

# AUSTRALIAN CAPITAL TERRITORY

## NOISE CONTROL REGULATIONS

### EXPLANATORY STATEMENT

No. 18 of 1988

Section 50 of the Noise Control Ordinance 1988 (“the Ordinance”) provides that the Minister may make Regulations, not inconsistent with the Ordinance, prescribing all matters required or permitted by the Ordinance to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Ordinance. In particular, the Minister may make Regulations relating to the provision of hearing protectors by employers.

The Noise Control Regulations (“the Regulations”) prescribe the levels of noise that can be emitted from premises at certain times for the purpose of determining whether any emission is “excessive” under the Ordinance. The Regulations also prescribe certain articles, the permissible noise levels those articles can emit and the kind of labels that must be attached to them for the purposes of restricting their sale under the Ordinance. In addition, the Regulations prescribe conditions for the type of hearing protectors that are to be used in industry, the content of the information that employers are obliged to give employees, and the records that employers must keep.

Regulation 1 provides that the Regulations may be cited as the Noise Control Regulations.

Regulation 2 deals with interpretation.

Regulation 3 prescribes what is “excessive noise” in respect of premises for the purposes of the definition of excessive noise in the Ordinance. Between 7 am and 10 pm, people may make 5 decibels more noise than the amount of noise that is already reaching their property. (This is approximately equivalent to twice the amount of noise that is reaching their property). Between 10 pm and 7 am they may make noise equivalent to the background noise.

Regulation 4 and Schedule 1 prescribe 75 decibels as the threshold level for lawnmowers for the purpose of the definition of “excessive noise” in subsection 5 (1) of the Ordinance.

Regulations 5 and 6 and Schedules 1 and 2 prescribe lawnmowers with motors of 8.5 kilowatt power or less for the purposes of prohibiting their sale, under section 9 of the Ordinance, if they emit noise in excess of 75 decibels.

Regulation 5 and Schedule 1 also prescribe lawnmowers, air conditioners, pavement breakers and mobile air compressors as articles which cannot be sold without a prescribed label under section 10 of the Ordinance.

However, Schedule 1 makes these prescribed conditions for articles effective after 1 December 1988. This gives manufacturers a transitional period so they have sufficient time to make any necessary changes to the manufacture of these articles.

Regulation 7 and Schedule 2 prescribe the information to be specified on labels for the purpose of section 10 of the Ordinance. All labels must specify the sound level of the article and, for pavement breakers and mobile air compressors, the size of the label is prescribed. This regulation also provides that all labels shall be of metal and securely attached.

Regulation 8 prescribes requirements for hearing protectors for the purposes of section 36 of the Ordinance. Hearing protectors are to be supplied free of charge to each employee. A hearing protector must fit the employee correctly and be designed so that wearing it is not prejudicial to the wearer's health. A hearing protector designed for use outside the ear cannot be worn after use by another person unless it has been disinfected. An employer must make provision for a system of communication if the wearing of hearing protectors impedes communication to such an extent that the safety of employees is at risk.

Regulation 9 prescribes that the information which must be given to employees under section 39 of the Ordinance is information relating to the effects and symptoms of noise exposure, the means of reducing noise exposure, the use and maintenance of hearing protectors, and the obligations of employees under the Ordinance and the Regulations.

Regulation 10 prescribes the sign numbered A4.3 in table A4 in Australian Standard 1319-1983, for the purposes of section 39 of the Ordinance.

Regulation 11 prescribes the records which must be kept and the period of their retention for the purposes of section 41 of the Ordinance. When a noise level is determined, the employer must record the name, address and qualifications of the person who made the determination, the time, date and place of the test and the noise level determined. The records must be retained for 10 years after the determination is made. The same information must be recorded when an audiometric test is carried out together with the result and diagnosis of the test, and these records must be retained for 10 years after the employment of the employee has been terminated.

Issued by Authority of the Minister of  
State for the Arts and Territories