

APPLICATION FOR CLUB LICENCE OR RENEWAL OF CLUB LICENCE



Form 5, sections 100 and 127(2), Sale and Supply of Alcohol Act 2012

Send or deliver your application to:

The Secretary
District Licensing Committee
Kāpiti Coast District Council
Private Bag 60601, Paraparaumu 5254
175 Rimu Road, Paraparaumu 5032
Email: licence.application@kapiticoast.govt.nz
Telephone (04) 296 4700 Toll Free: 0800 486 486

For Council use

File #

Once this application is complete you may make an appointment for a pre-lodgement meeting with a Licensing Inspector at the numbers given above.

Application forms cannot be accepted by the District Licensing Committee (DLC) over the counter until they have been signed off as complete by the Inspector and a fee category has been calculated.

This application is made in accordance with the particulars set out below:

1. Application Type

If you are not filing this renewal application, including paying the fee, at least 20 working days before the licence expires, provide a reason for the late filing as an attachment.

☐ New Club Licence

☒ **Renewal of Club Licence**

☐ Renewal of Club Licence with variation of conditions

Licence number:

Licence number:

2. Details of Applicant

Full legal name or names to be on licence:

Waikanae Rugby Football Club INCORPORATED

Whether licence already held for premises concerned: ☒ **Yes** ☐ **No**, and if 'Yes', state kind of licence

45/CLUB/081/2022

3. Applicant Status by reference to section 28 of Sale and Supply of Alcohol Act 2012

☐ Natural person(s)

☐ Private Company

☐ Body Corporate

☐ Public Company

☐ Partnership

☒ Incorporated Society

☐ Other (please specify).....

4. For Applicant that is a Natural Person(s)

Full legal name:		
Any aliases (and/or maiden name):		
Usual residential address: Number	Street:	
Suburb:	City:	Postcode:
Sex:	Occupation:	
Date of birth:	Place of birth:	
Telephone:	Mobile:	
Email:		
5. For Applicant that is a Body Corporate, Authority under which Incorporated		
6. For Applicant that is <u>Not</u> a Natural Person(s), Details of Contact Person		
Name: Samantha Tock	Designation/Position: Secretary	
Telephone: 027 344 9035	Mobile:	
Email: waikanaerugby@gmail.com		
7. Postal Address for Service		
Number/Street/PO Box: PO Box 88	Suburb:	
City: Waikanae	Postcode:	
8. Business Details		
Rugby Union sports club		
9. Criminal Convictions		
Does the applicant(s) have any criminal convictions (other than convictions for offences against provisions of the Land Transport Act 1998 not contained in Part 6, and offences to which the Criminal Records (Clean Slate) Act 2004 applies). ☐ Yes ☒ No, and if "Yes", then please provide nature of the offence, details of conviction, and penalty imposed.		
10. Details of Premises		

Address: Number 100		Street: Ngarara Road	
Suburb:		City: Waikanae	Postcode:
Any name of building: Waikanae Recreation Centre			
Club Name:			
If not Owned by Applicant:			
Tenure: <i>(state whether to be held as leasehold, or under tenancy agreement or licence)</i> Lessee to Kapiti Coast District Council			
Full legal name of owner:			
Address: Number		Street:	
Suburb:		City:	Postcode:
Is the licence conditional on completion of building work: ☐ Yes ☐ No , and if "Yes", state details:			
11. Details of Duty Manager(s)/Proposed Manager(s) <i>If more than two certified managers please attach details separately</i>			
Full legal name: Katie Janet Finlay			
Number of manager's certificate: 45/CERT/495/2016		Expiry Date: 28/02/2025 unsure of new dates sorry	
Full legal name:			
Number of manager's certificate:		Expiry Date:	
12. Club Details			
State authority under which the club is incorporated: Incorporated Society duly incorporated under Societies Act 1908 since 1 June 1978			
Membership: total number of members.....400..... how many are under 18 years of age.....200.....			
Contact details of club secretary - Name: Samantha Tock			
Address: Number/PO Box 1		Street: Catherine Lane	
Suburb:		City: Levin	Postcode:5510
Telephone:		Mobile: 027 344 9035	
Email: waikanaerugby@gmail.com		Preferred mode of contact: email	
Is the sale of alcohol intended to be the principal purpose of the club? ☐ Yes ☒ No , and if "No", advise the intended principal purpose of the club. To play rugby and grow junior rugby in Waikanae			

