

Director of Liquor Licensing

Decision Notice

MATTER:	Application for the grant of a restaurant authority to an existing licence
LICENSEE:	Fusion On The Wharf Pty Ltd
PREMISES:	Fusion On The Wharf 39 Stokes Hill Wharf DARWIN CITY NT 0800
LICENCE NUMBER	81118453
LEGISLATION:	Part 3 Division 5 of the <i>Liquor Act 2019</i>
DECISION OF:	Director of Liquor Licensing
DATE OF DECISION:	19 February 2026

DECISION

1. For the reasons set out below, and pursuant to section 60(1)(a) of the *Liquor Act 2019* (Act), and in accordance with the delegations issued by the Northern Territory Liquor Commission on 4 July 2025, I, as Director of Liquor Licensing (Director), approve the application by Fusion On The Wharf Pty Ltd for the addition of a restaurant authority to its existing licence (No. 81118453), subject to the following conditions:
 - a. The hours of trade, with reference to regulation 79 of the Liquor Regulations 2019 (Regulations), are varied to the following:

Seven days a week from 10:00 to 23:59 hours
 - b. The approved licensed area, being the Stokes Hill Wharf Precinct, is delineated in Annexure 1 of this notice.
2. All other conditions on the licence which pre-date this decision and were imposed with reference to section 324 of the Act and regulation 20 of the Regulations, remain in place and in effect.

REASONS

BACKGROUND

3. On 24 August 2012, the former Licensing Commission granted a licence under the *Liquor Act 1978* for 2 Fresh Pty Ltd, trading as 21 on the Wharf.
4. Although the Act did not prescribe specific authorities, the licence was issued on the basis that it authorised "...the sale of liquor for removal and consumption away from the licensed premises".

5. Relevant to this matter, the original decision imposed the following conditions, which remain in force:

Premises Concept	The concept of the premises will be that of a café, with alcohol available for takeaway by customers of “Fusion On The Wharf” and other wharf patrons to consume at the wharf during liquor trading hours. Patrons will be able to purchase their food and beverages from the café and consume it at the seating areas provided within the wharf precinct.
Sale of Alcohol	(a) All alcoholic beverages to be sold in opened containers. (b) No more than six (6) units of beverage to be sold to an individual customer on each occasion; These conditions shall be advertised by a sign to be displayed at the premises and if the Licensee undertakes any advertising of the licensed facility these conditions are to be included in such advertising.
Consumption of Liquor	Patrons may purchase alcohol without the requirement of purchasing or consuming a meal. Consumption of liquor without a meal will not be advertised or promoted.
Advertising and Signage	The word “Bar” shall not be used in any advertising or signage.

6. On 9 November 2016, the licence was transferred to the current licensee, who has operated premises since that date.
7. Following the commencement of the new Act, the licence was converted to a takeaway authority pursuant to section 324. However, the conditions imposed at the time of the original grant distinguish it from a conventional takeaway authority.
8. The business operates within the Stokes Hill Wharf precinct alongside several other operators. Unlike a traditional restaurant where patrons are confined to a single premises, the venue functions in a food court style environment, allowing patrons flexibility to select their preferred location within the precinct to consume food and beverages purchased from the licensee.

CONVERSION OF THE LICENCE

9. Section 324 of the Act empowered the Director to convert licences issued under the 1978 Act to licences under the current Act. Pursuant to subsection (6)(b), the Director was authorised to convert a licence “with the authorities and conditions the Director considers equivalent to the licence” previously granted under the 1978 Act.
10. At that time, the decision-maker converted the licence to one with a takeaway authority, notwithstanding the specific conditions imposed by the former Licensing Commission.
11. With the benefit of hindsight, it may be contended that a conversion to a restaurant or restaurant bar authority would have been more appropriate, having regard to the nature of the conditions originally attached to the licence.
12. Under the existing conditions, liquor must be opened at the time of sale and may only be consumed “at the seating areas provided within the wharf precinct.” It follows that traditional takeaway sales, such as the sale of a carton of beer for off-site consumption, are neither permitted nor practicable under this licence.

