

Liquor Commission of Western Australia
(Liquor Control Act 1988)

- Complainant:** The Commissioner of Police
(represented by Mr Peter Slater and Mr Simon Bagley)
- Respondents:** The Bog (Northbridge) Pty Ltd
Mr Nunzio La Bianca
(represented by Mr Tony van Merwyk and Ms Anna Sinclair of Freehills)
- Premises:** The Rock Nightclub
- Commission:** Mr Jim Freemantle (Chair)
Ms Helen Cogan
Mr Greg Joyce
- Matters:** Complaint under Section 95 and Application under Section 152B referred to the Commission by the Director of Liquor Licensing pursuant to section 24 of the Act.
- Other Present:** Mr Nunzio La Bianca (public hearing)
Mr Kevin Kapoulitsas (public hearing)
- Date of Hearing:** 6 May 2009 (public hearing)
15 May 2009 (in private pursuant to Section 30 of the Act)
- Date of Determination:** 19 May 2009
- Legislation:** *Liquor Control Act 1988* ("the Act")
Sections 24, 30, 95, 96(1), 152B, 152E and 152F
- Determination:**
1. The Complaint under Section 95 is upheld and the licence cancelled pursuant to Section 96(1)(e) of the Act.
 2. The application pursuant to Section 152B(a) is granted and pursuant to sections 152E(2) and 152F of the Act, Mr Nunzio La Bianca is hereby prohibited from being employed by a licensee at any licensed premises for a period of 5 years from the date of this Order.

Background:

On 3 April 2009, the Commissioner of Police lodged a complaint under Section 95 of the Act seeking the cancellation of the licence pursuant to Section 96(1)(e) of the Act.

On 7 April 2009, the Director of Liquor Licensing having considered the information before him suspended Licence No. 6070041905 in the name of The Bog (Northbridge) Pty Ltd, pending the determination of the Complaint before the Liquor Commission.

On 4 May 2009, the Commissioner of Police lodged an application pursuant to Section 152B of the Act, seeking an order against Mr Nunzio La Bianca prohibiting him from being employed by a licensee at any licensed premises for a period of 5 years.

On 6 May 2009, both parties consented to the two matters being heard concurrently notwithstanding the short notice.

Reasons:

The Commission relied in part on Confidential Police Information.

The Commission considers that it is in the public interest to cancel the licence as sought in the complaint under Section 95 and to grant the application under Section 152B.

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) in particular and Section 30 of the Act generally, no further reasons are given.

A handwritten signature in black ink, appearing to read 'Jim Freemantle', written over a horizontal line.

Mr Jim Freemantle
CHAIRMAN