

Liquor Commission of Western Australia
(Liquor Control Act 1988)

- Complainant:** Commissioner of Police
(represented by Mr Joshua Berson of the State
Solicitor's Office)
- Respondent:** Mr Gregory Kelvyn Street
- Commission:** Mr Eddie Watling (Deputy Chairperson)
Ms Sarah Oliver (Member)
Ms Wendy Hughes (Member)
- Premises:** *Blue to the Bone*, 174 James Street Northbridge
- Matter:** Application referred to the Liquor Commission pursuant to section 24 of *Liquor Control Act 1988* to revoke the approved manager status of Mr Gregory Kelvyn Street pursuant to section 102F of the *Liquor Control Act 1988*.
- Date of Hearing:** 15 March 2019
- Date of Determination:** 29 April 2019
- Determination:**

The Commission finds the grounds for taking action are made out to a satisfactory standard and Mr Street's approval as an approved manager be revoked, pursuant to section 102F(2)(a) of the *Liquor Control Act 1988*.

Background

1. Mr Gregory Kelvyn Street ("Mr Street") was approved as an approved manager by the Director of Liquor Licensing on 19 January 2015 (application number A000174789).
2. On 14 July 2018, Mr Street was the approved manager on duty at *Blue to the Bone* at 174 James Street in Northbridge, within the area of the premises known as the "Voodoo Lounge".

The Application

3. The revocation application was filed with the Director of Liquor Licensing ("the Director") by the Commissioner for Police ("the Commissioner") on 2 October 2018. The Director subsequently referred the revocation application to the Commission, pursuant to section 24(1) of the *Liquor Control Act 1988* ("the Act").
4. The Commissioner alleges there is proper cause to revoke Mr Street's approval on the basis that he has not managed the premises on behalf of the licensee in accordance with the Act, namely he endangered the health, safety and welfare of those attending the Premises.

Evidence relied upon in support of the Application

5. In support of the application is the evidence relied on by the Commissioner in the disciplinary proceedings against the licensee *Pure Profit Pty Ltd* (LC12/2019).
6. The evidence in the disciplinary proceedings were as follows:
 - (a) CCTV footage of the incident;
 - (b) the statement of William Clarence Isgar, dated 19 July 2018;
 - (c) the statement of Brian Behan, dated 27 July 2018;
 - (d) venue incident report completed by Greg Street, dated 14 July 2018;
 - (e) the statement of Senior Constable Justin Stern, dated 4 August 2018;
 - (f) the statement of Constable Lauren Dixon, dated 9 August 2018; and
 - (g) the redacted medical report for William Isgar dated 25 October 2018.
7. In summary, the Commissioner submits the CCTV demonstrates Mr Street did the following things:
 - (a) Mr Street took the patron Mr Isgar to the ground in circumstances where Mr Isgar was not acting aggressively;
 - (b) Mr Street permitted Patron 2 to interfere with/assault Mr Isgar whilst he was being held or on the floor;
 - (c) Mr Street either assaulted or allowed other(s) to assault Mr Isgar in the stairwell;

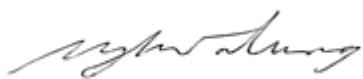
- (d) Mr Street permitted others to carry Mr Isgar out of the premises whilst unconscious and bleeding;
- (e) Mr Street failed to provide first aid in circumstances where Mr Isgar was clearly injured;
- (f) Mr Street cleaned up the blood after an assault had occurred; and
- (g) Mr Street provided a false incident report, contrary to the Act.

Mr Street's position

- 8. Mr Street attended the hearing in person.
- 9. Mr Street advised the Commission at the hearing that he did not oppose the revocation of his manager's approval.

Determination

- 10. The Commission finds the CCTV footage depicts what is outlined in paragraph (7) of these reasons for decision.
- 11. The Commission finds the actions of Mr Street endangered the safety, health and welfare of Mr Isgar by assaulting Mr Isgar, allowing other patrons to interfere and/or assault Mr Isgar, either assaulting or allowing an assault on Mr Isgar in the stairwell, allowing another to drag Mr Isgar out of the premises unconscious and bleeding and not rendering first aid when Mr Isgar was clearly injured. The Commission finds this to be a serious breach given the injuries Mr Isgar sustained and evidence of a failure by Mr Street as the approved manager, to supervise and manage the premises.
- 12. The Commission also finds Mr Street has contravened a condition of the Act by providing a misleading incident report, contrary to section 159(1)(b) of the Act. The Commission finds this to be a concerning feature of the case and is further evidence of Mr Street's failure to properly manage and supervise the premises.
- 13. Subsequent to the Commission hearing of this matter and prior to the publication of this decision, Mr Street's licence was cancelled by the Director of Liquor Licensing at his own request. The Commission was notified of this by the Director of Liquor Licensing by email dated 10 April 2019. Notwithstanding the cancellation, the Commission, based on the evidence before it in this matter has reached the following conclusion:
 - Mr Street's approval as an approved manager be revoked, pursuant to section 102F(2)(a) of the Act.



EDDIE WATLING
DEPUTY CHAIRPERSON