

Legal issues to consider when holding events (QLD)

Legal information for Queensland community organisations

This fact sheet covers:

- ▶ permits that your community organisation may need before holding an event
 - ▶ what to consider when hiring a venue or equipment
 - ▶ copyright, marketing and promotions
 - ▶ event insurance
 - ▶ legal obligations around event safety
 - ▶ providing accessible events and activities
 - ▶ sponsorship for an event
 - ▶ laws that regulate fundraising in Queensland
 - ▶ tax considerations concerning events
 - ▶ other issues, and
 - ▶ checklist for running an event
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This fact sheet outlines some of the main legal issues that Queensland community organisations should consider when organising and holding an event in Queensland.

This fact sheet does not specifically cover issues for events run outside of Queensland, even if the organisation running the event is Queensland-based. However, you will find many of the same legal issues will need to be considered if you are running an event in another jurisdiction.

This fact sheet contains general information, is not intended to provide an exhaustive list of all issues your organisation should consider and should not be used as a substitute for legal advice or tax advice. Your organisation may need to get specific legal and tax advice about its event plans and potential liability.



Caution – COVID-19 restrictions

The ability of organisations to hold events may be subject to any COVID-19 restrictions in force in your state or territory.

You need to make sure your organisation complies with these restrictions.

Do we require permits from the local council and other authorities for our event?

The permits or licenses that your community organisation may need to obtain before holding an event (and for the duration of the event) will depend on:

- the type of event
- the activities to take place
- the facilities which will be provided to patrons and participants including any particular goods or services (such as food, alcohol, merchandise and gaming), and
- the particular requirements of the relevant local council and other authorities

We recommend that you always check with your local council to see what council-specific permits, as well as other relevant authorities for specific permits (for example, liquor licences from the [Queensland Office of Liquor and Gaming Regulation](#)) you may require before running your event.

Events and activities which generally require permits or licences

Permits or licenses are generally required for the following events and activities:

- holding an event on council or other public land
- setting up a temporary structure or using a venue for a purpose it is not designed for
- serving food to the public
- serving alcohol to the public
- playing live or recorded music
- displaying signs and banners
- community gaming
- setting up a market stall
- filming on council land
- providing access to St John Ambulance services or the Queensland Ambulance Service
- participation in QLD Companion Card Program
- using gas cylinders to cook or for other purposes
- using an open flame
- using fireworks, and
- using the footpath or closing a road

This is not an exhaustive list and there may be other permits required for your event.



Example

An event that you may need to close a road or footpath for is a fun run.

Ways to identify which permits may be needed

One way to identify local, state and federal permits, licences and registrations that are relevant to your event is to access the [Australian Business Licence Information Service \(ABLIS\)](#) or the [Queensland Business and industry portal](#).



Tip

The ['Guided Search' tool](#) located on the [ABLIS website](#) is a useful way to determine which licenses and permits you may need depending on the type of event you plan to hold.

Although this website has been set up to help small businesses, it may be helpful for people involved in community organisations to work out some of the permits, licences or registrations your organisation may need.

Your community organisation may also want to contact the relevant local councils directly. Most councils have officers who can provide your organisation with information about permits, venue availability, public liability insurance requirements, selling food or alcohol and other issues associated with your event. This information may also be available on your local council's website.

Depending on the type and size of your event, some local councils will also ask for a risk management plan, and often provide detailed event planning guides to help you through the process.

What should we think about when hiring a venue or equipment?

Your organisation should be aware that an agreement to hire a venue or equipment is usually a legally-enforceable contract.

It's important to read the terms and conditions of the contract carefully and make sure your organisation can comply with these. In particular, your organisation should be aware of the terms and conditions relating to insurance, liability indemnity (see below) and your organisation's obligations to repair or replace any damage to equipment or property.

You should also carefully consider your payment obligations and whether these will still apply if you need to cancel the event for any reason (such as not selling enough tickets or because of poor weather conditions).

Note – you may still have to comply with your contractual obligations under a hire agreement, even if your event does not run. You should obtain legal advice if you do not understand the terms of a hire agreement, or if it imposes significant financial obligations on your organisation. Similarly, you should seek specific legal advice if it becomes necessary to postpone or cancel your event.

