### **NORTHERN TERRITORY OF AUSTRALIA**

# TERRITORY PARKS AND WILDLIFE CONSERVATION REGULATIONS 2001

As in force at 12 June 2024

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#### NORTHERN TERRITORY OF AUSTRALIA

As in force at 12 June 2024

# TERRITORY PARKS AND WILDLIFE CONSERVATION REGULATIONS 2001

# Regulations under the *Territory Parks and Wildlife Conservation*Act 1976

### Part 1 Preliminary matters

#### 1 Citation

These Regulations may be cited as the *Territory Parks and Wildlife Conservation Regulations 2001*.

#### 1A Definitions

In these Regulations:

*infringement notice*, see regulation 7.

*infringement offence*, means an offence against a provision of the Act specified in Schedule 3, column 1.

**prescribed amount**, for an infringement offence, means the amount equal to the monetary value of the number of penalty units specified in Schedule 3, column 2 opposite the offence provision.

# 1B Expiry of application of By-laws to joint management parks and reserves

For section 25APA(5)(b) of the Act, 1 July 2027 is prescribed.

Note for regulation 1B

Under section 25APA(5) of the Act, the Territory Parks and Wildlife Conservation By-laws 1984 may cease to have effect on an earlier day specified in a by-law made for a joint management park or reserve under section 25AQ of the Act.

### Part 2 Animals and plants

#### 2 Prescribed classifications (section 28)

- (1) The classifications for classifying the conservation status of wildlife in the Territory are the categories known as the IUCN Red List Categories as prepared by the IUCN Species Survival Commission and approved by the IUCN Council from time to time.
- (2) In subregulation (1):

**IUCN** means the International Union for Conservation of Nature and Natural Resources.

### 3 Protected wildlife (section 43(2))

All species of threatened wildlife, whether identified by classification or species, are protected wildlife.

#### 4 Animals that are not prohibited entrants (section 52)

Animals of a species of animal specified in Schedule 1 are not prohibited entrants.

# 4A Grant of permit in relation to joint management park or reserve: matters to consider and take into account (section 56)

For section 56(1)(h) of the Act, the Director must consider and take into account the following in deciding whether to grant or refuse to grant a permit in relation to a joint management park or reserve:

- (a) the relevant agreements for the park or reserve;
- (b) any joint management plan for the park or reserve;
- (c) the objective of joint management mentioned in section 25AB of the Act;
- (d) the principles of joint management mentioned in section 25AC of the Act;
- (e) if there is no joint management plan for the park or reserve any agreement under section 25AK(3) of the Act.

#### 5 Authority to kill snakes (section 66(1))

For the purposes of section 66(1) of the Act, a person is authorised to kill or injure a snake that is protected wildlife if:

(a) the snake is within 100 metres of an occupied building; or

(b) the person honestly believes that it is necessary to kill or injure the snake to avoid an immediate danger of death or injury to a person or a domestic animal.

#### 6 Advance payments in respect of royalties (section 116(3)(a))

For the purposes of section 116(3)(a) of the Act:

- (a) the holder of a permit may, at the time the permit is granted or at any other time before wildlife is taken under the permit, pay the amount specified in column 3 of Schedule 2 for each unit of quantity specified opposite in column 2 of Schedule 2 of the wildlife specified opposite in column 1 of Schedule 2 to be taken under the permit; and
- (b) an amount paid under paragraph (a) is to be credited towards royalties subsequently payable by the holder of the permit to the Territory in respect of wildlife actually taken under the permit.

#### Part 3 Infringement notices

# 7 When infringement notice for infringement offence may be served

If a conservation officer reasonably believes a person has committed an infringement offence, the officer may serve a notice (an *infringement notice*) on the person.

#### 8 Contents of infringement notice

- (1) The infringement notice must specify the following particulars:
  - (a) the name and address of the alleged offender, if known;
  - (b) the date of the infringement notice;
  - (c) the date, time and place of the infringement offence;
  - (d) a description of the infringement offence and the prescribed amount payable for the offence;
  - (e) the enforcement agency, as defined in the *Fines and Penalties* (*Recovery*) *Act 2001*, to whom the prescribed amount is payable.

