

1995—No. 504

NOISE CONTROL ACT 1975—REGULATION

(Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995)

NEW SOUTH WALES



[Published in Gazette No. 105 of 1 September 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Noise Control Act 1975, has been pleased to make the Regulation set forth hereunder.

PAM ALLAN, M.P.,
Minister for the Environment.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. (1) In this Regulation:

“**approved**” means approved by the Authority;

“**defective vehicle notice**” means a notice issued under clause 29;

“**inspection notice**” means a notice issued under clause 27;

“**manufacturer’s gross vehicle mass**”, in relation to a vehicle, means the maximum laden mass at which the manufacturer recommends the vehicle be operated;

“**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 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) any other device that is attached to or forms part of, or is intended to be attached to or form part of, a motor vehicle;

“motor vehicle horn” means a sounding device designed to be attached to or form part of a motor vehicle, but does not include a sounding device designed solely for use in connection with a motor vehicle intruder alarm;

“motor vehicle intruder alarm” means a device which:

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

being a device that is attached to or forms part of a motor vehicle for use as an intruder alarm, whether or not the device is also designed to deny access to the motor vehicle or to the motor vehicle's steering, fuel or other system;

“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 Noise Control Act 1975.

(2) In this Regulation, 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 relevant Part of Schedule 2.

PART 2—SALE OF MOTOR VEHICLES AND MOTOR VEHICLE ACCESSORIES

Division 1—Motor vehicles

Sale of motor vehicles generally

4. (1) For the purposes of section 28 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) The following motor vehicles are excluded from the class of articles prescribed by subclause (1):

- (a) a special purpose motor vehicle;
- (b) a motor car, motor lorry or motor cycle that is designed, manufactured or modified for racing and that is neither registered under the Traffic Act 1909 nor represented as being capable of being so registered.

Division 2—Motor vehicle horns**Division applies only to retail sale of new motor vehicle horns**

5. This Division 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.

Sale of motor vehicle horns generally

6. (1) For the purposes of section 28 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 28 of the Act:

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

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

- (a) an ambulance;
- (b) a police vehicle;
- (c) a fire fighting vehicle;
- (d) a mines or other rescue vehicle;
- (e) a Red Cross vehicle used for the urgent conveyance of blood;
- (f) a vehicle in respect of which the Roads and Traffic Authority has given written approval for the attachment of a horn or similar device for the purposes of paragraph 70 (1) of Schedule F to the Motor Traffic Regulations 1935.

(4) 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.

Division 3—Motor vehicle intruder alarms**Division applies only to retail sale of new motor vehicle intruder alarms**

7. This Division 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.

Sale of motor vehicle intruder alarms generally

8. For the purposes of section 28 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.

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

9. 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: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Sale of motor vehicle intruder alarms having certain sound characteristics

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

- (a) a dual tone horn:
 - (i) that has a lower frequency tone of 1 000 Hertz or less; and
 - (ii) that has a higher frequency tone of 2 000 Hertz or less; and
 - (iii) that emits between 40 and 100 cycles of sound per minute (each cycle consisting of a lower pitched sound followed by a higher pitched sound); or
- (b) a variable tone horn:
 - (i) that has a lower frequency tone of 1 000 Hertz or less; and
 - (ii) that has a higher frequency tone of 2 000 Hertz or less; and

- (iii) that emits between 5 and 20 cycles of sound per minute (each cycle consisting of a sound that moves from the lower frequency to the higher frequency and then returns to the lower frequency); or
- (c) a rising tone horn:
 - (i) that has a lower frequency tone of 100 Hertz or less; and
 - (ii) that has a higher frequency tone of 2 600 Hertz or less; and
 - (iii) that emits between 100 and 200 cycles of sound per minute (each cycle consisting of an ascending tone followed by a brief interval of either descending tone or lower frequency tone before the cycle is repeated).

