

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

Complainant: The Commissioner of Police
(*represented by Mr David Leigh of State Solicitor's Office*)

Respondent: Ms Marcia Chantal Day

Commission: Mr Jim Freemantle (Chairman)
Mr Evan Shackleton (Member)
Mr Greg Joyce (Member)

Matter: Applications made under section 152B of the *Liquor Control Act 1988* for prohibition orders under sections 152E(2)(a), 152(E)(2)(b) and 152F of the *Liquor Control Act 1988* - referred to the Liquor Commission by the Director of Liquor Licensing pursuant to section 24 of the *Liquor Control Act 1988*.

Date of Hearing: 22 May 2013

Date of Determination: 4 June 2013

Determination:

1. The application pursuant to section 152B(a) of the *Liquor Control Act 1988* is hereby granted for a period of 3 years from the date of this determination and Ms Marcia Chantal Day is prohibited from being employed by a licensee at any licensed premises.
2. The application pursuant to section 152B(b) of the *Liquor Control Act 1988* is varied and Ms Marcia Chantal Day is hereby prohibited from entering the following licensed premises of the class specified in the *Liquor Control Act 1988* for a period of 3 years from the date of this determination:
 - (a) All Nightclub licences, however described, issued under section 42 of the *Liquor Control Act 1988*.

- (b) All Hotel licences, however described, issued under section 41 of the *Liquor Control Act 1988* which hold an extended hours extended trading permit.
- (c) Casino liquor licence issued under section 44 of the *Liquor Control Act 1988*.

Background:

On 24 January 2013, the Commissioner of Police lodged applications supported by confidential police information under section 152B of the *Liquor Control Act 1988* ("the Act") with the Director of Liquor Licensing seeking following orders:

- Order prohibiting Marcia Chantal Day from being employed by a licensee at any licensed premises for a period of 5 years from the date of the Order pursuant to section 152E(2)(a) and 152F of the Act.
- Order prohibiting Marcia Chantal Day from entering any licensed premises for a period of 5 years from the date of Order pursuant to section 152E(2)(b) and 152F of the Act.

On 25 January 2013, pursuant to section 24 of the Act, the Director of Liquor Licensing referred the matter to the Commission.

Reasons:

Whilst the Commission views untested evidence with caution, in this case however, it is satisfied that it is in the public interest to make these orders in respect of the applications lodged under section 152B of the Act.

By virtue of the provisions under section 30(3)(b) of the Act and in order to preserve the integrity and intent of section 30(2), no further reasons are given for making this decision on confidential police information.



JIM FREEMANTLE
CHAIRMAN