



AUSTRALIAN CAPITAL TERRITORY

Noise Control (Amendment) Act 1994

No. 2 of 1994

An Act to amend the *Noise Control Act 1988*

[Notified in ACT Gazette S35: 4 March 1994]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Noise Control (Amendment) Act 1994*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, “Principal Act” means the *Noise Control Act 1988*.¹

Noise direction notice

4. Section 12 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:

“(3) Where—

- (a) an exemption under section 16 is in force in respect of premises;
and
- (b) there has been no breach of any condition to which that exemption is subject;

a noise direction notice in respect of noise of the kind to which the exemption relates is invalid.”.

Exemption

5. Section 16 of the Principal Act is amended—

- (a) by omitting from subsection (2) “writing” and substituting “writing and subject to any reasonable condition”;
- (b) by adding at the end of subsection (3) “or vary any condition to which the exemption is subject”;
- (c) by adding at the end of subsection (4) “or vary any condition to which the exemption is subject”; and
- (d) by inserting in subsection (5) “or to make an exemption subject to any condition or to vary a condition,” after “exemption,”.

Disallowable instrument

6. Section 20 of the Principal Act is amended by omitting “is a disallowable instrument” and substituting “, and any amendment to the Manual, are disallowable instruments”.

Review of decisions

7. Section 44 of the Principal Act is amended by omitting paragraph (2) (b) and substituting the following paragraphs:

- “(b) granting, granting subject to a condition, revoking or refusing to revoke an exemption under section 16;
- (ba) varying or refusing to vary any condition to which an exemption under section 16 is subject;”.

NOTE

1. Reprinted as at 30 September 1991. See also Act No. 106, 1991; No. 44, 1993.

[Presentation speech made in Assembly on 14 October 1993]