



<p>Mr Joshua Meijer Former Licensee Hotel Orange 1370 Amaroo Road BORENORE NSW 2800 josh@cchm.com.au</p>	<p>Mrs Felicity Meijer Former Licensee and Business Owner Hotel Orange 171 Fitzroy Street DUBBO NSW 2830 emma@cchm.com</p>	<p>Mr John Fabar Licensee Hotel Orange 324 Summer Street ORANGE NSW 2800 cc: Blackwell Short Lawyers as@blackwellshort.com.au</p>
<p>The Directors Dark Sphere Solutions Pty Ltd Premises Owner, Hotel Orange c/o SJ Sassine and Co Suite 901, Level 9 50 Clarence Street SYDNEY NSW 2000 cc: Blackwell Short Lawyers as@blackwellshort.com.au</p>	<p>The Directors McPickelway Parkes Pty Ltd Licensee and Business Owner Coachman Hotel 3/148 Brisbane Street DUBBO NSW 2830 coachmanparkes@gmail.com</p>	<p>The Directors Arramatta Properties Pty Ltd Premises Owner Coachman Hotel 3/6-8 Byfield Street MACQUARIE PARK NSW 2113 sp@armsea.com</p>
<p>Ms Kylie Streat Licensee Railway Junction Hotel 133 North Street DUBBO NSW 2830 kmstreat@hotmail.com</p>	<p>Ketut Holdings Pty Ltd Business Owner and Premises Owner Railway Junction Hotel cc: NSW Hotel Accountants Pty Ltd 1/17 Warunda Street KIRRIBILLI NSW 2061</p>	<p>Mr Eliot Cave Licensee Whitehorse Hotel 381-383 Crown Street SURRY HILLS NSW 2010 eliotcave@gmail.com</p>
<p>Mr Steven Hiles Business Owner and Premises Owner Whitehorse Hotel 381 Crown Street SURRY HILLS NSW 2010 hiles8@hotmail.com</p>	<p>Mr Sean Goodchild Director, Compliance Liquor and Gaming NSW Level 6 323 Castlereagh Street SYDNEY NSW 2000 sean.goodchild@olgr.nsw.gov.au</p>	

Via Email and/or Express Post

25 May 2017

Dear Sir/Madam

Notice of Final Decision with Reasons on Complaint under Part 9 of the *Liquor Act 2007* in relation to Mr Joshua Meijer, Former Licensee of Hotel Orange, Orange

At its meeting of 17 May 2017 the Independent Liquor and Gaming Authority (Authority) finalised a disciplinary complaint made on 19 August 2016 under Part 9 of the *Liquor Act 2007* (Act) by a delegate of the Secretary of the (then) NSW Department of Justice (Complaint). At the time of this decision the responsible Department is now the NSW Department of Industry.

The Complaint is made in relation to Mr Joshua Meijer, the former licensee of the full hotel licensed premises currently trading as "Hotel Orange", located at 324 Summer Street, Orange NSW 2800.

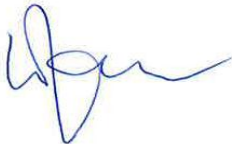
The Authority has decided, pursuant to section 141(2)(f) of the Act, to disqualify Mr Meijer from holding a licence, being the approved manager of licensed premises or being the close associate of a licensee, with respect to any licensed premises in New South Wales, for a period of seven (7) years from the date of this decision.

The Authority has also decided, pursuant to section 141(6)(a) of the Act, that the former licensee, Mr Joshua Meijer, be disqualified from being a person interested in the business or in the conduct or profits of the business carried on under a liquor licence in New South Wales, for a period of seven (7) years from the date of this decision.

The Authority's Orders will come into effect 28 days after the date of this letter.

Enclosed is a statement of reasons for the Authority's decision. Rights to seek review of this decision by the New South Wales Civil and Administrative Tribunal are detailed at the end of that document.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'P. Crawford', written in a cursive style.

Philip Crawford
Chairperson

STATEMENT OF REASONS

INTRODUCTION

1. On 19 August 2016, the Independent Liquor and Gaming Authority (Authority) received a complaint dated 19 August 2016 (Complaint) made by Mr Sean Goodchild (Complainant), Director of Compliance Operations, Liquor and Gaming NSW (LGNSW) in his capacity as a delegate of the Secretary of the (then) NSW Department of Justice. At the time of this decision the responsible Department is now the NSW Department of Industry.
2. The Complaint is made under Part 9 of the *Liquor Act 2007* (Act) in relation to Mr Joshua Meijer, the former licensee of the full hotel licensed premises known as “Hotel Orange”, trading at 324 Summer Street, Orange NSW 2800 (Premises). The Complaint agitates four grounds that are available under Part 9 of the Act (Grounds).
3. The Complainant submits that Mr Meijer was also the sole director of three corporations associated with three other licensed premises in New South Wales – the Railway Junction Hotel, Dubbo; the Whitehorse Hotel, Surry Hills and the Coachman Hotel, Parkes.

Complaint Material

4. The Complaint comprises a cover letter from the Complainant dated 19 August 2016 (Complaint Letter) and a bundle of supporting evidence or other material (Complaint Material).
5. The Complaint Material comprises 10 Exhibits, which include a table prepared by the Complainant linking Mr Meijer to the four hotels identified in the Complaint (Relationship Table); Australian Securities and Investments Commission (ASIC) Company extracts for the companies in which Mr Meijer held an interest or association (as at 14 July 2016); copies of *OneGov* licence records for the licensed premises with which Mr Meijer was associated (at the time of Complaint); the New South Wales Police Force (Police) Prosecution Facts Sheet and a Certificate of Conviction for Mr Meijer issued by the District Court of New South Wales at Parramatta on 16 June 2016 in the matter of *R v Meijer* whereby Mr Meijer was convicted of offences against section 23(1A) of the *Drug Misuse and Trafficking Act 1985*; copies of two Police Penalty Notices issued by Police against Mr Meijer and the corresponding State Debt Recovery Office (SDRO) business records indicating the payment status of those Penalty Notices; a statement by Detective Senior Constable Andrew McGrath of NSW Police dated 1 July 2014 in relation to the District Court prosecution of Mr Meijer and the transcript of an interview between Police and Mr Meijer dated 9 July 2014, regarding the circumstances by which Police detected Mr Meijer engaging in the enhanced cultivation of a prohibited plant (cannabis) by enhanced means for commercial purpose greater than a small quantity and less than the commercial quantity.
6. By way of background, the Complainant contends that on 3 June 2016 Mr Meijer was sentenced by the Parramatta District Court to a two-year period of imprisonment for an offence of the enhanced cultivation of cannabis for a commercial purpose contrary to the *Drug Misuse and Trafficking Act 1985*, with the sentence to be served by way of an intensive correction order (ICO). The Complainant submits that the relevant criminal conduct is a strictly indictable offence involving a traffickable quantity of cannabis leaf for which the *Drug Misuse and Trafficking Act 1985* prescribes a maximum penalty of

3,500 penalty units and/or imprisonment for 15 years. The Complainant submits that this maximum penalty reflects the seriousness of the matter.

