

Decision No. **ALON23 – 010009**

IN THE MATTER of the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER of an application by **MORLINBER INVESTMENTS LIMITED** trading as “**AMBROSIA RESTAURANT AND BAR**” for an **ON-Licence** pursuant to Part II of the Sale and Supply of Alcohol Act 2012 in respect to premises at 1096 Tutanekai Street, Rotorua.

BEFORE THE ROTORUA DISTRICT LICENCING COMMITTEE

Quorum

Commissioner: Karen Hunt
Member: Jane Eynon-Richards
Member: Trevor Owen

Secretary: Kurt Williams

HEARING AT ROTORUA ON 6TH NOVEMBER 2023

APPEARANCES

Mary Beehre- the applicant
David Rendall Legal Counsel – for the applicant

Sergeant Sam Parata- Police – (“AHRO”) - in opposition
Chelsea Weir - Licensing Inspector- in opposition
Dawn Meertens – Representing the Medical Officer of Health- (“MOoH”) in opposition

RESERVED DECISION OF THE COMMITTEE

Introduction

1. We have before us today a new application for an existing restaurant and bar, dated 21 July 2023, for an **On-Licence for Morlinber Investments Limited ("MIL")** trading as **"Ambrosia Restaurant and Bar"**. The restaurant / bar is on "Eat Street"; part of the dining precinct at the lake end of the city of Rotorua.
2. The premises are a Class 1 restaurant with two distinct 'bar' areas. One is inside the premises, near the indoor restaurant seating, and the other is in the external front facing courtyard. Both bar areas operate in the manner of a tavern at various times during opening hours. In the external courtyard, the bar is housed in a 'caravan' commonly referred to as "Tiger Bar" with a large painted tiger's head depicted on the side in the style of graffiti-art. 'Tiger Beer' branded advertising is prominently displayed on umbrellas and on the body of the caravan.
3. The application attracted no public objections and 28 letters of support were received from members of the community.
4. As the Committee are all long-term residents of Rotorua and are all independently familiar with the site layout of the premises, no site inspections were undertaken.
5. Reports were received with 'matters in opposition' by the Police, MOoH and the Inspector under sections 105 (1)(a)(b)(d)(j) and (k) of the Act.

History 2012 to 2022

6. The premises have been in operation in the same location since 2009. A change in company ownership occurred in 2012, with the previous owner and sole director, Kristopher Beehre, being joined by his parents Ron and Mary Beehre as shareholders in MIL. A timeline of events follows:

5 March 2009 to 29 August 2022.

7. Between 2009-2012, Kristopher Beehre was part owner of the business together with an unrelated party. In 2012, Kristopher Beehre became sole director and held a majority 50% shareholding in Morlinber Investments Limited together with his parents Mary and Ron Beehre holding a 25% share each.
8. Since 2012, the applicant company MIL has held an On-Licence. During this time, MIL, s7(2)(a) and s7(2)(a) have appeared before the Authority.
9. MIL and/or s7(2)(a) have appeared before the Authority on three occasions and s7(2)(a) has also appeared before the Rotorua District Licensing Committee on two occasions, for alcohol related offences and breaches of the Sale and Supply of Alcohol Act 2012.

- Lynch v Morlinber Investments Limited [2015] NZARLA 259 -260 (29 April 2015) Suspension of On-Licence and Manager's Certificate - 29 April 2015 s7(2)(a) parties to the proceedings. Failed CPO.
- Lynch v s7(2)(a) [2016] NZARLA 126 (3 May 2016) Suspension of Manager's Certificate – 3 May 2016
- Jones v s7(2)(a) [2018] NZARLA 307 (27 November 2018)
- 23/12570/2018 RDC – 942694
- 23/12814/2019 RDC - 992490

