



## QUEENSLAND

All licensees must ensure that noise coming from their establishment is not unreasonable and/or does not exceed the noise limit that is a condition of their liquor licence. This includes noise from:

- entertainment
- patrons at, entering or leaving the premises
- motors, including generators and air conditioning units

Many licensees have conditions endorsed on their licence document - specific to the venue - that relate to entertainment and patron noise levels. Licensees have a responsibility to ensure the impact of entertainment, patrons and other venue related noise does not negatively impact on local residents and businesses.

Unreasonable noise, now means noise that:

- exceeds the limits (if any) prescribed by regulation; or
- contravenes a compliance order that applies to the premises; or
- contravenes a condition that applies to the licence or permit for the premises



### Noise levels and liquor licence conditions

If a liquor licence that does not intend to have entertainment, will be endorsed for a maximum allowable noise limit of 75 decibels, measured approximately 3 metres from the source.

The same limit of 75 decibels may also apply to a licence that wants to provide entertainment but does not obtain an acoustic report.

If an acoustic report from a qualified engineer indicates the premises can contain a specified noise level, a licence condition will limit any noise source to this level.

The typical music volumes required for common forms of entertainment include:

Source	Volume (decibels relative to the carrier)
Person talking normally at 1m	60-65 dBc
Piped restaurant music	65-75 dBc
Video disk background music	80-95 dBc
Soloists/duos	85-105 dBc
Other small bands	95-110 dBc
Small rock band	105-120 dBc

## NEW SOUTH WALES

Licensees have an inherent obligation to make sure any negative impact on local residents or businesses in their community is minimised.

Noise, including: loud music, how patrons behave in your venue, and how they enter or leave your venue – can have a big effect on the neighbourhood and seriously damage goodwill towards your venue.

Following practices could be followed to ensure noise and disturbance could be minimised –

- Ensure you follow the approved hours of operation of the premises
- Do not exceed the maximum number of patrons permitted on the premises
- Self-assess – observe noise levels at your venue both inside and outside, and consider what your neighbours are hearing
- Turn down the amplified music on your PA system
- Close the doors or windows facing residential areas
- Conduct an acoustic test
- Maintain security arrangements
- Observe all entry and exit locations and maintain behaviour and noise levels of customers leaving the premises at all times
- Maintain behaviour and control noise in outdoor area management to minimise amenity impacts on nearby properties
- Remove general waste during approved hours, do not empty glass bins late at night (store in the appropriate area for removal next day)
- Manage and control entertainment provided by live bands, DJ's and maintain noise levels or limits

Police, councils, and residents can make a complaint about licensed premises noise or disturbance to L&GNSW.

Many noise and disturbance complaints stem from serious problems relating to the management and operation of the licensed premises, or violent, anti-social or criminal activity involving patrons in the vicinity of the premises. Disturbances and criminal activity, including violence involving patrons, can often be linked back to their levels of intoxication and the serving practices of the premises.

Where a complaint is established, conditions can be imposed on licensed premises to ensure the licensed premises does not impact on the local amenity, including conditions relating to:

- noise emission restrictions;
- additional security;
- a reduction in trading hours/entertainment; and
- drink and patron entry restrictions.

For details of NSW amenity provisions see Liquor & Gaming NSW  
<https://www.liquorandgaming.nsw.gov.au/resources/liquor-law>

## AUSTRALIAN CAPITAL TERRITORY

For details of ACT liquor offences see the Access Canberra website.

## Required Music Volumes

The typical music volumes required for common forms of entertainment include:

Source	Volume (decibels relative to the carrier)
Person talking normally at 1m	60-65 dBc
Piped restaurant music	65-75 dBc
Video disk background music	80-95 dBc
Soloists/duos	85-105 dBc
Other small bands	95-110 dBc
Small rock band	105-120 dBc

## Noise Levels

Existing venue managers need to understand the fundamentals of ACT laws applicable to noise emanating from indoor entertainment and live music performances.

All venues that sell liquor must hold a licence under the **Liquor Act 2010**. The main objectives of the **Liquor Act 2010** are to minimise harm associated with the consumption of alcohol, facilitate the responsible development of the liquor and hospitality industries, and to encourage and support consumers to take responsibility for their consumption of alcohol and their behaviour.

Some liquor licences or commercial liquor permits need to implement a Risk Assessment Management Plan (RAMP) that details the procedures, practices and arrangements for conducting the business of selling liquor at the premises. Once approved, the licensee or commercial permit holder has an obligation to ensure they and their employees are aware of the RAMP's contents and comply with its requirements.

