



Mr Ross Glynatsis
Former licensee & Close Associate
Alexanders Bar N Café
Sirens Nightclub



with a copy to:

Senior Sergeant Steve Carroll
Regional Licensing Coordinator
Northern Region
NSW Police



3 June 2022

Dear Sir/Madam

Decision regarding disciplinary complaint under section 139 of the *Liquor Act 2007* – Mr Ross Glynatsis

I refer to the disciplinary complaint (**Complaint**) received by the Independent Liquor & Gaming Authority (**Authority**) from a delegate of the Commissioner of NSW Police (**Complainant**) in relation to Mr Ross Glynatsis (**Respondent**), a former licensee of Alexanders Bar N Café (LIQS220000134) (**Bar**) and Sirens Nightclub (LIQO624012658) (**Nightclub**).

On 14 May 2021, the Authority issued a show cause notice to the Respondent under section 140 of the *Liquor Act 2007* (**Act**), inviting him to:

- show cause as to why the Authority should not take disciplinary action against him, and also, in the event that the Authority did take disciplinary action
- inviting him to make a submission on what, if any, action should be taken.

Having regard to the submissions received and the available information, the Authority is satisfied that the alleged grounds of the Complaint under section 139 of the Act are established, and that the Respondent is not a fit and proper person to be the holder of a licence.

At a meeting on 16 March 2022, the Authority decided to:

- impose a condition on both Sirens Nightclub (LIQO624012658) and Alexanders Bar N Café (LIQS220000134) (the “Venues”) under section 141(2)(e) of the *Liquor Act 2007* that:

“Ross Glynatsis is not permitted to enter the premises nor have any involvement whatsoever with the business conducted on the premises,”

and

- disqualify Mr Glynatsis from holding a licence, or from being the manager of licensed premises or the close associate of a licensee, for a period of five (5) years.

A statement of reasons for the Authority's decision is attached.

If you have any questions about this letter, please contact the Authority Secretariat via email at ilga.secretariat@liquorandgaming.nsw.gov.au

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Philip Crawford', is positioned above the printed name.

Philip Crawford
Chairperson
For and on behalf of the Independent Liquor & Gaming Authority

Decision of the Independent Liquor & Gaming Authority

Complaint against Mr Ross Glynatsis

Complaint and Grounds

1. On 19 February 2021, the Independent Liquor & Gaming Authority (**Authority**) received a disciplinary complaint (**Complaint**) from a delegate of the Commissioner of NSW Police (**Complainant**), in relation to Mr Ross Glynatsis (**Respondent**), a former licensee of liquor licences LIQS220000134 and LIQO624012658 (**Licences**) for Alexanders Bar N Café (**Bar**) and Sirens Nightclub (**Nightclub**) respectively (together, the **Venues**).
2. The Complaint was made under section 139 of the *Liquor Act 2007* (**Act**). The Complaint alleges that the Respondent is not a fit and proper person to hold a liquor licence on the grounds in section 139 (3)(i) and (j) of the Act, namely that:
 - a) the Respondent is not a fit and proper person to be a holder of the Licences, and/or
 - b) the Respondent is a close associate of the holder of the Licences and is not a fit and proper person to be a close associate of a licensee.
3. The Complaint alleges that the grounds above are made out on the following facts:
 - a) The Respondent was, at all relevant times between 1997 and 2021, the licensee and/or owner of the Venues and/or exerted management control over them.
 - b) In 1997, the Respondent was a director of a private company which purchased the Nightclub.
 - c) Between 1997 and 2021, the Respondent's legal association with the Venues underwent several changes, partly due to a dispute over divestment which resulted in the Respondent filing for bankruptcy. During this period, the Respondent continued to exert ultimate management control over the Venues.
 - d) In January 2021, the Nightclub was transferred to the proprietary company the Respondent had set up with his family - RINK Family Holdings Pty Ltd.
 - e) From 2010 to 2021, the Respondent:
 - i. maintained a long association and involvement with persons linked to organised crime
 - ii. was convicted and sentenced for serious criminal offences relating to the supply of illegal drugs and the illegal possession of firearms, including at the Nightclub
 - iii. was otherwise involved in the supply of illegal drugs at the Venues, including in exchange for sexual favours, and
 - iv. indecently assaulted a young woman at the Nightclub.

