

HOON DRIVING — NOISE POLLUTION

Grievance

MR C.D. HATTON (Balcatta) [9.15 am]: My grievance is to the Minister for Police and Road Safety. I take this opportunity to outline to the house an issue that is causing ongoing concern to many residents in the Balcatta electorate—namely, motor vehicle driver behaviour and motor vehicle noise, with a particular emphasis on excessive noise levels.

In recent years hooning has become a societal issue that is regarded as antisocial behaviour, with such behaviour impacting on people's wellbeing and safety. One of the offences listed under "Impounding offence (driving)" in the Road Traffic Act 1974 is "causing undue noise and smoke". Noise pollution is an identifiable product of hoon behaviour. Although excessively loud engine and exhaust noises are not road safety issues in and of themselves, they nevertheless have a major impact on people's quality of life. Since 2008 the Liberal-National government has continued to strengthen the legislation relating to hoon behaviour, specifically with the passing of the Road Traffic Amendment (Hoons) Act 2009. Stronger penalties are now applicable, such as vehicle confiscation and the impounding and crushing of vehicles involved in hoon offences. The public perception was that hooning had increased to unacceptable and unsafe levels, and it welcomed the stronger stance against hooning taken by the Liberal-National government.

In parts of the Balcatta electorate, people are frequently disturbed by recurrent and excessive hooning and general loud car noises. During quiet evenings and early mornings, certain drivers—a minority of drivers—are hooning and making excessive noise. The consensus of opinion that has arisen from discussions with residents and general observations is that tighter controls and tougher penalties should be applied to drivers and their vehicles when they are excessively loud. The general public understands that policing hooning behaviour is difficult because hoons often behave badly in different locations at different times. Furthermore, the police cannot be everywhere at once. However, although hooning is generally being dealt with in a decisive manner by the Liberal-National government, which is aiming to improve road safety, the issue of noise pollution and its impact on people's wellbeing is becoming a major community concern.

One can assume that a car's excessive noise is generally an indication of multiple hoon behaviours that can be dealt with by hoon laws, which can be assisted by the public reporting hoon behaviour to the reporting hoon behaviour phone line. I recently phoned the Western Australia Police reporting number and found that the report that I logged was done easily and quickly and dealt with in a friendly and professional manner. The procedure provided me with greater confidence to use the line to help catch hoons. While I was on the line, I was informed that it was unlikely that I would need to be contacted again and that the witness log would be made against the car's registration number. It is interesting to note that a number of people in the community feel uncomfortable or unfamiliar with phone reporting, but my experience was very positive. I ask the minister what can be done to reduce the occurrence of noise disturbance caused by motor vehicles and driver behaviour. With specific reference to engine and exhaust noise, I ask: what current regulations, if any, apply to new cars generally and to high-powered cars; what current regulations, if any, apply to second-hand cars that be may be modified; and, does the legislation and its regulations need revision or amendment?

As I stated earlier, the general public truly understands that policing of hooning can be difficult; however, there is a strong call for tighter control of noise pollution on our roads. I look forward to the minister's response.

MRS L.M. HARVEY (Scarborough — Minister for Police) [9.20 am]: I thank the member for Balcatta for this grievance, and I acknowledge the numerous representations the member has made to me about this issue on behalf of his constituents. The residents of Balcatta can be quite confident that they have an active member who is willing to get straight onto ministers in an attempt to fix issues and find resolutions to the problems. I thank him for his endeavours.

With respect to some of the issues the member raised in his grievance, all vehicles on the road are subject to the laws and rules listed in the Road Traffic (Vehicle Standards) Regulations 2002—what we call the "regulations"—and the Road Traffic (Vehicle Standards) Rules 2002. The rules that cover vehicle noise emissions are contained in rule 144 of the regulations. This rule provides specific acceptable noise levels for motor vehicles. As the member is aware, vehicles that do not meet Australian Design Rules and those driven in such a manner as to emit offensive exhaust noise are targeted by police. Relevant actions are taken against both the driver and the vehicle where applicable.

Mrs M.H. Roberts: You're not reading your speech, are you?

Mrs L.M. HARVEY: Actually, I am not, member. I am referring to my notes because I have the names of the statutes and I have not memorised them all.

Mrs M.H. Roberts: You've not memorised them?

Mrs L.M. HARVEY: No, I have not. I am advised that WA Police metropolitan and state traffic units regularly conduct patrols to target antisocial behaviour and vehicle standards compliance. Police actively enforce the noise level rules of all vehicles by conducting roadside examinations. All vehicle noise must be below a certain decibel level in order to comply with the regulations. I am further advised that approximately 100 sound level meters were purchased by WA Police, and they are used by the traffic enforcement group to assist with roadside examination to measure vehicle noises. In cases in which sound meters are not available, member for Balcatta, police subjectively determine whether they consider that noise emissions exceed the standard contained in the design rules, which is 83/00.

If an officer determines that a vehicle has been altered from the manufacturer's specifications without approval, he or she can issue an infringement under regulation 69 of the regulations. The penalty for this offence is \$100. Alternatively, the officer can issue a compliance notice—what we all know as a yellow sticker—which means that the owner must have the vehicle examined further at a Department of Transport inspection centre, where a test can be conducted to determine whether the vehicle exceeds the required ADR standard 83/00. If a vehicle is subject to a noise emission test and fails, the vehicle can be released on an order to have the work completed and the problem rectified within a defined period of time or, where appropriate, it may be impounded at the examination centre. If the vehicle is released, it has to be inspected again and passed by the vehicle examination officers. If an owner does not have the vehicle examined, the vehicle can be de-licensed.

There are offences that a person can be charged with if they are found to be causing excessive noise and/or driving recklessly. The lesser of these offences is regulation 255 of the Road Traffic Code 2000, which states —

A person shall not drive a vehicle, in such a manner as to create or cause any undue or excessive noise, or smoke.

The penalty for this offence is three demerit points and a \$100 fine. As the member would no doubt be aware, drivers of vehicles with loud exhaust systems installed are more than likely to be committing other hooning-type offences. Hoon driving offences fall under section 60 or section 62A of the Road Traffic Act 1974. Section 60, which covers reckless driving, provides that a person commits an offence if they wilfully drive a motor vehicle in a manner that is inherently dangerous to the public or any person. The penalty for this offence is \$6 000 or imprisonment for nine months and loss of licence for six months. Section 62A of the Road Traffic Act reads —

A person who wilfully drives a motor vehicle on a road or in a carpark so as to cause —

- (a) excessive noise to be made with one or more of the vehicle's tyres; or
 - (b) smoke to come from one or more of the vehicle's tyres or a substance on the driving surface,
- commits an offence.

The penalty for this offence is \$600 and three demerit points. A charge under section 60 or section 62A of the Road Traffic Act results in a mandatory roadside impoundment for 28 days. A driver who has been previously convicted of an impound-related offence or has charges pending for such an offence will have their vehicle seized for three months.

Earlier in the week, the member for Balcatta may have heard me speak of the member for Southern River's meeting at which he told me about a similar issue that occurred in Southern River. It was quite interesting because the young fellow was causing a problem in his suburb of Bletchley Park on his way home each day. Upon obtaining the information about that young man's activities, the police paid his home a visit and spoke to his parents. His parents, who were very good parents, were totally unaware that he had been behaving in such a way. The result was the young man went to the police station the next day and apologised for his behaviour. He has not caused any problems for residents since. There are strategies to deal with this issue that do not necessarily involve a penalty or infringement but still work in this space.

Members of the public, as the member alluded, play a very important role. We encourage people to report hoon offences to the Police Assistance Centre on 131 444—particularly if they are witnessing hoon behaviour at that point in time. We can then actively despatch police officers to try to intercept a vehicle. Alternatively, we also encourage people to take down the details of these vehicles and call 131 444 or go to the police website as the member for Balcatta has done. The website is very much a "follow your nose" process, and it certainly assists members of the public when trying to submit a report so the information gets to police. Police do act on this information. We need people to record the type of vehicle, the numberplate if possible—even a partial plate will do—and a description of the driver if at all possible. This will help police allocate resources to catch hoon drivers and to get them off the road. I thank the member for bringing this matter to my attention.