7. The Complainant contends that the period of offending ranged from 10 April 2014 to 9 July 2014, at which point NSW Police executed a search warrant on the residential premises known as “Bellevue” located at 1109 Adavale Lane, Goonumbla NSW 2870 where the cultivation was occurring. Notably, Mr Meijer committed this offence whilst acting as the licensee of Hotel Orange and sole director of the corporate business owner of three other hotels in New South Wales – the Railway Junction Hotel, Dubbo; the Whitehorse Hotel, Surry Hills and the Coachman Hotel, Parkes.
8. The Complainant notes that at the time of the Complaint, the licensee of Hotel Orange is Mr Meijer’s spouse, Mrs Felicity Meijer. However, the Complainant submits that since Mr Meijer is subject to an ICO he is not incarcerated and remains in the community. The Complainant contends that Mr Meijer has the ability to continue to influence the operation of the hotels that he owns and/or operates.

GROUNDS OF COMPLAINT IN BRIEF

9. **Ground 1** is based upon section 139(3)(i) of the Act, which provides:

that the licensee is not a fit and proper person to be the holder of a licence (whether for the same reason as that set out in section 45(5) or otherwise) or the manager is not a fit and proper person to be the manager of the licensed premises (whether for the same reason as that set out in section 68(4A) or otherwise).

10. Ground 1 alleges that Mr Meijer was the licensee of Hotel Orange from 6 August 2013 to 14 August 2014.

11. **Ground 2** is based upon section 139(3)(j) of the Act, which provides:

that the close associate is not a fit and proper person to be a close associate of a licensee.

12. **Ground 3** is based upon section 139(3)(m) of the Act, which provides:

that a person who is interested in the business, or in the conduct or profits of the business, carried on under the licence is not a fit and proper person to be so interested.

13. Grounds 2 and 3, which rely on the same information, allege that Mr Meijer is or has been a “close associate”, within the meaning of section 5 of the *Gaming and Liquor Administration Act 2007* (GALA Act), by virtue of his position as sole director of three hotel business owner corporations and by reason of his family relationship with Mrs Meijer, his spouse. The Complainant alleges that at the time of commission of the serious indictable offence, Mr Meijer was the sole director of the three corporate business owners of the Railway Junction Hotel, Dubbo; the Whitehorse Hotel, Surry Hills and the Coachman Hotel, Parkes.

14. The Complainant further alleges that at the time of Complaint Mr Meijer continues to be the sole director of City Country Hotel Management Pty Ltd (CCHM), the business owner of Hotel Orange. The other two corporate business owners, City Country Hotel Management No. 2 Pty Ltd and Coachman Hotel Parkes Pty Ltd, are at the time of this Complaint under external administration.

15. **Ground 4** is based upon section 139(3)(q) of the Act, which provides:

in the case of a licence held by a corporation-that a person who occupies a position of authority in the corporation is not a fit and proper person to occupy such a position in a corporation that is the holder of a licence.

16. Ground 4 alleges that CCHM was the corporate licensee of the Railway Junction Hotel, Dubbo between 8 July 2014 and 13 May 2016. Mr Meijer was the sole director of CCHM during that period and by reason of this role occupied a position of authority within that corporation.

Complainant Submissions on Mr Meijer's Fitness and Propriety

17. The Complainant submits that it is the gravity of Mr Meijer's criminal conduct involving a serious indictable offence whilst in a position of control over the relevant licensed premises that forms the basis of this Complaint. The Complainant contends that Mr Meijer has demonstrated "significant dishonesty" in his dealings with Police by virtue of the responses provided during his recorded interview with investigating officers. The Complainant submits that Mr Meijer's behaviour demonstrates that he is "not of good repute" when having regard to his character, honesty and integrity; and that he falls well short of the standard of good repute that is expected in the liquor industry.
18. The Complainant submits that it is of particular significance that Mr Meijer was found guilty of cultivating prohibited plants for a commercial purpose, rather than for any other use. The Complainant submits that the ability to use a hotel licensed premises for the purpose of distributing prohibited drugs, or the use of such business as a cover for other illegal activity presents an "unacceptable risk to the integrity of the industry" – particularly in light of Mr Meijer's position of control of four hotels at the time of the offending conduct.
19. The Complainant submits that the Act expressly provides that it is illegal for a licensee or agent of a licensee to permit the possession, use or sale of prohibited drugs or plants on licensed premises [an apparent reference to section 74 of the Act]. The Complainant further submits that while there is no evidence of any illegal activity having occurred on any licensed premises in this case, it should be "obvious" to a hotel licensee or close associate that engaging in drug cultivation is an activity that would jeopardise the privilege of holding a liquor licence or otherwise deriving benefit from a licence.
20. The Complainant refers to data from the SDRO provided with the Complaint Material and notes that Mr Meijer has received two infringement notices relating to his dealings with regard to licensed premises. The Complainant submits that both of these infringements are relevant matters when assessing Mr Meijer's fitness as a venue operator and close associate. The first infringement notice concerned an incident of impeding a fire exit at the Hotel Orange on 12 September 2015 [contrary to section 184(6) of the *Environmental Planning and Assessment Regulation 2000*]. The second infringement notice arose from a "fail to quit" incident for intoxicated behaviour by Mr Meijer despite having received a move on direction from Police at the Hotel Orange on 27 June 2015.
21. The Complainant submits that it is "extraordinary" that the business owner of a hotel would engage in such behaviour at his own hotel where he otherwise has an obligation to ensure the responsible service of alcohol and adherence to liquor laws on that premises. The Complainant notes that Mr Meijer was the sole director of the business owner of the Hotel Orange (CCHM) at the time of both offences.

Disciplinary Action Recommended by the Complainant

- 22.** The Complainant recommends that the Authority take the following disciplinary action, should the Grounds of Complaint be established:
1. Disqualification of Mr Joshua Meijer from holding a licence, managing a licensed premises or being a close associate of a licensee for such period as the Authority thinks fit.
 2. Disqualification of Mr Joshua Meijer from being a person interested in the business, or in the conduct or profits of the business, carried on under a liquor licence for such period as the Authority thinks fit.
 3. Imposition of a licence condition on Hotel Orange (LIQH400118589) prohibiting Mr Meijer from being employed at the premises in any capacity.
 4. Any other disciplinary action the Authority thinks fit.

