

# Protection of the Environment Operations (Noise Control) Regulation 2000

## Reprint history:

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## Part 1 – Preliminary

### 1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Noise Control) Regulation 2000*.

### 2 Commencement

This Regulation commences on 1 September 2000.

This Regulation replaces the following Regulations:

- (a) the *Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995* and the *Noise Control (Miscellaneous Articles) Regulation 1995* (repealed by section 10 (2) of the *Subordinate Legislation Act 1989*),
- (b) the *Noise Control (Marine Vessels) Regulation 1996* (repealed by clause 58 of this Regulation).

### 3 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

### 4 Definitions

(1) In this Regulation: "**approved**" (except in Part 3) means approved by the EPA. "**AS 1861**" means the Australian Standard entitled *Air-conditioning units--Methods of assessing and rating performance*, as in force on 1 September 2000, comprising:

- (a) *Part 1: Refrigerated room air-conditioners (AS 1861. 1--1988)*, and
- (b) *Part 2: Refrigerated package air-conditioners (AS 1861.2--1991)*.

A copy of *AS 1861 Air-conditioning units--Methods of assessing and rating performance* is available for inspection at the offices of the EPA. "**building intruder alarm**" means a device which:

- (a) incorporates or connects to a sounding device, and
- (b) on being triggered, causes the sounding device to emit sound.

"**defective vehicle notice**" means a notice issued under clause 26. "**defective vessel notice**" means a notice issued under clause 33. "**domestic air conditioner**" means a split or packaged mechanical system:

- (a) that is capable of controlling air temperature and distribution and that may also control the humidity and cleanliness of the air, and
- (b) whose nominal cooling capacity does not exceed 12 kilowatts when measured in accordance with *AS 1861*,

but does not include a device of the kind that is commonly known as an evaporative system, and does not include a device that is designed exclusively for heating. "**engine**", in relation to a vessel, includes the whole of the machinery involved in the propulsion and operation of the vessel. "**grass-cutting machine**" means a machine that:

- (a) is designed principally for the purpose of cutting grass or other soft undergrowth, and

(b) is powered by a motor, but does not include electrically powered shears with a cutting width of less than 120 mm. "**habitable room**" means any room other than a garage, storage area, bathroom, laundry, toilet or pantry. "**manufacturer's gross vehicle mass**", in relation to a vehicle, means the maximum laden mass at which the manufacturer recommends the vehicle be operated. "**master**" of a vessel means the person having the command or charge of the vessel, but does not include a pilot. "**mobile air compressor**" means an air compressor that is mounted on a trailer, or other vehicle, capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*. "**mobile garbage compactor**" means a unit that is comprised of a garbage compactor mounted on a truck cab-chassis. "**motor bus**" means a motor vehicle constructed primarily for the carriage of persons and equipped to seat more than 8 adult persons (counting the driver). "**motor car**" means:

- (a) a motor vehicle constructed primarily for the carriage of persons, or
- (b) a motor car derivative, being a motor vehicle:
  - (i) that is of the kind known as a utility, station wagon or panel van, and
  - (ii) that is of the same make as a factory produced motor car, and
  - (iii) in which that part of the body form which is forward of the windscreen, and the greater part of the mechanical equipment, are the same or substantially the same as in a factory produced motor car,

but does not include a motor lorry or a motor bus. "**motor cycle**" includes any 2 or 3 wheeled motor vehicle that is not a motor car. "**motor lorry**" means a motor vehicle constructed primarily for the conveyance of goods or for use otherwise than for the carriage of persons, and includes the separate components (the prime mover and semi-trailer) of an articulated vehicle, but does not include a motor bus. "**motor vehicle accessory**" includes:

- (a) a motor vehicle horn, and
- (b) a motor vehicle intruder alarm, and
- (c) a motor vehicle sound system, and
- (d) any other device that is attached to or forms part of, or is intended to be attached to or form part of, a motor vehicle.

"**motor vehicle horn**" means a sounding device designed to be attached to or form part of a motor vehicle, but does not include a sounding device designed solely for use in connection with a motor vehicle intruder alarm. "**motor vehicle intruder alarm**" means a device which:

- (a) incorporates or connects to a sounding device, and
- (b) on being triggered, causes the sounding device to emit sound,

being a device that is attached to or forms part of a motor vehicle for use as an intruder alarm, whether or not the device is also designed to deny access to the motor vehicle or to the motor vehicle's steering, fuel or other system. "**noise control equipment**" means any apparatus or device used or designed:

- (a) to prevent, limit or regulate the emission of noise, or
- (b) to monitor or to give warning of the emission of noise, or
- (c) to give warning of the excessive emission of noise,

and includes any apparatus or device that, though not so used, is or would, if properly maintained and operated, be capable (without modification) of being so used, but does not include any apparatus or device prescribed as excluded from the definition of "**control equipment**" in the Act. An apparatus or device can be noise control equipment whether or not it is used for additional purposes or designed for other or additional purposes. "**pavement breaker**" means a pneumatic device:

- (a) capable of being manually lifted and manoeuvred by a single operator, and
- (b) designed for the purpose of breaking up rock, concrete and similar materials.

"**road**" means a road within the meaning of the *Road Transport (General) Act 1999*

(other than a road that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act). The definition in the *Road Transport (General) Act 1999* is as follows: "**road**" means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles. "**road related area**" means a road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act). The definition in the *Road Transport (General) Act 1999* is as follows: "**road related area**" means:

- (a) an area that divides a road, or
- (b) a footpath or nature strip adjacent to a road, or
- (c) an area that is open to the public and is designated for use by cyclists or animals, or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles, or
- (e) a shoulder of a road, or
- (f) any other area that is open to or used by the public and that has been declared under section 9 to be an area to which specified provisions of this Act or the regulations apply.

"**special purpose motor vehicle**" means a fork lift truck or motor vehicle constructed principally for off-road agricultural use or for use in road or building site construction work, and includes a tractor, harvester, header, thresher, swather, baler, cuber, loader, digger, bulldozer, excavator, grader, scraper, roller, or a mobile crane the engine of which is used for the purpose of both lifting loads and propelling the vehicle, but not does not include any vehicle constructed on a chassis of a type normally used in the construction of a motor lorry. "**the Act**" means the *Protection of the Environment Operations Act 1997*.

(2) In Part 2, a reference to the noise level or noise emission characteristics of a motor vehicle or other article is a reference to the noise level or noise emission characteristics of the motor vehicle or article when tested in accordance with the provisions of Part 5 and the relevant Parts of Schedule 2.

(3) In Part 4, a reference to the noise level of an article is a reference to the noise level of the article when tested in accordance with the provisions of Part 4 and the relevant Parts of Schedule 2.

## **Part 2 – Motor vehicle and motor vehicle accessories**

### **Division 1 – Sale of motor vehicles and motor vehicle accessories**

Section 136 of the Act creates an offence of selling any article of a class prescribed by the regulations if, when in use or operation, the article emits noise in excess of a prescribed level.

A person who is guilty of an offence under section 136 of the Act is liable, on conviction:

- (a) in the case of a corporation--to a penalty not exceeding \$60,000 and, in the case of a continuing offence, to a further penalty not exceeding \$6,000 for each day the offence continues, or
- (b) in the case of an individual--to a penalty not exceeding \$30,000 and, in the case of a continuing offence, to a further penalty not exceeding \$600 for each day the offence continues. (Section 141 of the Act).

### **Subdivision 1 – Motor vehicles and related articles**

#### **5 Sale of motor vehicles generally**

(1) For the purposes of section 136 of the Act:

- (a) motor vehicles are a prescribed class of articles, and
- (b) the noise level specified in Schedule 1 for a particular kind of motor vehicle is the prescribed noise level for a motor vehicle of that kind.

(2) However, special purpose motor vehicles are excluded from the class of articles prescribed by subclause (1).

## **6 Sale of used motor vehicles with defective noise control equipment**

(1) A person must not sell a used motor vehicle if the motor vehicle's noise control equipment:

- (a) is not securely in place, or
- (b) is defective.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(2) For the purposes of subclause (1) (b), defective noise control equipment includes:

- (a) equipment that allows the emission of more noise than the original noise control equipment fitted by the vehicle manufacturer, or
- (b) equipment that has, in the opinion of an authorised officer, been modified in a way that makes it less effective than it would have been if not for the modification, or
- (c) equipment that allows gas to escape from a place other than the intended exhaust outlet, or
- (d) if the equipment concerned comprises a system of mufflers--the system contains fewer mufflers than the original system fitted by the vehicle manufacturer.

## **Subdivision 2 – Motor vehicle horns**

### **7 Subdivision applies only to retail sale of new motor vehicle horns**

This Subdivision applies to the sale of new motor vehicle horns by retail, but does not apply to the sale of motor vehicle horns otherwise than by retail or to the sale of second-hand motor vehicle horns.

## **8 Sale of motor vehicle horns generally**

(1) For the purposes of section 136 of the Act:

- (a) motor vehicle horns that emit noise at a single non-varying loudness and pitch are a prescribed class of articles, and
- (b) 120 dB(A) is the prescribed noise level for such motor vehicle horns.

(2) For the purposes of section 136 of the Act:

- (a) motor vehicle horns that emit noise otherwise than at a single non-varying loudness and pitch are a prescribed class of articles, and
- (b) 85 dB(A) is the prescribed noise level for such motor vehicle horns.

(3) Motor vehicle horns that are sold for the express purpose of being attached to or forming part of any of the following motor vehicles are excluded from the classes of articles prescribed by subclauses (1) and (2):

- (a) a police vehicle, or
- (b) an emergency vehicle, or
- (c) an Australian Protective Service vehicle, or
- (d) an Australian Customs Service vehicle, or
- (e) an Airservices Australia vehicle, or
- (f) a vehicle at least 25 years old that is fitted as a police or emergency vehicle if:
  - (i) the vehicle is used for exhibition purposes, or
  - (ii) it is part of a collection of former police or emergency vehicles.

(4) In subclause (3), **"police vehicle"** and **"emergency vehicle"** have the same meanings as in the Dictionary to the *Road Transport (Vehicle Registration) Regulation 1998*. The definitions in the Dictionary to the *Road Transport (Vehicle Registration) Regulation 1998* are as follows: **"emergency vehicle"** means:

- (a) any vehicle apparently carrying a member of the Police Service on urgent duty, or
- (b) any fire engine, reel or other vehicle apparently proceeding in the charge of a fire fighter to a fire or other emergency, or

- (c) any ambulance vehicle apparently proceeding to the scene of an accident or to a hospital with an injured person or apparently conveying, or apparently proceeding to any place to convey, a person who is seriously ill, or
- (d) any Red Cross vehicle apparently carrying blood for an urgent transfusion.

**"police vehicle"** means a vehicle driven by:

- (a) a member or special member of the Australian Federal Police, or
- (b) a member, however described, of the Police Force of a State or Territory, or
- (c) a service police officer within the meaning of the *Defence Force Discipline Act 1982* of the Commonwealth,

acting in the course of his or her duty.

(5) In this clause, a reference to a motor vehicle horn that is designed to emit noise at a single non-varying loudness and pitch is a reference to a device designed to emit noise that:

- (a) remains at a constant noise level, and
- (b) consists of one or more sounds that each remain at a constant frequency, while the device is being operated.

### **Subdivision 3 – Motor vehicle intruder alarms**

#### **9 Subdivision applies only to retail sale of new motor vehicle intruder alarms**

This Subdivision applies to the sale of new motor vehicle intruder alarms by retail, but does not apply to the sale of motor vehicle intruder alarms otherwise than by retail or to the sale of second-hand motor vehicle intruder alarms.

#### **10 Sale of motor vehicle intruder alarms generally**

For the purposes of section 136 of the Act:

- (a) motor vehicle intruder alarms are a prescribed class of articles, and
- (b) 115 dB(A) is the prescribed noise level for motor vehicle intruder alarms.