- (2) An infringement notice must include a statement to the effect of the following:
  - (a) the alleged offender may expiate the infringement offence and avoid further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after service of the notice;
  - (b) the alleged offender may elect under section 21 of the Fines and Penalties (Recovery) Act 2001 to have the matter dealt with by a court instead of under that Act by completing a statement of election and serving it on the specified enforcement agency;
  - (c) if the alleged offender does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act 2001* including (but not limited to) action for the following:
    - (i) suspension of the alleged offender's licence to drive;
    - (ii) suspension of the alleged offender's vehicle registration;
    - (iii) seizure of personal property of the alleged offender;
    - (iv) deduction of an amount from the alleged offender's wages or salary;
    - (v) registration of a statutory charge on land owned by the alleged offender;
    - (vi) making of a community work order for the alleged offender which may result in imprisonment of the alleged offender if the alleged offender breaches the order.
- (3) Also, the infringement notice must include the statement of election mentioned in subregulation (2)(b).

#### 9 Payment by cheque

If the alleged offender tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

#### 10 Withdrawal of infringement notice

(1) The Director may withdraw the infringement notice by written notice served on the alleged offender.

(2) The notice must be served within 28 days after service of the infringement notice but before payment of the prescribed amount.

#### 11 Application of Part

- (1) This Part does not prejudice or affect the start or continuing of proceedings for an infringement offence for which an infringement notice has been served unless the offence is expiated.
- (2) Also, this Part does not prevent more than one infringement notice for the same infringement offence being served on an alleged offender and, to expiate the offence, it is sufficient for the alleged offender to pay the prescribed amount in accordance with any of the notices.
- (3) In addition, this Part does not:
  - (a) require an infringement notice to be served; or
  - (b) affect the liability of a person to be prosecuted in a court for an infringement offence for which an infringement notice has not been served.

### Schedule 1 Animals that are not prohibited entrants

Bali Cattle

Horse

regulation 4

#### **Mammals**

Equus caballus

Bos javanicus Bos taurus Cattle Bos indicus Cattle Bubalus bubalis Buffalo Camelus dromedarius Camel

Canis familiaris Dog Capra hircus Goat

Carvia porcellus Guinea Pig Equus asinus Donkey

Felis catus Cat

Mus musculus Mouse (laboratory strain) Oryctolagus cuniculus Rabbit (domestic varieties)

Ovis aries Sheep

Rattus rattus Rat (laboratory strain)

Sus scrofa Pig

#### **Birds**

Agapornis spp. Lovebirds Alisterus scapularis King Parrot

Amadina fasciata **Cut-throat Finch** 

Amandava subflava Orange-breasted Waxbill

**Domestic Duck** Anas platyrhynchos

Anser anser Domestic (Grey-lag) Goose

Anser cygnoides Goose

Cacatua tenuirostris Long-billed Corella Cairina moschata Muscovy Duck

Carduelis carduelis European Goldfinch

Carduelis chloris Greenfinch Estrilda melpoda

Catreus wallichii Cheer Pheasant

Chrysolophus amherstiae Lady Amherst Pheasant

Chrysolophus pictus Golden Pheasant
Columba livia Domestic Pigeon
Coturnix coturnix Domestic Quail
Coturnix chinensis Chinese Quail

Cyanoramphus novaezelandiae Kakariki (Red-fronted Parakeet)

Orange-cheeked Waxbill

Eclectus roratus Eclectus Parrot

Erythrura trichroa Blue-faced Parrot-finch
Estrilda astrild Saint Helena Waxbill

Gallus gallus Domestic Fowl

Glossopsitta concinna Musk Lorikeet

Glossopsitta porphyrocephala Purple-crowned Lorikeet

Glossopsitta pusilla Little Lorikeet

Lagonosticta senegala African Firefinch

Lophura nycthemera Silver Pheasant

Meleagris galloparvo Turkey

Neophema elegansElegant ParrotNeophema pulchellaTurquoise Parrot

Numidia meleagris Guineafowl

Pavo cristatus Common Peafowl

Platycercus adscitus Pale-headed Rosella

Platycercus elegansCrimson RosellaPlatycercus elegansCrimson RosellaPlatycercus eximiusEastern RosellaPlatycercus icterotisWestern RosellaPolytelis anthopeplusRegent ParrotPolytelis swainsoniiSuperb Parrot

Psephotus chrysopterygius Golden-shouldered Parrot

Psephotus haematonotus Red-rumped Parrot

Psittacula cyanocephala Plum-headed Parakeet

Serinus canaria Canary

Stagonopleura guttata Diamond Firetail

Tiaris canora	Cuban Finch
Trichoglossus chlorolepidotus	Scaly-breasted Lorikeet
Uraeginthus spp.	Cordon Bleu Finches