Complaint Process

4. On 14 May 2021, the Authority received further material in relation to the Complaint. This material alleged that in late April 2021, a time that was after the Respondent's conviction and sentence in relation to the possession and supply of illegal drugs and possession of illegal firearms, and while the Respondent was still serving an Intensive Corrections Order, the Respondent indecently assaulted a young woman at the Nightclub. The indecent assault occurred in the context of the Respondent supplying the young woman with illegal drugs.

5. Also on 14 May 2021 the Authority issued a Notice to the Respondent under section 140 of the Act, inviting him to show cause, by way of a written submission, as to why disciplinary action should not be taken on the basis of the Complaint.
6. The Authority also invited written submissions from the interested parties specified in section 140(3) of the Act, including the current licensee, approved manager, landlord and business owner of the Venue. No submission has been received from any of these interested parties.
7. On 7 June 2021, the Respondent wrote to the Authority, submitting that:
 - a) RINK Family Holdings Pty Ltd was in the midst of negotiating the sale of the businesses to an unrelated entity
 - b) the Respondent consented to a condition on the liquor licences for the Venues along the following lines:

“Ross Glynatsis will not be permitted to enter the premises nor have any involvement whatsoever with the business conducted on the premises. This condition will commence [3 weeks after the transfer date],”
 - c) the Respondent requested an extension of time to respond to the Complaint until 31 July 2021, and
 - d) after the transfer of the business and the imposition of the licence condition above, the Respondent expects that the Complaint would be withdrawn.
8. On 11 June 2021 the Authority granted this request to extend the time for response.
9. On 18 June 2021 the Complainant made a further submission, refusing to withdraw the Complaint and alleging:
 - a) further engagement in illegal drug possession and supply at the Nightclub in April 2021 by the Respondent, and
 - b) evidence of the Respondent’s continuing exercise of ultimate management and control over the Venues in May 2021 despite no longer being the Licensee.
10. In late June 2021, the Venues and Licences were transferred to Halliewinter Pty Ltd, an unrelated company.
11. On 6 July 2021, the Respondent advised the Authority that, as a result of the sale of the business, Mr Glynatsis has no further interest in the conduct of either of the Licences, is not employed by the business holding the Licences, and will not have any managerial duties in relation to the Licences. The Respondent’s presence at the Venues will be “in compliance with training requirements...detailed within the ...agreement.”
12. On 21 July 2021, the Respondent submitted to the Authority that he no longer has any financial interest in the Venues and, as a result of the COVID-19 public health orders, he would not be required to be present at either of the Venues. The Respondent requested that the Complaint be withdrawn.
13. On 29 July 2021, the Respondent advised the Authority that he did not wish to make a submission in response to the Complaint.
14. On 31 July 2021, a submission was received from the Complainant, reiterating concerns that the Respondent may resume involvement, perhaps informally, with either of the Venues or another licensed premises in the future. This submission also reiterated that the imposition of licence conditions on both Venues would be an appropriate penalty.
15. On 18 August 2021, the Respondent reiterated that he did not wish to make a further submission.

16. On 26 August 2021, Compliance provided a submission in relation to the Complaint, but indicated that it was a “due diligence” check only and that Compliance would not be adding to the Complaint material.
17. On 15 September 2021, the Authority considered the Complaint and found that the Complaint was established.
18. On 21 October 2021, the Authority forwarded the Compliance submission of 26 August to the Respondent for his response.
19. On 22 October 2021, the Respondent indicated again that he did not wish to provide a response.
20. On 10 March 2022, ILGA Secretariat sought further clarification from the Complainant in relation to whether the imposition of licence conditions on the Venues was still sought.
21. On 11 March, the Complainant confirmed these conditions were still sought because, in its submission:
 - a) the Respondent could potentially engage in similar behaviour to that exhibited in the Complaint if he patronises the Venues or is allowed to assume a ‘pseudo managerial role’ at the Venues, and
 - b) the proposed licence conditions are unlikely to present any adverse effect on the operation or value of the Venues, but would provide the community (particularly those victims of the Respondent’s previous behaviour) with a level of security, certainty and confidence in their integrity.
22. On 14 March, in response to the Complainant’s clarifying submissions on penalty, the Respondent again indicated he did not wish to make a submission.

