

Tasmanian Liquor and Gaming Commission

Appeal against a determination of the Commissioner for Licensing made 10 November 2025

Lisa Nelson
V
Commissioner for Licensing

Appellant
Respondent

Background

1. On 21 February 2025, the appellant applied to the Commissioner for Licensing for an Off Licence seeking authority for the sale of liquor products for consumption off the premises at Shop 6, 33 Salamanca Place, Battery Point, trading as Norman and Dann.
2. The application stated that the appellant's plan was to sell local distillers' bottles to her customers. It was stated that the appellant will not be providing liquor for consumption on the premises. It was stated that the appellant will seek out small distillers to highlight the niche market that Tasmania has on the world stage. The appellant stated that she had tourists in the shop wanting to purchase products from these small distillers whose products may not be available in other retail stores.
3. In an email from Licensing Branch staff dated 3 March 2025, the applicant (the appellant) was advised of section 24A(2) of the *Liquor Licensing Act 1990* (the Act) which specifies the principal activity to be carried on at a premises with an off-licence and was asked to confirm how she wished to proceed.
4. Section 24A (2) states:

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.

5. On 18 March 2025, the applicant submitted a new application for a Special Licence for a retail shop – fine chocolate and homewares. This new application did not provide any details and it appears that the detail contained in the first application was taken by the Commissioner to be included in the new application. The new application was accompanied by an email in which the appellant stated that her business carried a lot of gifting options for visitors and locals and she would like to sell a small variety of whisky, gin and liqueurs from small batch Tasmania distillers as an accompaniment to the gifting range. That range would be in a small glass locked cabinet near the register.
6. On 28 March 2025, the applicant was provided with the Commissioner for Licensing's previous written decision for a similar business where a gift shop

and chocolatier was refused a Special Licence in 2018. The applicant chose to progress the application for a Special Licence.

7. On 10 September 2025, the Commissioner determined to refuse the application for a Special Licence for the premises with a written decision containing a statement of reasons sent to the applicant (the appellant).
8. On 18 September 2025, the appellant appealed in writing by email to the Commission pursuant to section 211 of the Act.

The appeal

9. The Commission determined that the appeal would be heard on 10 November 2025 solely on the basis of written evidence pursuant to section 213 (4A) of the Act.
10. After hearing an appeal, the Commission may under section 214 (1) (c) of the Act confirm the Commissioner's determination, or alternatively revoke the determination, or alternatively direct the Commissioner to take such action as the Commission considers appropriate.
11. The appellant was advised, as a matter of procedural fairness and so that the Commission can fully understand the basis of the application, that any further documentation was to be provided to the Commission prior to 10 November 2025. A further letter from the appellant was received, and this is set out in Attachment A to this decision. Also, the appellant provided 3 letters of support from small distillers.
12. This appeal is conducted as a hearing de novo. The Commission will determine the application afresh, and take into account the further information provided and the letters of support. The most recent information provided by the appellant has refined the basis of the application.
13. The Commission considered the appeal on 10 November 2025.
14. The email instituting the appeal contained no grounds of appeal against the Commissioner's decision of 10 September 2025. Instead, it outlined a significantly different business model.
15. The appellant described it as a series of ticketed events where Norman and Dann would sell an "experience", pairing their liquor filled chocolates with the liquor produced from the small distillers whose product forms the basis of the filling for the chocolates.
16. The appellant also stated that she wishes to sell bottles of liqueur, whiskies and gins as part of these experiences.
17. The experience appears to be marketed at tourists when the tourist season is in full swing and she describes the ultimate aim is to show case Tasmania and

to give tourists and customers an experience they will talk about, making it one of the highlights of their journey.

18. In order to gain a Special Licence to sell liquor off the premises as now sought by the appellant, she would still need to satisfy the Commission on all of the matters that the Commissioner for Licensing considered in his consideration of the application as originally submitted.

The Legislation

19. Section 24(A) of the Act provides that:

“(1) 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.”

20. The term “best interests of the community” is defined in section 3 of the Act, and the prescribed interests are in Regulation 4 of the Liquor Licensing Regulations 2016 and are:

“(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.”

