



Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

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LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL

Miss SIMPSON (Maroochydore—NPA) (12.03 pm): I support the empowerment of councils under the Local Government and Other Legislation Amendment Bill with regard to the special entertainment precincts but with some important riders and questions that I wish to put to the minister. I acknowledge that there has been extensive consultation with local government on this issue. I also acknowledge that a problem occurs when there are established areas with established industries—in this case the music industry—where there is changing land use around those precincts which then causes conflict. On principle it should be buyer beware: when people move into an area they should understand what pre-existing usages are in place and they should take into account whether they can live with those existing uses. However, as we know, there has been increasing conflict in the case of the music industry. The Valley has been raised as an example.

The riders to my support for the bill relate to how local government will implement special entertainment precincts. There is provision in this bill for local government to install these precincts under their local planning schemes and to undertake consultation. However, once that process has been put in place by local government, the concern is how well the local government understands some of the other existing uses in the community and that it does not negate the concerns of existing residents. I approach this very much as a local member with a large tourism population that resides in a residential area, particularly around Maroochydore and Mooloolaba.

Entertainment is not only amplified noise; it also encompasses family activities. So to get the balance right when there are different age groups and different needs within a tourism population, which can sometimes conflict with a residential population, is very challenging. But I would certainly urge any local governments that look to enact special entertainment precincts to very carefully balance those needs and understand that there are potentially buildings in some of those areas where special entertainment precincts may be employed that cannot be easily retrofitted with sound amelioration or it would done at great expense.

This bill and the minister's second-reading speech talk about the Building Code and provisions to ensure that future buildings in these areas are compliant with greater sound amelioration. Once again, the conflict with some older buildings is that some of them are not even airconditioned, and airconditioning is one level of sound amelioration. We know that street noise is a conflict when there are high-rise and residential buildings in increasingly dense areas that open out on to the street and out on to areas that have changed in the way that entertainment is undertaken.

One of the other questions I would like to put to the minister about the implementation of special entertainment precincts is the issue of dispersal of patrons. Currently with the Liquor Licensing Act there is provision to take action against licensed premises if they do not manage the issues of dispersal and the behaviour of patrons around those licensed premises well. In practicality, it is a very difficult issue to effectively police and determine where the boundaries of their responsibility are and what authority they have to act even though they have a lot of responsibility under the existing liquor licensing laws.

My specific question is: with a special entertainment precinct, will we see a different interpretation applied to issues which may still come under the Liquor Licensing Act about dispersal of patrons and the responsibility of those licensed premises? I know that in my area it is not just amplified noise from licensed premises that is a problem but also the noise of patrons as they disperse. When people come out of a very noisy environment, they do not settle well into the external environment. Combine that with alcohol and there can be some very noisy patrons dispersing throughout residential areas who cause considerable social disruption. That is not an issue of amplified music but an issue of considerable social impact. That is the difficulty when areas have an increasing tourism population that does not go to sleep at 11 o'clock at night. In fact, they go out to party at 11 o'clock at night. Then on their way home they go through residential areas at a time when sleep has well and truly arrived for most residents. These are the real conflicts.

In a nutshell, I am concerned about the special entertainment precincts. While aimed at resolving some of the conflicts with amplified music venues, particularly in areas of pre-existing amplified music, I would be concerned if the interpretation of this new provision somehow muddied the water with regard to the responsibility of licensed premises and the dispersal of patrons and is used as an argument to not appropriately deal with dispersal of patrons from licensed venues.

I will mention another subject. It may not be a very popular subject, particularly with young people who love loud music. I think we need to start having a public debate about the volume of music, its long-term impacts and whether there should be health warnings associated with loud music. The concern is there in relation to iPods. Certainly it is not only amplified music within confined spaces that can cause hearing loss. A debate also needs to be had about amplified music with iPods and other transportable music devices. As a patron of Better Hearing on the Sunshine Coast, I can declare that hearing loss has such a damaging impact upon people's quality of life. The way they have to adjust their daily lives to deal with that disability is quite significant. They do it and they do it valiantly, but they talk to me about their concerns regarding whether people really understand the impact of noise.

I certainly prefer to refer people to experts in this area, but for the benefit of this House I took from a web site some indicative decibel levels to give members an idea of when one starts to suffer hearing loss or permanent damage. I understand from www.dangerousdecibels.com that an average conversation is around 60 decibels. As far as impact on hearing is concerned, at 85 decibels eight hours is a permissible exposure time. At 100 decibels 15 minutes is the permissible exposure time. Many of the venues that have amplified music can be operating well in excess of 100 decibels, so permanent damage can potentially occur after only a few minutes of listening to music in that confined space.

I realise that this is not a very trendy subject to talk about, but we need to have that debate. I think it is time we talked about warnings so that people can make a real, informed choice. If people choose to go into an environment where they will suffer permanent hearing loss, I think they bear some responsibility. One might say that the civil courts will deal with this issue in due course and maybe people will get sued. Quite frankly, it probably will not happen with patrons but it certainly is a possibility in respect of those who work in these premises. Most of us here are perhaps younger and have not yet suffered the full impact of our own bad behaviour as far as loud music on our ear drums is concerned, but hearing loss has a permanent impact.

The music industry has faced many challenges with the loss of a lot of live venues in recent years. That is not only about the impact of encroaching residential areas, meaning that they have to turn the noise down; it is also about a lot of market issues—a lot of airplay issues in terms of the ability of people to access the market. Those who are more learned regarding what it takes to be really successful in the current music industry are better able to talk about that. But it is of concern that there are not a lot of live music venues these days. I certainly strongly support those who do bravely seek to provide live music venues. Certainly, live music events are quite challenging to establish these days—once again because they involve such huge financial risks for people who set about organising them.

Currently there is a lot of interest with the events on television, with reality television bringing to the fore young people who are out there having a crack at the music industry. *Australian Idol* is an example of that. I hope that we can see a fostering of the music industry in our local communities—maybe with well-soundproofed community band facilities, where young people can go and practise so that they have the opportunity in those years of learning their craft, testing it on their peers and then, hopefully, finding a commercial niche and to get out there and entertain people because it brings so much pleasure to people.

Having raised some concerns about how these special entertainment precincts will be implemented, I do support the legislation and I do hope that councils will use it wisely as they balance the needs of our communities.