



Judy Spence MP

Member for Mount Gravatt



**Queensland
Government**

Office of the
**Minister for Police and
Corrective Services**

Ref: 7092 F1 JS

12 MAY 2006

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
Cnr Alice and George Streets
BRISBANE QLD 4000

Dear Mr Laurie

I am writing to provide my response to petition number 533-06 which was lodged by Mr Michael Caltabiano MP, Member for Chatsworth and received by the Legislative Assembly on 28 March 2006.

The petition seeks the introduction of a public awareness campaign to make people aware of their rights and obligations in relation to residential noise levels.

Legislation concerning the investigation of noise complaints or allegations of environmental nuisance is currently provided for in the *Police Powers and Responsibilities Act 2000* (the PPRA), the *Environmental Protection Act 1994*, the *Environmental Protection Regulation 1998*, the *Environmental Protection (Noise) Policy 1997* and the *Liquor Act 1992*.

The Queensland Police Service is responsible for enforcing part 3 (Powers relating to noise) of Chapter 9 (Other powers) of the PPRA. Section 358 (Application of part 3) of the PPRA provides that part 3 applies to excessive noise that is audible in residential or commercial premises and emitted from a place by:

- a musical instrument; or
- an appliance for electrically producing or amplifying music or other sounds; or
- a gathering of people for a meeting, party, celebration or similar occasion; or
- a motor vehicle, other than a motor vehicle on a road; or
- a radio, CD player or other similar equipment in a vehicle on a road or in a public place.

The section further provides that part 3 does not apply to noise from an open-air concert or commercial entertainment, or noise from a public meeting held under a permit authorising the amplification or reproduction of sound.

Level 24 State Law Building
50 Ann Street Brisbane
PO Box 15195 City East
Queensland 4002 Australia
Telephone +61 7 3239 0199
Facsimile +61 7 3221 9985

The PPRA requires police officers to investigate noise complaints as soon as practicable, unless the complaint is considered by the police to be frivolous or vexatious. If police are satisfied that the noise is excessive in the circumstances, then the occupier will be given a noise abatement direction. The PPRA requires a person issued with a noise abatement direction to immediately refrain from emitting excessive noise for a period of 12 hours. The maximum penalty for non-compliance with such a direction is \$750.

Should a second or subsequent complaint be received within 12 hours, police are empowered to enter the residence without a warrant and deal with the appliance generating the excessive noise by either locking it away to prevent further use, making it inoperable, or seizing and removing it from the residence. If police lock the appliance and a person unlocks or uses the appliance within 24 hours of a noise abatement direction, an offence is committed under section 363 (Offence to interfere with locked etc. property) of the PPRA, the maximum penalty for which is \$7,500. The legislation to which I have referred may be viewed at www.legislation.qld.gov.au.

Senior Sergeant Mark Crowe of the Queensland Police Service's Legislation Development Unit is available on telephone 3015 5956 to assist with any further enquiries about police responses to noise complaints.

The issues raised in petition number 533-06 are also relevant to a review recently announced by the Honourable Linda Lavarch MP, Attorney-General and Minister for Justice. This review will consider more appropriate means for resolving disputes between neighbours. As these disputes often involve noise issues, I have forwarded a copy of the petition to Minister Lavarch for her consideration of a response.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in cursive script, reading "Judy Spence".

Judy Spence MP
Minister for Police and Corrective Services