

**NORTHERN TERRITORY OF AUSTRALIA**

**TERRITORY PARKS AND WILDLIFE CONSERVATION BY-LAWS**

As in force at 8 December 1993

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 8 December 1993

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## TERRITORY PARKS AND WILDLIFE CONSERVATION BY-LAWS

### By-laws under the *Territory Parks and Wildlife Conservation Act*

#### Part 1 Preliminary

##### 1 Citation

These By-laws may be cited as the *Territory Parks and Wildlife Conservation By-laws*.

##### 2 Repeal

The By-laws specified in Schedule 1 are repealed.

##### 3 Definitions

In these By-laws, unless the contrary intention appears:

***authorized receptacle*** means a receptacle for the disposal of rubbish provided on a park or reserve.

***camping area*** means a part of a park or reserve designated under by-law 8(1) as a camping area.

***category A***, in relation to a camping area, means that a high degree of site maintenance and facilities are provided by the Commission which may include lawned areas, authorised receptacles, septic or chemical toilets, picnic tables, cooking facilities or serviced barbecues, showers, tap water and individual camp sites.

***category B***, in relation to a camping area, means that the services and facilities provided by the Commission may include toilet facilities, picnic tables, showers, tap water and barbecues.

***category C***, in relation to a camping area, means that the Commission provides basic facilities only.

***firearm*** means a firearm within the meaning of the *Firearms Act*.

**licence** means a licence granted under the *Motor Vehicles Act* to drive a motor vehicle.

**motor vehicle** has the same meaning as in the *Traffic Act*.

**park or reserve** includes land committed under a law of the Territory to the care, control and management of the Commission or which, under section 103B of the *Crown Lands Act*, may be managed, regulated or controlled by the Commission.

**provided** means provided by the Commission.

**vehicle** has the same meaning as in the *Traffic Act*.

**vehicle pound** means a yard or other place declared under by-law 36 to be a vehicle pound.

**weapon** means an instrument capable of inflicting harm to a person or wildlife, and includes a device that is capable of discharging a projectile.

#### **4 Application of By-laws**

These By-laws apply to and in relation to all parks and reserves (including all land committed under a law of the Territory to the care, control and management of the Commission or which, under section 103B of the *Crown Lands Act*, may be managed, regulated or controlled by the Commission) except to the extent that they are inconsistent with by-laws made under section 71 of the Act in respect of a particular park or reserve or, in the case of land reserved under section 103 of the *Crown Lands Act*, the purpose for which it is reserved.

## **Part 2 Access to parks and reserves**

### **5 Hours of opening**

- (1) Subject to by-law 6, unless otherwise provided in its plan of management, a park or reserve shall be open to the public:
  - (a) where the park or reserve is specified in Schedule 2 – during the times specified therein in respect of that park or reserve; or
  - (b) where the park or reserve is not specified in Schedule 2 – at all times.

- (2) A person shall not, without reasonable excuse, enter or remain on a park or reserve other than at a time during which the park or reserve is open to the public.

Penalty: \$500.

## **6 Access to parks and reserves**

- (1) The Commission may prohibit access to a park or reserve or part of a park or reserve if it is of the opinion that:

- (a) public safety may be endangered;
- (b) the protection and preservation of the park or reserve or that part of the park or reserve may be interfered with; or
- (c) disadvantage to the good order and management of the park or reserve may be caused,

by access to the park or reserve or that part of the park or reserve.

- (2) The Commission may prohibit access to a park or reserve or part of a park or reserve by a person or persons included in a class of persons where it is of the opinion that:

- (a) public safety may be endangered; or
- (b) the protection and preservation of the park or reserve or that part of the park or reserve may be interfered with,

by access to the park or reserve or that part of the park or reserve by that person or persons included in that class of persons.

- (3) Notice of a prohibition under clause (1) or (2) shall be:

- (a) published in a newspaper circulating in the area in which the park or reserve is situated; and
- (b) prominently displayed at all entrances to the park or reserve or part of the park or reserve to which the prohibition relates.

- (4) A person who, or a person included in a class of persons which, is prohibited under clause (1) or (2) from entering a park or reserve or part of a park or reserve shall not enter the park or reserve or that part of the park or reserve.

Penalty: \$1,000.

- (5) It is a defence to a prosecution for an offence against clause (4) if the defendant proves that his presence in the park or reserve or the part of the park or reserve was:
- (a) due to the existence of an emergency; or
  - (b) unavoidable by the taking of reasonable care.

## **7 Prohibition of swimming in certain areas**

- (1) The Commission may declare an area of water in a park or reserve to be a prohibited area if it is of the opinion that the entry of a person into that area of water would be likely to:
- (a) result in the exposure of the person to danger or to a health hazard; or
  - (b) give rise to circumstances constituting a hazard to the health or safety of other persons.
- (2) Where the Commission makes a declaration under clause (1), it shall cause to be erected, as close to the area of water as is reasonably practicable, a sign bearing:
- (a) the words "ENTRY TO WATER PROHIBITED"; and
  - (b) a description of the area of water.
- (3) A person shall not enter an area of water in respect of which a declaration is in force under clause (1).

Penalty: \$1,000.

## **8 Camping**

- (1) The Commission may, by means of clearly marked signs, designate an area within a park or reserve as a camping area.
- (1A) The Commission shall classify a camping area as category A, category B or category C according to the facilities and services it provides in respect of the camping area.
- (2) A person shall not camp in a park or reserve otherwise than in a camping area unless he is the holder of a camping permit granted under clause (3).
- (3) The Commission may, on application by a person, grant to the person a camping permit.

