

Western Australia

Liquor Control Act 1988

Liquor Commission Rules 2007

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Liquor Commission Rules 2007

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Liquor Commission Rules 2007

Part 1 — Preliminary

1. Citation

These rules are the *Liquor Commission Rules 2007*.

2. Commencement

These rules come into operation as follows:

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day after that day.

3. Terms used in these rules

In these rules, unless the contrary intention appears —

document means any record that is or is capable of being put on paper;

lodge means to lodge at the office of the Commission;

party means a party to proceedings;

proceedings means —

- (a) a matter referred to the Commission by the Director under section 24 of the Act; or
- (b) an application under section 25 of the Act for the review of a decision of the Director; or

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- (c) an appeal under section 28(4a) of the Act against a decision of the Commission constituted by one member; or
- (d) a complaint under section 95 of the Act;

record means any thing or process —

- (a) on or by which information is recorded or stored; or
- (b) by means of which a meaning can be conveyed by any means in a visible or recoverable form,

whether or not the use or assistance of some electronic, electrical, mechanical, chemical or other device or process is required to recover or convey the information or meaning.

4. Application of these rules

Unless the Commission in a particular case orders otherwise, these rules apply in all proceedings.

Part 2 — Practice and procedure

- 5. Applications for review of a decision by the Director (s. 25 of the Act)**
- (1) If a party to proceedings before the Director wants to apply under section 25 of the Act for the Commission to review a decision of the Director, the party must —
 - (a) within one month after the decision, lodge a written application in accordance with subrule (2) —
 - (i) by hand delivery; or
 - (ii) by pre-paid post; or
 - (iii) by facsimile transmission; or
 - (iv) by email;and
 - (b) as soon as practicable after lodging the application, serve a copy of the application on the Director and every other person who was a party to the proceedings before the Director.
 - (2) The application must clearly state —
 - (a) the name, address and telephone number of the applicant; and
 - (b) the decision the applicant wants reviewed; and
 - (c) the grounds of the application; and
 - (d) the date of the decision.
 - (3) The application may include information, or be accompanied by any other material, that was before the Director when making the decision.

6. Appeals against a decision of the Commission constituted by one member (s. 28(4a) of the Act)

- (1) If a party to proceedings wants to appeal under section 28(4a) of the Act against a decision of the Commission constituted by one member, the party must —
- (a) within one month after the decision, lodge a written appeal in accordance with subrule (2) —
 - (i) by hand delivery; or
 - (ii) by pre-paid post; or
 - (iii) by facsimile transmission; or
 - (iv) by email;and
 - (b) as soon as practicable after lodging the appeal, serve a copy of the appeal on every other person who was a party to the proceedings in which the relevant decision was made.
- (2) The appeal must clearly state —
- (a) the name, address and telephone number of the appellant; and
 - (b) the decision the appellant is appealing against; and
 - (c) the grounds of the appeal; and
 - (d) the name of the member who gave the decision; and
 - (e) the date of the decision.

7. Complaints (s. 95 of the Act)

If a person wants to lodge a complaint under section 95 of the Act the person may do so —

- (a) by hand delivery; or
- (b) by pre-paid post; or
- (c) by facsimile transmission; or
- (d) by email.

8. Separate proceedings determined simultaneously

The Commission may, on an application by a party or on its own initiative, order that separate proceedings be determined simultaneously, irrespective of when the applications, appeals, complaints or referrals giving rise to the proceedings were made.

9. Separate proceedings heard together

The Commission may, on an application by a party or on its own initiative, order that separate proceedings be heard together.

10. Withdrawal

- (1) If a party wants to withdraw from proceedings, the party must do so by —
 - (a) lodging a written notice of that withdrawal; and
 - (b) serving a copy of that notice on every other party.
- (2) The Commission may give the party leave to withdraw its application or objection in the absence of the parties.

11. Orders relating to practice and procedure

- (1) If a party wants to make an application for an order relating to practice or procedure the party must do so by lodging the application in writing.
- (2) A party may, with the leave of the Commission, make an application for an order relating to practice or procedure orally at any hearing before the Commission.

12. Costs orders

- (1) If the Commission orders a party to pay the costs of another party, the Commission is to list the proceedings for an assessment of those costs and notify the parties in writing.

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- (2) When the Commission lists proceedings for an assessment of costs, the party entitled to costs must lodge and serve on the other parties a written bill of those costs.

Part 3 — Miscellaneous

13. Authentication of decisions of the Commission

A decision of the Commission is to be authenticated by —

- (a) being signed by a member of the Commission; and
- (b) having the seal of the Commission affixed to it.

14. Commission's records, access to

(1) In this rule —

electronic recording means any electronic or magnetic recording of sounds or moving images or both.

(2) This rule is subject to any other written law that relates to the possession or publication of documents and other records or to the possession of any thing.

(3) A party is entitled, on request, to inspect and obtain a copy of any of the following documents lodged with the Commission that relate to the proceedings —

- (a) an application under the Act;
- (b) a plan lodged in relation to an application under the Act;
- (c) a certificate under section 39 or 40 of the Act;
- (d) an application under section 46 of the Act;
- (e) a submission to the Commission relating to public interest;
- (f) the constitution and rules of a club;
- (g) a notice of objection under the Act.

(4) A party is not entitled to inspect or obtain a copy of the any other document lodged with the Commission.

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- (5) With the leave of the Commission, a party may listen to or view, and obtain a written transcript of —
- (a) any electronic recording tendered to the Commission in the proceedings; or
 - (b) any electronic recording of the relevant proceedings.

15. Costs and charges payable in relation to proceedings

The costs and charges set out in Schedule 1 are payable in relation to proceedings.

16. Repeal and savings

- (1) The *Liquor Licensing Court Rules 2005* are repealed.
- (2) Proceedings under the repealed rules subsisting immediately before the commencement day may be continued as if the repealed rules had not been repealed.
- (3) In this rule —
commencement day means the day on which these rules come into operation;
repealed rules means the rules repealed by subrule (1).

Schedule 1 — Costs and charges payable in relation to proceedings

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Cost or charge	\$
1. Charge payable for lodging an application for the review of a decision by the Director (rule 4 and section 25 of the Act)	228.00
2. Charge payable for lodging an appeal against a decision of the Commission constituted by one member (rule 9 and section 28(4a) of the Act)	228.00
3. Cost per page for the supply of a copy of a document or transcript of an electronic recording under rule 14	3.50

[Schedule 1 amended in Gazette 1 Dec 2009 p. 4816.]

Notes

¹ This is a compilation of the *Liquor Commission Rules 2007* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Liquor Commission Rules 2007</i>	5 Oct 2007 p. 5313-23	r. 1 and 2: 5 Oct 2007 (see r. 2(a)); Rules other than r. 1 and 2: 6 Oct 2007 (see r. 2(b))
<i>Liquor Commission Amendment Rules 2009</i>	1 Dec 2009 p. 4816	r. 1 and 2: 1 Dec 2009 (see r. 2(a)); Rules other than r. 1 and 2: 2 Dec 2009 (see r. 2(b))