

1996
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Horodny)

Noise Control (Amendment) Bill 1996

**A BILL
FOR**

An Act to amend the *Noise Control Act 1988*

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 1996*.

5 Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

10 (3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Job No.: 1996/58

Principal Act

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

Interpretation

4. Section 5 of the Principal Act is amended—

- 5 (a) by omitting from subparagraph (a) (iii) of the definition of "excessive noise" in subsection (1) "a motor vehicle or"; and
- (b) by adding at the end the following subsection:
- 10 " (8) For the purposes of this Act, noise emitted from a motor vehicle that is on, or entering or leaving, premises shall be taken to be emitted from the premises."

Application

5. Section 6 of the Principal Act is amended by omitting from paragraph (d) all the words after "street".

Noise direction notice

15 6. Section 12 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

"(1) Where excess noise has been or is being emitted from premises, an inspector may, by notice in writing given—

- (a) to the occupier of the premises; and
- 20 (b) where the noise is caused by the operation of a motor vehicle that is not owned by the occupier of the premises—to the owner of the vehicle;

25 direct that the occupier of the premises and, where paragraph (b) applies, the owner of the vehicle, neither cause nor permit excessive noise to be emitted from the premises during a specified period."

Contents of notice

7. Section 13 of the Principal Act is amended by inserting the following paragraph after paragraph (a):

- 30 "(aa) where paragraph 12 (1) (b) applies—the description and registration number of the motor vehicle;"

Non-compliance with notice—offences

8. Section 15 of the Principal Act is amended by adding at the end the following subsection:

“(2) Where a noise direction given under paragraph 12 (1) (b) to the owner of a motor vehicle is in force, the owner of the vehicle shall not, in contravention of the notice, cause or permit noise to be emitted through the operation of the vehicle from the premises to which the notice refers.

5 **Penalty:**

- (a) in the case of a natural person—50 penalty units;
- (b) in the case of a body corporate—250 penalty units.”.

Power of entry etc.—non-domestic premises

9. Section 26 of the Principal Act is amended—

- 10 (a) by inserting in paragraphs (3) (a) and (c) “motor vehicle,” after “any”; and
- (b) by omitting paragraph (3) (g) and substituting the following paragraph:
 - “(g) require the occupier to supply—
 - 15 (i) his or her name and address; and
 - (ii) the name and address of the owner of each motor vehicle on the premises or, if they are not known, such information that would assist in ascertaining the name and address of such owner as is
 - 20 reasonably available to the occupier of the premises.”.

NOTE

Principal Act

- 1. Reprinted as at 28 February 1995. See also Acts Nos. 25 and 46, 1995.