



## Noise Regulations fact sheet

# Bass or 'doof doof' music

November 2021

## Purpose

This fact sheet provides information relating to unreasonable levels of low frequency noise in music (bass or 'doof doof').

The Environmental Protection (Noise) Regulations 1997 (Noise Regulations) set assigned (allowable) levels which are applicable to a range of activities which cause noise. This includes 'doof doof' music.

## Vibration or noise?

'Noise', in accordance with section 3 of the *Environmental Protection Act 1986* (EP Act), includes vibration of any frequency, whether transmitted through air or any other physical medium.



Vibration transmitted through air is usually called 'sound', whereas 'vibration' is the term reserved for vibration transmitted through other physical media such as the ground.

The term 'vibration' is, however, commonly used to describe the sensation caused by the presence of low-frequency noise associated with certain types of music, and may not be true vibration.

True vibration issues are rare and are generally associated with the operation of heavy fixed or mobile machinery, such as construction equipment (e.g. pile drivers, vibrating rollers and compactors).

## Legislative context

The Noise Regulations cover unreasonable noise emissions from musical instruments and electrically amplified sound systems.

The regulations set assigned (allowable) noise levels for noise received at various types of premises. In determining compliance with the assigned levels, certain adjustments can be made to the measured noise levels. These can include an adjustment of the measured level (up to +15 dB) when the noise is measured inside a building. If the noise source is music, it will attract an additional decibel penalty. Any noise measurement associated with 'doof doof' music will attract this adjustment.

The EP Act provides enforcement powers to deal with unreasonable noise. The Department of Water and Environmental Regulation is the administrator of the EP Act; however, some powers have been delegated to the Chief Executive Officer (CEO) of the local government.

The CEO of the department appoints authorised persons (generally environmental health officers employed by local government) under the EP Act to enforce neighbourhood noise issues. Western Australian police officers have similar powers under the EP Act.





## Subjective or objective assessment

When establishing unreasonable noise, an authorised person can use either the objective or subjective assessment approach, or both simultaneously.

The objective assessment uses the prescribed standards defined in the Noise Regulations.

The application of a subjective assessment is provided under section 3(3)(b) of the EP Act, which states that a noise is unreasonable if 'having regard to the nature and duration of the noise emissions, the frequency of similar noise emissions from the same source (or source under the control of the same person or persons) and the time of day at which the noise is emitted, the noise unreasonably interferes with the health, welfare, convenience, comfort or amenity of any person'.

Police officers would generally use the subjective assessment approach.

## Powers for police and authorised persons

The powers of police and authorised persons to deal with unreasonable noise emissions are listed in the EP Act and include the ability to:

- Issue noise abatement directions under section 81. These can be directed verbally or in writing and have immediate effect.
- Enter a premises and seize noisy equipment under section 81A. This also has immediate effect.
- Issue an infringement notice for the emission of unreasonable noise under section 99J. This can be issued up to 12 months after the alleged offence is believed to have been committed or it can be issued as an on-the-spot fine.
- Prosecute for the emission of unreasonable noise from a premises under section 79. This may be started within 24 months after the date on which the alleged offence was committed.

## More information

For further information, please contact the Environmental Noise Branch at the Department of Water and Environmental Regulation via email ([info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au)) or phone (08 6364 7000).

## Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation. Please refer to the Department of Justice, Western Australian Legislation [website](#) for copies of the relevant legislation.

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