

Protection of the Environment Operations (Noise Control) Regulation 2000

under the

Protection of the Environment Operations Act 1997

Explanatory note

The object of this Regulation is to repeal the *Noise Control (Marine Vessels) Regulation 1996* and remake the provisions of that Regulation and the *Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995* and the *Noise Control (Miscellaneous Articles) Regulation 1995* (both repealed by section 10 (2) of the *Subordinate Legislation Act 1989*) as a consolidated Regulation under the *Protection of the Environment Operations Act 1997*.

The Regulation makes provisions for the following matters:

- (a) the maximum noise levels in relation to certain classes of motor vehicles and motor vehicle accessories, such that vehicles and accessories capable of emitting those noise levels cannot be sold,
- (b) the use of motor vehicles on roads and other places,
- (c) the use of motor vehicle horns and motor vehicle intruder alarms,
- (d) the times during which it is not permissible to use certain motor vehicles if they emit noise that can be heard in other residential premises,
- (e) the sounding of sirens and similar devices on vessels,
- (f) the emission of noise from the engines or exhausts of vessels,
- (g) the times during which it is not permissible to use certain sound systems on vessels if they emit noise that can be heard in any residential premises,
- (h) the maintenance of noise control equipment on motor vehicles and vessels,
- (i) the issue of defective vehicle notices and defective vessel notices,

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Explanatory note

- (j) the maximum noise levels in relation to certain classes of articles, such that articles capable of emitting those noise levels cannot be sold,
- (k) the obligation to label certain articles,
- (l) the times during which it is not permissible to use certain articles if they emit noise that can be heard in any residential premises,
- (m) the inspection and testing procedures for the purpose of determining noise emission levels of certain motor vehicles, motor vehicle accessories, vessels, articles or equipment.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323 and clause 3 of Schedule 2 (the general regulation-making power in relation to noise) and section 136 (which makes it an offence for a person to sell any article of a class prescribed if, when in use or operation, the article emits noise that is in excess of the level prescribed in respect of that class or article).

This Regulation is made in connection with the staged repeal of statutory instruments under Part 3 of the *Subordinate Legislation Act 1989*.

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2000

Clause 1

Preliminary

Part 1

Protection of the Environment Operations (Noise Control) Regulation 2000

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.

Note. 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*, comprising:

- (a) Part 1: Refrigerated room air-conditioners (AS 1861.1–1988), and
- (b) Part 2: Refrigerated package air-conditioners (AS 1861.2–1991).

Clause 4 Protection of the Environment Operations (Noise Control) Regulation
 2000

Part 1 Preliminary

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.

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.

Note. 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 Part 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.

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2000

Part 2 Motor vehicle and motor vehicle accessories

Division 1 Sale of motor vehicles and motor vehicle accessories

Part 2 Motor vehicle and motor vehicle accessories

Division 1 Sale of motor vehicles and motor vehicle accessories

Note. 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.

Protection of the Environment Operations (Noise Control) Regulation 2000 Clause 6

Motor vehicle and motor vehicle accessories Part 2
Sale of motor vehicles and motor vehicle accessories Division 1

- (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.

Clause 8 Protection of the Environment Operations (Noise Control) Regulation
2000

Part 2 Motor vehicle and motor vehicle accessories

Division 1 Sale of motor vehicles and motor vehicle accessories

- (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*.

Note. 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.

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2000

Clause 8

Motor vehicle and motor vehicle accessories

Part 2

Sale of motor vehicles and motor vehicle accessories

Division 1

(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.

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2000

Clause 12

Motor vehicle and motor vehicle accessories
Use of motor vehicles and motor vehicle accessories

Part 2
Division 2

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: 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 arising because the motor vehicle is being taken directly to a place where:
- (a) repairs or other work required to reduce the noise level of the vehicle are to be carried out, or
 - (b) an authorised officer 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 or permit a motor vehicle to be used in a place (other than on a road) in such a manner that it emits offensive noise.

