Out-of-control events: Frequently asked questions

Produced by the Drug and Alcohol Coordination Unit

For further information contact:
Drug and Alcohol Coordination Unit

M: 0439 835 509
E: DACU@police.qld.gov.au

The *Police Powers and Responsibilities Act 2000* (Qld) gives police greater powers to deal with unruly events and parties, and the power to prosecute irresponsible event and party organisers.

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

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

An out of control event is an event that involves a gathering of at least 12 people with at least 3 people engaging in out- of-control conduct at or near the event. The out-of-control conduct would cause, or be likely to cause, someone at or near the event to feel fearful of violence, to a person or damage to property, or to reasonably believe they would suffer substantial interference with their rights, peaceful passage through or enjoyment of a public place.

Out of control conduct includes –

- Unlawfully entering, or remaining in, a place or threatening to enter a place
- Behaving in a disorderly, offensive, threatening or violent way
- Unlawfully assaulting, or threatening to assault, a person
- Unlawfully destroying or damaging, or threatening to destroy or damage, property
- Wilfully exposing a person's genitals or doing an indecent act
- Causing or contributing to the emission of excessive noise [s. 576(1)]
- Driving a motor vehicle in a way that causes a burn out [s. 69]
- Unlawfully lighting fires or using fireworks
- Throwing, releasing or placing a thing in a way that endangers, or is likely to endanger, the life, health or safety of a person
- Unreasonably obstructing the path of a vehicle or pedestrian
- Littering in a way that causes, or is likely to cause, harm to a person, property or the environment
- Conduct that would contravene the Liquor Act 1992, part 6 [e.g. minor consume/possess liquor public place]
- Conduct that would contravene the Drugs Misuse Act 1986

What offences have been introduced?

Event organisers

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. If the person who organised the out-of-control event is a child (under 18 years of age), the parent, guardian or person with parental rights and responsibilities for that child also commits an offence, if they gave permission to that child to organise the event (110 penalty units or 1 year's imprisonment).

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 (165 penalty units or 3 years imprisonment)

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It is a defence if the person can prove that they took reasonable steps to prevent the event becoming out-of-control i.e. by hiring an appropriate number of security officers for the event or 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.

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.

Any persons involved in an 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. Circumstances of aggravation (e.g. assaulting or threatening to assault another person, damaging property or throwing rocks or bottles) in breach of a police officer's direction will attract higher penalties.

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

Yes. A person 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, guardian or the person with parental rights and responsibilities for that child to pay the 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 take to safely end the event.

When police arrive follow their directions. If your event is out-of-control, or police believe your event is likely to become out-of-control, they have the power to give you directions and take any steps they consider reasonably necessary to stop the event, disperse event guests and 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. by hiring an appropriate number of security officers for the event or ending the event as soon as possible after gatecrashers enter the place where the event is being held). If charges are laid, it will be a matter for the court to determine if measures taken by the 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 and Responsibilities Act 2000 (Qld) to enter premises (without a warrant).

The 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, dispersing people from an event and protecting public order and safety.

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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?

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 QPS Party Safe website (https://www.police.qld.gov.au/initiatives/party-safe).

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

What can I do if my child's attending an event or party 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 QPS Party Safe for Parents page provides 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 or 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 (https://www.police.qld.gov.au/initiatives/party-safe). Community events can also be registered with police through the Event Safe Online Registration Form available through the QPS Event Safe website (https://www.police.qld.gov.au/initiatives/event-safe). If you don't have access to the internet, you can register your party or event by phoning Policelink on 131 444 or visiting your local police station.

Will registering my event or party 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.

Regardless 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.

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