

Application by Lisa Nelson for a special licence for the premises Norman and Dann at 6/33 Salamanca Place, BATTERY POINT, 7004.

Decision: Licence refused

Date: 10 September 2025

The application

The applicant seeks authority to sell Tasmanian liquor under a special licence for consumption off the premises.

The applicant states that Norman and Dann is a retail store that sells a range of products specialising in handmade chocolates, gifts and homewares.

The premises are located in Salamanca Place and benefit from significant foot traffic from both tourists and locals. The store is open seven days a week, including public holidays, during following hours:

- Monday to Friday 9:30am to 5:30pm
- Saturdays 9am to 4pm
- Sundays 10am to 4pm
- Public Holidays 10am to 4pm

The applicant wishes to offer a small variety of Tasmanian liquor, namely whiskey, gin and liquors from small batch Tasmanian distillers, as an accompaniment to their gifting range. The liquor would be for consumption off the premises only.

With respect to the best interests of the community the applicant submits that selling liquor sourced from local Tasmanian suppliers will provide meaningful support to the broader tourism and hospitality industries, while also showcasing the state's unique and globally recognised niche market. It is further proposed that offering these products from a high-traffic tourist location will generate flow-on benefits for other regions, businesses, and manufacturers across Tasmania.

This approach reflects the applicant's commitment to supporting small-scale local producers, ensuring their products gain visibility and recognition among both tourists and the broader market. Tourists frequently seek out these products, which are said to often be unavailable in other retail outlets, and making them accessible helps meet existing demand while encouraging further exploration of Tasmanian experiences. The applicant submits that by promoting these local offerings, the initiative strengthens Tasmania's reputation as a destination for high-quality, locally crafted spirits and contributes positively to the state's economic and cultural identity.

The intent is to limit the alcohol range specifically to small, local distillers. The selected range will emphasise small-scale Tasmanian producers whose products may not be available through other retail outlets. No evidence is provided of the products to be sold or of their unavailability elsewhere. The applicant notes that the business regularly attracts tourists seeking to purchase items from this niche market.

In relation to exercising effective control on the premises, the applicant has provided an online refresher course certificate to demonstrate the successful completion of a Responsible Service of Alcohol course. A Certificate III in Hospitality was also provided to support this qualification and demonstration of experience. She advises that she has used this knowledge whilst working at a local sporting club and she has also worked in a pub serving alcohol as well as at whiskey and gin events.

Additionally, the applicant states that liquor will not be provided for consumption on the premises. Given that the business is a chocolate shop and attracts customers under the age of 18, measures will be implemented to ensure staff only sell alcohol to customers of legal age. The applicant also notes that the business will be mindful of the quantity sold to each individual to help prevent overindulgence.

The liquor display counter is proposed to be located directly adjacent to the main counter, allowing for easy monitoring by staff.

Site

Norman and Dann is a small store with a modern fit-out and a single point of sale located in the centre of the premises. The store offers a range of products, including fine chocolates and homewares. According to its website, the store's offerings are categorised into three main areas: handmade chocolates, tea and coffee, and homewares.

Norman and Dann also offer an online store and ships Australia-wide. The applicant notes in their submission that liquor will not be available for sale on their website.

Representations

No written representations to the Commissioner were made in respect of this application for a liquor licence.

Legislative considerations

The primary matters to be considered for a licence application of this type (special licence) are to be found in sections 22, 24A and 25A of *Liquor Licensing Act 1990* (the Act).

Section 22

Section 22 of the Act sets out the criteria that a person must meet in order to be qualified to be granted a liquor licence. I am satisfied that the applicant is qualified in accordance with section 22 of the Act.

Section 24A

Section 24A of the Act states at (1) that:

In considering an application for a liquor licence, the Commissioner or the Commission must make a decision which, in the opinion of the Commissioner or the Commission, is in the best interests of the community.

The term "best interests of the community" has been defined in the Act and the interests prescribed in regulations (*Liquor Licensing Regulations 2016*).

Regulation 4 provides:

4. Best interests of the community

For the purposes of the definition of best interests of the community in section 3 of the Act, the following interests are prescribed:

(a) the general costs and benefits to the community of the supply, or proposed supply, of liquor;

(b) whether the supply or proposed supply of liquor might cause undue offence, annoyance, disturbance or inconvenience to people who, in the area of the supply or proposed supply –

(i) reside or work; or

- (ii) attend schools or other facilities frequented by children; or
 - (iii) attend hospitals or facilities where people receive treatment for alcohol dependence or other addictions; or
 - (iv) attend places of worship;
- (c) possible adverse effects on the health and safety of members of the public due to the supply of, or proposed supply of, liquor.

Having considered the evidence provided, I am satisfied that the primary matter for consideration is the overall balance of potential costs and benefits to the community arising from the proposed supply of liquor.

