

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of applications by **MELISSA PAMELA MARIE HEMPHILL, ALLYSSA HANSON, DEEANE BRONWYN FLEWELLEN, HEATHER PRATHER and HELEN ELIZABETH THOMAS** pursuant to s.118 of the Act for General Managers' Certificates

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge E W Unwin
Member: Dr J Horn

HEARING at INVERCARGILL on 17 November 2009

APPEARANCES

No appearance by or on behalf of applicants
Mr D H Clearwater – Southland District Licensing Agency Inspector – in opposition

ORAL DECISION OF THE AUTHORITY

[1] Before the Authority are applications by Melissa Pamela Marie Hemphill, Allyssa Hanson, Deeane Bronwyn Flewollen, Heather Prather and Helen Elizabeth Thomas for General Managers' Certificates.

[2] All five applicants have produced evidence that they have obtained the Licence Controller Qualification. In all cases however, the applications have been opposed by the Southland District Licensing Agency Inspector, and in the case of Ms Hanson and Ms Prather, by the Police as well. The latter were opposed on the grounds of inexperience and no longer being in the country respectively. All but Ms Prather had been asked by the District Inspector to furnish character references, but despite repeated requests had failed to do so.

[3] The applications date back some time, having been originally filed with the Agency between June 2007 and December 2008. Concerns were also expressed at the limited work experience of Ms Hemphill and Ms Hanson. It has now been established that all but Ms Hanson are no longer working in the industry. Whether or not Ms Hanson herself is still in the industry is unknown.

[4] The matters were set down for a public hearing however, none of the applicants could be contacted to be advised of this. The notices of the hearing sent to Ms Hemphill and Ms Hanson by the Authority's secretariat were returned, the contact phone number for Ms Flewollen was no longer in operation, and third parties reported that Ms Prather and Ms Thomas were no longer in New Zealand.

[5] Unsurprisingly none of the applicants appeared at the public hearing in support of their application. There is therefore no evidence that any of the five applicants are currently working in the industry. The Authority has stated on a number of occasions that it will not issue certificates in a vacuum. We expect such certificates to be working documents. They are not issued simply to form part of a person's curriculum vitae.

[6] The lack of evidence of current involvement in the industry, the failure to provide character references and an inability to be contacted for a public hearing suggest that these applicants are no longer interested in pursuing these applications. On the information before us they are not able to establish the criteria set out in s.121 of the Act and the applications are, therefore, all refused.

DATED at WELLINGTON this 3RD day of December 2009

B M Holmes
Deputy Secretary