

University of Canberra (Liquor) Statute 2015

Disallowable instrument DI2015–259

made under the

University of Canberra Act 1989, s 40 (Statutes)

Preamble

The Liquor Act 2010 (ACT) regulates the sale, supply, promotion and consumption of liquor in the Australian Capital Territory. Under subsection 8(1), the sale of liquor at the University of Canberra is exempt from the application of provisions in the Liquor Act relating to the sale of liquor. However, subsections 8(2) and (3) of the Liquor Act provide for specific offences in relation to the sale and purchase of liquor at the University of Canberra where such sale or purchase is in contravention of a Statute of the University of Canberra.

This Statute and the Rules made under this Statute regulate the conditions for the sale and purchase at the University, including Union premises, for the purposes of paragraphs 8(2)(c) and 8(3)(c) of the Liquor Act.

1 Name of instrument

This instrument is the *University of Canberra (Liquor) Statute 2015*.

2 Commencement

This instrument commences on the day after its notification day.

3 Revocation

This instrument revokes the *University of Canberra (Liquor) Statute 2011* DI2011-243.

4 Definitions

In this Statute:

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

Council means the Council of the University established by section 9 of the Act;

exempt university building has the same meaning as the *Liquor Act 2010 (ACT)*. To avoid any doubt, an exempt university building includes Union premises;

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

intoxicated person means:

- (a) the person's speech, balance, coordination or behaviour is noticeably affected; and
- (b) it is reasonable in the circumstances to believe that the affected speech, balance, coordination or behaviour is the result of the consumption of liquor.

liquor has the same meaning as the *Liquor Act 2010 (ACT)*.

Liquor Administration Officer means the officer of the University appointed under section 7 of this Statute;

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.

Note 1 A reference to a statute or rule includes a reference to that statute or rule as repealed and remade since the reference was made, see the Legislation Act, s 102.

Note 2 Terms used in these Rules have the same meaning that they have in the Act, see the Legislation Act, s 148. For example, the following terms are defined in the Act:

- board
- chancellor
- council
- university

5 Offences

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

- (2) Under section 8 (3) of the *Liquor Act 2010* (ACT), 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.

6 Rules

- (1) The Council may make rules, not inconsistent with the Act, with respect to the sale, supply and purchase of liquor within an exempt university building prescribing all matters that are necessary or convenient to be prescribed for carrying out or giving effect to this Statute.
- (2) Before making rules relating to the sale or purchase of liquor, the Council must consult with:
 - (a) in the case of such rules relating to the Union premises - the Board of the Union; and

(b) in any other case – the Vice-Chancellor.

- (3) The power to make rules under this section 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.

7 Appointment of Liquor Administration Officer

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

8 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.

9 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 a rule made under this Statute; or
 - (b) 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.

10 Persons to or by whom liquor may be sold or purchased

- (1) A person may only sell liquor in an exempt University building (including Union premises) to a member, resident or patron in relation to the building or grounds where the liquor is sold or purchased.
- (2) The sale, or supply of liquor in an exempt University building (including Union premises) to a person who is less than 18 years of age is prohibited.

- (3) The consumption or purchase of liquor in an exempt University building or Union premises by a person who is less than 18 years of age is prohibited.
- (4) A person (the first person) is prohibited from selling or supplying liquor in an exempt University building or Union premises to another person who is, or who the first person believes to be, an intoxicated person.

The foregoing statute is made by Council under section 40 of the *University of Canberra Act 1989*.

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

Given under the seal of the University of Canberra on 13 August 2015.

Maria Storti
Secretary of Council

Stephen Parker
Vice-Chancellor

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

Joy Burch
Minister for Education and Training
8 September 2015

Andrew Barr
Chief Minister
25 August 2015