

NORTHERN TERRITORY OF AUSTRALIA

TERRITORY PARKS AND WILDLIFE CONSERVATION ACT

As in force at 25 March 1998

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 25 March 1998

TERRITORY PARKS AND WILDLIFE CONSERVATION ACT

An Act to make provision for and in relation to the establishment of Territory Parks and other Parks and Reserves and the study, protection, conservation and sustainable utilisation of wildlife

Part I Preliminary

1 Short title

This Act may be cited as the *Territory Parks and Wildlife Conservation Act*.

2 Commencement

- (1) Sections 1 and 2 and Parts V, VI, VII, VIII, IX and X of this Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette* as the date on which those sections come into operation.
- (2) The remaining sections of this Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette* as the date on which those remaining sections come into operation.

3 Repeal

The Ordinances listed in the Schedule are repealed.

4 Transitional

- (1) Notwithstanding the repeals effected by section 3, the by-laws in force under the *National Parks and Gardens Act* immediately before the commencement of this Act are, in relation to the land in relation to which they operated immediately before the commencement of this Act, as valid and effectual as if when they were made this Act had been in operation and they had been made by the Commission under this Act, and they shall continue in force but may be amended or repealed by by-laws made under this Act.
- (2) For the purposes of subsection (1), section 71 empowers the Commission to make by-laws in relation to land that, immediately

before the commencement of this Act, was committed to the care, control and management of the Reserves Board under section 13(1) of the *National Parks and Gardens Act* as though that land was declared under this Act to be a reserve under the *Crown Lands Act*.

5 Management of land formerly held by Reserves Board

- (1) Notwithstanding the repeals effected by section 3 but subject to this Act, land that immediately before the commencement of this Act was committed to the care, control and management of the Reserves Board under section 13(1) of the *National Parks and Gardens Act* continues to be committed to the care, control and management of the Commission as though that Act had not been repealed but the Commission had, by virtue of this Act, assumed the assets, rights and liabilities of the Reserves Board.
- (2) The commission of an area of land, or of a part of an area of land, to the Commission may be revoked in like manner to the manner in which the commission of an area of land or of a part of an area of land to the Reserves Board could have been revoked immediately before the commencement of this Act.

6 Protected area under *Wildlife Conservation and Control Act*

Where, immediately before the commencement of this Act, an area of land was a protected area under the *Wildlife Conservation and Control Act*, that area continues to be a protected area as though the declaration was made under this Act but the declaration may be revoked by action taken under this Act.

7 Transfer of employees

- (1) At the commencement of this Act all persons employed by the Northern Territory Reserves Board under the *National Parks and Gardens Act* shall become employees of the Commission on the same terms under which they were employed immediately before the commencement of this Act.

8 Transfer of rights, assets and liabilities

- (1) The rights, assets and liabilities of the Northern Territory Reserves Board existing immediately before the commencement of this Act are acquired and accepted by the Commission.
- (2) The Commission shall carry out, complete and give effect to all dealings, transactions or matters that the Northern Territory Reserves Board was required to carry out, complete or give effect to at the commencement of this Act as if the Commission were that Board and exercising its powers and functions under the *National*

Parks and Gardens Act.

- (3) All documents and things existing at the commencement of this Act and executed by or signed on behalf of the Northern Territory Reserves Board shall be construed as if those documents or things were executed by or signed on behalf of the Commission, and all references in those documents or things to the Northern Territory Reserves Board shall be read as references to the Commission.
- (4) Notwithstanding any law of the Territory, the Registrar-General shall, after the commencement of this Act, without other authority than this Act, upon application by the Commission, amend all references in the registers kept under the *Real Property Act* to the Northern Territory Reserves Board, to read as references to the Commission.

9 Interpretation

- (1) In this Act, unless the contrary intention appears:

Aboriginal means a member of the Aboriginal race of Australia.

Aboriginal land has the same meaning as in the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Aboriginal Land Council means the Aboriginal Land Council established under section 21 of the *Aboriginal Land Rights (Northern Territory) Act 1976* for the area that contains the particular area of Aboriginal land.

aircraft means a machine or apparatus that can derive support in the atmosphere from the reactions of the air or from buoyancy, and includes a glider or hang-glider but does not include a hovercraft.

animal means any member of the animal kingdom (other than man).

article includes a substance or a mixture of substances.

Commission means the Commission within the meaning of the *Parks and Wildlife Commission Act*.

conservation officer means a person appointed to be a conservation officer under section 92.

Corporation means the Conservation Land Corporation within the meaning of the *Parks and Wildlife Commission Act*.

Crown land means land:

- (a) held by the Territory for an estate in fee simple; or
- (b) in respect of which neither a lease granted by the Territory or the Commonwealth is in force nor an estate in fee simple has been granted by the Territory.

Council means the Territory Parks and Wildlife Advisory Council established by this Act.

Director means the Director within the meaning of the *Parks and Wildlife Commission Act*.

honorary conservation officer means:

- (a) a person appointed to be an honorary conservation officer under section 92; or
- (b) a person who is an honorary conservation officer by virtue of section 93.

hovercraft means a vehicle designed to be supported on a cushion of air.

land includes the sea above any part of the sea bed of the Territory.

member means a member of the Commission.

minerals means:

- (a) minerals or extractive minerals, within the meaning of the *Mining Act*;
- (b) petroleum, within the meaning of the *Petroleum Act*; or
- (c) petroleum, within the meaning of the *Petroleum (Submerged Lands) Act*.

mining interest means:

- (a) an exploration licence, exploration retention licence or mining tenement (other than a mineral claim), within the meaning of the *Mining Act*;
- (b) a licence or permit, within the meaning of the *Petroleum Act*, or a licence or permit granted under the *Petroleum (Prospecting and Mining) Act 1954-1981* and kept in force by virtue of section 119 of the *Petroleum Act*; or

- (c) an access authority, special prospecting authority, lease, licence or permit, within the meaning of the *Petroleum (Submerged Lands) Act*.

operations for the recovery of minerals includes prospecting or exploration for minerals.

park means a park declared under section 12.

pest means an animal declared by this Act or the Regulations to be a pest, while it is a pest.

Place Names Committee means the Place Names Committee for the Northern Territory established under the *Place Names Act*.

plan of management means a plan of management in force under section 18.

plant means any member, alive or dead, of the plant kingdom or of the fungus kingdom, and includes seeds and parts of plants and things produced from plants.

Police Force or **Police Force of the Territory** means the Police Force of the Northern Territory within the meaning of the *Police Administration Act*.

private land means any land which is not Crown land.

progeny means the offspring of an animal and includes live ova and live sperm and an animal in an egg or in an embryonic form.

prohibited entrant shall be construed in accordance with section 27(2).

protected animal means an animal declared by this Act or the Regulations to be a protected animal, while it is a protected animal.

protected area means a protected area declared under section 22.

protected plant means a plant declared by or under section 45 or the Regulations to be a protected plant, and includes a specially protected plant.

reserve means a reserve declared under section 12.

sanctuary means a sanctuary declared by or under section 25A.

specially protected animal means an animal declared by the Regulations to be a specially protected animal.

specially protected plant means a plant declared by or under section 45 or the Regulations to be a specially protected plant.

State means a State of Australia.

take means:

- (a) in relation to an animal – to hunt, catch, restrain or kill, or attempt or assist to hunt, catch, restrain or kill, the animal; and
- (b) in relation to a plant – to sever, remove, damage or destroy, or assist to sever, remove, damage or destroy, the plant.

this Act includes the Regulations.

traffic sign means a sign displayed on, above or adjacent to a road or public place, being a sign which gives or a combination of signs which together give a direction to traffic, and includes a mark made upon a road.

unprotected animal means an animal declared by the Regulations to be an unprotected animal, while it is an unprotected animal.

vehicle includes a hovercraft.

vertebrate means an animal that is:

- (a) a mammal;
- (b) a bird;
- (c) a reptile; or
- (d) an amphibian.

vessel means a ship, boat, raft or pontoon or any other thing capable of carrying persons or goods through or on water, but does not include a hovercraft.

wilderness zone means a wilderness zone declared under section 12.

wildlife means:

- (a) animals and plants that are indigenous to Australia;
- (b) animals and plants that are indigenous to the Australian coastal sea or the sea-bed and subsoil beneath that sea;
- (c) migratory animals that periodically or occasionally visit Australia or the Australian coastal sea;

- (d) animals and plants of a kind introduced into Australia, directly or indirectly, by Aboriginals before the year 1788; and
 - (e) such other animals and plants as are prescribed.
- (2) In this Act, a reference to the sea-bed includes a reference to the surface of any coral formation, and a reference to the subsoil includes a reference to the coral beneath the surface of any such formation.
- (3) In this Act, a reference to public notice is a reference to notice published:
- (a) in the *Gazette*;
 - (b) in a local newspaper, if any, circulating in the area concerned; and
 - (c) in a newspaper circulating throughout the Territory.
- (4) The Minister may, by notice in the *Gazette*, declare land to be a park or reserve for the purposes of the *Petroleum Act*, *Petroleum (Submerged Lands) Act* or section 176A of the *Mining Act*.
- (5) The Minister shall not, under subsection (4), declare land to be a park or reserve unless he has the agreement of the minister administering the relevant Act to that land being so declared.

10 Act binds the Crown

This Act binds the Crown.

Part II Parks and reserves

11 Object of this Part

The object of this Part is to make provision for the establishment and management of parks and reserves appropriate to be established by the Administrator.

12 Parks and reserves established by Administrator

- (1) Subject to this section and to section 14, the Administrator may:
- (a) by notice in the *Gazette*, declare an area of land to be a park or reserve, whether or not a person, other than the Territory, holds a right, title or interest, including:
 - (i) a right, title or interest (including a lease) held by the Corporation; and

- (ii) any native title rights and interests within the meaning of the *Native Title Act 1993* of the Commonwealth,
in respect of the land or a part of the land (including any subsoil);
 - (aa) by the same notice in the *Gazette*, declare that, notwithstanding subsection (7), a right, title or interest held by the Territory in respect of the land, or a part of the land, (including any subsoil) within the park or reserve does not, on the declaration of the park or reserve, vest in the Corporation; and
 - (b) by the same or by another notice in the *Gazette*, declare the whole or a specified part of the park or reserve to be a wilderness zone.
- (1A) Notwithstanding the declaration under subsection (1) of an area of land to be a park or reserve, nothing in this Act is to be taken to affect or derogate from a right, title or interest, including any native title rights and interests within the meaning of the *Native Title Act 1993* of the Commonwealth, held by a person other than the Territory or the Corporation in respect of the land or a part of the land (including any subsoil).
- (2) The Commission may, after receiving a report from the Place Names Committee, assign a name to a park or reserve or a proposed park or proposed reserve.
- (3) A notice under subsection (1) declaring an area to be a reserve may specify the purpose or purposes for which it is so declared.
- (4) Where a plan of management is in force in relation to a park or reserve, a declaration shall not be made under subsection (1) in relation to the park or reserve except in accordance with the plan of management.
- (6) Where an area is declared by notice under subsection (1) to be a park or reserve:
- (a) the subsoil beneath any land within the area;
 - (b) the bed of any stream, lake, inlet or other water within the area; and
 - (c) the subsoil beneath any such bed,
- except in so far as they are, in the notice, expressly declared to be not within that park or reserve, shall be taken to be within that park or reserve.

- (7) Except where a declaration is made under subsection (1)(aa) in relation to land, on the declaration of a park or reserve under subsection (1), all right, title and interest both legal and beneficial held by the Territory in respect of the land (including any subsoil) within the park or reserve, but not in respect of any minerals, becomes, by force of this subsection, vested in the Corporation.
- (8) Where any land is acquired by the Territory for the purposes of this section, the Minister shall, as soon as practicable after the acquisition, but subject to compliance with section 14, cause the carrying out of that purpose to be submitted for consideration by the Administrator.

