



New South Wales

Protection of the Environment Operations (Noise Control) Amendment (Noisy Vehicle Sound Systems) Regulation 2002

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

BOB DEBUS, M.P.,

Minister for the Environment

Explanatory note

The object of this Regulation is to amend the *Protection of the Environment Operations (Noise Control) Regulation 2000* (**the principal Regulation**) to create an offence, which mirrors the offence in clause 17 of the principal Regulation relating to motor vehicles with excessively noisy sound systems, for the purpose of the application of demerit points.

Under clause 17 of the principal Regulation, a person is guilty of an offence if he or she causes the sound system of a motor vehicle to be used in such a manner that it emits offensive noise. Under proposed clause 17A, a driver of a motor vehicle with a sound system must not drive or use the motor vehicle on a road or road related area if the sound system emits offensive noise (the use of a vehicle includes standing the vehicle). The maximum penalty for the new offence will be 50 penalty units (currently \$5,500) and under a proposed amendment of the *Protection of the Environment Operations (Penalty Notices) Regulation 1999*, a person guilty of the offence (as a penalty notice offence) will be subject to a penalty of \$150.

2002 No 431

Protection of the Environment Operations (Noise Control) Amendment (Noisy Vehicle Sound Systems) Regulation 2002

Explanatory note

Under a proposed amendment of the *Road Transport (Driver Licensing) Regulation 1999*, the offence will attract two demerit points (three demerit points on a long weekend).

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323 (the general regulation-making power).

Protection of the Environment Operations (Noise Control) Amendment (Noisy Vehicle Sound Systems) Regulation 2002

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Noise Control) Amendment (Noisy Vehicle Sound Systems) Regulation 2002*.

2 Commencement

This Regulation commences on 1 July 2002.

3 Amendment of Protection of the Environment Operations (Noise Control) Regulation 2000

The *Protection of the Environment Operations (Noise Control) Regulation 2000* is amended as set out in Schedule 1.

2002 No 431

Protection of the Environment Operations (Noise Control) Amendment
(Noisy Vehicle Sound Systems) Regulation 2002

Schedule 1 Amendment

Schedule 1 Amendment

(Clause 3)

Clause 17A

Insert after clause 17:

17A Drive or use motor vehicle on road and road related area if vehicle's sound system emits offensive noise

- (1) A driver of a motor vehicle with a sound system must not drive or use the motor vehicle on a road or road related area if the sound system emits offensive noise.

Maximum penalty: 50 penalty units.

- (2) If an act or omission constitutes an offence under this clause and clause 17, the offender is not liable to be punished twice in respect of the offence.
- (3) In subclause (1), *drive*, *driver* and *use* have the same meanings as in the *Road Transport (General) Act 1999*.

BY AUTHORITY