Relevant law

Prescribed grounds of complaint

23. Section 139 of the Act identifies the types of persons, including Police, who can make a complaint to the Authority in relation to a licensee, manager or close associate of a licensee.
24. The grounds on which a complaint can be made under section 139 are prescribed and include, relevantly that:
 - a) 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), and
 - b) the close associate is not a fit and proper person to be a close associate of a licensee.
25. Section 137(1)(a) of the Act provides that a licensee includes a former licensee.

Power to take disciplinary action

26. Section 141 of the Act confers on the Authority powers to take disciplinary action against a licensee, manager or close associate of a licensee, if it is satisfied that any of the complaint grounds set out under section 139 of the Act is established.
27. Section 142 of the Act further provides that the Authority is not prevented from taking disciplinary action for a matter merely because the relevant person is subject to criminal or civil proceedings that relate to the same matter.
28. Section 140 of the Act requires the Authority to notify a licensee in writing of the grounds on which the Authority is proposing to take disciplinary action, and invite the licensee to show cause as to why disciplinary action should not be taken. The Authority is also

required to invite submissions from the relevant interested parties listed in section 140(3).

29. The Authority is satisfied that all relevant parties were afforded the requisite procedural fairness under the Act, and given the opportunity to make submissions about the Complaint, whether disciplinary action should be taken, and if action should be taken, also about the type of disciplinary action.

Fit and proper person

30. The term 'fit and proper' is not defined within the Act, and has its meaning derived from common law. 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.
31. It is relevant to note that sections 45(5) and 45(5A) of the Act provide that the factors to consider in determining whether a liquor licence applicant is a fit and proper person to carry on a licensed business include whether the person is:
- a) is a close associate of, or regularly associates with one or more members of a declared organisation within the meaning of the *Crimes (Criminal Organisations Control) Act 2012* (CCOC Act) and whether the nature and circumstances of the person's relationship with these members is such that it could reasonably be inferred that improper conduct that would further the criminal activities of the declared organisation is likely to occur if the person is granted (or maintains) their licence
 - b) of good repute, having regard to character, honesty and integrity, and
 - c) competent to carry on the business or activity.
32. In *Australian Broadcasting Tribunal v Bond* (1990) 170 CLR 321, the High Court of Australia 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

Findings

33. The Authority is satisfied on the material before it that the Respondent, as a former licensee of the Venues and as a person maintaining control over the Venues for all relevant periods from 2010 - 2021, is both a licensee and a close associate of a licensee for the purposes of the Authority's exercise of its disciplinary powers under section 141 of the Act.
34. The Authority is satisfied that during the relevant periods, the Respondent variously:
- a) possessed illegal drugs and participated in the supply of illegal drugs at the Venues
 - b) possessed illegal firearms, possibly bringing them to the Venues
 - c) was involved with members of a declared organisation within the meaning of the CCOC Act