PROGRESS OF THE COMPLAINT

Show Cause Notices

- 23.** On 25 August 2016, the Authority sent a notice to Mr Meijer (Show Cause Notice) enclosing the Complaint Letter and Complaint Material and inviting Mr Meijer to show cause, by way of written submissions, as to why disciplinary action should not be taken against him on the basis of the Grounds of Complaint.
- 24.** On 25 August 2016 the Authority sent similar correspondence inviting written submissions or evidence in reply to the Complaint Letter and Complaint Material addressed to the licensee, business owner and premises owner of each of the four hotels with which Mr Meijer is associated. The Authority sent letters to the following parties:
- Mrs Felicity Meijer, licensee, business owner and (then) premises owner of Hotel Orange, Orange;
 - Dark Sphere Solutions Pty Ltd, premises owner of Hotel Orange, Orange;
 - McPickelway Parkes Pty Ltd, licensee and business owner of the Coachman Hotel, Dubbo;
 - Arramatta Properties Pty Ltd, premises owner of the Coachman Hotel, Dubbo;
 - Ms Kylie Streat, licensee of the Railway Junction Hotel, Dubbo;
 - Ketut Holdings Pty Ltd, business owner and premises owner of the Railway Junction Hotel, Dubbo;
 - Mr Eliot Cave, licensee of the Whitehorse Hotel, Surry Hills; and
 - Mr Steven Hiles, business owner and premises owner of the Whitehorse Hotel, Surry Hills.
- 25.** No response to the Complaint was received by the Authority from the licensee, business owner or premises owner of either the Coachman Hotel or the Railway Junction Hotel.
- 26.** On 1 September 2016 Mr Steven Hiles, the business owner and premises owner of the Whitehorse Hotel, advised the Authority that he did not propose to make any submissions on the Complaint. The Authority notes that no submission was received from the licensee of the Whitehorse Hotel, Mr Eliot Cave.

Request for Further and Better Particulars

27. On 21 September 2016 Mr Tony Hatzis of *Hatzis Cusack Lawyers*, who acts for Mr Meijer, wrote to the Authority requesting further and better particulars of the Complaint.
28. Briefly, Mr Hatzis sought clarification as to the Complainant's allegations of Mr Meijer's status as a "close associate" of the licences relating to the Railway Junction Hotel in Dubbo, the Whitehorse Hotel in Surry Hills and the Coachman Hotel in Parkes. Mr Hatzis also sought clarification as to the Complainant's reasons why it is alleged that Mr Meijer is not a fit and proper person, and requested a copy of the transcript of the District Court judgment sentencing Mr Meijer to the ICO on 3 June 2016.
29. On 5 October 2016 the Complainant provided its response to Mr Meijer's request for further and better particulars.
30. Briefly, the Complainant asserts that Mr Meijer is a close associate of the current licensee of Hotel Orange, Mrs Felicity Meijer (Mr Meijer's spouse) within the meaning of section 5 of the GALA Act. The Complainant submits that the existing spousal and business relationships between Mr and Mrs Meijer create an "interest" or "power" where Mr Meijer will be able to, on the balance of probabilities, "exercise a significant influence over or with respect to the management or operation" of the businesses referred to in the Complaint. The Complainant clarifies that the Complaint centres on Mr Meijer's honesty and his lack of good repute, having regard to character, honesty and integrity.
31. On 20 October 2016 the Complainant forwarded the District Court sentencing transcript to the Authority and to Mr Meijer's solicitor.

District Court Transcript dated 3 June 2016

32. Briefly, on 3 June 2016 his Honour Judge Hoy SC convicted Mr Meijer for the offence of cultivating a prohibited plant (cannabis) by enhanced means for a commercial purpose, greater than a small quantity and less than the commercial quantity, contrary to section 23(1A) of the *Drug Misuse and Trafficking Act 1985*.
33. His Honour noted several mitigating factors in sentencing, including Mr Meijer's good character, absence of any prior convictions, plea of guilty at the earliest reasonable opportunity and his genuine remorse for his actions. However, his Honour closely considered Mr Meijer's prospects of rehabilitation, noting the financial pressure that Mr Meijer and his wife were under at the time of Mr Meijer's conduct and that Mr Meijer was "in it for the money".
34. His Honour accepted, on the basis of certain medical evidence before the Court, that Mr Meijer's judgement was impaired at the time of commission of the offence due to his "hypomanic" behaviour, coupled with excessive alcohol use, all of which occurred during an "elevated phase of bipolar disorder".
35. Nevertheless, after considering a number of other comparable verdicts and the impact of a custodial sentence upon Mr Meijer's wife and two young children, his Honour concluded that an intensive correction order was the most appropriate sanction in the circumstances of this case.
36. Mr Meijer was convicted and sentenced to imprisonment for a period of two (2) years, to be served by way of an ICO within the community, pursuant to section 7 of the *Crimes*

(Sentencing Procedure) Act 1999 with the ICO commencing on 10 June 2016. The ICO is subject to a number of mandatory conditions under section 81(2) of the *Crimes (Administration of Sentences) Act 1999* and section 175 of the *Crimes (Administration of Sentences) Regulation 2014*, along with the following additional conditions, summarised by his Honour as follows:

You are to maintain your counselling and treatment as directed by Dr Olav Nielssen psychiatrist and Ms Danielle Fallins psychologist or her delegate, for the term of this order or lesser period as he or she directs, or as such other health service provider or treating psychologist nominated by Dr Nielssen, Ms Fallins or your general medical practitioner Dr Hugh Le Lievre or his delegate directs. You are to maintain counselling and treatment and medication as directed by your treating general medical practitioner Dr Hugh Le Lievre or his delegate for the term of this order or lesser period as he or she directs or such other health service provider or treating psychiatrist nominated by Dr Le Lievre or his delegate.

For the purposes of your counselling and treatment and the assistance of correctional authorities I direct copies of the reports of Dr Adam Martin psychiatrist dated 17 August 2015 and Dr Olav Nielssen psychiatrist dated 25 February 2016 and Ms Danielle Fallins Psychologist dated 24 May 2016 be provided to your appointed supervisor. If directed by your supervisor you are to participate and complete any relevant community based treatment program operated by Community Corrections Forensic Psychology Service for such period as directed.

You are also to undertake counselling and treatment as to: (1) Alcohol and substance abuse and relapse prevention; (2) Anger management and impulse control; (3) Domestic and relationship skills. I note for the purposes of this order pursuant to s 73 of the Crimes (Sentencing Procedure) Act 1999 a written notice of these orders is to be given to the offender and to the Commissioner of Corrective Services.