Copyright, marketing and promotions

Playing live music, recorded music or music videos at an event

If you are planning to broadcast, communicate or publicly perform recorded music or music videos at your event, you will usually require two licences – one from music rights organisation [APRA AMCOS](#), and one from the [Phonographic Performance Company of Australia Limited \(PPCA\)](#). These different licences reflect the fact that there are at least two copyrights in any one recording – the copyright in the song (licences available from APRA AMCOS), and the copyright in the recorded version of the musical work (licences available from PPCA).



Caution

Simply buying a CD or a DVD does not give your organisation the right to play that music or music video in a public setting or at a public event.

PPCA is authorised by participating record labels to grant these licences and to collect licence fees to play recorded music or music videos. You will need a licence if the playing of recorded music or music videos at your event is considered a 'public performance' (meaning, in a non-domestic environment).



You may still require a licence even if the performance or the event is given for free, or the audience is small, or there is no admission fee, or the performance is confined to members of a club, or a limited area.



Example

You will need to apply for a licence from PPCA if you plan to play recorded music at any of the following types of events:

- fetes, garden parties, school, church or dance academy concerts
- arts, fringe, food, wine, sporting, film and community festivals, eisteddfods, exhibitions, fashion shows
- not-for-profit events solely for underage participants, and
- any ticketed multi-act music event

While PPCA provides licences covering the recording and/or music video of the song (a particular recorded performance), and represents the interests of recording artists and record labels, you may also need to consider obtaining a licence from APRA AMCOS. APRA AMCOS provides licences covering the copyright in the song (lyrics, composition) and represents the interests of composers and publishers.

If you are planning to have live performances of music at your event, you will usually need a licence from APRA AMCOS.



Note

A joint venture of APRA AMCOS and PPCA, called [OneMusic Australia](#), is due to launch in the first half of 2019 and aims to simplify the process of acquiring a public performance music licence.



Example

You will need to apply for a licence from APRA AMCOS if you plan any of the following for your event:

- music performed at events – for example promoted concerts, dance parties and other performances
- recorded music and live entertainment used during the course of a sporting event, or
- use of music (including copying print music for use by community orchestras, bands, choir), such as by churches, community bands, choirs, orchestras, eisteddfods, dance schools and other groups or organisations

Marketing and promotions

Before marketing an event you should ensure that you have the necessary permissions if you are using photographs, videos and text created or owned by other people. This also includes using photographs, videos, music or text on online forums (for example, your website or blog) or through social media forums. You will need permission from the copyright owner for materials that have been created by someone else.

Refer to the [Australian Copyright Council website](#) for information about when permission is required and how to request permission to use copyrighted works.



Related Not-for-profit Law resource

For more information, see our guide to advertising and fact sheet on social media, on our [webpage on communications and advertising](#).

In addition, if you plan to take pictures or videos at your event and want to use the images or film in a public forum, such as a website, brochure, newsletter, pamphlet or poster, you may need to seek permission from the people who appear in the content or the copyright owner or both. Seeking permission often means obtaining signed release forms from the people who appear in any images or videos you collect. A release form should explain what you'll be using the image or video for, and you should not use the image or video for any purpose other than that stated. Further, some councils require you to obtain a permit before the event if you plan to take pictures or videos at your event.

When advertising an event you need to make sure your organisation abides by any applicable laws or codes.

Note – the price paid for certain event tickets may have tax implications for your organisation (see Tax Considerations below).

What about event insurance?

Getting your own insurance

As the organiser of an event, it is likely your community organisation will need to take out public liability insurance, particularly if your event is to be held on council or public land.

The owner of land or a venue you are wanting to hire will typically insist that your community organisation have public liability insurance of at least \$10 million. You should check with your local council for further information. Some councils and other organisations will also ask you to list them in your policy as an 'interested party' and will request a copy of the policy before giving permission to hold your event.



Caution

Your organisation should not ignore requirements set out in lease agreements or permit conditions.



Caution

It may be a condition of your agreement to use the land or venue, or a condition of a permit, that all parties providing entertainment are covered by your insurance. Make sure you carefully read all your agreements and permits well in advance of your event!

