



# Sub-delegations under the Liquor Licensing Act 1997



26 June 2019

## INSTRUMENT OF SUBDELEGATION

On the 25<sup>th</sup> day of June 2019 the City of Holdfast Bay ("the Council") delegated certain powers and functions under the following Act:

- *Liquor Licensing Act 1997*

to the person holding the position of Chief Executive Officer (the "Head Delegation") subject to the terms and conditions specified in the relevant resolution(s) or in the Schedule of Conditions (if any) in the Head Delegation.

In exercise of the powers under Section 101 of the *Local Government Act 1999* I, as Chief Executive Officer hereby:

- revoke all previous sub-delegations to the positions indicated below; and
- sub-delegate such of those powers and functions identified in the Head Delegation as are specified below to the person holding the positions specified below, on the terms and conditions specified below.

The sub-delegated powers and functions may be exercised individually by each sub-delegate in respect of any particular matter where the sub-delegate is required or proposing to act in the course of their duties.



\_\_\_\_\_  
Signature

Roberto Bria  
**CHIEF EXECUTIVE OFFICER (ACTING)**

26 June 2019



# **CONDITIONS OF SUBDELEGATIONS MADE BY THE CHIEF EXECUTIVE OFFICER**

Conditions applying to all sub delegations

Nil

Other Conditions

Nil

## **POWERS AND FUNCTIONS SUBDELEGATED IN THIS INSTRUMENT**

### **Delegation Sources**

- Liquor Licensing Act 1997

### **Titles**

- General Manager City Assets and Services: General Manager City Assets and Services - Howard Lacy
- Manager Development Services: Manager Development Services - Anthony Marroncelli
- Property Management Officer: Property Management Officer - Vacant
- Team Leader Commercial and Leasing: Team Leader Commercial and Leasing - Fabienne Reilly

# Instrument of Delegation under the Liquor Licensing Act 1997

Liquor Licensing Act 1997			
#	Item Delegated	Conditions and Limitations	Delegate
82138	<p>2. Rights of Intervention</p> <p>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.</p>		General Manager City Assets and Services, Manager Development Services, Team Leader Commercial and Leasing
82139	<p>3. Noise</p> <p>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).</p>		General Manager City Assets and Services, Manager Development Services, Team Leader Commercial and Leasing
82140	<p>3. Noise</p> <p>3.2 The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.</p>		General Manager City Assets and Services, Manager Development Services, Team Leader Commercial and Leasing
82141	<p>3. Noise</p> <p>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).</p>		General Manager City Assets and Services, Manager Development Services, Team Leader Commercial and Leasing
82142	<p>4. Disciplinary Action Before the Court</p> <p>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.</p>		General Manager City Assets and Services, Manager Development Services, Team Leader Commercial and Leasing

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			Leader Commercial and Leasing
251020	<p>5A Preparation of Draft Local Liquor Accords</p> <p>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.</p>		General Manager City Assets and Services, Team Leader Commercial and Leasing
251021	<p>5A Preparation of Draft Local Liquor Accords</p> <p>5A.2 The power pursuant to Section 128E(2) of the Act to include in a draft local liquor accord the following details:</p> <p>5A.2.1 the name of each party to the draft;</p> <p>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);</p> <p>5A.2.3 the proposed accord area;</p> <p>5A.2.4 any other details prescribed by the regulations.</p>		General Manager City Assets and Services, Team Leader Commercial and Leasing
251022	<p>5B Terms of Local Liquor Accords</p> <p>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:</p> <p>5B.1.1 to cease or restrict either or both of the following on their licensed premises:</p> <p>5B.1.1.1 the sale of liquor on those premises (including the sale of liquor for consumption off premises);</p> <p>5B.1.1.2 allowing the consumption of liquor on those premises;</p> <p>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;</p> <p>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.</p>		General Manager City Assets and Services, Team Leader Commercial and Leasing
251023	<p>5C Approval of Local Liquor Accords</p> <p>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).</p>		General Manager City Assets and Services, Team Leader Commercial and Leasing
251024	<p>5C Approval of Local Liquor Accords</p> <p>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.</p>		General Manager City Assets and Services, Team Leader Commercial and Leasing

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251025	<p>5C Approval of Local Liquor Accords                      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.</p>		General Manager City Assets and Services, Team Leader Commercial and Leasing
251026	<p>5C Approval of Local Liquor Accords                      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.</p>		General Manager City Assets and Services, Team Leader Commercial and Leasing
229458	<p>6. Control of consumption etc of liquor in public places                      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.</p>		General Manager City Assets and Services, Property Management Officer, Team Leader Commercial and Leasing
229459	<p>6. Control of consumption etc of liquor in public places                      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.</p>		General Manager City Assets and Services, Property Management Officer, Team Leader Commercial and Leasing
229460	<p>6. Control of consumption etc of liquor in public places                      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.</p>		General Manager City Assets and Services, Property Management Officer, Team Leader Commercial and Leasing