Is the applicant engaged, or intending to be engaged, in the sale or supply of any goods other than alcohol, non-alcoholic refreshments and food, or in the provision of any services other than those directly related to the sale or supply of alcohol and non-alcoholic refreshments, and food: ☒ **Yes** ☐ **No**, and if "Yes", advise the nature of other goods or services. *This is to assess whether other goods and services provided are compatible with the sale of alcohol.*

Rugby Club Merchandise

State the days and hours proposed for sale of alcohol (*this is licensed hours not trading hours*):

Monday – Thursday – 6pm to 11pm

Friday – 6pm to 12 midnight

Saturday – 11am to 12 Midnight

Sunday – 11am to 11pm

Do you have, or require, a Trading in Public Place licence to permit consumption of alcohol on footpath: ☐ **Yes** ☒ **No** If 'Yes', please attach and number #.....

13. Conditions

- Write answer below or attach relevant documents that demonstrate compliance.
- When including attachments please number the hard copies, and in the first column circle 'Yes' and write the document number on '#.....'

**Doc
attached?
Number.**

Describe experience and training of applicant (*the applicant is the Club*)

Incorporated Society duly incorporated under the Incorporated Societies Act 1908 on 1 June 1978 (reference no. 218228). WRFC has held a Club licence from approx.. 1990 and has operated under special licences for private events.

Yes / No
#.....

Describe the type and range of food intended to be available for purchase: Hot chips, Hotdogs, pies, peanuts and bags of chips. We supply a full meal after every home game of senior rugby on Saturdays during the season from 5:30pm to every person in the clubrooms

Yes / No
#.....

Describe the type and range of non-alcoholic beverages intended to be available for purchase: Bottled water, coke, coke zero, sprite, sprite zero, fanta, L&P,ginger beer, lemon, lime and bitters	Yes / No #.....
Describe the type and range of low-alcohol (2.5% ABV) beverages intended to be available for purchase: Heineken Zero	Yes / No #.....
Describe to what extent, and where, drinking water is intended to be freely available to members (if no access to mains water supply, also advise the potability of water intended to be available): Drinking water is freely available from the kitchen and on the bar. We have glasses and water bottle on the bar.	Yes / No #.....
Describe the steps intended to be taken to provide help with and information about transport options from the premises: Signage regarding taxi services is in the clubrooms and staff will assist with organising transport if necessary.	Yes / No #.....
Describe the steps proposed to be taken to prevent the sale and supply of alcohol to prohibited people: One cerified duty manager will be working every game day. We check ID's of everyone who looks under 25.	Yes / No #.....

Describe any other steps the applicant proposes to promote the responsible consumption of alcohol (<i>for instance host responsibility practices</i>): Existing signage in the cubrooms	Yes / No #.....
Describe any other systems (including training systems), and staff in place (or to be in place) for compliance with the Act: All staff working with the duty manager will be briefed on their responsibility to not supplying alcohol to minors, requesting ID for anyone who looks under 25 and identifying anyone intoxicated. Alcohol will not be served to anyone who looks intoxicated and the duty manager advised of any person considered to be intoxicated and the person will be safely removed.	Yes / No #.....
Describe any actions that have been taken to ensure the good order and amenity of the locality would not be likely to be: • reduced, by more than a minimal extent, by granting the licence; or • increased, by more than a minimal extent, by the refusal to renew the licence. <i>This includes issues such as noise (including amplified music, people in outdoor areas or arriving or leaving premises), the effects on sensitive users within locality such as pre-schools, schools and medical centres:</i> Sound levels from music and club members will be monitored to ensure noise is not excessive as to cause a disturbance to neighbours. As we play in winter doors are closed this will assist with containing noise	Yes / No #.....
For Licence Renewal Only: Describe any conditions of the licence the applicant seeks to vary or cancel: <i>To be filled in for each condition the applicant seeks to vary or cancel – attach additional pages as necessary</i> Terms of condition at present:	Yes / No #..... #..... #.....

