

Application

19/029/2026

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND
IN THE MATTER

of an application by
Zarnia Ann Wilson
for a Manager's Certificate
pursuant to section 219 of the Act

HEARING on 14 August 2026 at the Railway Building 3, Rora Street, Te Kuiti

WAITOMO DISTRICT LICENSING COMMITTEE

Chairperson: Ms T McIntyre

Members: Mr R Murphy, Mr R Johnson

APPEARANCES

Ms Z Wilson – Applicant

Ms H Manukonga – support person

Ms J Brueck - Licensing Inspector (in opposition)

Mrs M Fernandez - Licensing Inspector

Senior Sergeant Hall – Police (In opposition)

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The application for a Manager's Certificate is declined.

REASONS

1. Zarnia Ann Wilson applied for a Manager's Certificate on 19 May 2026. The application was set down for a public hearing by the Waitomo District Licensing Committee¹ because both the Police and the Licensing Inspector oppose the application referring to Ms Wilson's previous conviction and the resulting sentence. They also note a subsequent conviction relating to non-compliance with the conditions of that sentence.
2. Given the relevance of these matters to her suitability, the Committee considered it appropriate to hear from Ms Wilson and provide her with an opportunity to make submissions and present evidence addressing how she meets the criteria under the Sale and Supply of Alcohol Act 2012.

¹ Section 202(1) sale and Supply of Alcohol Act

3. In considering an application for a Manager's Certificate, the Licensing Committee must consider the following criteria (s 222):
 - a) Is the applicant suitable to be a manager?
 - b) Have any convictions been recorded against the applicant?
 - c) Does the applicant have any recent experience in controlling any premises for which a licence was in force?
 - d) Has the applicant undertaken appropriate training and completed relevant qualifications under section 218?
 - e) Have the Inspector and Police raised any relevant matters in their reports?
4. Ms Wilson has worked at The Awakino Hotel on a part time basis from 2022 and full time since 2024. She has completed the Manager's Training Course and is the holder of the Licence Controllers Qualification. The Licensing Inspector, Ms Brueck, interviewed Ms Wilson and was satisfied that she is experienced and conversant with the responsibilities and obligations of alcohol management.
5. While we must consider all of the above factors, the main issue for consideration can therefore be narrowed down to Ms Wilson's suitability having regard to her convictions.
6. **Pursuant to sections 203 (5) and (6) of the Sale and Supply of Alcohol Act 2012, the Committee orders that Ms Wilson's Brief of Evidence and all documents and references supporting the Brief of Evidence must not be shared, published or otherwise made available to the public. Due to this sensitivity, Ms Wilsons testimony was also heard in private².**
7. For completeness, this order applies to all media organisations, members of the public, and any other persons present or who obtain copies of the evidence. Ms Wilson's Brief of Evidence contains a significant amount of personal and sensitive information concerning her personal circumstances, relationships and family circumstances. The Brief also contains information concerning members of her family who are not parties to the proceedings and who will not have an opportunity to give evidence, respond to the matters raised, or otherwise put their position before the Committee. The publication of this information could affect Ms Wilson's privacy as well as the privacy and interests of family members who are not parties to the hearing.

Is Ms Wilson a suitable person to hold a Manager's Certificate given her past convictions?

8. Ms Wilson is 50 years old and a New Zealand citizen. At the age of 19, she moved to the east coast of Australia, where she lived for the next 26 years. During that time, she married, raised two children, and owned and successfully operated a swim school employing 14 staff. She completed a life coaching course and in 2019 obtained her certification. Following a three-month placement, she secured full-time employment in a student support role. She subsequently progressed to team manager and developed her own client base. Ms Wilson described this as a high-energy environment focused on supporting people to achieve their

² Section 203(3) Sale and Supply of Alcohol Act 2012

potential and celebrating achievements, both large and small. It was evident from the way she spoke about this work that she found it highly fulfilling and took considerable pride in her professional achievements.

