



New South Wales

# Protection of the Environment Operations (Noise Control) Amendment (Motor Cycle Noise Control Equipment) Regulation 2004\*

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

BOB DEBUS, M.P.,  
Minister for the Environment

## Explanatory note

The objects of this Regulation are to amend the *Protection of the Environment Operations (Noise Control) Regulation 2000*:

- (a) to require motor cycles manufactured on or after 1 January 2005 to comply with *Australian Design Rule 83/00 External Noise* in respect of the labelling of noise control equipment and prescribed noise levels (except motor cycles manufactured before 1 January 2006 to comply with *Australian Design Rule 39/00 External Noise of Motor Cycles*), and
- (b) to retain the requirement that motor cycles manufactured before 1 January 2005 (and motor cycles that fall within the exception in paragraph (a)) comply with *Australian Design Rule 39/00 External Noise of Motor Cycles* in respect of the labelling of noise control equipment and prescribed noise levels, and
- (c) to clarify that the requirements referred to in paragraph (b) do not apply to motor cycles manufactured before 1 July 1988, and
- (d) to confirm that the provisions dealing with labelling requirements in respect of motor cycles fitted with original noise control equipment supplied by the motor cycle manufacturer do not require original labelling to be displayed (a label affixed by the owner or another person will be sufficient provided that it complies with the requirements set out in the relevant provisions), and

**\*This regulation was disallowed in the Legislative Council on 2 March 2005.**

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Explanatory note

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- (e) to provide that noise control equipment supplied by the manufacturer after the date of manufacture that was not used to determine compliance with the applicable design rule is subject to the same labelling requirements as other after market noise control equipment, and
- (f) to prescribe testing procedures relating to *Australian Design Rule 83/00 External Noise*.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323 (the general regulation-making power) and clauses 3 and 4 of Schedule 2.

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## **Protection of the Environment Operations (Noise Control) Amendment (Motor Cycle Noise Control Equipment) Regulation 2004**

under the

Protection of the Environment Operations Act 1997

### **1 Name of Regulation**

This Regulation is the *Protection of the Environment Operations (Noise Control) Amendment (Motor Cycle Noise Control Equipment) Regulation 2004*.

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

The *Protection of the Environment Operations (Noise Control) Regulation 2000* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 19

Omit the clause. Insert instead:

#### 19 Motor cycle noise control equipment to be labelled

- (1) A person must not cause or permit a motor cycle that was manufactured on or after 1 July 1988 but before 1 January 2005 to be used on a road or road related area unless:
  - (a) in the case of a motor cycle fitted with the original 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) A person must not cause or permit a motor cycle that was manufactured on or after 1 January 2005 to be used on a road or road related area unless:
  - (a) in the case of a motor cycle fitted with the original noise control equipment supplied by the motor cycle manufacturer (or equipment that is identical to that equipment)—the motor cycle complies with clause 4 (Markings) and clause 6 (Specifications) of Appendix B to *Australian Design Rule 83/00 External Noise*, 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,

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- (ii) the model of the motor cycle for which it is designed,
  - (iii) the engine speed and the value in dB(A) as determined using the test method in Division 4 of Part 1 of Schedule 2.

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

- (3) Despite subclauses (1) and (2):
  - (a) any motor cycle manufactured on or after 1 January 2005 and before 1 January 2006 that is manufactured to comply with *Australian Design Rule 39/00 External Noise of Motor Cycles* must comply with subclause (1), and
  - (b) any motor cycle manufactured before 1 January 2005 that is manufactured to comply with *Australian Design Rule 83/00 External Noise* must comply with subclause (2).
- (4) For the purposes of subclause (1) and (2), any label or a replacement label required to comply with those subclauses may be affixed by the manufacturer or any other person.
- (5) 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, as in force on 1 September 2000.

**Note.** A copy of *Australian Design Rule 39/00 External Noise of Motor Cycles* was published in Gazette No 112 of 1 September 2000 and is available for inspection at the head office of the Department of Environment and Conservation.

***Australian Design Rule 83/00 External Noise*** 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, as in force on 21 March 2003.

**Note.** A copy of *Australian Design Rule 83/00 External Noise* is available for inspection at the head office of the Department of Environment and Conservation.

***original noise control equipment*** of a motor cycle means the noise control equipment that was fitted by the manufacturer at the time of manufacture of the motor cycle and approved under *Australian Design Rule 39/00 External Noise of Motor Cycles* or *Australian Design Rule 83/00 External Noise*.

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Schedule 1 Amendments

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### [2] Schedule 1 Prescribed noise levels of classes of motor vehicles

Omit the heading “**Period during which manufacture completed**” from the table.

Insert instead “**Period during which manufacture completed or Australian Design Rule to which the vehicle was manufactured**”.

### [3] Schedule 1, columns 1 and 2

Omit the matter relating to motor cycles designed or manufactured for use on a road.

Insert instead:

Motor cycle designed or manufactured for use on a road	Any engine	Any mass	Any height	On or after 1 March 1984 and before 1 July 1988	94
				<i>Australian Design Rule 39/00 External Noise of Motor Cycles</i>	94
				<i>Australian Design Rule 83/00 External Noise</i>	The value in dB(A) measured for a motor cycle of that particular type during the stationary test required by clause 6.2.1.1 of Appendix B to <i>Australian Design Rule 83/00 External Noise</i>

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**[4] Schedule 2 Testing procedures**

Insert in alphabetical order in clause 1:

*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, as in force on 1 September 2000.

**Note.** A copy of *Australian Design Rule 39/00 External Noise of Motor Cycles* was published in Gazette No 112 of 1 September 2000 and is available for inspection at the head office of the Department of Environment and Conservation.

*Australian Design Rule 83/00 External Noise* 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, as in force on 21 March 2003.

**Note.** A copy of *Australian Design Rule 83/00 External Noise* is available for inspection at the head office of the Department of Environment and Conservation.

**[5] Schedule 2, clause 10 (9)**

Insert after clause 10 (8):

- (9) For motor cycles manufactured to comply with *Australian Design Rule 83/00 External Noise* that have exhaust outlets spaced more than 300mm apart, each exhaust outlet must be treated separately as if it were the only one.

**[6] Schedule 2, clause 11 (2) (b1)**

Insert after clause 11 (2) (b):

- (b1) For motor cycles manufactured to comply with *Australian Design Rule 83/00 External Noise* the engine speed is to be held steady at one of the following values:
- (i) if the ESMP is more than 5000 rpm, the engine speed is to be held steady at half the ESMP, or
  - (ii) if the ESMP is not more than 5000 rpm, the engine speed is to be held steady at three quarters of ESMP, and when a constant engine speed is reached the throttle is to be returned swiftly to the idle position.

**[7] Schedule 2, clause 11 (2) (c)**

Omit "(a) and (b)". Insert instead "(a), (b) and (b1)".