Please attach a copy of your Host Responsibility Policy.	Yes / No #.....
Please attach a copy of a sample food menu.	Yes / No #.....
If premises are owned by another party, please attach an owner's statement or copy of lease to show there is no objection from the owner to the issue of a licence for the proposed premises. <i>Not required for a renewal unless the lease or ownership arrangements have changed.</i>	Yes / No #.....

15. Signature of Applicant (this must be signed by applicant not their agent)

I authorise New Zealand Police to disclose any personal information it considers relevant to my application to the Medical Officer of Health and/or the Licensing Inspector for the purpose of assessing my suitability.

Name: Samantha Tock

Date: 01/10/2025

Signature: Samantha Tock

Dated at location: Waikanae Rugby Club

Privacy Statement

Information contained in your application and any supporting information will be held by Kapiti Coast District Council to enable your application to be processed under the Sale and Supply of Alcohol Act 2012. This information will be made available to the public on request. The information will be provided to the Kapiti Coast District Licensing Committee, the NZ Police, the Medical Officer of Health and Council's Licensing Inspectors. This information may form part of a public hearing of your application before the Kapiti Coast District Licensing Committee and may be used in the Committee's decision for your application. Decisions will be made publicly available.

Council is required to keep a statutory register of all applications and the District Licensing Committee's decisions on them. Council is required to report statistics about applications to the Alcohol Regulatory and Licensing Authority. Any member of the public may request access to this information under the Local Government Official Information and Meetings Act 1987. This information may also be used under the Privacy Act 1993. You have the right to see and correct personal information that Council holds about you.

Method of payment (must be made at time of application)

☐ I have paid at a Kāpiti Coast District Council Service Centre when I delivered this application.

☒ I have paid by electronic transfer (Council Bank Account Number: 03-0732-0306101-00) and quoted my name and "alcohol" in the reference fields; and

☐ I have included proof of electronic payment with this application.

How I would like to receive my alcohol licence (please select one only)

☐ I will collect the alcohol licence – please contact me when it is ready by ☐ Phone or ☐ Email

