



## **INSTRUMENT OF DELEGATION**

### *Liquor Licensing Act 1997*

To: The person for the time being occupying the following position within the Licensing Enforcement Branch:

- Officer in Charge; and
- Coordinator.

I, Grantley John Stevens, Commissioner of South Australia Police, pursuant to section 19 of the *Police Act 1998* (SA) hereby delegate to you the following powers or functions conferred on or assigned to me by or under the *Liquor Licensing Act 1997* (SA) ('the act')

- 1) The following powers of functions conferred on or assigned to me by or under subsection 22(2b) of the Act.

"Despite subsection (2), the Commissioner of Police may apply to the Court for a review of the Commissioner of Liquor and Gambling's decision to grant an application for, or in relation to, a small venue licence (however a review contemplated by this subsection is limited to whether a particular person is a fit and proper person, or whether the Commissioner of Liquor and Gambling's decision is contrary to the public interest)".

- 2) The following powers or functions conferred on or assigned to me by or under subsection 43(2)(c) of the Act.

"The licensing authority may impose, vary, suspend or revoke a condition under subsection (1) —

...

(c) on application by the Commissioner of Police".

- 3) The following powers or functions conferred on or assigned to me by or under subsection 51A(3) of the Act.

(3) As soon as reasonably practicable following the receipt of an application under subsection (2), the Commissioner of Police—

- a) must make available to the Commissioner of Liquor and Gambling information about criminal convictions; and

b) may make available to the Commissioner of Liquor and Gambling other information to which the Commissioner of Police has access, relevant to whether the application should be granted”.

- 4) The following powers or functions conferred on or assigned to me by or under section 75A of the Act.

“The Commissioner of Police may intervene in proceedings before a licensing authority for the purpose of introducing evidence, or making submissions, on any question before the authority and; in particular, may, if the proceedings are in connection with an application under this Part, intervene on the question of—

- a) whether a person is a fit and proper person; or
- b) whether, if the application were to be granted, public disorder or disturbance would be likely to result; or
- c) whether to grant the application would be contrary to the public interest”.

- 5) The following powers or functions conferred on or assigned to me by or under subsection 106(2)(a) of the Act.

“(2) A complaint under this section may be lodged by—

- a) the Commissioner of Police”.

- 6) The following powers or functions conferred on or assigned to me by or under section 120 of the Act.

(1) “A complaint may be lodged with the Court alleging that proper grounds for disciplinary action exist against a specified person.

(1a) the complaint must, subject to section 28A, state the grounds for disciplinary action

(2) A complaint may be lodged—

(a) by the Commissioner of Liquor and Gambling; or

(b) by the Commissioner of Police; or

(c) if the subject matter of the complaint is relevant to the responsibilities of the council in whose area the licensed premises are situated—by the council.

- (3) A complaint may be lodged and disciplinary action taken against a person for conduct that constitutes an offence despite the fact that the person has not been prosecuted for the offence.
- (4) Notice of a complaint and of the time and place appointed for the hearing of the complaint must be served on the person to whom the complaint relates”.

The description of the provisions is for ease of reference only and does not limit the authority vested in you by this instrument of delegation. The provision of the Act should be referred to in exercising the power(s) or function(s) delegated to you under this instrument.

This delegation will come into force on the date on which this instrument is signed and will continue in force until such time as it is revoked.

For the avoidance of doubt:

1. This instrument is revocable at will by the delegator; and
2. This instrument does not derogate from my power to act personally in a matter; and
3. Powers or functions delegated pursuant to this instrument may not be further delegated by the delegate.

Made at ADELAIDE

This 12<sup>th</sup> day of November 2018



(Grantley John Stevens)

COMMISSIONER OF POLICE

