

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

Applicant: E A J L
(represented by Mr David Walls of David Walls & Co)

Intervener: Commissioner of Police
(represented by Mr John O’Sullivan, Senior Counsel of WA Police)

Commission: Mr Jim Freemantle (Chairperson)
Ms Helen Cogan (Member)
Mr Seamus Rafferty (Member)

Matter: Application for review of barring notice pursuant to section 115AD of the *Liquor Control Act 1988*

Date of Hearing: 21 December 2011 (on papers)

Date of Determination: 23 December 2011

Determination: The application is refused

- 1 On 22 July 2011 a delegate of the Commissioner of Police issued a barring notice pursuant to section 115AA(2) of the *Liquor Control Act 1988* (“the Act”) to prohibit E A J L (“the applicant”) from entering any licensed premises in Western Australia, except those premises licensed under a liquor store licence for a period of six months.
- 2 On 8 September 2011 the applicant lodged an application for review of the decision to issue him with a barring notice pursuant to section 115AD(3) of the Act. Whilst the decision of the delegate of the Commissioner of Police was made on 22 July 2011, the notice was not served until 9 August 2011. Accordingly, the application for review has been made within the time limit prescribed by section 115AD(5) of the Act.
- 3 The application for review dated 8 September 2011 sets out two grounds in support of the application, namely:
 - a) the applicant is contesting the allegations of assault occasioning bodily harm which constitutes the reasons [*sic*] for the barring notice under section 115AA(2) of the Act;
 - b) that the barring notice is invalid because there is no statutory authority to bar from any and all licensed premises.
- 4 In undated written submissions received on 2 December 2011 submitted on behalf of the applicant, it is contended that, ‘There is one sole issue to be determined by the Commission. In our respectful submission the barring notice issued by the Commissioner is in excess to [*sic*] the power conferred by the legislation. The Commissioner only has the power to prohibit from a class of premises, not all classes of licensed premises except a liquor store.’
- 5 In essence, it is argued by the applicant that the Commissioner can only prohibit a person from entering a specified class of licensed premises, that being one class of licensed premises and no more. No substantive submissions on statutory interpretation were made on behalf of the applicant in this regard.

- 6 Section 10(c) of the *Interpretation Act 1984* states that, '[I]n any written law, words in the singular number include the plural and words in the plural number include the singular.'
- 7 Accordingly, the use of the word "class" in section 115AA(2) of the Act includes the plural, that being "classes" and accordingly the Commissioner may prohibit entry to more than one class of licensed premises.
- 8 The application for review is dismissed and the decision of the delegate of the Commissioner of Police is affirmed.

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a series of loops and a final vertical stroke.

JIM FREEMANTLE
CHAIRMAN