Additional insurances

There may be a range of other insurances that your organisation will be required to get or will need to consider:

- if you are selling food or other products to the public – **product liability insurance**
- if you are relying on volunteers to help you with the event – **personal accident insurance**
- if you are hiring employees to help you with the event – **workers compensation insurance**, and



- if you are hiring independent contractors – review the agreements that you have with your independent contractors. Such agreements should specify the cover you need your independent contractors to have in place



Related Not-for-profit Law resource

For more information about insurance, see our [webpage on risk and insurance](#).

What are our legal obligations around event safety?

Your organisation will have a legal obligation to make sure the event is safe. Your organisation owes this obligation to the people involved in organising the event (volunteers, employees, independent contractors) and anyone who comes to the event (such as members of the public).

Generally, organisers of an event will owe a duty of care (through the law of negligence) to participants in the event. Briefly, this means that an organisation must take reasonable precautions against any foreseeable risk of harm to people attending events. In determining liability, courts will assess whether your organisation should have reasonably foreseen that its activities and actions (or inaction) could have caused loss, damage or injury to a participant. These obligations extend beyond 'accidents' and include harm that is foreseeable due to poor food preparation and alcohol service.

The legal obligation to ensure the event is safe for people involved in organising the event may also arise under the Queensland's work health and safety legislation (the *Work Health and Safety Act 2011* (QLD)) which applies to community organisations and has a very broad definition of 'workplace' which may include the event location.



Related Not-for-profit Law resource

For more information about occupational health and safety laws, see our [webpage on occupational health and safety](#).

Your local council should be able to provide specific advice in relation to safety, security and emergency procedures applicable to your community organisation's proposed event.

Depending on the nature of your event, you may need to ensure the safety of equipment, goods and persons. You may wish to consider whether you need to notify or organise for some groups to be at your event, including:

- Queensland Police Service
- Queensland Fire and Emergency Service or State Emergency Service
- an appropriately qualified first aid provider, for example St John Ambulance or the Queensland Ambulance Service
- private security, and
- Queensland Workplace Health and Safety ([WorkSafe Queensland](#))

WorkSafe Queensland has a number of tools that your organisation can use to undertake risk assessment of your proposed event – see the Resources section below.



Tip

You should also consider whether you need to arrange background checks or Working with Children checks for certain people. See our [webpage on background checks](#).

Do we have to provide accessible events and activities?

Equal opportunity and anti-discrimination legislation applies in Queensland. These laws may prohibit discrimination against certain people on the basis of a person's impairment or disability, age, sex, sexuality, race, religious beliefs, status as a parent or carer, pregnancy or breastfeeding among many other attributes. Some exceptions to the laws apply.



Tip

If you are charging an entry fee for your event, register for the [Companion Card Program](#). This allows people with a disability requiring lifelong attendant care support from a companion to attend events and projects without having to pay for a second ticket for their companion.

In general, equal opportunity laws apply to prevent discrimination when providing goods and services to the public. They also apply in other circumstances (for example in employment, sporting activities, and membership of clubs).

Your organisation could be covered by these laws and should put in place reasonable measures to ensure that your event (and goods and services) are accessible to all people. Even if your organisation is not covered by these laws, it is best practice to do so.

See the Resources section below for further information on holding accessible events.



Tip

Before planning an event check that the venue can reserve or allocate seating for people who use a wheelchair. Select accessible venues for individuals who may have physical disabilities such as hearing and sight limitations, and wheelchairs.

What if we have sponsorship for the event?

If your community organisation is intending to share the cost of staging an event through sponsorship, it is recommended that you and your sponsor partner enter into a sponsorship agreement.

A sponsorship agreement will generally be a legally enforceable contract. Your organisation should be sure that it can comply with the terms of the contract, especially if there are any conditions around sponsorship money (for example, any requirement that your organisation refund sponsorship money if you do not meet your obligations under the agreement or if the event is cancelled). If you have any concerns about a proposed sponsorship agreement you should seek legal advice.

Do we need to consider fundraising laws?

Yes. There are laws that regulate fundraising in Queensland.

