



# **Out-of-control events: Frequently asked questions (FAQs)**

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New laws have come into effect for anyone who organises or is involved in an event that becomes out-of-control. The *Police Powers and Responsibilities Act 2000 (Qld)* now gives police greater powers to deal with unruly parties and events, and the power to prosecute irresponsible party and event organisers.

This information sheet addresses some frequently asked questions about out-of-control events and the new legislation.

## **What is an 'out-of-control event'?**

Firstly, the event must involve a gathering of at least 12 people with at least three engaging in out-of-control conduct. Out of control conduct includes things like trespassing, damaging property, disorderly conduct, fighting, doing obscene acts, making unreasonable noise, throwing objects to harm people, obstructing traffic, being drunk in a public place or breaking glass. Additionally, the out-of-control conduct must cause, or be likely to cause, someone at or near the event to feel fearful of violence, to a person or property, or substantially interfere with peoples' right to enjoy or access a public place.

## **What powers do police have?**

If police form the view that an event is, *or is likely to become*, an out-of-control event, they have the power, under the new legislation, to enter any place (without a warrant), give directions and take any steps they consider reasonably necessary to stop or prevent the event, to disperse event guests, to identify the event organisers or persons committing offences and to protect public order and safety. An event does not have to be out-of-control before police can exercise these powers.

## **What offences have been introduced?**

There are a number of new offences that have been introduced under the new legislation. These offences target event organisers (and their parents), gatecrashers and others involved in an out-of-control event.

### **Event organisers (and their parents)**

A person who organises (i.e. is substantially involved in arranging, hosting, managing, advertising or promoting the event) an event that becomes an out-of-control event commits an offence (maximum penalty: \$12,100 or 1 year's imprisonment). If the person who organised the out-of-control event is a child (under 17 years of age), and their parent or guardian gave them permission to organise the event, the parent or guardian commits the offence.

If the out-of-control event is held at a place where the person does not live or for which the person does not have lawful authority to use, higher penalties apply (maximum penalty: \$18,150 or 3 years' imprisonment).

It is a defence if the event organiser can prove that they took reasonable steps to prevent the event from becoming out-of-control (i.e. having appropriate parental supervision or crowd control for the event, responsibly supervising the supply and consumption of alcohol at the event (including BYO alcohol), having arrangements in place to appropriately disperse event guests after the event, ending the event as soon as possible after persons who are not invited to the event (e.g. gatecrashers) enter the place where the event is being held, not inappropriately promoting the event on social media).

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## Gatecrashers

It is an offence for a person who has been refused entry to an event (e.g. gatecrashers) to cause or contribute to an event becoming an out-of-control event through out-of-control conduct at or near the event (maximum penalty: \$12,100 or 1 year's imprisonment).

## Persons involved in the event

It is an offence for a person to fail to comply with a direction given by a police officer in relation to an out-of-control event (maximum penalty: \$12,100 or 1 year's imprisonment). Circumstances of aggravation (e.g. assaulting or threatening to assault another person, damaging property or throwing rocks or bottles) in breach of the police officers direction will attract higher penalties (maximum penalty: \$18,150 or 3 years' imprisonment).

## ***Is it true, I could be required to pay the police costs?***

Yes. A person who is convicted of relevant offences for organising an out-of-control event or failing to comply with a direction given by a police officer, may also be ordered by the court to pay all or some of the costs incurred by police in attending or responding to the out-of-control event.

If the out-of-control event was organised by a child, the court may call on the child's parent or guardian to pay these costs.

## ***What if my event starts to get out-of-control?***

If your event starts to get out-of-control call **Triple Zero (000)** immediately and consider what steps you can safely take to end the event. Early intervention by police may stop an event from becoming out-of-control and could reduce the ultimate costs incurred by police in attending or responding to the out-of-control event. However, police are not there to provide security for your event and the capacity of police to respond to any incident or event depends on the resources available at the time and the nature of the incident in question.