13 Revocation of parks, reserves or sanctuaries

- (1) Subject to this section and to section 14, the Administrator may, by notice in the *Gazette*:
 - (a) revoke or amend a notice given under section 12; or
 - (b) revoke the declaration by or under section 25A of a sanctuary or change the boundaries of a sanctuary.
- (2) A notice under subsection (1) by virtue of which any land (including any subsoil) or sea ceases to be land or sea within a park or reserve or within a sanctuary or a wilderness zone shall not be given except in accordance with a resolution passed by the Legislative Assembly.
- (3) If, by virtue of a notice given under subsection (1), any land, other than land leased by the Corporation as lessee, ceases to be land within a park or reserve, all right, title and interest held by the Corporation in respect of that land becomes, by force of this subsection, vested in the Territory.
- (4) If, by virtue of a notice given under subsection (1), any land leased by the Corporation as lessee ceases to be land within a park or reserve, the lease of that land is, by force of this subsection, surrendered.

14 Report by Commission

- (1) The Administrator shall not publish a notice under section 12, 13 or 25A except after consideration by the Administrator of a report by the Commission in relation to the matter dealt with by the notice.

(2) Before submitting a report under subsection (1) in relation to prescribed land, the Commission shall:

(a) by public notice:

(i) state the nature of the report and of any recommendations proposed to be made in the report;

(ii) invite interested persons to make representations in connection with the report by such date, not being less than 60 days after the date of publication of the notice in the *Gazette*, as is specified in the notice; and

(iii) specify an address to which such representations may be forwarded; and

(b) give due consideration to any representations so made,

and, when submitting the report, it shall attach to the report any representations so made, together with its comments on those representations.

(3) In this section, ***prescribed land*** means land other than land which, at the date of the report in relation to that land required by subsection (1) or at any time before the date of that report:

(a) was:

(i) a park, reserve or conservation or wilder-ness zone within the meaning of the *National Parks and Wildlife Conservation Act 1975* of the Commonwealth;

(ii) a park, reserve, protected area or sanctuary; or

(iii) committed to the care, control and management of the Commission;

(b) was land which the Governor-General or the Administrator had purported to declare to be such a park, reserve, wilderness or conservation zone, protected area or sanctuary; or

(c) was land which the Administrator had purported to commit to the care, control and management of the Reserves Board under the *National Parks and Gardens Act*.

16 Restriction on disposal

- (1) Notwithstanding this Act (subsection (2) excepted) and any other law of the Territory, no right, title or interest held by the Corporation in respect of land within a park or reserve shall be sold, leased or otherwise disposed of.
- (2) Where the plan of management relating to a park or reserve so provides, the Corporation may grant leases of, or licences in respect of, land in that park or reserve in accordance with the plan of management.

17 Mining, works, forestry, &c, in parks, reserves and wilderness zones

- (1) Subject to subsection (2), this section has effect notwithstanding any law of the Territory.
- (2) Nothing in this section prevents the carrying out on a park, reserve or wilderness zone of the exploration for, or recovery or processing of, minerals under and in accordance with the conditions of a mining interest or the carrying out of an activity permitted, or the exercising of a right or power conferred or continued in force, by or under the *Mining Act*, *Petroleum Act* or section 18A of the *Petroleum (Submerged Lands) Act* in relation to such a mining interest.
- (3) Subject to subsection (4):
 - (a) no excavation shall be carried on;
 - (b) no building or other structure shall be erected;
 - (c) no works shall be carried out; and
 - (d) no timber shall be felled or taken,in a park or reserve except in accordance with the plan of management relating to that park or reserve.
- (4) At a time when no plan of management is in force in relation to a park or reserve, subsection (3) does not prevent the Commission from preserving or protecting the park or reserve, protecting or conserving wildlife in the park or reserve, controlling authorized scientific research or protecting persons or property in the park or reserve.
- (5) At a time when no plan of management is in force in relation to a park or reserve, subsection (3) does not prevent the Commission, with the approval of the Administrator, from performing its functions

in that park or reserve for the purpose of operating that park or reserve for the purpose for which it was reserved while a plan of management is being prepared.

- (6) A wilderness zone shall be maintained in its natural state and shall be used only for purposes specified in the plan of management relating to the wilderness zone, but this subsection does not prohibit anything done by the Commission in accordance with subsection (7).
- (7) Notwithstanding subsection (4):
 - (a) no excavation shall be carried on;
 - (b) no building or other structure shall be erected;
 - (c) no works shall be carried out;
 - (d) no timber shall be felled or taken;
 - (e) no tracks shall be established; and
 - (f) no vehicle, aircraft or vessel shall be used,

in a wilderness zone except by the Commission, in accordance with the plan of management relating to the park or reserve, for purposes essential to the management of the park or reserve.

18 Plans of management

- (1) As soon as practicable after a park or reserve has been declared, the Commission shall prepare a plan of management in respect of that park or reserve taking into account such public opinion as is known to it.
- (2) The plan of management may include provisions in relation to an area that is proposed to be added to the park or reserve, but those provisions shall not have effect until the area is added to the park or reserve.
- (3) The plan of management shall set out a detailed description of the manner in which it is proposed to manage the park or reserve and shall include:
 - (a) a general description of any existing or proposed buildings, structures, facilities or other development; and
 - (b) a detailed description of any excavation, works or other operations, other than excavation, works or other operations relating to mining interests, that may be carried on,

in the park or reserve.

- (4) Where a plan of management provides for excavation, works or other operations, other than excavation, works or other operations relating to a mining interest, it shall set out the conditions, if any, that are to be applicable.
- (5) In the preparation of the plan of management, regard shall be had to the following objects:
 - (a) in the case of a park – the encouragement and regulation of the appropriate use, appreciation and enjoyment of the park by the public;
 - (b) in the case of a reserve – the regulation of the use of the reserve for the purpose for which it was declared;
 - (c) the preservation of the park or reserve in its natural condition and the protection of its special features, including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interest;
 - (d) the protection, conservation and management of wildlife within the park or reserve; and
 - (e) the protection of the park or reserve against damage.
- (5A) Notwithstanding anything in subsection (5), a plan of management may propose the use of a particular part or parts of a park or reserve for a purpose which involves restricting public access thereto.
- (6) The plan of management may provide for the division of the park or reserve into zones and set out the conditions under which each zone shall be kept and maintained.
- (7) When the Commission has prepared the plan of management, it shall, by public notice:
 - (a) state that the plan has been prepared;
 - (b) invite interested persons to make representations in connection with the plan by such date, not being less than one month after the date of publication of the notice in the *Gazette*, as is specified in the notice;
 - (c) specify an address or addresses at which copies of the plan may be inspected or purchased; and

- (d) specify an address to which representations in connection with the plan may be forwarded.
- (8) A person may, not later than the date specified in the notice, make representations to the Commission in connection with the plan of management, and the Commission shall give due consideration to any representations so made and, if it thinks fit, alter the plan accordingly.
- (9) The Commission shall thereupon forward to the Minister for presentation to the Administrator:
 - (a) the plan of management; and
 - (b) if representations have been made under subsection (8) – those representations, together with the comments of the Commission on those representations.
- (10) The Administrator may accept the plan of management as so submitted or after making such alterations as the Administrator thinks fit.
- (11) Where the Administrator makes alterations to a plan of management under subsection (10), the Administrator shall prepare a report specifying the alterations, and the report shall accompany the plan when it is laid before the Legislative Assembly under section 19.

19 Plan of management to be laid before Assembly

- (1) The Minister shall, as soon as practicable after a plan of management has been accepted under section 18, cause it to be laid before the Legislative Assembly.
- (2) The Legislative Assembly may in pursuance of a motion, notice of which is given within 7 sitting days after the plan of management has been laid before it, pass a resolution disallowing the plan of management.
- (3) If the Legislative Assembly does not pass a resolution in accordance with subsection (2) disallowing the plan of management, the plan of management comes into operation on the day immediately following the last day upon which such a resolution could have been passed.
- (4) If, before the expiration of 7 sitting days after the plan of management has been laid before the Legislative Assembly:
 - (a) the Assembly expires or is prorogued; and

- (b) notice of motion for the disallowance of the plan of management has not been given,

the plan of management shall, for the purposes of this section, be deemed to have been laid before the Legislative Assembly on the first sitting day of the Assembly after the expiry or prorogation, as the case may be.

- (5) If the Legislative Assembly passes a resolution in accordance with subsection (2) disallowing the plan of management, the Administrator shall direct the Commission to prepare a fresh plan of management and the Commission shall thereupon reconsider the matter and prepare a fresh plan of management, and for that purpose section 18 applies accordingly.
- (6) As soon as practicable after a plan of management has come into operation, the Minister shall publish a notice in the *Gazette* and in such newspapers as he thinks fit, stating that the plan of management has come into operation and specifying an address or addresses where copies of the plan of management may be inspected or purchased.

20 Amendment or revocation of plan of management

- (1) The Commission may at any time amend a plan of management, and section 18, exclusive of subsections (1), (7) and (8), and section 19 apply in relation to any such amendment in like manner as they apply in relation to a plan of management.
- (2) A plan of management in respect of a park or reserve may be revoked by a new plan of management in respect of that park or reserve, but the revocation shall not take effect until the new plan comes into operation.

21 Compliance with plan of management

While a plan of management is in force, the Commission and the Corporation shall perform their duties and functions and exercise their powers in relation to the park or reserve to which the plan relates in accordance with that plan and not otherwise.

Part III Protected areas

22 Declaration of protected areas

- (1) The Administrator, on the recommendation of the Minister, may declare any area of land, including land that has been alienated from the Crown or reserved for any purpose under any law, as a protected area, either in relation to wildlife generally or to a species

of animal or plant specified in the declaration.

- (2) In a declaration under subsection (1) the Administrator may specify an article which may not be taken into a protected area without the written authority of the Director.

23 Notices to be exhibited in protected areas

- (1) The Director shall cause to be prominently displayed, and shall maintain in good condition, at the side of each road entering a protected area, at or near the place where it enters the area, a clear sign indicating that the area is a protected area, setting out the terms of section 24 and generally indicating, by a diagram or otherwise, the boundaries of the protected area.
- (2) A person shall not remove, deface or otherwise interfere with a sign displayed under subsection (1).

Penalty: \$400.

23A Taking of animals or plants on or from protected area

A person shall not take or cause or permit to be taken wildlife to which a declaration under section 22(1) relates on or from a protected area, except in accordance with a permit or licence granted under this Act.

Penalty: \$2,000 or imprisonment for 6 months.

24 Firearms and traps, &c, prohibited

- (1) A person shall not, without the written authority of the Director, have in his possession or under his control in a part of a protected area that is not a public or private road:
- (a) in the case of a protected area declared in relation to wildlife generally or to a protected species of animal – any kind of weapon that discharges a projectile or any kind of trap; and
- (b) in any case – without limiting the generality of paragraph (a), an article declared under section 22(2) in relation to the protected area.
- (2) A person shall not, without the written authority of the Director, use in a protected area any kind of weapon that discharges a projectile or any kind of trap.

Penalty: \$400 or imprisonment for 6 months.

25 Sections 23A and 24 not to apply to conservation officers, &c.

Sections 23A and 24 do not apply to the following persons while they are exercising their powers or performing their functions under this Act:

- (a) a conservation officer;
- (b) an honorary conservation officer;
- (c) an officer or employee of the Commission; or
- (d) an employee of the Territory.

25AA Defence to prosecution

It is a defence to a prosecution for an offence against section 23A or 24 if the defendant proves that there was not on the road by which he entered the protected area the sign required by section 23 to be displayed and that he did not know or have cause to suspect that he was on a protected area.

25AAA Director may carry out certain work

The Director may construct such fences, fire-breaks or other works on a protected area as he considers necessary to ensure the integrity of the protected area and for that purpose may, after giving the person in lawful occupation of the land reasonable notice of his intention so to do, enter private land with such assistance, plant, machinery and equipment as he thinks fit.

Part IIIA Sanctuaries

25A Sanctuaries

- (1) Where, immediately before the commencement of this Act, an area of land was a sanctuary under the *Wildlife Conservation and Control Act*, that area continues to be a sanctuary, but the declaration by this section may be revoked by action taken under this Act.
- (2) Subject to section 14, the Administrator may, by notice in the *Gazette*, declare:
 - (a) any area of unoccupied Crown land in the Northern Territory; or
 - (b) an area of land held in fee simple by the Corporation or in respect of which the Corporation holds a lease,

to be a sanctuary.

- (3) The Commission may, after receiving a report from the Place Names Committee, assign a name to a proposed sanctuary.