Recent History 2022 to 2023

10. 13 March 2022. An incident involving s7(2)(a) occurred in a licensed premise where alcohol was a factor; this incident is still before the Court.
11. 22 July 2022. The premises failed a Controlled Purchase Operation (CPO) undertaken by the Police, Rotorua Lakes Council and Te Whatu Ora, Bay of Plenty and Lakes District. This is the second failed Controlled Purchase Operation in the premises, the first being seven years ago, by the same staff member s7(2)(a) Lynch v Morlinber Investments Limited [2015] NZARLA 259 -260
12. 29 August 2022 Following the failed Controlled Purchase Operation, and other matters before the court involving s7(2)(a) shareholder Mary Beehre became Co-Director with Kristopher Beehre. s7(2)(a) was then limited to working s7(2)(a) with responsibilities and management of the bar taken over by Mary Beehre. No notification of change in Directorship was given to the Authority as is required under s.69 of the Act.
13. 14 December 2022. Under s280 of the Act, an ON-LICENCE CANCELLATION APPLICATION was made by Police to the ARLA, for Morlinber Investments Limited, On-Licence 23/ON/1178/2020.
 - a. *Of significant note, is the request by the Police to ARLA to 'hold off' hearing the cancellation application, due to the matters relating to s7(2)(a) on 13 March 2022 being before the Court. As at the hearing date 6 November 2023, these matters remain before the Court.*
14. 15 December 2022. The applicant Mary Beehre was notified by the Authority of the ON-LICENCE CANCELLATION APPLICATION made by the Police.
15. 14 July 2023. The On-Licence for Morlinber Investments Ltd trading as Ambrosia Restaurant and Bar - Licence Number 23/ON/1178/2020, expired.

16. 19 July 2023. The applicant continued trading, until notified by the Rotorua Lakes Council that they were in breach of the legislation and that all sales of alcohol must cease immediately. Alcohol ceased to be sold or supplied and the licensee has operated under reduced trading hours, serving food only, since receiving notification on the 19 July 2023.
17. 20 July 2023. Police **withdrew** their **ON-LICENCE CANCELLATION APPLICATION** to the **Authority** as, due to the expiry of the licence, there is now no licence to cancel.
18. 21 July 2023. A new On-licence application (Class 1 Restaurant) for MIL was submitted to the Rotorua Lakes Council.

Changes to the company structure.

19. 20 July 2023. Mary Beehre became sole director of MIL following the resignation of Kristopher Beehre as a director. s7(2)(a)
s7(2)(a)
20. 16 August 2023. Kristopher Beehre was removed from the Company's Office Register as a shareholder. Mary and Ron Beehre became joint shareholders of MIL at 50% each.
21. 18 August 2023. At the end of the notification period, the applicant was advised of opposition by the Police, MOoH and the Inspector to their application for a new On-Licence for Morlinber Investments Limited trading as Ambrosia Restaurant and Bar.
22. 31 August 2023. s7(2)(a) resigned as an employee from Ambrosia Restaurant and Bar, effective immediately.

Opposition

23. The Police, opposes this application based on s 105(1) (a)(b)(j) & (k)
24. The MOoH opposes this application based on s 105(1) (a)(b)(d)(j) & (k)
25. The Inspector opposes this application based on s 105(1) (a)(b) (d)(j) & (k)
26. The tri-agencies are united in their opposition based primarily on the suitability of the applicant and the past history of Morlinber Investments Limited.

27. Issues

- Suitability of the applicant company MIL, breaches of the Act, mismanagement, and whether this is application is not just 'more of the same'.

- Clerical errors by MIL resulting in failure to renew their on-licence on or before the expiry date of the previous licence.
- Failure to amend the company register timeously following a change in structure.
- Failure to inform the Authority of a change in the company structure under s69.
- Poor record keeping relating to staff training modules, dates, times and topics covered.
- What, if any meaningful changes have been made since the failed CPO on 22 July 2022?
- Failure (until August 2023) to make any significant and meaningful changes to the management of MIL or to acknowledge the ongoing alcohol related issues faced by s7(2)(a)

