

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE LIQUOR LICENSING ACT 1997

14 NOVEMBER 2023

Delegation Sources

- Liquor Licensing Act 1997

Positions

Abbreviation	Position
CEO	Chief Executive Officer
DCCS	Director Corporate & Community Services
MPC	Manager People & Corporate

Instrument of Delegation under the Liquor Licensing Act 1997

Liquor Licensing Act 1997				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 22(1)	Apply to the Court for a review of a decision of the Commissioner in relation to an application for or in relation to a licence	CEO, DCCS		council
section 37(5)	Participate in consultation with the Minister in relation to any proposed regulations declaring an area to be a prescribed area for the purposes of section 37 of the Liquor Licensing Act	CEO, DCCS		prescribed body
section 69(3)(e)	Approval of an application for the extension of a trading area where the relevant area is under the control of the council	CEO, DCCS, MPC		council
section 106(2)(b)	Lodge a complaint under section 106(1) regarding unduly offensive, annoying, disturbing or inconvenient activity, noise or behaviour relating to licensed premises	CEO, DCCS		council

Liquor Licensing Act 1997				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 106(4)	Request that the matter proceed direct to a hearing	CEO, DCCS		council
section 106(5)	Request that the Commissioner determine the matter	CEO, DCCS		council
section 106(6)(a)	Make submissions in regard to the matter to the Commissioner or Court	CEO, DCCS		council
section 120(2)(c)	Lodge a complaint under section 120(1) alleging that proper grounds for disciplinary action exist against a specified person	CEO, DCCS		council
section 128E(1)	Prepare a draft local liquor accord	CEO, DCCS		council
section 128H(3)	Request a variation of a local liquor accord	CEO, DCCS		council

Liquor Licensing Act 1997				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 128H(5)	Request the Commissioner to add or remove the council as a party to a local liquor accord	CEO, DCCS		council
section 128H(6)	Request the Commissioner to terminate a local liquor accord	CEO, DCCS		council
section 128H(7)	Seek the consent of the other parties to a local liquor accord prior to request the Commissioner to terminate the local liquor accord	CEO, DCCS		council
section 131(1ab)	Prohibit the consumption or possession or both of liquor in a public place within the council area during a specified period by notice published in the Gazette	CEO, DCCS		council
section 131(1ad)	Provide a copy of notice published under section 131(1ab) to the Commissioner of Police	CEO, DCCS		council
section 131(1c)	Vary or revoke a notice published under section 131(1ab)	CEO, DCCS		council

Document history and version control

Date	Council/Chief Executive Officer	Comment
14/11/2023	Reviewed and adopted at 14 November 2023 Special Council meeting	