



DELEGATION OF AUTHORITY

DELEGATION NO:	2009-25 (V2)
DELEGATION TITLE:	Liquor
Delegation from Council to:	Chief Executive Officer
Date and Resolution No.:	
Delegation from the Chief Executive Officer to: Refer attached schedule	Date
Source of Authority: <i>Local Government Act 2009</i> <i>Liquor Act 1992</i>	

Delegated Power:

1. To exercise the powers of the local government under the *Liquor Act 1992* including but not limited to the following:
 - (a) make comments in regard to the grant of an adult entertainment permit;
 - (b) raise a matter and make comment to the chief executive, where Council is consulted in relation to an application for an extended hours permit;
 - (c) comment on the reasonable requirements of the public in the locality or object;
 - (d) comment on particular applications;
 - (e) make comment in regard to the grant of an application;
 - (f) designate a "public place" as a "designated area", for the purposes of permitting the consumption of liquor, and power to set the period or times during which the designation will have effect;
 - (g) advertise the designation permitting the consumption of alcohol, and power to erect signs advising of the designation, the period and times of the designation;
 - (h) repeal or amend the designation permitting the consumption of alcohol, and power to advertise the repeal or amendment; erect signs that the designation has been amended; or remove signs if the designation has been repealed;

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- (i) display a notice regarding a designation at or near each entrance to a place within a restricted area;
- (j) suspend a restricted area designation for a public place for up to 10 days if the local government reasonably believes it is in the best interests of the area's residents to do so;
- (k) display a notice about the suspension on each of the notices about the restricted area designation while the suspension is in force; and
- (l) notify the Queensland Police Service about the suspension.

Delegation Criteria:

- 2. The Delegated Officer may exercise the powers of the local government in relation to the powers delegated in paragraph 1 (a), (b), (c), (d) and (e) of this delegation provided that:
 - (a) The comment or objection is provided to the commissioner, which administers the *Liquor Act 1992* -
 - (i) if the relevant application was required to be advertised – on or before the last day for filing objections to the application; or
 - (ii) in any other case - within 14 days of receiving advice about the application , or within a longer time stated by the chief executive of the department, which administers the *Liquor Act 1992* in the advice.

Delegation Administrative Procedure:

- 3. The powers conferred by this delegation must be exercised in accordance with the legislation conferring the authority, including any obligations which are imposed in exercising the power (e.g. performing the function or exercise the power in a way that best achieves the object of the Act).
- 4. The powers conferred by this delegation must not be exercised in circumstances where the power is not capable of delegation under sections 257, 257A, 258 and 259 of the Local Government Act 2009.
- 5. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
- 6. Unless compliance would be contrary to any law, compliance with the policies and codes of conduct of the local government must be achieved.