When police arrive follow their directions. If your party is out-of-control, or police believe your party is likely to become out-of-control, they have the power to enter any place (without a warrant), give directions and take any steps they consider reasonably necessary to stop or prevent the event, to disperse event guests, to identify the event organisers or persons committing offences and to protect public order and safety. It is an offence to fail to comply with any reasonable directions given to you by a police officer, and if charged and convicted you could face a significant fine or prison sentence.

## ***Am I liable if my event gets out-of-control despite my best efforts?***

Police will conduct an investigation into the out-of-control event before considering whether to lay charges. As part of the investigation, police will consider whether or not reasonable measures had been taken to avoid the event getting out-of-control (i.e. having appropriate parental supervision or crowd control for the event, responsibly supervising the supply and consumption of alcohol at the event (including BYO alcohol), having arrangements in place to appropriately disperse event guests after the event, ending the event as soon as possible after persons who are not invited to the event (e.g. gatecrashers) enter the place where the event is being held, not inappropriately promoting the event on social media).

If charges are laid, it will be a matter for the court to determine if measures taken by the event organiser were appropriate in the circumstances.

## ***Can police seize event equipment or do other things?***

Police already have powers under the *Police Powers and Responsibilities Act 2000* (Qld) to enter premises (without a warrant) to give noise abatement directions, turn off music and seize equipment.



The new legislation also gives police the power to give directions and take any steps, the police officer considers reasonably necessary, to stop or prevent an event from becoming out-of control, to disperse people from an event and to protect public order and safety.

### ***What if my child organises a party without my permission?***

In accordance with existing provisions relating to minors, the minor may be dealt with for the offence of organising an event that became an out-of-control event. Whilst you personally will not be guilty of an offence for organising the event, the court could still call on you to show why you should not contribute towards the reasonable costs incurred by police in responding to the out-of-control event organised by your child.

### ***What steps can I take to prevent an out-of-control event?***

What are appropriate steps for an organiser to take will depend upon the nature of the proposed event and what actually occurs at the time of the event. As an event organiser you have a duty of care for the safety and wellbeing of your guests.

Further information for planning a party is available on the [Party Safe for Hosts: Planning Tips and Checklist](#) page through the QPS Party Safe website ([www.police.qld.gov.au/party](http://www.police.qld.gov.au/party)).

For information on planning a community fundraising event go to the QPS Event Safe website ([www.police.qld.gov.au/eventsafe](http://www.police.qld.gov.au/eventsafe)) where you can access the [Non-profit fundraising events planning guide](#).

### ***What can I do if my child's attending parties or events that might get out-of-control?***

Parents should actively monitor where their children are and what they are doing. Parents should also consider making direct inquiries with the party host or event organiser to find out: how many people will be attending, whether alcohol will be available or permitted, if there will be responsible adults present and if security services have been engaged for the party or event.

The [Party Safe for Parents](#) page provides some strategies to help parents and guardians equip their children with the information they need to enjoy a safe party.

### ***How do I register my party of event with police?***

You can register a QPS Party Safe party online with police by completing the [Party Safe Online Registration Form](#) available through the QPS Party Safe website ([www.police.qld.gov.au/party](http://www.police.qld.gov.au/party)). Community events can also be registered with police through Event Safe and event organisers completing the [Event Safe Online Registration Form](#) available through the QPS Event Safe website ([www.police.qld.gov.au/eventsafe](http://www.police.qld.gov.au/eventsafe)). If you don't have access to the internet, you can register your party or event by telephoning Policelink on 131 444 or visiting your local police station.

### ***Will registering my party or event make any difference to the police response?***

Registration of your party or event does not mean police will provide security for your party or event. However, on the day, police may attend or drive past the address, or telephone the event organiser, to check that everything is proceeding safely.

Irrespective of whether your party or event is registered, police will respond to a party or event if there is a specific request to do so either from someone at the event, a neighbour, a concerned parent or if it is in the public interest to do so in order to maintain community order and safety.

The capacity of police to undertake patrols, or respond to an incident at a party or event, will depend on the resources available at the time and the nature of the incident in question.

