

NORTHERN TERRITORY OF AUSTRALIA
SUMMARY OFFENCES AMENDMENT ACT 1994

No. 7 of 1994

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NORTHERN TERRITORY OF AUSTRALIA

No. 7 of 1994

AN ACT

to amend the *Summary Offences Act*

[Assented to 16 March 1994]

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 1994*.

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 paragraph (a) "apparently at the time in charge" and substituting "who is the occupier";
 - (b) by omitting from subsection (1)(b) all words after "cannot be ascertained," and substituting "the person responsible for the noise or in charge of the property producing the noise,"; and
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- (c) by omitting subsections (2) and (3) and substituting the following:

"(2) Subject to subsection (3), where, at any time during the period of 12 hours immediately after a person has been directed under subsection (1) to stop or abate undue noise (other than the period of 10 minutes after the direction is given), undue noise comes from the premises or part of the premises in respect of which the complaint was made, the person to whom the direction was given is guilty of an offence.

Penalty: \$2,000.

"(3) It is a defence to a prosecution for an offence against subsection (2) if the person charged proves that he was unable, by all reasonable efforts on his part, to prevent the noise occurring."

5. UNDUE NOISE

Section 53B(3) of the Principal Act is amended by omitting "\$200" and substituting "\$2,000".

6. NOISE ABATEMENT ORDERS

Section 53D(3) of the Principal Act is amended by omitting "\$200" and substituting "\$2,000".

7. NEW SECTIONS

The Principal Act is amended by inserting after section 53D the following:

"53E. POWERS OF POLICE

"(1) For the purposes of giving a direction under section 53A or 53B, a member of the Police Force may enter the premises or the part of the premises from which the noise is coming together with such assistance and using such force as the member considers reasonable for the purpose.

"(2) A member of the Police Force who enters premises or a part of premises under this section may require a person in the premises or the part to answer a question asked for the purpose of identifying the occupier of the premises or the part or the person responsible for the noise or in charge of the property that is producing the noise.

"(3) A person asked a question under subsection (2) shall not refuse or fail to answer the question to the best of his knowledge or belief.

Penalty: \$200.

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"53F. COMPLIANCE WITH DIRECTION

"For the purposes of a prosecution of an offence against sections 53A and 53B, it is immaterial that noise coming from the premises or the part of the premises after a direction has been given is not of the same nature or of the same level as the noise to which the direction given related."

8. REGULATIONS

Section 92 of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(2) Without limiting the generality of subsection (1), the Regulations may provide for -

- (a) the payment of a prescribed amount in lieu of a penalty which may otherwise be imposed for an offence against this Act or the Regulations;
 - (b) the service of notices on persons alleged to have infringed this Act or the Regulations and particulars to be included in such notices;
 - (c) the hours during which the use of specified tools, equipment or machinery or classes of tools, equipment or machinery, the noise from which is or is likely to be audible in residential premises, is prohibited or restricted; and
 - (d) penalties, not exceeding \$2,000, for offences against the Regulations."
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