

Application

19/017/2025

IN THE MATTER

of the Sale and Supply of Alcohol Act 2012

AND
IN THE MATTER

of an application by
Manaia Maria Tuheke-Kingi for the renewal
of a Manager's Certificate pursuant to
section 219 of the Act

HEARING on Friday 12 September 2025 at Railway Building 3, Te Kuiti

WAITOMO DISTRICT LICENSING COMMITTEE

Chairperson: Ms T McIntyre

Members: Dr M Cameron, Mr G Whitaker

APPEARANCES

Ms M Tuheke-Kingi – Applicant

Mrs S Tuheke - In support of applicant

Mr A Hepi - In support of applicant

Ms JL Brueck - Licensing Inspector (to assist)

Mrs M Fernandez - Licensing Inspector (to assist Ms Brueck)

Sergeant F Cook-Jones – Police (to assist)

DECISION OF THE WAITOMO DISTRICT LICENSING COMMITTEE

1. The application for the renewal of a Manager's Certificate is granted. The Manager's Certificate may issue immediately.
2. The Manager's Certificate is renewed for a further period of three years or if an application for the renewal of the certificate is made, until the application is determined.

REASONS

1. Manaia Maria Tuheke-Kingi applied for a Manager's Certificate on 14 March 2025. In her application, Ms Tuheke-Kingi confirmed that she has no criminal convictions that would prevent her from holding a Manager's Certificate. However, she did disclose a pending charge for assault

with intent to injure manually, with a court hearing scheduled for approximately May 2026. This information was voluntarily provided by Ms Tuheke-Kingi during her interview with the Licensing Inspector.

2. In her report, the Licensing Inspector expressed some concerns regarding Ms Tuheke-Kingi given the pending charge but is not opposed to the renewal. A report was not received from the Police. Given the seriousness of the pending charge and how this reflects on her suitability, the Licensing Committee determined that the matter required closer consideration. Therefore the application was heard at a public hearing¹.
3. As part of the hearing, the Committee considered a Police Summary of Facts also relating to an individual other than the applicant. This material is subject to a non-publication order pursuant to sections 203 (5) and (6) of the Act to protect the privacy of that person and to ensure fairness in the ongoing court proceedings. The Summary of Facts was considered by the Committee in the hearing, but it cannot be shared, reported, or published outside the proceeding.

The Sale and Supply of Alcohol Act 2012

4. The object of the Act is to ensure that the sale and supply of alcohol is undertaken safely and responsibly, and the harm caused by excessive or inappropriate consumption of alcohol is minimised (s 4).
5. In considering an application for a Manager's Certificate, the Licensing Committee must consider the following criteria (s 227):
 - a) Is the applicant suitable to be a manager?
 - b) Have any convictions been recorded against the applicant since the certificate was issued or last renewed?
 - c) How has the applicant managed the sale and supply of alcohol with the aim of contributing to the reduction of alcohol-related harm?
 - d) Have the Inspector and Police raised any relevant matters in their reports?
6. Ms Tuheke-Kingi is over 20 years of age, is employed at Stoked Eatery, a restaurant and bar located in the town centre area of Te Kuiti and is the holder of the Licence Controllers Qualification. The Licensing Inspector, Ms Brueck, interviewed Ms Tuheke-Kingi and concluded that she demonstrated a strong knowledge and clear understanding of the Act and a Manager's responsibilities.
7. However, the Licensing Committee must decide whether Ms Tuheke-Kingi is a suitable person to continue to hold a Manager's Certificate, having regard to her pending conviction.

Is Ms Tuheke-Kingi a suitable person to hold a Manager's Certificate?

8. Ms Tuheke-Kingi is 25 years old and has been employed as a Duty Manager at Stoked Eatery since January 2025 on a full-time basis. She advised that she typically works Wednesday to Saturday on the 11.00am to 8.30pm shift. Prior to this role, she was employed at the Muster Bar for six months, and before that, at the Waitomo Club for a period of three years. She has

¹ Sale and Supply of Alcohol Act 2012 section 202(1)

held a Manager's Certificate since 2022. This application is for her second renewal of her certificate.

