

THE AUSTRALIAN NATIONAL UNIVERSITY

Australian National University (Liquor) Statute 2022

The Council of the University makes the following statute.

Dated 7 OCTOBER 2022

The Hon Julie Bishop
Chancellor

Contents

Part 1— Preliminary	1
1 Name	1
2 Commencement	1
3 Authority	1
4 Definitions	1
Part 2— Liquor authorisations.....	3
5 Authorisation provided by liquor authorisation.....	3
6 Issue of liquor authorisations etc.....	3
7 Replacement of lost etc. liquor authorisations.....	3
8 Surrender of liquor authorisations.....	4
9 Revocation of liquor authorisations.....	4
10 University policies and procedures	4
Part 3— Conduct at authorised premises.....	5
11 Children and young people at authorised premises	5
Part 4— Miscellaneous	6
12 Rules and orders about liquor.....	6
13 Service of notices etc.....	6
Part 5— Repeal, transitional provisions and expiry.....	7
Division 5.1— Repeal.....	7
14 Repeal	7
Division 5.2— Transitional provisions.....	7
15 Transitional rules and orders	7
16 Application of Legislation Statute, section 26.....	7
17 Transitional provisions additional	7
Division 5.3— Expiry.....	7
18 Expiry of instrument	7

Part 1—Preliminary

1 Name

This is the *Australian National University (Liquor) Statute 2022*.

2 Commencement

This instrument commences on 1 January 2023.

3 Authority

This instrument is made under the *Australian National University Act 1991*, section 50 (Statutes).

4 Definitions

In this instrument:

ACT Liquor Act means the *Liquor Act 2010* (ACT).

at a University building, University premises or authorised premises includes in or on the building or premises.

authorisation means a liquor authorisation.

authorised premises means University premises that are the subject of a liquor authorisation.

[Note: See definition of **University premises**.]

child means a person who is under 12 years old.

[Note: This definition corresponds to the definition of **child** applying under the existing ACT Liquor Act (see dictionary to that Act).]

existing ACT Liquor Act means the ACT Liquor Act as in force immediately before the day that this instrument commences.

holder, of a liquor authorisation, means the entity that holds the liquor authorisation.

liquor has the meaning given by the existing ACT Liquor Act, section 11.

liquor authorisation means an authorisation issued under section 6(1) (Issue of liquor authorisations etc.).

low-alcohol liquor has the meaning given by the existing ACT Liquor Act, dictionary.

[Note: Under the existing ACT Liquor Act definition, '**low-alcohol liquor** means a drink that is not liquor but contains more than 0.5% by volume of ethanol.']

premises has the meaning given by the existing ACT Liquor Act, dictionary.

[Note: Under the existing ACT Liquor Act definition, '**premises** includes land, structure, vehicle or boat.']

sell has the meaning given by the existing ACT Liquor Act, dictionary.

[Note: Under the existing ACT Liquor Act definition, **sell** includes, among other things, supply for profit, offer for sale, and have in possession for sale.]

supply has the meaning given by the existing ACT Liquor Act, dictionary.

[Note: Under the existing ACT Liquor Act definition, '**supply** includes sell.']

University building means a building in the ACT that is occupied by the University or an affiliated college and, to remove any doubt, includes University House and the halls of residence in the ACT.

[Note: This definition corresponds to paragraph (a) of the definition of **exempt university building** in the existing ACT Liquor Act, section 8(4). The provisions of the existing ACT Liquor Act relating to the sale of liquor do not apply to the sale of liquor in a University building in which the sale of liquor is authorised by a statute (see existing ACT Liquor Act, section 8(1) and (4)).]

University premises means:

- (a) a University building; or
- (b) any other premises owned or occupied by the University in the ACT and includes, for example, the grounds of any campus of the University in the ACT; or
- (c) any other premises in the ACT in which accommodation is arranged or provided by or on behalf of the University for, or primarily for, members of staff, or students, of the University; or
- (d) any other premises declared to be University premises by a rule or order; or
- (e) to remove any doubt, any part of a building or premises mentioned in paragraphs (a) to (d).

[Note: See definition of **premises**.]

young person means a person who is 12 years old or older, but not yet an adult.

[Note 1: The definition of **young person** corresponds to the definition of the term applying under the existing ACT Liquor Act (see dictionary to that Act).]

[Note 2: For definitions applying to University legislation generally, see the dictionary in the Legislation Statute. That dictionary defines terms relevant to this instrument, including the following:

- affiliated college
- breach
- entity
- hall of residence
- order
- rule.]

Part 2—Liquor authorisations

5 Authorisation provided by liquor authorisation

- (1) The holder of a liquor authorisation in force under this instrument is authorised to sell liquor subject to the limitations stated in the authorisation.
- (2) Subsection (1) has effect despite anything in any ACT law.

6 Issue of liquor authorisations etc.

- (1) The Vice-Chancellor may issue an authorisation (a **liquor authorisation**), in written or electronic form, authorising the sale of liquor at University premises.
- (2) A liquor authorisation may be of any kind decided, in writing, by the Vice-Chancellor.
- (3) A liquor authorisation must state:
 - (a) the entity to which the authorisation is issued; and
 - (b) the limitations to which the authorisation provided by the liquor authorisation is subject.
- (4) For subsection (3)(b), a liquor authorisation must state the following (each of which is a **limitation** to which the authorisation is subject):
 - (a) the University premises where the sale of liquor is authorised (the **authorised premises**);
 - (b) when it expires or the period during which the sale of liquor is authorised;
 - (c) if the sale of liquor is authorised only during particular times—the times during which the sale of liquor is authorised;
 - (d) if the sale of liquor is authorised only for a particular function or other event—the event for which the sale of liquor is authorised;
 - (e) if the sale of liquor is authorised only to particular persons—the persons to whom the sale of liquor is authorised;
 - (f) whether the sale of liquor is authorised in:
 - (i) open containers for consumption at the authorised premises; or
 - (ii) sealed containers for consumption off the authorised premises.
- (5) A liquor authorisation may:
 - (a) for subsection (3)(b), declare anything else stated in the authorisation to be a limitation to which the authorisation is subject; or
 - (b) include anything else that the Vice-Chancellor considers appropriate.