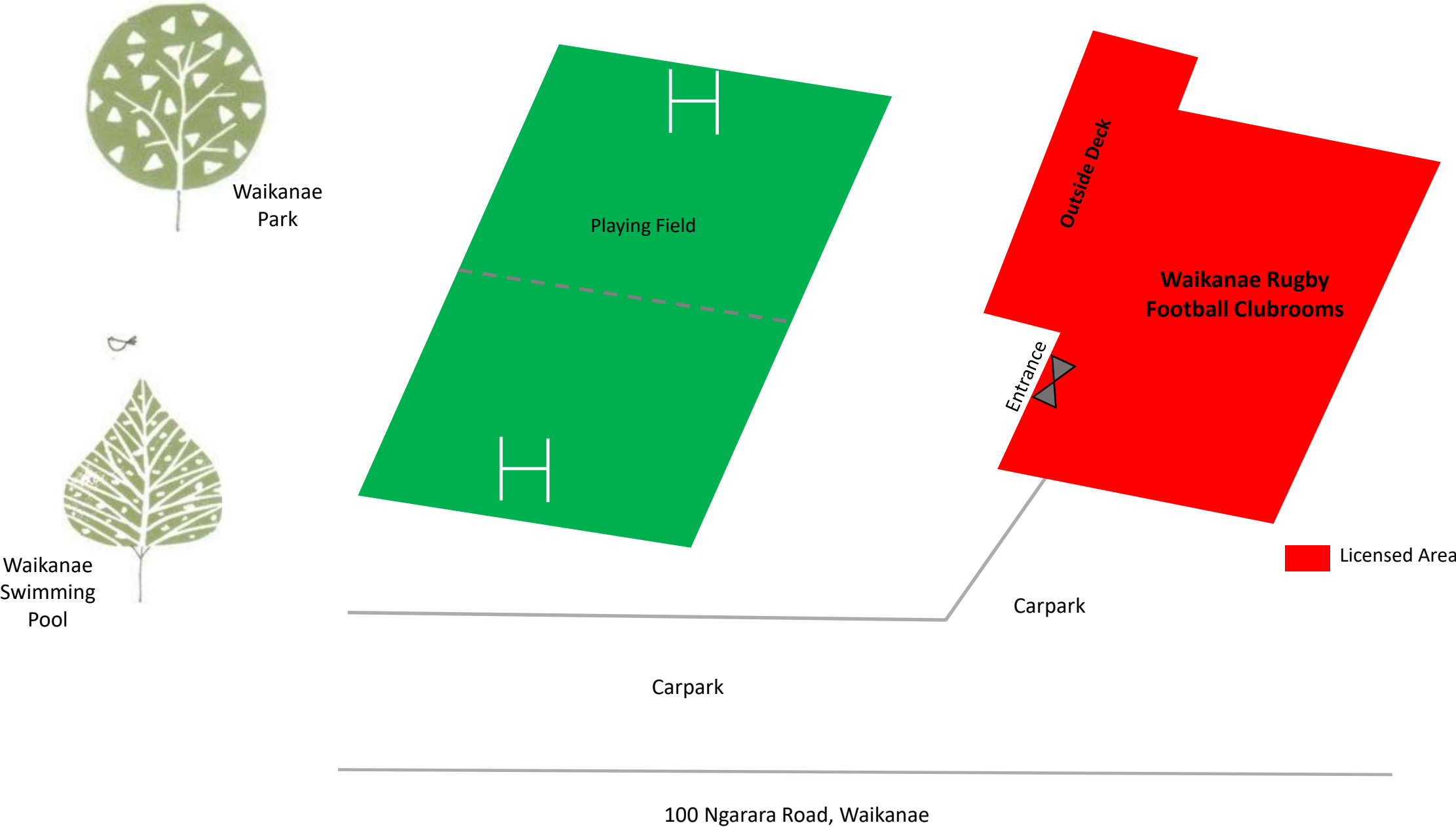
OR

☒ Please email the alcohol licence to me.

Next Step: Once your application is complete, if you would like to make an appointment for an optional pre-lodgement meeting with the Licensing Inspector then please Telephone (04) 296 4700 or Toll Free: 0800 486 486.

Public Notices

You are responsible for giving notice within 20 working days of the Council formally accepting your application (or 10 working days if it is an application for renewal) and the Council will send you a template to approve. The notice and application will be made available on the Public Notices page of Council's website for a period of 25 working days. A copy of this notice must also be displayed in a conspicuous place on the premises or conveyance to which this application relates for the period of public notification.



From: [Sam Tock](#)
To: [Mailbox - Licence Application](#)
Subject: Re: Alcohol Licence Due for Renewal & Annual Fee Due - CL795 - Waikanae Rugby Football Club Inc
Date: Wednesday, 1 October 2025 8:48:46 pm
Attachments: [image001.png](#)
[image002.png](#)
[Waikanae Rugby Club licence renewal.pdf](#)
[Attachment 1 Special Licence Application - Licensed Area.pptx](#)

Good evening,

I am so sorry that this is coming in late. I was on leave dealing with a bereavement and have had no access to a computer.

We have made payment tonight and attached everything.

What are the next steps please?

Kind Regards

Sam Tock
Waikanae Rugby Club Secretary

On Tue, Aug 5, 2025 at 9:46 AM Mailbox - Licence Application
<licence.application@kapiticoast.govt.nz> wrote:

Kia ora,

Please see Invoices attached for your Alcohol licence fees. The Licence will expire on **20 October 2025**, and you must apply to renew it **no later than 20 working days before** this date. Once a licence has expired it cannot be renewed.