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

(2) In this clause:

“**dual tone horn**” means a horn that emits a continuous sound composed of the alternating emission of two predominant tones of approximately equal duration;

“**rising tone horn**” means a horn that emits a continuous sound composed of the emission of a variable frequency tone which is predominantly characterised by an ascending tone;

“**variable tone horn**” means a horn that emits a continuous sound composed of the emission of a variable frequency tone which ascends and then descends between a lower and higher frequency in a repetitive and approximately uniform manner.

PART 3—USE OF MOTOR VEHICLES AND MOTOR VEHICLE ACCESSORIES

Division 1—Motor vehicles

Use of motor vehicles in public places

11. (1) A person must not cause or permit a motor vehicle to be used in a public place 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: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

(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 the following motor vehicles:

(a) a special purpose motor vehicle;

(b) a motor car, motor lorry or motor cycle that is designed, manufactured or modified for racing and that is used on scheduled premises in accordance with a licence in force in respect of those premises.

Use of motor vehicles in places other than public places

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

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Use of motor vehicles on residential premises

13. (1) A person must not cause or permit a motor vehicle to be used on residential premises in such a manner that it emits noise that can be heard within a room in any other residential premises:

(a) before 8 a.m. or after 8 p.m. on any Saturday, Sunday or public holiday; or

(b) before 7 a.m. or after 8 p.m. on any other day.

Maximum penalty: 5 penalty units.

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

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

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

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

Use of refrigeration units fitted to motor vehicles

14. (1) A person must not cause or permit a refrigeration unit fitted to a motor vehicle to be used in such a manner that it emits noise that can be heard within a room in any residential premises:

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

Maximum penalty: 5 penalty units.

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

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

Use of motor vehicle sound systems

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

Maximum penalty: 5 penalty units.

Noise control equipment to be properly maintained

16. (1) A person must not cause or permit a motor vehicle to be used in a public place unless the motor vehicle's noise control equipment is in place and in effective condition and good working order.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

(2) A person must not:

- (a) remove, or render less effective, a motor vehicle's noise control equipment, otherwise than for the purpose of replacing it; or
- (b) replace a motor vehicle's noise control equipment with noise control equipment that is less effective than the motor vehicle's original noise control equipment when first installed.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Repairs and modifications

17. A person must not cause or permit a motor vehicle's engine, or its air intake or exhaust system, to be modified or repaired in such a manner

that the maximum noise level of the motor vehicle after the repair or modification (regardless of the noise level of the motor vehicle before the repair or modification) exceeds the maximum noise level specified in Schedule 1 for that kind of motor vehicle.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Division 2—Motor vehicle horns

Use of motor vehicle horns generally

18. (1) A person must not, in connection with the use of a motor vehicle in a public place, cause or permit to be used a motor vehicle horn:

- (a) that 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) that 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: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

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

- (a) an ambulance;
- (b) a police vehicle;
- (c) a fire fighting vehicle;
- (d) a mines or other rescue vehicle;
- (e) a Red Cross vehicle used for the urgent conveyance of blood;
- (f) a vehicle in respect of which the Roads and Traffic Authority has given written approval for the attachment of a horn or similar device for the purposes of paragraph 70 (1) of Schedule F to the Motor Traffic Regulations 1935.

(3) 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.

Telephone not to be connected to motor vehicle horn

19. A person must not cause or permit a telephone:

- (a) to be connected to a motor vehicle horn in such a way that the horn emits noise when the telephone receives a call; or
- (b) to remain connected to a motor vehicle horn in such a way.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Division 3—Motor vehicle intruder alarms**Definitions**

20. (1) For the purposes of this Division, 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.

Use of motor vehicle intruder alarms triggered by panic switches

21. 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: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Use of motor vehicle intruder alarms generally

22. (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: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

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

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

Design and construction of motor vehicle intruder alarms

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

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

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

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

Telephone not to be connected to a motor vehicle intruder alarm

24. A person must not cause or permit a telephone:

- (a) to be connected to a motor vehicle intruder alarm in such a way that the alarm emits noise when the telephone receives a call; or
- (b) to remain connected to a motor vehicle intruder alarm in such a way.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

PART 4—INSPECTION AND TESTING OF CERTAIN ARTICLES

Division 1—Powers of authorised officers

Power to inspect and test motor vehicles and motor vehicle accessories

25. An authorised officer may inspect and test a motor vehicle or motor vehicle accessory that the authorised officer knows or reasonably suspects:

- (a) is intended to be sold in breach of section 28 of the Act, or in breach of this Regulation; or
- (b) is being used in breach of this Regulation.