Protection of the Environment Operations (Noise Control) Regulation 2000 Clause 16

Motor vehicle and motor vehicle accessories Part 2
Use of motor vehicles and motor vehicle accessories Division 2

- 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 or permit 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual. 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.

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

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2000

Part 2 Motor vehicle and motor vehicle accessories

Division 2 Use of motor vehicles and motor vehicle accessories

- (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 Motor cycle noise control equipment to be labelled

- (1) A person must not cause or permit a motor cycle to be used on a road or road related area unless:
 - (a) in the case of a motor cycle fitted with noise control equipment supplied by the motor cycle manufacturer (or equipment that is identical to that equipment)—the motor cycle complies with clause 39.2 (marking requirements) and clause 39.3 (labelling requirements) of *Australian Design Rule 39/00 External Noise of Motor Cycles*, or
 - (b) in any other case—the noise control equipment fitted to the motor cycle is clearly and indelibly marked with the following:
 - (i) the manufacturer's name,
 - (ii) the model of the motor cycle for which it is designed,
 - (iii) the noise rating information referred to in clause 39.3.1.4 of *Australian Design Rule 39/00 External Noise of Motor Cycles*.

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

- (2) In this clause, *Australian Design Rule 39/00 External Noise of Motor Cycles* means the national standard published under that title, being a standard determined under section 7 of the *Motor Vehicle Standards Act 1989* of the Commonwealth.

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

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2000

Clause 20

Motor vehicle and motor vehicle accessories
Use of motor vehicles and motor vehicle accessories

Part 2
Division 2

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.

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

Clause 21 Protection of the Environment Operations (Noise Control) Regulation
2000

Part 2 Motor vehicle and motor vehicle accessories

Division 2 Use of motor vehicles and motor vehicle accessories

- (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*.

Note. 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.

Protection of the Environment Operations (Noise Control) Regulation
2000

Clause 22

Motor vehicle and motor vehicle accessories
Use of motor vehicles and motor vehicle accessories

Part 2
Division 2

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

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2000

Clause 26

Motor vehicle and motor vehicle accessories
Defective vehicle notices

Part 2
Division 3

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

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Marine vessels	Part 3
Use of marine vessels	Division 1

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 or permit 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.

Protection of the Environment Operations (Noise Control) Regulation
2000

Clause 32

Marine vessels
Use of marine vessels

Part 3
Division 1

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.

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2000

Clause 34

Marine vessels
Defective vessel notices

Part 3
Division 2

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.

Protection of the Environment Operations (Noise Control) Regulation 2000 Clause 39

Miscellaneous articles Part 4
Sale of articles Division 1

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.

Clause 42 Protection of the Environment Operations (Noise Control) Regulation
2000

Part 4 Miscellaneous articles

Division 1 Sale of articles

- (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.

Protection of the Environment Operations (Noise Control) Regulation 2000

Clause 45

Miscellaneous articles

Part 4

Sale of articles

Division 1

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.

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Clause 49

Miscellaneous articles

Part 4

Sale of articles

Division 1

- (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 room in any other residential premises:
- (a) before 8 a.m. or after 8 p.m. on any Sunday or public holiday, or
 - (b) before 7 a.m. or after 8 p.m. 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,

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Miscellaneous articles	Part 4
Use of articles	Division 2

- (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 room in any other residential premises 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: 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.

Clause 54 Protection of the Environment Operations (Noise Control) Regulation
2000

Part 5 Inspection and testing of certain articles

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 or motor cycle is to be determined in accordance with Part 1 of Schedule 2,
- (b) the maximum noise level of a motor lorry or motor bus 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 not attached to a motor vehicle is to be determined in accordance with Part 3 of Schedule 2,
- (d) 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 4 of Schedule 2,
- (e) 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 5 of Schedule 2,
- (f) the maximum noise level of a motor vehicle horn that is attached to a motor vehicle is to be determined in accordance with Part 6 of Schedule 2,
- (g) the maximum noise level of a grass-cutting machine is to be determined in accordance with Part 7 of Schedule 2,
- (h) the maximum noise level of a chainsaw is to be determined in accordance with Part 8 of Schedule 2,
- (i) the maximum noise level of a mobile garbage compactor is to be determined in accordance with Part 9 of Schedule 2,
- (j) 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 (a copy of which is deposited in the office of the EPA),

- (k) 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 (a copy of which is deposited in the office of the EPA).