- (4) A camping permit granted to a person may be subject to such conditions as the Commission thinks fit and, without limiting the generality of the foregoing, may include conditions relating to:
- (a) the area in which, and the period during which, the person may camp; and
  - (b) the mode of travel that shall be adopted by the person in reaching the area in which he is permitted to camp.
- (5) A person who is the holder of a camping permit shall not camp in a park or reserve otherwise than:
- (a) in accordance with the camping permit; or
  - (b) in a camping area.

Penalty for an offence against this section: \$1,000 and \$100 for each day during which the offence continues.

## **9 Use of powered vessels**

- (1) The Commission may, if it is of the opinion that the use of vessels propelled by power, or vessels included in a class of vessels propelled by power, would be likely to damage a park or reserve or interfere with the management of wildlife or with the enjoyment or safety of other persons, determine that an area of water in a park or reserve is an area in which the use of vessels:
- (a) propelled by power; or
  - (b) included in a class of vessels propelled by power,
- is prohibited.
- (2) The power of the Commission to specify a vessel or a class of vessels propelled by power includes a power to specify a class by reference to:
- (a) the manner in which the vessel or the class of vessels is so propelled; and
  - (b) the type, size, capacity or power of the engine by which the vessel or class of vessels is so propelled.
- (3) Where the Commission makes a determination under clause (1), it shall cause to be erected, as close to the area of water as is reasonably practicable, a sign bearing:
- (a) the words "POWER BOATS PROHIBITED";

- (b) where the determination relates to vessels included in a class of vessels propelled by power – a description of the class of vessels the use of which is prohibited; and
  - (c) a description of the area of water.
- (4) The Commission may issue a permit for the use of a vessel propelled by power on an area of water in respect of which a determination under clause (1)(a) is in force.
- (5) Subject to clause (4), a person shall not:
- (a) use a vessel propelled by power on an area of water in respect of which a determination under clause (1)(a) is in force; or
  - (b) where a determination in respect of a class of vessels propelled by power is in force, use a vessel included in that class of vessels on an area of water in respect of which the determination is in force.

Penalty: \$500.

- (6) It is a defence to a prosecution for an offence against clause (5) if the defendant proves that the use of the vessel or, in the case of an offence against clause (5)(b), the use of a vessel included in a class of vessels in respect of which a determination is in force, was due to the existence of an emergency.

## **10 Fees and charges**

- (1) The fees set out in Schedule 3 shall be payable in respect of the activities and services specified therein.
- (1A) Notwithstanding clause (1), the Commission may from time to time, as it thinks fit, determine that special rates may be applied in relation to a fee set out in Schedule 3 by way of a discount to or waiver of the fee in respect of a class or group of persons, such as educational, scientific or special interest groups, pensioners, students, families, tourist operators, residents of a locality or visitors returning to a park and the Commission shall publish the special rates in a notice at the entrance to a park or reserve or at or near a place where fees are payable in a park or reserve, and in such other manner as it thinks fit.
- (2) A person shall not participate in or undertake an activity in respect of which a fee is fixed under Schedule 3 without having first paid that fee.

Penalty: \$100.



(3) A fee is not refundable where permission to participate in or undertake an activity in a park or reserve is revoked, or the person paying the fee does not take advantage of the facility or service for which he has paid.

(4) For the purposes of this by-law and Schedule 3:

**adult** means a person who has attained the age of 16 years.

**child** means a person who has attained the age of 5 years but has not attained the age of 16 years.

**family** means not more than 2 adults and 4 children.

## **Part 3 Control of activities**

### **11 Fires**

(1) The Commission may:

- (a) determine a period during which a total fire ban shall be in force in a park or reserve or part of a park or reserve; or
- (b) by means of a sign or other notification, prohibit the lighting, maintaining or use of a fire in a place or area:
  - (i) specified in the sign or notice; or
  - (ii) other than places or areas provided for the lighting of fires.

(2) A person shall not in a park or reserve light, maintain or use a fire where:

- (a) a total fire ban under clause (1) is in force; or
- (b) a sign or other notification is displayed or given,

in respect of the park or reserve or the part of the park or reserve, or the place or area to which the ban, sign or other notification applies.

Penalty: \$2,000.

(3) A person shall not, in a park or reserve:

- (a) leave unattended a fire which he has lit or used; or

- (b) fail to extinguish a fire which he has lit or used, before leaving it unattended.

Penalty: \$1,000.

- (4) It is a defence to a prosecution for an offence against clause (3) if the defendant had, before leaving the fire, arranged with a person apparently over the age of 18 years who also used or was using the fire for that person to remain at the place where the fire was and not leave that fire until that person has:
  - (a) thoroughly extinguished the fire; or
  - (b) made a similar arrangement with another person apparently over the age of 18 years who used or was using the fire.
- (5) For the purpose of this by-law, **fire** means a fire consuming a gaseous, liquid or solid fuel.

## **12 Deposit of waste matter**

A person shall not in a park or reserve:

- (a) deposit rubbish or litter (not being rubble or household or industrial waste) elsewhere than in an authorized receptacle; or
- (b) deposit or discharge:
  - (i) rubble or household or industrial waste; or
  - (ii) noxious, offensive or polluting substances or material,else where than in an area provided by means of a sign or other notification for the purpose.

Penalty: \$1,000 and \$100 for each day during which the offence continues.

## **13 Trade and commerce**

- (1) A person shall not in a park or reserve carry on trade or commerce without a permit granted by the Commission.

Penalty: \$1,000 and \$100 for each day during which the offence continues.

- (2) An application for a permit to carry on trade or commerce in a park or reserve shall be made in writing to the Commission and shall state:
  - (a) the name and business address of the applicant;
  - (b) the type of trade or commerce which the applicant proposes to carry on;
  - (c) the park or reserve or part of a park or reserve where the applicant proposes to carry on trade or commerce; and
  - (d) such other matters as the Commission may require.
- (3) The Commission may, on receipt of an application under clause (2), decline to grant a permit, grant a permit or grant a permit subject to conditions.
- (4) A permit granted under clause (3) shall be:
  - (a) valid for the period specified in the permit; and
  - (b) subject to such terms and conditions, if any, as the Commission thinks fit and specifies in the permit.
- (5) The Commission may determine the fee or royalty payable on the granting of a permit.
- (6) For the purposes of this by-law, **trade or commerce** includes selling, offering or exposing for sale any article, plying for hire any goods or services, photography for commercial purposes and the conduct of a tour, safari or excursion.

#### **14 Firearms, explosives, traps, &c.**

- (1) A person shall not:
  - (a) use or carry:
    - (i) a firearm or other weapon;
    - (ii) a trap or snare;
    - (iii) a net or speargun; or
    - (iv) ammunition or explosives; or
  - (b) lay a bait or poison,

in a park or reserve unless he has first obtained from the Commission a permit to do so.

- (2) A person shall not discharge a firearm into a park or reserve from outside the boundary of the park or reserve.
- (3) A person who has in his possession an item referred to in clause (1) in respect of which he does not have a permit shall, at or as soon as practicable after, his entry to a park or reserve, report the possession to the conservation officer in charge of the park.
- (4) A person referred to in clause (3) shall, on being requested by a conservation officer, surrender an item referred to in that clause to the conservation officer who shall retain it whilst the person remains in the park or reserve.
- (5) A conservation officer may seize an item referred to in clause (1) which he has reason to suspect is or has been used in contravention of these By-laws or a permit referred to in that clause.

Penalty for an offence against this by-law: \$1,000.

## **15 Metal detectors**

- (1) A person shall not use or carry a device manufactured for the purpose of detecting metals in a park or reserve unless he has first obtained from the Commission a permit to do so.
- (2) A person who has in his possession a device referred to in clause (1) in respect of which he does not have a permit shall, at or as soon as practicable after, his entry to a park or reserve, report the possession to the conservation officer in charge of the park.
- (3) A person referred to in clause (2) shall, on being requested by a conservation officer, surrender a device referred to in that clause to the conservation officer who shall retain it whilst the person remains in the park or reserve.
- (4) A conservation officer may seize a device referred to in clause (1) which he has reason to suspect is or has been used in contravention of these By-laws or a permit referred to in that clause.

Penalty for an offence against this by-law: \$500.

## **16 Chemical substances**

A person shall not carry, have in his possession or disperse or lay (whether from an aircraft or by other means) a chemical substance with intent to cause harm to wildlife in a park or reserve.

Penalty: \$5,000.

**16A Use of certain substances and things prohibited**

- (1) The Commission may, if it is of the opinion that the use of a substance or thing may:
- (a) cause damage to or pollute a park or reserve or a part of a park or reserve;
  - (b) cause damage to or pollute an area of water in a park or reserve; or
  - (c) be harmful to wildlife in a park or reserve or in a part of, or in an area of water in, a park or reserve,

prohibit, by notice in the *Gazette*, the use of that substance or thing in the park or reserve or the part of, or the area of water in, the park or reserve, as the case may be, specified in the notice.

- (2) Where the Commission prohibits the use of a substance or thing under clause (1), it shall cause to be erected a sign specifying:
- (a) the substance or thing the use of which is prohibited; and
  - (b) a description of the park or reserve or the part of, or the area of water in, the park or reserve, to which the prohibition applies,

where the prohibition is in respect of:

- (c) a park or reserve or a part of a park or reserve – at each entrance to that park or reserve or that part of the park or reserve; or
  - (d) an area of water in a park or reserve – as close to that area of water as is reasonably practicable.
- (3) A person shall not use a substance or thing the use of which is prohibited under clause (1) in a park or reserve or a part of, or an area of water in, a park or reserve specified in a notice under that clause.

Penalty: \$5,000.

**17 Wildlife**

- (1) Subject to clause (3), a person shall not, in a park or reserve, damage, injure, destroy or interfere with an animal.

Penalty: \$2,000.

- (2) Subject to clause (3), a person shall not, without a permit from the Commission, remove an animal from a park or reserve.

Penalty: \$2,000.

- (3) Clauses (1) and (2) do not apply to or in relation to a person who interferes with, damages, injures, destroys or removes an animal from a park or reserve:

- (a) being fish – in accordance with clause 21;
- (b) being an animal, the subject of an approval under clause 22;  
or
- (c) in compliance with the terms and conditions of a permit under these By-laws.

## **18 Disturbance of natural features**

- (1) Subject to clause (2), a person shall not, in a park or reserve:

- (a) dig or otherwise interfere with any soil, stone or other material forming part of the park or reserve; or
- (b) remove, mark, damage, deface or otherwise interfere with a:
  - (i) rock or natural feature; or
  - (ii) tree, shrub or plant whether or not planted by the Commission,

except as provided in a plan of management in force under the Act.

Penalty: \$5,000 and \$100 for each day during which the offence continues.

- (2) Subject to clauses (3) and (4) and to any condition endorsed on a permit to camp granted under by-law 8, a person may collect dead wood within a park or reserve for the purpose of a fire for cooking or providing warmth.
- (3) The Commission may, by means of a sign or other notification, designate an area where the collection of dead wood is prohibited.
- (4) A person shall not collect dead wood for the purpose of removal from a park or reserve for use elsewhere.

Penalty: \$500.

**19 Water**

A person shall not in a park or reserve:

- (a) take water, otherwise than for immediate domestic use in the park or reserve by him or persons accompanying him, or in accordance with the conditions attached to a permit to camp in that park or reserve, from a river, watercourse or natural water storage;
- (b) dam or divert a river or watercourse;
- (c) pump or siphon off water from a lake, river, watercourse or natural water storage for use in an agricultural, industrial or other enterprise; or
- (d) foul or pollute a lake, river, watercourse or natural water storage,

except in accordance with the conditions of a permit granted by Commission.

Penalty: \$5,000 and \$1,000 for each day during which the offence continues.

**20 Introduction of plants**

A person shall not take into a park or reserve a plant except:

- (a) as food intended for consumption by him or a person accompanying him; or
- (b) in accordance with:
  - (i) a plan of management for that park or reserve in force under the Act; or
  - (ii) a permit granted by the Commission.

Penalty: \$1,000.

**21 Fishing**

- (1) The Commission may, in respect of a lake, river, watercourse or area of water in a park or reserve, by:
  - (a) notice in the *Gazette*; or
  - (b) a clearly marked sign so indicating,prohibit fishing in that lake, river, watercourse or area of water.

- (2) A notice or sign under clause (1) may specify:
- (a) the type of equipment for, or method of, fishing that is prohibited; and
  - (b) the kinds of fish that shall not be taken,  
in or from a lake, river, watercourse or area of water.
- (3) A person who contravenes or fails to comply with a notice or sign under clause (2) is guilty of an offence.
- Penalty: \$1,000.
- (4) A person shall not carry or have in his possession fishing equipment in any place within 200 m of a lake, river, watercourse or area of water that is prohibited to fishing.
- Penalty: \$1,000.
- (5) Clauses (1) and (4) do not apply to a person who has been granted a permit by the Commission to:
- (a) fish in a place referred to in clause (1); or
  - (b) have in his possession fishing equipment within 200 m of such place,  
for scientific research or other approved purposes.

## **22 Introduction of animals**

- (1) A person shall not take or allow an animal under his control to go into a park or reserve except:
- (a) with the written approval of the Commission;
  - (b) in accordance with a notice of the Commission published in the *Gazette*;
  - (c) in accordance with a permit to do so issued under by-law 52;  
or
  - (d) in accordance with a sign erected by the Commission in an area permitting animals in that area,



and each approval, notice, permit or sign may be subject to such conditions as the Commission thinks fit, and the Commission shall specify those conditions, if any, in or on the approval, notice, permit or sign.

Penalty for an offence against this by-law: \$1,000.

### **23 Interference with property, &c., of Commission**

- (1) A person shall not move, damage, remove or deface any barrier or fence which has been erected by or on behalf of the Commission.
- (2) A person shall not move, damage, remove, deface or otherwise interfere with a:
  - (a) building or structure being the property of the Commission or a lessee from the Commission; or
  - (b) property used for the purposes of the Commission.

Penalty for an offence against this by-law: \$1,000.

### **24 Behaviour of public**

A person shall not in a park or reserve:

- (a) create a disturbance or wilfully obstruct, disturb, interrupt or annoy another person engaged in the proper use of the park or reserve;
- (b) use or cause to be used to the annoyance of another person a portable generator, electrical equipment or a loud speaker, radio, tape recorder or similar device;
- (c) behave in a disorderly, indecent or offensive manner; or
- (d) use offensive or indecent language.

Penalty: \$500.

### **25 Public meetings, &c.**

A person shall not in a park or reserve organize, hold or cause to be held a public meeting, demonstration, public entertainment, fete or similar gathering of people unless he has first obtained a permit to do so granted by the Commission.

Penalty: \$1,000.

**26 Movement of objects**

A person shall not in a park or reserve throw, roll or discharge any object so that any person or wildlife is or may be put in danger or fear, or any damage to the park or reserve or any property therein is or may be caused.

Penalty: \$1,000.

**27 Protection of paintings, &c.**

A person shall not, in a park or reserve, remove, interfere with or take an impression of an Aboriginal painting or historic painting, carving, object, structure or relic without the written approval of the Commission.

Penalty: \$5,000.

**Part 4 Use of vehicles, vessels and aircraft****28 Driving and riding off roads**

- (1) A person shall not, otherwise than in accordance with the conditions of a permit granted by the Commission, drive or cause to be driven in a park or reserve any vehicle except on a road, an area designated under by-law 8(1) for camping or an area designated under by-law 51 as a parking area.
- (2) A person shall not, otherwise than in accordance with the conditions of a permit granted by the Commission, ride a horse in a park or reserve except on a road, a designated bridle path or parking area or an area designated for equestrian purposes.

Penalty for an offence against this by-law: \$1,000.

**29 Parking of vehicles**

- (1) Subject to clause (2) and by-law 28(1) a person shall not park, stand or leave a vehicle otherwise than on a road or designated parking or camping area.
- (2) Where a "No Parking" sign bearing an arrow is erected on the side of a road or track, a person shall not park a vehicle on that side of the road or track between the sign and:
  - (a) the nearest intersection or junction of that road or track with another road or track situated in the direction indicated by the arrow on the sign; or

- (b) the nearest parking sign situated on that side of the road or track in the direction indicated by the arrow of the first mentioned sign, whichever is the closer to the first mentioned sign.

Penalty for an offence against this by-law: \$100.

### 30 Speeding

- (1) A person shall not drive, ride or impel a vehicle without due care and attention or at a speed:
  - (a) greater than that displayed on a sign or notice erected, placed or displayed under by-law 51 in that park or reserve; or
  - (b) that is or may be dangerous to the public.

Penalty: \$500.

- (2) Where a speed limit sign is erected on the left hand side of a road or track so that it faces an approaching driver of a vehicle on his left, the maximum speed applicable in relation to the road or track between that speed limit sign and another speed limit sign or a speed limit derestriction sign erected on the same side of the road or track and facing in the same direction is a speed of a number of kilometres per hour equal to the number represented by the figures on the first mentioned speed limit sign.
- (3) In this by-law, **speed limit sign** and **speed limit derestriction sign** respectively means a speed limit sign and speed limit derestriction sign within the meaning of the *Traffic Act*.