37. On 16 November 2016 Mr Meijer advised the Authority that he intended to make a submission on the Complaint, but was waiting for a copy of the entire trial transcript from the District Court.
38. On 1 December 2016 the Authority advised Mr Meijer that the District Court trial transcript had not been the subject of his solicitor's request for further and better particulars and that any submissions or evidence addressing the merits of the Complaint were required by 5 December 2016.

Submission from Mr Meijer dated 5 December 2016

39. On 5 December 2016, Mr Meijer personally made a submission to the Authority by way of an unsworn statement that was 5 pages in length. Mr Meijer claims (without providing any communication from his solicitor) that his then solicitor, Mr Hatzis, would be unable to prepare a submission within the timetable advised by the Authority in its communication to Mr Meijer dated 1 December 2016.
40. Briefly, Mr Meijer submits that the Complaint Material does not contain the detailed information required to make a finding on his fitness and propriety and as such, the Complaint is "severely flawed". Mr Meijer submits that the Complaint refers to a single incident and contends that this occurred at a time when he was "mentally unstable" and was having threats made against his family by "known criminals".
41. Mr Meijer submits that he lives a life devoted to his community and contends that he acts as a "good and proper citizen" who makes "vast" contributions to society.

42. Mr Meijer agrees that in 2014 he suffered a previously undiagnosed bipolar episode which resulted in him making the “worst decision of [his] life”. Mr Meijer submits that he has taken responsibility for his actions and has voluntarily surrendered his liquor licence. He states that he has “no desire” to reapply for a liquor licence until his debt to the community is paid in line with the conditions of the ICO to which he is subject. Mr Meijer submits that although that process is ongoing, he is now rehabilitated and has been involved in the business thereafter.
43. Mr Meijer submits that prior to the commission of the offence, the licensees employed by the businesses operating the venues in which he had some involvement were experienced, competent and compliant with all licensing legislation. He submits that the Hotel Orange has been subject to scrutiny from local Police, the Alcohol and Licensing Enforcement Command of New South Wales Police (ALEC) and LGNSW involving covert Police and LGNSW inspections and drug dogs on four occasions last year. Mr Meijer submits that the result of those inspections “must confirm the Authority has confidence in the upright operation of such”.
44. Mr Meijer submits that his solicitor Mr Hatzis had requested the transcript of the entire trial to provide the Authority with a “complete representation” of the matters raised in the Complaint. However this document was not provided to Mr Meijer or to his solicitor.
45. By way of background, Mr Meijer submits that he has spent his whole adult life in the liquor industry. He has an oenology degree and has worked in retail, import, distribution and as a publican with a focus on food, wine and hotels. Mr Meijer is the sole provider for his wife Felicity and his two young children. Mr Meijer submits that the result of a negative finding by the Authority will “expunge” his ability to provide as a father and husband in all of his occupations as a tertiary qualified liquor professional.
46. The District Court found that Mr Meijer had the “lowest risk of re-offence and the highest chance of rehabilitation”. Mr Meijer advises that his conviction is under severity appeal by Bret William Walker SC, the outcome of which may be relevant to this Complaint.
47. Mr Meijer acknowledges that he lied when initially questioned by Police, but takes responsibility for what he describes as a “bad decision” that was made under duress. He contends that he was “stood over by criminals” and was concerned for his family’s safety at the time. Mr Meijer contends that his mental illness and dire concern about his family are mitigating factors with regard to this “isolated single transgression”. He submits that this behaviour was contrary to the past two years of his dealings with Police in hotels and to the decade prior to that, in respect of which Mr Meijer contends that he always assisted Police.
48. Mr Meijer refers to the comments made by his Honour Judge Hoy SC in the sentencing judgment on 3 June 2016 and submits that he has engaged a treatment plan at his own expense and has maintained such plan. This, it is contended, enables him to act to his ethics and operate the hotel business in accordance with all the licensing legislation. Mr Meijer submits that there is “countless evidence” as to Mr Meijer’s rehabilitation, the “downsizing” of the Hotel Orange at financial cost to Mr Meijer and the ongoing goodwill between Mr Meijer and Senior Constable Michael Sullivan of the local Licensing Police.
49. Mr Meijer refers to his medical and psychiatric history and contends that the Hotel Orange continues to operate in compliance with all legislation and best practice, and that the management staff of the business maintain a strong relationship with Police and have “no issues” with the Authority.

50. Mr Meijer reiterates that he pleaded guilty to the drug offence, pronounced his transgression and has been punished for such. He continues to repay his debt to society and has returned, with treatment, to his upright standing with more focus to make amends and operate within all guidelines. Mr Meijer requests that the Authority take no disciplinary action against him in relation to the Complaint.

Licensing Developments since Filing the Complaint

51. Information obtained by the Authority Secretariat from LGNSW business records, including the *OneGov* licensing database, performed on 15 March 2017, indicates the following:

- Mrs Felicity Meijer, spouse of Mr Meijer at the time of the Complaint, ceased as licensee of Hotel Orange on 19 August 2016.
- City Country Hotel Management Pty Ltd (ACN 164 875 861), of which Mr Meijer was the sole director and Mrs Meijer the sole shareholder, ceased as the business owner of Hotel Orange on 18 January 2017.
- The currently recorded business and premises owner of the Hotel Orange is Dark Sphere Solutions Pty Ltd (ACN 087 124 678), which has been the sole premises owner since May 2007. It was recorded as having acquired the status of business owner on 18 January 2017 and its nominee, Mr John Fabar was appointed licensee of the Hotel Orange on that date.

52. An email from the premises owner's solicitors, *Blackwell Short*, dated 7 December 2016, advised licensing staff that the premises owner had taken possession of the Hotel Orange on 6 December 2016. That email enclosed an application form by an owner in possession of licensed premises to transfer the licence from the then licensee, Ms Kristy Wilcox, to the premises owner's nominee, Mr Fabar. An ASIC search discloses that Mr Fabar is a director of Dark Sphere Solutions Pty Ltd.

FINDINGS ON GROUNDS OF COMPLAINT

53. A disciplinary complaint under Part 9 of the Act is an administrative matter, and findings are made to the civil standard of proof.

54. However, in accordance with the principle enunciated by the High Court of Australia in *Briginshaw v Briginshaw* (1938) 60 CLR 336, the seriousness of the allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are matters that are relevant to deciding whether an allegation has been proved on the balance of probabilities.