In accordance with the *Sale and Supply of Alcohol Act 2012* your renewal application must be:

- filed with The Secretary of the District Licensing Committee no later than 20 working days before the expiry of the licence.
- made in the form and manner prescribed in Sale and Supply of Alcohol Regulations 2013; and
- accompanied by the prescribed fee (see invoice attached)

You can download and complete the renewal application form available on the [KCDC website](#). The deadline for lodging your application with the required supporting documents and paying the application fee is **22 September 2025**.

In addition, the Licence **annual fee** for your business is due on the anniversary date of when the licence was issued. Please note that the annual fee must be paid within 30 days of your anniversary date each year. If the fee is not paid in full within the 30 days, your alcohol licence is automatically suspended, and you will not be able to sell alcohol until such time that the fee has been paid in full.

Please read the attached invoices carefully to ensure you pay by the due date. Please note: Your account is currently in credit by \$46.00. Therefore the total amount payable for both the Application and Annual fees is \$651.50

If you have any questions in relation to this email, please contact the Alcohol Licensing

Team by responding to this email (referencing the name of your business) or by phoning 04 296 4700 or 0800 486 486.

Nga Mihi

Donna Want

Regulatory Services Support Officer
Te Kai Maangai Whakaanga Kiritaki

Tel 04 296 4700



The material in this email is confidential to the individual or entity named above, and may be protected by legal privilege. If you are not the intended recipient please do not copy, use or disclose any information included in this communication without Kāpiti Coast District Council's prior permission.

[illegible]

~~Hotdogs \$1.50~~

chippies \$2.

Lollybags \$2

Heineken Buckets \$25

The logo of the Waiata Rugby Football Club is a circular emblem. It features a central shield with a stylized 'W' and 'R' and the letters 'WRFC' below them. The shield is flanked by two crossed rugby sticks. The words 'WAIATA RUGBY' are written in a semi-circle above the shield, and 'FOOTBALL CLUB' is written in a semi-circle below it.

**HOROWHENUA KAPITI RUGBY FOOTBALL UNION
CLUB RECIPROCAL VISITORS LIQUOR AGREEMENT
WITH THE WAIKANA E RFC**

Alcohol will ONLY be served to;

- ▶ Our Members,
- ▶ Guests of our Members, or
- ▶ Members of HKRFU Affiliated Clubs (a copy is held at the bar.)

If you are not one of the above it is *illegal* for us to serve you alcohol.

Dated: 25th July 2012



The Pacific Café & Bar



“Host Responsibility Policy”

- WE WILL SERVE ALCOHOL RESPONSIBLY OR NOT AT ALL
- WE WILL NOT SERVE INTOXICATED PERSONS
- WE WILL NOT SERVE MINORS
- NO ID NO SERVICE NO EXCEPTIONS
- WE WILL NOT ALLOW INTOXICATED PERSONS TO ENTER OR REMAIN ON THE PREMISES
- WE PROVIDE AND PROMOTE A WIDE RANGE OF NON-ALCOHOLIC BEVERAGES
- WE PROVIDE AND PROMOTE FOOD
- WE PROVIDE FREE DRINKING WATER TO CUSTOMERS
- WE PROVIDE A TELEPHONE AND ENSURE ALL REASONABLE STEPS ARE TAKEN TO ENSURE SAFE TRANSPORT OPTIONS
- WE WILL OPERATE WITHIN THE REQUIREMENTS OF THE SALE AND SUPPLY OF ALCOHOL ACT 2012 AT ALL TIMES

STAFF AT THE

“Pacific Café & Bar”

HOPE YOU ENJOYED YOUR VISIT

HOST RESPONSIBILITY POLICY

The Management of **“ABC HOTEL”** believe that we have the responsibility to provide an environment that is not only comfortable and welcoming but also where alcohol is served responsibly or not at all.

We provide and actively promote a range of non-alcoholic drinks, tea, coffee and free water at all times.

A good range of food is always available as well. Menus are visible at all times.

