

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

**Applicant:** Circuit Niteclub Pty Ltd  
(represented by Mr John Prior, instructed by  
Mr Peter Fraser of Dwyer Durack)

**First Intervener:** Director of Liquor Licensing  
(represented by Ms Sarah Kavanagh of  
State Solicitor's Office)

**Second Intervener:** Commissioner of Police  
(represented by Ms Leanne Atkins and  
Ms Carolyn Petroboni)

**Commission:** Ms Helen Cogan

**Date of Hearing:** 21 April 2011

**Date of Determination:** 21 April 2011

**Premises:** The Up Nightclub  
60 Fitzgerald Street,  
Geraldton

**Matter:** Application pursuant to Section 25 of the *Liquor Control Act* for review of decision number A218073 dated 12 April 2011 by the Director of Liquor Licensing suspending the operation of nightclub licence 6070025114 effective 12 April 2011.

**Determination:**

The determination is as follows:

1. The suspension effected by decision number A218073 of the Director of Liquor Licensing is itself suspended until publication of the Liquor Commission's determination of the relevant section 95 complaint which will be heard on a date earlier than 15 June 2011 mutually convenient to the parties and the Liquor Commission.
2. I note (and this matter will be referred to in my written reasons for the determination) that the provisions of section 91(1) of the *Liquor Control Act 1981* which gives discretion to the Director of Liquor Licensing to suspend the operation of a licence is unfettered by the issue of whether or not a relevant section 95 complaint has been lodged with the Liquor Commission.
3. Written reasons for the determination will be published in due course.



**HELEN COGAN  
MEMBER**