Fitness and Propriety at General Law

55. It is well established at common law for the purposes of licensing that to be "fit and proper" a person must have a requisite knowledge of the legislation under which he or she is to be licensed and the obligations and duties imposed thereby: *Ex parte Meagher* (1919) 36 WN 175 and *Sakellis v Police* (1968) 88 WN (Pt 1) (NSW) 541. Being fit and proper normally comprises the three characteristics of "honesty, knowledge and ability": *Hughes & Vale Pty Ltd v NSW* (No 2) (1955) 93 CLR 127.

56. Where a person has been convicted of offences, the decision maker must consider the circumstances of those convictions and the general reputation of the person apart from the convictions and the likelihood of repetition – *Clearihan v Registrar of Motor Vehicle Dealers in the ACT* (1994) 117 FLR 455.

57. In *Australian Broadcasting Tribunal v Bond* (1990) 170 CLR 321, the High Court of Australia has held that:

The expression 'fit and proper person' standing alone, carries no precise meaning. It takes its meaning from its context, from the activities in which the person is or will be engaged and the ends to be served by those activities. The concept of 'fit and proper' cannot be entirely divorced from the conduct of the person who is or will be engaging in those activities. However, depending on the nature of those activities, the question may be whether improper conduct has occurred, whether it is likely to occur, whether it can be assumed that it will not occur, or whether the general community will have confidence that it will not occur. The list is not exhaustive but it does indicate that, in certain contexts, character (because it provides an indication of likely future conduct) or reputation (because it provides an indication of public perception as to likely future conduct) may be sufficient to ground a finding that a person is not fit and proper to undertake the activities in question.

58. Section 45(5A) of the Act, to which section 139(3)(i) refers, prescribes non-exhaustive statutory considerations to which the Authority must have regard when determining the fitness and propriety of a licensee, including whether that person:

- (a) is of good repute, having regard to character, honesty and integrity; and
- (b) is competent to carry on that business or activity, being the relevant licensed business in question.

Ground 1 – Mr Meijer is a former licensee

59. The Authority is satisfied that Mr Meijer was the licensee of Hotel Orange from 6 August 2013 to 14 August 2014.

60. While it is not contested by Mr Meijer, the Authority makes this finding on the basis of the relationship table for Mr Meijer provided by the Complainant (Annexure B) and the copy of the *OneGov* licence record for Hotel Orange, liquor licence number LIQH400118589 as at 14 July 2016 (Annexure B1).

Ground 2 – Mr Meijer is a close associate of a licence

61. The Complainant alleges that Mr Meijer is or has been a close associate of the licence for Hotel Orange, by virtue of his position as sole director of four hotel business owner corporations.

62. The Authority notes that a “close associate” within the meaning of section 5(1) of the GALA Act is defined as follows:

*For the purposes of the gaming and liquor legislation, a person is a **close associate** of an applicant for, or the holder of, a gaming or liquor licence if the person:*

- (a) *holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in his or her own right or on behalf of any other person), in the business of the applicant or licensee that is or will be carried on under the authority of the licence, and by virtue of that interest or power is or will be able (in*

the opinion of the Authority) to exercise a significant influence over or with respect to the management or operation of that business, or

- (b) *holds or will hold any relevant position, whether in his or her own right or on behalf of any other person, in the business of the applicant or licensee that is or will be carried on under the authority of the licence.*

63. Section 4 of the GALA Act provides that the “gaming and liquor legislation” includes the Act. “Relevant financial interest” is defined in section 5(2) of the GALA Act as follows:

relevant financial interest, in relation to a business, means:

- (a) *any share in the capital of the business, or*
- (b) *any entitlement to receive any income derived from the business, or to receive any other financial benefit or financial advantage from the carrying on of the business, whether the entitlement arises at law or in equity or otherwise, or*
- (c) *any entitlement to receive any rent, profit or other income in connection with the use or occupation of premises on which the business of the club is or is to be carried on (such as, for example, an entitlement of the owner of the premises of a registered club to receive rent as lessor of the premises).*

64. “Relevant position” is defined in section 5(2) of the GALA Act as follows:

relevant position means:

- (a) *the position of director, manager or secretary, or*
- (b) *any other position, however designated, if it is an executive position.*

65. “Relevant power” is defined in section 5(2) of the GALA Act as follows:

relevant power means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others:

- (a) *to participate in any directorial, managerial or executive decision, or*
- (b) *to elect or appoint any person to any relevant position.*

66. The Authority is satisfied, on the basis of the uncontested information provided in the Complainant’s Relationship Table (Annexure B), apparently informed by the Complainant’s access to LGNSW licensing records, that at the time of Mr Meijer’s commission of the serious indictable offence, the following three corporations were business owners of the four New South Wales licensed premises that are the subject of this Complaint:

- City Country Hotel Management Pty Ltd (ACN 164 875 861) was the business owner of the Hotel Orange, Orange;
- City Country Hotel Management Pty Ltd (ACN 164 875 861) was the business owner of the Railway Junction Hotel, Dubbo;
- City Country Hotel Management No. 2 Pty Ltd (ACN 003 428 493) was the business owner of the Whitehorse Hotel, Surry Hills; and
- Coachman Hotel Parkes Pty Ltd (ACN 165 718 427) was the business owner of the Coachman Hotel, Parkes.

67. The Authority is further satisfied, on the basis of ASIC Company Extracts provided in Annexure B2 to the Complaint, that Mr Meijer was the sole company director of the following companies during relevant times:

- City Country Hotel Management Pty Ltd (ACN 164 875 861) as at 14 July 2016;
- City Country Hotel Management No. 2 Pty Ltd (ACN 003 428 493) as at 7 June 2016;
- Coachman Hotel Parkes Pty Ltd (ACN 165 718 427) as at 7 June 2016.

68. By reason of his directorship of the corporate business owners, the Authority is satisfied, on the basis of the above findings, that Mr Meijer was, during relevant times for the purposes of the misconduct that is the subject of this Complaint, a close associate of four New South Wales hotels – the Hotel Orange, the Railway Junction Hotel, the Whitehorse Hotel and the Coachman Hotel, Parkes.
69. An issue of statutory construction arises as to whether the ground of complaint provided by section 139(3)(j) is available in respect of a person who was, at the time of the conduct the subject of this Complaint, a close associate of a licence, but no longer holds such position in relation to such licence at this time.
70. The most harmonious and coherent construction of the Act is to read the expression “close associate” in section 139(3)(j) of the Act as including a person who was a close associate *at the time the conduct that is the subject of a complaint occurred*. That construction accords with the scheme and purpose of Part 9 and avoids absurd results, whereby (for example) a person may drift in and out of the regulatory scheme by strategically divesting or reacquiring a relevant position or interest in a licensed business at different times.