The context for this consideration is provided by the Object of the Act which is defined at section 2A in the following terms:

- 1) The object of this Act is to regulate the sale, supply, promotion and consumption of liquor so as to –
 - (a) minimise harm arising from the misuse of liquor by –
 - (i) ensuring that the supply of liquor is carried out in a way that is in the best interests of the community and does not, as far as practicable, detract from public amenity; and
 - (ii) restricting undesirable liquor promotion and advertising and the supply of certain liquor products; and
 - (iii) encouraging a culture of responsible consumption of liquor; and
 - (b) facilitate the responsible development of the liquor and hospitality industries in a way that is consistent with the best interests of the community.

Section 25A

Section 25A of the Act states that “A liquor licence must not be granted in connection with the activities of a supermarket.” I am satisfied that the premises is not a supermarket.

General considerations

In balancing the general costs and benefits to the community, previous decisions about special licence applications by the Licensing Board, the Tasmanian Liquor and Gaming Commission and the Commissioner for Licensing have clearly stated that the community’s best interests are not served by retail outlets adding liquor to their collateral as a matter of convenience or to increase their revenue base.

Several premises with similar community interest considerations have been determined, for example, Blac Fig (2023), Evandale Providore (2021), Murdunna Roadhouse (2021), Dagolla Mart (2021), Log Cabin General Store (2020 & 2021), Mount Nelson General Store (2019), TCM Market (2019), and QiE Asian Grocer (2019).

To be granted a licence of this type (special), the applicant must satisfy me that the premises is not just any other retail store and special conditions exist that make it in the best interests of the community for the licence to be granted. In this regard I refer to the Tasmanian Liquor and Gaming Commission’s decision on appeal for the Log Cabin General Store (2021). The Commission wrote at 49:

As the Commissioner, the Commission and the Licensing Board have stated on many occasions, the community’s best interests are not served by retail outlets adding liquor

to their collateral as a matter of convenience or to increase revenue. There must exist some special circumstance to allow the granting of a liquor licence to these outlets.

Integral to this consideration is a requirement to ensure that the structure of licence categories is not subverted by the artificial use of the special licence category to overcome limitations or prohibitions attached to the other categories, and thereby to defeat the purpose of the Parliament in establishing the categories.

The Parliament has expressed its requirement for premises that provide off sales of liquor in section 24A(2) of the Act:

In considering an application for an off-licence, the Commissioner or the Commission must be satisfied that the principal activity to be carried on at the premises will be the sale of liquor.

I am satisfied that this requirement is not met by Norman and Dann given the principal activity is the sale of chocolates, gifts and homewares. Consequently, special conditions must exist that mean it in the best interests of the community to grant the special licence. The onus is on the applicant to satisfy me of this.

The applicant states that the sale of liquor would:

- complement other products sold, including handmade chocolates, gifts and homewares;
- provide an outlet for smaller local distillers;
- add value to the promotion of Tasmania's unique food and beverage industry;
- support the broader tourism and hospitality sectors;
- generate flow-on benefits for other regions, businesses, and manufacturers across Tasmania by offering these products in a high-traffic tourist location; and
- create brand awareness that may encourage tourists to seek out further experiences while visiting the state.

The sale of liquor to complement other products sold and to support the promotion of Tasmania's unique food and beverage industry, while contributing to wider tourism and hospitality sectors, does not constitute special circumstances requiring the granting of a licence of this nature. Claims are often made by applicants for licences of this type that there will be benefit to local producers whose products would not be otherwise available, but it is rare that evidence is provided of the facts of this (including this case). Tasmania's boutique liquor industry is very mature and there are many retail premises selling such products, including the major liquor sales chains, many of whom have specific sections of their stores devoted to locally produced liquor. Online sales, either by the producer themselves, or Tasmanian liquor specialist sites, broaden the availability of Tasmanian product.

There may be private benefits to the applicant as a result of incorporating boutique Tasmanian liquor products into stock, as well as to a small number of producers in having an additional outlet for their products. These, however, are private rather than community benefits.

If the applicant wishes to include liquor in specialised produce hampers, they may be able to rely on the General Liquor Exemption (No. 4) 2013, which under section 16(1) of the Act, permits the sale of *bona fide* gift hampers containing liquor (within specified volume limits) without the need for a liquor licence.

Costs to the community arise from increased ease of access to alcohol, which is known to contribute to higher consumption levels and associated alcohol-related harm. Additionally, the normalisation of alcohol use in the community, particularly through increased exposure of children to alcohol products, can lead to further negative outcomes. In this regard, I note that due to the nature of the store, it would not be practical to designate the premises as restricted under section 84(2) of the Act, as is standard practice for off-licence premises. Consequently, particular caution must be exercised when considering the granting of special licences such as the one proposed. This is especially relevant in this case, given that the business is a chocolate shop that attracts customers under the age of 18.

Taking into account the applicant's submission and the matters discussed above, I am not satisfied that special conditions exist to support the grant of the licence.

Decision

The special licence is refused.

A handwritten signature in black ink, appearing to read 'J C Root', with a horizontal line extending to the right.

J C Root

Commissioner for Licensing

10 September 2025