### 31 Use of waterborne vessels

- (1) A person shall not on a lake, river, watercourse or area of water in a park or reserve, ride, drive or impel a vessel without due care and attention or at a speed:
  - (a) greater than that displayed on a sign erected, placed or displayed under by-law 51, if any, erected, placed or displayed in, on, or in relation to that lake, river, watercourse or area of water; or
  - (b) that is or may be dangerous to the public.
- (2) A person shall not moor a vessel in a place on a lake, river, watercourse or area of water, other than at a place, designated by a sign erected, placed or displayed under by-law 51, for that purpose.

Penalty for an offence against this by-law: \$500.

**32 Operation of aircraft and hovercraft, &c.**

- (1) Subject to clause (2), a person shall not:
- (a) land or use a hang glider, fixed or rotary wing aircraft, gas balloon or hovercraft in a park or reserve; or
  - (b) drop or deliver a person or object into a park or reserve from an aircraft, gas balloon or hovercraft,

except:

- (c) in an area set aside for such purposes by the Commission;
- (d) with the written approval of the Commission;
- (e) in accordance with the conditions of a permit granted by the Commission; or
- (f) in the case of an emergency.

Penalty: \$1,000.

- (2) The Commission may, by notice in the *Gazette*, define an area or areas in a park or reserve which may be used for a purpose referred to in clause (1).

**35 Obedience to directions of conservation officer**

The driver of a motor vehicle in a park or reserve, shall comply with any reasonable direction given by signs or otherwise by a conservation officer:

- (a) as to the manner of approaching or departing from a place; or
- (b) regulating or controlling the stopping or parking of motor vehicles.

**Part 5 Impounding of vehicles****36 Establishment of vehicle pound**

The Commission may declare a yard or other place under its control to be a vehicle pound for the purposes of this Part.

**37 Impounding of vehicle or boat**

A conservation officer may remove or cause to be removed to a vehicle pound, a vehicle or boat which is:

- (a) causing an obstruction; or
- (b) left without the consent of the Commission, for a period of not less than 7 days,

in a park or reserve or on any land or premises owned by, or under the care, control and management of, the Commission.

**38 Notice of impounding**

(1) As soon as practicable after the removal of a vehicle or boat under by-law 37 to a vehicle pound, the conservation officer shall give to the owner of the vehicle or boat notice in writing of the removal stating the vehicle pound to which the vehicle or boat was removed.

(2) A notice under clause (1) shall, where practicable, be served on the owner personally, but if the notice cannot be served within 7 days after the removal of the vehicle or boat by reason of the fact that:

- (a) the name of the owner cannot be ascertained; or
- (b) the owner, if known, cannot be found,

then, upon the expiration of 7 days after the removal of the vehicle or boat, the Director shall cause notice of the removal of the vehicle or boat to be published in 2 advertisements appearing in successive weeks in:

- (c) the *Gazette*; and
- (d) in a newspaper circulating in the part of the Territory in which the park or reserve from which the vehicle or boat was removed or in such other manner as the Commission determines, having regard to the likely or presumed whereabouts of the owner.

**39 Vehicle or boat may be sold or disposed of**

(1) Where the owner of a vehicle or boat does not, within 28 days of:

- (a) the service on him of a notice under by-law 38(1); or
- (b) of the date of publication of the second of the notices referred to in by-law 38(2),

whichever shall be the later, pay to the Commission all expenses incurred by it in connection with the removal, custody and maintenance of the vehicle or boat, and of service or advertisement of the notice, and take possession of the vehicle or boat, the Commission may, subject to clause (2) and by-law 40(1), sell the vehicle or boat by auction.

- (2) Where a vehicle or boat:
- (a) is immobile and cannot be repaired at a cost which does not exceed its value;
  - (b) has no identification marks; and
  - (c) in the opinion of the Commission has a value of less than \$200,

the Commission may dispose of the vehicle or boat in such manner as it thinks fit.

#### **40 Sale to be by auction**

- (1) The sale of an impounded vehicle or boat shall, unless in the opinion of the Commission it is not practicable or convenient to do so, take place by auction.
- (2) The auction of an impounded vehicle or boat may be conducted by a licensed auctioneer or, if the Commission so determines, by the Director.
- (3) Not less than 7 days notice of an auction shall be given by advertisement in a newspaper circulating in the area of the Territory in which the park or reserve from which the vehicle or boat was removed under by-law 36 is located.
- (4) The Commission may, before the sale by auction of an impounded vehicle or boat, by resolution fix a reserve price in respect of that vehicle.
- (5) Each vehicle or boat shall be sold as a single lot.

#### **41 Auction sales to be for cash**

Unless the Commission has determined otherwise, and given notice of its determination in the advertisement given under by-law 40(3), sale of an impounded vehicle or boat shall be cash at the fall of the hammer, and the moneys received by the person conducting the sale shall be paid to the Commission within 24 hours after the commencement of the auction.

**42 Removal of vehicles or boats after auction**

It shall be a condition of the sale of an impounded vehicle or boat at an auction that the vehicle or boat shall be removed by the purchaser immediately after the close of the auction.

**43 Procedure where no bid received**

Where an impounded vehicle or boat has been offered for sale by auction in accordance with this Part and no bid for the vehicle or boat has been made at the auction, the Commission may:

- (a) fix some other time for the sale of the vehicle, or boat and advertise the same in accordance with by-law 40(3); or
- (b) take possession of the vehicle or boat as the property of the Commission and dispose of it as it thinks fit.

**44 Disposal of proceeds of auction**

- (1) All moneys received in respect of the sale of a vehicle or boat shall be applied in the following manner and order:
  - (a) in payment of costs incurred by the Commission in the sale of the vehicle or boat;
  - (b) in payment of the cost of removal, custody and maintenance of the vehicle or boat and of the notice served or advertised under by-laws 38 and 40(3); and
  - (c) if so demanded, the residue shall be paid to the person who owned the vehicle or boat immediately before its removal and impounding.
- (2) Where, after the expiration of 6 months after the sale of an impounded vehicle or boat, any moneys remain in the possession of the Commission in respect of the sale and are unclaimed by the owner of the vehicle or boat or any person claiming through him, such moneys shall become the property of the Commission.

**45 Claim against owner**

The owner of a vehicle or boat shall be liable to the Commission for any expenses incurred by the Commission in the removal, custody, maintenance, sale or attempted sale or otherwise in the disposal, of the vehicle or boat under this Part and the Commission may recover as a debt due to it so much of those expenses as have not been satisfied by any proceeds from the sale of the vehicle or boat.

**46 No action or proceedings in respect of acts or omissions**

No civil or criminal action or proceedings shall be commenced or brought against the Commission, the Director or any person acting in the execution or intended execution of this Part, or in compliance or intended compliance with any direction given or purported to be given under this Part in respect of anything done or omitted to be done in good faith by the Commission, the Director or that person under or for the purposes of this Part.

**Part 6 Miscellaneous****47 Compliance with directions**

A person shall comply with and not contravene a lawful direction given to him by a conservation officer or honorary conservation officer in relation to the person's:

- (a) use of the park or reserve;
- (b) conduct or behaviour within the park or reserve; or
- (c) safety within a park or reserve.

Penalty: \$1,000.

**48 Removal of offenders**

A conservation officer or honorary conservation officer may require a person whom he believes on reasonable grounds to be a trespasser in a park or reserve, or to have contravened or failed to comply with the Act or these By-laws, to leave the park or reserve.

**49 Seizure and destruction of animals**

- (1) Subject to clause (3), an animal, other than wildlife, entering, straying or at large in a park or reserve otherwise than in accordance with by-law 22 may be seized, impounded or destroyed by a conservation officer.
- (2) The Commission may require the owner of an animal impounded under clause (1) to pay, before the animal is returned to its owner, the costs of impounding or keeping the animal.
- (3) Where, in relation to an animal seized or impounded pursuant to clause (1):
  - (a) no claim to ownership has been made; or



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- (b) the owner of the animal refuses to pay the costs referred to in clause (2);

within or after a period of 7 days after the date of the impounding, the Commission may cause the animal to be destroyed or disposed of.

**50 Obligation to give name on request**

- (1) A conservation officer or honorary conservation officer may require a person he believes on reasonable grounds to have contravened or failed to comply with these By-laws to give his name and address.
- (2) A person shall not fail or refuse to give his name and address when required to do so in accordance with clause (1).

Penalty: \$500.

**51 Erection of signs**

- (1) The Commission may authorize the erection, placing or displaying of signs or notices in a park or reserve for the purpose of:
- (a) regulating, prohibiting or restricting the use of, stopping or parking of vehicles, or defining the manner in which vehicles may be parked in, that park or reserve;
  - (b) fixing the limits of speed at which vehicles may be driven in that park or reserve, or part of that park or reserve;
  - (c) designating part of that park or reserve as a place within which the parking of vehicles or the mooring of vessels is permitted;
  - (d) designating part of that park or reserve as a place within which camping or fires is permitted;
  - (e) designating part of that park or reserve as a bridle path or a place within which equestrian activities may take place;
  - (f) designating part of that park or reserve as a place within which the landing or taxiing of aircraft is permitted; or
  - (g) conveying information or a warning to persons using that park or reserve.
- (2) A sign or notice erected under clause (1) shall clearly indicate:
- (a) the purpose for which it has been erected, placed or displayed; and

- (b) that part or those parts of the park or reserve to which the matters indicated in the sign apply.
- (3) A sign or notice erected, placed or displayed in a park or reserve shall, unless the contrary is established, be taken to have been erected, placed or displayed, as the case may be, by the authority of the Commission.
- (4) A person other than a person authorized by the Commission shall not:
  - (a) in a park or reserve, erect, place or display a sign or notice that may be mistaken for a sign or notice erected for the purposes of clause (1); or
  - (b) remove, move, damage, obscure or otherwise interfere with a sign or notice erected under clause (1).

Penalty: \$200.

## **52 Permits**

- (1) An application for a permit under these By-laws, other than a permit issued under by-law 13, shall be made in writing to the Director and shall state:
  - (a) the name and address of the applicant;
  - (b) the purpose for which the applicant requires the permit;
  - (c) the park or reserve for which or in relation to which the permit is required; and
  - (d) such other matters as the Commission may require.
- (2) A permit may be issued by the Commission:
  - (a) for the period; and
  - (b) subject to such terms and conditions,as are specified in the permit.
- (3) A permit shall be carried at all times by the person to whom it has been issued whilst he remains in the park or reserve in relation to which it has been issued, and the holder shall produce it to a conservation officer or honorary conservation officer when requested to do so.

Penalty: \$50.

**52A Infringement notices**

- (1) In this by-law:

***alleged offender*** means a person whom a conservation officer reasonably believes has committed an infringement.

***infringement*** means an infringement against a by-law specified in Schedule 4.

***infringement notice*** means an infringement notice issued in pursuance of this by-law.

***the Registrar*** has the same meaning as in the *Traffic Act*.

- (2) A conservation officer may serve on an alleged offender an infringement notice in accordance with this by-law.
- (3) For the purposes of this by-law, an infringement notice may be served by:
- (a) personally handing the notice to the alleged offender;
  - (b) sending the notice by certified mail addressed to the alleged offender at his last known residential, business or postal address; or
  - (c) securely placing or affixing the notice in a conspicuous position on a vehicle or object the subject of an infringement.
- (4) An infringement notice shall have clearly shown on it:
- (a) the day, time and place of an alleged infringement or, if more than one, alleged infringements;
  - (b) the nature of the alleged infringement or infringements and the penalty or penalties payable;
  - (c) the place or places at which a penalty may, in accordance with these By-laws, be paid;
  - (d) the date of the notice and a statement that the penalty or penalties may be paid within a period of 28 days after that date; and
  - (e) such other particulars, if any, as the Commission thinks fit.
- (5) For the purposes of this by-law, the penalty payable in respect of an infringement is \$25.00.

- (6) Unless the appropriate penalty has been paid, an infringement notice may be withdrawn, at any time within 28 days after the service of that infringement notice by sending a written notice by certified mail to the last known residential, business or postal address of the alleged offender signed by the Director stating that the infringement notice is withdrawn.
- (7) A notice of withdrawal addressed, signed and sent in accordance with clause (6) takes effect on the day of receipt.
- (8) In the prosecution of proceedings against an alleged offender, the production of a certificate signed by the Director stating that on a specified date he signed a notice of withdrawal of a specified infringement notice, is evidence of the matters stated in that certificate.
- (9) Subject to clause (12), if, before the expiration of the period specified in an infringement notice for the payment of a penalty, the amount of the penalty shown on the infringement notice is paid at the place specified in that notice:
  - (a) the alleged offender shall be deemed to have expiated the infringement by payment of the penalty; and
  - (b) no further proceedings shall be taken in respect of the infringement.
- (10) Where a person tenders a cheque in payment of a penalty under this by-law at, or sends it by post to, the place specified in the infringement notice, payment shall be deemed not to be made unless and until the cheque is honoured upon presentation.
- (11) Notwithstanding anything contained in this by-law, where, no later than the day before the date on which a notice of withdrawal of an infringement notice takes effect, a cheque is received at the address specified in that infringement notice as the place where a penalty maybe paid, payment shall, if the cheque is honoured upon presentation, be deemed to have been made before the date of withdrawal of the infringement notice.
- (12) Nothing in this by-law:
  - (a) prevents the service of more than one infringement notice in respect of the same infringement, but it is sufficient for the application of clause (9) to a person on whom more than one such notice has been served for that person to pay the amount of the penalty in accordance with any one notice so served on him;

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- (b) prejudices or affects (except as provided by clause (9)) the institution or prosecution of proceedings in respect of an infringement or limits the amount of the fine that may be imposed by a court in respect of an infringement; or
  - (c) shall be construed as requiring the serving of an infringement notice or as affecting the liability of a person to be prosecuted in a court in respect of an infringement in relation to which an infringement notice has not been served.
- (13) For the purposes of this by-law, where an infringement has been committed and:
- (a) the alleged offender produces his licence at the time of the alleged infringement, the address appearing on the licence produced by him; or
  - (b) the alleged offender fails to produce his licence at the time of the alleged offence, the address given by him pursuant to a request made under by-law 52B,
- shall be deemed to be his last-known residential, business or postal address.
- (14) For the purposes of this by-law, where an infringement arises out of the use of a motor vehicle but does not arise out of the driving of the motor vehicle, the owner of the motor vehicle concerned in the infringement shall be deemed to be the alleged offender.
- (15) In a case where clause (14) applies, the last known residential, business or postal address of an alleged offender shall be deemed to be the latest address of the alleged offender in the record of registration of the alleged offender's motor vehicle.
- (16) In the prosecution of proceedings against an alleged offender:
- (a) the production of a document issued by the Registrar or by an officer having duties in connection with the registration of motor vehicles in a State or in the Australian Capital Territory, and bearing his written, stamped or printed signature:
    - (i) stating that, during a specified period or on a specified date, a specified person was the person whose name was registered as the owner of a specified motor vehicle; and
    - (ii) stating the address of that specified person in the record of registration of that motor vehicle during that specified period or on that date,

is evidence of the matters stated in the document;

- (b) a document purporting to be a document referred to in paragraph (a) and purporting to be signed by the Registrar, or an officer referred to in that paragraph, is admissible as evidence as such a document without proof of the signature of the person by whom it purports to have been issued or of the fact that he was the Registrar or the officer; and
- (c) a certificate signed by the Director and stating that an infringement notice, a copy of which is attached to the certificate, was, on the date specified in the certificate, duly served by posting or by securely placing the notice or affixing the notice, as the case may be, in a conspicuous position on the vehicle or object the subject of the infringement specified in the certificate, is evidence of the matters so stated in the certificate.

**52B Conservation officer may require information**

- (1) Where a conservation officer has reason to believe that a person has committed an infringement, within the meaning of by-law 52A, he may, if that person fails to produce his licence when requested to do so, require that person to:
  - (a) state his name and address; and
  - (b) show some form of identification that will verify his name and address.
- (2) Where a conservation officer has required a person to make a statement and show some form of identification in accordance with clause (1), that person shall not:
  - (a) refuse or fail to make the statement or show the identification;  
or
  - (b) make a false statement or show false identification.

Penalty: \$500.