The Collections Act 1966 (QLD) (**Collections Act**) prohibits any person or organisation from making an 'appeal for support' unless they either apply for a 'sanction' (approval) under the Collections Act or are exempted from the provisions of the Collections Act. 'Appeal for support' includes any invitation to the public to contribute to an organisation or cause including at any dance, concert, social, entertainment, bazaar, fair, fete, carnival, show, sport, or game.

If your organisation is considering holding a fundraising event in Queensland, you will need to comply with the laws that regulate fundraising in Queensland. To do so, you will also need to ensure that your organisation is appropriately authorised. The Collections Act provides for different types of authorisation depending on the purpose of the organisation. Some organisations are exempt from registration. There are also laws that regulate raffles, bingo and gaming.



Related Not-for-profit Law resources

For more information about fundraising law and gaming law requirements, see our [Guide to Fundraising](#) and our fact sheet on fundraising events involving minor gaming on our [fundraising webpage](#).

What are our tax considerations concerning events?

Tax considerations may apply to fundraising at your event. You should note that donations and contributions are treated differently.

Tax deductible gifts

If you want donors to be able to give tax deductible gifts or donations at your events, you need to be endorsed as a deductible gift recipient (**DGR**). Certain requirements need to be met in order to become a DGR or to satisfy tax deductibility requirements for benefiting donors.



Related resources

For further information on gifts and fundraising, see the [Australian Tax Office website](#) and our [webpage on DGR](#).

Goods and services tax (GST)

You may also be required to pay GST if you are selling tickets to your event. Generally, if you are registered for GST and you are selling tickets to a fundraising dinner or similar function in the course of your organisation's activities, you must pay GST on the tickets you sell. However, you should seek specific tax advice in relation to this issue. There are GST concessions and rebates available to many charities and not-for-profits.



Related Not-for-profit Law resources

For further information see [our fact sheet on Goods and Services Tax](#).

Other issues

There are many other issues you may wish to consider when organising your event. The following is a non-exhaustive list:

Acknowledging Traditional Owners at our event

An Acknowledgement of Country recognises that Queensland has an ancient and proud Aboriginal history and complex ownership and land stewardship systems stretching back many thousands of years. It pays respect to the Traditional Owners.

An Acknowledgement of Country should be given at formal events, forums and functions such as conferences, events, concerts, Government and Local Government meetings and official openings.

For more information, see the '[Welcome to Country](#)' page on the Queensland Government Cultural Awareness, Heritage and the Arts website.

Local council requirements

It is important to discuss your proposed event with the local council in order to find out the particular processes that might apply to your local council area including any formal approvals that might be required and any particular rules or regulations that may apply to the location in which you wish to hold your event.

Disruption of roads and public transport

If the organisation of your event will require the complete or partial closure of any roads or otherwise disrupt road users, you should notify the Queensland Police Service, the local council and the Department of Transport and Main Roads and consider whether you need to apply for the relevant permits or approvals.

For example, to run a **special event** in Queensland, organisers must first obtain written approval from the Queensland Police Service and public authorities such as the local council or the Department of Transport and Main Roads. A Special Event is an event which is wholly or generally of a public nature, uses or affects the operation of public roads, requires full or partial road closures or altered traffic conditions and involves some inconsistency with the usual operation of the Queensland road rules.

For further information, see the Department of Transport and Main Roads' webpage on [Traffic management at special events](#).

You should also contact public transport operator, TransLink, if you believe your event is likely to impact on existing transport services, local residents or businesses, or the safety of people travelling to and from your event. TransLink recommends registering your organisation's event with them several months in advance, to ensure transport is well planned. The TransLink event team can help your organisation source cost-effective transport and advise of other broader transport services changes, such as rail track closures. See the [TransLink website](#) for further information on planning an event.



Related resource

The Queensland Government has published a useful resource [Events in Queensland handbook](#) which provides best practice guidelines for even delivery in Queensland. It covers general planning, the role of the Queensland Government, operations and logistics, financial considerations, financial considerations, food and beverage, Welcome to Country/Acknowledgement of Traditional Owners and much more.