#### **11 Sale of motor vehicle intruder alarms with a panic or override switch**

A person must not sell a motor vehicle intruder alarm whose sounding device is operable (while the engine of the motor vehicle is running or the ignition of the motor vehicle is turned on) by means of a panic or override switch.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

#### **12 Sale of motor vehicle intruder alarms having certain sound characteristics**

(1) A person must not sell a motor vehicle intruder alarm (including any component of a motor vehicle intruder alarm) that consists of:

- (a) a dual tone horn:
  - (i) that has a lower frequency tone of 1,000 Hertz or less, and
  - (ii) that has a higher frequency tone of 2,000 Hertz or less, and
  - (iii) that emits between 40 and 100 cycles of sound per minute (each cycle consisting of a lower pitched sound followed by a higher pitched sound),or
- (b) a variable tone horn:
  - (i) that has a lower frequency tone of 1,000 Hertz or less, and
  - (ii) that has a higher frequency tone of 2,000 Hertz or less, and
  - (iii) that emits between 5 and 20 cycles of sound per minute (each cycle consisting of a sound that moves from the lower frequency to the higher frequency and then returns to the lower frequency), or
- (c) a rising tone horn:
  - (i) that has a lower frequency tone of 100 Hertz or less, and
  - (ii) that has a higher frequency tone of 2,600 Hertz or less, and
  - (iii) that emits between 100 and 200 cycles of sound per minute (each cycle consisting of an ascending tone followed by a brief interval of either

descending tone or lower frequency tone before the cycle is repeated).  
Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(2) In this clause: "**dual tone horn**" means a horn that emits a continuous sound composed of the alternating emission of two predominant tones of approximately equal duration. "**rising tone horn**" means a horn that emits a continuous sound composed of the emission of a variable frequency tone which is predominantly characterised by an ascending tone. "**variable tone horn**" means a horn that emits a continuous sound composed of the emission of a variable frequency tone which ascends and then descends between a lower and higher frequency in a repetitive and approximately uniform manner.

## **Division 2 – Use of motor vehicles and motor vehicle accessories**

### **Subdivision 1 – Motor vehicles**

#### **13 Use of motor vehicles on road**

(1) A person must not cause or permit a motor vehicle to be used on a road if the motor vehicle is capable of emitting noise at a level in excess of the maximum noise level specified in Schedule 1 for that kind of motor vehicle. Maximum penalty:

- (a) if the vehicle is capable of emitting noise at a level that exceeds the maximum noise level specified in Schedule 1 for that kind of motor vehicle but does not exceed that maximum noise level by 5 dB(A)--100 penalty units in the case of a corporation, 50 penalty units in the case of an individual, or
- (b) if the vehicle is capable of emitting noise at a level that exceeds the maximum noise level specified in Schedule 1 for that kind of motor vehicle by 5 dB(A) but does not exceed that maximum noise level by 15 dB(A)--150 penalty units in the case of a corporation, 75 penalty units in the case of an individual, or
- (c) if the vehicle is capable of emitting noise at a level that exceeds the maximum noise level specified in Schedule 1 for that kind of motor vehicle by 15 dB(A) or more--300 penalty units in the case of a corporation, 150 penalty units in the case of an individual.

(2) A person is not guilty of an offence under this clause arising because the motor vehicle is being taken directly to:

- (a) a place where repairs or other work required to reduce the noise level of the vehicle are to be carried out, or
- (b) a place where an authorised officer may inspect or test the vehicle, or
- (c) a place approved by the EPA for the purposes of section 207 (2) (c) of the Act where a person approved by the EPA for the purposes of that section may inspect or test the vehicle,

or is being taken directly from any such place to the place where the vehicle is usually kept.

(3) A person is not guilty of an offence under this clause in relation to the use of a special purpose motor vehicle.

#### **14 Use of motor vehicles in places other than roads**

A person must not cause a motor vehicle to be used in a place (other than on a road) in such a manner that it emits offensive noise.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

#### **15 Use of motor vehicles on residential premises**

(1) A person must not cause or permit a motor vehicle to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8 am or after 8 pm on any Saturday, Sunday or public holiday, or
- (b) before 7 am or after 8 pm on any other day.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(2) A person is not guilty of an offence under this clause unless:

- (a) the person has, within 7 days after causing or permitting a motor vehicle to be

used in such a manner, been warned by any other person not to cause or permit the motor vehicle to be used in that manner, and

(b) the person causes or permits the motor vehicle to be used in that manner within 28 days after the warning has been given.

(3) A person is not guilty of an offence under this clause merely because noise is emitted from the motor vehicle while the motor vehicle is entering or leaving residential premises.

#### **16 Use of refrigeration units fitted to motor vehicles**

(1) A person must not cause or permit a refrigeration unit fitted to a motor vehicle to be used in such a manner that it emits noise that can be heard within a habitable room in any residential premises (regardless of whether any door or window to that room is open):

(a) before 8 am or after 8 pm on any Saturday, Sunday or public holiday, or

(b) before 7 am or after 8 pm on any other day.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(2) A person is not guilty of an offence under this clause unless:

(a) the person has, within 7 days after causing or permitting a refrigeration unit to be used in such a manner, been warned by any other person not to cause or permit the refrigeration unit to be used in that manner, and

(b) the person causes or permits the refrigeration unit to be used in that manner within 28 days after the warning has been given.

#### **17 Use of motor vehicle sound systems**

A person must not cause the sound system of a motor vehicle to be used in such a manner that it emits offensive noise.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

#### **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*.

#### **18 Noise control equipment to be properly maintained**

(1) A person must not cause or permit a motor vehicle to be used on a road or road related area if the motor vehicle's noise control equipment:

(a) is not securely in place, or

(b) is defective.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(2) A person must not:

(a) remove, or render less effective, a motor vehicle's noise control equipment, otherwise than for the purpose of repairing or replacing it, or

(b) replace a motor vehicle's noise control equipment with noise control equipment that is less effective than the original noise control equipment fitted by the vehicle manufacturer.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(3) For the purposes of subclause (1) (b), defective noise control equipment includes:

(a) equipment that allows the emission of more noise than the original noise

- control equipment fitted by the vehicle manufacturer, or
- (b) equipment that has, in the opinion of an authorised officer, been modified in a way that makes it less effective than it would have been if not for the modification, or
- (c) equipment that allows gas to escape from a place other than the intended exhaust outlet, or
- (d) if the equipment concerned comprises a system of mufflers--the system contains fewer mufflers than the original system fitted by the vehicle manufacturer.

## **19 (Repealed)**

## **20 Repairs and modifications**

A person must not cause or permit a motor vehicle's engine, or its air intake or exhaust system, to be modified or repaired in such a manner that the maximum noise level of the motor vehicle after the repair or modification (regardless of the noise level of the motor vehicle before the repair or modification) exceeds the maximum noise level specified in Schedule 1 for that kind of motor vehicle.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

## **20A Owners and drivers of motor vehicles involved in excess noise offences**

- (1) If a motor vehicle or the sound system of a motor vehicle is used contrary to clause 14 or 17, the driver and owner of the motor vehicle are each taken to be guilty of an offence under that provision.
- (2) Subclause (1) does not affect the liability of the actual offender but, if a penalty has been imposed or recovered from any person in relation to the offence (whether the actual offender, the driver or the owner), no further penalty may be imposed on or recovered from any other person. In this subclause, "**penalty**" includes a penalty under a penalty notice.
- (3) Subclause (1) does not apply to the owner of a motor vehicle if the motor vehicle was at the time of the commission of the offence a stolen motor vehicle or a motor vehicle illegally taken or used.
- (4) Subclause (1) does not apply to the owner of a motor vehicle if the owner was not in the motor vehicle at the relevant time and:
  - (a) gives notice in accordance with subclause (5) of the name and address of the person who was in charge of the motor vehicle at the relevant time, or
  - (b) satisfies the officer who gave the penalty notice for the offence or the court dealing with the offence (as the case requires) that the owner did not know, and could not with reasonable diligence have ascertained, that name and address.
- (5) The notice must be verified by statutory declaration and:
  - (a) if a penalty notice has been given for the offence--the notice must be given to an officer specified in the penalty notice for the purpose within 28 days after service of the penalty notice, and
  - (b) if a court is dealing with the offence--the notice must be given to the informant within 28 days after service of the summons for the offence.
- (6) A person who gives a statement for the purposes of subclause (4) knowing that it is false is guilty of an offence. Maximum penalty: 10 penalty units.
- (7) This clause does not apply to or in respect of an act or omission that occurred before the commencement of this clause.

## **Subdivision 2 – Motor vehicle horns**

## **21 Motor vehicle horns generally**

- (1) A person must not attach a motor vehicle horn to a motor vehicle if that horn:
  - (a) is capable of emitting noise at a single non-varying loudness and pitch at a



noise level of more than 120 dB(A), or

(b) is capable of emitting noise otherwise than at a single non-varying loudness and pitch at a noise level of more than 85 dB(A).

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(2) A person must not, on a road or road related area, cause or permit a motor vehicle to be used if the motor vehicle is fitted with a horn that:

(a) is capable of emitting noise at a single non-varying loudness and pitch at a noise level of more than 120 dB(A), or

(b) is capable of emitting noise otherwise than at a single non-varying loudness and pitch at a noise level of more than 85 dB(A).

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(3) This clause does not apply to a motor vehicle horn fitted to any of the following vehicles:

(a) a police vehicle,

(b) an emergency vehicle,

(c) an Australian Protective Service vehicle,

(d) an Australian Customs Service vehicle,

(e) an Airservices Australia vehicle, or

(f) a vehicle at least 25 years old that is fitted as a police or emergency vehicle if:

(i) the vehicle is used for exhibition purposes, or

(ii) it is part of a collection of former police or emergency vehicles.

(4) In subclause (3), "**police vehicle**" and "**emergency vehicle**" have the same meanings as in the Dictionary to the *Road Transport (Vehicle Registration) Regulation 1998*. The definitions in the Dictionary to the *Road Transport (Vehicle Registration) Regulation 1998* are as follows: "**emergency vehicle**" means:

(a) any vehicle apparently carrying a member of the Police Service on urgent duty, or

(b) any fire engine, reel or other vehicle apparently proceeding in the charge of a fire fighter to a fire or other emergency, or

(c) any ambulance vehicle apparently proceeding to the scene of an accident or to a hospital with an injured person or apparently conveying, or apparently proceeding to any place to convey, a person who is seriously ill, or

(d) any Red Cross vehicle apparently carrying blood for an urgent transfusion.

"**police vehicle**" means a vehicle driven by:

(a) a member or special member of the Australian Federal Police, or

(b) a member, however described, of the Police Force of a State or Territory, or

(c) a service police officer within the meaning of the *Defence Force Discipline Act 1982* of the Commonwealth,

acting in the course of his or her duty.

(5) In this clause, a reference to a motor vehicle horn that is designed to emit noise at a single non-varying loudness and pitch is a reference to a device designed to emit noise that:

(a) remains at a constant noise level, and

(b) consists of one or more sounds that each remain at a constant frequency,

while the device is being operated.

### **Subdivision 3 – Motor vehicle intruder alarms**

#### **22 Interpretation**

(1) For the purposes of this Subdivision, a person is taken to cause a motor vehicle intruder alarm to be sounded if the person leaves the motor vehicle unattended while the motor vehicle intruder alarm is turned on and the alarm subsequently sounds.

(2) A motor vehicle intruder alarm that sounds intermittently is taken to sound continuously for the purpose of measuring the period of time for which it sounds.

#### **23 Use of motor vehicle intruder alarms triggered by panic switches**

A person must not, in connection with the use of a motor vehicle, cause or permit to be used a

motor vehicle intruder alarm that is capable of being triggered (while the engine of the motor vehicle is running or the ignition of the motor vehicle is turned on) by means of a panic or override switch.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

## **24 Use of motor vehicle intruder alarms generally**

(1) A person must not, in connection with the use of a motor vehicle, cause or permit a motor vehicle intruder alarm to be sounded, whether continuously or intermittently:

- (a) in the case of a motor vehicle manufactured before 1 September 1997--for more than 90 seconds after the alarm first sounds, or
- (b) in the case of a motor vehicle manufactured on or after 1 September 1997--for more than 45 seconds after the alarm first sounds.

Maximum penalty:

- (a) if the alarm is sounded, whether continuously or intermittently, for a period that does not exceed 24 hours--100 penalty units in the case of a corporation, 50 penalty units in the case of an individual, or
- (b) if the alarm is sounded, whether continuously or intermittently, for a period that exceeds 24 hours but does not exceed 48 hours--200 penalty units in the case of a corporation, 100 penalty units in the case of an individual, or
- (c) if the alarm is sounded, whether continuously or intermittently, for a period that exceeds 48 hours--300 penalty units in the case of a corporation, 150 penalty units in the case of an individual.

(2) A person is not guilty of an offence under this clause if the motor vehicle intruder alarm sounds for longer than 90 or 45 seconds, as the case may be, because:

- (a) a window or windscreen in the motor vehicle is broken or removed, or
- (b) the motor vehicle is involved in an accident, or
- (c) the motor vehicle is illegally broken into or there is an illegal attempt to break into the motor vehicle.

## **25 Design and construction of motor vehicle intruder alarms**

(1) A person must not, in connection with the use of a motor vehicle, cause or permit a motor vehicle intruder alarm to be sounded unless the alarm is so constructed and regulated that:

- (a) it has a maximum noise level of not more than 115 dB(A), and
- (b) it cannot be reactivated until it has been manually reset.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(2) This clause applies only to motor vehicles manufactured on or after 1 September 1997.