Ground 3 – Mr Meijer is a person interested in a licensed business

71. The Complainant alleges that Mr Meijer, as one of the heads of the relevant hotel businesses (City Country Hotel Management Pty Ltd, City Country Hotel Management No. 2 Pty Ltd and Coachman Hotel Parkes Pty Ltd), is also a person interested in the businesses, or in the conduct or profits of the businesses.
72. The Authority is satisfied, on the basis of its findings on Ground 2 above, that Mr Meijer is or was a close associate of the licence for Hotel Orange at the time of commission of the serious indictable offence.
73. The Authority is satisfied, as alleged by the Complainant in relation to this Ground, that Mr Meijer continues to be the sole director of CCHM at the time of the Complaint. The Authority makes this finding on the basis of the ASIC records provided in Annexure B2 to the Complaint.
74. An updated ASIC Company Extract for this company dated 22 December 2016 indicates that Mr Meijer was the sole director of that company as at that date, and that the company was in the process of being deregistered.
75. The Authority is further satisfied, as alleged by the Complainant in relation to Ground 3, that the other two corporations in which Mr Meijer held a directorship (City Country Hotel Management No. 2 Pty Ltd and Coachman Hotel Parkes Pty Ltd) are currently under external administration. The Authority makes this finding on the basis of the ASIC Company Extracts for these two companies as at 7 June 2016 (which form part of Annexure B2 to the Complaint).

76. An updated ASIC Company Extract for City Country Hotel Management No. 2 Pty Ltd indicates that this company was under external administration as at 22 December 2016. An updated Company Extract for Coachman Hotel Parkes Pty Ltd as at 22 December 2016 indicates that this company is currently in the process of being deregistered.

Ground 4 – Mr Meijer is a person who occupied a position of authority in a licence

77. The Authority is satisfied, as alleged in this Ground, that CCHM was the corporate licensee of the Railway Junction Hotel, Dubbo (liquor licence number LIQH400112203) between 8 July 2014 and 13 May 2016.
78. The Authority is further satisfied, as alleged by this Ground, that Mr Meijer was the sole director of CCHM during that period and thereby occupied a “position of authority”, within the meaning of section 139(3)(q) of the Act for the purposes of that subsection.
79. The Authority makes this finding on the basis of the ASIC Company Extract for City Country Hotel Management Pty Ltd (ACN 164 875 861) as at 14 July 2016 (which forms part of Annexure B2).
80. An issue of statutory construction arises as to whether the ground of complaint available under section 139(3)(q) may be relied upon in respect of a person who was, at the time of the conduct the subject of complaint, a person who occupied a position of authority in a licensee corporation, but no longer holds such position at the time of determining a complaint.
81. Accepting the uncontested information provided in the Complainant’s Relationship Table as to Mr Meijer’s role or association with CCHM (Annexure B) and the licensing records provided by the Complainant for CCHM (Annexure B3), which indicates that CCHM ceased to be the licensee and business owner of the Railway Junction Hotel, Dubbo on 13 May 2016, the most harmonious and coherent construction of the Act is to read the expression “person who occupies a position of authority in a licensee corporation” in section 139(3)(q) of the Act as including a person who occupied that position *at the time the conduct that is the subject of a complaint occurred*.
82. That construction accords with the scheme and purpose of Part 9 and avoids absurd results, whereby (for example) a person of authority in a corporate licensee may drift in and out of the regulatory scheme by strategically divesting or reacquiring a relevant position with that licensee at different times.

Common Findings of Fact

83. The Authority is satisfied, on the basis of the Police Facts Sheet for charge number H57192285 and related Conviction Certificate dated 16 June 2016 (Annexure D), the Statement by Police from Detective Senior Constable Andrew McGrath dated 1 July 2014 (Annexure E) and the transcript of the Electronically Recorded Interview of a Suspected Person (ERISP) interview with Mr Meijer dated 9 July 2014 (Annexure F) provided by the Complainant, that Mr Meijer did in fact commit the offence of cultivate prohibited plant (cannabis) by enhanced means for commercial purpose greater than a small quantity and less than the commercial quantity, contrary to section 23(1A) of the *Drug Misuse and Trafficking Act 1985*, as found by the District Court beyond reasonable doubt.

84. The Authority notes, on the basis of the Certificate of Conviction, that Mr Meijer remains subject to an ICO at this time. Licensed premises, including hotels, carry with them the ongoing risk of persons utilising those venues for the possession, use, sale and supply of prohibited drugs. The risk of this conduct is recognised in section 74 of the Act, which prohibits the permitting of such conduct by a licensee or his agents on licensed premises. While Mr Meijer has not been convicted of an offence against section 74, his recent conviction has been given considerable weight as an adverse factor when assessing Mr Meijer's character and competence.
85. The Authority is satisfied, on the basis of the findings made in the Court judgment, that Mr Meijer's motives were primarily financial. Although he has not provided supporting evidence the Authority accepts Mr Meijer's contention that he holds relevant qualifications and substantial experience in the hospitality industry. That experience was not, it seems, sufficient to prevent Mr Meijer placing his own licence in jeopardy.
86. While the Court accepted that (aside from the matters the subject of that prosecution) Mr Meijer was a person of prior good character, and the Authority accepts that this was the case at that time, the nature of this conviction undermines the Authority's confidence in Mr Meijer's fitness to hold, be associated with or be in a position to influence a licence at this time.
87. There are two additional and significant incidents involving personal misconduct by Mr Meijer that are now before the Authority and adverse to an assessment of his character and competence as a hotelier.
88. First, the Authority is satisfied, on the balance of probabilities and on the basis of Police Penalty Notice No. 4912822119 and the associated SDRO business records indicating the payment status of that Penalty Notice (Annexure H) that on 12 September 2015 Mr Meijer contravened section 184(6) of the *Environmental Planning and Assessment Regulation 2000* by impeding a fire exit at the Hotel Orange. While this matter does not arise under the licensing legislation, it is in a practical sense quite relevant to Mr Meijer's broader competence or ability to be entrusted with the day to day operation of a hotel premises and his ability to comply with regulatory requirements protecting the public interest and the safety of hotel patrons.
89. Second, the Authority is satisfied, on the balance of probabilities and on the basis of Penalty Notice No. 4932261759 and the associated SDRO business records indicating the payment status of that Penalty Notice (Annexure G), that Mr Meijer was involved in a "fail to quit" incident at his own licensed premises at Hotel Orange when directed to do so by Police on 27 June 2015. This matter casts further serious doubt upon Mr Meijer's personal judgment. It is adverse to an assessment of his character and competence as a person responsible for a business conducted pursuant to a liquor licence.