It is against the law to serve minors. If we have any doubt as to your age, we will ask for ID. Acceptable forms of proof of age are a current NZ photo driver's licence, HANZ 18+ card or a current Passport.

Patrons who are judged by the staff as being intoxicated will not be served alcohol, will be asked to leave the premises and encouraged to take advantage of the safe transport options.

We will encourage people to have a designated driver. We will provide an interesting range of Non-alcoholic drinks and free water.

We will make sure all these services are well promoted and will display the necessary signage required under The Sale and Supply of Alcohol Act 2012

We will maintain a training and management policy to give our staff the skills and support required to do their job responsibly.

Please be our guest and take advantage of the services we offer.

“Host Responsibility” makes sure everyone has a good time and leaves in safe shape for the road home. It could save our licence and it could save your life.

We're responsible hosts.

“ABC Hotel”

Fire Evacuation Statement

This statement must be accompanied with all new or renewal applications for on-licence (including BYO licences), off-licence, special and club licences in accordance with section 100 and 127 of the Sale and Supply of Alcohol Act 2012.

1. Applicant details

Premises name:	Waikanae Rugby Football Club	
Applicants name: (Individual or Company)	Samantha Tock	
Premises address:	100 Ngarara Road, Waikanae	
Contact phone:	Home:	Mobile: 027 344 9035
Contact email:	waikanerugby@gmail.com	

2. Fire evacuation scheme

Most commonly a building requires an evacuation scheme because it is used for the following purposes:

- The gathering together, for **any purpose of 100 or more persons**:
- Providing **employment facilities for 10 or more persons**:
- Providing **accommodation for more than 5 persons** (other than in 3 or fewer household units):
- **Storing or processing hazardous substances in quantities exceeding the minimum amounts** prescribed in Schedule 3 of the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018.

See Fire and Emergency New Zealand Act 2017 section 75 and 76 for further information.

*If you are unsure that the building has or requires an approved evacuation scheme, check with the **building owner**. For the requirements of an evacuation scheme or to apply for an evacuation scheme, refer to Fire and Emergency New Zealand web site. **www.fireandemergency.nz** or Contact Fire and Emergency New Zealand, wellingtondistrict-rteams@fireandemergency.nz.*

Statement

I hereby state that (tick one):

☐ the **owner** of the building in which the premises are situated provides and maintains an evacuation scheme as required by section 76 of the Fire and Emergency New Zealand Act 2017;

OR

☒ because of the building's current use, its owner is not required to provide and maintain such a scheme;

OR

☐ because of the nature of the building, its owner is exempt from the requirement to provide and maintain such a scheme.

NOTE:

If an approved evacuation scheme is not required, the building must have evacuation procedures that meet Part 1 of the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018 – this does not require approval by Fire and Emergency New Zealand.

Name:

Add Samantha Tock

Signature:

Add 

Date:

Add 02/10/2025

Submitting applications

Email completed forms to: licence.application@kapiticoast.govt.nz

Post to:

Alcohol Licensing Team
Kāpiti Coast District Council
Private Bag 60601
Paraparaumu 5254

or deliver to:

Kāpiti Coast District Council
175 Rimu Road
Paraparaumu

THE MATTER of the Sale and Supply of Alcohol Act 2012
AND

IN THE MATTER of an application for a waiver by **Waikanae Rugby Football Club Incorporated** pursuant to section 208 of the Sale and Supply of Alcohol Act 2012 (the Act) for the **renewal of a Club Licence** in respect of premises situated at 100 Ngarara Road, **Waikanae** known as “**Waikanae Rugby Football Club**”.

