

## Director of Liquor Licensing

### Decision Notice

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<b>MATTER:</b>	Abandonment of liquor licence
<b>LICENSEE:</b>	Champion Impex Pty Ltd
<b>PREMISES:</b>	Barrel and Cruse Bistro
<b>LEGISLATION:</b>	Section 67 of the <i>Liquor Act 2019</i>
<b>DECISION OF:</b>	Director of Liquor Licensing
<b>DATE OF DECISION:</b>	23 March 2025

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### DECISION

1. For the reasons set out below as the Director of Liquor Licensing (Director), having been satisfied the licensee Champion Impex Pty Ltd has ceased to operate the licensed premises known as Barrel and Cruse Bistro, 50 Giles Street, Katherine for a period more than 6 months without the prior approval of the Director, consider this licence to have been abandoned by the licensee pursuant to section 67(1) of the *Liquor Act 2019* (Act).
2. Pursuant to section 67(2)(b) of the Act having been satisfied the licensee has abandoned the licence, find it is appropriate in the circumstances to cancel the abandoned licence forthwith.

### REASONS

#### Background

3. On 17 November 2021, an application was approved for the transfer of liquor licence FLL1001 from MA Juinio & ZZ Junio to Champion Impex Pty Ltd for the premises known as Barrel and Cruse Bistro, 50 Giles Street, Katherine.
4. The annual risk-based licensing fee invoice was sent to the licensee in November 2024 and fell due on 2 February 2025. This has not been paid.

### CONSIDERATIONS

5. Anecdotal advice suggests the premises ceased trade during 2024 noting there has been no materials received from the licensee to advise of the closure, or their intentions.
6. The licensee is an entity related to three other licences in Darwin:
  - Six Tanks Brewing Co
  - Hotel Loco
  - Best Foods Darwin

7. The entity that holds the licence for Six Tanks Brewing Co is under administration with Mr Franklin Jacob being a common director and shareholder of each licensee. Mr Jacob is the nominee for the Barrel and Cruse Bistro licence.
8. All of these licences failed to pay their annual fees on the due date with significant efforts having to be expended by the Director of Liquor Licensing (Director) to have the fees paid. The fees for all but Barrel and Cruse Bistro have recently been paid.
9. On 25 February 2025, an email was sent to Mr Jacob in relation to the non-payment of the fee for Barrel and Cruse Bistro.
10. No response has been received from Mr Jacob to this correspondence. A similar email was sent on 28 February 2025 to Mr Jacob in relation to the other abovementioned licences and the unpaid annual fee.
11. Likewise, no response was received to that correspondence from Mr Jacob with his business partners intervening and making payment. It is noted Champion Impex Pty Ltd although related to the other entities through Mr Jacob, is somewhat separated from them with Mr Jacob effectively operating Barrel and Cruse Bistro as his own business. Discussions held with Mr Maurice D'Arrigo (a fellow director) on 28 February 2025 in relation to the non-payment of the fees for all the entities confirmed the other partners have no effective interest in the Barrel and Cruse Bistro licence.
12. Section 105 of the Act requires the licensee to advise the Director of any change in their contact details. Failure to do so is a breach of the Act. No advice has been provided by the licensee of a change in the contact details for the licence, or Mr Jacob.
13. Although an exact date on which the licensee ceased trade is not known, on the balance of probabilities it may be accepted the licensee has not operated the premises for more than 6 months.
14. The new operators have re-branded the motel and will be undertaking renovations, as the restaurant is in a state of disrepair, and they do not wish to sell liquor once it reopens. They will not be seeking a transfer of the licence.
15. In any event, there is no impediment to the new operators seeking a licence at some point in the future if they wished to do so if this licence is considered abandoned.
16. Mr Jacob has not provided any materials to the Director in relation to the cessation of trade at the premises, nor his intentions in relation to the licence. The annual fee remains unpaid, and it may also be accepted, on the wider knowledge held in relation to his financial difficulties with this and other licences, it is unlikely to be paid.
17. It necessarily follows the requirement of subsection 67(1) of the Act has been satisfied and the Director is entitled to consider the licence abandoned.

## INVESTIGATION

18. On 20 March 2025 an inspector attended the premises and spoke with the persons who now operate the motel within which the licensed premises is located.
19. From that meeting it was orally confirmed the licensee has not operated the licensed premises "...for at least the past twelve months".
20. The state of the premises supported the statement of the new operators as the premises was noted by the inspector to be in a state of disrepair and not being maintained.

21. Additionally, the new operators advised they are in the process of renovating the entire premises and intend to reopen the restaurant at some point in the future however, they had no intention or desire to sell liquor.
22. Correspondence was sent to Mr Jacob by Licensing NT in relation to the non-payment of the annual fee and the operation of the business.
23. No response has been received from the licensee, nor has any material been provided in relation to their intentions for the licence.
24. Section 67 of the Act provides a licence is taken to have been abandoned if the licensee ceases to operate the licensed premises for more than 6 months without the prior approval of the Director.
25. No materials have been provided to the Director by the licensee, nor has any approval been provided to the licensee by the Director as referred to in section 67 of the Act.
26. The licensee has failed to pay their annual risk-based licence fee and not responded to correspondence sent to the director of the licensed entity in relation to this matter.
27. It necessarily follows on the balance of probabilities and in the absence of the approval of the Director, the licensee may be taken to have abandoned the licence.
28. Section 67(2)(b) of the Act provides a discretion to the Director to cancel the licence if they consider it appropriate.
29. There are no materials to suggest it would be inappropriate to cancel this abandoned licence.

## REVIEW OF DECISION

30. This notice must include the decision and the reasons for it. It should also inform the affected persons of their right to request a review of the decision, along with the process for doing so.
31. Section 29 of the *Liquor Commission Act 2018* allows a licensee affected by a decision regarding their licence and a person who made a submission in relation to a decision to apply for a review of that decision of the Director.
32. An application for a review of a decision by the Director must be made to the Liquor Commission in writing within 28 days of receiving the written notice. The application must be submitted in the approved form, clearly stating the grounds for the review and the facts supporting those grounds.
33. The licensee in relation to this decision is Champion Impex Pty Ltd and Mr Mark Wood, Southern Region Manager, Licensing NT.



**Mel Garde**

Director of Liquor Licensing

23 March 2025