7 Replacement of lost etc. liquor authorisations

- (1) On application by the holder of a current liquor authorisation issued in written form, the Vice-Chancellor may issue a replacement liquor authorisation if satisfied that the current authorisation has been lost, stolen, destroyed or damaged.
- (2) If the liquor authorisation has been damaged, the authorisation must be returned with the application.

8 Surrender of liquor authorisations

- (1) The holder of a current liquor authorisation may surrender the authorisation by written notice given to the Vice-Chancellor.
- (2) If the authorisation was issued in written form, the authorisation must be returned with the notice.

9 Revocation of liquor authorisations

The Vice-Chancellor may, by oral or written notice given to the holder of a liquor authorisation, revoke the authorisation if:

- (a) the holder is no longer eligible (or was not eligible) under the University's policies and procedures to be issued the authorisation; or
- (b) the holder breaches a limitation of the authorisation; or
- (c) the holder otherwise breaches this instrument; or
- (d) the Vice-Chancellor considers that the revocation of the authorisation is justified for another reason.

10 University policies and procedures

- (1) In exercising a function under this Part, the Vice-Chancellor must act in accordance with the University's policies and procedures.
- (2) Subsection (1) is additional to the Governance Statute, section 56 (Exercise of functions etc. by Vice-Chancellor).

Part 3—Conduct at authorised premises

11 Children and young people at authorised premises

- (1) A person must not sell or otherwise supply liquor or low-alcohol liquor to a child or young person at authorised premises.
- (2) A child or young person must not purchase or consume liquor or low-alcohol liquor at authorised premises.
- (3) A child or young person must not possess liquor or low-alcohol liquor at authorised premises.
- (4) Subsection (3) does not apply to a young person if the young person possesses the liquor or low-alcohol liquor in the course of:
 - (a) the young person's employment at the authorised premises; or
 - (b) a training program provided by a declared training provider; or
 - (c) another training program provided, or arranged, by the University or the holder for the liquor authorisation for the premises.
- (5) In this section:

declared training provider has the meaning given by the existing ACT Liquor Act, section 224 (Declared training providers).

Part 4—Miscellaneous

12 Rules and orders about liquor

- (1) Rules and orders made under the Governance Statute, section 68(1) (General power to make rules and orders) may prescribe matters with respect to:
 - (a) the sale, purchase, supply, possession, or consumption of liquor at University premises; or
 - (b) any matter specified in the existing ACT Liquor Act.
- (2) This section is additional to, and does not limit, the Governance Statute, section 68(1) or any other power to make rules and orders.

13 Service of notices etc.

- (1) This section applies to a notice or other document that is required or permitted to be served on an entity under this instrument (whether the word ‘give’, ‘notify’, ‘send’, ‘tell’ or another word is used).
- (2) The document may be served on the entity by emailing it to:
 - (a) if the entity has an email address provided by the University—that email address; or
 - (b) in any case—an email address shown in the University’s records as an email address of the entity (including, for example, any personal, work or business email address).
- (3) A document served by email on an entity under this section is taken to have been served at the time it would be received in the ordinary course of email transmission.
- (4) Subsection (3) has effect despite the Legislation Statute, section 24(4).
- (5) Subject to subsections (3) and (4), this section does not affect the operation of any other University legislation, or any other law, that authorises or requires service of a document otherwise than as provided under this section.

[Note: See e.g. the Acts Interpretation Act, section 28A (Service of documents).]

Part 5—Repeal, transitional provisions and expiry

Division 5.1—Repeal

14 Repeal

The *Liquor Statute 2015* is repealed.

Division 5.2—Transitional provisions

15 Transitional rules and orders

- (1) Rules and orders made under the Governance Statute, section 68(1) (General power to make rules and orders) may prescribe matters of a transitional nature (including prescribing any savings or application provisions) relating to:
 - (a) the repeal of the *Liquor Statute 2015*; or
 - (b) the making of this instrument.
- (2) This instrument (other than this section) does not limit the matters that may be prescribed by rules or orders made for subsection (1).
- (3) Rules and orders made for subsection (1) have effect despite anything in this instrument (other than this Part).

16 Application of Legislation Statute, section 26

- (1) The Legislation Statute, section 26 (Repeal of University legislation) applies to the repeal of the *Liquor Statute 2015*.
- (2) For the Legislation Statute, section 26 the provisions of this Division are transitional provisions.

17 Transitional provisions additional

This Division is additional to, and does not limit:

- (a) the Legislation Statute, section 26 (Repeal of University legislation); or
- (b) the Acts Interpretation Act, section 7 (Effect of repeal or amendment of Act), as applied by the Legislation Act, section 13(1)(a) (Construction of legislative instruments and notifiable instruments).

Division 5.3—Expiry

18 Expiry of instrument

This instrument expires 10 years after the day it commences.