55 Instruments

- (1) The noise level of a motor vehicle, 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, 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” and entitled *Sound Level Meters*, as published in 1990 by Standards Australia.

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.

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2000

Part 5 Inspection and testing of certain articles

- (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.

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.

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2000

Clause 58

Miscellaneous

Part 6

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)).

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Schedule 1 Prescribed noise levels of classes of motor vehicles

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

(Clauses 5, 13, 20 and 26)

Column 1					Column 2
Description of Motor Vehicle					Noise level dB(A)
Description	Engine	Manufacturer's gross vehicle mass (kg)	Height above ground of exhaust pipe (mm)	Period during which manufacture completed	
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 use on a road	Any engine	Any mass	Any height	On or after 1 March 1984	94
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

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Prescribed noise levels of classes of motor vehicles

Schedule 1

Column 1					Column 2
Description of Motor Vehicle					Noise level dB(A)
Description	Engine	Manufacturer's gross vehicle mass (kg)	Height above ground of exhaust pipe (mm)	Period during which manufacture completed	
		more than 3,500	1,500 or more	Before 1 July 1983	94
				On or before 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	

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Schedule 1 Prescribed noise levels of classes of motor vehicles

Column 1					Column 2
Description of Motor Vehicle					Noise level dB(A)
Description	Engine	Manufacturer's gross vehicle mass (kg)	Height above ground of exhaust pipe (mm)	Period during which manufacture completed	
		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	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

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Prescribed noise levels of classes of motor vehicles

Schedule 1

Column 1					Column 2
Description of Motor Vehicle					Noise level dB(A)
Description	Engine	Manufacturer's gross vehicle mass (kg)	Height above ground of exhaust pipe (mm)	Period during which manufacture completed	
			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 and motor cycles

1 Site requirements

- (1) The site at which the noise level of a motor car or motor cycle is measured:
 - (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 metres of the end of the exhaust pipe of the motor car or motor cycle under test.
- (2) While the noise level of a motor car or motor cycle is being measured, the following people only may be within 3 metres of the microphone:
 - (a) the driver, rider or occupant of the motor car or motor cycle under test,
 - (b) the person making the measurement,
 - (c) one observer, standing in a position specified by that person.
- (3) While the noise level of a motor car or motor cycle is being measured, only the following articles may be within 3 metres of the microphone:
 - (a) the motor car or motor cycle under test or any part of that motor car or motor cycle,
 - (b) the contents of that motor car or motor cycle,

- (c) the instruments or other objects used in connection with the measurement of the noise level of that motor car or motor cycle,
- (d) any other article which, in the opinion of the person making the measurement, will not substantially affect that measurement.

2 Position of microphone

- (1) The microphone must be placed in such position as the authorised officer making the measurements considers appropriate, but must not be placed in any of the following positions:
 - (a) less than 500 mm from the end of any exhaust pipe of the motor car or motor cycle,
 - (b) where the motor car or motor cycle has an engine compartment, less than 500 mm from the engine compartment of the motor car or motor cycle,
 - (c) where the motor car or motor cycle does not have an engine compartment, less than 500 mm from the engine of the motor car or motor cycle,
 - (d) less than 200 mm above the ground,
 - (e) less than 200 mm from any part of the motor car or motor cycle,
 - (f) less than 200 mm from any kerbing or guttering,
 - (g) in a position where the gas stream flow from any exhaust pipe of the motor car or motor cycle would impinge upon it.
- (2) The microphone must face towards and have its nominal axis of maximum sensitivity (as indicated by the manufacture of the microphone) directed, as far as is reasonably practicable, towards the end of the (or, if there is more than one, an) exhaust pipe of the motor car or motor cycle.
- (3) However, if a rain-cover is fitted to the microphone of a sound level meter the microphone must be directed in such a manner as to enable the rain-cover to protect the microphone from rain.