## Schedule 2

regulation 6

### Advance payments in respect of royalties

Column 1	Column 2	Column 3
Wildlife (scientific name)	Unit of quantity	Amount per unit (revenue units unless otherwise stated)
Animals		
Anseranas semipalmata	per egg	\$0.45
Calyptorhynchus banksii	per egg	nil
	per hatchling	nil
Crocodylus johnstoni	per egg	\$1.15
	per hatchling	\$5.75
	adult < 1.5 m	11
	adult > 1.5 m	11
Crocodylus porosus	per viable egg	\$1.40
	per hatchling	\$8.60
	adult < 2 m	28
	adult > 2 m	40
Plant Seeds		
Abrus precatorius	per kg	11
Acacia acradenia	per kg	13
Acacia argyraea	per kg	\$8.00
Acacia aulacocarpa	per kg	14
Acacia auriculiformis	per kg	28
Acacia colei	per kg	\$5.75
Acacia cowleana	per kg	\$5.75
Acacia dictyophleba	per kg	\$8.60
Acacia difficilis	per kg	11
Acacia dimidiate	per kg	11
Acacia dunnii	per kg	\$5.75
Acacia gonocarpa	per kg	17

Column 1	Column 2	Column 3
Wildlife (scientific name)	Unit of quantity	Amount per unit (revenue units unless otherwise stated)
Acacia gonoclada	per kg	\$8.60
Acacia hammondii	per kg	\$8.60
Acacia hemignosta	per kg	11
Acacia holosericea	per kg	\$6.90
Acacia kempeana	per kg	\$6.90
Acacia latescens	per kg	\$5.75
Acacia lysiphloia	per kg	\$8.60
Acacia melleodora	per kg	\$8.60
Acacia monticola	per kg	\$9.20
Acacia mountfordiae	per kg	11
Acacia multisiliqua	per kg	11
Acacia nuperrima	per kg	43
Acacia oncinocarpa	per kg	11
Acacia platycarpa	per kg	\$6.90
Acacia plectocarpa	per kg	\$9.20
Acacia retivenea	per kg	\$9.20
Acacia shirleyi	per kg	17
Acacia simsii	per kg	\$8.60
Acacia torulosa	per kg	\$8.60
Acacia tropica	per kg	23
Acacia tumida	per kg	\$5.75
Acacia umbellate	per kg	11
Acacia victoriae	per kg	\$5.75
Acacia wickhamii	per kg	17
Adenanthera pavonia	per kg	\$5.75
Albizia lebbeck	per kg	\$5.75
Alphitonia excelsa	per kg	\$5.75
Asteromyrtus symphyocarpa	per kg	14
Astrebla sp.	per kg	\$1.15
Atalaya hemiglauca	per kg	\$5.75

Column 1	Column 2	Column 3
Wildlife (scientific name)	Unit of quantity	Amount per unit (revenue units unless otherwise stated)
Atriplex nummularia	per kg	11
Banksia dentate	per 100 seeds	\$8.60
Bombax ceiba	per kg	11
Brachychiton diversifolius	per kg	12
Brachychiton megaphyllus	per kg	17
Brachychiton paradoxus	per kg	17
Buchanania obovata	per kg	17
Callitris intratropica	per kg	11
Canarium australianum	per 100 seeds	11
Carpentaria acuminate	per 100 seeds	\$1.40
Cassia artemisioides	per kg	\$6.90
Cassia desolata	per kg	\$6.90
Cassia glutinosa	per kg	\$8.60
Cassia notabilis	per kg	\$5.75
Cassia oligophylla	per kg	\$6.90
Cassia sturtii	per kg	\$8.60
Casuarina equisetifolia	per kg	\$8.60
Clianthus formosus	per kg	11
Cochlospermum fraseri	per kg	11
Cycas angulata R.Br.	per 100 seeds	\$2.30
Cycas armstrongii Miq.	per 100 seeds	\$1.15
Cycas brunnea	per 100 seeds	11
Cycas calcicola Maconochie	per 100 seeds	\$5.75
Cycas canalis subsp. canalis	per 100 seeds	\$2.30
Cycas canalis subsp. carinata	per 100 seeds	\$2.30
Cycas conferta	per 100 seeds	\$2.30
Cycas maconochieana	per 100 seeds	\$2.30
Cycas pruinosa Maconochie	per 100 seeds	\$2.30
Dodonaea platyptera	per kg	11
Enchylaena tomentose	per kg	11

