

NORTHERN TERRITORY LICENSING COMMISSION

INTERIM DECISION

PREMISES: **CLUB**

LICENSEE: TERRITORY WATER SKI ASSOCIATION INC.

NOMINEE: James Firth

PROCEEDING: 48 COMPLAINTS

HEARD BEFORE: John Withnall (Presiding member)
Ms Shirley McKerrow
Mrs Barbara Vos

DATE OF HEARING: 30 August 2002 and 07 October 2002

DATE OF DECISION: 11 November 2002

APPEARANCES: A. Young, for the Licensee
Mr Peter Wilson, Counsel Assisting the Commission

1. Commencing on 27 August 2002 and culminating on 7 October 2002, the Commission conducted a hearing into the following complaints against the NT Water Ski Association Inc. ("the Club"):
 - Complaint following an investigation by Inspector R Perry as to the way the club was being operated under a club liquor licence, with emphasis on its alleged deviation from its prime constitutional objectives, as notified to the licensee by letter dated 17 January 2002 from the Director of Licensing;
 - Complaint of John McNamee as to music noise and traffic noise, as notified to the licensee by letter dated 8 May 2002 from the Director of Licensing;
 - Four complaints arising out of a visit to the premises by Inspector Perry on 28 April 2002, as notified to the licensee by letter dated April 2002 from the Director of Licensing, and as clarified by the Director's letter of 14 May 2002 to Mr Tom Walker of Noonans Lawyers, Darwin.
2. The Parap Residents Association Inc. was admitted as a "co-complainant" in relation to Mr Perry's first complaint. PRA's written complaint expressed concern that the venue was being operated as a "de facto pub" and that the sale of liquor -

frequently accompanied by loud music - had subsumed the original purpose of the licence of permitting the sale of liquor as ancillary to a community based sporting association. The PRA complained that liquor had taken over as the predominant activity and that “the clientele is no longer bona fide members of the licence holding organisation”.

3. The PRA complaint and Mr Perry’s first complaint will together be referred to hereunder as the primary complaint.
4. Mr McNamee’s noise complaint in its reference to “this so called Club” can be seen to partly echo the PRA complaint.
5. Prior to the hearing the Commission through the Director of Licensing had sought certain categories of documentation from the Club (vide s.49(1) of the Liquor Act), and the hearing was in part triggered by a consideration of the Club’s response in this regard.
6. At the hearing Mr Young on behalf of the Club admitted the four complaints arising out of Inspector Perry’s visit to the Club on the night of Sunday 28 April 2002. In essence what Mr Young conceded was that on that particular night there had been:
 - inadequate supervision of entry points;
 - inadequate supervision of the venue generally, leading to the specific breach of s.121(1) of the Act in the case of the intoxicated female patron being unchallenged either before or after she lapsed into sleep for some thirty minutes;
 - the holding of an inappropriate “adults only” type of event in the presence of minors; and
 - the “verbal advertising” of a forthcoming event which breached condition 17 of the licence by not advising of the event’s restriction to members and bona fide guests in the presence of members.
7. While all the conceded complaints are matters for stand-alone concern, with a breach of s.121(1) normally attracting a short suspension of licence even for a first such breach, the unsupervised entry and unrestricted promotion also lend support to the primary complaint of the Club operating more as a pub than a club.
8. The primary complaint was contested by the Club, as was the noise complaint.
9. Whereas in relation to the admitted complaints the Club adduced evidence as to remedial measures being undertaken, the Club’s approach to the complaint of failing to meet its constitutional objectives and operating more as a pub was essentially to argue the acceptability of the Club’s present modus operandi by reason of its basic lawfulness under the approved constitution. Mr Young conceded that there had been failure to observe the constitution “in some respects”, but argued that such lapses were not any real departure from the Club’s objectives or otherwise permitted conduct.

