

IN THE MOOT SUPREME COURT OF NEW ZEALAND

UNDER Sale and Supply of Alcohol Act 2012

BETWEEN ADAMS AND ADAMS
Appellants

AND THE NEW ZEALAND POLICE
Respondents

SYNOPSIS OF SUBMISSIONS ON BEHALF OF THE RESPONDENT

Senior Counsel:

Junior Counsel:

Research Counsel:

HIGH SCHOOL TEAM ONE

MAY IT PLEASE THE COURT, COUNSEL FOR THE RESPONDENT SUBMITS

1. That the appellants' unlicensed premises was used a resort for the consumption of alcohol

1.1 The consumption of alcohol at the after-ball function satisfies the legal test for a premises to be determined a resort for the consumption of alcohol

Sale and Supply of Alcohol Act 2012 (s235)

Browne & Police [1962]

Police & Clarke and Others [1977]

New Zealand Police & Thomas Douglas MacDonald [2016]

1.2 The consumption of alcohol was a substantial purpose of the after-ball function

1.2.1 The quantity of alcohol was significant

1.2.2 The consumption of alcohol was integral to the atmosphere of the afterball

Browne & Police [1962]

Police & Clarke and Others [1977]

1.3 The appellants facilitated the consumption of alcohol

1.3.1 The appellants were involved in the planning of the function from the outset

1.3.2 The appellants actively encouraged the consumption of alcohol at the afterball

Browne & Police (1962)

New Zealand Police & Thomas Douglas MacDonald (2016)

2. That the appellants, being unlicensed persons, did not gift but sold alcohol to the ball-goers and so the word "sells" is applicable

2.1 The alcohol supplied at the entrance was not gifted to the ball-goers

2.1.1 The students had to outlay the monetary cost of the ticket in order to be eligible for the alcohol

2.1.2 The appellants received a discernible monetary or otherwise consideration in return for the alcohol

2.1.3 The exemption under s235 (3)(b) does not apply

Sale and Supply of Alcohol Act 2012 (s233, 235, 274)

Attorney-General & L.D. Nathan & Co. Ltd [1990] 1 NZLR 129 (CA)

2.2 The appellants sold alcohol under the Sales of Goods Act 1908

2.2.1 The ball-goers paid an indivisible sum for entry into the afterball and the alcohol

2.2.2 A sale of both articles in a single transaction took place between the appellants and the ball-goers for the sale of alcohol

Sale of Goods Act 1908 (s3) (as at 14 April 2014)

Attorney-General & L.D. Nathan & Co. Ltd [1990] 1 NZLR 129 (CA)

Esso Petroleum Co Ltd v Commissioners of Customs and Excise [1975] UKHL 4

2.3 The appellants sold alcohol under s233 of the Sale and Supply of Alcohol Act 2012

2.3.1 The appellants charged a fee for an alcohol inclusive matter

Sale and Supply of Alcohol Act 2012 (s233)

Attorney-General & L.D. Nathan & Co. Ltd [1990] 1 NZLR 129 (CA)