25B Notices to be exhibited in sanctuaries

- (1) The Director shall ensure that a clear sign, indicating that an area is a sanctuary and including such other terms as are approved by him, is prominently displayed and maintained in good condition at the side of each road entering that sanctuary, at or near the place where it enters that sanctuary.
- (2) A person shall not remove, deface or otherwise interfere with a sign displayed under subsection (1).

Penalty: \$400.

25C Persons not to enter sanctuaries

A person other than:

- (a) a conservation officer or an honorary conservation officer, exercising his powers or performing his functions under this Act;
- (aa) the holder of a mining interest in relation to land in the sanctuary, or his workmen, servants or agents, exercising his or their powers or performing his or their functions in pursuance of the mining interest and in accordance with any conditions to which it is subject;
- (b) an officer or employee, within the meaning of the *Public Service Act 1922* of the Commonwealth or the *Public Sector Employment and Management Act*, who is required in the course of his duty to enter a sanctuary; or
- (c) a person authorized by the Director to enter a sanctuary;

shall not without lawful excuse enter or remain in a sanctuary.

Penalty: \$2,000, or imprisonment for 6 months, or both.

25D Firearms and traps prohibited in a sanctuary

Subject to this Act, a person shall not:

- (a) take a firearm or trap into a sanctuary; or

(b) have in his possession in a sanctuary a firearm or trap.

Penalty: \$2,000, or imprisonment for 6 months, or both.

25E Defence against prosecution

It is a defence to a prosecution for an offence against section 25C, 25D or 25G if the defendant proves:

- (a) that at the time the offence is alleged to have been committed he was on a public road or was otherwise authorized to be in the sanctuary and that the firearm or trap was not used by him while he was in the area; or
- (b) that there was not on the road by which he entered the sanctuary the sign required to be displayed there by section 25B and that he did not know or have cause to suspect that he was on a sanctuary.

25F Persons not to kill in sanctuary

- (1) Subject to this Act, a person shall not in a sanctuary take, capture, kill or have in his possession any animal.

Penalty: \$2,000 or imprisonment for 6 months, or both; and in addition a penalty of \$100 for every animal in respect of which the offence was committed.

- (2) A person shall not fish in freshwater in a sanctuary, or have in his possession a fish that was caught in freshwater in a sanctuary.

Penalty: \$2,000 or imprisonment for 6 months, or both; and in addition a penalty of \$100 for every animal in respect of which the offence was committed.

- (3) In this section, **freshwater** means the water in a lake, lagoon or billabong whether or not it is at any time connected with the sea and water in any stream above the tidal limit.

25G Taking plants on or from sanctuary

Where a sanctuary is declared for the purpose of protecting a class or description of plants, a person who takes a plant of that class or description on or from the sanctuary, except with and in accordance with a permit or licence granted under this Act, is guilty of an offence.

Penalty: \$4,000 or imprisonment for 12 months.

Part IV Animals and plants

Division 1 Classification of certain animals

26 Protected animals

- (1) All animals that:
- (a) are mammals, birds, reptiles or amphibians and are:
 - (i) indigenous to Australia or to the Australian coastal sea or the sea-bed and subsoil beneath that sea; or
 - (ii) of a kind introduced into Australia, directly or indirectly, by Aboriginals before the year 1788; or
 - (b) are migratory mammals, birds or reptiles and periodically or occasionally visit Australia or the Australian coastal sea,

are protected animals except while they are in those parts, if any, of the Territory in which they are, and during those parts, if any, of the year during which they are, unprotected animals, pests or prohibited entrants.

- (1A) A protected animal remains a protected animal whether or not the property in that animal is vested in the Territory.
- (2) Any vertebrate wildlife that is not a pest or a prohibited entrant is a protected animal while it is in a park, reserve, sanctuary, wilderness zone or protected area.
- (3) The Regulations may declare, whether with or without qualification, that an animal is a protected animal.

26A Specially protected animals

- (1) Every specially protected animal is a protected animal and, notwithstanding anything to the contrary in this Act or the Regulations, remains a protected animal throughout the whole of the Territory at all times.
- (2) The maximum penalty to which a person is liable for an offence, under section 25F or under this Part, in relation to a specially protected animal, is twice that to which the person would be otherwise liable if the animal were a protected animal but not a specially protected animal.

26B Property in wildlife

- (1) Subject to sections 43(1A) and (1B) and 43A(3) and (4), a protected animal becomes the property of the Territory at the moment when it is caught, restrained, killed, injured, bought or obtained, or sold or otherwise disposed of, by a person.
- (2) Subject to sections 43(1A) and (1B) and 43A(3) and (4), the progeny of a protected animal, which protected animal has become the property of the Territory under subsection (1) and has not been lawfully transferred, is the property of the Territory.
- (3) An animal, or part or product of an animal, referred to in subsection (1) or (2) remains the property of the Territory until lawfully transferred in accordance with a permit issued under section 43(1)(e).
- (4) No action or proceeding shall lie against the Territory for or in respect of any damage or injury caused by a protected animal the property of the Territory unless that damage or injury is due to a failure to take reasonable care on the part of a servant of the Territory who has, or is responsible for, the control of the animal.

27 Unprotected animals, pests and prohibited entrants

- (1) The Regulations may declare, whether with or without qualifications, that an animal is:
 - (a) an unprotected animal; or
 - (b) a pest.
- (2) For the purposes of this Act:
 - (a) no species of wildlife is a prohibited entrant unless, not being indigenous to the Territory, it is declared a prohibited entrant by the Regulations; and
 - (b) all other vertebrates are prohibited entrants unless declared not to be such either by the Regulations or by a notice under subsection (3).
- (3) The Minister may by notice in the *Gazette* declare vertebrates of any species specified in the notice not to be prohibited entrants, and the notice shall take effect from the date of its publication in the *Gazette* or, where it provides for a later date, from that later date.
- (4) All prohibited entrants are pests while they are in those places in which they are prohibited entrants.

28 Effect of declaration

- (1) A declaration made for the purposes of section 26(3), or for any of the purposes of section 27, may be limited in its application:
 - (a) in respect of part only of the Territory;
 - (b) in respect of part only of the year; or
 - (c) in respect of part only of the Territory and part only of the year.
- (2) Subject to section 26(2), a declaration referred to in subsection (1) has effect according to its tenor to make the animal the subject of the declaration a protected animal, an unprotected animal, a pest a prohibited entrant or not a prohibited entrant, as the case may be, through-out the Territory or while it is in part only of the Territory, as the case may be, and for the whole of the year or for part only of the year, as the case may be.

Division 2 Protected animals

29 Taking of protected animal

- (1) Subject to this Act, a person shall not take or injure a protected animal unless the act is done under the authority of and in accordance with the terms, conditions and limitations of the Regulations a permit issued under this Act or a notice under subsection (3).

Penalty: \$2,000, or imprisonment for 6 months, or both; and, in addition, \$100 for each animal in respect of which the offence was committed.

- (2) A permit issued for the purposes of this section does not authorize the taking of an animal in a park, reserve, sanctuary, wilderness zone or protected area unless the permit names the species of animal that may be taken and describes the area in which it may be taken.
- (3) The Minister may, by notice in the *Gazette*, declare that it is lawful to kill a protected animal and may specify:
 - (a) the period during which (including the times at which) a protected animal may be killed;
 - (b) the areas where a protected animal may be killed;
 - (c) the type of equipment which may be used for the purposes of killing a protected animal;

- (d) the maximum number of protected animals which a person may kill during a specified period;
 - (e) the maximum number of dead protected animals or parts of dead protected animals which a person may have in his possession or under his control; and
 - (f) such other condition or matter, as the Minister thinks fit.
- (4) A declaration, by notice under subsection (3), does not authorize the killing of an animal in a park, reserve, sanctuary, wilderness zone or protected area.

30 Eggs of protected animal

Subject to this Act, a person shall not, except under the authority of and in accordance with the terms, conditions and limitations of a permit issued under this Act, take out of or destroy in a nest an egg of a protected animal.

Penalty: \$2,000, or imprisonment for 6 months, or both; and, in addition, \$100 for each egg in respect of which the offence was committed.

31 Parts of protected animal

- (1) Subject to this Act, a person shall not, except under the authority of and in accordance with the terms, conditions and limitations of the Regulations or of a permit issued under this Act:
- (a) have in his possession or under his control;
 - (b) buy, sell or offer for sale;
 - (c) barter or offer to barter; or
 - (d) otherwise obtain from or dispose of, or offer to dispose of, to another person,

a dead protected animal, or the egg of a protected animal, or any flesh, bone, skin, horn, shell or other part of a protected animal or of the egg of a protected animal.

Penalty: \$2,000, or imprisonment for 6 months, or both; and, in addition, \$100 for each item in respect of which the offence was committed.

- (2) It is a defence to a charge for an offence against subsection (1) of having an item in his possession or under his control if the defendant proves that he killed the animal under the authority of

and in accordance with the terms, conditions and limitations of a permit issued under this Act or a notice under section 29(3).

- (3) It is a defence to a charge for an offence against subsection (1) of obtaining or disposing of an item if the defendant proves that the person disposing of the item killed the animal under the authority of and in accordance with the terms, conditions and limitations of a permit issued under this Act or a notice under section 29(3) and was sharing it as a meal with the person obtaining it.

Division 3 Vertebrate wildlife

32 Possession of live vertebrate wildlife

Subject to this Act, a person shall not, except under the authority of and in accordance with the terms, conditions and limitations of the Regulations or of a permit issued under this Act have in his possession or under his control any live vertebrate wildlife.

Penalty: \$2,000, or imprisonment for 6 months, or both; and, in addition, \$100 for each animal in respect of which the offence was committed.

33 Trading in live vertebrate wildlife

Subject to this Act, a person shall not, except under the authority of and in accordance with the terms, conditions and limitations of the Regulations or of a permit issued under this Act:

- (a) buy, sell or offer for sale;
- (b) barter or offer to barter; or
- (c) otherwise obtain from or dispose of, or offer to dispose of, to another person,

any live vertebrate wildlife.

Penalty: \$2,000, or imprisonment for 6 months, or both; and, in addition, \$100 for each animal in respect of which the offence was committed.

34 Introduction, &c, of vertebrate wildlife

Subject to this Act, a person shall not, except under the authority of and in accordance with the terms, conditions and limitations of the Regulations or of a permit issued under this Act:

- (a) bring into or remove from the Territory;

(b) move or consign from one place in the Territory to another place in the Territory; or

(c) liberate or permit to escape within the Territory,

any vertebrate wildlife.

Penalty: \$2,000, or imprisonment for 6 months, or both; and, in addition, \$100 for each animal in respect of which the offence was committed.

Division 4 Prohibited entrants

35 Introduction, &c, of prohibited entrants

(1) A person shall not, except under the authority of and in accordance with the terms, conditions and limitations of a permit issued under this section:

(a) bring into or have in his possession in the Territory an animal that is a prohibited entrant in every part of the Territory; or

(b) bring into or have in his possession in a part of the Territory an animal that is a prohibited entrant in that part of the Territory.

(2) A person shall not liberate, or permit to escape, a prohibited entrant while it is in a place in which it is a prohibited entrant.

Penalty: \$2,000, or imprisonment for 6 months, or both; and, in addition, \$100 for each animal in respect of which the offence was committed.

(3) The Director may issue a permit to a person, or to a person and his servants and agents, to do an act that, but for the permit, would be an offence against subsection (1).

(4) A permit issued under subsection (3) may contain such terms, conditions and limitations as the Director thinks fit to impose.

(5) The Director may at any time, by notice in writing served on the holder of a permit under subsection (3):

(a) revoke the permit; or

(b) vary the terms, conditions and limitations of the permit.

Division 5 Pests

36 Pest control areas

- (1) The Administrator, by notice in the *Gazette*, upon the recommendation of the Commission or of a majority of the members of the Commission, may declare an area to be a pest control area.
- (2) The Minister may declare an area to be a pest control area.
- (3) A declaration made under subsection (2) ceases to have effect upon the expiration of the period of 7 days immediately following the date of the meeting of the Executive Council next following the date on which the declaration was made.