13. The conversion to a takeaway authority subjected the licensee to the requirements of Part 6, Division 1 of the Act, including the obligation to scan patrons' identification in accordance with the Banned Drinker Register legislation.
14. Consequently, the licensee has been required to scan identification for each liquor transaction as though it were a conventional takeaway sale, rather than a sale to a diner purchasing a drink to accompany a meal.
15. The sale of liquor under this licence is not the primary drawcard of the business; rather, it is ancillary to, and complements, the food offerings provided by the operator.

APPLICATION

16. On 1 February 2026, the licensee lodged an application for the grant of a restaurant authority, accompanied by all materials required under the Act.
17. The application proposed no changes to the existing licence conditions, other than a minor alteration to trading hours as permitted by the Regulations. The application was straightforward and not considered controversial.

PUBLICATION & CONSULTATION

18. Having regard to the nature of the premises and its operations, the licensee was exempted from the public notice requirements pursuant to section 57(2A) of the Act.
19. Notice of the application was provided to the parties prescribed under sections 96(6) and 96(6A) of the Act. No adverse submissions or comments were received.

ASSESSMENT OF THE APPLICATION

20. The approved licensed area, within which the authority will operate, comprises the Stokes Hill Wharf Precinct, delineated by a green border.
21. The operation is distinct from a traditional takeaway liquor outlet, where patrons may purchase bulk quantities of liquor for off-site consumption.
22. Liquor sales by the licensee have always been strictly controlled. Importantly, liquor must be supplied in open containers and may only be consumed within designated areas.
23. With the benefit of hindsight, a more comprehensive consideration of the licence conversion may have avoided the present issue. The more appropriate authority appears to be a restaurant and/or restaurant bar authority.
24. The licensee remains bound by the original conditions relating to the manner, quantity and location of service and consumption. Accordingly, there is no material change to the operation, other than the removal of the scanning requirement, which has imposed an administrative and operational burden on the licensee.
25. The vendors operating within the Stokes Hill Wharf precinct offer a diverse range of meals and food options. The primary attraction of the area is its waterfront location and views, particularly during the evening.
26. Concerns have previously been raised regarding the granting of licences to multiple operators within the same precinct.

27. While this approval engages that issue, the central consideration remains the level of certainty and potential for harm.
28. The operations within this precinct are assessed as low risk. There have been no harm-related breaches by licensees in the area, with the exception of one similar operator who failed to comply with scanning requirements.
29. No objections or adverse comments were received in relation to this application, and the licensee has no relevant compliance history.
30. The limited scope of the operation, together with the existing licence conditions, provides assurance that the grant of this authority will not result in adverse community outcomes or increased harm.
31. There is no evidence to suggest that the proposed change will attract itinerant persons seeking to purchase liquor who would not otherwise be bona fide customers.

Public interest and community impact requirements

32. In accordance with section 97 of the Act, I have considered the public interest and community impact requirements and am satisfied that the grant of the restaurant authority is in the public interest and unlikely to have any adverse impact on the community.
33. The amendment provides a service model more appropriately aligned with the nature of the licensee's operations and patrons' purchasing patterns.
34. Section 3(4) of the Act requires that a person exercising powers under the Act have regard to both its primary and secondary purposes, with the primary purpose being harm minimisation.
35. The grant of this authority is also consistent with the secondary purpose set out in section 3(2)(d), namely the stimulation of the tourism and hospitality industries.
36. This decision has been made consistently with those statutory purposes.

REVIEW OF DECISION

37. Section 29(1) of the *Liquor Commission Act 2018* provides that any decision made by the Director is reviewable by the Commission. Section 29(2) prescribes the persons who may apply for such a review.
38. An application for review must be lodged with the Commission within 28 days of the applicant receiving written notice of the Director's decision. The application must be in the form approved by the Commission and must specify the grounds for review and the supporting facts.
39. This decision falls within the scope of section 29(1) of the *Liquor Commission Act 2018*, is not excluded by subsections (a) or (b), and is therefore reviewable by the Commission.



Mel Garde
Director of Liquor Licensing

19 February 2026

ANNEXURE 1