9. Ms Wilson explained the circumstances that led to her convictions. Following the death of her mother, and shortly afterwards her father, she returned to New Zealand. Her mother had been caring for Ms Wilson's grandmother, who did not want to move into residential care. A significant reason for her return to New Zealand in 2021 was therefore to move in with her grandmother, assume responsibility for her care, and enable her to remain living in her own home. The theft convictions arose in connection with matters involving her grandmother's financial affairs and were recorded as occurring February - June 2021.
10. Ms Wilson told the Committee that she accepts the convictions. We heard the significant impact they have had on her personal life. We note that Ms Wilson maintains her innocence. While the Committee cannot revisit or relitigate the Family Court proceedings, we acknowledge that Ms Wilson has not felt heard or understood through that process.
11. Her return to New Zealand, the assumption of responsibility for her grandmother's care, and the events that followed have clearly been a difficult period in her life. Her account was one of significant struggle, but also of resilience and a desire to move beyond that period. The Committee noted the positive steps she has taken since. Her current employment, and the support she has received from her employer, are positive factors that weigh in her favour.
12. In relation to her second conviction for breaching her bail conditions in February 2023, Ms Wilson explained the difficulties she experienced with malfunctioning electronic monitoring equipment, together with the pressure she felt from the requirement to maintain frequent contact with her probation officer when the equipment failed all while in paid employment. In an attempt to resolve the issues with the equipment, which were thought to arise from her remote location, she was subsequently required to relocate to New Plymouth where she had no established support network. Ms Wilson acknowledged that she was in a poor state of well-being at the time, having to give up her job, income and move away from her established support network. This was compounded by her feelings of injustice arising from the court decisions. She expressed remorse for the decision she made and the resulting breach. The personal circumstances she was experiencing at the time provide important context for understanding her impaired judgment. While these circumstances do not excuse her response, they help explain the lapse in judgment. The Committee accepts that she has reflected on her conduct and understands the seriousness of the breach. We note that Ms Wilson has an otherwise clean record.
13. Ms Wilson spoke with considerable enthusiasm and drive about her current role at the Awakino Hotel. It was clear that she values both the work and is invested in the close-knit community environment. She volunteers at a community gym where she is able to share her learnings from having overcome diabetes, is the captain of the Awakino Pool Club and is on the Tainui Domain Society Committee. She obtained her LCQ in 2025 and now seeks a Manager's Certificate so that she can take some of the responsibility from the owner, Mr Jeffares, who has other employment commitments and significant demands on his time.

14. The Awakino Hotel was recently offered for sale, and there was a possibility that it could be purchased by a community coalition. Ms Wilson explained that obtaining her Manager's Certificate would enable her to take a greater leadership role in that process and, if the purchase proceeded, to manage and operate the business. Her application is therefore closely linked to her current job, her desire to help secure the Hotel's future, and her efforts to rebuild her working life.

15. Having a conviction does not mean an application for a certificate will be declined. Since 1995, the Alcohol Regulatory and Licensing Authority (ARLA) has used the Osbourne decision³ in terms of how to deal with previous convictions. In that decision ARLA said:

"Without fettering ourselves in this or other applications, it may be helpful if we indicate that we commonly look for a five-year period free of any serious conviction or any conviction relating to or involving the abuse of alcohol arising in the course of an applicant's duty on licensed premises.

Less serious convictions are also weighed. By way of example is an isolated excess breath or blood alcohol conviction or a single driving offence disclosing no pattern of offending. In these and similar cases we frequently indicate that a minimum of two years from the date of the conviction may result in a subsequent favourable consideration providing suitable reports from both the Police and Licensing Inspector are received."

16. ARLA has confirmed that these guidelines remain appropriate under the Sale and Supply of Alcohol Act 2012 and that the "stand-down period" runs from the date of the offending rather than the date of conviction⁴. The purpose of the stand-down period is for the "applicant to be able to establish an incident free period, thereby ensuring that standards are upheld. The ultimate aim being that of achieving the object of the Act"⁵.

