**” means the Vice-Chancellor and President of the University appointed under section 25(1) of the Act.

## 5. Appointment of Liquor Administration Officer

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

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

Subject to this Statute, liquor may be sold and purchased in:

- (a) the Union premises;
- (b) private outlets licensed by the Liquor Administration Officer; and
- (c) other University buildings or grounds authorised in writing by the Liquor Administration Officer.

## **7. Meaning of the sale of liquor**

- (1) For this Statute, a person is taken to sell liquor to another person if the person supplies liquor to that person for, or in expectation of, any reward or benefit to be paid or provided by that person or any other person, whether or not any person is under an obligation to pay or provide a reward or benefit.
- (2) To avoid doubt, a person is taken to sell liquor to another person whether the liquor is sold or supplied directly to that person, or indirectly through means including, but not limited to, an admission charge entitling the person to be supplied with liquor, or the purchase of tickets redeemable for liquor.

## **8. Authority to sell or supply liquor**

- (1) Liquor must not be sold, supplied or purchased in a University building or private outlet without the written authorisation of the Liquor Administration Officer issued under rules made under this Statute.
- (2) Liquor must not be sold, supplied or purchased in the grounds of the University without the written authorisation of the Liquor Administration Officer issued under rules made under this Statute.
- (3) Notwithstanding sections (1) and (2), liquor sold and supplied by the Union in the Union premises is sold and supplied under the provisions of the rules made under this Statute relating to the Union and does not require the authorisation of the Liquor Administration Officer.
- (4) Notwithstanding this Statute, the Liquor Administration Officer may direct, if he or she believes it appropriate, for the organisers of a major event to be held in the grounds of the University, to seek a licence to sell or supply liquor under the provisions of the *Liquor Act 2010* (ACT) instead of under this Statute or the rules made under this Statute.

Note: Section 8(4) relates primarily to large musical events held in the grounds of the University and organised by private promoters or in conjunction with private promoters. The licence for such events

issued under the *Liquor Act 2010* may be more appropriate in governing the sale and supply of liquor, and establishing conditions for the event, than a licence issued under this Statute by the Liquor Administration Officer.

## **9. Consumption of liquor**

Liquor must not be consumed in University buildings or in private outlets or in the grounds of the University except:

- (a) in such University buildings or private outlets, or on such grounds, as are specified in rules made under this Statute; or
- (b) in such University buildings or private outlets, or on such grounds, and for such time as authorised in writing by the Liquor Administration Officer.

## **10. Persons to or by whom liquor may be sold, supplied or purchased, etc.**

- (1) A person must not sell or supply liquor in a University building or private outlet or in the grounds of the University to a person who is less than 18 years of age.
- (2) A person must not sell or supply liquor in a University building or private outlet or in the grounds of the University to a person who is, or is believed by the intending seller to be, intoxicated.
- (3) A person must not sell or supply liquor in a University building or private outlet or in the grounds of the University if the person to whom the sale is made or to whom the liquor is supplied is not a member, resident or patron in relation to the building or grounds where the liquor is sold or supplied.
- (4) A person under 18 years of age must not:
  - (a) sell, supply or purchase liquor; or
  - (b) possess or consume liquor in a University building or private outlet or in the grounds of the University.
- (5) Subsection 10(4) does not apply to the supply or possession of liquor by a person under 18 years of age:
  - (a) in the course of the person's employment; or
  - (b) in the course of a hospitality training program conducted:
    - (i) by the University; or
    - (ii) in a University building; or
    - (iii) in a private outlet; or
    - (iv) on the grounds of the University.

## **11. Person not to contravene Statute etc.**

- (1) A person must not consume, sell or purchase liquor in a University building or private outlet otherwise than in accordance with this Statute, the rules made under this Statute and any directions given under this Statute.
- (2) A person must not consume, sell or purchase liquor in the grounds of the University otherwise than in accordance with this Statute, the rules made under this Statute and any directions given under this Statute.
- (3) If a person contravenes this Statute in relation to the sale or purchase of liquor in a University building, the penalty for that contravention is the penalty set out in subsection 8 (2) or 8(3) of the *Liquor Act 2010* (ACT).
- (4) If a person contravenes this Statute other than in relation to the sale or purchase of liquor in a University building, the penalty for that contravention is a penalty or restriction imposed by the Vice-Chancellor under an appropriate University instrument (such as the Discipline Rules or the relevant Enterprise Agreement).
- (5) Where a student contravenes a provision of this Statute or of rules or directions made under it, the provisions of the *University of Canberra Student Conduct Rules 2009* apply as if the contravention were a breach of those Rules.
- (6) However, nothing in this section, section 9 or section 10 applies in relation to the possession or consumption of liquor by a person in a room in a student residence, occupied by a resident under a room agreement.

Note: Notwithstanding subsection (6), a room agreement may prohibit or limit the possession or consumption of liquor in a student residence. If so, the room agreement applies.

## **12. Directions**

The Liquor Administration Officer may, by instrument, give directions in relation to the jurisdiction of and compliance with this Statute in accordance with the provisions of the Statute and rules made under the Statute.

## **13. Suspension of provisions**

- (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; 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.
- (4) A determination made under (1) may suspend provisions in a lease of a private outlet operating at the University. In this case the determination overrides the lease provisions and does not expose the University to claims from the private outlet for loss of income or other liabilities.

#### **14. Rules**

- (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 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, the Council must consult with:
  - (a) in the case of such rules relating to the Union premises - the Board of UCU Ltd; and
  - (b) 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.

#### **Notes:**

Statute approved at Council meeting No. 142 on 15 April 2011.

In making this Statute the University had regard to the provisions of section 40B(1)(b) of the *Human Rights Act 2004* (ACT).

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 26 July 2011.

Stephen Parker

Vice-Chancellor

David Hamilton

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  
12 August 2011

Katy Gallagher MLA

Chief Minister

Dated  
16 August 2011