3 State of motor car and engine operation

(1) In this item:

engine speed at maximum power, in relation to a motor car under test, means:

- (a) the engine speed at maximum power approved in relation to the make and model of the motor car, or
- (b) where no engine speed at maximum power is so approved—4,000 revolutions per minute.

(2) When the noise level of a motor car is being measured:

- (a) the motor car must be stationary, and
- (b) if the motor car has manual transmission, the gear selector must be positioned in neutral, and
- (c) if the motor car has automatic transmission, the gear selector must be positioned in the “park” position, if that position is provided, or, if that position is not provided, the gear selector must be positioned in neutral, and
- (d) the engine of the motor car must be operated at an engine speed kept, by the use of a tachometer, at no more than three-quarters of the engine speed at maximum power for the motor car for such period as is necessary for the noise level measurement to be made.

4 State of motor cycle and engine operation

(1) In this item:

engine speed at maximum power, in relation to a motor cycle under test, means:

- (a) the engine speed at maximum power approved in relation to the make and model of the motor cycle, or
- (b) where no engine speed at maximum power is so approved—6,000 revolutions per minute.

(2) When the noise level of a motor cycle is being measured:

- (a) the motor cycle must be stationary, in a substantially vertical position, and

- (b) the gear selector must be positioned in neutral, and
- (c) the engine of the motor cycle must be operated at an engine speed kept briefly, by the use of a tachometer, at not more than half of the engine speed at maximum power for the motor cycle until the engine speed is constant, and the throttle must then be returned swiftly to the idle position.

5 Determination of noise level

- (1) The person making the measurement is to make as many noise level measurements of a motor car or motor cycle as are reasonably appropriate.
- (2) If any part of the microphone was located less than 1 metre from the engine or the engine compartment of a motor car or motor cycle when a noise level measurement of the motor car or motor cycle was made, the noise level reading obtained from that measurement is to be taken as the actual reading reduced by 2 dB(A).
- (3) If any part of the microphone was located less than 1 metre from a kerb of more than 75 mm high when a noise level measurement of a motor car or motor cycle was made, the noise level reading obtained from that measurement is to be taken as the actual reading reduced by 1 dB(A).
- (4) The noise level of a motor car or motor cycle is the greater or greatest noise level reading obtained from the noise level measurements made of the motor car or motor cycle. If that reading is not a whole number of decibels, it must be rounded down to the next lower whole number of decibels.

Part 2 Motor lorries and motor buses

6 Site requirements

- (1) The site at which the noise level of a motor lorry or motor bus is measured must be in the open air.
- (2) While the noise level of a motor lorry or motor bus is being measured, the following people only may be within 3 metres of the microphone:

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- (a) the driver or occupant of the motor lorry or motor bus under test,
 - (b) the person making the measurement,
 - (c) one observer, standing in a position specified by that person.
- (3) While the noise level of a motor lorry or motor bus is being measured, only the following articles may be within 3 metres of the microphone:
- (a) the motor lorry or motor bus under test or any part of that motor lorry or motor bus,
 - (b) the contents of that motor lorry or motor bus,
 - (c) the instruments or other objects used in connection with the measurement of the noise level of that motor lorry or motor bus,
 - (d) any other article which, in the opinion of the person making the measurement, will not substantially affect that measurement.

