

ATTACHMENT A

Section 187 of the Liquor Act states:

187. Abatement of nuisance or dangerous activity

(1) *This section applies if an investigator believes on reasonable grounds that—*

(a) *noise coming from licensed premises or a utility area for licensed premises is—*

(i) *an unreasonable noise; or*

(ii) *in contravention of an order under section 46; or*

(b) *because of activity in or near the licensed premises, there is a danger to persons or property that is likely to be aggravated by the continued supply of liquor in the locality.*

(1A) *However, this section does not apply if the noise is from amplified music played at licensed premises—*

(a) *in a special entertainment precinct established by a local government under the Local Government Act 1993, section 956G; and*

(b) *for which the local government has issued a licence, permit or other authority under the local law made by the local government under the Local Government Act 1993, section 956G(3)(b), including licence, permit or other authority that has expired or been revoked or cancelled by the local government.*

(2) *The investigator may give written notice to the licensee, permittee, or person who appears to be in charge of the premises, requiring that—*

(a) *the noise stop or be reduced to, and kept at, a level so that it is no longer an unreasonable noise; or*

(b) *the premises be closed immediately.*

(2A) *In deciding whether to give a written notice under subsection (2), the investigator must have regard to the following—*

(a) *the order of occupancy between the licensee or permittee and any complainant;*

(b) *any changes in the licensed premises and the premises occupied by any complainant, including, for example, structural changes to the premises;*

(c) *any changes in the activities conducted on the licensed premises over a period of time.*

(3) *If the notice is contravened, the investigator may take all steps necessary and reasonable to ensure compliance, or continued compliance, with the notice.*

(4) *A person who contravenes a requisition under subsection (2) commits an offence.*

(5) *In this section—*

licensed premises *includes premises to which a restricted liquor permit relates.*

unreasonable noise *means noise that exceeds limits prescribed under a regulation.*

utility area, *for licensed premises, includes an area containing plant or equipment that is not part of the licensed premises, but is used for the benefit of the licensed premises.*



Example—

An area containing an air conditioning plant for licensed premises may be a utility area.

Regulation 40 of *Liquor Regulation 2002* states:

40. Prescription of limits for noise that if exceeded constitute unreasonable noise

For the definition unreasonable noise in section 187(5) of the Act, the limits for noise are as follows—

- (a) between 6a.m. and 10p.m.—the adjusted maximum sound pressure level LA10, plus adjustments for tonal and impulse components, exceeding the background level LA90 by more than 10dB(A);
- (b) between 10p.m. and 6a.m.—the sound pressure level LOCT10, in a full octave band with centre frequencies from 63HZ to 2000HZ, exceeding the background level LOCT90 by more than 8dB in any octave band.

Section 148A of the Liquor Act states:

148A Obligations of licensees and permittees relating to the service, supply and promotion of liquor

(1) This section imposes obligations on licensees and permittees in the conduct of business on licensed premises or premises to which a permit relates for—

- (a) maintaining a safe environment for patrons and staff of the premises; and
- (b) ensuring liquor is served, supplied and promoted in a way that is compatible with minimising harm from the use of liquor and preserving the peace and good order of the neighbourhood of the premises.**

(2) The licensee or permittee must not engage in a practice or promotion that may encourage rapid or excessive consumption of liquor.

(3) The licensee or permittee must engage in practices and promotions that encourage the responsible consumption of liquor.

(4) The licensee or permittee must provide and maintain a safe environment in and around the premises.

(5) A regulation may prescribe examples of what are acceptable or unacceptable practices or promotions for subsections (2) to (4).

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- (5) *In this section—*
- licensed premises** *includes premises to which a restricted liquor permit relates.*
 - unreasonable noise** *means noise that exceeds limits prescribed under a regulation.*
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(4) The licensee or permittee must provide and maintain a safe environment in and around the premises.

(5) A regulation may prescribe examples of what are acceptable or unacceptable practices or promotions for subsections (2) to (4).

(6) A practice or promotion prescribed under a regulation for a subsection does not limit the subsection.



ATTACHMENT A

142ZZB - Providing a safe environment and preserving amenity

(1) A licensee or permittee must, in the conduct of business on the relevant premises, provide and maintain a safe environment in and around the relevant premises.

Maximum penalty—100 penalty units.

(2) A licensee or permittee must, in the conduct of business on the relevant premises, take all reasonable steps to ensure the use of the premises does not adversely affect the amenity of the area in which the premises are located.

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(3) A licensee or permittee must, in the conduct of business on the relevant premises, take all reasonable steps to ensure the behaviour of persons entering or leaving the premises does not adversely affect the amenity of the area in which the premises are located.

Maximum penalty—100 penalty units.

(4) If a licensee or permittee knows or has reason to believe that a relevant offence is being, or is about to be, committed in or around the relevant premises, the licensee or permittee must take reasonable steps to stop or prevent the commission of the offence.

Maximum penalty—100 penalty units.

(5) For subsection (4), an offence is a relevant offence if the commission of the offence may reasonably be expected to have an adverse impact on—

- (a) the health and safety of a person in or around the relevant premises; or
- (b) the amenity of the area in which the premises are located.

(6) A licensee or permittee must, in the conduct of business on the relevant premises, engage in the positive practices prescribed by regulation for this section.

Maximum penalty—100 penalty units.

(7) A licensee or permittee must not, in the conduct of business on the relevant premises, engage in, or allow another person to engage in, an unacceptable practice prescribed by regulation for this section.

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(8) A regulation may prescribe a practice to be a positive practice for subsection (6) or an unacceptable practice for subsection (7) for the purposes of—

- (a) providing and maintaining a safe environment in and around licensed premises and premises to which permits relate; and
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