



NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Summary Offences Act*

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. 2) 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

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(b) by omitting subsection (3).

5. UNDUE NOISE

Section 53B of the Principal Act is amended -

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

"(2A) Where a member gives a person a direction under subsection (1) or (2), the member shall specify in the direction the period during which the person is to stop or abate the noise.";

(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.

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"(5) The Court may -

- (a) where the Court makes an order under subsection (2) in favour of the complainant, order the defendant to pay to the complainant such costs as it thinks fit; or
- (b) where the Court refuses to make an order under (2), make such orders as to costs as it thinks fit."

7. REGULATORY OFFENCES

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

