

University of Canberra Liquor (General) Rules 2015

made under the

University of Canberra Act 1989, s 40 (Statutes) and University of Canberra (Liquor) Statute 2015

1 Name of instrument

These rules may be cited as the University of Canberra Liquor (General) Rules 2015

2 Commencement

These rules commence on the date of approval by Council.

3 Repeal

The University of Canberra Liquor (General) Rules 2012 are revoked

4 Definitions

(1) 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;

exempt university building has the same meaning as the *Liquor Act 2010* (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 Act means the *Liquor Act 2010* (ACT);

Liquor Administration Officer means the officer of the University appointed under section 7 of the 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 ACT Government, 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 or in an exempt university building;

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.

responsible person means the licensee or the proposed-licensee or the permit-holder or the proposed permit-holder.

Responsible Service of Alcohol (RSA) certificate has the same meaning as in section 193 of the *Liquor Act 2010* (ACT);

Risk Management Plan means the processes established at the University to manage exposure to significant risks through identification, assessment, treatment management of risks as agreed by the Vice-Chancellor from time to time;

sale of liquor means a person supplies liquor to another 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. 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.

special function means those functions specified by the Liquor Administration Officer which trigger the conditions for greater control and documentation. While not limited to the following, the specification would usually be applied to higher risk and more complex events including but not limited to large musical events and/or other events organised by private promoters or in conjunction with private promoters or events attracting more than 150 attendees. The specification of a

function as a special function is at the discretion of the Liquor Administration Officer;

special function permit means a permit issued by the Liquor Administration Officer for special functions under section 9;

Statute means the *University of Canberra (Liquor) Statute 2015*;

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 the 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.

To avoid any doubt, University buildings does not include private outlets.

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

- (2) Unless the contrary intention appears, a reference in these Rules to the hours when liquor may be sold, purchased or consumed in the University is to be read as a reference to the times on a trading day when liquor may be sold, purchased or consumed in those premises.

5 Appointment of Liquor Administration Officer

The Vice-Chancellor may appoint an officer of the University to be the Liquor Administration Officer under section 7 of the Statute.

6 Union premises

- (1) Unless the contrary intention appears, these Rules do not apply to the purchase or sale of liquor in the Union premises.
- (2) The University of Canberra Liquor (UCU) Rules 2015 regulate and manage the purchase and sale of liquor in the Union premises.

7 Directions

The Liquor Administration Officer may, by instrument, give directions in relation to the jurisdiction of and compliance with these Rules in accordance with the provisions of the Statute.

8 Sale, purchase and supply of liquor

- (1) Subject to the Statute and these Rules, liquor may be sold and purchased in:
 - (a) the Union premises;
 - (b) private outlets licensed by the ACT Government; and
 - (c) other University facilities, buildings or grounds by permit on recommendation of the Liquor Administration Officer and subject to approval by Council.
- (2) All events that involve payment for and purchase of liquor must be organised by a licensed caterer, or held in a licensed venue or by the holder of a liquor permit issued under the Liquor Act.
- (3) To serve liquor free of charge, Licensees and Event Managers must hold a Responsible Service of Alcohol (RSA) certificate and follow the Responsible Service of Alcohol Guidelines in order to ensure the safe conduct of University staff, affiliates, students and workers.
- (4) Sub-rule 8(3) does not apply to functions described in rule 10(1).
- (5) All private outlets trading as licensed premises in an exempt University building or on University land are governed by the conditions of the licence or permit issued under the Liquor Act.

9 Sale and purchase of liquor – Special Functions

Notice of special function

- (1) The Liquor Administration Officer requires advance notice (eight weeks) in writing of any special function to be held on university grounds, the Union premises and in private outlets.

Requirements in relation to special functions

- (2) Subject to sub-rule 9(3), liquor must not be sold or purchased at a special function held in the grounds of the University unless:
 - (a) the Liquor Administration Officer has issued a special function permit in relation to the special function under this rule; and
 - (b) the responsible person for the special function has been granted the relevant liquor licence or permit under the Liquor Act.