Applicant's Evidence

28. The applicant and legal counsel stated the Committee needed to focus on the past 12 months, not the preceding 10 years. While the applicant admitted it took until the failed CPO in July 2022, for any changes to be made, the applicant stated that they have moved quickly to take over s7(2)(a) and to limit the role of s7(2)(a)
29. s7(2)(a) resigned as s7(2)(a) and is no longer working in the premises in any capacity at all. A new s7(2) has been employed and while s7(2)(a) may have been on the premises occasionally, to do some initial training and induction with the new s7(2) this was deemed to be a temporary short-term measure.
30. When the Committee questioned the applicant, regarding the three designations that may be placed on a licensed premise, the applicant 'froze' and was unable to answer. As a holder of a current Manager's Certificate as well as the licensee, this was an unfortunate lapse which legal counsel stated was due to the applicant being nervous.
31. The premises have been undesignated for the duration of their previous licensed period over the past 10 years (8.00 am to 3.am). The applicant displayed a lack of certainty around the question of which designations may or may not be appropriate for their type of premises.
32. The applicant seemed unaware, or simply had forgotten, that her husband, Ron Beehre had also appeared before the Authority in 2015, and she stated she was not fully aware of all of the alcohol related issues facing s7(2)(a)
33. The Committee found this a little surprising considering both Ron and Mary Beehre had been referred to as providing s7(2)(a)

s7(2)(a)

34. The Committee do accept that Mary Beehre, may not be aware of all of the details regarding the issues s7(2)(a)

s7(2)(a)

35. The compounding factor for the Committee is that none of the actions of s7(2)(a) have been 'independent' of the management of MIL; in fact, the very opposite.

Hours

36. The initial hours applied for were 8.00am to 3.00am and with the whole of the premises being 'undesignated'. Following a general discussion and comments by the Inspector, the applicant agreed that a more appropriate designation for the premises is that the whole of the premises to be 'Supervised' after 9.00pm.

37. The applicant stated that they were prepared to reduce their hours from 8.00am to 1.00 am with a 'one-way door' policy in action from 11.30 pm and the 'Supervised' designation starting at 9.00pm.

Staffing Levels

38. There are seven (7) Managers associated with the premises. Kelly Flaherty, who has been working in the premises since August 2021, is now the 'Front of House / General Manager' responsible for staff training and overall day to day management of the premises.

Training

39. Since the failed CPO in July 2022, and Mary's subsequent appointment as Director (following the failed CPO), training has improved considerably, however the training records provided covering the past year of operation are somewhat disjointed. The staff have been using TYPSEY and SERVWISE, and new staff are mentored and have one-on-one training with Kelly Flaherty, the FOH / General Manager.

Food

40. A comprehensive menu was supplied. No issues have been raised by any agencies relating to the provision of food.

Security

41. Since 2020 Certified (COA) Security staff have been engaged.

Reporting Agencies

Police Evidence

42. Sergeant Sam Parata provided evidence detailing the enforcement actions taken by the Police relating to various s7(2)(a) s7(2)(a)
43. This evidence includes the three appearances before the Authority and the two before the Rotorua District Licensing Committee. The Police stated that there was a failure by s7(2)(a) (Mary & Ron Beehre) to make any meaningful changes to the management or company structure when s7(2)(a)
44. The Police stated that this failure to act until the licence application had been opposed sits at the heart of the criteria under s105 (1)(a) of the Act - the suitability of the applicant.

Medical Officer of Health Evidence

45. Ms. Dawn Meertens is representing the Medical Officer of Health. The MOoH are in support of the Police in the matters relating to the suitability of the applicant.
46. The MOoH have opposed this application highlighting the previous operation and management of the business, and the lack of accountability by the applicant as a shareholder, with 12 months as co-director, for the day to day running of the premises.

Inspector's Report

47. The Inspector is in support of the Police and the MOoH in their opposition and for the same issues relating to the suitability of the applicant. The undesignated status applied for the premises is a cause for concern, particularly as it relates to the two separate permanent bar areas.
48. The Inspector stated *..." the regulations only permit the 'bar' area to operate in the manner of a tavern not the entire premises". Any conditions placed on a Class 1 premises need to more clearly reflect the definition of a Class 1 restaurant.*
49. The emphasis on the sale of alcohol need to reflect when the premises are being used as a restaurant only. Casual drinking is permitted in the two separate bar areas, but is not permitted in the restaurant area, which is licensed for the main purposes of dining.

