

**NORTHERN TERRITORY OF AUSTRALIA**

**YULARA TOURIST VILLAGE BY-LAWS**

As in force at 20 August 1984

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 20 August 1984

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## YULARA TOURIST VILLAGE BY-LAWS

**By-laws under the *Yulara Tourist Village Management Act 1984***

### **Part I                      Preliminary**

1.1 These By-laws may be cited as the *Yulara Tourist Village By-laws*.

1.2 These By-laws are divided into Parts as follows:

Part 1     Preliminary

Part 2     Wardens

Part 3     Admission to Yulara

Part 4     Conduct within Yulara

Part 5     Traffic Control

Part 6     Fires

Part 7     Private Swimming Pools

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Part 12    Plants

Part 13    Animals

Part 14    Use of Water, Sewerage, & c.

Part 15    Powers of Wardens

Part 16    Offences and Penalties

Part 17    Miscellaneous

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

**approved** means approved by the Corporation.

**child** means a person who has not attained the age of six (6) years.

**crossing** means an access constructed in a roadway between the roadway and land abutting the roadway.

**community area** means an area established or appointed by the Corporation for use by the public for meetings, entertainment, sport, exercise and other purposes.

**dump** means a place established or maintained under or by the Corporation for the deposit of rubbish, waste or toxic materials.

**land** includes premises and buildings.

**lease** includes sub-lease.

**licence** means written authority from the Corporation or its officers to continue to act (subject to compliance with its terms) in the manner specified in the licence, which would otherwise contravene these By-laws, and includes a renewal of a licence.

**notice of infringement** means a notice to a person alleged to have contravened a By-law fixing a penalty and period within which it may be paid as an alternative to prosecution.

**pedestrian** includes a person on a toy vehicle, or skates, in a perambulator, or in a carriage specially designed and constructed for the use of a person who is suffering from a physical defect or disability.

**permit** means written authority from the Corporation, or its officers, or a Warden, to act temporarily or for a limited period in a manner which would otherwise contravene these By-laws, and includes a renewal of a permit.

**provided** means provided by the Corporation.

**public place** includes an area of land declared by the Minister in accordance with section 11 of the Act.

**public reserve** means land vested in, leased to, or under the care, control or management of, the Corporation for use by the public as a whole.

**road** means any street, road, lane, thoroughfare or way open to the public with the approval of the Corporation.

**roadmarking** means a line, symbol, sign or other device

**stall** means a temporary structure in or on which goods are offered for sale by retail or the public are invited for payment to participate in games or entertainment, and includes a tent, vehicle or caravan.

**stallholder** means a person issued with a permit by the Corporation to sell goods from a stall and includes, where the context permits, his employees and assistants.

**the Act** means the *Yulara Tourist Village Management Act 1984*.

**the Corporation** means the Yulara Corporation Pty. Ltd.

**Town Manager** means the person employed by the Corporation as Town Manager of Yulara and includes a person authorised by the Corporation to act in his place.

**utility service** means the supply of water, gas, electricity, fire, or other like service, and the treatment and disposal of sewerage, garbage and other waste products.

**vehicle** means a vehicle of any description, and includes a vehicle drawn by an animal.

**Yulara** means the Town of Yulara constituted, and the boundaries of which are established, by a Proclamation in the Australian Government *Gazette* No. G32 of 10th August 1976, or the area of the Town as from time to time amended.

## **Part II                      Wardens**

- 2.1 The Corporation may appoint any person to be a Warden for the purposes of these By-laws, or for any one or more of these By-laws, by writing under the hand of its Town Manager for the time being, and may, at will, revoke any such appointment.
- 2.2 A Warden is charged with the care, control and management of Yulara, and the enforcement of these By-laws on behalf of the Corporation.
- 2.3 A police officer on Yulara has, in addition to his usual powers, all the powers of a Warden.

## **Part III                      Admission to Yulara**

- 3.1 When it considers it necessary in the interests of public safety, the

maintenance of good order, or the protection and preservation of Yulara, the Corporation may prohibit the entry of any person, class of persons, vehicle or animal to Yulara, or remove or cause the same to be removed from Yulara.

