

Decision No.PH 1351/2009

**IN THE MATTER**

of the Sale of Liquor Act 1989

**AND**

**IN THE MATTER**

of an application pursuant to s.135  
of the Act for suspension of  
General Manager's Certificate  
number GM 1371/98 issued to  
**DAVID GILLESPIE**

**BETWEEN**

**KEITH PHILIP NEWELL**  
(Police Officer of Queenstown)

Applicant

**AND**

**DAVID GILLESPIE**

Respondent

**BEFORE THE LIQUOR LICENSING AUTHORITY**

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

**HEARING** at QUEENSTOWN on 19 November 2009

**APPEARANCES**

Sergeant K P Newell – NZ Police – applicant  
Mr D Gillespie – respondent

**ORAL DECISION OF THE AUTHORITY**

[1] This is an application dated 2 October 2009 for the suspension of a General Manager's Certificate issued to Mr David Gillespie. Mr Gillespie is 48 years of age. He has held his certificate for a little over 10 years and has a lifetime involvement in the industry. The application was brought by the Police on the ground that Mr Gillespie's conduct has been such as to show a lack of suitability.

[2] The evidence is that at about 9.00 pm on Friday 14 August 2009, Mr Gillespie was driving a motor vehicle in Cromwell. He was stopped and it was noted that he was affected by alcohol. An evidential breath test produced a result of 606 micrograms of alcohol per litre of breath. He elected to have a blood sample taken which showed a concentration of 130 milligrams of alcohol per 100 millilitres of blood.

[3] Mr Gillespie was taken before the District Court in Alexandra and was convicted, fined and disqualified from driving.

[4] It was the first conviction for Mr Gillespie. He has seen fit to come before us and explain that the process has had a significant impact on his life, quite apart from

the embarrassment of having to appear in Court, and the double jeopardy of an appearance before the Authority.

[5] There are no problems in respect of the hotel that Mr Gillespie has owned and operated for approximately three years. He seems to us to have a good attitude towards his responsibilities under the Act. Nevertheless we think that we should not make an exception in this case. Our policy is to keep standards high for those who have the privilege of a certificate authorising them to manage the sale of liquor to the public. The Police referred us to the decision of *Martin Ferguson v Alister Robert Lyon* LLA PH 57/2003 where it was said:

*“It is our view that if managers are guilty of breaches of the drink driving provisions of the Land Transport Act they must expect their certificates to be suspended for a period. The length of the period should represent a balance between the seriousness of the offending and the maximum term of six months. In the majority of cases such a result will be seen by the Authority as a desirable step towards the promotion of the object of the Act.”*

[6] Mr Gillespie finds himself the subject of an educative process focussed on trying to make a difference to the drinking culture nationwide. In the circumstances we have determined that his manager's certificate will be suspended for two weeks.

[7] Accordingly and for the reasons given, General Manager's Certificate number GM 1371/98, issued to David Gillespie, will be suspended for two weeks commencing on Thursday 19 November 2009.

**DATED** at WELLINGTON this 4<sup>TH</sup> day of December 2009

B M Holmes  
Deputy Secretary