37 Conservation officer may enter and do work

- (1) A conservation officer or a person under the control or instruction of a conservation officer may enter a pest control area at any time and do there all things necessary or expedient for the investigation or control of any pest which may be on the land.
- (2) Where a conservation officer enters a pest control area in pursuance of subsection (1) and causes damage to the land, crops, buildings, fences or other improvements on the land, the owner or occupier of the land is entitled to be compensated for that damage unless:
 - (a) the damage was caused without negligence on the part of the person causing it; and
 - (b) the owner or occupier has been required in writing under section 38 to undertake measures for the control or eradication of pests and has failed to do so.

38 Notice to owner to eradicate pests

- (1) The Director may by notice in writing to an owner or occupier of land in a pest control area require the owner or occupier to undertake such measures for the control or eradication of pests in the area as are specified in the notice.
- (2) A person to whom a notice is given under subsection (1) shall take all reasonable steps to comply with the terms of the notice.

Penalty: \$2,000 and in addition \$50 for every day during which the default continues after the first day.

- (3) In a prosecution for an offence against subsection (2) the complaint may allege the continuance of the default on a number of days or during a period of time.

39 Materials may be provided

Where the Director has given notice to a person in accordance with section 38 he may:

- (a) provide without expense to that person any materials or equipment which may be necessary to carry out the measures for eradication or control specified in the notice; and
- (b) provide such other assistance, by way of labour or otherwise, as he considers necessary or desirable.

Division 6 Poisonous baits

40 Poisoning of land

- (1) A person shall not lay a prescribed poisonous bait or substance on land that is within the boundaries of a town.
- (2) A person laying a prescribed poisonous bait or substance on land that is outside the boundaries of a town shall display on all public roads on the land which are within 400 metres of a place where a poisonous bait or substance will be laid a notice specifying the name of the poison used and the date when it will be laid.

Penalty: \$2,000 or imprisonment for 6 months, or both.

41 Notice may be given with respect to poisons

- (1) The Director may, by notice in writing, given to an owner of land:
- (a) prohibit either generally or during specified times the laying of specified poisonous baits or substances on any land of the owner specified in the notice;
- (b) require the owner to remove any specified poisonous baits or substances on his land whether those baits have been laid with the authority of the owner or not; and
- (c) prohibit the use, on land specified in the notice, of particular poisons or poisonous substances or poisonous baits of a material or nature specified in the notice.
- (2) A person shall comply with a notice given under this section.

Penalty: \$2,000 or imprisonment for 6 months, or both.

Division 7 General

42 Regulations

- (1) The Regulations may allow:
 - (a) the keeping without a permit of:
 - (i) a dead protected animal;
 - (ii) a live animal that is vertebrate wildlife;
 - (iii) the egg of a protected animal; or
 - (iv) the flesh, bone, skin, horn, shell or other part of a protected animal;
 - (aa) the acquisition, possession and disposal without a permit of a manufactured article containing a part or parts of a protected animal;
 - (b) the sale without a permit of a live animal that is vertebrate wildlife;
 - (c) the taking of an action that otherwise would be an offence against section 34; and
 - (d) the catching or restraining without a permit of a protected animal.
- (2) Regulations made for the purposes of subsection (1) may include regulations containing terms, conditions and limitations on the action that is allowed, including terms, conditions and limitations:
 - (a) as to species, number, age, sex and size of animals that are the subject of the regulations;
 - (b) as to areas in which the regulations operate;
 - (c) concerning housing requirements for animals that may be kept, including animals that are bred in captivity; and
 - (d) imposing restrictions on the disposal of animals that may be kept, including animals that are bred in captivity; and
 - (e) requiring the furnishing of returns.

43 Permits – protected animals

- (1) Subject to subsection (4), the Director may issue a permit to a person, or to a person and his servants and agents:
- (a) to take a protected animal;
 - (b) to take an egg of such an animal;
 - (c) to do an act that, but for the permit, would be an offence against section 31(1), section 33 or section 34; or
 - (d) to keep a live animal that is vertebrate wildlife; or
 - (e) to possess, buy, use, sell, barter, offer for sale or barter, farm, breed, process, obtain or dispose of:
 - (i) a protected animal; or
 - (ii) any egg, flesh, skin, bone, horn, shell or other part or product of a protected animal.
- (1A) A person who sells or disposes of a protected animal or a part or product of a protected animal in accordance with a permit issued under subsection (1)(e):
- (a) shall be deemed to pass the property in the animal or part or product of the animal but where the permit provides that the property shall pass at a specified time or on the occurrence of a specified event, the property shall be deemed to pass accordingly; and
 - (b) is entitled, subject to any other law in force in the Territory (including the common law), to any money, credit or other consideration obtained for such sale or disposal.
- (1B) A person who buys or obtains a protected animal or part or product of a protected animal in a transaction referred to in subsection (1A) acquires the property in the animal or the part or product of the animal when the property in it shall, under that subsection, be deemed to pass.
- (2) A permit issued under this section may be issued subject to terms, conditions and limitations, including terms, conditions and limitations:
- (a) as to species, number, age, sex and size of animals that are the subject of the permit;
 - (b) as to areas and times in which the permit operates;

- (c) concerning housing requirements for animals that may be kept;
 - (d) imposing restrictions on the disposal of animals that may be kept, including animals that are bred in captivity; and
 - (e) requiring the furnishing of returns.
- (2A) Without limiting the generality of subsection (2), a permit authorizing the processing of flesh for human consumption may contain terms and conditions relating to:
- (a) the method of processing the flesh;
 - (b) the standards of hygiene to be observed in and in connection with the processing, and the standards of cleanliness to be maintained with respect to the premises on which it takes place; and
 - (c) the inspection of the premises on which the processing takes place and the testing of the processed flesh.
- (3) The Director may, at any time, by notice in writing served on the holder of a permit:
- (a) revoke the permit; or
 - (b) vary the terms, conditions and limitations of the permit.
- (4) A permit shall not be issued under this section in relation to a specially protected animal or a part or product of such an animal.

43A Permits – specially protected animals

- (1) The Commission may issue a permit to a person, or to a person and his servants and agents:
- (a) to take a specially protected animal;
 - (b) to take an egg of a specially protected animal;
 - (c) to do an act in relation to a specially protected animal that, but for the permit, would be an offence against section 31(1), 33 or 34;
 - (d) to obtain, possess, use, farm or breed a specially protected animal; or
 - (e) to use, buy, sell, barter, offer for sale or barter, obtain or dispose of any egg, flesh, skin, bone, horn, shell or other part or product of a specially protected animal.

- (2) A permit issued under this section may be issued subject to terms, conditions and limitations.
- (3) A person who sells or disposes of a part or product of a specially protected animal in accordance with a permit issued under subsection (1)(e):
 - (a) shall be deemed to pass the property in the part or product of the animal but when the permit provides that the property shall pass at a specified time or on the occurrence of a specified event, the property shall be deemed to pass accordingly; and
 - (b) is entitled, subject to any other law in force in the Territory (including the common law), to any money, credit or other consideration obtained for such sale or disposal.
- (4) A person who buys or obtains a part or product of an animal in a transaction referred to in subsection (3) acquires the property in the part or product of the animal when the property in it shall, under that subsection, be deemed to pass.
- (5) The Commission shall have regard, in considering whether to issue a permit under this section, and any terms, conditions and limitations to which it shall be subject:
 - (a) to the likely effect of the issue of the permit on the population of any species of animal in the Territory and to the protection of that species; and
 - (b) to the obligations imposed on the Commonwealth and the Territory, in respect of that species, by any treaty or other international agreement.
- (6) The Commission may, at any time, by notice in writing served on the holder of a permit:
 - (a) revoke the permit; or
 - (b) vary the terms, conditions and limitations of the permit.

44 Director may require person to give up a protected animal

- (1) The Director may, at any time, by notice in writing served on a person, whether or not that person is the holder or former holder of a permit, require that person to give to the Director a protected animal, an egg of a protected animal or a part of a protected animal that is in the possession or under the control of that person.

- (2) A person shall comply with and shall not contravene a requirement made under subsection (1).

Penalty: \$2,000 and, in addition, \$100 for each animal, egg or item in respect of which the offence was committed.

- (3) Where the Director requires a person to give him an animal, egg or item that is lawfully in the possession or under the control of that person, the Director is liable to pay reasonable compensation for that animal, egg or item.

Part V Plants

45 Declaration of protected and specially protected plants

- (1) The Minister may, in relation to the whole or a specified part of the Territory, by notice in the *Gazette*, declare that a plant of a class or description of plants that is not a noxious weed within the meaning of the *Noxious Weeds Act* is a protected plant or specially protected plant for the purposes of this Part.

- (2) A declaration under subsection (1) remains in force until:

- (a) the expiration of 90 days after the publication of the notice under that subsection; or
- (b) the plant is subsequently declared in the Regulations to be either a protected plant or a specially protected plant,

whichever first occurs.

46 Certain plants property of Territory

All plants on Crown land or plants that are wildlife on land leased from the Territory are the property of the Territory.

47 Certain plants not to be taken

- (1) Subject to this Act, a person shall not take, for the purposes of selling or bartering it (or offering to sell or barter it), a plant that is wildlife unless he holds a licence granted under section 49(1) to take the plant, or is the employee or agent of such a person, and he takes the plant in accordance with the conditions, if any, subject to which the licence is granted.

Penalty: \$2,000 or imprisonment for 6 months.

(2) Subject to this Act, a person shall not take a protected plant or specially protected plant:

(a) on or from Crown land; or

(b) unless he is the owner of or in lawful occupation of the land, on or from private land,

except with and in accordance with a permit or licence granted under section 49(1).

Penalty: \$2,000 or imprisonment for 6 months.

48 Application for permit or licence to take plants

(1) A person may apply to the Director for:

(a) a permit to take a protected plant or specially protected plant; or

(b) a licence to take a plant that is wildlife for commercial purposes.

(2) An application under subsection (1) shall be in a form approved by the Director and be accompanied by such fee as is determined by the Commission as reasonable to defray the cost to the Commission of investigating and processing the application.

49 Grant of permit or licence

(1) Subject to subsection (2), the Director may, in his absolute discretion, grant or refuse to grant a permit or licence applied for under section 48.

(2) The Director shall not grant a permit or licence to take a specially protected plant until he has referred the application to the Minister and the Minister has authorised the proposed grant.

(3) Subject to the Regulations, a permit or licence granted under subsection (1) shall be in such form as the Director thinks fit and shall remain in force until such date, and is granted subject to such conditions, if any, as the Director thinks fit and specified in the permit or licence document.

50 Restriction on discretion

The Director shall not grant a permit or licence under section 49(1) (or the Minister authorise such a grant) in respect of a specially protected plant, if in his opinion the proposed taking of the plant will have a significant detrimental impact on:

- (a) the survival of the species; or
- (b) the environment generally,

in a part of the plant's range or occurrence.

51 Permission of landholder required

A permit or licence granted under section 49(1) does not relieve the person to whom it is granted from the need to obtain the permission of the owner or person in lawful occupation of private land for the taking of a plant on or from the land.

52 Destruction of specially protected plant by landholder

- (1) The owner or person in occupation of private land shall not wilfully destroy a specially protected plant on that land.

Penalty: \$2,000 or imprisonment for 6 months.

- (2) Except in the case of a prosecution for an offence against subsection (1) for the wilful destruction of a specially protected plant on land that is a protected area in relation to the plant or in contravention of an agreement under section 74, it is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the destruction of the plant resulted from the reasonable and efficient lawful use of the land.

53 Payment of royalties, charges, &c, a condition of licence, &c.

A permit or licence granted under section 49(1) is subject to the conditions that the permittee or licensee:

- (a) will pay the royalties and charges in respect of the taking of plants to which it relates;
- (b) will furnish to the Director, within the prescribed time, the prescribed returns and reports; and
- (c) is liable to have the permit or licence revoked for:
 - (i) failure to pay the royalties or charges for or under the permit or licence, at or by the prescribed time;

- (ii) failure to furnish to the Director a prescribed return or report within the prescribed time; or
- (iii) a breach of any other condition of the permit or licence.

54 Forfeiture of permit or licence

- (1) Where a permit or licence under this Act is liable to forfeiture, the Minister or a person authorised by him to do so may serve notice in writing on the holder that the permit or licence is revoked.
- (2) A permit or licence is revoked on receipt of the notice under subsection (1) by the person who held it.