- 3.2 A person entering Yulara after notice that his entry is prohibited shall be guilty of an offence unless he proves that his entry was:
- (a) due to an emergency; or
  - (b) unavoidable by the taking of reasonable care.
- 3.3 A Warden, on the directions of the Corporation, may prevent the entry to Yulara of any person, vehicle or animal, or remove the same from Yulara.

## **Part IV                      Conduct with Yulara**

- 4.1 A person within Yulara shall not, within a public place, without the prior permission of the Corporation or a Warden:
- (a) dig upon or otherwise interfere with the land or move or remove the soil or anything forming part of the land;
  - (b) mark, damage or otherwise interfere with any rock or other natural feature or anything constructed or erected in or upon the land;
  - (c) mark, damage, destroy, move, remove or otherwise interfere with any building, construction, installation, fence, sign, post, tree guard, pipe, hose or other property that is property of the Corporation or of a person employed by the Corporation or that is used for the purposes of the Corporation;
  - (d) mark, damage or destroy a tree, shrub or plant or grass;
  - (e) interfere with a tree, shrub or plant in a garden, seedbed or nursery;
  - (f) walk upon, step upon or jump across a garden, seedbed or nursery;
  - (g) enter, or walk, ride, or drive on or over any area on which or in relation to which is posted a notice prohibiting entry, either temporarily or otherwise;
  - (h) light a fire in the open except within a fire place provided for that purpose by the Corporation or other occupier of the area;

- (i) subject to the provisions of the *Territory Parks and Wildlife Conservation Act*, shoot, snare, injure or kill a bird or animal;
- (j) climb a tree or climb over a fence, gate or barrier, or unlock or unfasten a gate or a door of a building; or
- (k) offer or attempt to offer or provide any utility service.

4.2 A person in a public place, public reserve, or in a road within Yulara shall not:

- (a) deposit any rubbish, refuse, paper, bottles, glass or empty container, except in an area, or receptacle provided by the Corporation;
- (b) break any bottle, or other glassware;
- (c) foul or pollute any area;
- (d) cause a public nuisance;
- (e) behave in a riotous, disorderly, obscene or offensive manner;
- (f) use language, or perform any act, calculated or likely to cause a breach of the peace, disorderly behaviour, or a fight; or
- (g) throw any object, or discharge any firearm so as to endanger or frighten any other person, or damage or possibly damage any property.

4.3 A person within Yulara shall not without a permit or licence from the Corporation or except pursuant to a lease from the owner or lessee of the leased land:

- (a) carry on business;
- (b) publicly offer or expose an article for sale;
- (c) collect money;
- (d) offer lottery tickets for sale; or
- (e) erect any structure.

4.4 A person within Yulara shall not:

- (a) if male, enter or remain in any building or part of a building set apart for persons of the female sex, unless a child and accompanied by a female person;

- (b) if female, enter or remain in any building or part of a building set apart for persons of the male sex, unless a child and accompanied by a male person;
- (c) have or keep any dog except on a leash at all times, or within a dog proof enclosure; or
- (d) create any excessive noise, or fail to modify or cease creating any noise when required by a Warden.
- (e) wilfully obstruct or insult a Warden or other employee of the Corporation in the execution of his duty.

Penalty: \$50.00 if paid pursuant to a notice of infringement.

4.5 A person within Yulara shall not without a permit or licence from the Corporation:

- (a) affix or cause to be affixed a poster, bill or other paper to or against a building abutting on or adjoining a road or public place or a pole or signpost erected therein;
- (b) in or on a road or public place, or public reserve, give out or distribute or throw, place, drop or otherwise deposit a handbill;
- (c) affix a poster, placard or similar thing on a road or public place, or write on, deface or mark a pavement therein;
- (d) place on a footpath or in a public place, or public reserve, any object or structure which causes or is likely to cause an obstruction to pedestrians;
- (e) erect or permit or cause to be erected a placard, sign or advertisement, or carve or engrave on a building or structure over or in view of a road or public place, a placard, sign, advertisement or fixture, unless it relates to the trade, business or profession of a person then being carried on, conducted or practised within that building or structure;
- (f) affix, place, hang or suspend in, over or in view of a road or public place, a signboard, signpost, placard, showbill, showboard, flagpole, flag, banner, notice or writing;
- (g) remove sand, stone, timber or other materials or property except from his own property, or from another's property with the consent of the owner;
- (h) erect any stall; or



- (i) use or cause, or allow to be used any bell, musical instrument, amplifier, loudspeaker or other means of sound amplification in a public place, or public reserve, or on other land in order to be heard in a public place, or public reserve.

Penalty: \$50.00 if paid pursuant to a notice of infringement.

- 6 The grantee of a licence or permit for the purposes of these By-laws shall comply with such conditions, within such periods, and pay such fee (if any) as the Corporation prescribes in the licence or permit.
- 7 A person shall not within Yulara except in accordance with a permit issued by the Corporation, organise or assist in the conduct of:
  - (a) a fete or public entertainment; or
  - (b) public worship or a meeting or assembly in a public place or public reserve.

Penalty: \$50.00 if paid pursuant to a notice of infringement.

## **Part V Traffic control**

- 5.1 No person shall within, or entering or leaving Yulara, drive any vehicle on any road or area, or portion thereof at a higher speed than the speed limit applicable to that road or area or portion thereof as designated or marked out by a sign or road marking.
- 5.2 No person shall drive any vehicle within Yulara in a dangerous or careless manner, or without reasonable consideration for other persons in the vicinity.
- 5.3 With the exception of such off road vehicles as may be approved by the Corporation, no person shall drive any vehicle within Yulara except on a road, parking, or other approved area established by the Corporation, or with its permission.
- 5.4 No owner or driver of a vehicle shall park or leave such vehicle, or cause, allow, permit or suffer such vehicle to be parked, left or remain:
  - (a) in any place designated by the Corporation as a prohibited area by a sign or roadmarking;
  - (b) in any place designated by the Corporation by a sign or roadmarking as an area from which a vehicle of the class he is driving is prohibited;

- (c) in any place designated by the Corporation by a sign or roadmarking as an area which may be used by vehicles of a class other than a vehicle of the class he is driving;
- (d) for a longer period than that designated by a sign or roadmarking in relation to a particular area as the maximum time for which vehicles may be parked or left in that area; or
- (e) across any line designating or marking out a parking space for an individual vehicle.

PROVIDED ALWAYS that a Warden, or authorised Corporation employee, the driver of a Fire Service vehicle, or ambulance, or a police officer in the course of their respective duties as such shall be exempt from the provisions of this By-law.

5.5 No person on foot, or on or in any vehicle, shall enter any area in contravention of a sign or notice erected by the Corporation prohibiting him from so doing, or pass any barrier, or barricade, erected by the Corporation, whether temporarily or otherwise to prevent his entry.

5.6 Where a sign or road marking indicates that angle parking only is permitted, a person in charge of a motor vehicle shall not park the motor vehicle in an area to which the sign relates, except:

- (a) at an angle of 45 degrees to the boundary of the road;
- (b) heading towards the footpath and in the direction in which the traffic is allowed to proceed on the side of the road on which the motor vehicle is parked; and
- (c) so that no portion of the motor vehicle:
  - (i) rests on;
  - (ii) overhangs;
  - (iii) is more than 7 metres from the footpath along a line making an angle of 45 degrees to,

the footpath on the side of the road on which the motor vehicle is parked.

5.7 The driver of any vehicle within Yulara, or any person reasonably suspected by a Warden of having parked or left a vehicle at any place within Yulara, shall give his name or address, or both, to a Warden who asks him for the same and shall move such vehicle, or park it as directed.

- 5.8 A Warden may remove any vehicle standing or parked in contravention of these By-laws, or obstructing the passage of vehicles or pedestrians.
- 5.9 A person being the driver of, or otherwise in charge of, any vehicle within Yulara, shall move such vehicle upon being directed to do so by a Warden.
- 10 Where a Warden is of opinion that a vehicle has been abandoned, he may remove or cause it to be removed to and stored at any convenient place approved by the Corporation.
- 5.11 As soon as practicable after a Warden has removed and stored a vehicle, the Town Manager shall give written notice to the owner, if he can be ascertained, requiring the owner, within seven days, to re-possess the vehicle and pay all expenses incurred by the Corporation in respect of its removal, and retention by the Corporation.
- 5.12 If the owner of a vehicle removed by a Warden cannot be ascertained, or fails to repossess it in accordance with a notice given by the Corporation, and pay the Corporation's expenses, the Corporation may, after one month, advertise for sale and sell the vehicle, or if it is not practicable to sell the vehicle, may dispose of it in any other manner the Corporation thinks fit.
- 5.13 All moneys received by the Corporation from the sale of a vehicle pursuant to these By-laws shall be applied, in the following order, in payment of:
- (a) the costs of advertising and sale;
  - (b) the expenses of removal and retention of the vehicle; and
  - (c) the residue to the owner of the vehicle, or, if he cannot be ascertained, to such authority as provided by law for the receipt of unclaimed moneys.

Penalty: For breaches of Part 5, By-laws 3 to 9 inclusive  
\$20.00 if paid pursuant to a notice of infringement.

## **Part VI Fires**

- 6.1 No person shall:
- (a) in a public place, or public reserve leave unattended a fire which he has lit, or used, or fail to extinguish such a fire, before leaving it unattended;

- (b) light, maintain or use a fire, or process capable of creating a fire, in the open:
  - (i) during a period during which the Corporation has given notice in writing, or by broadcast, or amplifier that the lighting of fires is prohibited, or
  - (ii) contrary to a notice prohibiting the lighting of a fire in a place or area.

## 6.2

- (a) An occupier or owner of land shall comply with a notice served by the Corporation to clear, or create a fire break in grass, weeds or other growth on land which the Corporation considers likely to become inflammable or cause a nuisance.
- (b) A person who fails to comply with a notice served under this By-law within the period specified in the notice and in the manner therein specified is guilty of an offence.

6.3 When a person served with a notice pursuant to By-law 6.2 fails to comply with the notice the Corporation may carry out the work specified in the notice, and the owner of land in respect of which the Corporation has incurred expense in carrying out the work shall be liable to pay the amount of any such expense not recovered by the Corporation from any other person.

## Part VII Private swimming pools

7.1 In this part of these By-laws, unless the contrary intention appears:

**installation** in relation to a private swimming pool includes the construction of the pool.

**pool** means a private swimming pool and any place, structure, building or excavation constructed for the purpose of swimming, wading or like activities, but does not include:

- (a) a pool or like place constructed by or on behalf of the Corporation or otherwise available for use by the public;
- (b) a pool that is less than 4.7 square metres in area, cannot be filled with water to a depth greater than 30 cms. and is of a portable nature.

7.2 A person shall not install a pool in or on land within Yulara unless he obtains a permit from the Corporation to install it, by lodging with

the Corporation:

- (a) an application in a form; and
- (b) the fee,  
determined by the Corporation.

7.3 Unless exempted by the Corporation, a pool shall be enclosed by a fence, wall or building:

- (a) at least 1.22 metres in height; and
- (b) of such a construction as:
  - (i) may reasonably be expected to prevent a child from gaining access to the pool by passing beneath, over or through the fence, wall or building;
  - (ii) not to afford foot or hand holds to a child entering or attempting to enter the pool by scaling the fence, wall or building; and
  - (iii) to ensure that it is and remains of sufficient strength and durability to prevent access to that pool by a child.

7.4 A gate or other device for gaining access to a pool that is incorporated in the fence, wall or building enclosing the pool shall be fitted with:

- (a) a positive self-closing self-latching mechanism, attached to the inside of the gate or other device and situated not less than 15 cms. below the top of the gate or other device; and
- (b) a mechanism which enables the gate or device to be permanently locked.

7.5 The occupier of land in or on which there is a pool may comply with these By-laws by causing the whole or a portion of the land containing the pool to be completely enclosed by a fence, wall or building which complies with these By-laws.

7.6 Where a person has, or has caused to be installed a pool he shall notify the Corporation within 24 hours of the completion of the installation, that the pool has been installed.

7.7 No person shall obstruct a Warden desiring to enter land in order to ascertain whether there is a pool in or on the land, and to inspect any pool and its surrounds to ensure compliance with these By-laws.

7.8

- (a) An occupier of land, served with a notice by the Corporation requiring him to erect within 28 days of the service of the notice, such fencing as specified in the notice, to secure compliance with these By-laws shall comply with the notice.
- (b) Where a person on whom a notice has been served under paragraph (a) above fails to comply with such notice, he shall be liable to the Corporation for the cost of carrying out the necessary work as a debt due and payable to the Corporation.

7.9 Where these By-laws impose a duty on the occupier of land or premises, who is not the owner, and the occupier fails to comply with these By-laws, the owner of the land, shall be liable to comply with any notice to the same effect served on him.

7.10 A person or class of persons so declared by the Corporation by notice in the *Gazette* shall be exempt from the requirements of this Part of these By-laws.

## **Part VIII Community areas**

8.1 A person or organisation desirous of using a community area shall apply to the Corporation in a form approved by the Corporation.

8.2 A person or organisation granted a licence or permit to use a community area shall comply with the conditions of the licence or permit.

8.3 The person or organisation using a community area under licence or permit shall:

- (a) permit a Warden or member of the Fire Service to enter and inspect the area at any time during the period of hire;
- (b) ensure the maintenance of good order and behaviour of persons using the area;
- (c) ensure that no person removes any of the equipment, fittings, furniture or appliances of the area during the period of hire;
- (d) remove all decorations and refuse;
- (e) leave the area clean and tidy;
- (f) turn off all electrical appliances, airconditioning plant and power and properly secure the area upon leaving;

- (g) replace any part of, or any item in or from the area which has been broken or damaged or is missing; and
  - (h) reimburse the Corporation for any expense incurred in cleaning the area or removing rubbish or materials from it resulting from its use.
- 8.4 A person or the person in charge of an organisation who has used an area under permit or licence and who fails to comply with a notice from the Corporation to restore the area to its condition prior to the period of use in accordance with a notice served by the Corporation, within the period specified in the notice, is guilty of an offence.

## Part IX Caravan parks

9.1 In this Part of these By-laws, unless the contrary intention appears:

***camping area*** means an area of land reserved by the Corporation or other owner or occupier of land within Yulara for camping, whether or not it is part of a caravan park.

***caravan*** means an habitable container designed to be towed, driven or carried by a vehicle, whether or not the container is fixed or mobile, or has wheels, and includes a demountable accommodation unit.

***caravan park*** means an area of land reserved by the Corporation or other owner or occupier of land within Yulara to be a caravan park.

***operating a caravan park or camping area*** means receiving from another person payment as consideration for permitting that other person to park or live in a caravan, or erect or live in a tent, on land in which the operator has an interest. and

***operator*** means the owner, occupier, lessee and sub-lessee of a caravan park or camping area within Yulara.

9.2 The operator of a caravan park or camping area shall:

- (a) maintain the park or area in a clean and hygienic condition, free of fire, health and safety hazards and clear of excessive vegetation;
- (b) provide sufficient garbage receptacles for the numbers of persons parking or camping and cause the same to be emptied at least twice each week;

- (c) cause all amenities buildings within the park or camp to be cleaned at least once each day; and
  - (d) ensure that all amenities, ablution and other facilities in the park or camp are maintained in good operating order.
- 9.3 No person shall prevent, obstruct or interfere with a Warden who at reasonable times, enters a caravan park or camping area to inspect:
- (a) buildings and amenities that are available therein for the use and benefit of users of the caravan park or camping area;
  - (b) anything therein that is or may be a source of health, safety or fire hazard; and
  - (c) such other things as are reasonably necessary to ensure that the operator and users of the caravan park or camping area are complying with these By-laws.
- 9.4 An operator or a person employed on or who has an interest in a caravan park or camping area shall give every reasonable assistance to a Warden making an inspection.
- 9.5 An operator and persons employed on or having an interest in a caravan park or camping area shall, upon request by a Warden, make available to him such information or documents as he has or has access to concerning the standards of construction, equipment, plumbing, drainage, sewerage disposal or treatment, lighting, ventilation and electrical installations of the caravan park or camping area.
- 9.6 An operator on whom a notice is served specifying a matter that is required to be rectified in order to comply with these By-laws, who contravenes or fails to comply with the notice within the time specified in the notice, is guilty of an offence.
- 9.7 An operator who contravenes or fails to comply with a notice in writing served on him by the Corporation specifying the number of persons who may live in a caravan or tent on the caravan park or camping area is guilty of an offence.
- 9.8 No person shall park a caravan or vehicle with the intention of using it for camping or sleeping otherwise than in a caravan park.
- 9.9 No person shall erect a tent within Yulara except in a camping area.
- 9.10 A person parking a caravan or erecting a tent within a caravan park or camping area shall park or erect it, as the case may be, in such