21. The Commissioner was satisfied that the premises is not a supermarket for the purposes of section 25A of the Act. The Commissioner further was of the view, and the Commission agrees, that the relevant consideration in this particular case, is the balance between the general costs and benefits to the community of the proposed supply of liquor products as outlined in the application.

22. It has long been recognised that alcohol consumption in Australia is a serious health issue. The Tasmanian drug strategy 2024-2029 estimates that more than 2 in 5 adults exceeded the single occasion risk guideline for consuming alcohol (more than four standard drinks on any one occasion) in 2017-2018. The 2019 National Drug Strategy Household Survey showed that neither the estimated percentage of Tasmanians drinking alcohol at levels of lifetime risk of harm, nor single occasion risk, have changed significantly. Overall, alcohol, tobacco and other drug use in Tasmania is generally above national averages.

23. This demonstrates one part of the “general costs” aspect of the “best interests” test. This is also an obvious reason why the supply of alcohol in Tasmania is regulated in the manner it is. The Commission mentions this to re-enforce that it is not just the benefit to the specific community that must be factored into this balancing exercise.
24. The Commissioner cited relevant matters raised in previous decisions namely Blac Fig (2023) Murdunna Roadhouse (2021), Evandale Providore (2021), The Log Cabin, Bicheno (2020 and 2021), Dagolla Mart (2021), Mt Nelson General Store (2019), TCM Market 2019 and QiE Asian grocer (2019). These decisions outlined many salient issues relevant to consideration of the best interests of the community test to be applied to applications. In summary, the essential rationale of these decisions is that the best interests of the community are not served by all retail outlets adding liquor to their stock as a matter of convenience or to increase revenue. This finding is also made in earlier decisions of this Commission and the Licensing Board.

Consideration by the Commission

25. The essential issue facing the Commission in this matter is the extent to which this application for a special licence in the Salamanca Place precinct is in the best interests of the community. This is a subjective test and each application must be considered on a case-by-case basis. In the first instance, the Commission looks to the matters prescribed in Regulation 4 of the Liquor Licensing Regulations 2016.
26. The costs outlined in Regulation 4(b) are considered first. It does not appear to the Commission that the increased supply of liquor associated with the potential granting of this licence would cause undue offence, annoyance, disturbance or inconvenience to people living, working, attending educational facilities or hospitals or related entities or churches in the area.
27. The venue is located in a popular commercial/hospitality zone in Hobart close to retail outlets, restaurants and licensed premises where available parking does not appear to be a problem. There are many premises within close proximity to the appellant’s premises which hold liquor licences of one kind or another. The appellant’s premises are quite small and the proposed hours of operation do not raise noise concerns for the Commission.
28. As the proposed liquor offerings are Tasmanian spirits with their attendant higher end price points, there does not seem to be any apparent risk of anti-social or alcohol related adverse behaviours by the potential clientele.
29. In regards to Regulation 4(c), given its physical location, the addition of a liquor licence for the subject premises does not appear to unduly increase access to takeaway alcohol in the Hobart community.
30. In summary, there do not appear to be significant costs to the community as a result of the potential granting of this licence.

