



Western Australia

Liquor Licensing Act 1988

Liquor Licensing Court Rules 1995

As at 11 Jun 2004

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Western Australia

Liquor Licensing Court Rules 1995

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11 June 2004

Western Australia

Liquor Licensing Act 1988

Liquor Licensing Court Rules 1995

1. Citation, commencement and repeal

- (1) These rules may be cited as the *Liquor Licensing Court Rules 1995* and shall take effect from the date upon which they are published in the *Government Gazette* of Western Australia¹.
- (2) These rules shall repeal and replace the *Liquor Licensing Court Rules* published in the *Government Gazette* on 7 April 1989 and subsequent amendments.

2. Interpretation

In these rules, unless the contrary intention appears —

“**Act**” means the *Liquor Licensing Act 1988* as amended from time to time;

“**Rules**” means the *Liquor Licensing Court Rules*.

3. Forms

- (1) The forms to be used in relation to proceedings shall be those prescribed in the Rules and the *Liquor Licensing Regulations 1989* as amended from time to time, in the *Rules of the Supreme Court*, or in Practice Directions issued by the Court or Registrar.

r. 4

- (2) Where no form is prescribed a form shall be adapted or prepared so as to deal with the matter in question.

4. Simultaneous applications

All applications which may be heard at one sitting of the Court may be deemed to be simultaneous applications, irrespective of the time at which the applications were made.

5. Conflicting applications

The Court may, at the same time, hear evidence that is relevant to any 2 or more applications that are, under the preceding rule, deemed to be simultaneous and that are or may be conflicting.

6. Withdrawal

- (1) An application, objection or other proceedings may be withdrawn by the applicant, objector or party commencing such proceedings giving written notice of such withdrawal to the Registrar and to the other party or parties to the proceedings.
- (2) Within 14 days of service of such notice any party claiming costs against the party giving notice of withdrawal shall advise the Registrar in writing whereupon the Registrar shall list the matter before the Court for a hearing on the question of costs.

7. Callover

The parties to proceedings before the Court shall upon notice and from time to time as required attend a callover of those matters to be listed for hearing by the Court. Unless the Court otherwise directs, the Judge shall conduct such callover on the first Monday of each month.

8. Registrar to notify parties of callover

The Registrar shall by notice in writing inform the parties to proceedings before the Court when they are required to attend a callover of matters to be listed for hearing by the Court.

9. Persons attending must have knowledge of the matter

Parties or their representatives attending a callover shall be sufficiently informed about the nature of the proceedings and the issues in each matter to allow the Court to make such directions as are necessary for the expeditious hearing and determination of the matter.

10. Powers of Court

At each callover, the Court may —

- (a) list for hearing any matter which it considers is ready for hearing but may adjourn all other matters to a subsequent callover;
- (b) upon application or of its own motion remove a matter from the list or amend the hearing date on such terms and conditions as the Court may consider appropriate;
- (c) upon application or of its own motion give directions necessary for the further preparation and conduct of any matter;
- (d) make such other orders in the proceedings as it shall see fit.

11. Procedure under section 95

- (1) Upon receipt of a complaint under section 95 of the Act the party filing the notice at the Court shall be deemed for the purposes of these rules and the Court's procedure to be in the same position as an applicant in any other matter before the Court.

r. 12

- (2) At the hearing of the matter in accordance with a notice issued pursuant to s. 95(7) of the Act, the same procedure shall apply as in the case of an application to the Court with any modifications as the Court shall deem necessary or appropriate.

12. Application of *Rules of the Supreme Court*

In the absence of any specific provision in these rules and at the discretion of the Court or Registrar and subject to section 16 of the *Liquor Licensing Act 1988*, the *Rules of the Supreme Court* may apply to matters of practice and procedure.

13. Procedure not otherwise provided

Where any matter or thing is not specifically provided for under these rules, or under the *Rules of the Supreme Court*, application may be made to the Court or Registrar for directions appropriate to the case.

14. Registry hours

- (1) The Registry of the Court shall be kept open at such times as are set by the Registrar on all days on which public servants are by law required to work except that the Registry may be closed from time to time by order of the Registrar.
- (2) Where the time for doing any act or taking any proceeding expires on a day on which the Registry of the Court is closed, the act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the day on which the Registry is next open.

15. Inspection and copies of records

Any person may at a time convenient to the Registrar during the hours when the Registry of the Court is open for business inspect at the Registry and take copies of any application, objection, complaint or referral, judgment or order of the Court or Registrar and with the leave of the Court or Registrar, any

other document upon payment of such charge as the Registrar shall prescribe, from time to time.

16. Review of Director's decision

- (1) Any party requiring pursuant to s. 25, a review of a decision made by the Director shall apply to the Court in accordance with the form set out in Appendix 1 and as soon as practicable serve a copy of such application upon the Director and any other party with a material interest in the decision of the Director.
- (2) The Director shall send to the Court —
 - (a) all original exhibits if any were produced to the Director; and
 - (b) the original (or copies certified by the Director as being true copies) if any, of the notice of application or objection made to the Director, the decision to be reviewed, notes of evidence, transcript of the proceedings, all correspondence and other documentation deemed by the Court or Registrar to be relevant and necessary to enable the Court to consider and dispose of the matter.

17. Costs

- (1) Where the Court has made an order pursuant to section 21 of the Act for the payment of costs of and incidental to proceedings before the Court, those costs shall be taxed, allowed and certified by the Registrar who shall appoint a time for taxation on the application of the party claiming costs.
- (2) Every bill of costs which is left for taxation shall be in a similar form to that required by Order 66 Rule 33 and Rule 42 of the *Rules of the Supreme Court 1971*.
- (3) Except where otherwise ordered by the Court, the Registrar shall in all cases tax and allow reasonable costs. The Registrar may tax and allow costs analogous to those allowable under Order 66 Rule 11(1) of the *Rules of the Supreme Court 1971*.

r. 17

- (4) Pursuant to section 12(3)(j) ² the Court hereby directs that the Registrar shall in any case carry out the taxation of costs ordered by the Court in accordance with the Act and these rules.

[Rule 17 amended in Gazette 9 May 1995 p. 1762.]

Appendix 1

LIQUOR LICENSING ACT 1988

Section 25

**APPLICATION FOR REVIEW OF A DECISION MADE BY THE
DIRECTOR OF LIQUOR LICENSING**

1. The applicant/s:
of:
was/were a party/parties to proceedings before the Director of Liquor
Licensing and is/are dissatisfied with a decision made by the Director of
Liquor Licensing in respect of those proceedings.
2. The decision of the Director of Liquor Licensing relates to an application
by
.....
in respect of premises known as
A copy of that decision No.
dated is attached.
3. The applicant hereby applies to the Liquor Licensing Court for a review
of the decision upon the following grounds —
(State each ground. If space is insufficient, state grounds on attachment)
.....
.....
.....
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.....
.....
.....
.....
.....

Dated this day of 20 .

(Signed)
Applicant/s for review of decision of
Director of Liquor Licensing.

Notes

- ¹ This reprint is a compilation as at 11 June 2004 of the *Liquor Licensing Court Rules 1995* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Liquor Licensing Court Rules 1995</i>	10 Mar 1995 p. 917-19	10 Mar 1995 (see r. 1(1))
<i>Liquor Licensing Court Amendment Rules 1995</i>	9 May 1995 p. 1762	9 May 1995
Reprint 1: The <i>Liquor Licensing Court Rules 1995</i> as at 11 Jun 2004 (includes amendments listed above)		

- ² Repealed by the *Liquor Licensing Amendment Act 1998* s. 10(1).