7 Position of microphone

- (1) The microphone must be placed in such position as the authorised officer making the measurements considers appropriate but must not be placed in any of the following positions:
- (a) less than 1,000 mm from the end of any exhaust pipe of the motor lorry or motor bus,
 - (b) where the motor lorry or motor bus has an engine compartment, less than 1,000 mm from the engine compartment of the motor lorry or motor bus,
 - (c) where the motor lorry or motor bus does not have an engine compartment, less than 1,000 mm from the engine of the motor lorry or motor bus,
 - (d) less than 200 mm above the ground,
 - (e) less than 500 mm from any part of the motor lorry or motor bus,
 - (f) less than 200 mm from any kerbing or guttering,

- (g) in a position where the gas stream flow from any exhaust pipe of the motor lorry or motor bus would impinge upon it.
- (2) The microphone must face towards and have its nominal axis of maximum sensitivity (as indicated by the manufacturer of the microphone) directed, as far as is reasonably practicable, towards the end of the (or, if there is more than one, an) exhaust pipe of the motor lorry or motor bus.
- (3) However, if a rain-cover is fitted to the microphone of a sound level meter the microphone must be directed in such a manner as to enable the rain-cover to protect the microphone from rain.

8 State of motor lorry or motor bus and engine operation

- (1) In this item:
engine speed at maximum power, in relation to a motor lorry or motor bus under test, means:
 - (a) the engine at maximum power approved in relation to the make and model of the motor lorry or motor bus, or
 - (b) where no engine speed at maximum power is so approved—3,670 revolutions per minute.
- (2) When the noise level of a motor lorry or motor bus (being a motor lorry or motor bus propelled by any engine other than a diesel engine) is being measured:
 - (a) the motor lorry or motor bus must be stationary, and
 - (b) if the motor lorry or motor bus has manual transmission, the gear selector must be positioned in neutral, and
 - (c) if the motor lorry or motor bus has automatic transmission, the gear selector must be positioned in the “park” position, if that position is provided, or, if that position is not provided, the gear selector must be positioned in neutral, and
 - (d) the engine of the motor lorry or motor bus must be operated at an engine speed kept, by the use of a tachometer, at no more than three-quarters of the

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Schedule 2 Testing procedures

engine speed at maximum power for the motor lorry or motor bus for such period as is necessary for the noise level measurement to be made.

9 State of diesel engined motor lorry or motor bus and engine operation

When a noise level measurement in respect of a motor lorry or motor bus (being a motor lorry or motor bus propelled by a diesel engine) is being made:

- (a) the motor lorry or motor bus must be stationary, and
- (b) if the motor lorry or motor bus has manual transmission, the gear selector must be positioned in neutral, and
- (c) if the motor lorry or motor bus has automatic transmission, the gear selector must be positioned in the “park” position, if that position is provided, or, if that position is not provided, the gear selector must be positioned in neutral, and
- (d) the accelerator pedal of the motor lorry or motor bus must be fully depressed as rapidly as possible to its normal fully depressed position and held in that position until the speed of the engine is substantially stable, and
- (e) when the engine reaches a speed that is substantially stable, the accelerator pedal must be allowed to return to its original position as rapidly as possible, and
- (f) a single noise level measurement must be made by noting the maximum noise level indicated during the period of time between the initial depression of the accelerator pedal and the point at which the engine reaches a substantially stable idling speed following the release of the accelerator pedal.

10 Determination of noise level

- (1) The person making the measurement is to make as many noise level measurements of a motor lorry or motor bus as are reasonably appropriate.

- (2) If any part of the microphone was located less than 1 metre from a kerb or more than 75 mm high when a noise level measurement of a motor lorry or motor bus was made, the noise level reading obtained from that measurement is to be taken as the actual reading reduced by 1 dB(A).
- (3) The noise level of a motor lorry or motor bus is the greater or greatest noise level reading obtained from the noise level measurements made of the motor lorry or motor bus. If that reading is not a whole number of decibels, it must be rounded down to the next lower whole number of decibels.