9. Ms Tuheke-Kingi described Stoked Eatery as catering to a broad clientele, ranging from tourists to families, and noted that it is well known for larger group bookings. She contrasted this with her previous role at a tavern, where she often worked long hours as the sole duty manager in what she described as a higher-risk environment with more challenging patrons. At Stoked Eatery, while she continues to work as a duty manager, she works alongside a pool of other certificated duty managers who are available to provide assistance if required.
10. When questioned, Ms Tuheke-Kingi was able to confidently explain the SCAB tool, demonstrated sound knowledge of Stoked Eatery's licence conditions, and provide clear examples of how she has dealt with intoxicated patrons.
11. In her evidence, Ms Tuheke-Kingi candidly described the circumstances surrounding the incident for which she currently faces active charges. She stated that on 10 August 2024 she had collected her cousins to go to the gym together. On the way, they asked her to stop at a house under the pretext of obtaining an apology for an altercation that had occurred the previous evening. Ms Tuheke-Kingi gave the impression that she was not fully aware of the background to the situation and initially remained in the car while her cousins entered the property. On hearing yelling and screaming, she went inside and says she attempted to break up the altercation taking place in a bedroom. This account differs from the Police Summary of Facts, but there is no basis to conclude that her version is untruthful. She has been charged for assault with intent to injure. We heard that this is likely to be heard before the courts in mid 2026.
12. At the time of the incident, Ms Tuheke-Kingi was studying psychology at university, but the stress of the matter led her to withdraw from her studies. She explained that a non-association order with her cousins was put in place and described the whole experience as extremely difficult for her and her family. It took a real toll on her mental health, and she has had to work hard on her recovery. She sees the incident as a serious learning experience and shared that since then she has kept a low profile, focusing on her work, and putting her energy into proving herself as a duty manager.
13. Sergeant Cook-Jones confirmed that Ms Tuheke-Kingi is identified as a co-offender, that her involvement in the incident was limited, and the additional assault and drug-related charges outlined in the police documentation do not relate to her. There is no evidence to suggest a wider pattern of offending.
14. Sergeant Cook-Jones acknowledged that while the incident could be seen as a "blip on the radar", albeit a significant one, this should be weighed against the fact that Ms Tuheke-Kingi meets all other criteria under section 227. She further submitted that "it would be to Manaia's detriment to take away her Manager's Certificate while the outcome of the court proceedings is not yet known". The Committee agrees, noting that case law regarding applicants with convictions and recommended stand-down periods does not apply where charges are still pending. In our view, if the active charges were to result in a conviction, this would be reported on and addressed at the next renewal application. Alternatively, if circumstances required, the reporting agencies could

apply to the Alcohol Regulatory and Licensing Authority (ARLA) for the manager's certificate to be suspended or cancelled.

Should the manager's certificate be granted?

15. In making its decision the Committee has considered all the criteria set out in section 227 of the Act. In this case the concerns relate particularly to Ms Tuheke-Kingi's suitability to continue holding a certificate having regard to her having active charges.
16. Ms Tuheke-Kingi comes across as a sincere and focused person who has learnt a big lesson. She has the support of her employer and her parents, and the Licensing Inspector described her as professional and responsible. We also considered her decision to voluntarily disclose the pending charges as a strong reflection of her honesty and integrity. Importantly, she is not employed in a high-risk environment. She presented as a genuine young person with a calm, professional manner, and her responses and examples gave us confidence that she is capable of managing the more challenging aspects of the duty manager role.
17. The Committee has carefully considered Ms Tuheke-Kingi's conduct. While this reflects on her suitability, this is balanced against her open explanations of the incident, her track record and the lack of opposition from the reporting agencies. A duty manager is responsible for ensuring compliance with the Sale and Supply of Alcohol Act 2012 and with the specific conditions of the licence for the premises they are managing. A duty manager must take steps to run the premises in a manner that minimises harm caused by excessive or inappropriate consumption of alcohol. When considering an applicant's suitability to become a manager, the Licensing Authority provided the following guidance:
The real test is whether the character of the applicant has been shown to be such that he is not likely to carry out properly the responsibilities that go with the holding of a licence.²
18. Ms Tuheke-Kingi has good training and sufficient experience and there is nothing to suggest that she would not carry out the responsibilities of a duty manager properly.
19. Finally, we acknowledge Ms Tuheke-Kingi's concern that this incident may be a lasting stain on her life. At this stage, the outcome of her court proceedings is not known. A criminal charge, even if proven, does not necessarily diminish a person's capacity to learn, grow, and contribute positively. In our assessment, Ms Tuheke-Kingi has demonstrated honesty, resilience, and professionalism, and these qualities will continue to shape how she is regarded both personally and professionally.
20. Therefore, the application for the renewal of a Manager's Certificate is granted.

Dated this 19th day of September 2025

Tegan McIntyre
Commissioner
Waitomo District Licensing Committee

² Re Sheard [1996] 1 NZLR 751 that: