



Victorian Commission for Gambling and Liquor Regulation

Liquor Licensing Fact Sheet

Amenity complaints

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) makes every effort to achieve a compliant industry, but there may be times when a gambling industry participant, licensee, their employees or a patron breach gambling or liquor laws.

When making a complaint, we will ask for details of the incident you believe is a breach, as well as some details about you as the complainant. You can provide the information anonymously, but giving us your contact details means we will be able to keep you informed of the results of our investigations. It also means that if we need more information, we can contact you directly without delaying the complaints process. To make a noise complaint, visit vcglr.vic.gov.au/contact-us, select 'complaints' and fill out the contact us form.

What is an amenity complaint?

An amenity complaint is when you let the VCGLR know in writing that a licensed premises is causing detriment to, or detracting from the amenity of an area. The amenity of the area is defined by the Liquor Control Reform Act 1998 as the "quality of that area as being pleasant and agreeable".

Victoria is a large place, and there are different amenity standards for different locations. For example, acceptable noise from a licensed premises in suburban locations would be considered differently than people residing in entertainment precincts or the city.

Who can make an amenity complaint?

Residents can make an amenity complaint. Inspectors from the VCGLR can also make a complaint in certain circumstances and can enforce amenity as a complainant for matters such as blocking footpaths, littering or anti-social behaviour.

Prior to lodging a complaint?

Prior to lodging amenity disturbance complaints, the VCGLR must ensure that you have first attempted to engage the licensed premises management or licensee to ensure they are aware of the issues and to seek a resolution. Most complaints are solved in this manner without the involvement of the VCGLR.

How do I make an amenity complaint?

If you are the directly affected party, you may make a formal amenity complaint in writing, via the online form at vcglr.vic.gov.au or by mail. The VCGLR does not accept amenity complaints made on behalf of affected persons. Due to the nature of these investigations, it is important that inspectors have first-hand contact with all complainants including where there is more than one complainant for the same licensed premises.

What sort of amenity complaints does the VCGLR investigate?

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.

Lodging a noise complaint with the VCGLR

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.

What happens when the VCGLR investigates an amenity complaint?

The VCGLR has a number of powers through the Liquor Control Reform Act 1998 to investigate and deal with potential breaches. If it is determined that a licensed premises is causing a detriment to the amenity of an area or causing disturbances to residents, a graduated enforcement response may be instigated.

In the first instance, VCGLR inspectors may seek voluntary compliance from licensees. If issues continue to be identified, inspectors may issue warnings, penalty infringement notices and potentially go before the Commission to seek to change to licence conditions.

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Government.