Relevant Legislation

The committee is assessing this application with regard to the matters in section 105, of the Act.

Relevant legislation

Section. 4 states the object of the Act

(1) The object of this Act is that—

- (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
- (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.*

(2) For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—

- (a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*
- (b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a)*

Section 105 of the Act describes the criteria the licensing committee must consider in their decision making.

s. 105 Criteria for issue of licences

(1) In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

- (a) the object of this Act;*
- (b) the suitability of the applicant;*
- (c) any relevant local alcohol policy;*
- (d) the days on which and the hours during which the applicant proposes to sell alcohol;*
- (e) the design and layout of any proposed premises;*
- (1) whether the applicant is engaged in, or proposes to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods;*
- (g) whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services;*
- (h) whether the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence;*
- (i) whether the amenity and good order of the locality is already so badly affected by the effects of the issue of existing licences that:*
 - (i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but*
 - (ii) it is nevertheless desirable not to issue any further licences;*
- (j) whether the applicant has appropriate systems, staff, and training to comply with the law; and*
- (k) any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health made under section 103.*

When considering section 105(1)(h), section 106 is also relevant. It requires the Committee to have regard to:

- (a) current and possible future noise levels;*

Sale and Supply of Alcohol (Fees) Regulations 2013

Part 1 Fees

(6) **class 1 restaurant** means a restaurant that has or applies for an on-licence and –

(a) Has in the opinion of the territorial authority, a significant separate bar area;
And

(b) In the opinion of the territorial authority, operates that bar area, at least one night a week, in the manner of a tavern

Reasons for the decision

Section 105(1)(a) - The Object of the Act

50. Section 105(1)(a) of the Act requires that the Committee must have regard to the Object of the Act and in particular that the sale, supply and consumption of alcohol should be undertaken safely and responsibly and that the harm, both directly and indirectly, caused by the excessive or inappropriate consumption of alcohol should be minimised.
51. The Committee is unfortunately unable to make any assumption as to the position the Authority may have taken, if the ON-LICENCE CANCELLATION APPLICATION had been heard, prior to the lapse of the base licence.
52. This has resulted in the Committee being tasked with separating the past issues of suitability under s105(1)(b) for the period 2012-2022 and a new application representing the more recent management of the premises (12months).
53. The Committee must weigh up the evidence presented and seek to distinguish what, if any, discernable difference there is between the two periods in question.
54. On the one hand we are faced with a body of evidence that shows repeated cause for concern around the suitability of the applicant company, primarily relating to the management and s7(2)(a) s7(2)(a)
55. On the other hand, we need to consider the improvements brought about by current director Mary Beehre and whether the applicant has the ability to meet the Object of the Act.
56. The tri-agencies are steadfast in their evidence and opinion, that there is very little difference between MIL then and MIL now, and that issues of suitability of the applicant company remain unresolved.
57. The Committee have noted the complete removal of s7(2)(a) s7(2)(a) The Committee recognize that the 'clerical oversights' do reflect

negatively on the systems and management by the applicant, but we are unconvinced that this is beyond redemption.

58. We acknowledge the public letters of support - 28 in total. The Committee is aware of the popularity and support that the premises enjoys, from local residents and visitors. However, the Committee is unable to give much weight to these letters of support. There are significant long-term issues addressed by the agencies, in their reports and other matters relating to s7(2)(a) s7(2)(a) that many in the community will not be aware of.

Section 105(1)(b) Suitability of the Applicant

59. The Committee find, by the thinnest of margins, that the applicant, Mary Beehre the Director of MIL to be suitable under the Act. Since s7(2)(a) s7(2)(a) having resigned from the business, there have been no incidents or concerns that have been identified or brought to the attention of the Agencies.

60. The Committee accept that there is extensive case law to support the Police in their opposition based on the suitability of the applicant company. We acknowledge that there was a lost opportunity to put MIL before the Authority, due to circumstances beyond the control of the Police.