BEFORE THE KAPITI COAST DISTRICT LICENSING COMMITTEE

DECISION

Introduction

- 1 I have before me an application by **Waikanae Rugby Football Club Incorporated** for a waiver pursuant to section 208 of the Act. The applicant filed a completed application for the renewal of an On licence on **1 October 2025**, with expiry **20 October 2025**.
- 2 Section 127 of the Act provides that an application for the renewal of a licence must be made no later than 20 working days before expiry of the licence or by such later date as the licensing committee may allow. In the present circumstances an incomplete application was filed **on the 20 working day deadline**. Accordingly, section 127 has not been complied with.
- 3 Section 111 of the Sale of Liquor Act 1989 (the old Act) was the previous section that allowed the District Licensing Agency to waive certain non-compliance where someone had neglected or omitted to do something in the precise manner required by the Act.
- 4 Section 208 of the Act states: Where any person has neglected or omitted to do any act or thing in the precise manner or within the precise time prescribed by this Act, the licensing authority or (as the case may require) the licensing committee or the chairperson, if satisfied that the neglect or omission was not wilful, may waive the same on such terms as they think equitable.
- 5 This is almost identical wording to the previous section 111 of the previous Sale of Liquor Act 1989.
- 6 The lead case on section 111 of the old Act, and still has some application for section 208 of the Act, is *Sara v Johns*, High Court at Auckland, CIV 2008-404-7746. In that case, Heath J gave guidance that:

...the discretion will no doubt be exercised (whether conditionally or unconditionally) having regard (among other things) to such factors as the delay in making the application, the seriousness of the neglect or omission, the consequences of granting a waiver, any prejudice that might be caused to third parties and any relevant public interest factors.

7. I believe it is clear that the applicant's conduct in this matter has not been wilful.

However it is the view of the DLC that the applicant will need to be more aware of their obligations under the Act. It is also noted the applicant will need to have systems in place to meet their statutory requirements.

8 I do not consider that any person will be prejudiced if the waiver is granted.

9 I am satisfied as to the matters to which I must have regard in section 208 of the Act, and I **grant** the waiver.

Dated at Paraparaumu the 10th of October 2025.



Nigel Wilson

Chairperson

Kapiti Coast District Licensing Committee



Information in relation to the relevant sections of the Act (remove)

127 Application for renewal of licence

- (1) *The holder of a licence may apply in accordance with this section to renew the licence.*
- (2) *Every application for renewal—*
 - (a) *must be filed with the licensing committee with which the application for the licence was filed; and*
 - (b) *must be made no later than 20 working days before the expiry of the licence, or by such later date (not being later than the date of the expiry of the licence) as the licensing committee may allow; and*
 - (c) *must be made in the prescribed form and manner; and*
 - (d) *must contain the prescribed particulars; and*
 - (e) *if it relates to any premises, must be accompanied by a statement by the applicant that—*
 - (i) *the owner of the building in which the premises are situated provides and maintains an evacuation scheme as required by [[section 76 of the Fire and Emergency New Zealand Act 2017](#)]; or*
 - (ii) *because of the building's current use, its owner is not required to provide and maintain such a scheme; or*
 - (iii) *because of the nature of the building, its owner is exempt from the requirement to provide and maintain such a scheme; and*
 - (f) *must be accompanied by the prescribed fee.*
- (3) *The applicant must comply with the notification requirements set out in [section 101](#); but public notice of the application must be given within 10 working days after filing the application, not 20 working days.*

Westlaw Commentary

Synopsis

This section sets out the process for applying for renewal of licences.

SA127.01

Legislative background

In its breadth of dealing with all licences, this section is new. However it replicates the provisions set out in ss 18, 41 and 64 of the 1989 Act for on-licences, off-licences and club licences respectively.

SA127.02

Effect of this section — discretion to extend filing time

Subsection (2)(b) specifies the time within which the application for renewal must be made. In practical terms, that means prior to one month before the expiry date on the licence. For a first licence which expires after 12 months, that will mean in the tenth month. For a renewed licence for a maximum period of three years, that will mean in the thirty-fourth month of that licence. The licensing committee has a discretion to accept a renewal application made outside that deadline — that is to say, in less than the “20 working days” before the expiry of the licence — on application for a waiver. However, such waivers cannot be sought and should not be granted later than the date of the expiry of the licence. If a licence expires prior to a renewal application being filed, then a new licence application must be made. There is no ability to renew an expired licence. An application to a licensing committee for a waiver, asking the committee to exercise its discretion to accept the application for renewal otherwise than in accordance with subs (2)(b), would be made under s 208.

