

28 May 2014

Dear Sir / Madam

### **SCHOOL BALL SEASON 2014**

As the ball season is approaching for colleges, I take this opportunity to write to advise you of the position of the Auckland Alcohol Licensing Unit, Auckland Council and the New Zealand Police in relation to the issues and risks faced by school communities with respect to school ball and after ball functions.

The agencies understand that, while the after ball events are not sanctioned by colleges, the likelihood of adverse publicity of problem after ball events being linked back to the attendees' college is very real, as previously highlighted in many news headlines over the past years.

Of particular concern to the agencies is the sale and/or supply of alcohol to minors and the uncontrolled/unlimited supply of alcohol to young people aged over 18.

The use of buildings like warehouses that do not have resource consent or building codes that allow use for such events pose a risk to the attendees that must not be overlooked. These risks include, fire and overcrowding. Gate crashing functions has also been a problem in the past. The building owner/leasee can face prosecution and if alcohol is sold, supplied or consumed at that place, could also be culpable under the Sale and Supply of Alcohol Act 2012 for providing a place of resort for the consumption of liquor.

It would be appreciated if your schools can reiterate the very clear message given in past years - large, planned or impromptu pre or after ball functions should not be held. The sale or supply of alcohol to minors, including by the sale of a ticket to a function at which alcohol will be supplied, sold or consumed is illegal. An after ball event is not a 'private social gathering'. Any function for which tickets have been sold is not a private social gathering.

Express consent from the parent or legal guardian of a person under 18 years must be given to the person hosting/organising the event and must be specific to that occasion that the alcohol is to be supplied/consumed.

The Agencies, including Fire, Police and the District Council will take the appropriate action to prevent large unlawful gatherings and it is important to reiterate that prosecution action may be brought against those who are responsible for the organisation of such functions with large fines a possible consequence.

Small, at home gatherings of friends with families after the ball are acceptable and reduce the risk of significant harm to the community. The results of large gatherings too often result in disorder, injury, alcohol related offending including violence, drink driving and severe intoxication requiring medical intervention and other related alcohol harm.

Thank you in advance for your support in making Auckland safe. Should you have any further questions, we do encourage you to contact us at the email below.

Yours faithfully



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## **The Law**

### **Supplying alcohol to minors (section 241, Sale and Supply of Alcohol Act 2012)**

A person who supplies alcohol to a minor commits an offence and is liable on conviction to a fine of not more than \$2,000.

It is a defence if the person supplying the alcohol is a parent or guardian of the minor, and supplies the alcohol in a responsible manner, or believes on reasonable grounds that he or she has the express consent of the parent or guardian of the minor, and supplies the alcohol in a responsible manner.

When deciding what a responsible manner is the following may be taken into account:

- (a) The steps taken by the supplier to supervise the consumption of alcohol
- (b) Whether food was provided with the alcohol
- (c) Whether a choice of low-alcohol or non-alcoholic beverages, or both, was offered
- (d) The nature of the occasion
- (e) Any arrangements for, or provision of safe transport
- (f) The period over which the alcohol was supplied
- (g) The strength and volume of the alcohol supplied
- (h) The age of the minor
- (i) Any other matter it thinks relevant in the particular circumstances.

### **Guardianship defined**

Guardianship of a child means having all duties, powers, rights, and responsibilities that a parent of the child has in relation to the upbringing of the child.

This offence is also applicable in the situation where a minor is supplied alcohol by any person (Other in relation to a parent or guardian supplying alcohol in a responsible manner)

- . Any person who purchases on behalf of a minor
- . At a private party (Unless express consent and alcohol is supplied in a responsible manner)