



Parties

Drinking

It's not against the law to have alcohol at a party at your home, but it's a criminal offence to serve alcohol to someone under 18 unless you have permission from the person's parent or guardian. Similarly, it's an offence to buy alcohol to give to an under 18 without their parent's permission.

Note: if you are charged with supplying liquor to a minor, it's up to you to prove to the court that you had the parent's consent. Telling the Magistrate "Oh, she said her Mum wouldn't mind" is unlikely to help you!

If you are under 18, you can be fined yourself for drinking or possessing alcohol in a public place, and police can seize the alcohol, unless you were being supervised by a "responsible adult".

Gate-Crashers

Anyone who comes to your party uninvited and without your consent is committing trespass (a criminal offence). It's also trespass to refuse to leave after being asked to. You can call police to deal with this. If you've registered your party with police in advance, it's probably more likely that police can intervene promptly if things get out of hand. You can register on www.mynite.com.au - this site contains many party tips and legal info.

Noise

Police can issue you with a warning or "noise abatement direction" if the noise of your party is considered offensive. You can be fined if the noise continues after receiving the direction. More generally, it is unlawful to play music at a volume that can be heard in neighbouring homes between the hours of midnight and 8am on Fridays and Saturdays, and between 10pm and 8am on other days.

Injuries, Assaults and other Damage

Unfortunately, parties account for a lot of admissions to hospital emergency departments, which is pretty crazy considering parties are meant to be fun. While you can't control everything that goes on at your party, you do have a legal "duty of care" to guests at your home, and could potentially be sued if someone is injured in circumstances you could reasonably have prevented. Similarly you might end up taking the rap if your guests do things like trash the neighbour's yard or damage property. If you are renting your home, you might be held to have breached your lease conditions if the premises are damaged or a neighbour's peace and privacy disrupted.

Pubs and Clubs

Under-18 year olds are not allowed to drink alcohol on licensed premises under any circumstances. Use of a false ID can land you with a hefty fine.

"Responsible service of alcohol" is not optional. The owner or operator (licensee) of licensed premises, and bar-staff, are guilty of an offence if they supply alcohol to an intoxicated person. "Intoxicated" means that the person's speech, balance, co-ordination or behaviour is noticeably affected by alcohol.

The licensee is also restricted from allowing intoxicated people, and "indecent, violent or quarrelsome" behaviour, on premises – unless preventative steps are taken including asking the drunk person to leave, and contacting the police to assist with removing the person if necessary.

It's best not to argue or resist a request to leave a pub or club, as refusing to leave can land you with a criminal charge.

Security guards, bouncers and police may use reasonable force to evict a person from private premises (such as a club) but may be guilty of assault if they go overboard.

Alcohol, Drugs and Nightlife

Drug Offences

The laws relating to illegal drugs are complicated – but a few key points for young people include:

If someone leaves their drugs with you, or at your home, you might be found guilty of possession if the drugs are considered to be in your “custody or control”, even though you don’t own the drugs.

Police can search you or your car, without a warrant, if they have a reasonable suspicion that you have drugs in your possession.

Supplying drugs to another person, whether for payment or for free, is regarded as more serious than possession for personal use, and is likely to attract a much more severe penalty – eg imprisonment rather than a fine.

Police may issue a caution to adults for some minor cannabis offences in limited circumstances. A caution may be used for under-18s for minor offences involving other drugs as well as cannabis. Receiving a caution means you are not charged and don’t have to face court – but this option won’t be available if you’ve been busted a few times.

It’s crucial to get legal advice if you are facing a drug charge (see Help points).

HELP POINTS

www.mynite.com.au

NSW Police safe party tips, legal info and party sign-up

Lawstuff

www.lawstuff.org.au

Legal Aid Hotline for under 18s 1800 10 18 10

Shoalcoast Community Legal Centre

www.shoalcoast.org.au

4422 9529 (*Shoalhaven*)

1800 229 529 (*Eurobodalla and Bega Valley*)

LawAccess NSW

www.lawaccess.nsw.gov.au

1300 888 529

NSW Office of Liquor, Gaming and Racing

www.olgr.nsw.gov.au (*fact sheets on underage drinking laws*)

Information is correct as at September 2013