

IN THE SUPREME COURT OF WESTERN AUSTRALIA

CIV 1599 OF 2010

IN THE MATTER of an application for a Writ of Certiorari and related relief against the Liquor Commission (comprised of Chairperson J Freemantle, and E Watling and G Joyce) constituted under the *Liquor Control Act 1988* (WA) and Karl O'Callaghan, Commissioner of Police for the State of Western Australia

EX PARTE Edward Horace WITHNELL

B E T W E E N:

EDWARD HORACE WITHNELL

Applicant

- and -

THE LIQUOR COMMISSION comprised of Chairperson J Freemantle, and E Watling & G Joyce

First Respondent

- and -

KARL O'CALLAGHAN Commissioner of Police for the State of Western Australia

Second Respondent



**ORDER QUASHING THE DETERMINATION OF THE
LIQUOR COMMISSION OF WESTERN AUSTRALIA
BEFORE THE HONOURABLE JUSTICE MURRAY
1 JUNE 2010**

Date of Document: June 2010

Filed on behalf of: The Second Respondent

Date of Filing: June 2010

Prepared by:
TIMOTHY SHARP
STATE SOLICITOR FOR WESTERN AUSTRALIA
141 ST GEORGES TERRACE
PERTH WA 6000
SOLICITOR FOR THE SECOND RESPONDENT

TELEPHONE: 9264 1888
REF: SSO 1747-10

UPON THE APPLICATION of the Applicant dated 30 April 2010 AND UPON HEARING Dr J T Schoombee with him Ms V Amidzic both of counsel for the Applicant and Mr R M Mitchell Senior Counsel with him Ms C L Conley of counsel for the Second Respondent and the Court having ordered that the Writ of Certiorari be issued IT IS ORDERED THAT:

1. A writ of certiorari be issued quashing the determination of the Liquor Commission of Western Australian, to grant prohibition orders in Matter LC 23/2009 between the Commissioner of Police and Edward Horace Withnell, dated 2 November 2009.
2. The determination shall be quashed on the return of the Writ of Certiorari without further order.
3. The Second Respondent to pay the Applicant's costs of the proceedings to be taxed.
4. There be no order for costs against the First Respondent.

BY THE COURT



REGISTRAR