

**Liquor Commission of Western Australia  
(*Liquor Control Act 1988*)**

**Applicant:** Chernov Pty Ltd, Chitty Pty Ltd and Legge Pty Ltd  
**Premises:** Sunset Events  
**Commission:** Mr Jim Freemantle (Chairperson)  
**Date of Determination:** 07 April 2009

**Application:**

This is an application lodged with the Liquor Commission ("the Commission") on 13 March 2009 seeking review of Decision No. A191260 by the Delegate of Director of Liquor Licensing under section 25 of the *Liquor Control Act 1988* relating to a transfer and removal application by Chernov Pty Ltd, Chitty Pty Ltd and Legge Pty Ltd.

The following grounds for appeal were alleged in the application for review:

- the decision maker has made an error in law in finding that granting the Application would be contrary to the *Liquor Control Act 1988*;
- there are no public interest or policy grounds for refusing the Removal and Transfer Application;
- there are strong public interest and policy grounds for granting the Removal and Transfer Application; and
- denial of natural justice and/or procedural fairness.

**Notice of Intervention by the Director of Liquor Licensing**

A Notice of Intervention was lodged by the Director of Liquor Licensing on 17 March 2009 with the Commission wherein it was submitted that the determination handed down by the Delegate of the Director of Liquor Licensing was inconsistent with the principles of procedural fairness in that the delegate failed to provide adequate reasons for his decision to the Applicant. Further, the consideration to cancel the licence would have been relevant only upon the determination made in respect of the applications that are currently subject of review.

**Determination (by consent):**

The decision of the Delegate of the Director of Liquor Licensing refusing the applications for transfer and removal of licence stands quashed and the applications are referred back to the Director of Liquor Licensing for determination in accordance with the law.

**Costs:**

There is no order as to costs.

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**MR JIM FREEMANTLE  
CHAIRMAN**