Noise management

Managing noise at events using public open spaces is also an important consideration. Local councils may place restrictions on noise levels, as well as limits on use of amplification equipment with the event, unless written approval from the council has been obtained (for example, not to exceed 72dB when measured three metres from the sound source, or amplified sound must not start before, and must end by, certain times).

The *Environmental Protection Act 1994* (QLD) makes it illegal for an event to make an 'environmental nuisance' with local councils having the ability to prescribe noise standards and take action if there is a contravention of a noise standard. As an event organiser, you will need to consider the amenity of the surrounding area when running your event, including hours of operation, noise from music, broadcasts and amplified speeches, vehicles, event activities, lighting and patrons and then consider ways to mitigate potential disturbances of the neighbourhood.

Handbills and signage

'Handbills' includes flyers, leaflets, brochures, place cards, notices, pamphlets, free newspapers or other printed materials. You may wish to distribute handbills before and at your event. You should check whether there are any specific requirements at your local council, including whether a specific permit is required or whether the handbill must contain any specific note (for example, 'Do Not Litter' in readable font).



Signage can include any non-illuminated advertisement advertising that you display outside your event. You should check with the local council if there are any specific regulations regarding what signage can be used.



Example

The City of Brisbane has strict requirements regarding the size, construction, and number of signs you can display for an event. You can also not display signage for more than two weeks before your event. For more information, see the [City of Brisbane website](#).



Checklist for running an event

Permits and licenses

- Public or council land
- Temporary structure
- Food
- Alcohol
- Gaming
- St John Ambulance or Queensland Ambulance Service
- Companion Card Program
- Gas cylinders
- Open flame
- Fireworks
- Using footpath or closing road

Copyright, marketing and promotions

- Licence from PPCA to play recorded music
- Licence from APRA AMCOS
- Permission to use photographs, videos and text created or owned by other people
- Release forms

Insurance

- Public liability insurance
- Product liability insurance
- Workers compensation insurance

Accessibility

- Appropriate arrangements for people with disabilities

Sponsorship

Fundraising

Tax

- Tax deductible gifts
- Goods and Services Tax (GST)

Contact Local Council

- Traffic management
- Noise management
- Public transport

Contact Local Police

- Traffic management

Acknowledgement of country



Resources

Not-for-profit Law resources

The [Not-for-profit website](#) contains many fact sheets on different topics. The following topics contain relevant further information:

▶ [Risk and insurance](#)

This page contains resources on background checks, occupational health and safety, negligence and incidents and accidents.

▶ [Fundraising and events](#)

This page contains resources on the main legal issues when fundraising in Victoria.

▶ [Communications and advertising](#)

This section offers information on advertising and promotions and social media, such as Facebook and Twitter.

Other related resources

▶ [Australian Business License and Information Service \(ABLIS\)](#)

The ABLIS system is designed for businesses but can be used by community organisations. Using the ABLIS search function you can find about licensing and your compliance obligations in Victoria and nationwide.

▶ [Australian Copyright Council](#)

For information about when permission is required and how to request permission to use copyrighted works.

▶ [Disability Advocacy Resource Unit](#)

This page has a link to event guidelines produced by Disability Access for people with a hearing impairments and a hearing checklist for events. It also has a link to event guidelines written by Vision Australia for people with vision impairment. You need to search or scroll down the page.

▶ [Queensland Government – Events in Queensland handbook](#)

This useful handbook provides best practice guidelines for event delivery in Queensland.

▶ [Business Queensland – Liquor and Gaming](#)

The Queensland Government site on liquor and gaming licensing.

▶ [WorkSafe Queensland](#)

The WorkSafe Queensland website has various resources to assist in addressing and managing risks in the workplace

Legislation

▶ [Work Health and Safety Act 2011 \(QLD\)](#)

This is a link to the legislation which sets out the laws relating to workplace health and safety in Queensland.



▶ [Anti-Discrimination Act 1991 \(QLD\)](#)

This is a link to the Queensland legislation that includes specific provisions prohibiting discrimination when providing goods and services.

▶ [Collections Act 1966 \(QLD\)](#)

This is a link to the Victorian legislation that regulates certain fundraising activities and events in Queensland.