- d) was convicted of offences relating to the above and sentenced on 20 August 2020. The sentence included 250 hours of community service, fines, and an Intensive Corrections Order, which required the Respondent not to commit any further offences and to abstain from drugs, and
 - e) indecently assaulted a young woman at the Nightclub.
35. The Authority is further satisfied that during the relevant periods, the Respondent and RINK Family Holdings Pty Ltd were issued with multiple penalty notices for failing to comply with licence conditions, public health orders and the Act.
36. The Respondent's involvement with organised crime (including a declared organisation within the meaning of the CCOC Act), the possession and supply of illegal drugs and firearms, and alleged criminal behaviour towards women is unacceptable for a licensee or close associate of a licensee. This is especially so in circumstances where the conduct occurred at a high-risk licensed venue such as the Nightclub.
37. The Authority finds the Respondent's conduct to fall far below the standard of behaviour expected of a licensee or close associate, and demonstrates a blatant disregard for the conditions of the Licences and a licensee's obligations under section 3 of the Act to minimise harm associated with the misuse and abuse of liquor, ensure that the operation of licensed premises does not detract from the amenity of community life, and ensure that the operation of licensed premises contributes to the responsible development of the entertainment and hospitality industries.
38. The Authority also finds that the Respondent's conduct falls far below the standard of the supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community. In particular, this relates to the community's expectation that young women who attend venues such as the Nightclub will be safe.
39. Having regard to all of the above, the Authority finds that the grounds of the Complaint are made out, and that the Respondent is not a fit and proper person to be the holder of a liquor licence or the close associate of the holder of a liquor licence for the purpose of sections 139(3)(i) and 139(3)(j) of the Act.

Disciplinary Action

40. Having found that the ground of the Complaint is made out and having made observations in relation to the seriousness of its findings, it is open to the Authority to take any one or more of the disciplinary actions set out under section 141 of the Act.
41. The Authority has had regard to the Complainant's submission that the Authority take action:
- a) under section 141(2)(e) to impose conditions on both Licences to the effect that:
"Ross Glynatsis will not be permitted to enter the premises nor have any involvement whatsoever with the business conducted on the premises."
 - b) under section 141(2)(f) to disqualify the Respondent from holding a liquor licence, and from being the approved manager of, or from being a close associate of any licensee in NSW for life (or other period as determined appropriate by the Authority).
42. The Authority has also had regard to the Respondent's submissions in reply that:
- a) he no longer has any involvement with the Venues
 - b) he consents to a condition being imposed on the Licenses to the effect of the following:
"Ross Glynatsis will not be permitted to enter the premises nor have any involvement whatsoever with the business conducted on the premises. This condition will commence [3 weeks after the transfer date for the businesses],"

and

- c) the Complaint should be withdrawn.
43. The businesses were transferred from the Respondent in June 2021.
44. The Respondent indicated on four occasions that he does not wish to make submissions in relation to these proceedings.
45. The Authority has weighed the Respondent's submission that he no longer has any involvement with the venues against the Complaint material and the Complainant's submission of 18 June 2021. That submission outlines that even leading up to the sale of the business in April and May 2021, while the Respondent was serving out his Intensive Corrections Order and despite no longer being the Licensee, there was evidence of his continuing presence at, engagement in criminal activities at, and exercise of control over the Venues.
46. As a result, the Authority is currently unable to conclude that the Respondent will not be involved in the Venues without disciplinary action being taken. The Authority considers it necessary and in the public interest to impose the condition sought by the Complainant on both Licences.
47. Additionally, and in view of the seriousness of its findings in relation to the Respondent's relevant conduct, the Authority considers it necessary and in the public interest to ban the Respondent from participating in any role that could influence the management or operations of any licensed premises in the immediate future.
48. Accordingly, the Authority has decided to take the following disciplinary action:
- a) Pursuant to section 141(2)(e) to impose a condition on both Sirens Nightclub (LIQO624012658) and Alexanders Bar N Café (LIQS220000134) that:
- “Ross Glynatsis is not permitted to enter the premises nor have any involvement whatsoever with the business conducted on the premises.”
- b) Pursuant to section 141(2)(f) of the Act, disqualify Mr Glynatsis from holding a liquor licence, or from being the manager of a licensed premises or the close associate of a licensee, for a period of five (5) years.



Philip Crawford
Chairperson
For and on behalf of the Independent Liquor & Gaming Authority

Important Information:

In accordance with section 144 of the Act, the person against whom disciplinary action is taken may apply to NCAT for an administrative review of this decision under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days after the person receives notification of this decision.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.

This decision will be published on the Liquor and Gaming website at:

<https://www.liquorandgaming.nsw.gov.au/independent-liquor-and-gaming-authority/ilga-and-l-and-gnsw-decisions/disciplinary-decisions>