

*This fact sheet provides information on avenues for complaints against a licensed premise or group of premises in a defined geographic area or precinct. This information is useful to community members wanting to make a complaint about disturbance created by a venue such as noise or anti-social behaviour.*

### **Making a complaint to the Office of Liquor, Gaming and Racing (OLGR) about possible breaches of liquor laws**

The Office of Liquor, Gaming and Racing is required to investigate complaints about any possible breach of the *Liquor Act 2007* or *Liquor Regulations 2008*. Complaints can be made about a range of issues including:

- The management of a licensed venue;
- Responsible Service of Alcohol (RSA);
- Alcohol being served to minors under the age of 18 years; and
- General antisocial behaviour.

These complaints can be made using an [online form](#) and require information such as the complainants contact details, the licensed venues details and the nature of the complaint.

### **Making a disturbance complaint to the Director General**

Under s79 of the Liquor Act, the Police Commissioner, a person authorised by the Local Council, three or more local residents or a person who may be adversely affected financially by a licensed premises have the capacity to lodge a disturbance complaint with the Director General.

Complaints can be made about “undue disturbance to the quiet and good order of a neighbourhood”. This extends beyond the narrow confine of just “noise” and includes the “operation” of the premises and the “conduct” of their patrons once they leave the premises.

The [form](#) for lodging a disturbance complaint is available on the OLGR website. The complaint form requires information on the complainant. If the complainant is a community member, information is also needed on two other residents supporting the complaint. Information is also required on the licensed premise or premises in question, the disturbance, the frequency and patterns of these disturbances, the action taken to date to engage with the venue or other parties (such as police), the residence at which the complainant resides and their length of residence and any changes to the licensed premises. Finally the application form requires information on the outcomes being sought from the resolution of the complaint.

The disturbance complaint must be supported by a statutory declaration which is included in the [form](#) available on the OLGR website.

When the Director General receives the complaint, they consider the best approach to addressing the complaint. They may also call on other stakeholders, such as police and Local Council representatives to provide their views. This may include attending a conference or providing data.

Actions that may be taken by the Director General include regulatory action. This action may include imposing a condition on a liquor licence, issue a warning or taking no further action.

### **Review of disturbance complaints**

Complainants have the right to seek a review of any of the Director General's decisions relating to a disturbance complaint. Reviews must be lodged within 21 days and a fee of \$250 is required in seeking such a review.

More information on the review process is available in the fact sheet: [\*Applications for Review under Section 36A of the Gaming and Liquor Administration Act 2007.\*](#)

## Disturbance and related complaints Checklist

*The following checklist provides community members with some key considerations when determining disturbance complaints.*

- Have you discussed your complaint with other concerned members of the community?
- Have you downloaded the disturbance complaint [form](#) from the OLGR website and reviewed the information needed to form the complaint?
- Have you identified by name of business, licensee and address, the licensed premise(s) and other possible businesses that may be the primary source and/or contributors to the problem?
- Are the licensees involved strictly complying with their existing legal obligations under the *NSW Liquor Act 2007* (OLGR, Police), their liquor licence conditions, drink promotion guidelines, development consent conditions and other relevant obligations?
- Have you gathered and retained copies of previous complaints to the authorities including Police, Local Council and OLGR relating to the same type of disturbances?
- Have you defined and provided information on the dimensions of the problem including logs of disturbances, video and sound recordings, media reports, police data and health and social impact statistics?
- Have you sought further authorisations of your disturbance complaint to ensure the decision makers are fully aware of the depth and breadth of the community's and businesses' objection to the undue disturbance?
- Have you made and kept copies of all documents and followed up with OLGR to determine the progress of the application?

**Where do I go for more information?**

[OLGR online complaint form: \*Complaining about breaches of the laws we administer\*](#)

[Guideline: Applications for Review under Section 36A of the \*Gaming and Liquor Administration Act 2007\*](#)

[Complaining about breaches of the laws OLGR administers](#)