

Act No. 190

## NOISE CONTROL (AMENDMENT) BILL 1987

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the State Pollution Control Commission (Amendment) Bill 1987.

The object of this Bill is to amend the Noise Control Act 1975 so as—

- (a) to abolish the Noise Advisory Committee;
- (b) to add to the circumstances in which an occupier of premises listed in the Schedule to the Principal Act is prohibited from carrying out work on the premises unless authorised by a pollution control approval or a noise control notice;
- (c) to vary in minor respects the present division in the Principal Act of the powers of authorities to serve noise control notices or to give noise abatement directions;
- (d) to enable members of the police force to obtain warrants to enter premises other than dwelling-houses in circumstances in which they may presently obtain warrants to enter dwelling-houses;
- (e) to vary the restrictions on the issue of noise abatement directions;
- (f) to omit provisions facilitating the giving of evidence and restricting the disclosure of information obtained by officers of the Commission, for which provision is intended to be made in the State Pollution Control Commission Act 1970;
- (g) to extend the time within which an authorised officer is permitted to require an occupier of premises to supply the occupier's name and address after the emission of offensive noise from the premises; and
- (h) to make minor changes for the purpose of statute law revision.

The Bill also contains savings relating to certain warrants granted and regulations made before the commencement of relevant amendments.

---

Clause 1 specifies the short title of the proposed Act.

*Noise Control (Amendment) 1987*

---

Clause 2 provides that the proposed Act will commence on a day or days to be proclaimed by the Governor-in-Council.

Clause 3 states that the Noise Control Act 1975 is referred to as the Principal Act.

Clause 4 is a formal provision giving effect to the Schedule of amendments to the Principal Act.

Clause 5 provides that the amendments to be made by the proposed Act do not affect—

- (a) any warrant granted but not executed under section 61 (Powers of entry) of the Principal Act; and
- (b) any regulation imposing a restriction on the issue of noise abatement directions under section 62 (Restrictions on noise abatement directions) of that Act.

Schedule 1 (1) repeals section 3 (Arrangement) of the Principal Act which is redundant.

Schedule 1 (2) repeals the definition of "Committee" in section 4 (Interpretation) of the Principal Act as a consequential amendment.

Schedule 1 (3) repeals Part II of the Principal Act so as to abolish the Noise Advisory Committee.

Schedule 1 (4) amends section 27 (Approval required for certain work) of the Principal Act so as to prohibit an occupier of scheduled premises from making any change to the physical features of the premises which is likely to cause or increase noise coming from them, except in accordance with a pollution control approval or noise control notice.

Schedule 1 (5) substitutes section 39 (Definition) of the Principal Act. Because of the proposed definition of "appropriate authority", the Maritime Services Board will be able to serve a noise control notice under Division 4 of Part V of that Act on an occupier of a wharf or certain other premises used in connection with vessels.

Schedule 1 (6) substitutes section 44 (Definition) of the Principal Act. Because of the proposed definition of "appropriate authority", the Maritime Services Board will be able to serve a noise control notice under Division 5 of Part V of that Act on an occupier of a wharf or certain other premises used in connection with vessels, except where they are scheduled premises.

Schedule 1 (7) amends the definition of "authorised person" in section 58 (Interpretation) of the Principal Act so as to permit a member of the police force to give noise abatement directions concerning water sport activities and to enable the Maritime Services Board to authorise officers of local or statutory authorities to give such directions.

Schedule 1 (8) amends section 61 (Powers of entry) of the Principal Act so as to enable Magistrates to grant warrants for the entry of any premises to a member of the police force in the same limited circumstances in which warrants for the entry of dwelling-houses may presently be granted.

Schedule 1 (9) amends section 61A (Powers of entry and investigations) of the Principal Act so as to apply that section to the entry of any premises by a member of the police force, not just dwelling-houses.

*Noise Control (Amendment) 1987*

---

Schedule 1 (10) substitutes section 62 (Restrictions on noise abatement directions) of the Principal Act so as to enable the Commission to direct noise abatement directions to the Crown or a person acting on behalf of the Crown or so as to affect any lawful sporting activity. As a result of the proposed amendment a noise abatement direction will also be able to be directed to a public authority or its members, officers, employees or servants.

Schedule 1 (11) and (15) amend sections 70 (Appeals to Local Courts) and 82 (Proceedings for offences) of the Principal Act for the purpose of statute law revision.

Schedule 1 (12) and (14) repeal sections 75 (Disclosure of information) and 78 (Evidence) of the Principal Act because of amendments intended to be made by the proposed State Pollution Control Commission (Amendment) Act 1987.

Schedule 1 (13) amends section 76 (Powers of authorised officers) of the Principal Act so as to extend from 24 hours to 3 days the time within which an authorised officer is permitted to require an occupier of premises to supply personal particulars after the emission of offensive noise from the premises.

---