The RAMP will contain what noise mitigation measures are in place to ensure the impact of entertainment, patrons and other venue related noise does not negatively impact on local residents and business.

Environmental noise, including noise from amplified music, is regulated under the **Environment Protection Act 1997** (<http://www.legislation.act.gov.au/a/1997-92/default.asp>) which is administered by the Environment Protection Authority (EPA). Complaints of excessive noise will be investigated by Access Canberra and EPA.

Link to EPA –

<https://www.accesscanberra.act.gov.au/city-services/environment-protection-authority>

## Permissible Noise Limits

Under the *Environment Protection Act 1997*, permissible noise limits (noise standards) vary according to the approved land use zone in which the activity is located. The following noise standards must not be exceeded at the boundary of the land from which the noise is originating.

Location	7:00 am - 10:00 pm (8:00 am - 10:00 pm Sunday and public holidays)	10:00 pm - 7:00 am (10:00 pm - 8:00 am Sunday and public holidays)
Civic centre and other major town centres such as Belconnen, Gungahlin, Woden and Tuggeranong	60 dB(A)	50 dB(A)
Group centres such as Dickson and Kingston	55 dB(A)	45 dB(A)
Smaller local centres such as Griffith and Lyneham	50 dB(A)	35 dB(A)
Residential zones	45 dB(A)	35 dB(A)

### Legal requirements

A licensee or permit holder commits an offence under the *Liquor Act 2010* if they fail to comply with an approved RAMP in force for the premises.

A number of actions can be taken by Access Canberra including taking disciplinary action through the ACT Civil and Administrative Tribunal which may result in:

- a financial penalty;
- imposing a condition on the licence; or,
- varying or revoking an existing licence condition.

In the case of environmental noise, a complaint may be lodged with the EPA. A complaint regarding noise pollution will be considered by the EPA, only if it is made by a person affected by the noise. The EPA will investigate the complaint and if validated a warning letter or fine may be issued. In some cases, an Environment Protection Order (EPO) may be issued. A breach of an EPO is a serious offence and could lead to prosecution in court.

### Fire Exits

Blocked and locked fire exits pose a significant risk to patrons and staff. Blocking or locking fire exits and failure to properly maintain fire services can result in fatalities.

It is a duty of care for all venue owners, licensee and managers:

- Ensure fire services are properly maintained and emergency exits are not obstructed or locked.
- Maintain emergency exit signs and ensure they are always illuminated.
- Ensure emergency evacuation procedures are described in the Risk Assessment Management Plan (RAMP) and ensure the emergency exits are not blocked or impeded.

Under Section 127 of the *Liquor Act 2010*, it is an offence for a licensee to not comply with an approved RAMP.

Penalties of up to **\$3,200\*** for an individual and **\$16,200\*** for a corporation can apply for breaches under this provision.

\*This value is correct as of July 2024



Video: Don't Block It, Don't Lock It

<https://youtu.be/XVbOseqP1yA>

## VICTORIA

The Liquor Control Reform Act 1998 outlines a number of factors that may be used as evidence in amenity investigations. It serves as a good indicator of the types of issues that may relate to the licensed premises having detracted from the amenity of an area, including:

- violent behaviour
- drunkenness
- vandalism
- disorderly behaviour of patrons
- noise disturbance to occupiers of other premises
- obstructing footpaths
- littering

Amenity noise complaints must be lodged directly by an occupier of a premises that is affected by the noise. In considering investigations into noise complaints a number of factors are considered, including:

- Previous investigations and outcomes. This includes investigations by council or Victoria Police.
- The area where the licensed premises is located. Entertainment precincts and mixed-zoned areas have higher allowances in relation to the general amenity of an area.
- Residential premises encroaching on licensed premises.

Investigators will consider the length of time a licensed premises has operated in comparison to the arrival of any residents, as well as any measures a resident has already taken to address the noise issues. Complaints related to noise must be accompanied by a detailed summary of issues that includes specific times and days of noise disturbances. Once the complaint is lodged and under investigation, the complainant must keep detailed noise diaries of disturbances and must also permit inspectors to enter their homes during times of noise issues to independently verify the level of disturbance. Failure of the complainant to be actively involved in the investigation will cause the investigation to cease.