55 Exemption from application of Part

The Minister may, by notice in the *Gazette*, declare that this Part or a particular provision of this Part does not apply to or in relation to:

- (a) the whole or a specified part of the Territory;
- (b) a specified plant or plant of a specified species of plant; or
- (c) a specified activity in relation to a plant,

and, accordingly, this Part or that provision does not apply.

Part VI The Territory Parks and Wildlife Commission

68 Commission may authorize display of traffic signs

- (1) Subject to subsection (2), the Commission may authorize the display of traffic signs in parks and on reserves for the purposes of:
 - (a) regulating the speed of vehicles along roads and in public places in parks and on reserves;
 - (b) regulating or prohibiting the parking or standing of vehicles on roads and in public places in parks and on reserves; or
 - (c) otherwise regulating or prohibiting traffic on roads and in public places in parks and on reserves.
- (2) The Commission may not authorize the display of a traffic sign that would give a direction that is inconsistent with a direction given by a traffic sign already displayed in that place under another law of the Northern Territory.

69 Drivers shall comply with traffic signs

A driver of a motor vehicle shall not contravene a direction given by a traffic sign that is displayed by authority of the Commission except in accordance with a direction given by a person acting with the authority of the Commission.

Penalty: \$100.

70 Traffic signs deemed to be lawfully displayed

In a prosecution for an offence under section 69, evidence that a traffic sign was displayed is evidence that it was displayed by an authority of the Commission.

71 By-laws

- (1) Subject to subsection (1A), the Commission may make by-laws, not inconsistent with this Act or the regulations, prescribing all matters required or permitted by this Act to be prescribed by by-laws or necessary or convenient to be so prescribed for carrying out or giving effect to the functions and powers of the Commission.
- (1A) The Commission shall not make a by-law under this section relating to operations for the recovery or processing of minerals in a park or reserve or a sanctuary and no by-laws made by the Commission shall be construed so as to limit the rights or activities of the holder of a mining interest, or his workmen, servants or agents, in relation to land comprising the whole or a part of a park or reserve or sanctuary in pursuance of that mining interest.
- (2) Without limiting the generality of subsection (1) but subject to subsection (1A), by-laws may be made:
 - (a) providing for the prohibition or the regulation of fishing in parks or on reserves or part of parks or reserves;
 - (b) providing for the prohibition of the use of firearms in parks or on reserves or part of parks or reserves;
 - (c) providing for the prohibition of the setting of traps in parks or on reserves or part of parks or reserves;
 - (d) providing for the requiring of persons, upon entering parks or reserves, to declare all items of fishing equipment, firearms, ammunition and traps in their possession;
 - (e) providing for the prohibition or the regulation of the carrying of fishing equipment, firearms, ammunition and traps in parks or on reserves or part of parks or reserves;

- (f) providing for the seizing of fishing equipment, firearms, ammunition and traps reasonably suspected of being carried or used in contravention of a by-law;
- (g) regulating or prohibiting the pollution of water in a manner harmful to wildlife in parks, reserves or wilderness areas;
- (h) providing for the protection and preservation of parks and reserves and property and things in parks and reserves;
- (i) providing opening times and closing times for parks and reserves;
- (j) regulating or prohibiting access to the whole or part of a park or reserve by persons or classes of persons;
- (k) providing for the removal from parks and reserves of persons who are believed on reasonable grounds to be trespassers or to have contravened or failed to comply with this Act or a by-law;
- (l) regulating or prohibiting camping in parks and reserves;
- (m) providing for the safety of persons in parks and reserves;
- (n) regulating or prohibiting the use of fire in parks and reserves;
- (o) regulating the conduct of persons in parks and reserves;
- (p) providing for the prevention or control of nuisances in parks and reserves and of the fouling of water in parks and reserves;
- (q) regulating or prohibiting the carrying on of any trade or commerce in a park or reserve;
- (r) providing for fees and charges to be imposed by the Commission upon persons entering, camping in or using a park or reserve or part of a park or reserve or using services or facilities provided by the Commission in or in connection with a park or reserve;
- (s) regulating or prohibiting the use of vehicles in parks and reserves and providing for signs and road markings for those purposes;
- (t) regulating or prohibiting, and providing for the imposition and collection of charges for:
 - (i) the parking or stopping of vehicles;

- (ii) the mooring of vessels;
 - (iii) the landing of aircraft; and
 - (iv) the use of vehicles and vessels, in parks and reserves;
- (u) providing for the removal of vehicles, aircraft or vessels from places in parks and reserves where they have been left in contravention of the by-laws or have been abandoned and for the impounding of such vehicles, aircraft or vessels;
- (v) making provision to the effect that, where a contravention of a provision of the by-laws relating to the parking or stopping of vehicles in a park or reserve occurs in respect of a motor vehicle, the person who is to be regarded as the owner of the motor vehicle for the purposes of the by-laws (who may, in accordance with the by-laws, be or include a person in whose name the motor vehicle is registered under the law of the Territory) is to be, except as provided otherwise, deemed to have committed an offence against the provision so contravened, whether or not he in fact contravened that provision;
- (w) enabling a person who is alleged to have contravened a provision of the by-laws relating to:
- (i) littering;
 - (ii) the use of vehicles or vessels;
 - (iii) the parking or stopping of vehicles;
 - (iv) the mooring or landing of vessels;
 - (v) the landing, use or flying of aircraft; or
 - (vi) the taking of animals into parks and reserves and the control of animals in parks and reserves,
- to pay to the Commission as an alternative to prosecution, a specified sum in lieu of the penalty, by which a contravention of that provision is otherwise punishable;
- (x) regulating or prohibiting the use of vessels in, and the passage of vessels through, parks and reserves and the landing and use of aircraft in, and the flying of aircraft over, parks and reserves;

- (y) regulating or prohibiting the taking of animals or plants into, or out of, parks and reserves and providing for the control of animals in parks and reserves;
 - (z) providing for the impounding, removal, destruction or disposal of animals found straying in parks and reserves;
 - (za) regulating or prohibiting the taking into parks and reserves, and the use in parks and reserves, of weapons, traps, nets, snares, fishing apparatus and other devices;
 - (zb) regulating or prohibiting the laying of baits and the use of explosives and poisons in parks and reserves;
 - (zc) providing for the collection of specimens and the pursuit of research in parks and reserves for scientific purposes; and
 - (zd) providing for any matter incidental to or connected with any of the foregoing.
- (3) A provision of the by-laws regulating or prohibiting the flying of aircraft over a park or reserve does not have any force or effect to the extent to which it is inconsistent with a law of Australia, but such a provision shall not be taken for the purposes of this subsection to be inconsistent with such a law if it can be complied with without contravention of that law.
- (4) The power to make by-laws conferred by this Act may be exercised:
- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
 - (b) so as to make, as respects the cases in relation to which it is exercised, the same provision for all those cases or different cases or classes of case.
- (5) The power to make by-laws conferred by this Act shall not be taken, by implication to exclude the power to make provision for or in relation to a matter by reason only of the fact that:
- (a) a provision is made by this Act in relation to that matter or another matter; or
 - (b) power is expressly conferred by this Act to make provision by by-laws for or in relation to another matter.

- (6) The by-laws may provide, in respect of an offence against the by-laws, for the imposition of:
 - (a) a fine not exceeding \$5,000; or
 - (b) a fine not exceeding \$1,000 for each day during which the offence continues.
- (7) The limitation imposed by subsection (6) on the penalties that may be prescribed by the by-laws does not prevent the by-laws from requiring a person to make a statutory declaration.
- (8) In this section ***park*** or ***reserve*** shall be taken to include, and to have always included, land the care, control and management of which (however described), by or under this or any other Act (including by agreement with the owner of the land), lies with the Commission.

71A By-laws apply to land other than parks or reserves

- (1) Where the Commission enters into an agreement under section 73 or 74, the by-laws apply to and in relation to land the subject of the agreement to the extent, and subject to the conditions, limitations and qualifications (if any), as is agreed between the parties to the agreement.
- (2) Where a by-law applies under subsection (1), the Commission shall, not later than 28 days after entering into the agreement, publish notice of the application of the by-law in:
 - (a) the *Gazette*; and
 - (b) a newspaper circulating throughout the Territory,and such notice shall include a description of the land to which the by-law applies.
- (3) A by-law referred to in subsection (2) shall take effect in relation to the land to which it applies on and from the date of publication of the notice in the *Gazette*.

73 Aboriginal land

- (1) The Commission may enter into negotiations and finalize agreements with an Aboriginal Land Council relating to schemes for the protection and conservation of wildlife in and the protection of the natural features of Aboriginal land.
- (1A) An agreement under subsection (1) may provide for financial assistance by the Territory or the Commission to achieve the object

of the agreement but any such provision providing for financial assistance by the Territory shall have no effect unless approved in writing by the Minister.

- (2) Where, at the expiration of 2 years from the date of execution of a deed of grant of an estate in fee simple by the Governor-General under section 12 of the *Aboriginal Land Rights (Northern Territory) Act 1976*, no agreement under subsection (1) has been entered into between the Commission and an Aboriginal Land Council, a then existing declaration of a sanctuary or a protected area over the land contained in the deed of grant or a part of that land is, by operation of this subsection, revoked.

74 Protection, &c, of wildlife and natural features of private land

- (1) The Commission may negotiate, and enter into agreements, with a land owner relating to schemes for the protection and conservation of wildlife in, and the protection of the natural features of, his land.
- (1A) An agreement under subsection (1) may provide for financial assistance by the Territory or the Commission to achieve the object of the agreement but any such provision providing for financial assistance by the Territory shall have no effect unless approved in writing by the Minister.
- (2) In this section **land owner** includes a person who is a lessee of, or who holds any other interest in, land.

74A Nature of agreement for protection and conservation of wildlife

- (1) An agreement under section 74(1) is binding on the land-owner according to its tenor but may be varied by further agreement.
- (2) The burden of an agreement under section 74(1), to the extent that it relates to the preservation, maintenance or care of land (including a fixture on the land), is an interest registrable under the *Real Property Act* and operates as a covenant which runs with the land, and the Minister has power to enforce the covenant against persons deriving title from the person who entered into the agreement as if it were a restrictive covenant, notwithstanding that it may be positive in nature or that it is not for the benefit of any land of the Territory.

75 Wildlife conservation programmes

- (1) The Commission may:
- (a) formulate and implement; and

- (b) co-operate with Australia, with a State or with an authority of Australia or of a State or of the Australian Capital Territory in formulating and implementing,

programmes for the purposes of the protection, conservation, management and control of wildlife.

- (2) programme formulated under subsection (1) shall be based upon, among other matters:
 - (a) an examination of the habitat of the wildlife to which the programme relates;
 - (b) an evaluation of the extent to which parks and reserves (including parks and reserves established under a law of a State) assist in the conservation of the wildlife to which the programme relates;
 - (c) an assessment and analysis of the population of the wildlife to which the programme relates; and
 - (d) consideration of the obligations of Australia under agreements between Australia and other countries relating to the protection and conservation of wildlife,

and shall provide for the review, at appropriate intervals, of the matters referred to in paragraphs (a), (b), (c), and (d).

- (3) A programme shall not be implemented by the Commission under this section until it has been approved by the Administrator.

Part VIII Administration

91 Officers and employees of Australia and government authorities

- (1) The Administrator may make arrangements with the Government of Australia for the performance of functions and the exercise of powers under this Act by officers or employees of Australia or of an authority of Australia.
- (2) The Minister may make arrangements with the Officer in Charge of a Department of the Public Service of the Territory or with an authority of the Territory, for the performance of functions and the exercise of powers under this Act by officers or employees of the Department or of the authority, as the case may be.

92 Appointment of conservation officer, &c.

- (1) The Commission may, by writing under its seal, appoint an officer or employee of the Commission as a conservation officer.
- (2) The Commission may, by writing under its seal, appoint:
 - (a) an officer or employee referred to in section 91; or
 - (b) an officer or employee of the Public Service of another State or Territory,as an honorary conservation officer.
- (3) Notwithstanding subsections (1) and (2), the Minister may, subject to such terms and conditions as the Minister thinks fit, appoint a person to be an honorary conservation officer.