Power to stop motor vehicles

26. (1) An authorised officer who reasonably suspects that an offence against this Regulation is being committed in connection with the use of a motor vehicle or motor vehicle accessory may give either or both of the following directions to the driver or person in charge of the motor vehicle:

- (a) a direction to stop the motor vehicle;
- (b) a direction to do whatever is reasonably necessary to enable the motor vehicle or motor vehicle accessory to be tested or inspected.

(2) A person must not, without reasonable cause, fail to comply with any direction under this clause.

Maximum penalty: 5 penalty units.

(3) For the purpose of inspecting or testing a motor vehicle or motor vehicle accessory, an authorised officer may enter the motor vehicle and may operate the motor vehicle or motor vehicle accessory.

(4) An authorised officer must produce evidence of his or her appointment as an authorised officer if requested to do so by a person to whom the authorised officer has given a direction.

Power to require motor vehicles and motor vehicle accessories to be presented for further testing

27. (1) If an authorised officer reasonably suspects that a motor vehicle or motor vehicle accessory does not comply with the requirements of the Act or this Regulation, the authorised officer may, by notice in writing served on the owner or person in charge of the motor vehicle or motor vehicle accessory, direct the owner or person to present the motor vehicle or motor vehicle accessory for inspection and testing:

- (a) at a specified place (being a place within 50 kilometres of the owner's or person's residence or place of business); and
- (b) on or before a specified day.

(2) A person must not, without reasonable excuse, fail to comply with any direction under this clause.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Power to seize motor vehicle accessories

28. (1) An authorised officer may take possession of a motor vehicle accessory and take it to an approved place for the purpose of measuring its noise level or its noise emission characteristics.

(2) An authorised officer who takes possession of a motor vehicle accessory under this clause must provide the person from whom possession is taken with a receipt that:

- (a) specifies the make, model and serial number of the motor vehicle accessory, or any other information which will identify the motor vehicle accessory; and
- (b) specifies the time and date of issue of the receipt; and
- (c) specifies a date (being a date not more than 21 days after the date of issue) on or before which the motor vehicle accessory will be returned; and
- (d) is signed by the authorised officer issuing it.

(3) The officer must return the motor vehicle accessory to its owner, or to the person from whose possession it was taken, on or before the date specified in the receipt.

(4) An authorised officer must produce evidence of his or her appointment as an authorised officer if requested to do so by a person from whose possession the authorised officer has taken or proposes to take a motor vehicle accessory.

Division 2—Defective vehicle notices**Defective vehicle notices**

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

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

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

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

- (a) the defect on the basis of which it is issued;

(b) where the motor vehicle should be taken for inspection or testing for the purpose of having the notice withdrawn.

(3) A defective vehicle notice:

- (a) may indicate what needs to be done to remedy the defect; and
- (b) may indicate a date after which the motor vehicle must not be used in a public place if the defect has not been remedied; and
- (c) may indicate a date after which the motor vehicle's registration under the Traffic Act 1909 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 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 in a public place, a person must not cause or permit the motor vehicle to be used in a public place after that date unless the notice has been withdrawn.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

(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.

Defective vehicle labels

30. (1) An authorised officer who issues a defective vehicle notice for a motor vehicle may also affix a defective vehicle label to the inside or outside of the front windscreen of the motor vehicle or in a conspicuous position on some other part of the vehicle.

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

- (a) the defect on the basis of which the defective vehicle notice was issued;
- (b) the date (if any) after which the motor vehicle must not be used in a public place if the defect has not been remedied;
- (c) such other particulars as the Authority may determine.

(3) An authorised officer who withdraws a defective vehicle notice for a motor vehicle must also remove, or direct the removal of, the defective vehicle label from the motor vehicle.