10. Mr Young submitted that given the ways in which the Club currently promotes water skiing, the abeyance of ski racing enforced by lack of available public liability insurance does not render the Club any the less a bona fide ski club. The large imbalance between full voting members (about 50, about half of whom were said to be skiers) and social members (well over 3,000!) was said to be nothing wrong, nothing contrary to the constitution or to the spirit of the liquor licence.
11. In the Commission's view, that argument is completely overwhelmed and subsumed by the Club's systemic disregard of constitutional requirements in its administration of the Club's affairs. The current Constitution may well provide a structure allowing for an overbalance of social members (and even that is now doubtful, see *post*), but the Club pays little or no further attention to that Constitution. In disregarding constitutional induction procedures and membership rules, the licensee is not operating the venue consistent with the bulk of its patronage being members of an incorporated association. It is the Constitution that sets up the structure of an association on the basis of which a "club" liquor licence is approved.
12. In ignoring the warning in this regard sounded by the then Liquor Commission following a hearing in 1999, and in continuing to take a cavalier approach to the formalities of membership, the Club is either deliberately flouting the Commission or administratively inept. All the evidence strongly points to the latter circumstance in any event.
13. Such is the breadth and depth of incompetence revealed in the administration of the Club that the Commission has serious doubts as to the Club being a fit and proper organisation to continue to hold a liquor licence, a situation in which the licence is vulnerable to permanent cancellation under s.72(5)(c) of the Liquor Act.
14. We appreciate that the Club has not been alerted to the need to address this issue, and must be given the opportunity to show cause against the Commission reaching an adverse conclusion on this basis. Further, in considering matters relating to the licensee's fitness to remain a licence holder the Commission has had regard to the results of some investigations it has caused to be made subsequent to the hearing, so the Club and its legal representatives must also be given the opportunity to respond to all such new information as is hereinafter identified as playing a part in the Commission's deliberations.
15. What we propose to do is to now summarise those aspects of the Club's administration which in the Commission's view lead in total to a picture of unfitness to operate a club liquor licence. The Club will then be given reasonable time to respond, either in writing or by way of further hearing as it may request.
16. It is to be noted that in considering the Club's various derelictions of constitutional obligations the Commission is not acting as an arm of "the Government"; it is an independent statutory agency with the allocated statutory role of regulation of the sale of liquor. It is a basic premise of the Liquor Act that the Commission is to be satisfied as to every licensee's fitness to operate the respective licence.
17. The elements of the Commission's concern are as follows, in no particular order.

18. The present Board of Management has no awareness of the Commission's published decision on the previous hearing in March 1999, despite continuity of Board membership over that time on the part of several members. In those earlier Reasons for Decision the Commission noted that

- *the evidence does indicate a history of improper induction procedures as well as systematic breaches of the requirements of the licence as to visitors (p13 para 1)*
- *in this case the breach of the Constitution in relation to admissions to membership breaches the liquor licence in two ways: a person whose membership has not been in accordance with the rules of the Water Ski Association is not a member for the purpose either of (a) being served with liquor or of (b) signing a visitor into the club. The liquor licence defines member as person presently entitled to exercise membership under the rules of the club (p14 para 4)*
- *There are further irregularities in relation to signing in procedures for visitors (p14 para4)*
- *The NT Water Ski Association should realize that unless and until the Constitution is actually amended, the rules for membership as currently prescribed in the existing Constitution must be complied with.... (p15 para3)*
- *A suspension of licence is not contemplated by the Commission at this time, the discovery of any further breaches in relation to membership, and consequently in relation to the terms of the liquor licence, in all likelihood would be productive of a suspension. The defence of lack of intention to flout the law will no longer be available in the face of this warning. (p15 para 3)*

19. Present nominated manager Don Firth was recruited by Rick Crambrook, then President, to become manager of the club in October 1999. He stated in evidence *"I wasn't shown the decision, I relied on Rick's information and understanding and followed the President of the time's instruction. I was completely unaware of the membership issue"*.

20. Graeme Edwards is member No. 1, has been involved with the club for 27 years, was serving on the committee at the time of the Commission's previous decision and is currently President of the Club. As to that earlier Commission decision he says: *"I was totally unaware of it. It was not discussed at meetings"*.

21. Another committee member from the time of the previous hearing through to the present time, and ostensibly the Immediate Past President, is Luke Nolan. He did not give evidence. (His absence from this present hearing may not be all that surprising, given that the current form of renewal of his membership, being the only record of Club membership details, lists him as being of no fixed address in the suburb of "long grass" in a State identified as "drunk").

22. The licensee has ignored not just the detail of the Commission's previous decision but seemingly its very existence. The protestations of unawareness do not assist

the Club's cause in any assessment of its competence to continue to hold the licence.