## **Division 3 – Defective vehicle notices**

### **26 Defective vehicle notices**

(1) An authorised officer who is satisfied that a motor vehicle:

- (a) emits noise at a level in excess of the maximum noise level specified in Schedule 1 for that kind of motor vehicle, or
- (b) has no noise control equipment or has defective noise control equipment, or
- (c) has installed in it a motor vehicle accessory that does not comply with the Act or this Regulation,

may issue a defective vehicle notice to the owner of the vehicle.

(2) A defective vehicle notice is to be in the approved form and must include the following particulars:

- (a) the defect on the basis of which it is issued,
- (b) where the motor vehicle should be taken for inspection or testing for the purpose of having the notice withdrawn.

(3) A defective vehicle notice may indicate:

- (a) what needs to be done to remedy the defect, and

- (b) a date after which the motor vehicle must not be used on a road or road related area if the defect has not been remedied, and
  - (c) a date after which the motor vehicle's registration under the *Road Transport (Vehicle Registration) Act 1997* may be suspended if the defect has not been remedied.
- (4) An authorised officer may withdraw a defective vehicle notice if satisfied that the motor vehicle in respect of which the notice has been issued no longer has the defect on the basis of which the notice was issued.
- (5) If a defective vehicle notice indicates a date after which the motor vehicle must not be used on a road or road related area, a person must not cause or permit the motor vehicle to be used on a road or road related area after that date unless the notice has been withdrawn. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.
- (6) A person is not guilty of an offence under this clause arising because the motor vehicle is being taken directly to:
- (a) a place where repairs or other work required to remedy the defect are to be carried out, or
  - (b) a place where an authorised officer may inspect or test the vehicle, or
  - (c) a place approved by the EPA for the purposes of section 207 (2) (c) of the Act where a person approved by the EPA for the purposes of that section may inspect or test the vehicle,
- or is being taken directly from any such place to the place where the vehicle is usually kept.

## **27 Defective vehicle labels**

- (1) An authorised officer who issues a defective vehicle notice for a motor vehicle may also affix a defective vehicle label to the inside or outside of the front windscreen of the motor vehicle or in a conspicuous position on some other part of the vehicle.
- (2) A defective vehicle label is to be in the approved form and must include the following particulars:
- (a) the defect on the basis of which the defective vehicle notice was issued,
  - (b) the date (if any) after which the motor vehicle must not be used on a road or road related area if the defect has not been remedied,
  - (c) such other particulars as the EPA may require.
- (3) An authorised officer who withdraws a defective vehicle notice for a motor vehicle must also remove, or direct the removal of, the defective vehicle label from the motor vehicle.
- (4) A person must not remove, obscure or deface a defective vehicle label affixed to a motor vehicle under this clause unless the person is an authorised officer or is acting under the direction of an authorised officer. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.
- (5) A person must not cause or permit a motor vehicle to be used if the person knows, or ought reasonably to know, that a defective vehicle label affixed to the motor vehicle under this clause has been removed, obscured or defaced in contravention of subclause (4). Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.
- (6) A person does not commit an offence under subclause (5) if the motor vehicle is being taken directly to:
- (a) a place where repairs or other work required to remedy the defect are to be carried out, or
  - (b) a place where an authorised officer may inspect or test the vehicle, or
  - (c) a place approved by the EPA for the purposes of section 207 (2) (c) of the Act where a person approved by the EPA for the purposes of that section may inspect

or test the vehicle,  
or is being taken directly from any such place to the place where the vehicle is usually kept.

## **Part 3 – Marine vessels**

### **Division 1 – Use of marine vessels**

#### **28 Interpretation**

In this Part:

**"approved form"**, in relation to a defective vessel notice or defective vessel label, means a form approved by:

- (a) the EPA, or
- (b) the authority or body whose officers or employees are authorised by this Part to issue or affix such a notice or label.

**"authorised officer"** includes not only any person who is appointed as an authorised officer for the purposes of the Act (as referred to in section 187 of the Act), but also:

- (a) any police officer, and
- (b) any officer or employee of the marine authority who is authorised by the authority for the purposes of this Part.

#### **29 Sounding of sirens from vessels**

A person must not cause or permit a vessel's siren, whistle, hooter, fog horn or bell to be sounded on navigable waters except for the purposes of navigation.

Maximum penalty: 20 penalty units in the case of a corporation, 10 penalty units in the case of an individual.

#### **30 Vessels not to emit offensive noise**

A person must not cause an engine powered vessel to be used on navigable waters in such a way as to emit offensive noise.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

#### **30A Liability of owner of vessel**

(1) If a vessel is used contrary to clause 30, the person in charge and owner of the vessel are each taken to be guilty of an offence under that clause.

(2) Subclause (1) does not affect the liability of the actual offender but, if a penalty has been imposed or recovered from any person in relation to the offence (whether the actual offender, the person in charge or the owner), no further penalty may be imposed on or recovered from any other person. In this subclause, **"penalty"** includes a penalty under a penalty notice.

(3) Subclause (1) does not apply to the owner of a vessel if the vessel was at the time a stolen vessel or a vessel illegally taken or used.

(4) Subclause (1) does not apply to the owner of a vessel if the owner was not in the vessel at the relevant time and:

- (a) gives notice in accordance with subclause (5) of the name and address of the person who was in charge of the vessel at the relevant time, or
- (b) satisfies the officer who gave the penalty notice for the offence or the court dealing with the offence (as the case requires) that the owner did not know, and could not with reasonable diligence have ascertained, that name and address.

(5) The notice must be verified by statutory declaration and:

- (a) if a penalty notice has been given for the offence--the notice must be given to

- an officer specified in the penalty notice for the purpose within 28 days after service of the penalty notice, and
- (b) if a court is dealing with the offence--the notice must be given to the informant within 28 days after service of the summons for the offence.
- (6) A person who gives a statement for the purposes of subclause (4) knowing that it is false is guilty of an offence. Maximum penalty: 10 penalty units.
- (7) This clause does not apply to or in respect of an act or omission that occurred before the commencement of this clause.

### **31 Noise control equipment to be properly maintained**

- (1) A person must not cause or permit an engine powered vessel to be used on navigable waters if the vessel's noise control equipment:

- (a) is not securely in place, or
- (b) is defective.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

- (2) A person must not:

- (a) remove, or render less effective, a vessel's noise control equipment, otherwise than for the purpose of repairing or replacing it, or
- (b) replace a vessel's noise control equipment with noise control equipment that is less effective than the original noise control equipment fitted by the vessel's manufacturer.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

- (3) For the purposes of subclause (1) (b), defective noise control equipment includes:

- (a) equipment that allows the emission of more noise than the original noise control equipment fitted by the vessel's manufacturer, or
- (b) equipment that has, in the opinion of an authorised officer, been modified in a way that makes it less effective than it would have been if not for the modification, or
- (c) equipment that allows gas to escape from a place other than the intended exhaust outlet, or
- (d) if the equipment concerned comprises a system of mufflers--the system contains fewer mufflers than the original system fitted by the vessel's manufacturer.

### **32 Use of sound systems on vessels**

- (1) A person must not cause or permit any musical instrument or sound system to be used on a vessel in such a manner that it emits noise that can be heard within a habitable room in any residential premises between midnight and 8 a.m. on any day (regardless of whether any door or window to that room is open). Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

- (2) A person is not guilty of an offence under this clause unless:

- (a) the person has, within 7 days after causing or permitting a sound system to be used in such a manner, been warned by any other person not to cause or permit the sound system to be used in that manner, and
- (b) the person causes or permits the sound system to be used in that manner within 28 days after the warning has been given.

## **Division 2 – Defective vessel notices**

### **33 Defective vessel notices**

- (1) An authorised officer who is satisfied that a vessel has no noise control equipment, does not have appropriate noise control equipment or has defective noise control equipment may issue a defective vessel notice to the vessel's owner or master.
- (2) A defective vessel notice is to be in the approved form and must include the following particulars:

- (a) the defect on the basis of which it is issued, and
  - (b) where the vessel should be taken for inspection or testing for the purpose of having the notice withdrawn.
- (3) A defective vessel notice:
  - (a) may indicate what needs to be done to remedy the defect, and
  - (b) may indicate a date after which the vessel must not be used if the defect has not been remedied.
- (4) An authorised officer may withdraw a defective vessel notice if satisfied that the vessel in respect of which the notice has been issued no longer has the defect on the basis of which the notice was issued.
- (5) If a defective vessel notice indicates a date after which the vessel must not be used, a person must not cause or permit the vessel to be used in navigable waters after that date unless the notice has been withdrawn. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.
- (6) A person is not guilty of an offence under this clause arising because the vessel is being taken directly to a place where:
  - (a) repairs or other work required to remedy the defect are to be carried out, or
  - (b) an authorised officer may inspect or test the vessel,
 or is being taken directly from any such place to the place where the vessel is usually kept.

### **34 Defective vessel labels**

- (1) An authorised officer who issues a defective vessel notice for a vessel may also affix a defective vessel label in a conspicuous position on some part of the vessel.
- (2) A defective vessel label is to be in the approved form and must include the following particulars:
  - (a) the defect on the basis of which the defective vessel notice was issued,
  - (b) the date (if any) after which the vessel must not be used if the defect has not been remedied,
  - (c) such other particulars as the EPA may require.
- (3) An authorised officer who withdraws a defective vessel notice for a vessel must also remove, or direct the removal of, the defective vessel label from the vessel.
- (4) A person must not remove, obscure or deface a defective vessel label that is affixed to a vessel under this clause unless the person is an authorised officer or is acting under the direction of an authorised officer. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.
- (5) A person must not cause or permit a vessel to be used if the person knows, or ought reasonably to know, that a defective vessel label affixed to the vessel under this clause has been removed, obscured or defaced in contravention of subclause (4). Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.
- (6) A person does not commit an offence under subclause (5) if the vessel is being taken directly to a place where:
  - (a) repairs or other work required to remedy the defect are to be carried out, or
  - (b) an authorised officer may inspect or test the vessel,
 or is being taken directly from any such place to the place where the vessel is usually kept.

## **Part 4 – Miscellaneous articles**

### **Division 1 – Sale of articles**

#### **Subdivision 1 – Preliminary**

#### **35 Division applies only to retail sale of new articles**

This Division applies to the sale of new articles by retail, but does not apply to the sale of articles otherwise than by retail or to the sale of second-hand articles.

### **36 Size, design, format and construction of noise labels**

A noise label required by this Division must be of a size, design, format and construction approved by the EPA.

### **Subdivision 2 – Grass-cutting machines**

#### **37 Application of Subdivision**

This Subdivision applies to grass-cutting machines manufactured on or after 1 July 1988, but does not apply to grass-cutting machines manufactured before that date.

#### **38 Lawn mowers with cutting width between 620 mm and 950 mm**

- (1) For the purposes of section 136 of the Act:
  - (a) lawn mowers with a cutting width of more than 620 mm but less than 950 mm are a prescribed class of articles, and
  - (b) 80 dB(A) is the prescribed noise level for such lawn mowers.
- (2) A person must not sell a lawn mower with a cutting width of more than 620 mm but less than 950 mm unless it has a noise label, securely attached to it in a conspicuous position, displaying the lawn mower's maximum noise level. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

#### **39 Ride-on mowers**

- (1) For the purposes of section 136 of the Act:
  - (a) ride-on mowers are a prescribed class of articles, and
  - (b) 80 dB(A) is the prescribed noise level for ride-on mowers.
- (2) A person must not sell a ride-on mower unless it has a noise label, securely attached to it in a conspicuous position, displaying the ride-on mower's maximum noise level. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

#### **40 Edge-cutters**

- (1) For the purposes of section 136 of the Act:
  - (a) edge-cutters are a prescribed class of articles, and
  - (b) 75 dB(A) is the prescribed noise level for edge-cutters.
- (2) A person must not sell an edge-cutter unless it has a noise label, securely attached to it in a conspicuous position, displaying the edge-cutter's maximum noise level. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

#### **41 String-trimmers**

- (1) For the purposes of section 136 of the Act:
  - (a) string-trimmers are a prescribed class of articles, and
  - (b) 80 dB(A) is the prescribed noise level for string-trimmers.
- (2) A person must not sell a string-trimmer unless it has a noise label, securely attached to it in a conspicuous position, displaying the string-trimmer's maximum noise level. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

#### **42 Brush cutters**

- (1) For the purposes of section 136 of the Act:
  - (a) brush cutters are a prescribed class of articles, and
  - (b) 85 dB(A) is the prescribed noise level for brush cutters.
- (2) A person must not sell a brush cutter unless it has a noise label, securely attached to it in a conspicuous position, displaying the brush cutter's maximum noise level. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

#### **43 Other grass-cutting machines**

- (1) For the purposes of section 136 of the Act:
  - (a) grass-cutting machines with cutting edges of 950 mm or less (other than grass-cutting machines referred to elsewhere in this Subdivision) are a prescribed class

of articles, and

(b) 75 dB(A) is the prescribed noise level for such grass-cutting machines.

