

CLARE & GILBERT VALLEYS COUNCIL

INSTRUMENT OF DELEGATION

LIQUOR LICENSING ACT 1997

31 JANUARY 2024

Delegation Sources

- Liquor Licensing Act 1997

Positions

| Abbreviation | Position | Name |
|----------------------------------|----------------------------------|--------------------------------|
| PO | Development Officer Planning | Fraser Cormack & Henry Beesley |
| DCS | Director Corporate Services | Leanne Kunoth |
| MD | Manager Development | Andrew Boyd Kench |
| Not Delegated - Remains with CEO | Not Delegated - Remains with CEO | |

Instrument of Delegation under the Liquor Licensing Act 1997

| | | Liquor Licensing Act 1997 | | | | |
|-------------------|--|---------------------------|---------------------|----------------------------------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Date Delegation to CEO | Date Sub Delegation | Sub 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 | 13 December 2023 | 14 December 2023 | DCS, MD | | 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 | 13 December 2023 | 14 December 2023 | DCS, MD | | 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 | 13 December 2023 | 14 December 2023 | PO, DCS, MD | | 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 | 13 December 2023 | 14 December 2023 | Not Delegated - Remains with CEO | | council |

| | | Liquor Licensing Act 1997 | | | | |
|-------------------|--|---------------------------|---------------------|----------------------------------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Date Delegation to CEO | Date Sub Delegation | Sub Delegate | Conditions and Limitations | Capacity of Council |
| section 106(4) | Request that the matter proceed direct to a hearing | 13 December 2023 | 14 December 2023 | Not Delegated - Remains with CEO | | council |
| section 106(5) | Request that the Commissioner determine the matter | 13 December 2023 | 14 December 2023 | Not Delegated - Remains with CEO | | council |
| section 106(6)(a) | Make submissions in regard to the matter to the Commissioner or Court | 13 December 2023 | 14 December 2023 | Not Delegated - Remains with CEO | | council |
| section 120(2)(c) | Lodge a complaint under section 120(1) alleging that proper grounds for disciplinary action exist against a specified person | 13 December 2023 | 14 December 2023 | Not Delegated - Remains with CEO | | council |
| section 128E(1) | Prepare a draft local liquor accord | 13 December 2023 | 14 December 2023 | DCS, MD | | council |

| | | Liquor Licensing Act 1997 | | | | |
|------------------|---|---------------------------|---------------------|--------------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Date Delegation to CEO | Date Sub Delegation | Sub Delegate | Conditions and Limitations | Capacity of Council |
| section 128H(3) | Request a variation of a local liquor accord | 13 December 2023 | 14 December 2023 | DCS, MD | | council |
| section 128H(5) | Request the Commissioner to add or remove the council as a party to a local liquor accord | 13 December 2023 | 14 December 2023 | DCS, MD | | council |
| section 128H(6) | Request the Commissioner to terminate a local liquor accord | 13 December 2023 | 14 December 2023 | DCS, MD | | 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 | 13 December 2023 | 14 December 2023 | DCS, MD | | 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 | 13 December 2023 | 14 December 2023 | DCS, MD | | council |

| | | Liquor Licensing Act 1997 | | | | |
|------------------|---|---------------------------|---------------------|--------------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Date Delegation to CEO | Date Sub Delegation | Sub Delegate | Conditions and Limitations | Capacity of Council |
| section 131(1ad) | Provide a copy of notice published under section 131(1ab) to the Commissioner of Police | 13 December 2023 | 14 December 2023 | DCS, MD | | council |
| section 131(1c) | Vary or revoke a notice published under section 131(1ab) | 13 December 2023 | 14 December 2023 | DCS, MD | | council |