Conclusion as to Mr Meijer's Fitness and Propriety

90. The substantial prohibited plant cultivation venture that gave rise to Mr Meijer's conviction demonstrates a degree of deliberation and a complete lack of regard for the *Drug Misuse and Trafficking Act 1985* and a complete disregard for his reputation.
91. The Authority repeats its observations with regard to the duties of a licensee and his or her agents under section 74 of the Act. Mr Meijer's conviction and (to a lesser extent) the two Penalty Notices greatly diminish the Authority's assessment of Mr Meijer's

character and reputation and Mr Meijer's ability to assume responsibility for regulatory compliance at a licensed premises.

92. Turning to the facts and circumstances surrounding his drug conviction, the Authority accepts, on the information provided in the District Court judgement, that Mr Meijer was in fact experiencing symptoms associated with bipolar disorder and abusing liquor at the time of his offending. Nevertheless, he has been found guilty, beyond reasonable doubt, of the cultivation of a prohibited plant for a *commercial* purpose, and is presently subject to an ICO.
93. Looking forward and noting the protective nature of the Authority's disciplinary jurisdiction, the Authority has no difficulty finding that Mr Meijer has in recent years fallen well short of the level of honesty and ability with regard to compliance with liquor legislation and related legislation that would reasonably be expected of a hotel licensee.
94. Accepting Mr Meijer's advice that he is now conducting a criminal appeal, but noting that Mr Meijer is still a convicted person at the time of this decision, the Authority will give further consideration to the information Mr Meijer has provided as to his personal circumstances when it considers any final submissions or evidence that Mr Meijer may provide, confined to the question of what, if any, disciplinary action should be taken against him under section 141 of the Act.
95. Mr Meijer's submission that he has been unable to respond to the case against him in this Complaint for want of "detail" is unconvincing. The Complaint is sufficiently specified for the purposes of Part 9 of the Act.
96. In conclusion, the Authority is satisfied that:
 - Mr Meijer is not a fit and proper person to be the holder of a liquor licence. Ground 1 is established.
 - Mr Meijer is not a fit and proper person to be a close associate of a licensee. Ground 2 is established
 - Mr Meijer is not a fit and proper person to be a person interested in a business conducted pursuant to a licence. Ground 3 is established.
 - Mr Meijer is not a fit and proper person to act in a position of authority in a corporation that is the holder of a licence. Ground 4 is established.

SUBMISSIONS ON DISCIPLINARY ACTION

97. On 27 March 2017 the Authority issued a detailed letter to the parties notifying its findings on the Grounds of Complaint (Findings Letter) and giving the Complainant 7 days to make final submissions on what if any disciplinary action should be taken. The Authority gave Mr Meijer and the other respondents 14 days to make final submissions, with the benefit of any final submission from the Complainant.

Submission from the Complainant dated 30 March 2017

98. On 30 March 2017, the Complainant provided a brief final submission to the Authority on the question of disciplinary action. The Complainant notes that all four Grounds of the Complaint have been established and submits that the following disciplinary action is "both necessary and appropriate" in the present circumstances:

1. Disqualification of Mr Meijer from holding a licence, managing a licensed premises or being a close associate of a licensee for such period as the Authority thinks fit pursuant to section 141(2)(f) of the Act.
 2. Disqualification of Mr Meijer from being a person interested in the business or in the conduct or profits of the business carried on under a liquor licence for such period as the Authority thinks fit, pursuant to section 141(6)(a) of the Act.
 3. Imposition of a new licence condition on Hotel Orange (liquor licence number LIQH400118589), prohibiting Mr Meijer from being employed at the premises in any capacity pursuant to section 141(2)(e) of the Act.
 4. Any other disciplinary action the Authority thinks fit.
- 99.** The Complainant submits that the licence condition is sought by reason of the “strong ties” between Mr Meijer and the Hotel Orange, which indicates a risk of Mr Meijer being able to exercise a position of influence within that hotel. The Complainant notes that Mr Meijer was a sole director of the business owner corporation between 2013 and 2017 and the licensee of that hotel for over 12 months between 2013 and 2014.
- 100.** The Complainant submits that in light of the Authority’s findings, involving a conviction against Mr Meijer for a serious indictable offence and other aspects of dishonesty, and in light of the need for specific and general deterrence, a ban of “5-10 years” would be appropriate. The Complainant submits that this action is sought as a “protective measure for the community” having regard to the risk posed should Mr Meijer be in a position of influence over the management or operations of a licensed premises.

Newspaper Article dated 31 March 2017

- 101.** Since the Findings Letter, LGNSW staff have provided the Authority with a newspaper article dated 31 March 2017 entitled “You’re Barred” that was published in a local news media outlet, the *Central Western Daily*.
- 102.** The article reports on the issue of an apprehended violence order (AVO) by the Orange Local Court against Mr Meijer on 30 March 2017, to protect the Hotel Orange’s premises owners Michael, John and Anne Fabar of Dark Sphere Solutions Pty Ltd. The article reports that the AVO was issued in response to alleged threats made by Mr Meijer against Mr John Fabar and the hotel. The AVO will prevent Mr Meijer from entering the Hotel Orange and approaching or contacting the Fabars, except through a lawyer, and will remain in force until 29 March 2018.
- 103.** Mr Meijer was invited by the Authority Secretariat to provide any submissions or evidence in response to this new information when responding to the Authority’s Findings Letter.

No Further Submissions from Mr Meijer or Other Parties

- 104.** Neither Mr Meijer nor any of the other parties consulted on the Complaint have made any further submissions in response to the Findings Letter or the new information regarding the AVO issued against Mr Meijer.

DECISION AND REASONS

105. The Authority's disciplinary jurisdiction provided by Part 9 of the Act is protective, rather than punitive in nature. As held by the New South Wales Supreme Court in *Seagulls Rugby League Football Club Ltd v Superintendent of Licences* (1992) 29 NSWLR 357 (at paragraph 373):

The over-riding purpose of the jurisdiction is the protection of the public, and of members of clubs by the maintenance of standards as laid down in the Act.

106. Nevertheless, as observed by Basten JA of the New South Wales Court of Appeal in *Director General, Department of Ageing, Disability and Home Care v Lambert* (2009) 74 NSWLR 523 (*Lambert*), while disciplinary proceedings are protective, that is not to deny that orders made by disciplinary bodies may nonetheless have a *punitive effect*. His Honour observed that a Court (and hence a regulatory decision maker such as the Authority) should be mindful that a protective order is reasonably necessary to provide the required level of public protection.

