

# University of Canberra Liquor Rules 2023

made under the

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

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## 1 Name of instrument

These rules may be cited as the University of Canberra Liquor Rules 2023.

## 2 Commencement

These rules commence on the date of approval by Council.

## 3 Repeal

The *University of Canberra Liquor (General) Rules 2015* and *University of Canberra Liquor (UCU) Rules 2018* are revoked. Any decision made under the *University of Canberra Liquor (General) Rules 2015* and *University of Canberra Liquor (UCU) Rules 2018* are taken to be made under these Rules.

## 4 Definitions

(1) In these Rules, unless the contrary intention appears:

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

*Board* means the Board established in accordance with the constitution of UCX Ltd;

*Chief Executive Officer* means the person employed by the University who holds the role of Chief Executive Officer of UCX Ltd or equivalent;

*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;

***intoxicated*** has the same meaning as in the *Liquor Act 2010* (ACT);

***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 rule 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 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 permitholder 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 8;

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

**UCX** means UCX Ltd (ABN 33 119 755 627);

**UCX premises** means that part of the University that is, by resolution of the Council, declared to be the UCX 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, and includes the outdoor areas adjacent to the University building(s);
- (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 UCX premises 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.

## **6 Sale, purchase and supply of liquor**

- (1) In relation to a person who is less than 18 years of age:
  - (a) the sale, or supply of liquor as specified in these Rules is prohibited; and
  - (b) the consumption or purchase of liquor as specified in these Rules is prohibited.
- (2) A person is prohibited from selling or supplying liquor in accordance with these Rules to another person who is, or who the person reasonably believes to be, intoxicated.
- (3) Subject to the Statute and these Rules, liquor may be sold and purchased in:
  - (a) exempt University buildings;
  - (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.
- (4) Subject to the Statute and these Rules, liquor may be sold and purchased by UCX Ltd in all University facilities, buildings, and grounds subject to the conditions for the event, whether or not those facilities, buildings or grounds are deemed to be UCX premises.
- (5) All events that involve payment for and purchase of liquor must be:
  - (a) organised by UCX Ltd; or
  - (b) held in a licensed venue; or
  - (c) held by the holder of a liquor permit issued under the Liquor Act.
- (6) To serve liquor free of charge, UCX employees, 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.
- (7) The sale, purchase and supply of liquor in UCX premises, on University land, or in University buildings, must be done in accordance with the Liquor Act.
- (8) Sub-rule 6(3) does not apply to functions described in rule 8(1).
- (9) 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, and not by these Rules.

***Persons who may purchase or consume liquor in UCX premises***

- (10) Subject to the Statute and to these Rules, staff and students of the University, and other persons and patrons of sporting, recreational, leisure and other events at the University may purchase or consume liquor in UCX premises.
- (11) Only liquor purchased or supplied within UCX premises may be consumed in UCX premises.

## **7 Sale, purchase and supply by third party**

- (1) The Board may enter into a formal agreement with a third party to produce, sell, or supply liquor in UCX premises or in private outlets on conditions determined by the Board.
- (2) The conditions determined under sub-rule 7(1) must be documented as part of the formal agreement between UCX and the third party.
- (3) The conditions determined under sub-rule 7(1) and documented under sub-rule 7(2) must be in accordance with the provisions of the Statute and these rules.
- (4) Notwithstanding any agreement under sub-rule 7(1) third parties seeking to produce, sell or supply liquor in UCX premises or in private outlets, must do so in accordance with the Liquor Act.
- (5) Where the Board makes an agreement under sub-rule 7(1), the Board must cause a copy of the agreement to be provided to the Liquor Administration Officer, who must keep a record of the agreement.

## **8 Sale and purchase of liquor – Special Functions**

### ***Notice of special function***

- (1) The Liquor Administration Officer requires two weeks' written notice in advance of any special function to be held on university grounds, and in private outlets.
- (2) Rule 8(1) does not apply to UCX Ltd.

### ***Requirements in relation to special functions***

- (3) Subject to sub-rule 8(4), 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.
- (4) Sub-rule 8(3) does not apply to:

- (a) UCX 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 copy of the relevant event approval form that specifies the day and hours to which the permission relates and the conditions, if any, applying to the special function; and
  - (d) 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 8(4) if:
  - (a) the application complies with sub-rule 8(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 8(6) may be subject to any such conditions that the Liquor Administration Officer considers appropriate.
- (8) A special function permit granted under sub-rule 8(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 8(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 8(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.
- (13) Subrule 8(12) does not apply to UCX Ltd.

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

- (14) This rule applies to a special function held in accordance with a permission granted under sub-rule 8(6).
- (15) 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.
- (16) 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.

- (17) A person attending a special function must not remove liquor from the area where the special function is being held.

## **9 UCX trading days and hours**

- (1) Subject to the Statute and to these Rules, liquor must not be sold, purchased or consumed in UCX premises on a trading day except during the hours that are determined from time to time in accordance with this rule.
- (2) The Board may by resolution from time to time, and with the prior approval of the Vice-Chancellor, determine the trading days on which, and the periods of time on those days during which, liquor may be sold, purchased or consumed in UCX premises.
- (3) The Board may at any time by resolution, and with the prior approval of the Vice-Chancellor, vary any determination made under sub-rule 9(2).
- (4) Any determination or variation made under sub-rule 9(2) or 9(3) must be in writing, signed by the Chief Executive Officer.
- (5) The Board must cause a copy of any determination or variation made under subrule 9(2) or 9(3), whilst that determination or variation is in force, to be communicated in such manner as the Board considers appropriate.
- (6) Where the Board makes a determination under sub-rule 9(2), the Board must cause a copy of the determination to be transmitted to the Liquor Administration Officer, who must keep a record of the determination.

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

- (1) Events which involve consumption of alcohol, but not the sale or purchase of alcohol, held by a:
- a. School;
  - b. Portfolio;
  - c. Faculty;
  - d. Staff; and
  - e. The Vice-Chancellor;

that are conducted within a University building, function centre or the Vice-Chancellor's residence for University staff members, affiliates, guests and workers and where numbers do not exceed 150 persons, **do not** require a licenced caterer, liquor licence or special function permit, subject to the event being declared a special function.

- (2) Events of a type specified in clause 10(1) but where numbers exceed 150 persons **must** be catered by UCX Ltd or another licence holder or 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 any applicable University instrument, including the University of Canberra Enterprise Agreement or the *University of Canberra (Student Conduct) Rules* as in force from time to time.

## **12 Powers and responsibilities of 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.

## **13 Observation of rules of conduct of UCX**

A person who purchases or consumes liquor in UCX premises must observe the house rules of UCX made by the Board.

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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 these Rules the University had regard to the provisions of section 40B(1)(b) of the *Human Rights Act 2004*.

Approved by Council on 17 March 2023.