

## Sale of liquor act (1989)

**Notes from the School Ball Planner website:** <http://www.schoolball.co.nz/after-ball-legal-issues/>

This is the main Act affecting afterball parties. The sections of this act that need to be understood are:

### **Section 151: Sales by unlicensed person**

Every person commits an offence and is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$40,000 who, not being the holder of a licence, sells or exposes or keeps for sale, any liquor.

To comply with this section no alcohol can be sold. Being sold or supplied also applies to alcohol being included in the ticket price.

### **Section 160: Purchasing liquor for minors**

1. Every person commits an offence and is liable to a fine not exceeding \$2000 who purchases or acquires any liquor on or from a licensed premises with the intention of supplying the liquor, or any of it, to any person who is under the age of 18 years.
2. Subsection (1) of this section applies irrespective of any liability that may attach to the licensee or any manager or any other person in respect of the sale or supply of the liquor.
3. Subsection (1) of this section does not apply to a person who purchases or acquires any liquor with the intention of supplying it to;
  1. Any child of whom that person is a parent or guardian; or
  2. Any other person who is attending a private social gathering.

This is the most important section for the afterballs – it means that, generally, for those under 18, only a parent or legal guardian can buy or supply alcohol.

The only exception in legislation is for a 'private social gathering'. Exactly what this means is not defined in the legislation so is open to different interpretations. As a general rule the people coming need a personal invitation i.e. if any student can come then it isn't a private social gathering. Remember alcohol cannot be sold at the event or included in the ticket price.

It is important to note that anyone who sells alcohol can be prosecuted if it can be shown that they knew it was to be illegally supplied to someone under 18.

### **Section 153: Use of unlicensed premises as place of resort for consumption of liquor**

1. Every person commits an offence and is liable to a fine not exceeding \$10,000 who, being the occupier or having or taking part in the care, management, or control of any unlicensed premises, allows those premises to be kept or used as a place of resort for the consumption of liquor.
2. Subsection (1) of this section does not apply to the consumption of liquor
  1. By any person on any premises on which that person resides, whether that person is the occupier of the premises or not; or
  2. Supplied to any person by way of gift by any person who resides on the premises on which liquor is consumed.
3. For the purpose of subsection (1) of this section, any person who acts as, or as if he or she were, an occupier or a person having any part in the care, management, or control of any premises shall be deemed to be an occupier of the premises, but without affecting the liability of any other person.
4. For the purposes of subsection (1) of this section, premises may be deemed to be kept or used as a place of resort for the consumption of liquor even though they are open only for the use of particular persons or particular classes of persons, and not to all persons who wish to use them.

This section is open for interpretation. If it can be proved that the primary purpose of an event is the consumption of alcohol, then the organizers of the event could be held liable.