(2) A person must not sell a grass-cutting machine with a cutting edge of 950 mm or less (other than a grass-cutting machine referred to elsewhere in this Subdivision) unless it has a noise label, securely attached to it in a conspicuous position, displaying the grass-cutting machine's maximum noise level. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

### **Subdivision 3 – Chainsaws**

#### **44 Labelling of chainsaws**

(1) This clause applies to chainsaws manufactured on or after 1 July 1988, but does not apply to chainsaws manufactured before that date.

(2) A person must not sell a chainsaw unless the chainsaw has a noise label, securely attached to it in a conspicuous position, displaying the chainsaw's maximum noise level. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

### **Subdivision 4 – Domestic air conditioners**

#### **45 Labelling of domestic air conditioners**

(1) This clause applies to domestic air conditioners manufactured on or after 1 March 1986, but does not apply to domestic air conditioners manufactured before that date.

(2) A person must not sell a domestic air conditioner unless the air conditioner has a noise label, securely attached to it in a conspicuous position, displaying the air conditioner's sound power level. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

### **Subdivision 5 – Mobile air compressors**

#### **46 Labelling of mobile air compressors**

(1) This clause applies to mobile air compressors manufactured on or after 1 October 1985, but does not apply to mobile air compressors manufactured before that date.

(2) A person must not sell a mobile air compressor unless it has a noise label, securely attached to it in a conspicuous position, displaying the mobile air compressor's mean sound level. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

### **Subdivision 6 – Pavement breakers**

#### **47 Labelling of pavement breakers**

(1) This clause applies to pavement breakers manufactured on or after 1 October 1985, but does not apply to pavement breakers manufactured before that date.

(2) A person must not sell a pavement breaker unless it has a noise label, securely attached to it in a conspicuous position, displaying the pavement breaker's mean sound level. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

### **Subdivision 7 – Mobile garbage compactors**

#### **48 Labelling of mobile garbage compactors**

(1) This clause applies to mobile garbage compactors registered under the *Road Transport (Vehicle Registration) Act 1997* that were first registered on or after 1 February 1989, but does not apply to mobile garbage compactors registered before that date.

(2) A person must not sell a mobile garbage compactor unless it has a noise label, securely attached to it in a conspicuous position, displaying the mobile garbage compactor's maximum noise level. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

### **Subdivision 8 – Building intruder alarms**

#### **49 Sale of building intruder alarms**

(1) A person must not sell a building intruder alarm unless the alarm is so constructed and regulated that:

(a) it automatically ceases to sound, whether continuously or intermittently,



- within 5 minutes after being activated by a detection device, and
- (b) it cannot be reactivated (except by a different detection device) until it has been manually reset.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(2) A building intruder alarm that sounds intermittently is taken to sound continuously for the purpose of measuring the period of time for which it sounds.

(3) This clause applies only to building intruder alarms sold on or after 1 September 1997.

## **Division 2 – Use of articles**

### **Subdivision 1 – Time limits on the use of certain articles**

#### **50 Power tools and equipment**

(1) A person must not cause or permit a power tool or swimming pool pump to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8 am or after 8 pm on any Sunday or public holiday, or
- (b) before 7 am or after 8 pm on any other day.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(2) A person is not guilty of an offence under this clause unless:

- (a) the person has, within 7 days after causing or permitting a power tool or swimming pool pump to be used in such a manner, been warned by any other person not to cause or permit the tool or pump to be used in that manner, and
- (b) the person causes or permits the tool or pump to be used in that manner within 28 days after the warning has been given.

(3) In this clause: "**power tool**" means any of the following:

- (a) a powered garden tool (that is, a tool powered by a petrol engine or an electric motor), including a lawn mower, a lawn trimmer, a blower/sweeper, a garden mulcher, an edge-cutter and a chipper/shredder,
- (b) an electric power tool (including battery-operated power tools),
- (c) a pneumatic power tool,
- (d) a chainsaw,
- (e) a circular saw,
- (f) a gas or air compressor.

"**swimming pool pump**" includes a spa pump.

#### **51 Musical instruments and sound equipment**

(1) A person must not cause or permit any musical instrument or electrically amplified sound equipment to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises between midnight and 8 am on any day (regardless of whether any door or window to that room is open). Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(2) A person is not guilty of an offence under this clause unless:

- (a) the person has, within 7 days after causing or permitting a musical instrument or electrically amplified sound equipment to be used in such a manner, been warned by any other person not to cause or permit the instrument or equipment to be used in that manner, and
- (b) the person causes or permits the instrument or equipment to be used in that manner within 28 days after the warning has been given.

(3) In this clause, "**electrically amplified sound equipment**" includes any computer, radio, television, tape recorder, record player, compact disc player, digital video disc (DVD) player or public address system.

## **52 Air conditioners**

(1) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):

- (a) before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
- (b) before 7 am or after 10 pm on any other day.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(2) A person is not guilty of an offence unless:

- (a) the person has, within 7 days after causing or permitting an air conditioner to be used in such a manner, been warned by any other person not to cause or permit the air conditioner to be used in that manner, and
- (b) the person causes or permits an air conditioner to be used in that manner within 28 days after the warning has been given.

## **Subdivision 2 – Building intruder alarms**

### **53 Use of building intruder alarms**

(1) The occupier of any premises must not cause or permit a building intruder alarm installed on those premises to be used so as to emit noise that can be heard within a habitable room in any other premises, being residential premises, (regardless of whether any door or window to that room is open), unless the alarm is so constructed and regulated that:

- (a) in the case of an alarm installed before 1 December 1997:
  - (i) it automatically ceases to sound, whether continuously or intermittently, within 10 minutes after being activated by a detection device, and
  - (ii) it cannot be reactivated (except by a different detection device) until it has been manually or automatically reset, or
- (b) in the case of an alarm installed on or after 1 December 1997:
  - (i) it automatically ceases to sound, whether continuously or intermittently, within 5 minutes after being activated by a detection device, and
  - (ii) it cannot be reactivated (except by a different detection device) until it has been manually reset.

Maximum penalty:

- (a) if the alarm is sounded, whether continuously or intermittently, for a period that does not exceed 24 hours--100 penalty units in the case of a corporation, 50 penalty units in the case of an individual, or
- (b) if the alarm is sounded, whether continuously or intermittently, for a period that exceeds 24 hours but does not exceed 48 hours--200 penalty units in the case of a corporation, 100 penalty units in the case of an individual, or
- (c) if the alarm is sounded, whether continuously or intermittently, for a period that exceeds 48 hours--300 penalty units in the case of a corporation, 150 penalty units in the case of an individual.

(2) A building intruder alarm that sounds intermittently is taken to sound continuously for the purpose of measuring the period of time for which it sounds.

## **Part 5 – Inspection and testing of certain articles**

### **54 Determining the noise level of an article**

The noise level of an article is to be measured and determined as follows:

- (a) the maximum noise level of a motor car, motor lorry, motor bus or motor cycle is to be determined in accordance with Part 1 of Schedule 2,
- (b) the maximum noise level, and noise emission characteristics of, a motor vehicle

- intruder alarm that is not attached to a motor vehicle is to be determined in accordance with Part 2 of Schedule 2,
- (c) the maximum noise level, and noise emission characteristics of, a motor vehicle intruder alarm that is attached to a motor vehicle is to be determined in accordance with Part 3 of Schedule 2,
- (d) the maximum noise level of a motor vehicle horn that is not attached to a motor vehicle is to be determined in accordance with Part 4 of Schedule 2,
- (e) the maximum noise level of a motor vehicle horn that is attached to a motor vehicle is to be determined in accordance with Part 5 of Schedule 2,
- (f) the maximum noise level of a grass-cutting machine is to be determined in accordance with Part 6 of Schedule 2,
- (g) the maximum noise level of a chainsaw is to be determined in accordance with Part 7 of Schedule 2,
- (h) the maximum noise level of a mobile garbage compactor is to be determined in accordance with Part 8 of Schedule 2,
- (i) the sound power level of a domestic air conditioner is to be determined in accordance with the document published by the Australian Environment Council entitled *Technical Basis for the Regulation of Noise Labelling of New Air Conditioners in Australia* dated July 1984 as in force on 1 September 2000, A copy of *Technical Basis for the Regulation of Noise Labelling of New Air Conditioners in Australia* was published in the Gazette on 1 September 2000 and is available for inspection at the offices of the EPA.
- (j) the mean sound level of a mobile air compressor or pavement breaker is to be determined in accordance with the document published by the Australian Environment Council entitled *Technical Basis for the Regulation of Noise Labelling of New Pavement Breakers and Mobile Air Compressors in Australia* dated July 1984 as in force on 1 September 2000. A copy of *Technical Basis for the Regulation of Noise Labelling of New Pavement Breakers and Mobile Air Compressors in Australia* was published in the Gazette on 1 September 2000 and is available for inspection at the offices of the EPA.

## 55 Instruments

- (1) The noise level of a motor vehicle accessory, grass-cutting machine, chainsaw or mobile garbage compactor must be measured with a Type 1 or 2 sound level meter complying with *AS 1259.1* and associated equipment, including a microphone windshield.
- (2) The sound level meter must be set to measure A-weighted noise levels and must have its meter dynamic characteristic set:
- (a) to "fast", when measuring the noise level of a motor vehicle accessory or chainsaw, or
  - (b) to "slow", when measuring the noise level of a grass-cutting machine or mobile garbage compactor.
- (3) In this clause, "**AS 1259.1**" means the document numbered "*AS 1259.1--1990*", published in 1990 by Standards Australia entitled *Acoustics--Sound level meters--Non-integrating*, as in force on 1 September 2000. A copy of *AS 1259.1--1990Acoustics--Sound level meters--Non-integrating* is available for inspection at the offices of the EPA.

## 56 Testing the calibration of instruments

- (1) The calibration of a sound level meter must be checked, and any necessary adjustments made, immediately before the sound level meter is used to make the noise level measurements required by this Regulation ("**the pre-test check**") and must be checked again immediately after making those measurements ("**the post-test check**").
- (2) The calibration is to be checked by performing a field calibration, using a reference sound source, when the article whose noise level is being measured is not operating.
- (3) If the noise level recorded during the post-test check (after any necessary adjustments have been made) differs by more than 1 dB(A) from the noise level recorded during the pre-test check, then all measurements made in the intervening period must be

disregarded.

(4) This clause does not apply to a sound level meter that is being used to measure and determine the noise level of a motor car, motor lorry, motor bus or motor cycle.

Provisions relating to the calibration of sound level meters used to measure and determine the noise level of motor cars, motor lorries, motor buses and motor cycles are set out in clause 2 of Schedule 2.

### **57 Measurements may be disregarded on account of extraneous noise**

(1) The person making the noise level measurements is to take all reasonable precautions to ensure that extraneous noise does not interfere with the making of measurements required by this Part.

(2) If the noise levels recorded during the pre-test and post-test checks (when the article whose noise level is being measured is not operating) are not each 10 dB(A) or more below the lowest maximum noise level reading observed when making those noise level measurements, then all measurements made in the intervening period may be disregarded.

## **Part 6 – Miscellaneous**

### **58 Repeal and savings**

(1) The *Noise Control (Marine Vessels) Regulation 1996* is repealed.

(2) Any act, matter or thing that was done for the purposes of or, immediately before the repeal of the repealed Regulations, had effect under those Regulations is taken to have been done for the purposes of or to have effect under this Regulation.

(3) In this clause, "**repealed Regulations**" means:

(a) the *Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995* and the *Noise Control (Miscellaneous Articles) Regulation 1995* (repealed by section 10 (2) of the *Subordinate Legislation Act 1989*), and

(b) the *Noise Control (Marine Vessels) Regulation 1996* (repealed by subclause (1)).

### **59 Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 1999**

The *Protection of the Environment Operations (Penalty Notices) Regulation 1999* is amended as set out in Schedule 3.