61. The Committee acknowledge that, while there may be the appearance that the applicant failed to act in removing or reducing the influence s7(2)(a) s7(2)(a) had on the business until recently, this does not appear to be a deliberate ploy. The Committee recognise that minority shareholders are not always able to unilaterally remove directors s7(2)(a) s7(2)(a)

62. This lack of action in reducing alcohol related harm by the applicant appears to have most significantly affected the applicants s7(2)(a) The Committee expect to see a far greater awareness and swift action taken to reduce any incidents of alcohol related harm, if any, going forward.

63. The Committee accept that a fraught company dynamic existed, compounded by the s7(2)(a) s7(2)(a) This has now been somewhat resolved.

64. The fact remains that Mary Beehre, is now the sole director and joint shareholder with her husband Ron Beehre. And the applicant stated that s7(2)(a) has no active or passive involvement in Morlinber Investments Limited. The Committee have agreed to accept this statement in good faith.

Section 105(1)(c) Relevant Local Alcohol Policy

65. In respect to section 105(1)(c), all aspects of the application currently meet the requirements within the Rotorua District Council Local Alcohol Policy 2018.

Section 105(1)(d) The days and hours of operation of the licence

66. The applicant has amended the requested hours to being Monday to Sunday, 8.00am to 1.00am, with a One-Way Door policy in place from 11.30 pm.

67. As the premises are a Class One restaurant with two distinct 'bar' areas operating in the manner of a tavern at various times during opening hours, the designation needs to reflect this use.

68. The Committee believe a change is designation to '**Supervised**' from **9.00pm** to be far more appropriate and in line with other Class One restaurant premises.

69. In regard to the current, and possible future, levels of nuisance and vandalism, we note that "Eatstreet" is itself a part of the main city dining precinct, where a vibrant collection of restaurants and bars are situated.

70. Since 2020 the premises have not been the cause of any issues relating to the amenity and good order of the area and, as in the past, there is every reason for the Committee to expect that this will continue.

Section 105(1)(j) Whether the applicant has appropriate systems, staff, and training to comply with the law.

71. The applicant advised that there would be five certificated managers, including themselves, attached to the business.

72. The applicant has been working with the online training modules TYPSEY and SERVEWISE and is in the process of ensuring a more formalised company-wide training programme with all staff involved in these training programmes.

73. The 'Front of House' General Manager is now responsible for regular alcohol harm reduction training for all staff. The applicant must ensure accurate records are kept detailing the topics covered, the staff involved and all external training undertaken.

Section 105(1)(k) Any matters dealt with in any report of the Police, an Inspector and the Medical Officer of Health under Section 129

74. The Police remain firm in their opposition, relating to ongoing issues of suitability, breaches of the Act and mismanagement. Unfortunately due to the lapse of the base licence the application to the Authority for cancellation of the licence was not able to be heard. Those concerns have been discussed in greater detail elsewhere in this decision.

75. The Inspector believes the application fails to meet the criteria for an On-Licence based on the suitability of the applicant. The Inspector expressed grave doubts that the applicant would recognise alcohol related harm and if so, whether they would take appropriate action.
76. The representative of the Medical Officer of Health opposed the application based on the hours applied for, including the whole of the premises being undesignated. The main issue raised by the MOoH is that s7(2)(a) [redacted] s7(2)(a) [redacted] to run the premises while taking no action to address s7(2)(a) [redacted] s7(2)(a) [redacted]
77. The MOoH stated that if the Committee were of a mind to grant the application, then a reduction of the hours with a 1.00 am closing and one-way door with a 'Supervised' designation in place from 9.00pm would go some way to address their concerns.

The Decision

78. We have evaluated this application against the recommendation based on the test for suitability in Sheard [1996]. 1 NZLR 751. Where Holland J said at 758: *"the real test is whether the character of the applicant has been shown to be such that he is not likely to carry out the responsibilities that go with the holding of a licence"*
79. The Committee reminds the applicant that they must be able to balance the burdens and benefits of holding a liquor licence.