23. The Club's current constitution was described at the hearing as "approved", but approval by the Commission (as required by the liquor licence) is not in evidence.
24. The present constitution is a version which was lodged with the Office of Business Affairs in April 2000, with a covering declaration recording membership approval by way of a resolution on 14 June 1999. The Commission's minutes of its own meeting in September 1999 recorded the Commission's receipt of an application from the NT Water Ski Association for approval of an amended Constitution. The matter was put over to the Commission's meeting in October 1999, at which time the decision was for the new constitution to be considered by the legal member of the Commission.
25. At the November meeting of the Commission it was minuted that the legal member's considerations had been noted and that a letter was to be sent to the Club advising of the Commission's concerns in relation to the proposed new constitution. Thereafter no further record of the application before the Commission can be found. The application appears never to have been the subject of an approval by the Commission.
26. The Constitution at that time provided that it could be altered only at an Annual General Meeting by a resolution passed by two thirds of financial members there voting. Annual General Meetings were required to be held in August each year, with members allowed to the end of June to notify the Secretary/Manager of any proposal for the alteration of the Constitution. All general meetings were required to be advertised in the local newspaper on three separate occasions at least fourteen days prior to the date of the meeting, and any proposal to amend the Constitution had to be notified in the advertisements.
27. The Commission has caused search to be made of newspaper records over the relevant period, and was unable to locate any advertising of an Annual general Meeting for August 1999. It was of course essential on any view of the process that those whose voting rights were proposed to be removed were notified of an opportunity to vote against the proposal.
28. It seems then that the resolution approving the amended constitution on 14 June 1999, if such was the case, may have been unconstitutional, and in any event does not appear to have been approved by the Commission, so there can be no presumption of regularity in favour of the new version.
29. Although the various instances of disregard for the constitution hereinafter referred to assume the lawfulness of the present version of the constitution, as a matter still outstanding the Club will need to demonstrate that the present constitution was both lawfully approved by the Club membership *and* approved by the Commission.
30. In any event, most of the breaches listed hereunder are not dependent on which version of the Constitution is current; most of the examples of non-compliance with the constitution comply with neither version. The major change effected by the later version was to provide for social membership as a separate class of membership, as distinct from a sub-class of ordinary (and hence full) membership as was previously the case, and to deny them any voting rights. But there remained the requirement for social membership applications to be posted on the Club notice-board for seven days prior to the Board considering and making a

decision on them, a requirement that on the evidence has always been totally ignored - even though one of the main issues in the previous hearing.

31. The evidence is that at the time of this present hearing Club staff still handed out membership forms, accepted the completed forms and took the money, and handed out a membership tag on the spot. No such application ever went up on a notice board to canvass possible objections, and any further action that may have occurred in relation to those membership applications remained shrouded in doubt. According to the minuted records of the irregular monthly Board meetings in 2000 and 2001, on only three occasions was there a resolution accepting "all nominated membership applications", without recording any details of any such applications. No names of any persons as having been admitted to social membership by the Board are listed in any Board minutes or in any other Club records. Until very recently, the money taken with the forms was not even included in the financial accounts as subscriptions but as part of the bar takings.
32. It was pointed out to the Commission on behalf of the Club that under the Constitution applicants for social membership become instant provisional members until their application is approved or rejected by the Board (which admittedly is probably what the relevant garbled provision did mean to effect), but any implied suggestion that in the absence of any record of the Board's acceptance of any particular membership application the applicant can be seen to remain a provisional member *ad infinitum*, or at least to the end of the financial year, does not help the Club's cause in the present enquiry.
33. It is the Commission's view that persons whose applications for membership have not been before the Board for determination cannot sign visitors into the Club. Despite provisional social members being permitted *all the rights and privileges of a social member*; this cannot qualify them as "any adult financial member of the Association" while their membership remains unconsidered or unrecorded by the Board.
34. The licence conditions require the keeping of a Visitor's Book. Exhibit 15 is constituted by the Visitors Books from 21.6.2001 to 11.5.2002 and from 16.5.2002 to 1.9.2002. The entries show visitors being signed in by social members, which is to say by persons whose membership either was yet to be considered by the Board or had never been identified by the Board as having been accepted. This basic unconstitutionality apart, there is revealed a casual and irresponsible approach to maintenance of the Visitors Books.
35. Of the ten thousand visitors recorded in the said fifteen month period, a large percentage have not been properly entered: full residential addresses not provided, only first names given, many gaps where the membership numbers of those signing in the guests are not provided, nor the signatures of those signing-in the guests correctly completed.
36. Very few visitors have been properly signed in by members recognised from the application forms of full members provided by way of Exhibit 16, and Condition 16 of the Club's licence has for the most part been ignored: *On any one day a member shall not sign in more than six visitors*. Nor has the Commission been able to find any minute or rule relating to the \$10 entry fee charged to visitors as referred to in evidence (and conceded at folio 148 of Exhibit 1).
37. Inconsistencies noted include examples such as:

- Member 1073 is listed by hundreds of visitors but with many differing signatures for that member;
- Denise Carroll has signed as 1073 on 12.8.01 and 12.10.01 and then as 1042 also on 12.10.01, then signs on 19.8.01 as 1937 and as 2101;
- On 9.9.01 Elmer Fudd is listed followed by, on 19.9.01, Bin Ladden Lunatic, address Leaning Grass, signed in by 2716; next comes Sadam Husein, smoking grass, signed by illegible member;
- On 21.9.01 Trigger of no address is signed in by 1073 again but with yet another different signature;
- Visitor signed in 20.5.02 by K Logan member 19, but member 19 is actually L.Karjaluoato;
- Member signed in 20.5.02 by L Nolan member 1, but Luke Nolan is member 5; (Member 1 is Graeme Edwards.)
- Six guests signed in 19.5.02 by member 2 (not identified by name) but with all different signatures for that member, and then seven further guests over the same period also with different signatures for member 2;
- Guest signed in 19.5.02 by Rick Taylor member 8, but member 8 is M.Haritos; Rick is member 51;
- Ten guests signed in 19.5.02 by member 5, Luke Nolan, but with all different signatures under column for the member's signature and countersigned across with the name G.Edwards;
- Signed in on 19.5.02 by member 1218 was Bozo the Clown, address Berrimah Day Release;
- Six guests signed in 20.6.02 by member 30 who was not identified by name and whose identity is not to be found amongst the membership forms (Exhibit 16);
- On 30.6.02 member 10, R Bartlett, signed in "Colonel, Parap" and "Snow, Parap" with no other information given;
- R.Chapman signs many people in as member 305 and also as member 1005.

38. We are also reminded of the evidence given by Rob Perry that M.Little filled in the visitors book on 28.4.02 but no member signed her in. No mention is found of the accompanying ladies, Tiarni McNamee and Janelle Martin . On 5.5.02 Leanne Hulm was permitted to be signed in as a bona fide guest by Peter Boyle who had paid \$5 as his membership fee and then another \$10 for each person to gain entry to a concert. He was informed that the card issued to him, no. 6182, "*allowed me to gain entry.... to enter the Ski Club anytime until 30 June 2002 when it expired... I was also informed by Ski Club staff that the club intended to hold a number of*

functions similar to the Ian Moss concert prior to the end of the financial year and that the \$5.00 membership is value for money”.

39. We note that under “Club Condition” (iv) in the licence *the restriction of sales of liquor to members and guests shall not apply to.... (iv) a club fundraising or promotional event open to the general public, provided that there shall not have been more than 5 such events ...within the 6 months immediately preceding...and providing that the Licensee shall have given written notice ... to the office of the Director.*
40. However, the only “Open Days” notified to the Director are recorded as being held on 2.5.2000, 1.7.2000, 1.7.2001, 29.9.2001, 9.6.2002 and 21.7.2002.
41. Inspector Marc Mackenzie also gave evidence that he visited the Ski Club some eighteen months ago with friends, five in the group. They entered by the bottom gate into the open area. He was not a member, but was not asked to sign a Visitors Book – he didn’t see one. He was there for an hour or two, purchasing beers. He was not asked whether he was a member or a visitor.
42. There is no register of members, as required by the Constitution.
43. The club’s collection of social membership forms, presented as Exhibit 13, came in the form of a large plastic box containing thousands of unsorted loose forms. The Commission took random samples of these application forms and found 40-50% to be incomplete, and an alarmingly large number demonstrated a contempt for the form and for the Club by the nature of the personal details entered on the forms. It is beyond belief that any properly managed incorporated association would accept these as genuine applications for membership.
44. Despite repeated requests, the Commission was not provided with any full membership records, (except for Exhibit 16, a bundle of full membership forms provided to the hearing on 7 October 2002), that demonstrated payment of nomination fees and payment of the required subsequent subscriptions (dates and amounts) and could in any way prove who was or was not a financial *Full Member, entitled to vote at any office in the Association ...*
45. Hence neither the Commission nor any querist is able to be assured of the qualification to vote of those listed as attending Club meetings over the whole period 1999 to date. Without a current, up-to-date database noting membership details including date and amount of payments made, it would be impossible to ensure rights of entry, authority to sign in visitors, voting rights, subscriptions due.
46. In the Commission’s view, plastic boxes of loose forms as the only membership record is just too casual to be countenanced, and lends considerable weight to the view of the Parap Residents Association as to the real nature of the venue.
47. A consideration of the evidence as to Annual General meetings and the election of members to the Board of Directors discloses further consistent disregard of constitutional processes.
48. No AGM records were produced to the Commission for 1999, the year of the ostensible amendment of the Constitution.
49. An AGM for 2000 was held on 30 April 2000. The Commission could find only one advertisement in the NT News, rather than the three required, and even that not