Column 1	Column 2	Column 3
Wildlife (scientific name)	Unit of quantity	Amount per unit (revenue units unless otherwise stated)
Erythrophleum chlorostachys	per kg	\$9.20
Eucalyptus alba	per kg	14
Eucalyptus apodophylla	per kg	11
Eucalyptus argillacea	per kg	11
Eucalyptus aspera	per kg	11
Eucalyptus bigalerita	per kg	11
Eucalyptus bleeseri	per kg	17
Eucalyptus brevifolia	per kg	11
Eucalyptus camaldulensis	per kg	14
Eucalyptus chlorophylla	per kg	11
Eucalyptus clavigera	per kg	14
Eucalyptus confertiflora	per kg	14
Eucalyptus dichromophloia	per kg	14
Eucalyptus ferruginea	per kg	14
Eucalyptus foelscheana	per kg	15
Eucalyptus grandifolia	per kg	14
Eucalyptus herbertiana	per kg	11
Eucalyptus latifolia	per kg	15
Eucalyptus leucophloia	per kg	11
Eucalyptus microtheca	per kg	\$8.60
Eucalyptus miniata	per kg	17
Eucalyptus nesophila	per kg	11
Eucalyptus normantonensis	per kg	14
Eucalyptus pachyphylla	per kg	\$10.35
Eucalyptus papuana	per kg	14
Eucalyptus patellaris	per kg	11
Eucalyptus phoenicea	per kg	17
Eucalyptus polycarpa	per kg	23
Eucalyptus pruinosa	per kg	17
Eucalyptus ptychocarpa	per kg	23

Column 1	Column 2	Column 3
Wildlife (scientific name)	Unit of quantity	Amount per unit (revenue units unless otherwise stated)
Eucalyptus setosa (red)	per kg	37
Eucalyptus tectifica	per kg	14
Eucalyptus terminalis	per kg	14
Eucalyptus tetrodonta	per kg	11
Eucalyptus tintinnans	per kg	11
Euodia elleryana	per kg	\$5.75
Gossypium sturtianum	per kg	23
Grevillea decurrens	per kg	34
Grevillea dryandra	per kg	43
Grevillea Formosa	per kg	43
Grevillea goodie	per kg	34
Grevillea mimosoides	per kg	34
Grevillea parallela	per kg	34
Grevillea pteridifolia	per kg	34
Grevillea refracta	per kg	43
Grevillea striata	per kg	34
Grevillea wickhamii	per kg	43
Gyrocarpus americanus	per kg	\$5.75
Hakea arborescens	per kg	34
Ipomea brasiliensis	per kg	11
Leptospermum parviflorum	per kg	11
Livistona benthamii	per 100 seeds	\$2.85
Livistona humilis	per 100 seeds	\$1.70
Livistona inermis	per 100 seeds	\$3.45
Livistona rigida	per 100 seeds	\$2.85
Macrozamia macdonnellii	per 100 seeds	11
Melaleuca argentea	per kg	14
Melaleuca bracteata	per kg	11
Melaleuca dealbata	per kg	11
Melaleuca leucadendra	per kg	11

Column 1	Column 2	Column 3
Wildlife (scientific name)	Unit of quantity	Amount per unit (revenue units unless otherwise stated)
Melaleuca minutifolia	per kg	11
Melaleuca nervosa	per kg	17
Melaleuca viridiflora	per kg	11
Owenia vernicosa	per 100 seeds	\$8.60
Pandanus spiralis	per 100 seeds	\$8.60
Petalostigma pubescens	per kg	14
Pongamia pinnata	per kg	11
Ptilotus exaltatus	per kg	\$8.60
Sesbania cannabina	per kg	\$4.30
Syzygium armstrongii	per 100 seeds	\$5.75
Syzygium eucalyptoides	per 100 seeds	\$5.75
Syzygiunm minutiflorum	per 100 seeds	\$5.75
Syzygium suborbiculare	per 100 seeds	\$2.85
Terminalia arostrata	per kg	\$4.60
Terminalia canescens	per kg	\$8.60
Terminalia carpentariae	per kg	\$5.75
Terminalia ferdinandiana	per kg	\$5.75
Terminalia platyphylla	per kg	11
Terminalia platyptera	per kg	\$5.75
Terminalia seriocarpa	per kg	\$5.75
Terminalia volucris	per kg	\$8.60
Triodia wiseana	per kg	\$3.45
Xanthostemon paradoxus	per kg	28
Whole Plants		
Acacia auriculiformis	per tree	\$9.20
Bambusa arnhemica	per stem	\$0.55
Erythropleum chlorostachys	per tree	11
Eucalyptus bigalerita	per tree	\$9.20
Eucalyptus confertiflora	per tree	\$9.20