## **Schedule 1 Prescribed noise levels of classes of motor vehicles**

(Clauses 5, 13, 20 and 26)

Column 1	Column 2				
Description of Motor Vehicle					
Description	Engine	Manufacturer's gross vehicle mass (kg)	Height above ground of exhaust pipe (mm)	Period during which manufacture completed	Noise level dB(A)
Motor car	Any engine	Any mass	Any height	Before 1 January 1983	96
	On or after 1 January 1983	90			
Motor cycle designed or manufactured for	Any engine	Any mass	Any height	On or after 1 March 1984	94

use on a road					
Any other motor cycle	Any engine	Any mass	Any height	Any period	100
Motor lorry or motor bus	Any engine other than a diesel engine	3,500 or less	1,500 or more	Before 1 July 1983	88
	On or after 1 July 1983	85			
	less than 1,500	Before 1 July 1983	92		
	On or after 1 July 1983	89			
	more than 3,500	1,500 or more	Before 1 July 1983	94	
	On or after 1 July 1983	91			
	less than 1,500	Before 1 July 1983	98		
	On or after 1 July 1983	95			
	Diesel	3,500 or less	1,500 or more	Before 1 July 1980	101
	On or after 1 July 1980 and before 1 July 1983	98			
	On or after 1 July 1983	95			
	less than 1,500	Before 1 July 1980	105		
	On or after 1 July 1980 and before 1 July 1983	102			
	On or after 1 July 1983	99			
	more than 3,500, but not more than 12,000	1,500 or more	Before 1 July 1980	103	
	On or after 1 July 1980 and before 1 July 1983	100			
	On or after 1 July 1983	97			
	less than 1,500	Before 1 July 1980	107		
	On or after 1 July 1980 and before 1 July 1983	104			
	On or after 1 July 1983	101			
	more than 12,000	1,500 or more	Before 1 July 1980	105	

	On or after 1 July 1980 and before 1 July 1983	102	
	On or after 1 July 1983	99	
	less than 1,500	Before 1 July 1980	109
	On or after 1 July 1980 and before 1 July 1983	106	
	On or after 1 July 1983	103	

## Schedule 2 Testing procedures

(Clause 54)

### Part 1 – Motor cars, motor cycles, motor lorries and motor buses

#### Division 1 – General

##### 1 Definitions

In this Part:

**"diesel engine"** means an internal combustion engine which operates on the compression-ignition principle.

**"engine speed at maximum power (ESMP)"** means the speed at which the engine develops maximum power (r/min).

**"spark ignition"** means positive ignition.

#### 2 Measuring instruments

- (1) A Type 1 sound level meter complying at least with *AS 1259.1*, concerning the characteristics of sound level meters, must be used. Measurements must be carried out using A-weighted frequency levels set at "fast".
- (2) The sound level meter must be calibrated against an acoustic calibrator immediately before and after each series of test runs. If the meter readings obtained from these calibrations differ by more than 1 dB(A) the test is to be considered invalid.
- (3) The rotational speed of the engine is to be measured by an external tachometer whose accuracy is within 3% or, where an external tachometer cannot reasonably be used, the vehicle's tachometer.
- (4) In this clause, **"AS 1259.1"** means the document numbered "AS 1259.1--1990", published in 1990 by Standards Australia entitled *Acoustics--Sound level meters--Non-integrating*, as in force on 1 September 2000. A copy of *AS 1259.1--1990Acoustics--Sound level meters--Non-integrating* is available for inspection at the offices of the EPA.

#### 3 Test site ambient requirements

- (1) The measurements must be made in the open air where both the ambient and wind noise levels are at least 10 dB(A) below the noise level being measured. The site may take the form of an open space or beneath a canopy if no part of the canopy or its supports is within 3 m of the microphone being used for the measurement. The test site within 3 m of the microphone must be substantially flat and may include kerbs, channels,

gutter, poles or other objects that in the opinion of the authorised officer do not provide acoustic reflection sufficient to substantially affect the measurement. However, in no case is the microphone to be placed within 200 mm of any article or object. The term "**substantially flat**" means an area without any obstructions present that would in the opinion of the authorised officer unduly affect the measured noise level due to reflected noise and does not refer to the gradient of the test site.

(2) Any sound peak which appears to be unrelated to the characteristics of the vehicle is to be ignored in taking the measurements. If a windscreen is used, its influence on the sensitivity and the directional characteristics of the microphone must be taken into account.

(3) While testing is in progress no person other than the authorised officer must be within 1 m of the microphone in use. No person other than the authorised officer and an observer, the driver or owner of the vehicle or, in the case of a motorcycle, the rider is to be within 3 m of the microphone in use. No object (except as provided in subclause (1)) other than the vehicle, any trailer attached to the vehicle or any part of the vehicle being measured, the contents of the vehicle being measured or the objects necessary for the making of the measurements is to be within 3 m of the microphone in use.

(4) Before the measurements are begun, the authorised officer must ensure that the engine of the vehicle is sufficiently warm to allow the noise measurements to be carried out.

## **Division 2 – Test method for motor cars**

### **4 Microphone position**

(1) The microphone must be directed towards the orifice of the exhaust outlet and must be supported by a tripod or similar device not providing excessive acoustic reflection. The general requirements for positioning microphones are shown in Figure 1 at the end of this Schedule.

(2) The nominal axis of maximum sensitivity of the microphone must be substantially parallel to the test site surface and must make an angle of 45 degrees  $\hat{\pm}$  10 degrees with the principal direction of gas flow from the exhaust.

(3) In selecting the 45 degree alignment from the outlet of a motor vehicle fitted with two or more outlets, only the angle resulting in the microphone being farthest from any other outlet must be used.

(4) The height of the microphone above the test site surface must, in the opinion of the authorised officer, be substantially equal to that of the orifice of the exhaust outlet but must not be less than 200 mm above the test site surface.

(5) The distance of the microphone from the exhaust outlet orifice must not be less than 500 mm.

(6) For vehicles fitted with one exhaust outlet, the microphone must be placed so that the greatest possible distance is achieved between it and the vehicle within the configuration shown on Figure 1 at the end of this Schedule.

(7) For vehicles fitted with two or more exhaust outlets spaced less than 500 mm apart and connected to a single silencer, only one microphone position is to be used. That position must be selected in accordance with the procedure described in the preceding subclauses in respect of an exhaust outlet which results in the greatest possible distance from the vehicle.

(8) For vehicles fitted with two or more exhaust outlets connected to separate silencers or spaced more than 500 mm apart, each exhaust outlet must be treated separately as if it were the only one.

(9) Despite anything to the contrary in subclauses (1) to (8), if the microphone positioning procedures result in no suitable position due to an obstruction being part of the vehicle or in an obstruction being directly between the microphone and the exhaust outlet, the requirements of subclauses (2) and (3) may be varied.

(10) Despite subclauses (1) to (9), if the microphone is to be placed so that it is less than

500 mm from the engine then the angle between the direction of gas flow and the angle of the nominal maximum sensitivity of the microphone may be altered so that the microphone is more than 500 mm from the engine.

## **5 Vehicle operation and noise measurement**

(1) The vehicle must be stationary with the transmission in "neutral" or, in the case of a vehicle with automatic transmission, with the gear selector in the "park" position if such a position is provided.

(2) The engine of the vehicle is to be operated in accordance with one of the following procedures:

(a) If the ESMP for that engine has been determined by the EPA--the engine is to be brought to and stabilised at a speed as close to 3/4 ESMP as the testing officer can achieve.

(b) If the ESMP for that engine has not been determined by the EPA--the engine is to be brought to and stabilised at a speed as close as the authorised officer can achieve to one of the following speeds:

(i) if the engine has 5 cylinders or less--4000 rpm,

(ii) if the engine has 6 cylinders--3200 rpm,

(iii) if the engine has 8 cylinders--3300 rpm,

(iv) if the engine has more than 8 cylinders--4300 rpm,

(v) if the engine is a rotary engine--4500 rpm.

(c) If, in the opinion of the authorised officer, the test speed determined by reference to paragraphs (a) and (b) is not attainable by the engine--the engine is to be brought to and stabilised at the maximum speed that the authorised officer believes that the engine can be safely tested.

(d) A single noise level measurement is then to be made.

(3) The specified procedure is to be repeated until such number of readings, each within a range of 1 dB(A), as the authorised officer considers appropriate have been made. For the purposes of this clause non-integer decibel readings are to be rounded downwards to the nearest whole decibel.

## **6 Interpretation of results**

(1) If one microphone position is used, the noise level of the vehicle is the arithmetic mean of the readings specified in clause 5 (3).

(2) When the noise level of the vehicle has been calculated, non-integer results are to be rounded down to the nearest whole decibel.

(3) If more than one microphone position is used, the noise level at each microphone position is to be determined as if it were the only one. The noise level of the vehicle is the higher or highest noise level so calculated.

(4) If the microphone position is less than 1 m from the engine compartment of the vehicle, the calculated noise level is to be reduced by 2 dB(A).

## **Division 3 – Test method for motor lorries and motor buses**

### **7 Microphone position**

(1) The microphone must be directed towards the orifice of the exhaust outlet and must be supported by a tripod or similar device not providing excessive acoustic reflection. The general requirements for positioning microphones are shown in Figure 1 at the end of this Schedule.

(2) The nominal axis of maximum sensitivity of the microphone must be substantially parallel to the test site surface.

(3) The height of the microphone above the test site surface must, in the opinion of the authorised officer, be substantially equal to that of the orifice of the exhaust outlet but must not be less than 200 mm above the test site surface.

(4) The distance of the microphone from the orifice of the exhaust outlet must not be less than 1000 mm.



(5) For vehicles fitted with one exhaust outlet which is at a height above the test site surface of less than 1500 mm, the nominal axis of maximum sensitivity of the microphone must make an angle of 45 degrees  $\hat{\pm}$  10 degrees with the principal direction of the gas flow from the exhaust outlet. In selecting this microphone position the microphone is to be placed so that the greatest possible distance is achieved between it and the vehicle.

(6) For vehicles fitted with one exhaust outlet which is at a height above the test site surface of at least 1500 mm, the nominal axis of maximum sensitivity of the microphone must make an angle of 90 degrees  $\hat{\pm}$  10 degrees with the longitudinal centerline of the vehicle. However, if positioning the microphone according to the preceding requirement would result in the microphone being placed in the gas flow from the exhaust outlet then the microphone location may be rotated, in a horizontal plane, no greater than 45 degrees. In selecting this microphone position the microphone is to be placed so that the greatest possible distance is achieved between it and the vehicle.

(7) For vehicles fitted with two or more exhaust outlets spaced less than 500 mm apart and connected to a single silencer, only one microphone position is to be used. That position is to be selected in accordance with the procedure described in subclauses (1) to (6) in respect of an exhaust outlet which results in the microphone being at the greatest possible distance from the vehicle.

(8) For vehicles fitted with two or more exhaust outlets connected to separate silencers or spaced more than 500 mm apart, each exhaust outlet must be treated separately as if it were the only one.

(9) Despite subclauses (1) to (8), if the microphone positioning procedures result in no suitable position due to an obstruction being part of the vehicle or in an obstruction being directly between the microphone and the exhaust outlet, the requirements of subclauses (2) and (3) may be varied.

## **8 Vehicle operation and noise measurement**

(1) The vehicle must be stationary with the transmission in "neutral" or, in the case of a vehicle with automatic transmission, with the gear selector in the "park" position if such a position is provided.

(2) In the case of motor lorries and motor buses powered by a diesel engine the engine is to be operated in accordance with the following procedure:

(a) With the engine at idling speed the accelerator pedal of the vehicle is to be depressed as rapidly as possible and kept fully depressed until the speed of the engine is substantially stable at maximum (or governed) speed. The accelerator pedal is then to be permitted to return to its original position as rapidly as possible and left in that position until the engine has returned to idling speed.

(b) A single noise level measurement must be made for each microphone position in use by noting the maximum noise level indicated during this procedure.

(3) In the case of motor lorries and motor buses powered by a spark ignition engine the engine is to be operated in accordance with one of the following procedures:

(a) If the ESMP for that engine has been determined by the EPA--the engine is to be brought to and stabilised at a speed as close to 75% of ESMP as the authorised officer can achieve.

(b) If the ESMP has not been determined for that engine by the EPA--the engine is to be brought to and stabilised at as close as the authorised officer can achieve to one of the following speeds:

(i) if the engine has 6 cylinders or more--3000 rpm,

(ii) if the engine has 4 cylinders and was manufactured before 1970--2500 rpm,

(iii) if the engine has 4 cylinders and was manufactured in 1970 or later--3500 rpm.

(c) If, in the opinion of the authorised officer, the speed determined by reference to paragraphs (a) and (b) is not attainable by the engine--the engine is to be brought to and stabilised at the maximum speed that the authorised officer believes that the engine can be safely tested.

(d) A single noise level measurement must then be made.

(4) The specified procedure is to be repeated until such number of readings, each within a range of 1 dB(A), as the authorised officer considers appropriate have been made. For the purposes of this clause non-integer decibel readings are to be rounded downwards to the nearest whole decibel.

## **9 Interpretation of results**

(1) If one microphone position is used, the noise level of the vehicle is the arithmetic mean of the readings specified in clause 8 (4).

(2) When the noise level of the vehicle has been calculated, non-integer results are to be rounded down to the nearest whole decibel.

(3) If more than one microphone position is used, the noise level at each microphone position is to be determined as if it were the only one. The noise level of the vehicle is the higher or highest noise level so calculated.

## **Division 4 – Test method for motor cycles**

### **10 Microphone position**

(1) The microphone must be directed towards the orifice of the exhaust outlet and must be supported by a tripod or similar device not providing excessive acoustic reflection. The general requirements for positioning microphones are shown in Figure 2 at the end of this Schedule.