fulfilling the constitutional requirement of specifying the nature of the business to be transacted. The AGM was advertised to commence at 11.00am. It is minuted as having commenced at 12.00, and having lasted for thirty minutes. There were no reports from Divisional Director, Secretary/Manager, Treasurer or Auditor as required by the Constitution. It was noted that “*financials...have not yet been completed...*” Luke Nolan was elected President, Graeme Edwards Vice-President. The President’s report by Mr Nolan stated that he was appointed President after the Committee accepted the resignation of then-president Rick Crambrook in February that year. Seemingly no minute of this earlier appointment exists.

50. Item 9 of Exhibit 2 furnished by the Club comprises Minutes of *another* AGM for 2000, this one in August. The Commission could find no advertising at all of this meeting of members. It is minuted as having closed at 11.35am for want of a quorum, and then reopened an hour later on the same day in contravention of clause 13 of the Constitution. Only three members were present – Luke Nolan, Graeme Edwards, and a Dennielle Nolan of whom there is no evidence of membership. The minutes note that *Luke Nolan nominated for the position of president at the 2000 AGM*. No financial records or reports were available. Luke Nolan is minuted as again being elected President at this August AGM, with David Atkins as Vice President, not Graeme Edwards.
51. Those who gave evidence for the Club were totally confused as to the reason for the second AGM in 2000. The reason for holding two AGMs and two elections of office bearers in the same year remains a mystery to all who took part in the hearing. And to the Commission.
52. The August 2000 minutes were typed by Tania Bartlett, currently member 11. She testified that she had been the administrative officer of the Club for five years, a full time position since April 2000. She typed the minutes from handwritten notes, but did not know whose notes they had been. She testified that she typed the minutes a month or two after the meeting, but Counsel announced later in the hearing that the date of creation of the typed minutes had been found to be 5 July 2001, almost a year later and not before there had been another AGM in April 2001.
53. The AGM for 2001 was held on 28 April after being advertised (just the once) to commence at 1.00pm. It is minuted as having commenced at 12.00 and lasted thirty minutes, so was all over well before the advertised starting time. There were no reports from Divisional Director, Secretary/Manager, Treasurer or Auditor. Although it was minuted that the meeting had up to date financial records from “bookkeeper” Tania Bartlett, it was again recorded that *financials by Mal Sciacca have not yet been completed and are hoping to have them tabled at the next meeting*.
54. The minutes of the 2001 AGM (typed by Tania Bartlett in October 2001, again from unknown handwritten notes) show Graham (sic) Edwards attending as Vice President rather than Mr Atkins. Mr Edwards denied in evidence that he was Vice President that year, and was adamant that he “took a break” at the end of the 1999-2000 year. He cannot explain how he came to be shown in the minutes of the 2001 meeting as seconding the acceptance of the April 2000 minutes as true and correct if those April 2000 minutes incorrectly recorded his election as Vice President.
55. No minutes of the August 2000 AGM were presented to the 2001 AGM.