(3) Sub-rule 9(2) does not apply to:

- (a) the Union in relation to the sale or supply of liquor at a special function; or
- (b) functions described in rule 10.

Application for a special function permit

(4) An organiser of a special function to be held in the grounds of the University, may make an application to the Liquor Administration Officer for a special function permit.

(5) An application for a special function permit must:

- (a) be in writing; and
- (b) identify the responsible person for the special function; and
- (c) include a documented risk assessment in accordance with the Risk Management Plan, as in force from time to time.

Matters to be considered by the Liquor Administration Officer

(6) The Liquor Administration Officer may grant a special function permit following an application made under sub-rule 9(2) if:

- (a) the application complies with sub-rule 9(5); and
- (b) the Liquor Administration Officer is satisfied that it would be appropriate in the circumstances to issue a special function permit having regard to:
 - (i) the level of risk identified in the risk assessment and the treatment of that risk;
 - (ii) suitability of premises for the function; and
 - (iii) whether the applicant, if applicable, holds the appropriate licence or permit under the Liquor Act; and
 - (iv) other events occurring on campus at the same time; and
 - (v) the expected number of attendees; and
 - (vi) the facilities, including security and toilets, required and to be provided; and
 - (vii) the circumstances of any previous sale of liquor by the applicant; and
 - (viii) any other factor that the Liquor Administration Officer considers relevant.

(7) A special function permit granted under sub-rule 9(6) may be subject to any such conditions that the Liquor Administration Officer considers appropriate.

(8) A special function permit granted under sub-rule 9(6) must:

- (a) be in writing;
- (b) be signed by the Liquor Administration Officer;
- (c) identify the responsible person;
- (d) identify the premises or area of University land to which the permit relates; and

- (e) any conditions relating to the granting of the permit, including any restrictions on the days and hours that liquor may be sold.
- (9) The Liquor Administration Officer may cause a copy of a special function permit granted under sub-rule 9(6) to be displayed in such a manner as the Liquor Administration Officer considers appropriate.
- (10) If the Liquor Administration Officer refuses to grant a special function permit under sub-rule 9(6), he or she must give the applicant written reasons for that refusal.
- (11) A decision of the Liquor Administration Officer under this rule is final within the University.

Liquor licence or permit

- (12) An applicant who has been granted a special function permit under sub-rule 9(6) must, as soon as practicable after obtaining a liquor licence or permit under the Liquor Act, give the Liquor Administration Officer a copy of that licence or permit.

10 Functions not requiring a liquor licence and not on licenced premises at which liquor will be available

- (1) School/Divisional/Faculty/Staff/Vice-Chancellor's events which involve consumption of alcohol, but not the sale or purchase of alcohol, and are conducted within the University function centre/School/Divisional/Faculty/Vice-Chancellor's residence for University staff members, affiliates, guests and workers not exceeding 150 persons do not require a licenced caterer, liquor licence or special function permit subject to the function being declared a special function.
- (2) School/Divisional/Faculty/Vice-Chancellor's events which involve consumption of alcohol but not the sale or purchase of alcohol, and are conducted within the University function centre/School/Divisional/Faculty/Vice-Chancellor's residence for University staff members, affiliates and workers which exceed 150 persons must be catered by a licence holder or a permit holder.
- (3) The consumption of alcohol at events specified in sub-rules 10(1) and 10(2) must comply with any risk management guidelines issued by the University as in force from time to time.

11 Contravention

In addition to any offence as proscribed under the Liquor Act, a person who contravenes the Statute or these Rules may also be issued with a penalty or restriction imposed under a University instrument (such as the Discipline Rules or the relevant Enterprise Agreement or the University of Canberra (Student Conduct) Rules as in force from time to time).

12 Records to be kept by the Liquor Administration Officer

The Liquor Administration Officer must cause all particulars of authorisations or permits issued under these Rules to be recorded and kept by the Liquor Administration Officer for at least twelve months following the expiry of the authorisation or permit.

The foregoing Rules are made by Council under section 40 of the *University of Canberra Act 1989* and the *University of Canberra (Liquor) Statute 2015*.

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

Approved by Council on 26 June 2015 Council meeting No. 171.