(4) A person must not remove, obscure or deface a defective vehicle label affixed to a motor vehicle unless the person is an authorised officer or is acting under the direction of an authorised officer.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Division 3—Registration of motor vehicles

Suspension of registration pending inspection

31. (1) The Authority may, by notice in writing to the owner of the motor vehicle, suspend the registration of a motor vehicle under the Traffic Act 1909:

- (a) if the motor vehicle, or a motor vehicle accessory installed in the motor vehicle, has not been presented for inspection in accordance with the requirements of an inspection notice or defective vehicle notice; or
- (b) if the motor vehicle, or a motor vehicle accessory installed in the motor vehicle, is in such a condition that its sale or use in that condition would constitute an offence under the Noise Control Act 1975 or this Regulation.

(2) The Authority may remove any such suspension if satisfied, after inspecting or testing the motor vehicle, that the sale or use of the motor vehicle or motor vehicle accessory would no longer constitute an offence under the Act or this Regulation.

(3) The Authority must give written notice of any suspension, or removal of suspension, to the Roads and Traffic Authority.

(4) The suspension of registration of a motor vehicle takes effect when notice of the suspension is served on the owner of the motor vehicle or, if a later time is specified in the instrument, at that later time.

(5) The suspension of registration of a motor vehicle does not have effect while the vehicle is being taken to a place where:

- (a) repairs or other work required to remedy any defect referred to in a relevant inspection notice or defective vehicle notice 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.

Prohibition on registration of certain motor vehicles

32. (1) The Authority, by notice in writing to the Roads and Traffic Authority:

- (a) may prohibit the registration under the Traffic Act 1909 of a motor vehicle if it is satisfied that the motor vehicle, or a motor vehicle accessory installed in the motor vehicle, is in such a condition that the sale or use of the motor vehicle or motor vehicle accessory in that condition would constitute an offence under the Noise Control Act 1975 or this Regulation; or
- (b) may remove any such prohibition if, after inspecting or testing the motor vehicle or motor vehicle accessory, it is satisfied that the motor vehicle or motor vehicle accessory is no longer in such a condition.

(2) The Authority must give written notice of any prohibition, or removal of prohibition, to the owner of the motor vehicle.

Division 4—Determining the noise level of an article**Determining the noise level of an article**

33. 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.

Instruments

34. (1) The noise level of a motor vehicle or motor vehicle accessory must be measured with a Type 1 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 to “fast”.

(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 the Standards Association of Australia.

Testing the calibration of instruments

35. (1) The calibration of a sound level meter must be checked, and any necessary adjustments made, immediately before the sound level meter is used to make the noise level measurements required by this Regulation (“**the pre-test check**”) and must be checked again immediately after making those measurements (“**the post-test check**”).

(2) The calibration is to be checked by performing a field calibration, using a reference sound source, when the article whose noise level is being measured is not operating.

(3) If the noise level recorded during the post-test check (after any necessary adjustments have been made) differs by more than 1 dB(A) from the noise level recorded during the pre-test check, then all measurements made in the intervening period must be disregarded.

Measurements may be disregarded on account of extraneous noise

36. (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 Regulation.

(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.

SCHEDULE 1—PRESCRIBED NOISE LEVELS OF CLASSES OF MOTOR VEHICLES

(Cl. 4, 11, 17, 29)

Column 1					Column 2
Description of Motor Vehicle					Noise level dB(A)
Description	Engine	Manufacturer's gross vehicle mass (kg)	Height above ground of end 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 public street	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
		more than 3,500	1,500 or more	Before 1 July 1983	94
				On or after 1 July 1983	91
			less than 1,500	Before 1 July 1983	98
				On or after 1 July 1983	95

