

Chapter 4 — Hazardous work

Part 4.1 — Noise

56. Meaning of exposure standard for noise

(1) In this Part —

exposure standard for noise, in relation to a person, means —

- (a) $L_{Aeq,8h}$ of 85 dB(A); or
- (b) $L_{C,peak}$ of 140 dB(C).

(2) In subregulation (1) —

$L_{Aeq,8h}$ means the eight-hour equivalent continuous A-weighted sound pressure level in decibels (dB(A)) referenced to 20 micropascals, determined in accordance with AS/NZS 1269.1:2005 (Occupational noise management — Measurement and assessment of noise immission and exposure);

$L_{C,peak}$ means the C-weighted peak sound pressure level in decibels (dB(C)) referenced to 20 micropascals, determined in accordance with AS/NZS 1269.1:2005 (Occupational noise management — Measurement and assessment of noise immission and exposure).

57. Managing risk of hearing loss from noise

(1) A person conducting a business or undertaking at a workplace must manage, in accordance with Part 3.1, risks to health and safety relating to hearing loss associated with noise.

Note for this subregulation:

WHS Act — section 19 (see regulation 9).

(2) A person conducting a business or undertaking at a workplace must, so far as is reasonably practicable, ensure that the noise

that a worker is exposed to at the workplace does not exceed the exposure standard for noise.

Penalty for this subregulation:

- (a) for an individual, a fine of \$7 000;
- (b) for a body corporate, a fine of \$35 000.

58. Audiometric testing

(1A) In this regulation —

audiometric testing means the testing and measurement of the hearing threshold levels of each ear of a person by means of —

- (a) pure tone air conduction threshold tests; or
- (b) evoked otoacoustic emission testing; or
- (c) any other testing or measurement of a person’s hearing that has been recommended by an audiologist and that provides an equivalent or better measurement of hearing thresholds than those specified in paragraph (a) or (b).

(1) This regulation applies in relation to a worker who is frequently required by the person conducting the business or undertaking to use personal protective equipment to protect the worker from the risk of hearing loss associated with noise that exceeds the exposure standard for noise.

(2) The person conducting the business or undertaking who provides the personal protective equipment as a control measure must provide audiometric testing for the worker —

- (a) within 3 months of the worker commencing the work;
and
- (b) in any event, at least every 2 years.

Penalty for this subregulation:

- (a) for an individual, a fine of \$7 000;
- (b) for a body corporate, a fine of \$35 000.

(3) *[not used]*

59. Duties of designers, manufacturers, importers and suppliers of plant

- (1) A designer of plant must ensure that the plant is designed so that its noise emission is as low as is reasonably practicable.

Penalty for this subregulation:

- (a) for an individual, a fine of \$7 000;
- (b) for a body corporate, a fine of \$35 000.

- (2) A designer of plant must give to each person who is provided with the design for the purpose of giving effect to it adequate information about —

- (a) the noise emission values of the plant; and
- (b) the operating conditions of the plant when noise emission is to be measured; and
- (c) the methods the designer has used to measure the noise emission of the plant.

Penalty for this subregulation:

- (a) for an individual, a fine of \$7 000;
- (b) for a body corporate, a fine of \$35 000.

- (3) A manufacturer of plant must ensure that the plant is manufactured so that its noise emission is as low as is reasonably practicable.

Penalty for this subregulation:

- (a) for an individual, a fine of \$7 000;
- (b) for a body corporate, a fine of \$35 000.

- (4) A manufacturer of plant must give to each person to whom the manufacturer provides the plant adequate information about —

- (a) the noise emission values of the plant; and
- (b) the operating conditions of the plant when noise emission is to be measured; and

- (c) the methods the manufacturer has used to measure the noise emission of the plant.

Penalty for this subregulation:

- (a) for an individual, a fine of \$7 000;
- (b) for a body corporate, a fine of \$35 000.

- (5) An importer of plant must take all reasonable steps to —

- (a) obtain information about —
 - (i) the noise emission values of the plant; and
 - (ii) the operating conditions of the plant when noise emission is to be measured; and
 - (iii) the methods the designer or manufacturer has used to measure the noise emission of the plant;
- and
- (b) give that information to any person to whom the importer supplies the plant.

Penalty for this subregulation:

- (a) for an individual, a fine of \$7 000;
- (b) for a body corporate, a fine of \$35 000.

- (6) A supplier of plant must take all reasonable steps to —

- (a) obtain the information the designer, manufacturer or importer is required to give a supplier under subregulation (2), (4) or (5); and
- (b) give that information to any person to whom the supplier supplies the plant.

Penalty for this subregulation:

- (a) for an individual, a fine of \$7 000;
- (b) for a body corporate, a fine of \$35 000.