93 Conservation officers, &c, ex officio

By force of this section:

- (a) the Director is a conservation officer; and
- (b) any member of the Police Force of the Territory is an honorary conservation officer.

93A Functions of conservation officer

It is the function of a conservation officer to assist the Director with the management of parks, reserves, sanctuaries and protected areas, and with the conservation of wildlife.

93B Powers of honorary conservation officer

An honorary conservation officer has and may exercise the powers conferred upon a conservation officer by this Act or the Regulations.

94 Identity cards

- (1) The Commission shall cause to be issued to each conservation officer and to each honorary conservation officer, other than a member of the Police Force, an identity card containing a photograph and the signature of the holder.
- (2) A person who ceases to be a conservation officer or honorary conservation officer shall forthwith return his identity card to the Commission.

Penalty: \$100.

95 Conservation officers have powers of constables

In addition to any powers elsewhere conferred on a conservation officer by this Act, a conservation officer in carrying out his functions and duties under this Act, has all the powers and duties, and the same protection at law in relation to the exercise and performance of those powers and duties, as a member of the Police Force with the rank of constable under the *Police Administration Act*.

96 Powers of search and seizure

- (1) Subject to this section, where a conservation officer is satisfied that there are reasonable grounds for suspecting that an offence against this Act has been, is being or is about to be committed, he may without warrant, and with such assistance as he thinks necessary:
 - (a) enter, with such force as is reasonably necessary, at any time, any premises (not being premises that are principally residential premises), vehicle, vessel, aircraft or place and, for that purpose stop and detain any vehicle, vessel, or aircraft, in or on which he believes on reasonable grounds, there is something that is evidence of or otherwise related to that offence;
 - (b) search the premises, vehicle, vessel, aircraft or place and every person found therein or thereon and every person whom he reasonably believes to be about to enter or to have recently left the premises, vehicle, vessel, aircraft or place;
 - (c) break open and search any cupboard, drawer, chest, trunk, box, cage, package or other receptacle, whether a fixture or not, in or on the premises, vehicle, vessel, aircraft or place;
 - (d) seize the vehicle, vessel or aircraft or anything that he finds on the premises, vehicle, vessel, aircraft or place or on any person searched, if he has reasonable grounds to believe that it is evidence of or otherwise relates to any offence which has been, is being or is about to be committed against this Act;
 - (e) stop, detain and search any person upon whom he believes, on reasonable grounds, there is something that is evidence of or otherwise relates to that offence; and
 - (f) take such action as is reasonably necessary to prevent the commission of an offence against this Act.

- (2) The Director may, by notice in writing served on a conservation officer, direct that conservation officer not to exercise a specified power under subsection (1) or not to exercise that power except subject to specified conditions or in specified circumstances or in specified localities.
- (3) Before commencing any search under subsection (1), if there is any person present who is or appears to be in charge of the premises, vehicle, vessel, aircraft or place, a conservation officer shall produce his identity card to that person and to any person he is about to search.
- (5) A female shall not be searched under this section except by a female.

97 Persons to stop when called upon to do so

A person who is called upon to do so by a conservation officer acting in the course of his duty shall stop and cause any vehicle or vessel in his control to stop.

Penalty: \$500 or imprisonment for 3 months.

98 Confiscation and forfeiture

- (1) Where a court finds a person guilty of an offence against this Act, the court may order the forfeiture to the Territory of any vehicle, aircraft, vessel or thing used or otherwise involved in the commission of the offence.
- (2) A vehicle, aircraft, vessel or thing seized under section 96 may be retained by the conservation officer who seized it until the expiration of a period of 60 days after the seizure or, if a prosecution for an offence against this Act in the commission of which it may have been used or otherwise involved is instituted within that period, until the prosecution is terminated.
- (3) The Director may authorize a vehicle, aircraft, vessel or thing seized under section 96 to be released to its owner, or to the person from whose possession it was seized, either unconditionally or on such conditions as he thinks fit, including conditions as to the giving of security for payment of its value if it is forfeited.
- (4) A vehicle, aircraft, vessel or thing forfeited under this section may be sold or otherwise disposed of as the Commission thinks fit.
- (5) A conservation officer may seize:
 - (a) any animal or plant that he reasonably believes to have been killed or taken in contravention of this Act;

- (b) any animal that he reasonably believes is being held unlawfully or is the property of Australia; or
 - (c) any animal that he reasonably believes to have been used or otherwise involved in the commission of an offence against this Act.
- (6) Where an animal or plant has been seized under subsection (5), the Director or a conservation officer may cause it to be:
- (a) released;
 - (b) retained; or
 - (c) sold or otherwise disposed of.
- (7) Where an animal or plant seized under subsection (5) was not killed or taken in contravention of this Act or used or otherwise involved in the commission of an offence against this Act, any person who has suffered loss or damage by reason of the seizure is entitled to reasonable compensation.

Part X Miscellaneous

109 Disclosure of interest

- (1) A member of the Council who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which he is not a director, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council.
- (2) A disclosure under subsection (1) shall be recorded in the minutes of the Council and the member:
- (a) shall not take part after the disclosure in any deliberation or decision of the Council; and
 - (b) shall be disregarded for the purpose of constituting a quorum of the Council for any such deliberation or decision.

110 Saving

Although the doing of an act or the possession of a thing is prohibited by this Act it is lawful for that act to be done or that thing to be possessed by a conservation officer if the doing of the act or the possession of the thing is for the purposes of scientific research.

111 Scientific expeditions

- (1) The Director may issue to any person, authority, university, institution, association or group of persons a licence to conduct in the Northern Territory scientific research or investigation into the fauna or flora of the Northern Territory.
- (2) Subject to subsection (3) but notwithstanding anything contained elsewhere in this Act a licence issued under this section authorizes the doing of such acts or the possession of such things as are specified in the licence.
- (3) Where the doing of an act or the possession of a thing is said in the licence to be subject to any condition the issue or possession of the licence does not afford a defence to a prosecution for an offence against this Act unless the defendant proves that he has complied with the condition.
- (4) At the meeting of the Commission next following the date on which the Director issues a licence under this section, the Director shall table a copy of the licence.

112 Power to enter upon land

- (1) The Commission may authorize the Director, with such assistants, plant, machinery and equipment as he thinks fit, to enter upon any land to investigate its suitability for reservation under this Act.
- (2) The Director shall not enter upon private land in pursuance of an authority given under subsection (1) until after he has given reasonable notice to the occupier of that land that he has been authorized under this section to carry out the investigation.
- (3) Where the Director enters upon land in pursuance of an authority given under subsection (1), he may do such things as he thinks necessary for the purpose of carrying out his investigation.
- (4) The Commission is liable to pay reasonable compensation for any damage or loss suffered in consequence of the carrying out of an investigation under this section.

113 Authorized destruction of feral animals in sanctuary, &c.

- (1) Notwithstanding anything contained in this Act, if the Director is satisfied that feral animals are present in a park, reserve, protected area or sanctuary in such numbers that the habitat is being affected or the survival of native animals in the area is imperilled, he may destroy or, by an authority in writing, he may authorize the destruction of, such a number of those feral animals as is, in his opinion, necessary to ensure the preservation of the habitat or of the native animals in the area.
- (2) An authority given under subsection (1) authorizes the person named therein to enter the area named in the authority, to take firearms and traps into the area named in the authority and to take, capture, kill and have in his possession animals in the area named in the authority.
- (3) In this section ***feral animal*** includes an animal of a domesticated species which is living in a wild state.

114 Exceptions

- (1) Notwithstanding anything contained in this Act, the Director may grant to the owner or occupier of a garden or a field in which there is standing or growing any cultivated fruit, vegetable, legume or seed crop, a licence to kill in the garden or the field a protected animal which has caused, or is likely to cause, substantial damage to that fruit, vegetable, legume or seed crop.
- (1A) A licence issued under subsection (1) shall be for such period, not exceeding 12 months, as the Director thinks fit, but may be renewed.
- (2) The Director may issue to the owner or occupier of a garden or of a field in which there is a standing crop a permit authorizing that person to sell an animal killed in pursuance of subsection (1).
- (3) A permit issued under subsection (2) shall be current for such period and be subject to such conditions as the Director specifies in the permit.
- (4) Where a person kills an animal in pursuance of subsection (1), he may, subject to subsection (2) and in accordance with the terms of a permit issued pursuant to that subsection, dispose of that animal by sale.
- (5) A person who sells an animal that was killed in pursuance of subsection (1) shall, unless another person has already done so, within one month of the date of the sale, give a report to the Director concerning the killing and disposing of the animal.

- (6) A person who kills an animal in pursuance of subsection (1), and a person who lawfully or unlawfully obtains an animal that was killed in pursuance of subsection (1), shall, at the request of the Director, give full particulars of the killing and disposing of that animal and of other animals that were killed on the same date.

Penalty: \$2,000, or imprisonment for 6 months, or both; and, in addition, \$100 for each protected animal in respect of which the offence is committed.

115 Averment in relation to parks and reserves

In any proceedings for an offence against this Act, an averment of the prosecutor, contained in the information or complaint, that, at a specified time:

- (a) the defendant was in a specified park, reserve, sanctuary or protected area;
- (b) an animal was a protected animal, or partly protected animal, game, or pest or a prohibited entrant; or
- (c) an animal, plant, vehicle, aircraft, vessel or article referred to in the information or complaint was in a specified park, reserve, sanctuary or protected area,

is prima facie evidence of the matter averred.

116 Royalties and advance payments

- (1) The Minister may, by notice in the *Gazette*, determine for the Territory or a part of the Territory the manner in which and the rates at which royalties in respect of animals (including the eggs of birds or reptiles) or plants taken in pursuance of a permit issued or granted or licence granted under this Act shall be assessed and the holder of a permit or licence is liable to pay the royalties so assessed accordingly.
- (2) The Regulations may provide for the payment of prescribed amounts in advance by the holder of a permit or licence and the crediting of amounts so paid towards royalties subsequently payable by the holder.

117 Fees, charges, &c.

- (1) Where the Minister, the Director or an officer or employee of the Commission:
 - (a) supplies a service, product or commodity;

- (b) grants or issues a permit or licence; or
- (c) gives a permission, consent or approval,

under this Act, the Director may demand, levy and receive, as a debt due and payable to the Commission, such fees, charges or royalties as are prescribed by or under this Act in respect thereof.

- (2) The Minister may, by notice in the *Gazette*, determine a fee or charge in respect of a matter referred to in subsection (1) where no such fee or charge is otherwise prescribed.

117A Regulatory offences

An offence of contravening or failing to comply with sections 23A, 24, 25F, 25G, 30, 32, 40, 41, 44, 47, 94 or 114 is a regulatory offence.

118 Offender may be ordered to pay for damage he does

- (1) Where a person is found guilty of an offence against this Act or a by-law, the court before which he is found guilty may order him to pay the amount of any damage or the cost of restoring, removing or repairing any damage, done by him in committing the offence.
- (2) Where the offence is an offence against a by-law providing for or in relation to the prohibition or the regulation of the admission of animals to parks or reserves or the control of animals on parks or reserves, any damage done by the animal shall be deemed to be damage done by the person responsible for the control of the animal and any costs to the Commission of bringing the animal under control and of feeding and otherwise maintaining the animal shall be deemed to be costs of restoring, removing or repairing damage done by that person.
- (3) The court may make the order specified in subsection (1), in addition to imposing a penalty, and the amount so ordered to be paid shall be recoverable as a judgment debt due to the Commission in a court of competent jurisdiction.

119 Destruction of trespassing animals

Where a person is found guilty of an offence against a by-law providing for or in relation to the prohibition or the regulation of the admission of animals to parks or reserves or the control of animals on parks or reserves, the court before which he is found guilty may order that the animal in respect of which the offence was committed be destroyed.

120 Return or forfeiture of seized articles

- (1) Where a person seizes an article under a by-law he shall, as soon as practicable, deliver the possession of it to the Director or to a person nominated by the Director to receive possession.
- (2) The Director or nominated person may retain possession of the article for 30 days from the date of its delivery to him or, if a prosecution with respect to the article is instituted within that time, until the prosecution is disposed of.
- (3) Where such a prosecution is instituted within the 30 days and the person prosecuted is found guilty, the court before which the person is found guilty may order that the article be forfeited to the Commission.
- (4) Where such a prosecution is not instituted within the 30 days or where the court does not order that the article be forfeited to the Commission, the Director or other person having the possession of it shall make it available to the person from whom it was seized and shall notify the person by post that it is so available.
- (5) If the person from whom it was seized does not claim it within 6 months of the date on which he is given notice that it is available, the article is forfeited to the Commission.

