

PRESIDENTS BIT FOR SEPTEMBER, 2024

DISAPPOINTED....LET DOWN...DISHEARTENED..LOSING FAITH

These are some of the feelings that I, and members of the board, had of the decision of a single judge of the Supreme Court after we were taken there by one of our members Eric Stanford.

Briefly, Stanford took out a matter under section 88K which was heard in the Equity Section of the Supreme Court. Briefly, these are the facts.

Some years ago a previous board allowed Stanford access to the rear of his property, subsequent boards and continued this on the understanding that the access would NOT be permanent. (Over next to the boat storage yard.). A license was given to him to drive across our land each year. Stanford wanted a permanent access which is recorded on our land titles. Of course this would greatly improve his land values. (It is a double block). A club member and Solicitor who deals in these type of matter, Damien Briggs, was briefed by the board. Two meetings were called where Mr Briggs addressed the members and informed them about this and these type of matters. Overwhelming support was given that the PAC should not grant Stanford the right of way over our land, permanently, by the members present.

The matter was set down for three days in the Supreme Court. The hearing lasted a day and a half. In effect Stanford won the right to access across our land. Stanford did mention that we were not losing our land, true. We will be paying rates etc. on the access and in effect will not be able to store equipment etc. on it. I.e. we cannot do anything with it, except pay the rates.

Under section 88K whoever brings the action has to pay both sides legal costs. (We didn't ask for it, just the right to do what we could to keep our land.). Stanford applied to the Supreme Court for dispensation from this section. The court agreed. Now we have the situation where we have lost the full use of our land and to this time have paid about \$250,000. Negotiation are under way for the \$89,000 compensation to be paid to the club. (For the loss of our land use, forever) Prior to the courts decision Stanford did offer to pay \$10,000 for our legals. We. (The board) refused. He is still a member. A lost appeal would cost the club about another \$80,000. §

With my limited computer skills I have tried to copy/paste the courts decision on judgement and compensation without success. Those that would like to read the judgement and compensation send me an email and I will attempt to send it to you.

As you all are aware TPG stopped dealing in emails. Our old email address was transferred to The Messaging Company. When The Messaging Company sent their annual bill we could not pay it as they required us to log into our account.

Unfortunately, with the passing of Ron Baxter the password went. The Messaging Company required stat.decs and death certificates before they would help us. The board, thanks Frans, have a new email address which is free. PLEASE NOTE.

[Info@paclub.com.au](mailto:Info@paclub.com.au) is now the PAC email address for all communication with the PAC. Please alter your records. Bank details are the same.

Due to an incident on the slips, we now have an Incident Report Form,( thanks Chris Alldritt) so that a record of incidents can be kept. ALSO. Users of the slip will also now be required to sign an agreement prior to slipping. This agreement basically sets out the rules of the the PAC and acknowledges that the slip user is aware of the conditions for the use of the slip. A copy will be kept with the club. This is all to do with insurance, and notifies the members of the conditions for the use of our slips. No signature, no slipping for you.

OCTOBER DATES TO REMEMBER. 12<sup>th</sup> October is the 100 anniversary dinner. 6pm

October 26<sup>th</sup> is the PAC working Bee. The club is closed for the day. Please bring your gardening tools etc. The usual cleaning up of club and surrounds will be taken care of..

Plans are on display upstairs for the stage 1 and 2 of proposed alterations to the club. Stage 1 is a necessity, as mentioned, the Lands Department, to whom we pay annual rental for use of the water at the club, is aware of the parts of the marina which does not comply with our lease. It must be rectified. Thanks to Kevin, Lindsay and Richard for work on this matter.

The PAC financial books are with the auditors. When they return will be in a position to call the AGM.

Apart from the above all going well. Thanks to all of the board members who put in countless hours researching for the Stanford matter.

ALAN BARNES

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