

TASMANIAN LIQUOR and GAMING COMMISSION

APPEAL against a decision of the Commissioner for Licensing – Mango Bar and Karaoke

BACKGROUND

On 2 November 2021, the Commissioner for Licensing refused an application (made 19 May 2021) from Mr Yizhou Wang for the transfer of a liquor licence from the licensee of the Mango Bar and Karaoke, Mr Baiwen Su, to himself.

The Commissioner's reasons for so doing related to the provision of insufficient information on which he could properly consider the application and be satisfied that Mr Wang was a fit and proper person to be a licensee under section 22 (1) (b) of the Liquor Licensing Act 1990.

On 9 November 2021, Mr Wang appealed the decision of the Commissioner to the Tasmanian Liquor and Gaming Commission (the Commission). The Commission listed the matter for hearing on 7 February 2022 and the parties were so advised. Mr Wang was invited to provide any further information in support of his application and appeal.

THE APPEAL

The Commission heard the appeal on 7 February 2022. No further information was provided to the Commission by the appellant. The Commission was provided with a letter from Mr Wang's legal representative to the Commissioner for Licensing dated 27 January 2022 agreeing with the Commissioner that the material provided by the Mr Wang to the Commissioner was deficient and would not enable him to determine the application under the Act. It is noted that this letter proposes a couple of alternative approaches that the Commissioner might take to progress the application.

CONSIDERATION

The Commission is of the view that the Commissioner for Licensing was correct not to be satisfied that Mr Wang was a fit and proper person to hold a licence because proof of identity documents and authorities to conduct probity checks were not provided.

The Commission does not consider that directing the Commissioner to do something more with this application is appropriate. The application was plainly incomplete, the applicant was advised of this and did not address it. Should he wish to, the applicant may make another application.

The Commission confirms the Commissioner's decision and the appeal by Mr Wang is dismissed.

Jenny Cranston (Chair), David Hudson (Member), Andrew Walker (Member)

9 February 2022