Column 1	Column 2	Column 3
Wildlife (scientific name)	Unit of quantity	Amount per unit (revenue units unless otherwise stated)
Eucalyptus ferruginea	per tree	\$9.20
Eucalyptus grandiflora	per tree	\$9.20
Eucalyptus miniata	per tree	\$9.20
Eucalyptus papuana	per tree	\$9.20
Eucalyptus polycarpa	per tree	\$9.20
Eucalyptus tetradonta	per tree	\$9.20
Melaleuca leucadendra	per tree	\$9.20
Didgeridoos		
All species	per stick	\$1.15
Leaves		
Cycas armstrongii Miq.	per 100 leaves	\$3.45
Cycas maconochieana	per 100 leaves	\$3.45
Fruits		
Terminalia ferdinandiana	per kg	\$1.15
Firewood		
Acacia aneura (mulga)	per tonne	\$5.75
Acacia estrophiolata (ironwood)	per tonne	\$5.75
Eucalyptus camaldulensis (redgum)	per tonne	\$5.75
Boomerangs		
Acacia aneura (mulga)	per stick	\$1.15

# Schedule 3 Infringement offences and prescribed amounts

regulation 1A, definitions *infringement* offence and prescribed amount

Column 1	Column 2
Offence provision	Prescribed amount
Section 21H(1)	5 penalty units
Section 21J(1)	5 penalty units
Section 25AKI(1)	5 penalty units
Section 25AKJ(1)	5 penalty units
Section 40(3)	2 penalty units
Section 46(2)	5 penalty units
Section 49(2)	10 penalty units
Section 67A	10 penalty units
Section 67B	10 penalty units
Section 67C(3)	2 penalty units
Section 67D	3 penalty units
Section 67E(1)	3 penalty units
Section 69	1 penalty unit

#### **ENDNOTES**

#### 1 **KEY**

Key to abbreviations

amd = amended od = order app = appendix om = omitted bl = by-law pt = Part

ch = Chapter r = regulation/rule cl = clause rem = remainder div = Division renum = renumbered

exp = expires/expired rep = repealed f = forms s = section Gaz = Gazette sch = Schedule hdg = heading sdiv = Subdivision

ins = inserted SL = Subordinate Legislation

It = long title sub = substituted

nc = not commenced

#### 2 LIST OF LEGISLATION

#### Territory Wildlife Regulations (SL No. 1, 2001)

Notified 14 February 2001 Commenced 14 February 2001

#### Amendment of Territory Wildlife Regulations (SL No. 2, 2004)

Notified 4 February 2004 Commenced 4 February 2004

#### Territory Wildlife Amendment (Infringement Notices) Regulations 2007 (SL No. 1, 2007)

Notified 7 February 2007 Commenced 7 February 2007

#### Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)

Notified 14 December 2009 Commenced 1 January 2010 (r 2)

# Territory Parks and Wildlife Conservation Legislation Amendment Act 2010 (Act No. 34,

2010)

Assent date 18 November 2010

Commenced 6 December 2010 (Gaz S66, 6 December 2010)

### Statute Law Amendment (Territory Economic Reconstruction) Act 2022 (Act No. 5,

2022)

Assent date 14 April 2022

Commenced pt 7: 25 May 2023 (Gaz G11, 25 May 2023, p 2); rem: 25 May 2022 (*Gaz* G21, 25 May 2022, p 1)

#### Parks and Water Legislation Amendment Act 2024 (Act No., 2024)

Assent date 11 June 2024

Commenced pt 3: 2 July 2024 (s 2(2)); rem: 12 June 2024 (s 2(1))

#### 3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 and 8.

#### 4 LIST OF AMENDMENTS

pt 1 hdg r 1	ins No. 1, 2007, r 3 amd No. 1, 2007, r 4
r 1A	ins No. 1, 2007, r 5 amd Act No. 13, 2024, s 22
r 1B	ins Act No. 13, 2024, s 23
pt 2 hdg	ins No. 1, 2007, r 6
r 3	sub No. 2, 2004
r 4A	ins Act No. 13, 2024, s 24
pt 3 hdg	ins No. 1, 2007, r 7
r 7	sub No. 1, 2007, r 7
rr 8 – 11	ins No. 1, 2007, r 7
sch 2	sub No. 34, 2009, r 11
sch 3	sub No. 1, 2007, r 8
	amd Act No. 34, 2010, s 6; Act No. 5, 2022, s 131; Act No. 13, 2024, s 25