

**NOISE ABATEMENT — ENVIRONMENTAL PROTECTION ACT REGULATION REVIEW**

*Grievance*

**MR C.J. TALLENTIRE (Gosnells)** [9.13 am]: My grievance is to the Minister for Environment and follows the petition that I just tabled, which bore 515 signatures. Minister, our noise regulations are currently failing us. I am sure the concerns in my electorate are typical of many other electorates. Low-frequency noise or subsonic vibration, generally called doof-doof, is the sound that comes from powerful bass units that are becoming a menace in our suburbs. Before proceeding further, I acknowledge those people in the public gallery who have come here today from various parts of my electorate and who are suffering from this blight. I am amazed by the tolerance of neighbours to occasional noise disturbance; I think there is a great degree of tolerance out there. However, I fully understand how those tolerance levels are broken when people suffer the incessant thud of loud bass—often hearing and feeling the crushing noise on a weekly and even a nightly basis. The worst of the offending occurs late at night when everyone should be allowed to enjoy the security and peace of their own homes. The current legal arrangements are failing us. Of course I am aware of various sections of the Environmental Protection Act and the Environmental Protection (Noise) Regulations 1997, but they are not doing the job. Every time I speak to police officers—I have excellent, highly motivated police covering my electorate—they say that there is little they can do and they refer it to local government, but local government seems helpless to intervene at the times the offences are occurring. Councils generally comment that people should keep a noise diary for a period of weeks. It also questions whether people have spoken to their neighbours about this problem. That idea sounds good in theory, but look at the tragic events in my good friend and colleague’s electorate of Armadale. There was the tragic death of a gentleman only a few weeks ago when he attempted to tackle a noise complaint. The death of Brian Burgess in Seville Grove is what happens when these problems escalate; these are the tragic consequences.

We have a responsibility to make sure our laws are contemporary and can deal with this problem. Principally, I agree that local government has a role to play here. When it comes to the enforcements of the regulations in a lot of contexts, whether it is around light industry or problems associated more with air conditioner-type noises, I think local government is capable of managing those problems. However, there is clearly a problem when we do not have 24/7 service, and nor do we have the authority with local government. I have given the minister some advanced notice of this grievance and I forwarded him the New South Wales regulations. The NSW police have the capacity to issue on-the-spot fines. They also have the capacity to seize equipment. That is the sort of thing that will make the community take notice. I refer to those people who do not have consideration for their neighbours and persist in playing loud music. In fact, it is not even music. People cannot hear the music, they can only hear the thud, thud that comes into their homes—in the act, the term is “receiving premise”—causing great disturbance. Some people do not have that consideration for others and believe it is their right to infringe on the peace and security of others, even in the very early hours of the morning.

I hope that the minister will be able to respond to me that we can make our laws contemporary in Western Australia. There is no doubt about it; we talked about densification yesterday, and we often talk about the need for densification in our suburbs. These problems, along with the available new technology, will become more common. We will have more people suffering this blight on their quality of life. I have referred the minister to New South Wales’ regulations. I believe Victoria has very similar regulations as well. We have to protect people in their homes from intrusions that can come from a neighbouring property. It is totally unreasonable that someone should have to deal night after night with that disturbance of crushing, thudding noise. I have spoken to police about this—I have excellent police in my electorate—and I know the minister will probably have to speak to the Minister for Police. After all, this relates to the Environmental Protection Act, and we seek to have police administer a part of the Environmental Protection Act. I know the officer in charge at the Canning Vale Police Station, Shandell Castledine, and the officer in charge at the Gosnells Police Station, Ray Thompson. They would love to feel that they have the authority to tackle this problem. At the moment, they simply do not. It falls upon us to make our laws contemporary so that people can enjoy their homes, and enjoy the peace and quiet they deserve. Unfortunately, we have to have laws that deal with people who do not have that respect for their neighbours. I refer to people of the view that their right to play music loudly is something that they can do at any time.

We have debated legislation that deals with parties in this place, but often the doof-doof noise and subsonic vibrations are not necessarily from parties, it is from just one or two people sitting at home on any night or in the early hours of the morning of any day of the week inflicting this pest upon their neighbours. Minister, we have to act to make our noise regulations contemporary with the situation we face, so people such as the 515 people who signed the petition that I tabled can feel that their homes are a place of security and peace and quiet. I hope the minister can provide me with information on how we will follow the rest of the nation on noise laws.