(2) The nominal axis of maximum sensitivity of the microphone must be substantially parallel to the test site surface and must make an angle of 45 degrees  $\hat{\pm}$  10 degrees with the principal direction of gas flow from the exhaust.

(3) In selecting the 45 degree alignment from the outlet of a motor cycle fitted with two or more outlets, only the angle resulting in the microphone being farthest from any other outlet must be used.

(4) The height of the microphone above the test site surface must, in the opinion of the authorised officer, be substantially equal to that of the orifice of the exhaust outlet but must not be less than 200 mm above the test site surface.

(5) The distance of the microphone from the exhaust outlet orifice must not be less than 500 mm.

(6) For motor cycles fitted with one exhaust outlet, the microphone must be placed so that the greatest possible distance is achieved between it and the contour of the motor cycle.

(7) For motor cycles fitted with two or more exhaust outlets spaced less than 500 mm apart, only one microphone position is to be used. The microphone position selected must be in relation to the outlet nearest to the external side of the motor cycle, or when such an outlet does not exist, to the outlet which is the highest above the ground.

(8) For motor cycles having exhaust outlets spaced more than 500 mm apart, each exhaust outlet must be treated separately as if it were the only one.

### **11 Vehicle operation and noise measurement**

(1) The motor cycle must be stationary and held in a substantially vertical position and may be placed on its centre stand or side stand.

(2) The engine of the motor cycle under test is to be operated in accordance with one of the following procedures:

(a) If the ESMP for that engine has been determined by the EPA--the engine is to be held steady at a speed as close to 50 per cent of ESMP as the authorised officer can achieve and then the throttle is to be returned swiftly to the idle position.

(b) If the ESMP for that engine has not been determined by the EPA--the engine is to be brought to and stabilised at a speed as close as the authorised officer can

achieve to one of the following speeds:

- (i) for a two-stroke engine--3750 rpm,
- (ii) for a four-stroke engine:
  - (A) of Japanese origin--3000 rpm, or
  - (B) from Harley Davidson--2500 rpm, or
  - (C) of other origin--3000 rpm,

and then the throttle is to be returned swiftly to the idle position.

(c) If, in the opinion of the authorised officer, the test speed determined by reference to paragraphs (a) and (b) is not attainable by the engine--the engine is to be brought to and stabilised at the maximum speed that the authorised officer believes that the engine can be safely tested and then the throttle is to be returned swiftly to the idle position.

(d) A single noise measurement must then be made by noting the maximum noise level indicated during this procedure.

(3) The specified procedure is to be repeated until such number of readings, each within a range of 1 dB(A), as the authorised officer considers appropriate have been made. For the purposes of this clause non-integer decibel readings are to be rounded downwards to the nearest whole decibel.

## **12 Interpretation of results**

(1) If one microphone position is used, the noise level of the motor cycle is the arithmetic mean of the readings specified in clause 11 (3).

(2) When the noise level of the motor cycle has been calculated, non-integer results are to be rounded down to the nearest whole decibel.

(3) If more than one microphone position is used, the noise level at each microphone is to be determined as if it were the only one. The noise level of the motor cycle is the higher or highest noise level so calculated.

## **Part 2 – Motor vehicle intruder alarms that are not attached to a motor vehicle**

### **13 Site requirements**

(1) The site at which the noise level of a motor vehicle intruder alarm is measured, or the noise of the alarm or device is recorded:

- (a) must consist of an area having its perimeter at least 3 m from any part of the motor vehicle intruder alarm under test, and
- (b) must be in the open air, and
- (c) must be covered with grass no more than 80 mm high or with concrete, asphalt or any other approved material.

(2) While the noise level of a motor vehicle intruder alarm is being measured, or the noise of the alarm or device is being recorded, the following people only may be within the test site:

- (a) the person operating the alarm or device,
- (b) the person making the measurements or recordings,
- (c) one observer, standing in a position specified by that person.

(3) While the noise level of a motor vehicle intruder alarm is being measured, or the noise of the alarm or device is being recorded, only the following articles may be within the test site:

- (a) the alarm or device,
- (b) a stand for the alarm or device,
- (c) any instruments and other objects used in connection with the measurement of the noise level or the recording of the noise,
- (d) any other article which, in the opinion of the person making the measurements

or recordings, will not substantially affect the measurements or recordings.

#### **14 Position of stand**

A stand of an approved design and construction must be placed in the centre of the test site.

#### **15 Position of microphone**

- (1) The microphone must be placed in such position as the person making the measurements or recordings considers appropriate, but must not be placed:
  - (a) at a height of less than 3.2 m above the ground, or
  - (b) at a distance of less than 2.0 m from the alarm or device under test.
- (2) The microphone must face towards and have its nominal axis of maximum sensitivity (as indicated by the manufacturer of the microphone) directed towards the part of the alarm or device under test that emits noise.

#### **16 Instruments for recording noise**

- (1) A tape recorder and associated leads may be used in conjunction with the sound level meter to record the noise from the motor vehicle intruder alarm.
- (2) For tape recording purposes, the sound level meter is to be set to "linear" and appropriate recording level adjustments made together with the recording of a field calibration tone.

#### **17 Operation of motor vehicle intruder alarm**

- (1) That part of a motor vehicle intruder alarm under test that emits noise:
  - (a) must be placed at a height of not less than 1.2 m above the ground, and
  - (b) must be placed, as far as practicable, vertically beneath the microphone, and
  - (c) must be directed towards that microphone.
- (2) That part of a motor vehicle intruder alarm under test that emits noise must be mounted firmly on a stand which has a mass of not less than 30 kg, or 10 times the mass of the alarm or device, whichever is the greater.
- (3) The alarm or device must, as far as practicable, be attached to the stand by means of the fittings recommended by the manufacturer.
- (4) A motor vehicle intruder alarm under test must be operated:
  - (a) by means of a power supply that complies, as far as practicable, with the power supply by means of which its manufacturer recommends it to be operated, and
  - (b) for periods of not less than 15 seconds each in duration.

#### **18 Determination of noise level**

- (1) The person making the measurements is to make as many noise level measurements of a motor vehicle intruder alarm as are reasonably appropriate.
- (2) The noise level of a motor vehicle intruder alarm is the greatest noise level reading obtained from the noise level measurements made on the alarm or device. If that reading is not a whole number of decibels, it must be rounded down to the next lower whole number of decibels.

#### **19 Determination of character of noise emitted**

The frequency characteristics and the repeat rate of emitted sound may be determined by:

- (a) laboratory analysis of a tape recording of noise emitted by a motor vehicle intruder alarm under test, or
- (b) readings from a Type 1 sound level meter capable of measuring sound level variations over time.

### **Part 3 – Motor vehicle intruder alarms that are attached to a motor vehicle**

#### **20 Site requirements**

- (1) The site at which the noise level of a motor vehicle intruder alarm is measured, or the noise of the alarm or device is recorded:

- (a) must be in the open air, or
- (b) must be beneath:
  - (i) an open-sided canopy, or
  - (ii) a canopy supported by one wall (where that wall does not extend for more than 25% of the perimeter of the canopy),
 if no part of the canopy or its supports is within 3 m of the alarm or device under test or of the microphone used in conjunction with the measurement.
- (2) While the noise level of a motor vehicle intruder alarm is being measured, or the noise of the alarm or device is being recorded, the following people only may be within the test site:
  - (a) the person operating the alarm or device,
  - (b) the person making the measurements or recordings,
  - (c) one observer, standing in a position specified by that person.
- (3) While the noise level of a motor vehicle intruder alarm that is attached to a motor vehicle is being measured or the noise of the alarm or device is being recorded, only the following articles may be within the test site:
  - (a) the motor vehicle,
  - (b) the contents of the motor vehicle,
  - (c) any instruments and other objects used in connection with the measurement of the noise level or the recording of the noise,
  - (d) any other article which, in the opinion of the person making the measurements or recordings, will not substantially affect the measurements or recordings.

## **21 Position of microphone**

- (1) The microphone must be placed in such position as the person making the measurements or recordings considers appropriate, but must not be placed:
  - (a) at a distance of less than 1.2 m from the front of the vehicle, or
  - (b) at a distance of less than 0.2 m from the ground.
- (2) The microphone must face towards, and have its nominal axis of maximum sensitivity (as indicated by the manufacturer of the microphone) directed towards, the motor vehicle intruder alarm under test.

## **22 Instruments for recording noise**

- (1) A tape recorder and associated leads may be used in conjunction with the sound level meter to record the noise from the motor vehicle intruder alarm.
- (2) For tape recording purposes, the sound level meter is to be set to "linear" and appropriate recording level adjustments made together with the recording of a field calibration tone.

## **23 Operation of motor vehicle intruder alarm**

A motor vehicle intruder alarm under test:

- (a) must, as far as practicable, be directed towards the microphone, and
- (b) must be operated for a period as determined by the person making the measurements or recordings, being a period of at least 15 seconds, and
- (c) must be operated by means of a power supply from the vehicle that normally supplies the power for the operation of the alarm.

## **24 Determination of noise level**

- (1) The person making the measurements is to make as many noise level measurements of a motor vehicle intruder alarm as are reasonably appropriate.
- (2) The noise level of a motor vehicle intruder alarm is the greatest noise level reading obtained from the noise level measurements made on the alarm or device. If that reading is not a whole number of decibels, it must be rounded down to the next lower whole number of decibels.

## **25 Determination of character of noise emitted**

The frequency characteristics and the repeat rate of emitted sound may be determined by:

- (a) laboratory analysis of a tape recording of noise emitted by a motor vehicle intruder alarm under test, or
- (b) readings from a Type 1 sound level meter capable of measuring sound level variations over time.

## **Part 4 – Motor vehicle horns that are not attached to a motor vehicle**

### **26 Site requirements**

- (1) The site at which the noise level of a motor vehicle horn is measured:
  - (a) must consist of an area having its perimeter at least 3 m from any part of the motor vehicle horn under test, and
  - (b) must be in the open air, and
  - (c) must be covered with grass no more than 80 mm high or with concrete, asphalt or any other approved material.
- (2) While the noise level of a motor vehicle horn is being measured, the following people only may be within the test site:
  - (a) the person operating the motor vehicle horn,
  - (b) the person making the measurements,
  - (c) one observer, standing in a position specified by that person.
- (3) While the noise level of a motor vehicle horn is being measured, only the following articles may be within the test site:
  - (a) the motor vehicle horn,
  - (b) a stand for the motor vehicle horn,
  - (c) the instrument and other objects necessary for the measurement of the noise level of that motor vehicle horn,
  - (d) any other article which, in the opinion of the person making the measurements, will not substantially affect the measurements.

### **27 Position of stand**

A stand of an approved design and construction must be placed in the centre of the test site.

### **28 Position of microphone**

- (1) The microphone must be placed in such position as the person making the measurements considers appropriate, but must not be placed:
  - (a) at a height of less than 3.2 m above the ground, or
  - (b) at a distance of less than 2.0 m from the motor vehicle horn under test.
- (2) The microphone must face towards, and have its nominal axis of maximum sensitivity (as indicated by the manufacturer of the microphone) directed towards, the motor vehicle horn under test.

### **29 Operation of motor vehicle horn**

- (1) A motor vehicle horn under test:
  - (a) must be placed at a height of not less than 1.2 m above the ground, and
  - (b) must be placed, as far as practicable, vertically beneath the microphone, and
  - (c) must be directed towards that microphone.
- (2) The motor vehicle horn under test must be mounted firmly upon a stand which has a mass of not less than 30 kg, or 10 times the mass of the motor vehicle horn, whichever is the greater.
- (3) The motor vehicle horn must, as far as practicable, be attached to the stand by means of the fittings recommended by the manufacturer.
- (4) A motor vehicle horn under test must be operated:
  - (a) by means of a power supply that complies, as far as practicable, with the power supply by means of which its manufacturer recommends it is to be

operated, and

(b) for periods of not less than 5 seconds each in duration.

### **30 Determination of noise level**

(1) The person making the measurements is to make as many noise level measurements of a motor vehicle horn as are reasonably appropriate.

(2) The noise level of a motor vehicle horn is the greatest noise level reading obtained from the noise level measurements made on the motor vehicle horn. If that reading is not a whole number of decibels, it must be rounded down to the next lower whole number of decibels.

## **Part 5 – Motor vehicle horns that are attached to a motor vehicle**

### **31 Site requirements**

(1) The site at which the noise level of a motor vehicle horn is measured must be:

(a) in the open air, or

(b) beneath:

(i) an open-sided canopy, or

(ii) a canopy supported by one wall (where that wall does not extend for more than 25% of the perimeter of the canopy),

if no part of the canopy or its supports is within 3 m of the horn under test or of the microphone used in conjunction with the measurement.

