

8.8 Authority to Issue Section 39 and 40 Certificates under the Liquor Control Act 1988

Objective

To provide for the efficient and prompt issue of certificates of the local government and certificates of the local planning authority for liquor licensing applications as required by Sections 39 and 40 of the Liquor Control Act 1988.

Background

Section 39 – Certificate of Local Government

Section 39 of the *Liquor Control Act 1988*, requires applications for the granting or removal of liquor licences under the *Liquor Control Act 1988* to be accompanied by a certificate from the local government in which the premises to which the application relates are situated, detailing whether or not the premises comply with:

1. The *Public Health Act 2016* ;
2. The *Food Act 2008*;
3. Any written law applying to the sewerage or drainage of those premises;
4. The *Local Government Act 1995*; and
5. The *Local Government (Miscellaneous Provisions) Act 1960*.

Section 40 – Certificate of Local Planning Authority

Section 40 of the *Liquor Control Act 1988*, requires applications for the granting or removal of liquor licences, or for a change in the use or condition of any licensed premises under the Liquor Control Act 1988, to be accompanied by a certificate from the local planning authority in which the premises to which the application relates are situated, stating that the proposed use of the premises:

1. Will comply with the requirements of the written laws relating to planning specified;
2. Would comply with the requirements specified if consent were to be given by a specified authority, if it is known whether that authority will give the consent, and what specified conditions or specifications should be, or are likely to be, imposed; or
3. Will not comply with the requirements for the reasons specified.
4. Section 39 and 40 Certificates, as required by the Liquor Control Act 1988, shall be issued by the Administration without referral to Council.
5. Section 39 – Certificates of Local Government – may be issued by:
 - Chief Executive Officer
 - Manager Development Services – Building
 - Manager Development Services – Health
 - Manager Land Use & Strategy

6. Section 40 – Certificates of Local Planning Authority – may be issued by:

- Chief Executive Officer
- Manager Development Services – Building
- Manager Development Services – Health
- Manager Land Use & Strategy

Authorisation Details

References:	<i>Liquor Control Act 1988</i> <i>The Public Health Act 2016</i> <i>The Food Act 2008</i> Any written law applying to the sewerage or drainage of those premises <i>Local Government Act 1995</i> <i>Local Government (Miscellaneous Provisions) Act 1960</i>		
Authorised by:	Council		
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Responsible Officer	Manager Building Services		
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