position as is directed by the operator or his employee.

## **Part X                    Stallholders**

10.1 A stallholder shall:

- (a) sell only the goods specified in his permit;
- (b) sell goods only during the days and hours so specified;
- (c) erect the stall where so specified;
- (d) observe such conditions relating to health or hygiene in the operation of the stall as are so specified; and
- (e) not transfer or sublet the permit.

10.2

- (a) A stallholder, whilst selling goods from his stall, shall display such identification of him as a stallholder as is supplied from time to time by the Corporation.
- (b) A person shall not display a stallholder's identification unless he is the holder of a current permit.

10.3 A stallholder, while offering goods for sale from his stall shall:

- (a) carry his permit, and upon demand by a Warden or a member of the Police force, produce it for inspection;
- (b) have his name legibly and conspicuously displayed on his stall; and
- (c) at all times keep his stall and its surrounds in good order and clean.

10.4 A stallholder shall not:

- (a) call his wares or cause or make any noise or disturbance likely to be a nuisance or cause annoyance to a person in the vicinity; or
- (b) deposit or store any containers or goods upon an adjacent road or footpath or otherwise obstruct pedestrians or vehicles.

10.5 A stallholder who contravenes or fails to comply with these By-laws or a condition of a permit granted to him is guilty of an offence.

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**Part XI            Refuse**

11.1 Each owner or occupier of land within Yulara shall:

- (a) use the containers provided by the Corporation or its authorised contractor for household or domestic refuse;
- (b) shall not permit the accumulation of rubbish or refuse in or about his premises;
- (c) remove any rubbish or refuse not removed in the normal course, or which cannot be accommodated in which the containers, and deposit it at such dump as the Corporation may from time to time set aside for the purpose; and
- (d) dispose of rubbish or refuse at a dump in accordance with the instructions given by the person in charge of the dump, or notices displayed there in relation to the disposal of refuse.

Penalty:        \$50.00 if paid pursuant to a notice of infringement.

11.2 An occupier or owner of land shall comply with a notice in writing signed by the Town Manager, requiring him to clear from the land or premises within the period specified in the notice, the refuse, rubbish or discarded material specified in the notice.

11.3 An owner or occupier failing to comply with a notice to clear rubbish from land or premises shall pay to the Corporation the costs of the Corporation removing the same and disposing of it.

11.4 A person shall not, within Yulara:

- (a) store a machine, disused motor vehicle or the body or chassis of a motor vehicle, which is not in working order; or
- (b) dismantle or break up a machine, disused motor vehicle or the body or chassis of a motor vehicle, which is not in working order,

unless the machine or motor vehicle is stored, dismantled or broken up:

- (c) inside a building; or
- (d) within an area enclosed by a fence or wall that is:
  - (i) not less than 2 metres in height; and
  - (ii) of such a nature as to screen the machine, disused

motor vehicle, and its parts from the adjoining road and properties.

11.5 A person who fails to comply with a notice served on him by the Corporation requiring him, within the period specified in the notice, to take the action specified in the notice to comply with the preceding By-law shall be guilty of an offence.

11.6 A person shall not dispose of oil or toxic materials within Yulara otherwise than at a dump, and shall, when bringing oil or toxic materials to a dump, obey the instructions given to him by the person in charge of the dump, or notices displayed in relation to the disposal of oil or toxic materials.