Column 1		Column 2
Description of Motor Vehicle		
Description	Engine	Noise level dB(A)
	Diesel	
	3,500 or less	Before 1 July 1980 On or after 1 July 1980 and before 1 July 1983 On or after 1 July 1983
	1,500 or more	101
	less than 15,000	98
	less than 15,000	95
	less than 15,000	105
	less than 15,000	102
	less than 15,000	99
	more than 3,500, but not more than 12,000	Before 1 July 1980 On or after 1 July 1980 and before 1 July 1983 On or after 1 July 1983
	more than 3,500, but not more than 12,000	103
	more than 3,500, but not more than 12,000	100
	more than 3,500, but not more than 12,000	97
	more than 3,500, but not more than 12,000	107
	more than 3,500, but not more than 12,000	104
	more than 3,500, but not more than 12,000	101
	more than 12,000	Before 1 July 1980 On or after 1 July 1980 and before 1 July 1983 On or after 1 July 1983
	more than 12,000	105
	more than 12,000	102
	more than 12,000	99
	more than 12,000	109
	more than 12,000	106
	more than 12,000	103

SCHEDULE 2—TESTING PROCEDURES

(Cl. 33)

PART 1—MOTOR CARS AND MOTOR CYCLES**Site requirements**

1. (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 an open-sided 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) The test site must be substantially level (disregarding any kerbing or guttering) for a distance of 3 metres from the microphone.
- (3) 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.
- (4) 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.

Position of microphone

2. (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.

State of motor car and engine operation

3. (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.

State of motor cycle and engine operation

4. (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.

Determination of noise level

5. (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**Site requirements**

1. (1) The site at which the noise level of a motor lorry or motor bus is measured must:

- (a) be in the open air; and
- (b) be substantially level (disregarding any kerbing or guttering) for a distance of 3 metres from the microphone.

(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:

- (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.

Position of microphone

2. (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.

State of motor lorry or motor bus and engine operation

3. (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 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.

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

4. 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.

Determination of noise level

5. (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

Site requirements

1. (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 substantially level; and
- (d) 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 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.

Position of stand

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

Position of microphone

3. (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.

Instruments for recording noise

4. (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.

Operation of motor vehicle intruder alarm

5. (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.

Determination of noise level

6. (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.

Determination of character of noise emitted

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

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

PART 4—MOTOR VEHICLE INTRUDER ALARMS THAT ARE ATTACHED TO A MOTOR VEHICLE

Site requirements

1. (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 an open-sided 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) The test site must be substantially level (disregarding any kerbing or guttering) for a distance of 3 metres from the microphone.

(3) While the noise level of a motor vehicle intruder alarm is being measured, or the noise of the alarm or device is being recorded, 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.

(4) 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.

Position of microphone

2. (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.

Instruments for recording noise

3. (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.

Operation of motor vehicle intruder alarm

4. 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 for the purpose of making measurements, being a period of at least 15 seconds; and
- (c) must be operated by means of a power supply from the vehicle that normally supplies the power for the operation of the alarm.

Determination of noise level

5. (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.

Determination of character of noise emitted

6. 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**Site requirements**

1. (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 substantially level; and
 - (d) 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.

Position of stand

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

Position of microphone

3. (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.

Operation of motor vehicle horn

4. (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.

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(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.

Determination of noise level

5. (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**Site requirements**

1. (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 an open-sided 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) The test site must be substantially level (disregarding any kerbing or guttering) for a distance of 3 metres from the microphone.

(3) 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.

(4) 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.

Position of microphone

2. (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 horn under test.

Operation of motor vehicle horn

3. 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 for the purpose of making 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.

Determination of noise level

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

(3) 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.

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EXPLANATORY NOTE

The object of this Regulation is to control the emission of noise by motor vehicles and certain motor vehicle accessories (namely, motor vehicle horns and motor vehicle intruder alarms). The Regulation makes provision in respect of 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 in public and other places;
- (c) the maintenance of noise control equipment on motor vehicles;
- (d) the use of motor vehicle horns and motor vehicle intruder alarms;
- (e) the times during which it not permissible to use certain motor vehicles if they emit noise that can be heard in other residential premises;
- (f) inspection and testing procedures for the purpose of determining noise emission levels of certain motor vehicles and accessories;
- (g) the issue of defective vehicle notices in relation to motor vehicles;
- (h) other formal matters.

This Regulation is made under the provisions of the Noise Control Act 1975, including section 64 (the general regulation making power) and section 28 (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 of article).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