121 Service of notices

Where, this Act requires or permits a notice to be served on any person, the notice may be served:

- (a) personally on that person;
- (b) by delivering it to a person apparently above the age of 14 years, and apparently living or employed at the premises at which the person to be served lives or carries on business; or
- (c) by forwarding it by certified post in an envelope addressed to the person to be served at his last known place of abode or business.

122 Traditional use of land and water by Aboriginals

- (1) Subject to subsection (2), nothing in this Act prevents Aboriginals who have traditionally used an area of land or water from continuing to use the area of land or water for hunting, for food gathering (otherwise than for purposes of sale) and for ceremonial and religious purposes.

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- (2) The operation of subsection (1) is subject to regulations made for the purposes of conserving wildlife in any area and expressly affecting the traditional use of the area by Aboriginals.

123 Regulations

- (1) The Administrator may make Regulations, not inconsistent with this Act, prescribing matters:
- (a) required or permitted by this Act to be prescribed; or
 - (aa) in relation to the whole or a specified part of the Territory, declare a plant or a class or description of plants to be a protected or specially protected plant;
 - (ab) prescribe markings to be made on plants taken under a permit or licence and the methods of applying, and registration of, such markings;
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting the generality of subsection (1), the Regulations may:
- (a) make provision for or in relation to the licensing, control and regulation of zoological gardens, menageries and aviaries;
 - (b) establish a local management committee for any park, reserve, sanctuary or protected area, and make provision as to the composition of the committee, the appointment and terms of office of its members, its meetings and proceedings, its functions and powers and the manner of their performance, and any matters of an incidental or ancillary nature;
 - (c) specify terms, conditions and limitations to which the issue of permits under this Act shall be subject; and
 - (d) limit the persons to whom permits may be issued.
- (3) Where a plan of management proposes the use for a specified purpose of a particular part of the park or reserve to which the plan relates, the Administrator may by regulations restrict access to that part to such extent and in such manner as appears to the Administrator to be necessary or desirable in connection with its proposed use, and may in particular confine access, or grant preferential access, thereto to a class or description of persons specified in the regulations.

- (4) Subsection (3) does not derogate from the general power of the Commission to make by-laws with respect to access to parks and reserves as mentioned in section 71(2)(j) except to the extent that by-laws under that section must not be inconsistent with any regulations.
- (5) The Regulations may not declare a noxious weed within the meaning of the *Noxious Weeds Act* to be a protected plant or specially protected plant and any plant declared by the Regulations to be a protected plant or specially protected plant ceases to have that status on it being declared a noxious weed under that Act.

Schedule Ordinances repealed

section 3

No. and Year	Name of Ordinance
No. 11 of 1959	<i>National Parks and Gardens Ordinance 1959</i>
No. 26 of 1961	<i>National Parks and Gardens Ordinance 1961</i>
No. 34 of 1962	<i>National Parks and Gardens Ordinance 1962</i>
No. 56 of 1963	<i>National Parks and Gardens Ordinance 1963</i>
No. 6 of 1966	<i>National Parks and Gardens Ordinance 1966</i>
No. 20 of 1967	<i>National Parks and Gardens Ordinance 1967</i>
No. 44 of 1968	<i>National Parks and Gardens Ordinance 1968</i>
No. 59 of 1974	<i>National Parks and Gardens Ordinance (No. 2) 1974</i>
No. 35 of 1976	<i>National Parks and Gardens Ordinance 1976</i>
No. 44 of 1963	<i>Wildlife Conservation and Control Ordinance 1962</i>
No. 60 of 1964	<i>Wildlife Conservation and Control Ordinance 1964</i>
No. 35 of 1965	<i>Wildlife Conservation and Control Ordinance 1965</i>
No. 17 of 1966	<i>Wildlife Conservation and Control Ordinance 1966</i>
No. 49 of 1967	<i>Wildlife Conservation and Control Ordinance 1967</i>
No. 9 of 1968	<i>Wildlife Conservation and Control Ordinance 1968</i>
No. 31 of 1968	<i>Wildlife Conservation and Control Ordinance (No. 2) 1968</i>
No. 50 of 1969	<i>Wildlife Conservation and Control Ordinance 1969</i>
No. 74 of 1970	<i>Wildlife Conservation and Control Ordinance 1970</i>
No. 12 of 1972	<i>Wildlife Conservation and Control Ordinance 1972</i>
No. 15 of 1973	<i>Wildlife Conservation and Control Ordinance 1973</i>
No. 28 of 1974	<i>Wildlife Conservation and Control Ordinance 1974</i>
No. 47 of 1974	<i>Wildlife Conservation and Control Ordinance (No. 3) 1974</i>
No. 83 of 1974	<i>Wildlife Conservation and Control Ordinance (No. 2) 1974</i>
No. 4 of 1976	<i>Wildlife Conservation and Control Ordinance 1975</i>

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended
 app = appendix
 bl = by-law
 ch = Chapter
 cl = clause
 div = Division
 exp = expires/expired
 f = forms
 Gaz = Gazette
 hdg = heading
 ins = inserted
 lt = long title
 nc = not commenced

od = order
 om = omitted
 pt = Part
 r = regulation/rule
 rem = remainder
 renum = renumbered
 rep = repealed
 s = section
 sch = Schedule
 sdiv = Subdivision
 SL = Subordinate Legislation
 sub = substituted

2**LIST OF LEGISLATION*****Territory Parks and Wildlife Conservation Ordinance 1976 (Act No. 23, 1977)***

Assent date 2 June 1977
 Commenced ss 1 and 2, 45 to 123: 19 November 1977 (*Gaz* No. 46, 18 November 1977, p 18); rem: 1 January 1978 (*Gaz* No. 51, 22 December 1977, p 1)

Territory Parks and Wildlife Conservation Ordinance (No. 2) 1976 (Act No. 24, 1977)

Assent date 2 June 1977
 Commenced ss 1 – 4: 18 November 1977;
 ss 14 – 21, 23 – 26: 19 November 1977 (*Gaz* No. 46, 18 November 1977, p 18); rem: 1 January 1978 (*Gaz* No. 51, 22 December 1977, p 1)

Amending Legislation***Territory Parks and Wildlife Conservation Ordinance 1978 (Act No. 56, 1978)***

Assent date 1 July 1978
 Commenced 1 July 1978

Territory Parks and Wildlife Conservation Ordinance (No. 3) 1976 (Act No. 25, 1977)

Assent date 2 June 1977
 Commenced 1 January 1978 (*Gaz* No. 51, 22 December 1977, p 1)

Territory Parks and Wildlife Conservation Ordinance 1978 (Act No. 56, 1978)

Assent date 1 July 1978
 Commenced 1 July 1978

Territory Parks and Wildlife Conservation Ordinance (No. 3) 1978 (Act No. 57, 1978)

Assent date 1 July 1978
 Commenced 1 July 1978

Statute Law Revision Act 1978 (Act No. 95, 1978)

Assent date 5 September 1978
 Commenced 5 September 1978

Territory Parks and Wildlife Conservation Ordinance (No. 2) 1978 (Act No. 112, 1978)

Assent date 9 November 1978
Commenced 1 February 1979 (s 3, s 2 *Aboriginal Land Ordinance 1978* (Act No. 106, 1978) and Gaz G4, 26 January 1979, p 18)

Territory Parks and Wildlife Conservation Act (No. 4) 1978 (Act No. 130, 1978)

Assent date 21 December 1978
Commenced 21 December 1978

Territory Parks and Wildlife Conservation Act (No. 2) 1979 (Act No. 82, 1979)

Assent date 13 July 1979
Commenced 31 August 1979 (Gaz G35, 31 August 1979, p 1)

Territory Parks and Wildlife Conservation Act 1979 (Act No. 86, 1979)

Assent date 19 July 1979
Commenced 19 July 1979

Remuneration (Statutory Bodies) Act 1979 (Act No. 9, 1980)

Assent date 14 January 1980
Commenced 8 February 1980 (Gaz G6, 8 February 1980, p 6)

Territory Parks and Wildlife Conservation Act 1980 (Act No. 15, 1980)

Assent date 13 March 1980
Commenced 23 March 1980 (s 3, s 2 *Conservation Commission Act 1980* (Act No. 13, 1980) and Gaz G13, 28 March 1980, p 7)

Territory Parks and Wildlife Conservation Amendment Act 1981 (Act No. 101, 1981)

Assent date 21 December 1981
Commenced 21 December 1981

Territory Parks and Wildlife Conservation Amendment Act 1983 (Act No. 10, 1983)

Assent date 27 April 1983
Commenced 27 April 1983

Territory Parks and Wildlife Conservation Amendment Act (No. 2) 1983 (Act No. 23, 1983)

Assent date 24 June 1983
Commenced 24 June 1983

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date 28 November 1983
Commenced 1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), Gaz G46, 18 November 1983, p 11 and Gaz G8, 26 February 1986, p 5)

Territory Parks and Wildlife Conservation Amendment Act 1985 (Act No. 62, 1985)

Assent date 24 December 1985
Commenced 28 January 1986 (s 2, s 2 *Mining Amendment Act 1985* (Act No. 63, 1985) and Gaz S3, 28 January 1986)

Territory Parks and Wildlife Conservation Amendment Act (No. 2) 1985 (Act No. 71, 1985)

Assent date 24 December 1985
Commenced 24 December 1985

Territory Parks and Wildlife Conservation Amendment Act 1986 (Act No. 37, 1986)

Assent date 19 September 1986
Commenced 19 September 1986

Territory Parks and Wildlife Conservation Amendment Act (No. 2) 1986 (Act No. 55, 1986)

Assent date 19 December 1986
Commenced 24 December 1986 (s 2, s 2 *Northern Territory Land Corporation Act 1986* (Act No. 53, 1986) and Gaz S90, 24 December 1986)

Territory Parks and Wildlife Conservation Amendment Act 1988 (Act No. 7, 1988)

Assent date 21 March 1988
Commenced 1 November 1988 (Gaz S62, 26 October 1988)

Territory Parks and Wildlife Conservation Amendment Act 1989 (Act No. 18, 1989)

Assent date 15 June 1989
Commenced 22 November 1989 (Gaz G46, 22 November 1989, p 5)

Territory Parks and Wildlife Conservation Amendment Act 1990 (Act No. 27, 1990)

Assent date 7 June 1990
Commenced 17 June 1992 (Gaz G24, 17 June 1992, p 5)

Territory Parks and Wildlife Conservation Amendment Act (No. 2) 1990 (Act No. 51, 1990)

Assent date 15 October 1990
Commenced 15 October 1990

Mining Amendment Act 1991 (Act No. 27, 1991)

Assent date 17 June 1991
Commenced 17 June 1991

Territory Parks and Wildlife Conservation Amendment Act 1992 (Act No. 12, 1992)

Assent date 21 April 1992
Commenced 12 August 1992 (Gaz G32, 12 August 1992, p 3)

Statute Law Revision Act 1992 (Act No. 46, 1992)

Assent date 7 September 1992
Commenced 7 September 1992

Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)

Assent date 30 June 1993
Commenced 1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and Gaz S53, 29 June 1993)

Territory Parks and Wildlife Conservation Amendment Act 1994 (Act No. 72, 1994)

Assent date 15 December 1993
Commenced 15 December 1993

Parks and Wildlife Commission (Consequential Amendments) Act 1995 (Act No. 46, 1995)

Assent date 15 November 1995
Commenced 29 November 1995 (s 2, s 2 *Conservation Commission Amendment Act 1995* (Act No. 69, 1995) and Gaz S42, 29 November 1995)

Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)

Assent date	19 April 1996
Commenced	s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 <i>Sentencing Act 1995</i> (Act No. 39, 1995) and <i>Gaz S15</i> , 13 June 1996)

Territory Parks and Wildlife Conservation Amendment Act 1996 (Act No. 48, 1996)

Assent date	31 October 1996
Commenced	31 October 1996

Territory Parks and Wildlife Conservation Amendment Act 1998 (Act No. 4, 1998)

