

PARTIES AND THE LAW

Gatecrashers

What if there's someone at my party and I don't want them there anymore?

There are laws that are designed to try to keep you safe. Remember, you and your guests have a right to feel safe, no matter what the situation is or what you're getting up to at your party. You can call the police on 131 444 to get assistance, or dial 000 if it's an emergency.

If there is someone you don't want at your home and you ask them to leave, and they don't leave, they will become a trespasser. If a trespasser does not leave the party, or if they trespass again, they are breaking the law. It's also against the law for a trespasser to use offensive language or behave in an offensive manner, or refuse to give their name and address to the occupier or party organiser.



If there is a trespasser at your party or at a party you are at you are able to call the police for help. A police officer can remove a trespasser from the premises if they reasonably suspect that the trespasser is committing one of the offences mentioned above.

Alcohol and Drink Spiking

Can young people drink alcohol if the party is on licensed premises?

It is illegal for young people to drink, buy, have in their possession, or be given alcohol while they are on licensed premises.

Can we get in trouble for drinking alcohol in a home?

The laws about young people drinking at home or someone else's home (or any 'private residence') have changed recently (Dec 2017).



It's now an offence for anyone to give alcohol to a young person in a home, or for a young person to drink or have alcohol in a home UNLESS the young person is given the alcohol by:

- their adult parent or care giver, OR
- an adult who has been given permission to give the young person alcohol from their parent or caregiver.

AND

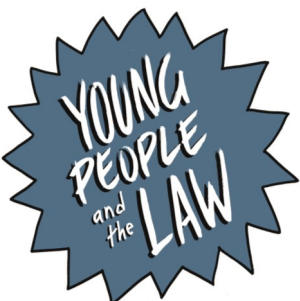
- that adult must also responsibly supervise the young person.

This means that, basically, a young person's parent or caregiver must consent to the young person drinking in a home, and there must be responsible supervision. Whether supervision counts as 'responsible' would depend on things like whether the supervising adult or young person is drunk, what kind of alcohol it is, how old the young person is etc.

You and your parents also have a responsibility to take care to ensure that those at your party are safe and not harmed.

If you want to have a party in some other kind of private property (not a home), keep in mind that it is illegal to give young people alcohol or for young people to drink alcohol in any private property that is not residential (like warehouses, halls, industrial buildings etc.). There is no exception. On-the-spot fines and penalties can apply.

Disclaimer: The material in this factsheet is a general guide only. It is not legal advice. The legal information was correct at the time of publishing, however may change without notice.



**Legal Services
Commission**
OF SOUTH AUSTRALIA

We help people understand the law and how it can affect them.

For free legal help,
call the Legal Help Line:

1300 366 424

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What about drink spiking?

Drink spiking is against the law. 'Drink spiking' is when someone adds alcohol or another substance to someone else's drink or food to affect their behavior without their knowledge. Drink spiking also includes when someone adds more alcohol to someone else's drink than they would be expecting to be in there. If someone has done this, you can report this to the police.

Drugs at parties

What happens if people at my party get caught with drugs?

If there are illegal drugs in someone else's control (for example in their pocket or bag) at your party you won't be personally in trouble if they are caught by police. Remember though, allowing someone to sell illegal drugs in your house or party is considered to be taking part in the sale or supply of drugs - and this is against the law.

Giving drugs to other people is also illegal. So, for example, if you pass a joint around you can still be charged with supplying drugs even if you weren't paid money for it.

For more information on drugs and the law, see our factsheet 'Drugs and The Law'.

Medical Emergencies



What can I do if people get hurt?

If someone gets hurt or drinks too much and it is an emergency, you should call an ambulance on 000. When the ambulance arrives you should tell them how much the person has drunk and what substances they've taken.

Ambulance officers do not have to call the police unless they are at risk of danger, someone dies or you request that the police attend.



If you think someone is having a drug overdose, you can call the Poisons Information Centre on 131 126, anytime and anywhere in Australia for advice.

Noise Complaints

What happens if there's a noise complaint about my party?

Your neighbours, or other people who are affected by the noise, can make a complaint to the police. If the noise level is considered a nuisance, then the police can order you to stop or reduce the volume. If you don't follow this order you may be fined.

Contact us!

Got a legal problem?
Call our free Legal Help Line:
[1300 366 424](tel:1300366424)

Would you like more information, resources, or a free visit?
Email: cle@lsc.sa.gov.au

To apply for legal aid online, visit: www.lsc.sa.gov.au



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