56. The AGM for 2002 ran for 19 minutes on 28 April 2002. This time there were two newspaper advertisements, but neither complying with the constitutional requirement of notifying the business to be transacted. The meeting opened at 12.05 and closed again two minutes later for want of a quorum. The meeting was then re-opened half an hour later, again in contravention of clause 13 of the Constitution (both versions): *At any general meeting ... should a quorum not be present within half an hour of the time appointed for the meeting, the meeting shall stand adjourned to another date, time and place to be fixed by the members present.....*
57. The meeting of seven voting members purported to elect Graeme Edwards President, Hayley Edwards Vice President and Robert Bartlett as Treasurer. (Tania Bartlett in evidence testified that there were only six voting members present, denying that she was herself a voting member. Subsequently Exhibit 16 was received into evidence, which records her as full member No. 11, and it is noted that she is shown in the membership attendance lists for prior AGMs in 2000 and 2001).
58. Notably, the 2002 AGM was presented with the audited accounts for the years ending 30 June 1999, 2000 and 2001.
59. Given that the 2002 AGM was prima facie unconstitutional (under both versions of the Constitution) following the lack of a quorum at the advertised time and date, the election of the current Committee of Management would appear to be void.
60. At the time of the hearing, there had never been any Technical Annual General Meetings as required in October each year by both versions of the Constitution.
61. Finally, the insistence of the liquor licence (per condition no. 10) that regular Board meetings be held every month and be properly recorded has been largely ignored. There are minutes of eight such meetings during calendar years 2000 and 2001 rather than the twenty-four required by that condition. Whether it is a case of there having been inadequate frequency of meetings or inadequate documenting, either way it represents a disregard of that licence condition. It may be a case of incomplete production to the Commission, but that too would be unlikely to assist the Club's cause in this matter.
62. And it is with a sense of almost resignation that we note that many sets of minutes of those Board meetings which were actually held list office bearers at odds with the recorded outcome of the election of office bearers at the immediately preceding AGM.
63. The totality of the foregoing detailed picture is one of an all-pervasive lack of concern for due process.
64. We now summarise the conclusions we have reached at this stage.
65. In relation to the complaints which have been admitted, we reserve consideration of what consequences should ensue. It may be that any discrete penalty that can fairly be considered in this context is overtaken by the consequences of our upholding the primary complaint. If that should not be the case, these admitted complaints will be re-visited for possible follow-up action.
66. As to the noise complaint, we consider it unnecessary to uphold it in any formal way; given the evidence as to remedial noise attenuation measures being implemented, and given that there are to be changes to the way the venue operates if the Ski Club is to retain the liquor licence, no further discrete action is

deemed warranted on the noise complaint other than to have the Director of Licensing closely monitor the noise disturbance from such ongoing operation of the premises as may be permitted.

67. The primary complaint is upheld.
68. We agree with Mr Young that, given the wording of the Club's constitutional objectives, the cutback in ski racing does not of itself render the Club any the less a ski club at core, as distinct from say a football club or tennis club. But the operation of the liquor licence has involved far too broad a disregard for the formalities of membership structure on which this type of liquor licence is predicated.
69. It is not just that the Club has a skiing membership of only about 1% of the total membership (so far as total membership can be ascertained by sorting through the plastic box) and is being run by a voting membership of no more than 2% of the total membership - although those proportions are certainly considered by the Commission to be extraordinary. The basic problem is that the Club is being run by the 2% in a manner that characterises the 98% as nothing more than a customer base for liquor sales and concert attendance. Only the barest facade of a Club structure is maintained in relation to that customer base. All the evidence points to membership application forms being unread and unvetted, and the accompanying fees being treated by the Club as an annual cover charge rather than a membership subscription. We are in accord with the view of the Parap Residents Association: the licensed venue is seemingly being run more as a Club-owned tavern licence than a club licence.
70. Further however, as indicated earlier, the totality of the evidence outlined above has revealed such a lack of care or concern for the proprieties of running a licensed club that the Commission no longer has confidence in the fitness of the Club to continue to hold the licence.
71. Without in any way limiting the breadth of the Commission's foregoing concerns, there are two major concerns that potentially affect the ability of the Club to continue to trade in liquor:
 - At this stage the status of the second constitution as the current constitutional platform for the liquor licence is doubtful, and if the original Constitution still applies there is no provision at all for a category of social membership;
 - The most recent AGM was prima facie unconstitutional and thus did not constitute a lawfully effective election of the present Board, a circumstance that also has repercussions as regards the current social membership.
72. The Club is to have the opportunity to address these and all the Commission's foregoing concerns in showing cause why the Commission should not proceed to determine the Club to not be a fit and proper "person" to hold the liquor licence, and why the Commission should not cancel the licence on that basis or at least indefinitely suspend it, if only as a consequence of having upheld the primary complaint, until an acceptable remedial plan should be devised and satisfactorily formalised.
73. We will receive written submissions in this regard up to close of business on 26 November 2002.

74. Should the Club wish to be further heard in this matter, whether in lieu of or in addition to written submissions, urgent contact should be made with the Commission's Ms. Robyn Power (at 89 991826), who will then organise a further hearing date.

John Withnall
Presiding Member)
11 Nov 02