

APPENDIX 14

INSTRUMENT OF DELEGATION UNDER THE LIQUOR LICENSING ACT 1997

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

0. Application for Review of Commissioner's Decision
The power pursuant to Section 22(1) and subject to Sections 22(2) and (3) of the Liquor Licensing Act 1997 (the Act), to apply to the Court for a review of the Commissioner's decision.
1. Extension of Trading Area
1.1 The power pursuant to Section 69(3)(e) of the Act, on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council.
2. Rights of Intervention
2.1 The power pursuant to Section 76(2) of the Act where licensed premises exist or premises propose to be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway.
3. Noise
3.1 The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1).
3.2 The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.

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3.3	The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4).
4.	Disciplinary Action Before the Court
4.1	The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person.
5.	Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action
5.1	The power pursuant to Section 120A(3) of the Act to apply to the Court for a review of the Commissioner's decision as if the Council were a party to proceedings before the Commissioner.
5A	Preparation of Draft Local Liquor Accords
5A.1	The power pursuant to Section 128E(1) of the Act to prepare a draft local liquor accord and give it to the Commissioner for approval.
5A.2	The power pursuant to Section 128E(2) of the Act to include in a draft local liquor accord the following details:
5A.2.1	the name of each party to the draft;
5A.2.2	the name and address of the coordinator for the local liquor accord (being a party to the draft or a representative of a party to the draft);
5A.2.3	the proposed accord area;
5A.2.4	any other details prescribed by the regulations.
5B	Terms of Local Liquor Accords
5B.1	The power pursuant to Section 128F of the Act to, in a local liquor accord, make provision for or with respect to authorising or requiring any licensees who are parties to it to do one or more of the following:
5B.1.1	to cease or restrict either or both of the following on their licensed premises:
5B.1.1.1	the sale of liquor on those premises (including the sale of liquor for consumption off premises);

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5B.1.1.2 allowing the consumption of liquor on those premises;
5B.1.2 to restrict the public's access to the licensed premises in the manner and to the extent provided by the local liquor accord;
5B.1.3 to take any other measure prescribed by the regulations as a measure that may be taken to prevent or reduce alcohol-related violence.
5C Approval of Local Liquor Accords
5C.1 The power pursuant to Section 128H(3) of the Act to apply to the Commissioner to vary the accord (including the accord area).
5C.2 The power pursuant to Section 128H(5) of the Act to give to the Commissioner a written request for the Council to be removed or added as a party to the local liquor accord.
5C.3 The power pursuant to Section 128H(6) of the Act to apply to the Commissioner to terminate a local liquor accord where the Council is the coordinator.
5C.4 The power pursuant to Section 128H(7) of the Act to:
5C.4.1 only make an application under Section 128H(6) of the Act as coordinator with the consent of the parties to the local liquor accord; or
5C.4.2 consent as a party to a local liquor accord to the coordinator making an application under Section 128H(6) of the Act.
6. Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action
6.1 The power pursuant to Section 131(1ab) of the Act and subject to Section 131 of the Act, to, by notice in the Gazette, prohibit the consumption or possession or both of liquor in the public place or public places within the area of the Council specified in the notice during the period (not exceeding 48 hours) specified in the notice.
6.2 The power pursuant to Section 131(1ad) of the Act to, within 7 days after publishing a notice under Section 131(1ab) of the Act, give a copy of the notice to the Commissioner of Police.
6.3 The power pursuant to Section 131(1c) of the Act to vary or revoke a notice under Section 131(1ab) of the Act by further notice in the Gazette.

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
Nil	Nil