**MR A.P. JACOB (Ocean Reef — Minister for Environment)** [9.20 am]: I thank the member for Gosnells for some notice of this grievance. I will break it down into two broad parts. The first part is to identify the problem. The problem is nuisance noise, particularly in suburban areas. The second part is how we will tackle that going forward. I am very well familiar with this problem; two and a half years ago at the residence hall where I reside, I experienced similar problems. I have two young kids and one was a newborn at the time. I think the occupants of the house behind me were probably on a fly in, fly out roster, and we would have a good weekend and then we would have a shocking weekend. With a job such as this and the neighbours working all sorts of odd hours, I would come home after a late-night sitting in Parliament to a newborn we were trying to get to sleep and even with earplugs I could not sleep through the music the neighbours were playing. I well understand the nuisance factor of neighbours playing continual loud noise into all hours of the night and the problems that can cause the households and individuals experiencing it. Having said that, on a number of occasions I called the city rangers and in one instance the police, and I have to say that their response in those cases was actually quite good. That was following the introduction of the new noise regulations in Western Australia.

Picking up on the broader point of the best way to tackle nuisance noise going forward and the member's suggestion of how the problem is tackled in New South Wales, I have looked at the regulations in NSW, but I very firmly stand by the approach we have in Western Australia. I will run through a couple of points. The Environmental Protection (Noise) Regulations 1997 apply to a range of activities that cause noise. I put to the member that those regulations are a very effective tool to preserve amenity and health standards in the community for noise. The regulations were substantially amended in 2013 to improve the management of environmental noise by establishing appropriate approvals procedures for certain activities and by clarifying and updating existing provisions. An extensive consultation process through a series of working groups and broad consultation with local governments and other stakeholders went into these amendments. Indeed, in excess of 40 hours of seminars were held in preparation of the 2013 noise regulations. These regulations address noise from musical instruments and electrically amplified sound systems. That picks up the associated low frequency noise that the member referred to as the doof or doof-doof in some types of music. The doof-doof vibration sensation experienced with that music is not actually a true vibration; it is a form of low frequency noise. The majority of sound level meters owned or used by local governments to measure noise emissions are capable of measuring low frequency noise to levels that are below the human threshold of hearing. Therefore, that vibration or low frequency noise can be picked up by the majority of sound measuring meters used by local governments. These regulations are based on assigned noise levels and not on the subjective assessment of audibility, which is the test used in New South Wales. The New South Wales regulations state —

A person must not cause or permit any musical instrument or electrically amplified sound equipment —  
That could mean a television —

to be used on residential premises in such a manner that it emits noise that can be heard —  
That it can be heard is a very low threshold, and even more so than that —

... regardless of whether any door or window to that room is open ...

Whether a noise can be heard from a neighbouring property with an open window is a particularly low threshold.

**Mr C.J. Tallentire:** That is at certain times, minister; it is after midnight.

**Mr A.P. JACOB:** Yes, at certain times. In New South Wales it is a binary approach; there is an on period and an off period, whereas there are four levels of assigned times under our noise regulations. In the first instance, our noise levels are applied to decibel levels between 7.00 am and 7.00 pm, Monday to Saturday, whereas it is 8.00 am to 8.00 pm in New South Wales. Under the WA regulations, a different noise level applies from 7.00 am to 7.00 pm on weekends and public holidays, then there is an interim period from 7.00 pm to 10.00 pm and then a different period from 10.00 pm to 7.00 am.

**Mr C.J. Tallentire:** Yes, I am aware of that. You're not going to do anything. Is that what you're saying?

**Mr A.P. JACOB:** I take the point, but our new noise regulations, which have come in only in the last two years, are well superior to the New South Wales version, but there is work we need to do with local governments on how they apply them. I put to the member that our regulations are actually the leading approach.

**Mr C.J. Tallentire** interjected.

**The SPEAKER:** Member for Gosnells, just listen to the minister.

**Mr A.P. JACOB:** Extensive work has gone into the preparation of these regulations including more than 40 hours of seminars with local governments and other stakeholders who enforce these provisions.

**Mr C.J. Tallentire:** My constituents never heard about that consultation.

**Mr A.P. JACOB:** I am happy to provide information on that, member. That is what I am attempting to do.

The Environmental Protection Act also provides enforcement powers to deal with noise emitted at an unreasonable level. These powers are enforced by the Department of Environment Regulation and the powers can be delegated to local governments. At the moment, police have the power to enforce these noise provisions as authorised officers under the Environmental Protection Act. The enforcement of neighbourhood noise levels from musical instruments —

**Mr C.J. Tallentire:** It does not work, minister; police can't tackle it.

**Mr A.P. JACOB:** Yes, they can, member. Police may enforce the regulations on noise that causes disturbance. Local governments can enforce the regulations on noise that causes disturbance. I take the member's point. I have experienced it on many occasions and I understand the frustration.

**Mr P.B. Watson:** Well, do something then.

**Mr A.P. JACOB:** We have certainly done something, member for Albany. I put to the member that we have brought in leading noise regulations within Western Australia. The powers exist for local government and police and we are happy to work with them on how they can continue to enforce those noise regulation provisions. I am happy to take the grievance and work with those. I stand by our noise regulations as not only the best measures in this state but also the leading measures in Australia.