107. At paragraph 83 of the judgment in *Lambert*, Basten JA states that the "punitive effects" may be relevant to the need for protection in that:

...in a particular case, there may be a factual finding that the harrowing experience of disciplinary proceedings, together with the real threat of loss of livelihood may have opened the eyes of the individual concerned to the seriousness of his or her conduct, so as to diminish significantly the likelihood of repetition. Often such a finding will be accompanied by a high level of insight into his own character or misconduct, which did not previously exist.

108. At paragraph 85 of the judgment, Basten JA observes that:

...the specific message of the disciplinary cases explaining that the jurisdiction is entirely protective is to make clear that the scope of the protective order must be defined by the reasonable needs of protection, as assessed in the circumstances of the case.

109. The Authority further notes that when determining the nature of the appropriate disciplinary action, the conduct of the respondent to a complaint *up until its final determination* is relevant and should be taken into account: *Sydney Aussie Rules Social Club Ltd v Superintendent of Licences* (SC (NSW) Grove J, No. 16845 of 1990, unreported BC9101830).
110. At its Board meeting on 17 May 2017, the Authority considered the Complaint and all of the material before it, including the final submission on disciplinary action from the Complainant.
111. The Authority notes that in its submissions on disciplinary action the Complainant does not seek nor quantify its costs on the investigation that gave rise to this Complaint. For that reason the Authority does not order that Mr Meijer should pay the Secretary's costs on the investigation.
112. The Authority notes that the ICO that is in evidence before the Authority remains in effect until June 2018. The Authority is further satisfied, on the uncontested information provided in the news media report, that an AVO was issued by the Orange Local Court on 30 March 2017 preventing Mr Meijer from attending the Hotel Orange until 29 March 2018 and that the AVO arose from alleged threats by Mr Meijer against the current owners of the hotel.

113. While that new information did not form part of the Complaint, it is relevant evidence going to a general assessment of Mr Meijer's character, to which the Authority is required to have regard pursuant to section 45(5A) of the Act.
114. The Authority has considered on a cumulative basis the recent and serious drug cultivation offence giving rise to Mr Meijer's conviction in June 2016 and the additional offences that are the subject of the Penalty Notices.
115. The Authority has considered the submissions made by the Complainant on an appropriate period of disqualification and notes the absence of any further submissions in reply from Mr Meijer. The Authority has revisited Mr Meijer's earlier submissions on the prospect of disciplinary action.
116. The Authority is satisfied that appropriate disciplinary action, for the protection of the public and to send a signal to others in the industry who may be contemplating similar conduct, is a period of disqualification for a period of **seven (7) years**.
117. Mr Meijer should be disqualified from holding the position of a licensee, approved manager or the status of a close associate for that period. He should also be excluded from being a person interested in the business or in the conduct or profits of any business carried on under a liquor licence in New South Wales for that period.
118. The Authority accepts Mr Meijer's claim, albeit without supporting documentation, that he has a tertiary qualification in oenology (the science and study of winemaking). The Authority accepts that Mr Meijer has had extensive involvement and experience in the liquor and hospitality industries. This much is apparent from the information provided in the Complaint linking Mr Meijer to four hotels.
119. Mr Meijer claims to have made an extensive contribution to the community yet has provided little positive evidence of his character or his contribution to the community and the Authority is unable to give those claims significant weight.
120. The Authority accepts that Mr Meijer previously had a good record prior to his drug cultivation conviction. Nevertheless, Mr Meijer is presently subject to an ICO and has had further Penalty Notices issued against him for significant instances of misconduct in relation to licensed premises. Most recently, he has had an AVO issued against him in relation to the Hotel Orange. These matters further diminish the Authority's assessment of Mr Meijer's character, including his reputation.
121. The Authority cannot dismiss Mr Meijer's drug cultivation offence as an isolated incident of wrongdoing. That offence was, of itself, a relatively serious matter. Accepting Mr Meijer's contention that his involvement in the drug cultivation was influenced by a bipolar disorder, that condition was insufficient to prevent a finding of guilt beyond reasonable doubt for what the Court observed was an offence motivated by money.
122. While the Authority notes that the drug offending was not committed in relation to any licensed premises, this type of offence is plainly relevant to an assessment of the risk that Mr Meijer poses to being involved with licensed premises in the future - given the particular focus in section 74 of the Act upon the prevention of licensed premises being utilised as places for the sale, possession or use of prohibited drugs.
123. The Authority accepts Mr Meijer's contention that he is the sole provider for his wife and two young children. While his disqualification from holding a regulated role in the industry will not prevent Mr Meijer from working in the hospitality industry in all

capacities (it will not prevent him from working as an oenologist), it will prevent Mr Meijer from working in any position of control or influence with regard to a licence in New South Wales. It will not prevent Mr Meijer from finding employment in other industries. The Authority is satisfied that the protection of the public in respect of the Act warrants this substantial disciplinary response.

124. The Authority has considered the Complainant's submission that a condition be imposed upon the licence of the Hotel Orange preventing Mr Meijer from being employed at those Premises in any capacity pursuant to section 141(2)(e). That submission would appear to have been overtaken by recent events. Noting that the AVO would now prevent Mr Meijer from entering that hotel, no order to that effect is necessary at this time.

ORDER

125. The Authority orders, pursuant to section 141(2)(f) of the *Liquor Act 2007*, that the former licensee, Mr Joshua Meijer, be disqualified from:

- (a) holding a licence, or
- (b) being the manager of licensed premises, or
- (c) being the close associate of a licensee

in New South Wales, for a period of seven (7) years.

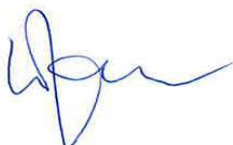
126. The Authority further orders, pursuant to section 141(6)(a) of the *Liquor Act 2007*, that Mr Joshua Meijer, be disqualified from being a person interested in the business or in the conduct or profits of the business carried on under any liquor licence in New South Wales, for a period of seven (7) years. These orders will come into effect 28 days after the date of this decision letter.

REVIEW RIGHTS

127. Pursuant to section 144 of the Act, an application for review of this decision may be made to the New South Wales Civil and Administrative Tribunal (NCAT) by the Complainant or any person against whom any disciplinary action is taken, no later than 28 days after those parties receive notification of this decision.
128. For more information, please visit the NCAT website at www.ncat.nsw.gov.au or contact the NCAT Registry at Level 9, John Maddison Tower, 86-90 Goulburn Street, Sydney.

Date of Decision: 17 May 2017

Yours faithfully



Philip Crawford

Chairperson

for and on behalf of the **Independent Liquor and Gaming Authority**