

THE AUSTRALIAN NATIONAL UNIVERSITY

Australian National University Act 1991.

LIQUOR STATUTE 2007

The Council of the Australian National University makes the following Statute under section 50 of the *Australian National University Act 1991*.

Dated: 30 March 2007.

Allan Hawke
Chancellor

1 Name of statute

1.1 This Statute is the *Liquor Statute 2007*.

2 Commencement

2.1 This Statute commences on the day after it is registered.

3 Interpretation

3.1 In this Statute, unless the contrary intention appears:

ACT Act means the *Liquor Act 1975* of the Australian Capital Territory.

authorised activity means an activity in relation to which the sale of liquor is authorised by this Statute.

college means a residential college that is affiliated with the University under the *Residential Colleges (Affiliation) Statute*.

Director means the Director, Facilities and Services or his or her delegate in relation to a particular exempt University building or part of the grounds of the University, as the case requires.

exempt University building includes:

- (a) all or any part of a building occupied by the University; and
- (b) all or any part of a building occupied by a residential college affiliated with the University under a statute;

in which the sale of liquor is authorised by this Statute.

grounds, of the University, includes any part of the University other than an exempt University building.

hall of residence means a hall of residence established in connection with the University.

liquor has the same meaning as in the ACT Act.

lodger, in relation to a college, means a person who is temporarily lodging in that college.

major event means an event involving the sale or supply of liquor at which more than 100 persons are expected to be in attendance.

member, in relation to the University Union, includes a person temporarily entitled to the privileges of membership in accordance with the Constitution of the Union or rules made under that Constitution.

minor event means an event involving the sale or supply of liquor at which not more than 100 persons are expected to be in attendance.

Order means an Order under this Statute.

patron includes:

- (a) in relation to an exempt University building, a participant in any authorised activity in relation to the building, a member of the University community and any other person who has lawful access to all or any part of the building or is entitled to use any of the facilities of the building; and
- (b) in relation to a part of the grounds of the University, a member of the University community and any other person who is lawfully entitled to be in that part of the grounds.

resident, in relation to a hall of residence, Graduate House or University House, includes a person temporarily lodging in the hall, Graduate House or University House, as the case requires.

room agreement means an agreement between the University and a resident about the use and occupation of a room in a hall of residence, Graduate House or University House.

3.2 The Director may, by instrument, determine which activities are approved activities for the purposes of the definition of **patron**.

4 Meaning of sale of liquor

4.1 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.

4.2 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.

5 Authority to sell or supply liquor

5.1 Liquor must not be sold, supplied or purchased in an exempt University building without the written authorisation of the Director.

5.2 A person may apply to the Director, in a form approved by the Director, seeking authorisation to sell or supply liquor in an exempt University building.

5.3 Liquor must not be sold, supplied or purchased in the grounds of the University without the written authorisation of the Director.

5.4 A person may apply to the Director, in a form approved by the Director, seeking authorisation to sell or supply liquor in an area of the grounds of the University specified in the application.

5.5 If an application under subsection 5.2 or 5.4 relates to a proposed major event, the Director must receive the application not less than 14 days before the event is to take place.

5.6 If an application under subsection 5.2 or 5.4 relates to a proposed minor event, the Director must receive the application not less than 7 days before the event is to take place.

5.7 To avoid doubt, the Director may determine whether or not a proposed event is to be regarded as a major event or a minor event.

6 Advertising

6.1 A person may apply to the Director for approval to advertise the sale or supply of liquor or an event at which liquor is to be sold or supplied.

6.2 An application under subsection 6.1:

- (a) may be made at the same time as, or after, an application in relation to the event to which it relates is made under subsection 5.2 or 5.4; but
- (b) must be made not later than 48 hours before the commencement of the event.

6.3 A person must not, without the approval of the Director, advertise within the University the sale or supply of liquor, or an event in relation to which liquor is to be sold or supplied, whether the sale, supply or event is to take place within the University or not.

6.4 Advertising material in relation to the sale of liquor or an event must not promote or encourage the consumption of liquor as the primary activity or purpose of the event.

6.5 However, to avoid doubt, subsection 6.4 does not prohibit the advertising of an event such as a wine appreciation dinner or a happy hour where liquor is to be sold or supplied at a reduced price for a short period.

7 Consumption of liquor

7.1 If the Director authorises, under subsection 5.1, the sale, supply or purchase of liquor in an exempt University building, the Director may authorise the consumption of liquor in that building or in the grounds adjacent to that building.

7.2 If the Director authorises, under subsection 5.3, the sale, supply or purchase of liquor in the grounds of the University, the Director may authorise the consumption of liquor in the area of the grounds of the University specified in the authorisation.

7.3 Liquor must not be consumed in an exempt University building or any part of the grounds of the University unless an authorisation is in force in relation to that exempt University building or that part of the grounds.

8 Director to determine application

8.1 In determining whether to grant an authorisation for an event, the Director must consider:

- (a) the location of the event; and
- (b) other events occurring on campus at the same time; and
- (c) the expected number of attendees; and
- (d) the facilities, including security, to be provided; and
- (e) the circumstances of any previous advertising, supply or sale of liquor by the applicant; and
- (f) any other factor that the Director considers appropriate.

8.2 In determining whether to grant an authorisation otherwise than for an event, the Director must consider:

- (a) the location of the point of sale of the liquor; and
- (b) other liquor outlets on campus; and

- (c) the facilities, including security, to be provided; and
- (d) the circumstances of any previous advertising, supply or sale of liquor by the applicant; and
- (e) any other factor that the Director considers appropriate.

8.3 An authorisation may be granted subject to such conditions as the Director thinks fit.

8.4 The Director must consider the application and advise the applicant, in writing, whether or not an authorisation is granted and, if an authorisation is not granted, or is granted subject to conditions, the reasons for not granting it or for imposing the conditions.

