

ENFORCEABLE UNDERTAKING

Liquor Act 2019
Section 159(3)

The commitments in this undertaking are offered to the Director of Liquor Licensing by:

ASHLEY THOMAS HEATH
As Agent for and on behalf of
SUPER HIGHWAY EXPRESS PTY LTD (ACN 075 710 468)
as trustee for
MORRIS PROPERTY TRUST
ABN: 85 506 455 202
Shop 6, 2 Crosby Street, Zuccoli NT 0832

BACKGROUND:

1. The Liquor Commission (the Commission) is charged with various functions under the *Liquor Act 2019* (the Act), including the function of granting a transfer of a liquor licence to appropriate applicants.
2. The Commission has delegated the granting of a transfer of a liquor licence to appropriate applicants to the Director of Liquor Licensing (the Director), who is also charged with conducting an investigation into an application as the Director considers appropriate.
3. Super Highway Express Pty Ltd (ACN 075 710 468) as Owner of Shop 6, 2 Crosby Street, Zuccoli (**premises**) has made an agreement with DCL Hospitality Pty Ltd (ACN 662 009 341) to purchase from them liquor licence 80303981/FLL for the premises.
4. By application dated 24 February 2025, Super Highway Express Pty Ltd applied to the Director for the transfer of liquor licence 80303981/FLL from the current licensee DCL Hospitality Pty Ltd for the premises known as the Tavern at Zuccoli.
5. With reference to section 55(1)(e) of the Act, the directors must be disclosed and may be subject to probity examination for fitness to be an associate of the licensee company,
 - Mr Rodney Roland Morris (**Mr Morris**); and
 - Mr Robyn Thelma Morris (**Mrs Morris**).
6. Mr and Mrs Morris are equal shareholders of Centhead Pty Ltd, the sole shareholder of Super Highway Express Pty Ltd, with Mr and Mrs Morris the sole directors for both entities.



THE DIRECTOR'S CONCERNS

7. In assessing the application for the grant of the transfer of the liquor licence, the Act requires the decision maker to be satisfied the applicant and their associates are fit and proper persons, necessitating an examination of the executive officers of the corporation.
8. As directors of Super Highway Express Pty Ltd and Centhead Pty Ltd, Mr Morris and Mrs Morris are associates of the applicant and equally subject to an examination of the executive officers of that corporation. References in this Enforceable Undertaking to the **parties** means Mr Morris, Mrs Morris and Super Highway Express Pty Ltd collectively and references to a **party** means any of them.
9. Mr Morris is known to the Director through an existing liquor licence whereas Mrs Morris has not previously undergone probity examination. Current circumstances for Mrs Morris do not reasonably allow for an examination of her suitability and the Director is aware of the circumstances and takes no issue with it. Noting she is unlikely to take an active role in the conduct of the business.
10. The likelihood of Mrs Morris being actively engaged in the conduct of the business of the licence notwithstanding, the Act requires the decision maker to be satisfied as associates of the applicant, they are fit and proper persons.
11. As no probity materials have been provided for Mrs Morris no such determination may be made.
12. Accordingly, the grant of the transfer of the liquor licence to Super Highway Express Pty Ltd, if approved by the Director is to be subject to a pre-condition, offered in advance by the applicant, that the applicant enter into an enforceable undertaking, pursuant to section 159(3) of the Act to the effect that the following person is restricted as to their involvement with the day to day operation and management of the business conducted under the liquor licence:
 - Mrs Morris.

ACKNOWLEDGEMENT OF CONCERNS

13. Super Highway Express Pty Ltd acknowledges the Director's concerns and believes that they are reasonably held.

UNDERTAKING:



14. Under section 159(3) of the Act, Super Highway Express Pty Ltd has offered, and the Director has agreed to accept, as an alternative to the examination of Mrs Morris, the undertaking set out in this Enforceable Undertaking.

15. Super Highway Express Pty Ltd undertakes the following persons:

- Mrs Morris.

in their role as associate of Super Highway Express Pty Ltd will have no involvement whatsoever with the day to day management or operations of the Tavern at Zuccoli.

16. Super Highway Express Pty Ltd also undertakes Mrs Morris will not be authorised to give any instruction or direction to the Nominee (Manager) of the liquor licence if transferred to Super Highway Express Pty Ltd or any other staff member or agent employed at the Tavern at Zuccoli.

NON-COMPLIANCE

17. Should the Director believe that any party has failed to materially comply with the Enforceable Undertaking she will write to the parties setting out the concerns regarding non-compliance.

18. The parties will have 14 days from the date of the Director's letter referred to in clause 17 to provide evidence satisfactory to the Director that they have remedied such non-compliance.

19. The provisions relating to remediation notwithstanding, the Commission and the Director reserve the right to take disciplinary action against the licensee in accordance with the Act for any non-compliance with this undertaking.

ACKNOWLEDGEMENTS

20. The parties acknowledge that the Director, in accordance with section 159(6) of the Act, will record this Enforceable Undertaking in the Register of Enforceable Undertakings.

21. The parties also acknowledge, in accordance with section 159(7) of the Act that they may vary or withdraw this Enforceable Undertaking only with the consent of the Director.

COMMENCEMENT DATE:



22. This Enforceable Undertaking will commence operative force from the date it is accepted by the Director.

PROVISION OF DOCUMENTS:

23. The address for providing the Director with any document or notice is:

The Director of Liquor of Licensing
GPO Box 1154
DARWIN NT 0801

24. The addresses for providing Super Highway Express Pty Ltd with any document or notice is:

Super Highway Express Pty Ltd
Shop 6, 2 Crosby Street
ZUCCOLI NT 0832

SIGNED BY:



Ashley Heath, as Agent for the Directors of
Super Highway Express Pty Ltd (ACN 075 710 468)

Dated this 24th day of February 2025.

Accepted by the Director of Liquor Licensing under section 159(5) of the
Liquor Act 2019.



Melissa Garde
Director of Liquor Licensing

Dated this 25th day of February 2025.

L. Beath