

AUSTRALIAN CAPITAL TERRITORY

Regulations 1988 No. 18¹

Noise Control Regulations

I, ALLAN CLYDE HOLDING, the Minister of State for the Arts and Territories, hereby make the following Regulations under the *Noise Control Ordinance 1988*.

Dated 1 November 1988.

CLYDE HOLDING

Minister of State for the Arts and Territories

Citation

1. These Regulations may be cited as the Noise Control Regulations.

Interpretation

2. In these Regulations, unless the contrary intention appears—
“noise control equipment” means any apparatus, device or structure used, or capable of being used, to prevent or limit the emission of noise;
“the Ordinance” means the *Noise Control Ordinance 1988*.

Prescribed noise levels—premises

3. For the purposes of the definition of “excessive noise” in subsection 5 (1) of the Ordinance, the following noise levels are prescribed in respect of premises generally in respect of the following times of day—
 - (a) between the hours of 7 a.m. and 10 p.m. on a day—the level that is 5dB (A) above the background noise; and
 - (b) between the hours of 10 p.m. on a day and 7 a.m. on the following day—the level equal to the level of the background noise.

Prescribed noise levels—articles

4. For the purposes of the definition of “excessive noise” in subsection 5 (1) of the Ordinance, the noise level specified in column 3 of an item in Schedule 1 is prescribed in respect of the class of articles specified in column 2 of that item.

Prescribed articles

5. The following articles are prescribed:

- (a) for the purposes of section 9 of the Ordinance—lawnmowers, being lawnmowers that have not been sold or that have been sold only for the purpose of resale, of the kind specified in column 2 of item 1 in Schedule 1;
- (b) for the purposes of section 10 of the Ordinance—articles, being articles that have not been sold or that have been sold only for the purpose of resale, included in a class of articles specified in column 2 of an item in that Schedule.

Noise levels—sale of articles

6. For the purposes of section 9 of the Ordinance, the noise level in respect of lawnmowers of the kind specified in column 2 of item 1 in Schedule 1 is the noise level specified in column 3 of that item.

Notices and labels

7. (1) For the purposes of section 10 of the Ordinance—

- (a) the notice set out in Form 1 in Schedule 2 is prescribed in respect of lawnmowers of the kind specified in column 2 of item 1 in Schedule 1;
- (b) the notice set out in Form 2 in Schedule 2 is prescribed in respect of the class of articles specified in column 2 of item 2 in Schedule 1 and shall specify whichever of the sound power levels ascertained in accordance with the Manual is appropriate;
- (c) the prescribed notice in respect of the class of articles specified in column 2 of item 3 in Schedule 1—
 - (i) shall be not less than 300 millimetres by 350 millimetres;
 - (ii) shall specify the mean sound level of the article, ascertained in accordance with the Manual, together with “AS 2221 1979”; and

- (iii) shall show that sound level in figures not less than 100 millimetres in height;
- (d) the prescribed notice in respect of the class of articles specified in column 2 of item 4 in Schedule 1—
 - (i) shall be not less than 90 millimetres by 100 millimetres;
 - (ii) shall specify the mean sound level of the article, ascertained in accordance with the Manual, together with “AS 2221 1979”; and
 - (iii) shall show the sound level in figures not less than 30 millimetres in height.

(2) For the purposes of section 10 of the Ordinance, a label containing a notice referred to in that section—

- (a) shall be of metal; and
- (b) shall be attached securely.

Hearing protectors—requirements

8. (1) For the purposes of paragraph 36 (1) (a) of the Ordinance, the following requirements are prescribed in relation to hearing protectors:

- (a) a hearing protector shall fit correctly the employee for whom it is provided;
- (b) a hearing protector shall be suitable having regard to the employee’s duties;
- (c) a hearing protector shall be so designed that the wearing of it will not be prejudicial to the employee’s health;
- (d) a hearing protector shall not have been used by any other person unless—
 - (i) it is designed for use outside the ear; and
 - (ii) it has been disinfected since it was last used by another person.

(2) For the purposes of paragraph 36 (1) (b) of the Ordinance, the following requirements are prescribed:

- (a) a hearing protector is to be supplied by the employer free of charge;
- (b) the employer shall ensure that a hearing protector is cleaned regularly and is so maintained that it operates effectively;

- (c) the employer shall provide for each hearing protector a separate storage area that—
 - (i) is marked with the name of the employee to whom the protector is issued; and
 - (ii) is so constructed that the hearing protector is kept in a clean condition;
- (d) if the use of a hearing protector by an employee impedes communication with the employee and the safety of a person may for that reason be endangered, the employer shall provide a means of communication with the employee to ensure that the person's safety is not endangered.

Prescribed information

9. For the purposes of section 39 of the Ordinance, the prescribed information is information relating to—

- (a) the effects and symptoms of exposure to noise;
- (b) the means of reducing exposure to noise;
- (c) the use of hearing protectors and other noise control equipment;
- (d) the obligations of an employee under the Ordinance and these Regulations; and
- (e) the manner in which any hearing protectors with which an employee is issued are to be cared for.

Prescribed signs

10. For the purposes of section 39 of the Ordinance, the sign numbered A4.3 in Table A4 in Australian Standard 1319-1983 is prescribed.

Records

11. (1) For the purposes of section 41 of the Ordinance, the following records are prescribed:

- (a) with regard to each determination of a noise level or daily noise dose—
 - (i) the name, address and relevant qualifications of the person who made the determination;
 - (ii) the time, date and place at which the determination was made; and

- (iii) the noise level or daily noise dose determined;
- (b) with regard to each audiometric test carried out—
 - (i) the name, address and relevant qualifications of the person who carried out the test;
 - (ii) the time, date and place at which the test was carried out;
 - (iii) the result of the test; and
 - (iv) any relevant diagnosis or recommendation made by the person who carried out the test.

(2) For the purposes of section 41 of the Ordinance, the following periods are prescribed:

- (a) in the case of a record relating to a determination of a noise level or daily noise dose—10 years after the making of the determination;
- (b) in the case of a record relating to an audiometric test—10 years after the employee to whom the test relates has ceased to be an employee of the employer.

SCHEDULE 1

Regulations 4, 5 and 6

PRESCRIBED ARTICLES—NOISE LEVELS

Item No.	Class	Noise level
1	Lawnmowers, having motors the power of which is 8.5 kilowatts or less, manufactured in, or imported into, the Territory on or after 1 December 1988.	75 dB(A)
2	Air conditioners, having less than 8 kilowatts input power, manufactured in, or imported into, the Territory on or after 1 December 1988.	
3	Pavement breakers manufactured in, or imported into, the Territory after 1 December 1988.	
4	Mobile air compressors manufactured in, or imported into, the Territory after 1 December 1988.	

SCHEDULE 2

Regulation 7

NOTICES

Form 1

Notice to be attached to lawnmowers

This lawnmower has been manufactured so as not to emit noise in excess of a noise level of 75dB (A) when measured at a distance of 7.5 m.

Form 2

Notice to be attached to air conditioners

Noise rating: dB (A)

The sound power level given above may be used to calculate whether the outside noise emitted from this unit when in use will be within acceptable limits. The lower this number the quieter the outside noise. Consult your supplier for advice before installation.

[Name of manufacturer]

[Model number]

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 16 November 1988.