11.7 A person shall not loiter at a dump, nor remove from a dump, any thing which has been dumped there, without the permission of a Warden.

Penalty:      \$20.00 if paid pursuant to a notice of infringement.

## **Part XII            Plants**

12.1 In this Part of these By-laws:

***plant*** includes a member of the plant or fungus kingdom and seeds and parts of plants.

***prohibited plant*** means a plant listed in Schedule 1 and such other plants as the Corporation may from time to time determine should be prohibited.

***propagate*** in relation to a plant includes the cultivation of a plant.

12.2 A person shall not introduce or propagate within Yulara any prohibited plant except pursuant to a licence issued by the Corporation.

## **Part XIII            Animals and birds**

13.1 No person shall, without a permit or licence from the Town Manager, keep, have under his control, feed, water, or be responsible for the presence in Yulara of:

(a) more than one dog;

(b) any horse, cattle, donkey, camel, cat or domestic fowl.

- 13.2 No person shall introduce, keep, have under his control, feed, water, or be responsible for the presence in Yulara of any vertebrate wildlife, except as may be permitted pursuant to the *Territory Parks and Wildlife Conservation Act*.
- 13.3 No person shall unlawfully interfere with, capture or frighten any vertebrate wildlife within Yulara.

#### **Part XIV Use of water sewerage, &c.**

- 14.1 No person shall use water supplied by the Corporation otherwise than in accordance with directions given from time to time by the Town Manager.
- 14.2 No person shall waste, or allow to be wasted, water supplied by the Corporation.
- 14.3 No person shall fill, or cause to be filled, a private swimming or wading pool without the approval of the Town Manager.
- 14.4 No person shall use the sewerage, or other utility services, provided by the Corporation for other than the purposes for which they are respectively designed to be used.
- 14.5 No person shall water or maintain a lawn or garden with water supplied by the Corporation in contravention of a direction given to that person, or generally, by the Town Manager.

#### **Part XV Powers of wardens**

- 15.1
- (a) A Warden may require a person whom he believes on reasonable grounds to have contravened, or failed to comply with a By-law to give his name or address or both.
  - (b) A person shall not refuse or fail to give his correct name or address or both when required to give them by a Warden pursuant to the preceding sub-By-law.
- 15.2
- (a) A Warden may require a person whom he believes on reasonable grounds to have contravened or failed to comply with a By-law, or to be about to do so, to leave an area in Yulara;

- (b) A person shall not refuse or fail to leave an area or Yulara when required to do so by a Warden pursuant to the preceding sub-By-law.
- 15.3 A Warden may take into custody a dog or other animal which is within Yulara contrary to these By-laws, and the owner or other person responsible for its presence shall be liable for all expenses incurred by the Corporation in caring for, and disposing of it.
- 15.4 A Warden who lawfully requires a person to leave Yulara, may remove or cause that person to be removed, if that person refuses or fails to leave.
- 15.5 A Warden may remove from Yulara any person:
  - (a) guilty of disorderly conduct or indecent language thereon; or
  - (b) who threatens or is likely to create a breach of the peace.
- 15.6 Where the penalty prescribed so indicates, a Warden may issue and serve on a person who has committed an offence against a By-law, a notice of infringement in the form in Schedule 2 of these By-laws pursuant to Sub-section (3) Section 12 of the Act enabling the offender to expiate the offence by payment of that penalty within the period and at the place specified in the notice.

## **Part XVI Offences and penalties**

- 16.1 Any person who contravenes or fails to observe any of these By-laws shall be guilty of an offence, and, except in the case where an offender expiates the offence pursuant to a notice of infringement, will be liable to a penalty not exceeding \$200.00, and also to pay compensation for damage as provided in these By-laws.
- 16.2 The continuance of the contravention, or failure to comply with a By-law over more than one day shall constitute a separate offence on each day that it so continues, and incur a separate penalty.
- 16.3
  - (a) Offences against these By-laws may be prosecuted and penalties thereunder recovered in a summary manner.
  - (b) In any prosecution of an offence against these By-laws, the Corporation may claim and be awarded compensation for any expense incurred by the Corporation (in lieu of the person responsible for the breach) in having a By-law complied with, or for any damage done to Yulara or to any building or other

thing thereon, whether the property of the Corporation or other persons or bodies.

