

## Director of Liquor Licensing

### Decision Notice

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<b>MATTER:</b>	Abandonment of liquor licence
<b>LICENSEE:</b>	Diecii Pty Ltd
<b>PREMISES:</b>	Zambrero Darwin CBD
<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>	03 April 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 Diecii Pty Ltd has ceased to operate the licensed premises known as Zambrero Darwin CBD, T34/35 55/59 Mitchell Street, Darwin for a period greater 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 18 May 2015 the liquor licence was transferred to the licensee Diecii Pty Ltd and rebranded from Garam Marsala to Zambrero Darwin CBD.
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 and Ms Annette Watts, the Director of Diecii Pty Ltd has orally confirmed to this office on 29 February 2025, she would not "...pay for a licence I am not using".

### CONSIDERATIONS

5. Ms Watts confirmed the premises ceased trade on 25 January 2024.
6. Ms Watts advised the franchisor Zambrero were to take over the licence and find another tenant, with her providing contact details for Mr Matthew Watts, the Chief Executive Officer of the that company.
7. Several attempts were made to contact Zambrero, both by telephone and email without response.
8. On 6 March 2025 a telephone call was held between Mr Dean Whaite and an officer of Licensing NT in relation to this matter.
9. Mr Whaite confirmed it was their intention to transfer the liquor licence so that they may secure a future tenant. Despite a further inquiry being made with Mr Whaite on 19 March 2025 as to the progress of the transfer application, no response has been received.

## INVESTIGATION

10. It has been confirmed by Ms Watts the licensee ceased trade on 25 January 2024 and has no intention of recommencing trade.
11. Correspondence was sent to Zambrero who despite their purported intentions, have taken no action to transfer the licence.
12. 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.
13. The materials that have been provided to the Director by the licensee supports the position the licence has been abandoned as referred to in section 67 of the Act.
14. The licensee has failed to pay their annual risk-based licence fee and stated words to the effect they had no intention to pay it going forward.
15. It necessarily follows on the balance of probabilities and in the absence of the approval of the Director, the licensee has abandoned the licence.
16. Section 6(2)(b) of the Act provides a discretion to the Director to cancel the licence if they consider it appropriate.
17. Zambrero as the franchisor has been provided sufficient opportunity to transfer the licence if they wished, and being an experienced operator, I see no impediment to them undertaking such a task. Despite this opportunity, they have failed to act.
18. If another party wishes to re-commence trade at the premises, as the licence was operated under a restaurant authority a subsequent application for that licence may be made and determined under delegation.
19. This failure to act cannot impede the powers of the Director under the Act.
20. Accordingly, there are no materials to suggest it would be inappropriate to cancel this abandoned licence.

## REVIEW OF DECISION

21. This notice, issued by the Director, must include the decision and the reasons for it. It should also inform the affected person of their right to request a review of the decision, along with the process for doing so.
22. 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 apply for a review of that decision of the Director.
23. An application for a review of a decision by the Director must be made to the 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.
24. The affected persons in relation to this decision are Diecii Pty Ltd and Mr Mark Wood, Southern Region Manager, Licensing NT.



**Mel Garde**

Director of Liquor Licensing

03 April 2025