

# Northern Territory Licensing Commission

## Reasons for Decision

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<b>Premises:</b>	Mabuhay Restaurant
<b>Licensee:</b>	Mabuhay Pty Ltd
<b>Licence Number:</b>	80517575
<b>Complaints:</b>	Cancellation of Liquor Licence Pursuant to Section 72(5)(a) of the <i>Liquor Act</i>
<b>Heard Before:</b>	Mr Richard O'Sullivan (Chairman)
<b>Dates of Hearing:</b>	8 July 2009
<b>Appearances:</b>	Inspector Peter Boyle for Director of Licensing

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### Background

- 1) Inspector Peter Boyle, on behalf of the Director of Licensing made application on 1 June 2009 for the cancellation of the licence of Mabuhay Pty Ltd trading as the Mabuhay Restaurant from a premises at Shop T34 and T35 Mitchell Centre, Darwin.

### Hearing

- 2) At hearing Inspector Boyle advised the Commission that Ms Betty Vogt, a Director of Mabuhay Pty Ltd and Nominee of Mabuhay Restaurant had vacated the restaurant premises at Shop T34 – T35 Mitchell Centre, Mitchell Street in August 2008. A Notice to Quit was also served on her at about this time by the landlord (Randazzo Investments Pty Ltd) which subsequently enabled the landlord to be issued with a Warrant of Possession.
- 3) On 15 December 2008 the Licensing Commission suspended the licence pursuant to Section 66(1)(c) of the *Liquor Act*.
- 4) Inspector Boyle advised that Ms Vogt had been advised in correspondence that cancellation proceedings were underway. Inspector Boyle stated that Ms Vogt had been investigating the possibility of relocating her restaurant business, under licence substitution, to another suitable location. She has been unable to proceed with the proposal and has advised that she will not oppose cancellation proceedings.
- 5) The landlord similarly has no objection to the cancellation. Further Mr Boyle advised the Hearing that the premises had now been re-tenanted.

### Decision

- 6) The Commission finds that the conditions laid out in Section 72(5)(a) of the *Liquor Act* have been met, that is that a licence may be cancelled where the Commission is satisfied that the premises has “not been used for the sale or supply of liquor for a period of ninety (90) days”.
- 7) The Licence of Mabuhay Pth Ltd trading as Mabuhay Restaurant is therefore cancelled forthwith.

Richard O'Sullivan  
Chairman

7 July 2009