(2) While the noise level of a motor vehicle horn is being measured, the following people only may be within the test site:

(a) the person operating the motor vehicle horn,

(b) the person making the measurements,

(c) one observer, standing in a position specified by that person.

(3) While the noise level of a motor vehicle horn is being measured, only the following articles may be within the test site:

(a) the motor vehicle to which the motor vehicle horn under test is attached,

(b) the contents of that motor vehicle,

(c) the instruments and other objects necessary for the measurement of the noise level of that motor vehicle horn,

(d) any other article which, in the opinion of the person making the measurements, will not substantially affect the measurements.

### **32 Position of microphone**

(1) The microphone must be placed in such position as the person making the measurements considers appropriate, but must not be placed:

(a) at a distance of less than 1.2 m from the front of the vehicle, or

(b) at a distance of less than 0.2 m from the ground.

(2) The microphone must face towards, and have its nominal axis of maximum sensitivity (as indicated by the manufacturer of the microphone) directed towards, the motor vehicle horn under test.

### **33 Operation of motor vehicle horn**

A motor vehicle horn under test:

(a) must, as far as practicable, be directed towards the microphone, and

(b) must be operated for a period as determined by the person making the measurements, being a period of at least 5 seconds, and

(c) must be operated by means of a power supply from the vehicle that normally supplies the power for the operation of the horn.

### **34 Determination of noise level**

(1) The person making the measurements is to make as many noise level measurements of a motor vehicle horn as are reasonably appropriate.

- (2) The noise level of a motor vehicle horn is the greatest noise level reading obtained from the noise level measurements made on the motor vehicle horn. If that reading is not a whole number of decibels, it must be rounded down to the next lower whole number of decibels.

## **Part 6 – Grass-cutting machines**

### **35 Site requirements**

- (1) The site at which the noise level of a grass-cutting machine is measured:
- (a) must have its perimeter at least 30 m from any part of the grass-cutting machine under test, and
  - (b) must be in the open air, and
  - (c) must be covered with grass not more than 80 mm high.
- (2) While the noise level of a grass-cutting machine is being measured, the following people only may be within the test site:
- (a) the person operating the grass-cutting machine,
  - (b) the person making the measurements,
  - (c) one observer, standing in a position specified by that person.
- (3) While the noise level of a grass-cutting machine is being measured, only the following articles may be within the test site:
- (a) the grass-cutting machine,
  - (b) a test pad (where applicable),
  - (c) the instrumentation and other objects necessary for the measurement of the noise level of the grass-cutting machine,
  - (d) any other article which, in the opinion of the person making the measurements, will not substantially affect the measurements.
- (4) The measurements must be made at each of the positions marked A, B, C and D in Figure 3 at the end of this Schedule.

### **36 Position of microphone**

- (1) The microphone:
- (a) must be placed at a height of 1.5 m ( $\hat{A} \pm 0.1$  m) above the ground, and
  - (b) must be placed at a distance of 7.5 m ( $\hat{A} \pm 0.2$  m) from the centre of the test site, and
  - (c) must face towards and have its nominal axis of maximum sensitivity (as indicated by the manufacturer of the microphone) directed towards the centre of the test site.
- (2) Figure 4 at the end of this Schedule shows the position of the microphone relative to the noise source.

### **37 Condition of grass-cutting machine**

- (1) A lawn mower or ride-on mower must be fitted with an empty grass-catcher if such a catcher is normally supplied with the mower.
- (2) Where a catcher is not normally supplied, or is supplied as an optional accessory, the mower must be fitted with a safety discharge chute if such a chute is supplied.
- (3) Where blades having varying degrees of grass lift are available, those providing the greatest amount of lift must be fitted.
- (4) A reel lawnmower must have the cutting cylinder and stationary blade correctly sharpened and set. For that purpose, the ability of the lawnmower to cut Kraft paper of not less than 80 gm/m<sup>2</sup> weight over the full cutting width, and at any position, of the cylinder when the cylinder is turned by hand is an acceptable indication that the cylinder and blade are correctly sharpened and set.
- (5) The grass-cutting machine under test must not have been previously run for more than 2 hours at the manufacturer's recommended operating speed.
- (6) Immediately before each series of measurements the correctly adjusted grass-cutting



machine must be operated for a period of not less than 5 minutes at its maximum governed or ungoverned speed.

(7) The height adjustment position of a rotary mower must be determined by the person making the measurements as being the position approximately midway between the maximum and minimum adjustable height positions (where fitted).

(8) For edge-cutters, the lower edge cutting tip of the blade or cord must be more than 30 mm but not more than 200 mm above the test pad.

(9) A lawn mower or ride-on mower, and in particular the underside of the base plate and the cutting disc and blades assembly of a rotary mower, must be generally clean and free of all grass and dirt.

(10) Where applicable, the engine oil level must be within the manufacturer's allowable tolerances.

(11) Blades of reel mowers must be lubricated before and during operation.

(12) For string-trimmers and brush-cutters, the lower edge of the cutting system must be not more than 200 mm above the test site.

(13) When a harness is fitted, the attachment point, when the machine is balanced for the operator, must be not more than 785 mm and not less than 765 mm above the test site.

(14) When a string-trimmer or brush-cutter is to be tested, only a nylon line head must be used.

### **38 Engine operating conditions**

(1) The grass-cutting machine must be stationary during testing.

(2) Where the grass-cutting machine is propelled by the engine, the controls must be set so that the propulsion drive is activated and the driving wheels are raised above the test pad and, in all instances, the cutting mechanism is operating.

(3) Where the grass-cutting machine is a ride-on mower, rollers may be placed under the driving wheels and the operator seated to operate the controls.

(4) If a speed control governor (and throttle control) is fitted to the grass-cutting machine (not being a string-trimmer or brush-cutter), the engine must be operated with the speed control set on the maximum throttle setting or, if a governor is not fitted, the engine must be operated at the maximum speed attainable.

(5) Grass-cutting machines powered by electric motors must be operated at the maximum pre-set motor speed set by the manufacturer.

(6) For string-trimmers and brush-cutters, the engine speed which corresponds to the manufacturer's stated maximum power rating must be the speed ( $\pm 100$  rpm) at which the noise level measurements are taken.

### **39 Test pad**

The test pad (where applicable) must conform:

(a) to the design specified in the document entitled *Technical Basis for the Regulation of Noise Labelling of New Grass-Cutting Machines* published in 1988 by the Australian Environment Council, as in force on 1 September 2000, or A copy of *Technical Basis for the Regulation of Noise Labelling of New Grass-Cutting Machines* was published in the Gazette on 1 September 2000 and is available for inspection at the offices of the EPA.

(b) to such other design as may be approved.

### **40 Test procedure**

(1) For a rotary mower, cylinder mower or edge-cutter, the test pad must be positioned generally at the centre of the test site, and the rotary mower, cylinder mower or edge-cutter must be located on the test pad so that:

(a) for a rotary mower, the vertical axis passing through the geometric centre of the cutting blades coincides generally with the vertical axis passing through the geometric centre of the test pad, and

(b) for a cylinder mower, the mid-point of the rectangular area formed by

projecting the outer planes of the front and rear rollers or wheels coincides generally with the vertical axis passing through the geometric centre of the test pad, and

(c) for an edge-cutter, the cutting mechanism must be placed so that it generally coincides with the vertical axis passing through the geometric centre of the test pad.

(2) For a ride-on mower, string-trimmer or brush-cutter, the ride-on mower, string-trimmer or brush-cutter must be located so that:

(a) where a ride-on mower is driven through the front wheels, the vertical axis passing through the geometric centre of the machine coincides generally with the vertical axis passing through the geometric centre of the test site, or

(b) where a ride-on mower is driven otherwise than through the front wheels, the vertical axis passing through the geometric centre of the cutting disk coincides generally with the vertical axis passing through the geometric centre of the test site, or

(c) for a string-trimmer or brush-cutter, the operator is positioned approximately on the vertical axis passing through the geometric centre of the test site as shown in Figure 4 at the end of this Schedule.

#### **41 Determination of noise level**

(1) The person making the measurements is to make as many noise level measurements of the grass-cutting machine as are reasonably appropriate.

(2) The maximum noise level ( $L_pA$ ) of a grass-cutting machine is to be the average of the greatest noise level readings obtained at the positions A, B, C and D (shown in Figure 3 at the end of this Schedule), as calculated in accordance with this item, taken, if the average reading is not a whole number of decibels, to the next lower whole number of decibels.

(3) An A-weighted sound pressure level must be calculated from the measured values of the A-weighted sound pressure levels ( $L_{pAi}$ ) from the following equation:

" **$L_pA$** " = A-weighted sound pressure level. " **$L_{pAi}$** " = A-weighted sound pressure level at the  $i$ 'th measured position, in decibels. " **$N$** " = Total number of measured points.

(4) If the range of values of  $L_{pAi}$  does not exceed 5 dB(A), the A-weighted sound pressure level is to be the arithmetical mean of those values.

### **Part 7 – Chainsaws**

#### **42 Site requirements**

(1) The site at which the noise level of a chainsaw is measured:

(a) must have its perimeter at least 30 m from any part of the chainsaw under test, and

(b) must be in the open air, and

(c) must be covered with grass not more than 80 mm high or with concrete, asphalt or any other approved material or with a mixture of those coverings.

(2) While the noise level of a chainsaw is being measured, the following people only may be within the test site:

(a) the person operating the chainsaw,

(b) the person making the measurements,

(c) one observer, standing in the position specified by that person.

(3) While the noise level of the chainsaw is being measured, the following articles only may be within the test site:

(a) the chainsaw,

(b) the timber to be cut,

(c) the timber stands,

- (d) the instrumentation and other objects necessary for the measurement of the noise level of the chainsaw,
  - (e) any other article which, in the opinion of the person making the measurements, will not substantially affect the measurements.
- (4) The measurements must be made at each of the positions marked A, B, C and D in Figure 5 at the end of this Schedule.

#### **43 Position of microphone**

- (1) The microphone used to measure the noise level of a chainsaw:
  - (a) must be placed at a height of 1.5 m ( $\hat{A} \pm 0.1$  m) above the ground, and
  - (b) must be placed at a distance of 7.5 m ( $\hat{A} \pm 0.2$  m) from the nearest point of the motor of the chainsaw under test to the microphone, and
  - (c) must face towards the motor of the chainsaw, and
  - (d) must have its nominal axis of maximum sensitivity (as indicated by the manufacturer of the microphone) directed towards the motor of the chainsaw.
- (2) Figure 6 at the end of this Schedule shows the position of the microphone relative to the noise source.

#### **44 Operation of chainsaw during measurement**

- (1) Noise measurements must be taken while the chainsaw is cutting a log.
- (2) The noise level measurement must be taken at the engine speed which corresponds to the manufacturer's stated maximum power rating.
- (3) Immediately before the noise level of a chainsaw is measured, the motor of the chainsaw must be operated for not less than 5 minutes.
- (4) The position of the log and chainsaw during cutting must be as shown in Figure 6 at the end of this Schedule.
- (5) When the noise level of a chainsaw is being measured:
  - (a) the chainsaw must be held in a horizontal position by the operator and operated in a manner appropriate to normal cross-cutting, and
  - (b) the guide bar must be fed into the log and the load applied so that the engine speed is the same as, or within 300 rpm of, the speed at which maximum power is developed according to the manufacturer's specification, and
  - (c) the slices of timber cut must not be more than 25 mm thick, and
  - (d) full throttle must be maintained during the cutting operation.

#### **45 Determination of noise level**

- (1) The person making the measurements is to make as many noise level measurements of the chainsaw as are reasonably appropriate.
- (2) The maximum noise level ( $L_pA$ ) of a chainsaw is to be the average of the greatest noise level readings obtained from the positions A, B, C and D (shown in Figure 5 at the end of this Schedule), as calculated in accordance with this item. If the average reading is not a whole number of decibels, it must be rounded down to the next lower whole number of decibels.
- (3) An A-weighted sound pressure level must be calculated from the measured values of the A-weighted sound pressure levels ( $L_{pAi}$ ) from the following equation:  

$$"L_pA" = A\text{-weighted sound pressure level.} "L_{pAi}" = A\text{-weighted sound pressure level at the } i\text{'th measured position, in decibels.} "N" = \text{Total number of measured points.}$$
- (4) If the range of values of  $L_{pAi}$  does not exceed 5 dB(A), the A-weighted sound pressure level is to be the arithmetical mean of those values.

