

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

AND

IN THE MATTER of an objection to an
application by General Distributors
Limited trading as Woolworths Trafalgar
Park for renewal of an off licence

BEFORE THE DISTRICT LICENSING COMMITTEE AT NELSON

Chairperson: Mr Bruce Fraser
Members: Mr Derek Shaw
Mr Laurie Gabites

Decision dated 18 March 2026

Introduction

1. This decision is a decision on the papers relating to an objection by Mr Marty Miller to renewal of an off licence sought by General Distributors Limited (**GDL**) trading as Woolworths Trafalgar Park.
2. GDL holds an off licence entitling it to sell alcohol from its store at the corner of Halifax Street and Paru Paru Road, Nelson. On 23 January 2026 it filed an application for renewal of that licence.
3. The application for renewal was publicly notified on 26 January 2026 and an objection was filed by Mr Marty Miller on 4 March 2026. No other objections were received.

The Objection

4. Mr Miller's letter of objection states:

"This objection focuses on whether the applicant has appropriate systems, staff and training to comply with Section 132 and the manner in which the applicant has sold, displayed alcohol under Section m131(1)(d) (sic) of the Sale and Supply of Alcohol Act 2012."
5. In support of his objection Mr Miller also filed an affidavit providing details of his interaction with the store on a number of occasions.
6. The objection summary states that the *"objection is set out as follows:"*
 - *"Backstory*
 - *Narrative of previous unresolved complaint regarding the **display and sale of alcohol** at Woolworths – Trafalgar Park in conjunction with what I have repeatably experienced as perhaps unethical and **appropriate systems and staff training***

*that not are in place in relation to the **Sale and Supply of Alcohol Act** (not to be confused with Woolworth's refund policy or the concept of 'Fair Go').*

- *Questionable staff training to the interpretation (sic) of the definition to: **premises**, in relation to the Woolworths – Trafalgar Park retail supermarket's business footprints (building and contiguous parking area) and the supermarket's potential compliance obligations as set out within the Sale and Supply of Alcohol Act regarding the footprint(s) of its **premises**.*
- *Narrative to the witnessing of a recent event at Woolworths – Trafalgar Park in which the outcome of that event questions whether **appropriate systems and staff training are in place** in relation to the Sale and Supply of Alcohol Act at the supermarket's **premises**."*

(His emphasis.)

7. Mr Miller canvasses the following issues in his objection:

- (a) the purchase of cans of beer repackaged following damage to palletised cartons. Mr Miller provided an affidavit relating to a purchase of such a pack that included two "zero non-alcoholic" cans which he returned (with the other two cans) to the store and was advised that there were "no exchanges or refunds on alcohol" and the duty manager advised him "[his] hands were tied by the Alcohol Act which prevented him from doing anything". Escalation of the matter to "Woolworths New Zealand Corporate HQ" did not resolve his concerns.

Mr Miller characterises this as an unresolved complaint that led him to object to the renewal on the basis that "*the applicant does not appear to have appropriate systems, staff, and training to comply with the Sale and Supply of Alcohol Act.*"

- (b) Concerns regarding "*broken bottles of beer from a diminished and soggy cardboard beer box on the asphalt adjoining the supermarket's concrete entrance/exit ramp*". These came from a box lost from a trolley by "just arrived foreign tourists" that Woolworths duty customer service leader declined to replace, saying "*it's outside the premises*". Mr Miller complained "*that [he] did not think that is how you are supposed to treat customers*" and in his objection he questions the definition of "*premises*".

8. For completeness we note that none of the tri-agencies opposed the renewal and none have raised concerns in relation to "*premises*" or "*staff training*" or commented on either of those matters.

Objections: The Statutory Provisions

9. Objections to applications for licences (including renewals) are permitted by section 102(1) of the Sale and Supply of Alcohol Act 2012 (**SSAA**).
10. Section 102(3) is clear and prescriptive in defining the scope of an objection. It provides:

"No objection may be made in relation to a matter other than a matter specified in section 105."

11. Section 105(1) sets out the criteria to which the licensing authority or relevant licensing committee must have regard in deciding whether to issue a licence. Criteria of relevance in light of Mr Miller's objection are:

- *"the design and layout of any proposed premises"*: s105(1)(e)
- *"whether the applicant has appropriate systems, staff, and training to comply with the law"*: s105(1)(j)

Discussion of Issues

Premises

12. Section 2 of the SSAA defines "*premises*" as follows:

"Premises –

- (a) includes a conveyance; and*
- (b) includes part of any premises; and*
- (c) in relation to a licence, means the premises it was used for."*

13. In our view the word "*premises*" when used in the context of SSAA does not extend to an area outside as queried by Mr Miller. We take support for this view from the provisions in subpart 8 of SSAA relating to "*unlicensed premises*". Of note:

13.1 Section 234 makes it an offence to allow persons "*to sell, display or keep for sale, any alcohol in [unlicensed premises].*"

13.2 Section 235 creates an offence for unlicensed premises to be kept or used as a place of resort for the consumption of alcohol.

14. Having regard to the above, and the fact that premises are identified in an application this committee interprets the word "*premises*" as relating to premises licensed, not to any contiguous area.

Systems, Staff and Training

15. It is noteworthy that:

- (a) None of the tri agencies raised concerns regarding this matter.
- (b) The applicant is an existing licensee and no issues have been raised in this regard by any other party, whether in connection with the renewal or otherwise..
- (c) GDL is part of a larger national chain, and the application refers to an extensive list of policies and training regimes in place. As observed recently by ARLA, we are entitled to have regard to those matters and the policies and training regimes in place.¹

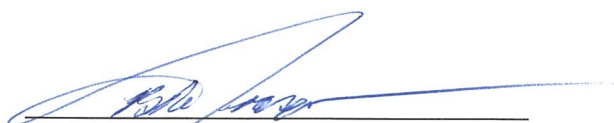
¹ *Savage v Mellow Spirits Limited* [2025] NZARLA 405-406 @ [60]

16. It is difficult to escape the conclusion that Mr Miller is disgruntled regarding the applicant's response to his concerns arising from the purchase of a bundle of repackaged beer and its treatment of him regarding that matter and other issues not relevant to this renewal application. Regardless of the merits or otherwise of those concerns, we do not consider the matters raised evidence a failure by the applicant to have appropriate systems, staff and training to comply with the law within s105(1)(j) SSAA.
17. We are satisfied that GDL's systems, staff and training to comply with the law and are adequate.

Decision

18. For the foregoing reasons the objection lodged by Mr Miller to the application by General Distributors Limited trading as Woolworths Trafalgar Park for renewal of an off licence is dismissed.

DATED at NELSON this 18th day of March 2026



B R Fraser
Chairperson
Nelson District Licensing Committee