

NORTHERN TERRITORY OF AUSTRALIA
SUMMARY OFFENCES AMENDMENT ACT (No. 3) 1996

No.46 of 1996

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Undue noise at social gathering after midnight
5. Undue noise
6. Noise abatement orders
7. Regulatory offences



NORTHERN TERRITORY OF AUSTRALIA

No. 46 of 1996

AN ACT

to amend the *Summary Offences Act*

[Assented to 31 October 1996]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act* 1978 of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Summary Offences Amendment Act (No. 3) 1996*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Summary Offences Act* is in this Act referred to as the Principal Act.

4. UNDUE NOISE AT SOCIAL GATHERING AFTER MIDNIGHT

Section 53A of the Principal Act is amended -

(a) by omitting from subsection (2) "Subject to subsection (3), where," and substituting "Where,"; and

(b) by omitting subsection (3).

Summary Offences Amendment (No. 3)

5. UNDUE NOISE

Section 53B of the Principal Act is amended -

- (a) by inserting after subsection (2) the following:

"(2A) A direction under subsection (1) or (2) -

- (a) may be given by reference to a period of hours during which, or specific times when, the noise is to be stopped or abated; and
- (b) in any event, shall remain in force for not more than 48 hours.";
- (b) by omitting subsection (3) and substituting the following:

"(3) A person who has been directed under subsection (1) or (2) to stop or abate undue noise and who, other than during the period of 10 minutes immediately after being so directed -

- (a) continues to make the noise or continues to cause or permit the noise to be made; or
- (b) does not abate the noise,

in contravention of the direction is guilty of an offence.

Penalty: \$2,000."; and

- (c) by omitting subsection (4).

6. NOISE ABATEMENT ORDERS

Section 53D of the Principal Act is amended by adding at the end the following:

"(4) Where -

- (a) a direction has been given under section 53A or 53B; and
- (b) a member is satisfied that another person requires the name and address of the person to whom the direction was given for the purposes of making a complaint under subsection (1) in respect of that person or instituting any civil suit or proceeding in respect of the noise the subject of the direction,

the member may provide the other person with the name and address of the person to whom the direction was given.

Summary Offences Amendment (No. 3)

"(5) Where the Court makes an order under subsection (2), the Court may order the defendant to pay to the complainant such costs as it thinks fit.

"(6) Where the Court refuses to make an order under subsection (2), the Court shall not award costs against the complainant unless the Court is satisfied that the complaint made was vexatious or unreasonable."

7. REGULATORY OFFENCES

Section 91AA of the Principal Act is amended by omitting "45B," and substituting "45B, 53A(2), 53B(3),".