8.5 It is a condition of an authorisation under subsection 5.1 or 5.3 that, if the applicant is not the University or a representative of the University, the authorisation does not have effect unless a licence or permit (as the case requires) is issued under the ACT Act permitting the sale or supply of liquor in the exempt University building or part of the grounds of the University, and during the period, to which the authorisation under subsection 5.1 or 5.3 relates.

[*Note:* it is intended that a person acting in an official capacity as a representative of an arm of the University, such as the Faculty of Arts, be regarded as a representative of the University for the purposes of subsection 8.5.]

9 Appeals

9.1 An applicant may appeal to the Vice-Chancellor or his or her nominee against a decision of the Director.

9.2 An appeal must be in writing and must set out the reasons for the appeal.

9.3 The decision of the Vice-Chancellor or his or her nominee on the appeal is final.

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

10.1 A person must not sell or supply liquor in an exempt University building or in the grounds of the University to a person who is less than 18 years of age.

10.2 A person must not sell or supply liquor in an exempt University building 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, lodger or patron in relation to the building or grounds where the liquor is sold or supplied.

10.3 A person under 18 years of age must not:

- (a) sell, supply or purchase liquor; or
- (b) possess or consume liquor in an exempt University building or in the grounds of the University.

10.4 Subsection 10.3 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) on the grounds of the University.

11 Person not to contravene Statute etc.

11.1 A person must not advertise, possess, consume, sell or purchase liquor in an exempt University building otherwise than in accordance with this Statute, the Orders and any directions given under this Statute.

11.2 A person must not advertise, possess, consume, sell or purchase liquor in the grounds of the University otherwise than in accordance with this Statute, the Orders and any directions given under this Statute.

11.3 If a person who is required to obtain a licence or permit under the ACT Act contravenes this Statute and the provisions of that Act, the person is to be dealt with under that Act.

11.4 If a person who is not required to obtain a licence or permit under the ACT Act contravenes this Statute in relation to an exempt University building, the penalty for that contravention is the penalty set out in subsection 9 (2) of that Act.

11.5 If a person who is not required to obtain a licence or permit under the ACT Act contravenes this Statute other than in relation to an exempt 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).

11.6 However, nothing in this section, subsection 7.3 or section 10 applies in relation to the possession or consumption of liquor by a person in a room in a hall of residence, Graduate House or University House occupied by a resident under a room agreement.

12 Orders

12.1 The Director may make Orders, regulating the advertising, sale, supply, purchase or consumption of liquor in exempt University buildings or the grounds of the University whether generally or in relation to a particular building, area of the grounds or event.

12.2 The Director may, in relation to a particular exempt University building or a particular part of the grounds of the University, delegate his or her powers under subsection 12.1 to a responsible person.

12.3 If the Director delegates his or her powers in relation to a particular exempt University building or a particular part of the grounds of the University, the delegate may make Orders, regulating the advertising, sale, supply, purchase or consumption of liquor in that exempt University building or that part of the grounds of the University whether generally or in relation to a particular event.

12.4 Orders under this section:

- (a) must not be inconsistent with this Statute; and
- (b) may include provision in relation to the persons by whom or to whom, or the times at which, the prices at which and the conditions under which liquor may be advertised, sold, supplied, purchased or consumed.

12.5 The Director may revoke, suspend or vary an Order.

12.6 A delegate of the Director under subsection 12.2 may revoke, suspend or vary an Order made by the delegate.

12.7 A copy of an Order, including any revocation, suspension or variation of an Order, made by the Director or his or her delegate must be forwarded to the Council as soon as possible after it is made.

12.8 An Order does not take effect until it is registered and placed on the University's website.

13 Disallowance of Orders

13.1 The Council, or the Executive Committee of the Council, may at any time disallow in whole or in part an Order, or suspension or variation of an Order, made under section 12.

13.2 If an Order, or part of an Order, or suspension or variation of an Order, is disallowed, it ceases to have effect.

13.3 The Vice-Chancellor may at any time exercise the powers of the Council under subsection 13.1 but a disallowance by the Vice-Chancellor does not:

- (a) have effect until after the next meeting of the Council or of the Executive Committee of the Council, whichever first occurs; or
- (b) affect any power of the Council or of the Executive Committee of the Council under subsection 13.1.

13.4 A disallowance, suspension or variation of an Order or part of an Order does not take effect until it is registered and placed on the University's website.

14 Directions

14.1 The Director may, by instrument, give directions in relation to compliance with this Statute or the Orders or the advertising, suspension or cancellation of an event held, or to be held, in a place in relation to which the Director may make Orders.

15 Transitional: authorities

15.1 If, before the commencement of this Statute, Council had appointed an authority to make Orders regulating the sale, purchase and consumption of liquor in any of the following exempt University buildings, namely:

- the Arts Centre
- the former Institute of the Arts
- the University Union
- a college or hall of residence

and that appointment was, immediately before the commencement of this Statute, in effect, then, until the Director determines otherwise, that authority is the delegate of the Director under section 12 for the relevant exempt University building.

15.2 Until the Director determines otherwise, the Master of University House is the delegate of the Director under section 12 for University House.

16 Repeal and savings

16.1 The *Liquor Statute 2006*, as amended and in force at the commencement of this Statute, is repealed.

16.2 Any resolution, approval, appointment or direction made, continued or given, under the Liquor Statute 2006 and in force immediately before the commencement of this Statute, continues to have effect as if it were made or given under this Statute, and may be amended, suspended, disallowed or repealed under this Statute.

17 Rules

17.1 The Council may make Rules, not inconsistent with this Statute, prescribing matters required or permitted by this Statute to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Statute.