To access more details about the Amenity Complaints, please click on the link below –

<https://www.vgccc.vic.gov.au/sites/default/files/Liquor%20Licensing%20Fact%20Sheet%20-%20Amenity%20complaints.pdf>

## TASMANIA

### Licensee's responsibilities in relation to complaints of disturbance in and around licensed premises

The Liquor Licensing Act 1990 places very clear obligations on licensees to ensure that the sale and consumption of liquor on licensed or permitted premises does not cause undue annoyance or disturbance to people living, working or worshipping in the neighbourhood of the premises or disorderly conduct not being allowed to occur in the premises or in the neighbourhood of the premises.

#### The Problems

Complaints often arise from activities of patrons causing annoyance or disturbance in the vicinity of licensed premises. These activities may include noisy vehicles, noisy patrons, vandalism, littering and urinating.

Another form of annoyance or disturbance could be excessive noise from bands or recorded music emanating from a licensed premises. Complaints of this nature would usually be dealt in the first instance by local councils or police who are empowered under the Environmental Management and Pollution Control Act 1994.

Most noise and disturbance complaints relate to late at night through to the early hours of the morning.

For details of the Tasmanian amenity provisions see the Tasmanian Department of Treasury website.

<http://www.treasury.tas.gov.au>

## SOUTH AUSTRALIA

The late-night trading code of practice applies to venues that trade past 2.00 am and prohibits the entry or re-entry of patrons onto licensed premises after 3.00 am.

The late-night code covers:

- drink marshals
- restrictions of the supply of beverages that promote rapid or excessive consumption
- restrictions on the use of glassware
- use of CCTV
- use of metal detectors.

**Extract from the Late-Night Trading Code of Practice under the Liquor Licensing Act 1997.**

The purpose of this code of practice is to promote the objects of the Liquor Licensing Act 1997 and, in particular –

- to ensure that the sale and supply of liquor occurs in a manner that minimises the harm and potential for harm caused by the excessive or inappropriate consumption of liquor; and
- to ensure that the sale, supply and consumption of liquor is undertaken safely and responsibly, consistent with the principle of responsible service and consumption of liquor; and
- to ensure as far as practicable that the sale and supply of liquor is consistent with the expectations and aspirations of the public; and
- to impose additional requirements for licensed premises that are authorised to trade after 2 am for the purpose of reducing alcohol-related violence and antisocial behaviour in and around licensed premises.

The late-night trading liquor code of practice can be accessed using the link below:

<https://www.cbs.sa.gov.au/sites/default/files/resource-files/late-night-trading-code-of-practice-liquor.pdf?timestamp=1590028435129>

## WESTERN AUSTRALIA

Section 99(1) provides that every licence is subject to the condition that the licensee:

- maintain the licensed premises at a standard that is reasonable having regard to the class of licence, the locality and the expectation of the public; and
- keep the premises and all fittings and fixtures in the premises thoroughly cleansed, in a hygienic condition and in good repair.

A complaint in writing may be lodged with the Director alleging –

- that the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of any activity occurring at the licensed premises; or
- that any –
  - behaviour of persons on the licensed premises;
  - noise emanating from the licensed premises; or
  - disorderly conduct occurring frequently in the vicinity of the licensed premises on the part of persons who have resorted to the licensed premises,



- is unduly offensive, annoying disturbing or inconvenient to persons who reside or work in the vicinity, or to persons in or making their way to or from a place of public worship, hospital or school. (section 117)

Where a *person* lodges a complaint, the complaint must be signed by 3 unrelated adults (including the complainant).

## NORTHERN TERRITORY

Licensees and staff have clear responsibilities under the Act, and the purpose of the General Code of Practice and Guidelines is to promote the objects of the Act and, in particular -

- minimise the harmful and hazardous use of liquor and promote responsible attitudes in relation to the promotion, sale, supply and consumption of liquor;
- minimise offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of licensed premises;
- prevent intoxication and/or disorderly or offensive behaviour on licensed premises;
- protect the safety, health and welfare of staff and patrons on licensed premises;
- protect the safety, health and welfare of minors on licensed premises; and
- ensure public order and safety on licensed premises.

### Section 106 - Complaint about noise etc emanating from licensed premises

As there is the potential for noise or disturbance to occur as a result of activities on licensed premises, or the conduct of patrons making their way to or from licensed premises, licensees need to be vigilant by monitoring sound levels and patron behaviour.

Complaints may be made to the Liquor and Gambling Commissioner where noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises, is unduly offensive, annoying, disturbing or inconvenient.