## **Schedule 1 Repealed By-laws**

by-law 2

*National Parks and Gardens (General) By-laws*

*National Parks and Gardens (Alice Springs Telegraph Station National Park) By-laws*

*National Parks and Gardens (Ayers Rock – Mount Olga National Park) By-laws*

*National Parks and Gardens (Berry Springs Recreation Reserve) By-laws*

*National Parks and Gardens (Daly River Recreation Reserve) By-laws*

*National Parks and Gardens (Devils Marbles Reserve) By-laws*

*National Parks and Gardens (Edith Falls National Park) By-laws*

*National Parks and Gardens (Ellery Creek Big Hole) By-laws*

*National Parks and Gardens (Emily and Jessie Gaps Scenic Reserve) By-laws*

*National Parks and Gardens (Finke Gorge National Park) By-laws*

*National Parks and Gardens (Glen Helen Gorge National Park) By-laws*

*National Parks and Gardens (Howard Springs Recreation Reserve) By-laws*

*National Parks and Gardens (Katherine Gorge National Park) By-laws*

*National Parks and Gardens (Katherine Low Level Reserve) By-laws*

*National Parks and Gardens (Katherine Sixteen Mile Caves Reserve) By-laws*

*National Parks and Gardens (Mataranka Pool Reserve) By-laws*

*National Parks and Gardens (Ormiston Gorge and Pound Scenic Reserve) By-laws*

*National Parks and Gardens (Serpentine Gorge) By-laws*

*National Parks and Gardens (Simpson's Gap National Park) By laws*

*National Parks and Gardens (Trepina Gorge Scenic Reserve) By-laws*

*National Parks and Gardens (Waterfall Creek Recreation Reserve) By-laws*

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## Schedule 2 Opening hours

by-law 5

Park or Reserve	Hours open to public
Alice Springs Telegraph Station Historical Reserve	8.00 am – 9.00 pm daily October to April  8.00 am – 7.00pm daily May to September
Berry Springs Nature Park	8.00 am – 7.00 pm daily
Cutta Cutta Caves Nature Park	8.30 am – 4.30 pm daily
Howard Springs Nature Park (excluding Woorabinda Youth Camp)	8.00 am – 8.00 pm daily
Katherine Low Level Nature Park	7.00 am – 8.00 pm daily
Nitmiluk (Katherine Gorge) National Park	7.00 am – 7.00 pm daily (excluding camping areas)
Simpson's Gap National Park	8.00 am – 8.00 pm daily
Territory Wildlife Park	8.00 am – 4.00 pm daily  Closed Christmas Day

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**Schedule 3 Fees**

by-law 10

## PART A

Activity or Service	Fee
1. Provision of a specialist guide, being a person who has the specialist knowledge or the training necessary to conduct a tour, whether or not in a park or reserve, organised by and for a particular tour group	\$400.00 for each day, plus ancillary costs.
2. Crocodile survey, where a person accompanies a survey patrol undertaken in the Darwin Harbour management area by conservation officers to count and capture crocodiles	\$100.00 per person for each day
3. Camping:	
(a) category A camping area	\$4.00 per person each night \$10.00 per family for each night
(b) category B camping area	\$2.00 per person for each night \$5.00 per family for each night
(c) category C camping area, or camping by permit in nondesignated area	\$1.00 per person for each night \$3.00 per family for each night
(d) Woorabinda Youth Camp	\$1.00 per person for each night
4. Entry to, and guided tour of, historical precinct of Alice Springs Telegraph Station Historical Reserve	\$2.50 per adult \$1.00 per child

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5.	Guided tours and talks of less than 3 hours, conducted by arrangement or at the discretion of the Chief District Ranger	\$2.00 per adult \$1.00 per child
6.	Entry to; and guided tour of, historical precinct of Alice Springs Telegraph Station Historical Reserve	\$4.00 per adult \$2.00 per child \$3.00 per pensioner or student \$3.00 per person in a group booking
7.	Entry to Territory Wildlife Park	\$10.00 per adult \$5.00 per child

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## **Schedule 4    Infringement of by-laws**

by-law 52A

An infringement notice may be issued for an infringement against one of the following by-laws:

- 9.    Use of powered vessels
- 12.   Deposit of waste matter
- 22.   Introduction of animals
- 28.   Driving and riding off roads
- 29.   Parking of vehicles

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

**2 LIST OF LEGISLATION*****Territory Parks and Wildlife Conservation By-laws (SL No. 1, 1984)***

Notified	24 January 1984
Commenced	24 January 1984

***Amendments of the Territory Parks and Wildlife Conservation By-laws (SL No. 40, 1985)***

Notified	26 March 1986
Commenced	26 March 1986

***Amendment of the Territory Parks and Wildlife Conservation By-laws (SL No. 38, 1989)***

Notified	22 December 1989
Commenced	22 December 1989

***Amendments of Territory Parks and Wildlife Conservation By-laws (SL No. 56, 1991)***

Notified	20 December 1991
Commenced	20 December 1991

***Amendment of Territory Parks and Wildlife Conservation By-laws (SL No. 35, 1992)***

Notified	22 July 1992
Commenced	22 July 1992

***Amendments of Territory Parks and Wildlife Conservation By-laws (SL No. 43, 1993)***

Notified	8 December 1993
Commenced	8 December 1993

**3 LIST OF AMENDMENTS**

bl 3	amd No. 40, 1985, bl 1; No. 56, 1991, bl 2; No. 43, 1993, bl 2
bl 4	sub No. 40, 1985, bl 2
bl 8	amd No. 43, 1993, bl 3
bl 10	amd No. 43, 1993, bl 4
bl 16A	ins No. 38, 1989

## ENDNOTES

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bl 22	amd No. 56, 1991, bl 3
bl 33 – 34	rep No. 56, 1991, bl 4
bl 52A – 52B	ins No. 56, 1991, bl 5
sch 2	amd No. 43, 1993, bl 5
sch 3	amd No. 35, 1992 sub No. 43, 1993, bl 6
sch 4	ins No. 56, 1991, bl 6