31. However, as has been stated in liquor decisions in the past, “community” is to be considered more broadly than the immediate area of point of sale. In considering the costs of the potential addition of licensed premises at Norman and Dann, the Commission does not see that the impact on the broader community beyond Hobart would be an issue given the very limited nature of the liquor sought to be sold as part of a very limited “experience”.
32. The Commission has also considered the benefits accruing to the community that the appellant has put forward in support of this application for this licence.
33. The appellant is a member of the Tasmanian Whisky Association, and has developed a whisky chocolate pairing event. This is described as a chocolate filled with whisky and a paired sample of whisky provided to those who attended, who were informed about the making of the chocolate and the making of the whisky.
34. The appellant says this is a unique event in Australia with the unique chocolates made by Liquor Lips.
35. It is stated that at the same time the event is a good promotion for the distilleries, some of whom are unable to produce enough product to supply conventional liquor outlets. The appellant’s proposal is said to be unique in supporting Tasmanian micro distilleries.
36. Letters of support were given by 3 small distillers and it was emphasised that the appellant’s proposal offered what was described as a “high touch” experience with a promise of quality and exclusivity. This was said to match the reputation of the appellant’s business for high profile gifting, and this would be complemented by including in the gifting range smaller (e.g. 200 ml) bottles.
37. Having regard to the costs and benefits referred to above, the question for the Commission in this appeal is whether it is of the opinion that the licence sought is in the best interests of the community.
38. It remains the Commission’s strong view, expressed in previous decisions, that the community’s best interests are not served by retail outlets adding liquor to their collateral or simply to increase revenue. There must exist some special circumstance to allow the granting of a liquor licence to these outlets.
39. On the one hand, the appellant may not be able to be differentiated from other applications for a Special Licence – Norman and Dann is basically a small store selling mainly chocolates and other confectionary types alongside speciality tea products and a range of up-market household products that appear to be mainly targeted at the passing tourist market.
40. But on the other hand, the appellant has identified a specialty event for which a licence is sought, which is said to be unique and is limited in its operation to ticketed events. After due consideration, and not without hesitation, the Commission is satisfied that there are special circumstances in this particular case. The Commission notes that significant information provided by the

appellant upon which it made this determination was not before the Commissioner when he made his decision.

41. The Commission is of the opinion that the issue of a special licence for the sale of liquor in the specific manner contemplated in this case is in the best interests of the community. However, under section 25 B of the Act, a licence may be granted subject to such conditions as the Commission thinks fit.
42. The Commission considers that a special licence in this case should be subject to conditions restricting the sale of liquor to ticketed events, and with limits on the type of liquor.
43. The Commission notes, as the Commissioner did in his decision, that the appellant may be able to rely on the General Liquor Exemption (No. 4) 2013 for the sale of *bona fide* gift hampers.

Decision

44. Under section 214(c)(iii) of the *Liquor Licensing Act 1990*, the Commission directs the Commissioner for Licensing to issue to Lisa Nelson a special licence for the business premises Norman and Dann subject to the following conditions:
 - (a) The licence only authorises the sale of Tasmanian distilled spirits and liqueurs;
 - (b) The licensee may only sell Tasmanian distilled spirits and liqueurs, for consumption on site at a ticketed chocolate pairing event;
 - (c) The licensee may only sell Tasmanian distilled spirits, and liqueurs, for consumption off site, at the time of and in conjunction with a ticketed chocolate pairing event.

Decision made by the Commission on 10 November 2025

Jenny Cranston (Chair), David Hudson (Member), Andrew Walker (Member)

TASMANIAN LIQUOR and GAMING COMMISSION
Appeal hearing – Norman and Dann

Monday, 10 November 2025

Attachment A - Letter of Appeal from Ms Nelson

Letter of Appeal for Norman and Dann Liquor Licence
Norman and Dann have a unique offering in liquor filled chocolates. These chocolates are made locally by Liquor Lips, an integral part of Norman and Dann, using local distillers' spirits.

Norman and Dann and Liquor Lips are both members of the Tasmanian Whisky Association and have attended whisky shows and distillers festivals with their chocolates for the past 6 years.

Only recently a whisky chocolate pairing was held during the Tasmanian Whisky Week in the Gold Bar at Morrison Street, Hobart. This event was a ticketed event which was sold out in a matter of days.

The Event: A chocolate filled with whisky and whiskey pairing from the distiller was passed to the attendees, stories of the chocolate maker and the distiller were told, which created a lasting memory and unique experience for the participants.

As this was very successful, we want to organize these ticketed events in Norman and Dann with a limited amount of people. It is a unique event currently not available in Australia with these unique chocolates, made by Liquor Lips.

We understand, to have a whisky chocolate pairing event at our shop, we need to hold a license for the venue and a distiller with the right license must be part of the set up to do these whisky chocolate pairings.

It will create a uniqueness for Hobart amongst tourists that visit our shop.

