

Disturbance complaints

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You can take action against licensed premises that have a negative impact on your neighbourhood.

The simplest way to resolve a local disturbance is to speak or write to the manager of the licensed premises as soon as possible. However, if you can't resolve the issue, there is a more formal complaints process.

Under the *Liquor Act 2007* police, local councils and residents can make a disturbance complaint to the Secretary of the Department of Justice.

The Secretary has the authority and a range of enforcement options to deal with disturbance complaints against licensed premises.

What is a disturbance complaint?

A disturbance complaint is when you let us know in writing that the peace and quiet of your neighbourhood is being upset by:

- how a licensed premises conducts its business
- the behaviour of patrons after leaving the licensed premises.

Who can make a formal disturbance complaint?

1. Three or more local residents working together, or a third party authorised by 3 or more local residents.

2. Police
3. A local council
4. A person who satisfies the Secretary of the Department of Justice that the licensed premises is affecting their business interests – financial or otherwise.

You must support your disturbance complaint with a statutory declaration.

A disturbance complaint can relate to more than one licensed premises if you believe multiple venues are contributing to the problem, such as patrons moving between nearby venues late at night.

How do I make a formal disturbance complaint?

Read the Fact sheet - Disturbance complaints (PDF, 319KB)

Complete the Making a disturbance complaint form (PDF, 827KB) and submit by:

Post Compliance Branch Liquor & Gaming NSW GPO Box 7060 Sydney NSW 2001

In person Liquor & Gaming NSW Level 6, 323 Castlereagh St Haymarket NSW 2000

Email Liquor & Gaming NSW complaints@olgr.nsw.gov.au

How do we handle disturbance complaints?

After receiving a complaint, the Secretary of the Department of Justice considers the best way to deal with the issue. This could include:

- encouraging you and the licensee(s) to resolve the issues between yourselves
- mediation between you and the licensee(s)
- seeking voluntary actions by the licensee(s)
- using legal powers to impose conditions on the licence
- using legal powers to issue directions to the licensee(s) or staff
- dealing with the complaint based on your evidence and submissions from the licensee(s)
- arranging a meeting to get more information from you and giving the licensee a chance to respond.

Others, such as police and local council representatives, may also provide information, give their view, and offer advice on how to deal with the issue.

The Secretary gives all parties a fair chance to voice their opinion. We always observe the principles of natural justice and due process.

The Secretary decides if your neighbourhood is being unfairly disturbed.

What action can we take in response to a complaint?

The Secretary of the Department of Justice can use different legal tools to resolve a disturbance complaint.

This can lead to a range of outcomes, which the Secretary adapts to the particular circumstances of the complaint.

Where we reach a conclusion under the disturbance complaint rules of the *Liquor Act*, the Secretary can:

- impose a condition on the liquor licence
- vary or revoke an existing condition on the liquor licensee
- adjourn a complaint conference so the licensee can solve the issue
- give the licensee a warning
- take no further action.

The types of conditions we can impose on a liquor licence include:

- noise emission restrictions
- trading restrictions including lockouts or curfews
- restrictions on the sale and supply of liquor
- putting security, or additional patrols, in and around a licensed venue
- insisting that a licensee join a local liquor accord.

What issues do we take into account?

Information from police, the local council, residents, and the licensee helps to reveal the level of disturbance and what's necessary to deal with it.

Before making a decision, the Secretary of the Department of Justice considers the *order of occupancy* between you and the licensed premises – i.e. who was there first?

However, order of occupancy rules don't apply to complaints made by police or a local council.

The Secretary looks at any changes – including structural changes – that you or the licensed venue operators have made to your respective properties.

The Secretary also takes into account any changes in activities at the licensed premises over time, such as its pattern of trading hours.

Do I have to go to court if I lodge a formal disturbance complaint?

No. We deal with disturbance complaints through a system with informal procedures. You don't need to go to court or hire a lawyer to represent you.

How long do disturbance complaints take to resolve?

There is no set time. It depends on how many issues and people are involved in the complaint. However, the legal options available to the Secretary of the Department of Justice means we can take action quickly, if it's necessary.

Can I request a review of the decision?

Yes. Depending on how the Secretary of the Department of Justice resolves a complaint, you can request a review by the Independent Liquor & Gaming Authority.

Guides about disturbance complaints

Resolving disturbance concerns about licensed venues (PDF, 628KB) is a concise step-by-step guide to help you work with venue managers to resolve all types of local disturbance concerns.

Dealing with disturbance concerns from local residents and businesses (PDF, 614KB) is a guide to help venue managers resolve issues with residents and local businesses.

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