SA127.03

Failure to lodge an application in time and continued trading

Where an application for renewal is not filed in accordance with this section and trading continues, a public hearing for a new licence made belatedly is almost inevitable because the suitability of the applicant is in issue. See [Re Ecstasy Plus Ltd LLA 1752/93, 13 September 1993](#).

208 Licensing authority or licensing committee may waive certain omissions

Where any person has neglected or omitted to do any act or thing in the precise manner or within the precise time prescribed by this Act, the licensing authority or (as the case may require) the licensing committee or the chairperson, if satisfied that the neglect or omission was not wilful, may waive the same on such terms as they think equitable.

SA208.12

Extension of time to file renewal application

*Without referring to Heath J’s decision in *Sara v Johns*, the Authority in [Re PK Thai Cuisine Ltd \[2011\] NZLLA 676](#) granted a waiver in respect of the late filing of an application for renewal that was not filed until the day after the expiry of the licence.*

More recently, a contrary decision was reached in the High Court by Venning J in [AZ Hobson Liquor Ltd v Galloway \[2012\] NZHC 2331, \[2012\] NZAR 930](#). The facts in this case were that on 30 May the licensee employed a consultant to renew its existing off-licence. The licence was due to expire on 25 August 2012. On 31 August 2012 the agent advised the licence holder that the renewal application had not been filed through

its oversight. An application for renewal and extension of time for filing the application for renewal was filed the same day — which was five working days after the expiry of the licence. The DLA advised that the application for renewal would not be accepted and no extension would be granted. Those decisions were appealed to the High Court. The High Court correctly observed that by the time the application for renewal and extension were made there was no licence to be renewed because it had already expired. The only option at that stage was to apply for a fresh licence. Venning J concluded that although harsh, that interpretation was consistent with the purposes of the Act because if an extension of time could be granted after a licence had already expired, there would have been a hiatus between the date of the late filing/extension application, whenever that might be, and the grant of any waiver and the expiry of the licence. Such a hiatus would pose difficulties in terms of enforcement in those circumstances.

SA208.13

“Satisfied”

“The need to be ‘satisfied’ calls for the exercise of judgment by the [decision-maker]. It is inapt to import notions of the burden of proof and of setting a particular standard, eg beyond reasonable doubt The phrase, ‘is satisfied’ means simply ‘makes up its mind’ and is indicative of a state where the [decision-maker] on the evidence comes to a judicial decision. There is no need or justification for adding any adverbial qualification.”

The above comes from a unanimous five member Court of Appeal in [R v Leitch \[1998\] 1 NZLR 420 \(CA\)](#), at 428 ([30]–[36]), which has been subsequently adopted and applied by the High Court in *Chief Executive of Department of Corrections v McIntosh* [HC Christchurch CRI-2004-409-162, 8 December 2004](#) at [21]–[22], and again on 21 December 2016 by the High Court in [Chief Executive of the Department of Corrections v Douglas \[2016\] NZHC 3184](#) per Nicholas Davidson J at [20].

A DLC can only grant a waiver if “satisfied that the neglect or omission was not wilful”. In [Rivers Hospitality Ltd v Police \[2023\] NZARLA 177](#) the DLC waiver was made on 30 March 2023 in relation to a police report due on 23 March 2023. ARLA stated that the timing would only be relevant as part of the assessment of the wilful test. A DLC is required to consider whether the omission was wilful, which means deliberate or intentional as opposed to accidental. In that case, the reason advanced to the DLC was “due to other work extractions”. ARLA stated that it was not entirely clear what this meant but would have to be taken as a re-prioritising of resources which imputes a deliberate omission. In ARLA’s view the DLC could not be satisfied on the material supplied that the failure to provide the reports was not wilful and the DLC decision to grant the waiver was wrong.

Note that s,208 does not allow the DLC to give a waiver where the applicant has acted negligently or wilfully.