LICENSING COURT OF SOUTH AUSTRALIA

PRACTICE DIRECTION NO. 8

I, Brian Patrick Gilchrist, the Licensing Court Judge, by virtue of the provisions of section 16A of the Liquor Licensing Act 1997 and Rule 8 of the Licensing Court Rules 2012 do hereby make the following Practice Direction.

In accordance with Rule 32(6) of the Licensing Court Rules 2012 in circumstances where a respondent in disciplinary proceedings does not attend on the nominated date for hearing the Court may hear and dispose of the proceedings in a summary manner in the absence of that party.

To ensure procedural fairness in such cases any sanction that the Court may impose will not become operative until 28 days have elapsed from the service of the Certificate of Outcome upon the respondent. Service is to be effected by the Clerk of the Court. In the case of an incorporated body service is to be effected by posting the Certificate by registered post or by delivering it personally to the body's registered office. In the case of an individual service is to be effected by posting the Certificate by registered post or by delivering it personally to the address at which the complaint was served.

In recognition of the fact that the summary ex parte disposition of the matter may cause an injustice the Court may on its own initiative or on the application of the respondent by application for directions with a supporting affidavit made within 14 days after the respondent has been served with the Certificate of outcome, set aside the order. It shall do so if satisfied-

(a) that the parties consent to have it set aside; or

(b) that the order was made in error; or

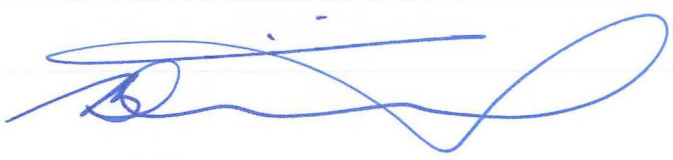
(c) that it is in the interests of justice to set aside the order.

Where the Court sets aside such an order it may, without further formality-

(a) proceed to re-hear the proceedings in which the order was made; or

(b) adjourn the proceedings for subsequent re-hearing.

Dated this 20th Day of May 2015





Judge Brian Gilchrist
The Licensing Court Judge