### **Part 8 – Mobile garbage compactors**

#### **46 Site requirements**

- (1) The test site at which the noise level of a mobile garage compactor is measured must:
  - (a) be in the open air, and

- (b) be free from obstructions, and
  - (c) have a perimeter at least 20 m from the mobile garbage compactor under test, and
  - (d) be covered with concrete, asphalt or other approved material, or a mixture of those coverings.
- (2) While the noise level of a mobile garbage compactor is being measured, the following people only may be within the test site:
- (a) the driver or operator of the compactor,
  - (b) the person making the measurements,
  - (c) one observer, standing in a position specified by that person.
- (3) While the noise level measurements are being made, only the following articles may be within the test site:
- (a) the mobile garbage compactor,
  - (b) the instruments necessary for the measurement of noise emitted by the compactor,
  - (c) any other article which, in the opinion of the person making the measurements, will not substantially affect the measurements.
- (4) Noise measurements must not be made when wind speed exceeds 5 m/s.

#### **47 Position of mobile garbage compactor**

The mobile garbage compactor must be positioned in the approximate centre of the test site.

#### **48 Position of microphone**

The microphone:

- (a) must be placed at a height of 1.5 m ( $\hat{A}\pm 0.1$  m) above the ground, and
- (b) must (in any sequence) be placed at a distance of 15 m ( $\hat{A}\pm 0.2$  m) from the approximate geometric centre of the vehicle at each of the 4 points on the principal axes of the vehicle, and
- (c) must have its nominal axis of maximum sensitivity (as indicated by the manufacturer of the microphone) directed towards the mobile garbage compactor under test.

#### **49 Operation of mobile garbage compactor**

- (1) The controls of the mobile garbage compactor being tested must be operated in such manner as to cause the compactor to operate over full compaction cycles.
- (2) The bin lifters must not be operated during the tests unless this is necessary for operation of the compactor.
- (3) The tests must be conducted without any garbage present in the compactor body or loading chute.
- (4) The compactor must be operated over as many cycles as the person making the measurements considers necessary to obtain representative results.
- (5) The compactor must be operated over full compaction cycles for a minimum period of 15 minutes prior to conducting the noise tests.
- (6) Relief valves must be set to operate at the pressures or flows, or pressures and flows, specified by the manufacturer of the compactor.

#### **50 Engine rotation speed**

- (1) The object of this clause is to provide the rotation speed at which the engine driving the hydraulic pump must be operated.
- (2) For a mobile garbage compactor with a hydraulic pump the rotation speed of which cannot be increased by operation of the accelerator pedal while the compactor is engaged, the engine speed during the test must be set to the governed engine speed as specified by the manufacturer of the compactor unit.
- (3) If the speed of the hydraulic pump can be altered by use of the accelerator pedal while the compactor is engaged, the speed of the engine driving the hydraulic pump must be:

(a) the greater of the engine speed which is automatically obtained when the compactor is engaged and an engine speed that provides between 80 and 85% of the speed of the pump at which the compactor operation is disengaged or its performance is reduced or limited:

(i) by the use of a dump circuit, a pump unloader system or a clutch on the drive to the pump, or

(ii) by other appropriate means built into the compactor unit to limit the flow of hydraulic fluid or to limit the engine rotation speed, or

(b) a rotation speed between 95 and 100% of the maximum speed of the engine where the compactor has no facility for limiting the flow or pressure, or flow and pressure, applied to the compaction system, or

(c) where a variable displacement pump is used, the design speed for normal operation of the compaction system as stated by the compactor manufacturer.

### 51 Instruments to test rotation speed

A suitable engine or pump rotation speed measurement device capable of measuring the maximum rotation speed to within ( $\pm$ ) 50 rpm of the actual speed of the engine or hydraulic pump during a compaction cycle must be used to measure the engine or pump rotation speed during the test.

### 52 Determination of mean noise level

(1) The person making the measurements is to make as many noise level measurements of the mobile garbage compactor as are reasonably appropriate.

(2) The compactor must be operated with the engine powering the hydraulic pump operating at a speed determined in accordance with this Schedule and the maximum sound pressure level must be observed and recorded with an accuracy to the first decimal place at each of the 4 microphone positions on the principal axes of the vehicle.

(3) The mean noise level of a mobile garbage compactor is the logarithmic average of the maximum noise level readings at those 4 positions but, if the range of levels is 5 dB(A) or less, the arithmetic average may be used instead.

(4) If the average so determined is not a whole number of decibels, it must be rounded down to the next lower whole number of decibels.

## Schedule 3 Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 1999

(Section 59)

### Schedule 1 Penalty notice offences

Omit the matter relating to the *Noise Control (Marine Vessels) Regulation 1996*, the *Noise Control (Miscellaneous Articles) Regulation 1995* and the *Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995*.

Insert instead:

### Protection of the Environment Operations (Noise Control) Regulation 2000

Column 1	Column 2	Column 3	Column 4	Column 5
Provision of Regulation	Short description	Officer(s)	Penalty (individuals)	Penalty (corporations)
Clause 6 (1)	Sell vehicle when noise	2	\$300	\$600

	control equipment not securely in place/defective			
Clause 11	Sell alarm with panic/override switch	2	\$300	\$600
Clause 12 (1)	Sell non-complying dual/variable/rising tone horn	2	\$300	\$600
Clause 13 (1): Cause/permit use of vehicle capable of emitting noise exceeding maximum level by up to 5 dB(A)	Cause/permit use of noisy vehicle	2	\$150	\$300
Clause 13 (1): Cause/permit use of vehicle capable of emitting noise exceeding maximum level by between 5 and 15 dB(A)	Cause/permit use of noisy vehicle	2	\$250	\$500
Clause 13 (1): Cause/permit use of vehicle capable of emitting noise exceeding maximum level by more than 15 dB(A)	Cause/permit use of noisy vehicle	2	\$500	\$1,000
Clause 14	Cause/permit vehicle to emit offensive noise in place (not road)	1, 2, 5	\$200	\$400
Clause 15 (1)	Cause/permit repeat of vehicle noise after warning	1, 2, 5	\$200	\$400
Clause 16 (1)	Cause/permit repeat of refrigeration unit noise after warning	1, 2, 5	\$200	\$400
Clause 17	Cause/permit offensive noise from motor vehicle sound system	1, 2, 5	\$150	\$200
Clause 18 (1)	Cause/permit vehicle to be used when noise control equipment not securely in place/defective	2, 5	\$200	\$400
Clause 18 (2) (a)	Remove/render less effective noise control equipment	2, 5	\$200	\$400
Clause 18 (2) (b)	Fit less effective noise control equipment	2, 5	\$200	\$400
Clause 19 (1)	Cause/permit motor cycle to be used with unlabelled noise control equipment	2, 5	\$200	\$400
Clause 20	Modify/repair engine/air intake system/exhaust system so that noise level exceeds limit	2	\$200	\$400
Clause 21 (1) (a)	Attach noisy horn with single loudness and pitch	2	\$200	\$400
Clause 21 (1) (b)	Attach noisy horn with varying loudness and pitch	2	\$200	\$400
Clause 21 (2) (a)	Cause/permit use of motor vehicle with noisy horn of	2	\$200	\$400

	single loudness and pitch			
Clause 21 (2) (b)	Cause/permit use of motor vehicle with noisy horn of varying loudness and pitch	2	\$200	\$400
Clause 23	Cause/permit motor vehicle intruder alarm with panic/override switch	1, 2, 5	\$200	\$400
Clause 24 (1): Cause/permit use of noisy alarm (for up to 24 hours)	Cause/permit use of noisy alarm	1, 2, 5, 8	\$200	\$400
Clause 24 (1): Cause/permit use of noisy alarm (for 24 to 48 hours)	Cause/permit use of noisy alarm	1, 2, 5, 8	\$400	\$800
Clause 24 (1): Cause/permit use of noisy alarm (for more than 48 hours)	Cause/permit use of noisy alarm	1, 2, 5, 8	\$600	\$1,200
Clause 25 (1)	Cause/permit use of non-complying motor vehicle intruder alarm	2	\$200	\$400
Clause 26 (5)	Use/cause/permit vehicle to be used contrary to defective vehicle notice	2, 5	\$300	\$600
Clause 27 (4)	Remove/obscure/deface defective vehicle label	2, 5	\$300	\$600
Clause 27 (5)	Cause/permit vehicle to be used when defective vehicle label has been removed/obscured/defaced	2, 5	\$300	\$600
Clause 29	Cause/permit siren/whistle/hooter/fog horn/bell to be sounded	1, 4, 5	\$200	\$400
Clause 30	Cause/permit vessel to emit offensive noise on navigable waters	1, 4, 5	\$300	\$600
Clause 31 (1)	Cause/permit powered vessel to be used when noise control equipment not securely in place/defective	4, 5	\$200	\$400
Clause 31 (2) (a)	Remove/render less effective noise control equipment	4, 5	\$200	\$400
Clause 31 (2) (b)	Fit less effective noise control equipment	4, 5	\$200	\$400
Clause 32 (1)	Cause/permit use of musical instrument/sound system after warning	1, 4, 5	\$300	\$600
Clause 33 (5)	Cause/permit vessel to be used contrary to defective vessel notice	4, 5	\$300	\$600
Clause 34 (4)	Remove/obscure/deface defective vessel label	4, 5	\$300	\$600
Clause 34 (5)	Cause/permit vessel to be used when defective vessel	4, 5	\$300	\$600

	label has been removed/obscured/defaced			
Clause 50 (1)	Cause/permit repeat of power tool/swimming pool pump noise after warning	1, 5	\$200	\$400
Clause 51 (1)	Cause/permit repeat of musical instrument/sound equipment noise after warning	1, 5	\$200	\$400
Clause 52 (1)	Cause/permit repeat of air conditioner noise after warning	1, 5	\$200	\$400
Clause 53 (1): Cause/permit use of noisy intruder alarm (for up to 24 hours)	Cause/permit use of noisy intruder alarm	1, 2, 5	\$200	\$400
Clause 53 (1): Cause/permit use of noisy intruder alarm (for 24 to 48 hours)	Cause/permit use of noisy intruder alarm	1, 2, 5	\$400	\$800
Clause 53 (1): Cause/permit use of noisy intruder alarm (for more than 48 hours)	Cause/permit use of noisy intruder alarm	1, 2, 5	\$600	\$1,200

### Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	No	number	Schs	Schedules
Cl	clause	p	page	Sec	section
ClI	clauses	pp	pages	Secs	sections
Div	Division	Reg	Regulation	Subdiv	Subdivision
Divs	Divisions	Regs	Regulations	Subdivs	Subdivisions
GG	Government Gazette	Rep	repealed	Subst	substituted
Ins	inserted	Sch	Schedule		

Table of amending instruments *Protection of the Environment Operations (Noise Control) Regulation 2000* published in Gazette No 112 of 1.9.2000, p 9316 and amended as follows:*Statute Law (Miscellaneous Provisions) Act (No 2) 2000 No 93*. Assented to 8.12.2000. Date of commencement of Sch 2.39, assent, sec 2 (1).*Environment Protection Legislation Amendment Act 2002 No 14*. Assented to 15.5.2002. Date of commencement of Sch 5.5, 1.7.2002, sec 2 and GG No 102 of 21.6.2002, p 4467.*Protection of the Environment Operations (Noise Control) Amendment (Noisy Vehicle Sound Systems) Regulation 2002* (GG No 106 of 28.6.2002, p 4783)*Protection of the Environment Operations (Noise Control) Amendment (Motor Cycle Noise Control Equipment) Regulation 2004* (GG No 204 of 24.12.2004, p 9677) (disallowed, Legislative Council, 2.3.2005)

2006	(108)	<i>Protection of the Environment Operations (Noise Control) Amendment (Motor Cycle Noise Control) Regulation 2006</i> . GG No 35 of 17.3.2006, p 1379. Date of commencement, on gazettal.
200		<i>Protection of the Environment Operations (General) Amendment (Vehicle Testing and</i>



7	(123 )	<i>Inspection) Regulation 2007</i> . GG No 36 of 2.3.2007, p 1490. Date of commencement, on gazettal.
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Table of amendments

Cl 13	Am 2007 (123), Sch 2.1 [1].
Cl 14	Am 2002 No 14, Sch 5.5 [1].
Cl 17	Am 2002 No 14, Sch 5.5 [2].
Cl 17A	Ins 28.6.2002.
Cl 19	Subst 24.12.2004 (disallowed, Legislative Council, 2.3.2005). Rep 2006 (108), cl 2.
Cl 20A	Ins 2002 No 14, Sch 5.5 [3].
Cl 26	Am 2007 (123), Sch 2.1 [2].
Cl 27	Am 2007 (123), Sch 2.1 [3].
Cl 30	Am 2002 No 14, Sch 5.5 [4].
Cl 30A	Ins 2002 No 14, Sch 5.5 [5].
Sch 1	Am 2000 No 93, Sch 2.39 [1] [2]; 24.12.2004 (disallowed, Legislative Council, 2.3.2005).
Sch 2	Am 24.12.2004 (disallowed, Legislative Council, 2.3.2005).