

Noise restrictions

A fact sheet for licensees

Around 33% of complaints received each year by the Liquor Licensing Division are related to excessive noise from licensed premises, usually due to loud entertainment and noisy patrons in and near the premises.

It is the responsibility of all licensees and permittees to ensure noise coming from their establishment does not exceed the noise limit that is a condition of their licence.

This includes noise from:

- Entertainment
- Patrons at, entering or leaving the premises
- Motors including generators and air conditioning units

It is the responsibility of the licensed premises to make every effort to ensure the impact of entertainment, patrons and other venue related noise does not negatively impact on local residents and businesses.

The current noise restrictions are 75 decibels if no entertainment is to be conducted or if no acoustic report is submitted.

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

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

Person talking normally at 1m	60-65 decibels
Piped restaurant music	65-75 decibels
Video disk background music	80-95 decibels
Soloists/Duos	85-105 decibels
Other small bands	95-110 decibels
DJ	100-115 decibels
Small rock band	105-120 decibels

Many venues have conditions endorsed on their licence document specific to their venue and relating to entertainment noise levels. The ability of the individual premises to contain noise, and not the type of entertainment, determines the conditions imposed.

The Chief Executive may impose a condition on the licence if it is considered the building is unable to contain noise levels. Conditions are imposed at the time a licence is granted or varied, or as a result of substantiated complaints, and will set volume levels for any amplified music or voice at the premises.

If it is intended to conduct amplified entertainment above 75dB(C) at a new establishment, or if a licensee seeks to remove a current condition prohibiting or limiting amplified entertainment, a report from a qualified sound engineer must be provided.

The ability of the premises to contain noise, and not the type of entertainment, determines whether or not a condition is imposed. This prevents new problems arising when changes in management occur, and the entertainment is changed. A list of sound engineers familiar with liquor licensing noise requirements can be obtained by contacting the Division on (07) 3224 7108.

Powers of investigators

If an investigator believes by definition that noise from a licensed premises is unreasonable, the investigator may require the noise to be reduced or stopped, or the premises be closed. Each of these actions is done by the issue of a written notice to the licensee or person in charge of the premises at the time.

Failure to comply with an order can lead to disciplinary action including one of the following:

- prosecution, which carries a maximum fine of \$1875
- show cause action, which can have results ranging from fines to cancellation of the licence.

Entertainment

The provision of entertainment is only mandatory for premises with an on-premises (cabaret) licence, where entertainment is the primary purpose.

Other licensees may conduct entertainment. The separate approval of the Division is not needed to do so, unless the conditions of the licence prohibit it, and providing the premises is sufficiently soundproofed.

The Liquor Act does not limit the type of entertainment that may be provided (excluding sexually explicit entertainment requiring an adult entertainment permit (AEP)). These are available either for a one-off occasion or for a period of up to 12 months. Under s5 of the Liquor Act 1992 a one-off AEP must be lodged at least 8 weeks prior to the event.

Other entertainment is required to be kept within the bounds of acceptable community standards and within any noise restrictions.

The Division is happy to provide any assistance and advice in minimising noise from licensed premises and resolving noise complaints however the ultimate responsibility for minimising noise from licensed premises rests with the licensee or permittee and their staff and management. Failure to meet the requirements of the Liquor Act and Liquor Regulations may result in the above disciplinary action being taken by officers of the Division as required.

Helpful hints

Addressing the following questions can go a long way toward ensuring that your business does not become a neighbourhood problem.

Entertainment

- Are the doors and windows closed during entertainment?
- Are the speakers facing away from your neighbours?
- Can you utilise another area of your premises away from your neighbours?
- Is there a soundlock on the entry door to the entertainment area?
- Is the type of entertainment suitable to your premises' structure?
- Have you had a walk outside and listened? (If you can make out the words to a song, it is too loud).
- Have you considered a sound limiting device?
- Have you investigated whether double glazing may assist?

Motors

- Are all motors adequately maintained?
- Is it necessary to run motors all night (eg. refrigerators)?
- Can motors be baffled or repositioned away from neighbours?

Patrons

- Are signs in place requesting patrons to be mindful of the neighbourhood?
- Do you have adequate security and lighting in areas such as car parks?
- Can you reposition the cab rank away from your neighbours?

For more information please contact:

The Liquor Licensing Division
Web site: www.liquor.qld.gov.au
or call 1300 658 030 (for the cost of a local call).

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The laws referred to in this guide are complex and various qualifications may apply in different circumstances. You are encouraged to obtain independent legal or financial advice if you are unsure of how these laws apply to your situation.

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