17. Overall, the Committee was encouraged by Ms Wilson's commitment to moving forward, the personal and financial stability she has established, and the genuine enthusiasm she demonstrated for her current employment. Her past employment history also demonstrates that she has the skills, experience, and capacity to take on responsibility and manage a team. We also note that Ms Wilson undertook counselling during her time in prison, which she reported had been positive and helpful. These factors, together with the support of her current employer and her expressed remorse regarding the breach of bail, are relevant positive considerations for the Committee.

18. The Committee considers that, although it did not involve alcohol, Ms Wilson's principal conviction was serious and involved dishonesty. Therefore, we consider that the five-year stand-down period for this conviction is appropriate.

³ LLA 2388/95

⁴ Pompey LLA PH623/04

⁵ Police v Manson [2015] NZARLA 590

19. In his submissions, Senior Sergeant Hall reiterated this sentiment, noting that she has sufficient knowledge, skills and experience, but simply needs more time to establish rehabilitation. He summed this up as, “not now does not mean never”. The Licensing Inspector expressed a similar view, acknowledging her courage and skills, but emphasising the importance given the responsibilities placed on a manager under the Act. As the Authority observed in *Deejay Enterprises Limited*⁶, “Character and reputation are closely examined. The law and human desires of patrons frequently tug in different directions. The Police cannot be everywhere. Little but a licensee’s or manager’s character and suitability may stand between upholding the law and turning a blind eye.” Ms Brueck also remained in opposition, seeking for the five year period free of any further incidents to be observed.

Should the Manager’s Certificate be granted?

20. In making its decision the Committee has considered all the criteria set out in s 222 of the Act. In this case, the concerns relate particularly to Ms Wilson’s suitability to hold a certificate having regard to a serious conviction in 2021 and a further conviction in February 2023.
21. The guidance in *Osborne*⁷ indicates that a period of five years free from convictions may be appropriate in cases involving serious offending, while a shorter period may be appropriate for less serious offending. Over five years have passed since the 2021 offending. The Committee must now give appropriate weight to the seriousness of the 2023 conviction.
22. Ms Wilson is financially stable, is currently employed on licensed premises and has the support of her employer. Three years and six months have now elapsed since the last offence. The Committee acknowledges that this represents a significant period during which there is no evidence of further offending. This demonstrates a good degree of rehabilitation. Ms Wilson presented as a credible applicant. She has sufficient training and good experience. She demonstrated an understanding of the responsibilities of a duty manager at the hearing and was able to give examples of managing unsafe situations. It is our view that she has the skills and character to fulfill many of the qualities required to manage a licensed premises. She presents as an engaging individual. She is open in expressing her views and we consider her tenacity to be a valuable quality, particularly in managing a tavern in a higher risk/low socio-economic area.
23. Balancing these matters, the Committee has considered the two offences separately, having regard to their respective seriousness. The 2023 conviction is the principal concern. However, the subsequent offence was as a result of the first, and the Committee does not consider that it should have the same weight as the serious 2023 conviction. Given the responsibility required of a person holding a Manager's Certificate, the Committee is still required to act cautiously.

⁶ *Deejay Enterprises Limited NZLLA 531-532/97*

⁷ *LLA 2388/95*

24. Having considered all of the information before it, including the criteria in s222 of the Act and the Osbourne guideline, the Committee considers that a total period of four years without further offending, from the date of Ms Wilson's 2023 conviction, is appropriate. The Committee does not consider that the full five-year period referred to in *Osbourne* for serious offending is necessary in this case. We are satisfied that a four-year period is more appropriate, having regard to the circumstances of the offending and noting that this remains longer than the two-year stand-down period generally applied to lesser offending.
25. In summary, for these reasons, the Committee cannot support the granting of a Manager's Certificate at this time. However, this does not prevent Ms Wilson from applying for a Manager's Certificate in the future. The Committee encourages Ms Wilson to make a fresh application once the four-year period referred to above has elapsed, which will be February 2027. A further 5-6 months without further incidents, or adverse reports from the Police or Licensing Inspector, would be viewed positively by the Committee and would assist in demonstrating her ongoing suitability.

Dated this 3rd day of September 2026



Tegan McIntyre
Commissioner
Waitomo District Licensing Committee