At the same time the spirits used from the micro distilleries is a good promotion for them, Norman and Dann and Liquor Lips. It is simply a way of growing a business through collaboration something that should not be underestimated. Businesses need to grow by unique experiences.

We know the people in the whisky and spirits industry, and we know that some of them can't produce enough spirits to supply to the larger liquor outlet, in reference to your comment about the "maturity" of the spirits industry, we understand that the micro distilleries cannot supply to bigger outlets. We would like to support and be that next step for these distillers.

Our vision is unique in supporting Tasmanian micro distilleries.

We have a booking from a group of people from the mainland who are interested in a chocolate whisky pairing. It would be holding business back if we would have cancel this. After all, as a business we need to make money to survive.

It is groups like these that are looking to spend a long weekend in Tasmania that are looking for something different which is what we provide.

Recently we have been approached by a gentleman who is a deaf/mute interpreter and we have been thinking about a liqueur/chocolate pairing for a small group of deaf/mute people. An experience for a group of people that unfortunately won't get too much attention in our society.

Your comment that our main offering is chocolates I do question why the Lavender shop in Richmond has got a license selling Lavender Gin, hardly any different from our line of offerings.

We wish to sell bottles of liqueur, whiskies and gins as part of these experiences. We have the distillers in our shop that don't have a shop front or cellar door.

We organise these tastings on short notice, a matter of days, a temporary license takes up to 7 days to obtain which is way too long to organize small liqueur/chocolate pairings when the tourist season is in full swing.

Regarding the shops around us, we are selling an experience, we tell a story of with all the liquor filled chocolates we sell and therefore promote the distillers who we have a close relationship with.

Our Ultimate aim is to show case Tasmania and to give tourists and customers an experience they will talk about, making it one of the highlights of their journey

Please see the attached letters of support from these distillers.

kindest regards,
 Lisa Nelson - Director
 Chocolate | Confectionary | Gifts | Homewares
 6/33 Salamanca Place
 Battery Point TAS 7004
 03 6223 4777
 info@normananddann.com
 <https://www.normananddann.com/>

Attachment B – documentation considered by Commissioner for Licensing

Memo to the Commissioner for Licensing from the Liquor and Gaming Branch for determination of a special licence application for Norman and Dann, 7 July 2025

All materials considered by the Commissioner in making his determination of 10 September 2025:

- Updated (new) Liquor Licence Application for special licence – Lisa Nelson – Norman and Dann
- National Police Check - Lisa Nelson
- National Credit Check (Illion Report) - Lisa Nelson
- Submission - Lisa Nelson - Norman and Dann
- Submission information (email) - Lisa Nelson - Norman and Dann
- Applicant Interview (file note) - Lisa Nelson
- RSA Certificate - Lisa Nelson
- RSA evidence (Certificate III in Hospitality) - Lisa Nelson
- Council planning approval - Norman and Dann
- Right to occupy premises - Business Sale Agreement (incl Lease) - Norman and Dann
- Photographs of premises - Norman and Dann
- Redline Plan - Norman and Dann

Documentation considered by the Commission

Decision made by Commissioner, dated 10 September 2025

Covering email sent to Ms Nelson on 16 September 2025 advising of appeal rights and providing the Commissioner's decision as an attachment

Email from Ms Nelson received on 18 September 2025 providing notice of an appeal against the Commissioner's determination to refuse the application for a special licence at the premises Norman and Dann

Hearing details set by the Tasmanian Liquor and Gaming Commission on 6 October 2025 (extract from minutes of meeting 9/2025)

Letter from the Commission to the Commissioner advising of the hearing, dated 14 October 2025

Letter from the Commission to Ms Nelson advising of the hearing, dated 14 October 2025 and requesting any further information she wished to make in respect of the appeal

Additional information supplied by Ms Nelson after the Commissioner's decision:

- Letter from the appellant, Ms Nelson (Attachment A)
- Letter of support from Pat Garnham, Osare Tasmania
- Letter of support from Damian and Madeleine Mackey, Hunter Island Distillery
- Written support from Kirk Pinner, Island Coast Vodka