## **Part XVII Miscellaneous**

17.1 A person seeking a licence or permit from the Corporation shall apply to the Town Manager in such manner, or on such application form, accompanied by such fee (if any) as the Corporation from time to time determines.

17.2

- (a) The Wardens, officers or employees of the Corporation may, at all reasonable hours between sunrise and sunset, enter into and upon any land or building within Yulara for the purpose of making an inspection, or for carrying out any work required to be done to effect compliance with these By-laws.
- (b) Except with the consent of a person who is in actual occupation of land or a building, no such entry shall be made in respect of land or a building which is in actual occupation, unless at least 24 hours' notice in writing is given by the Town Manager.
- (c) Any person whose actions or neglect have given rise to the necessity for any such work shall be liable to compensate the Corporation for any expense incurred thereby.

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**Schedule 1**

by-law 12.1

**Prohibited Plants**

<b><i>Scientific Name</i></b>	<b><i>Common Name</i></b>
Acacia farnesiana	Mimosa Bush
Acetosa vesicarius	Ruby Dock
Achyranthes aspera	N.C.N.
Aerva javanica	Kapok Bush
Arctotheca calendula	Capeweed
Arundo donax	Giant Reed (Bamboo)
Bidens bipinnata	Cobblers Peg
Bidens pilosa	Cobblers Peg
Brassica tournefortii	Wild Tulip
Calotropis procera	Rubber Plant
Cenchrus setigerus	Birdwood Grass
Chloris virgata	Feathertop Rhodes Grass
Chenopodium album	White Goosefoot
Citrullus colocynthis	Bitter Melon
Citrullus lanatus	Paddy Melon
Conyza onariensis	Flaxleaf Fleabane
Crassula natans	N.C.N.
Cucumis myriocarpus	Wild cucumber
Disphyma clavellatum	Pig Face
Eragrostis barrelieri	Pitted Love Grass
Hypericum gramineum	N.C.N.
Hypochoeris gabra	Smooth cats ear
Lactuca serriola	Prickly Lettuce
Lactuca saligna	Wild Lettuce
Lantana camara	Lantana
Malva parviflora	Mallow
Plantago coronopus	Bucks Horn
Polycarpon tetraphylla	N.C.N.
Phynchelytrum repens	Red Natal Grass
Sida platycaly	N.C.N.
Senecio magnificus	Camel Weed
Solanum nigrum	Black Nightshade

Sorghum alum	Grain Sorghum
Tamarix aphylla	Athel Pine
Urochloa mosambicensis	N.C.N.



## Schedule 2

NORTHERN TERRITORY OF AUSTRALIA

YULARA TOURIST VILLAGE BY-LAWS

by-law 15.6

### NOTICE OF INFRINGEMENT

To: \_\_\_\_\_ of \_\_\_\_\_

TAKE NOTICE that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

at (time) you acted in contravention of By-law \_\_\_\_\_ of the above By-laws  
by \_\_\_\_\_

(state here in general terms the particulars of the offence)

The Maximum Penalty for the offence is \$ \_\_\_\_\_

You may elect:

- (a) to have the alleged offence prosecuted in a Court:
  - (i) if you desire to contest the question of whether an offence was committed;
  - (ii) if you desire to submit a matter in mitigation of penalty;  
or
  - (iii) for any other reason.
- (b) to have the alleged offence dealt with other than by a Court by:
  - (i) completing the attached form; and
  - (ii) paying on or before 14 days after the date of receipt of this notice \$..... by way of penalty to the Town Manager at Yulara.

Dated ..../../..

.....  
Town Manager/Warden

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I \_\_\_\_\_ of \_\_\_\_\_

\*(a) elect to have the alleged offence prosecuted in a Court.

\*(b) hereby pay the sum of \$..... by way of penalty.

.....

Signature

Dated ..../..

## 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

#### *Yulara Tourist Village By-laws (SL No. 52, 1984)*

Notified 20 August 1984

Commenced 20 August 1984