Assent date	25 March 1998
Commenced	25 March 1998

3 SAVINGS AND TRANSITIONAL PROVISIONS

- ss 13(2) and 18 *Territory Parks and Wildlife Conservation Ordinance (No. 3) 1978* (Act No. 57, 1978)
- ss 14 and 15 *Territory Parks and Wildlife Conservation Act (No. 2) 1979* (Act No. 82, 1979)
- ss 4, 5 and 6 *Territory Parks and Wildlife Conservation Act 1980* (Act No. 15, 1980)
- s 21 *Territory Parks and Wildlife Conservation Amendment Act 1992* (Act No. 12, 1992)

4 LIST OF AMENDMENTS

It	amd No. 23, 1983, s 7
s 1	amd No. 23, 1983, s 7
s 2	sub No. 24, 1977, s 4
	amd No. 23, 1983, s 7
ss 4 – 6	amd No. 23, 1983, s 7
s 7	amd No. 24, 1977, s 5; No. 23, 1983, s 7
s 8	amd No. 23, 1983, s 7
s 9	amd No. 24, 1977, s 6; No. 56, 1978, s 3; No. 57, 1978, s 4; No. 112, 1978, s 4; No. 82, 1979, s 4; No. 86, 1979, s 3; No. 15, 1980, s 7; No. 10, 1983, s 2; No. 23, 1983, ss 3 and 7; No. 62, 1985, s 4; No. 7, 1988, s 4; No. 18, 1989, s 4; No. 27, 1991, s 4; No. 12, 1992, s 4; No. 72, 1994, s 3; No. 46, 1995, s 3
s 10	amd No. 23, 1983, s 7
s 11	amd No. 57, 1978, s 5
s 12	amd No. 24, 1977, s 7; No. 25, 1977, s 4; No. 56, 1978, s 4; No. 57, 1978, ss 6, 14, 15 and 17; No. 82, 1979, s 5; No. 27, 1990, s 3; No. 4, 1998, s 2
s 13	amd No. 24, 1977, s 8; No. 56, 1978, s 5; No. 57, 1978, ss 15 and 17; No. 82, 1979, s 6
s 14	amd No. 56, 1978, s 6; No. 57, 1978, s 15; No. 82, 1979, s 7
s 15	rep No. 56, 1978, s 7
s 16	amd No. 82, 1979, s 8
s 17	amd No. 56, 1978, s 8; No. 57, 1978, s 15; No. 62, 1985, s 5; No. 27, 1991, s 4; No. 72, 1994, s 4;
s 18	amd No. 24, 1977, s 9; No. 57, 1978, ss 15 and 16; No. 62, 1985, s 6; No. 18, 1989, s 5
s 19	amd No. 24, 1977, s 26; No. 57, 1978, ss 14, 15 and 16; No. 101, 1981, s 2
s 21	amd No. 82, 1979, s 9
s 22	amd No. 24, 1977, s 26; No. 57, 1978, ss 15 and 16; No. 12, 1992, s 5
s 23	amd No. 23, 1983, s 7
s 23A	ins No. 12, 1992, s 6
s 24	amd No. 23, 1983, s 7; No. 12, 1992, s 7; No. 46, 1992, s 13

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s 25	amd No. 24, 1977, s 10; No. 57, 1978, ss 7 and 15; No. 23, 1983, s 7; No. 12, 1992, s 8
ss 25AA – 25AAA	ins No. 12, 1992, s 9
pt IIIA hdg	ins No. 24, 1977, s 11
s 25A	ins No. 24, 1977, s 11 amd No. 56, 1978, s 9; No. 95, 1978, s 12; No. 23, 1983, s 7; No. 55, 1986, s 4; No. 12, 1992, s 10
s 25B	ins No. 24, 1977, s 11 amd No. 23, 1983, s 7
s 25C	ins No. 24, 1977, s 11 amd No. 23, 1983, s 7; No. 62, 1985, s 7; No. 28, 1993, s 3;
s 25D	ins No. 24, 1977, s 11 amd No. 23, 1983, s 7
s 25E	ins No. 24, 1977, s 11 amd No. 12, 1992, s 11
s 25F	ins No. 24, 1977, s 11 amd No. 23, 1983, s 7
s 25G	ins No. 24, 1977, s 11 amd No. 57, 1978, s 14; No. 23, 1983, s 7 rep No. 62, 1985, s 8 ins No. 12, 1992, s 12
pt IV hdg	sub No. 24, 1977, s 11
s 26	sub No. 24, 1977, s 11 amd No. 7, 1988, s 5
ss 26A – 26B	ins No. 7, 1988, s 6
s 27	sub No. 24, 1977, s 11 amd No. 57, 1978, s 14; No. 18, 1989, s 6
s 28	sub No. 24, 1977, s 11 amd No. 23, 1983, s 7; No. 18, 1989, s 7
s 29	sub No. 24, 1977, s 11 amd No. 23, 1983, s 4; No. 7, 1988, s 7
s 30	sub No. 24, 1977, s 11 amd No. 23, 1983, s 7
s 31	sub No. 24, 1977, s 11 amd No. 23, 1983, s 5
ss 32 – 34	sub No. 24, 1977, s 11 amd No. 23, 1983, s 7
s 35	sub No. 24, 1977, s 11 amd No. 23, 1983, s 7; No. 18, 1989, s 8
s 36	sub No. 24, 1977, s 11 amd No. 57, 1978, ss 14 and 15
s 37	sub No. 24, 1977, s 11
s 38	sub No. 24, 1977, s 11 amd No. 23, 1983, s 7
s 39	sub No. 24, 1977, s 11
ss 40 – 41	sub No. 24, 1977, s 11 amd No. 23, 1983, s 7
s 42	sub No. 24, 1977, s 11 amd No. 7, 1988, s 8; No. 18, 1989, s 9
s 43	sub No. 24, 1977, s 11 amd No. 7, 1988, s 9; No. 18, 1989, s 10
s 43A	ins No. 7, 1988, s 10
s 44	sub No. 24, 1977, s 11 amd No. 32, 1980, s 7
pt V hdg	rep No. 15, 1980, s 8 ins No. 12, 1992, s 13

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s 45	amd No. 24, 1977, s 12; No. 57, 1978, s 15 rep No. 15, 1980, s 8 ins No. 12, 1992, s 13
ss 46 – 47	rep No. 15, 1980, s 8 ins No. 12, 1992, s 13
s 48	amd No. 57, 1978, s 15 rep No. 15, 1980, s 8 ins No. 12, 1992, s 13
ss 49 – 55	rep No. 24, 1977, s 13 ins No. 12, 1992, s 13
s 56	rep No. 15, 1980, s 8
s 57	rep No. 15, 1980, s 9
s 58	amd No. 57, 1978, s 8 rep No. 15, 1980, s 9
s 59	amd No. 57, 1978, ss 9 and 15 rep No. 15, 1980, s 9
s 60	amd No. 57, 1978, s 10 rep No. 9, 1980, s 9
s 61	amd No. 57, 1978, s 14 rep No. 15, 1980, s 9
ss 62 – 63	amd No. 57, 1978, s 15 rep No. 15, 1980, s 9
s 64	rep No. 15, 1980, s 9
s 64A	ins No. 56, 1978, s 10 rep No. 15, 1980, s 9
s 65	rep No. 15, 1980, s 9
s 66	amd No. 24, 1977, s 26; No. 56, 1978, s 11; No. 57, 1978, ss 11 and 16; No. 82, 1979, s 10 rep No. 15, 1980, s 9
s 67	amd No. 57, 1978, s 17; No. 82, 1979, s 11 rep No. 15, 1980, s 9
s 69	amd No. 23, 1983, s 7
s 70	amd No. 24, 1977, s 26
s 71	amd No. 23, 1983, s 7; No. 62, 1985, s 9; No. 51, 1990, s 2; No. 12, 1992, s 14;
s 71A	ins No. 48, 1996, s 2
s 72	amd No. 57, 1978, s 15 rep No. 23, 1983, s 6
s 73	amd No. 57, 1978, s 15 sub No. 112, 1978, s 5 amd No. 12, 1992, s 15
s 74	amd No. 12, 1992, s 16
s 74A	ins No. 12, 1992, s 17
s 75	amd No. 57, 1978, s 15
s 76	amd No. 57, 1978, s 16 rep No. 15, 1980, s 9
s 77	amd No. 57, 1978, s 15 rep No. 15, 1980, s 9
pt IVA hdg	rep No. 15, 1980, s 10
ss 77A – 77N	ins No. 82, 1979, s 12 rep No. 15, 1980, s 10
pt VII hdg	rep No. 46, 1995, s 3
s 78	rep No. 46, 1995, s 3
s 79	amd No. 23, 1983, s 7 rep No. 46, 1995, s 3
s 80	amd No. 24, 1977, s 26; No. 57, 1978, s 16; No. 23, 1983, s 7 rep No. 46, 1995, s 3
s 81	rep No. 46, 1995, s 3

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- s 82 amd No. 57, 1978, s 12
rep No. 9, 1980, s 6
- ss 83 – 85 amd No. 24, 1977, s 26; No. 57, 1978, s 16
rep No. 46, 1995, s 3
- s 86 rep No. 46, 1995, s 3
- ss 87 – 88 amd No. 23, 1983, s 7
rep No. 46, 1995, s 3
- s 89 rep No. 24, 1977, s 14
ins No. 71, 1985, s 2
rep No. 46, 1995, s 3
- s 90 amd No. 24, 1977, s 15
rep No. 15, 1980, s 9
- s 91 amd No. 24, 1977, s 26; No. 56, 1978, s 12; No. 57, 1978, ss 15 and 16;
No. 23, 1983, s 7
- s 92 sub No. 24, 1977, s 16
amd No. 48, 1996, s 3;
- s 93 sub No. 24, 1977, s 16
- s 93A ins No. 24, 1977, s 16
- s 93B ins No. 24, 1977, s 16
amd No. 23, 1983, s 7
- ss 94 amd No. 24, 1977, s 17; No. 23, 1983, s 7
- s 95 amd No. 24, 1977, s 18; No. 86, 1979, s 4; No. 23, 1983, s 7
- s 96 amd No. 24, 1977, s 19; No. 57, 1978, s 16; No. 86, 1979, s 5; No. 23, 1983,
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- s 97 amd No. 24, 1977, s 20; No. 23, 1983, s 7
- s 98 amd No. 24, 1977, s 21; No. 57, 1978, s 17; No. 23, 1983, s 7; No. 17, 1996,
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- pt IX hdg rep No. 57, 1978, s 13
- s 99 rep No. 57, 1978, s 13
- s 100 amd No. 24, 1977, s 22
rep No. 57, 1978, s 13
- ss 101 – 102 rep No. 57, 1978, s 13
- ss 103 – 104 amd No. 24, 1977, s 26
rep No. 57, 1978, s 13
- s 105 rep No. 57, 1978, s 13
- ss 106 – 107 amd No. 24, 1977, s 26
rep No. 57, 1978, s 13
- s 108 rep No. 57, 1978, s 13
- s 109 amd No. 15, 1980, s 11
- s 110 amd No. 56, 1978, s 13; No. 23, 1983, s 7
- ss 111 – 112 amd No. 23, 1983, s 7
- s 113 amd No. 24, 1977, s 23; No. 56, 1978, s 14; No. 23, 1983, s 7
- s 114 amd No. 24, 1977, s 24; No. 23, 1983, s 7
- s 115 amd No. 56, 1978, s 15; No. 23, 1983, s 7
- s 116 rep No. 130, 1978, s 3
ins No. 12, 1992, s 18
- s 117 amd No. 23, 1983, s 7
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- s 117A ins No. 68, 1983, s 40
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- s 118 amd No. 23, 1983, s 7; No. 17, 1996, s 6
- ss 119 – 120 amd No. 17, 1996, s 6
- s 121 amd No. 23, 1983, s 7
- s 122 amd No. 24, 1977, s 25
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s 123 amd No. 95, 1978, s 14; No. 82, 1979, s 13
 sub No. 37, 1986, s 2
sch amd No. 7, 1988, s 11; No. 18, 1989, s 11; No. 12, 1992, s 20
 amd No. 56, 1978, s 16