Part 3 Motor vehicle intruder alarms that are not attached to a motor vehicle

11 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 metres 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,
 - (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

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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.

12 Position of stand

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

13 Position of microphone

- (1) The microphone must be placed in such position as the authorised officer making the measurements considers appropriate, but must not be placed:
 - (a) at a height of less than 3.2 metres above the ground, or
 - (b) at a distance of less than 2.0 metres 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.

14 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.

15 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 metres 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 kilograms, 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.

16 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.

17 Determination of character of noise emitted

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

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- (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 intruder alarms that are attached to a motor vehicle

18 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 metres 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,
 - (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.

19 Position of microphone

- (1) The microphone must be placed in such position as the authorised officer making the measurements considers appropriate, but must not be placed:
 - (a) at a distance of less than 1.2 metres from the front of the vehicle, or
 - (b) at a distance of less than 0.2 metres 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.

20 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.

21 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, being a period of at least 15 seconds, and

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

22 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.

23 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 5 Motor vehicle horns that are not attached to a motor vehicle

24 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 metres 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.

25 Position of stand

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

26 Position of microphone

- (1) The microphone must be placed in such position as the authorised officer making the measurements considers appropriate, but must not be placed:
 - (a) at a height of less than 3.2 metres above the ground, or
 - (b) at a distance of less than 2.0 metres 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.

27 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 metres 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 kilograms, 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.

28 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 Motor vehicle horns that are attached to a motor vehicle

29 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 metres 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.

30 Position of microphone

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

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- (a) at a distance of less than 1.2 metres from the front of the vehicle, or
 - (b) at a distance of less than 0.2 metres 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.

31 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.

32 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 7 Grass-cutting machines

33 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 metres 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 1 at the end of this Schedule.

34 Position of microphone

- (1) The microphone:
- (a) must be placed at a height of 1.5 metres (± 0.1 metres) above the ground, and
 - (b) must be placed at a distance of 7.5 metres (± 0.2 metres) 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.

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- (2) Figure 2 at the end of this Schedule shows the position of the microphone relative to the noise source.

35 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/m² 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.

36 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 (± 100 rpm) at which the noise level measurements are taken.

37 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 (a copy of which is deposited in the office of the EPA), or
- (b) to such other design as may be approved.

38 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 2 at the end of this Schedule.

39 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 (LpA) 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 1 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 (LpAi) from the following equation:

$$LpA = \frac{10 \log_{10}}{N} \sum_{i=1}^N 10^{0.1 LpA_i}$$

Where:

LpA = A-weighted sound pressure level.

LpAi = 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 LpAi does not exceed 5 dB(A), the A-weighted sound pressure level is to be the arithmetical mean of those values.

Part 8 Chainsaws

40 Site requirements

- (1) The site at which the noise level of a chainsaw is measured:
 - (a) must have its perimeter at least 30 metres 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 3 at the end of this Schedule.

41 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 metres (± 0.1 metres) above the ground, and
 - (b) must be placed at a distance of 7.5 metres (± 0.2 metres) 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 4 at the end of this Schedule shows the position of the microphone relative to the noise source.

42 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 4 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.

43 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 (LpA) 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 3 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 (LpAi) from the following equation:

$$LpA = \frac{10 \log_{10}}{N} \sum_{i=1}^N 10^{0.1 LpA_i}$$

Where:

LpA = A-weighted sound pressure level.

LpAi = 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 LpAi does not exceed 5 dB(A), the A-weighted sound pressure level is to be the arithmetical mean of those values.

Part 9 Mobile garbage compactors

44 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 metres 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.

45 Position of mobile garbage compactor

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

46 Position of microphone

The microphone:

- (a) must be placed at a height of 1.5 metres (± 0.1 metres) above the ground, and
- (b) must (in any sequence) be placed at a distance of 15 metres (± 0.2 metres) 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.

47 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.

48 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.

49 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.

50 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.

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Figure 1

Figure 2

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Figure 3

Figure 4