In *J M Clark* LLA Decision 1169/99, the Authority said:

"A liquor licence is a privilege. It may be colloquially be regarded as a package deal" Both the burdens and the benefits run with the licence. Mr Clark as a licensee must either accept those burdens and control the sale and supply of liquor in a satisfactory manner, or he will not continue to enjoy the privilege. Either the licensee can manage the premises and on licence satisfactorily, or he cannot"

80. The Committee seek to emphasize to the applicant, Mary Beehre, that close attention will need be paid to every aspect of managing this premises; including, in particular, any issues raised by the agencies in their opposition to the granting of this On-Licence. The applicant is reminded that their very reputation and character and how they deal with alcohol abuse issues will be under greater scrutiny.
81. The applicant is reminded to follow the '**voluntary code**' for responsible promotion of alcohol with particular attention required relating to **any** promotions of alcohol, on the website or physically on the premises.

82. The success or lack thereof, in managing to meet the object of the Act, falls squarely on the shoulders of the applicant. Close attention and greater scrutiny will be given to the adherence of all aspects of the business by the reporting agencies.

In DeeJay Enterprises Limited LLA 531-532/97 the Authority said:

The guiding hand or hands-on operator of any company or the potential holder of a general manager's certificate now receive greater scrutiny from both the Police and the other reporting agencies. The character and reputation are closely examined. The law and human desire of the patrons frequently tug in different directions. The Police cannot be everywhere. Little but a licensee's or manager's character and suitability may stand between upholding the law and turning a blind eye. Self-imposed standards in accordance with the law must be set by licensees and holders of general manager's certificates who control and manage licensed premises.

83. This decision has been a very finely balanced one; requiring the Committee to weigh up indiscretions of past management with current satisfactory performance, whilst having consideration to whether the applicant can meet the Object of the Act going forward. Here, the Committee accepts and takes at face value, the assurances of Mary Beehre, the Director of Morlinber Investments Limited, that the significant issues of the past have emphatically been addressed and will not be repeated.

84. Accordingly, the Committee believes that following s7(2)(a) [REDACTED] s7(2)(a) [REDACTED] from the business and on evidence of the past 12 month's performance, the applicant is suitable to hold a licence and does have the ability to meet the Object of the Act.

85. The Committee is of the opinion that over the next 12 months, the applicant will have every opportunity to clearly demonstrate, whether the trust the Committee has put in the applicant, is well placed or not.

86. Therefore, the application for an On-Licence sought by **Morlinber Investments Limited trading as "Ambrosia Restaurant and Bar"** for premises situated at 1096 Tutanekai Street, Rotorua is **granted** on the following conditions.

Conditions

(a) No alcohol is to be sold, or supplied on Good Friday, Easter Sunday, Christmas Day or before 1.00 pm on Anzac Day to any person who is not –

- (i) Present on the premises to dine

(b) Alcohol may be sold on the following days and during the following hours as long the premises are being operated as a RESTAURANT.

(i) Monday to Sunday from 8.00am to 1.00am.

(ii) Except that on the Thursday before Good Friday; and on Easter Saturday; and on Christmas Eve; and on the day before ANZAC Day, alcohol may only be sold between 8.00am and 12.00 midnight.

- The whole of the premises is **undesignated from 08.00 am to 9.00pm**
- The whole of the premises is **Supervised from 9pm – 1.00am**
- No sales of Tiger Towers
- Happy Hour is to be limited to two (2) hours duration only.

(c) Food must be available for consumption on the premises when the premises at all times when the premises open for the sale of liquor in accordance with the menu submitted with the application for a Licence, or variations of that menu of a similar range and standard.

(d) The licensee must ensure that the provisions of the Act relating to the sale of Alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of liquor to minors and the complete prohibition on sales to intoxicated persons.

Conclusion

The basis for this conclusion is:

The Committee have considered the matters provided for within sections, 105 (1)(a)(b)(d) &(k), of the Act in this case.

DATED at Rotorua this 10th day of November 2023



Karen Hunt

Commissioner

For the Rotorua District Licensing Committee

On behalf of

Trevor Owen

Jane Eynon- Richards

Note

The Committee refers any party who wishes to appeal this decision or part of this decision to sections 154 through to 158 of the Act.

A decision to which this section applies has no effect during the period allowed for filing an appeal against the decision and, if an appeal is filed against the decision, also has no effect while the appeal is pending.