

NORTHERN TERRITORY OF AUSTRALIA

JABIRU TOWN DEVELOPMENT (ABORIGINAL CAMPING AREAS) BY-LAWS 1987

As in force at 18 March 2003

Table of provisions

1	Citation	1
2	Definitions	1
3	Declaration of Aboriginal camping areas	2
4	Signs may be erected	3
5	Allocation of shelters and sites	3
6	Fees	4
7	Removal of unsuitable tents, &c.	4
8	Permit to occupy shelter or use site	5
9	Ordering or warning off persons	5
10	Offences	7
11	Regulatory offence	8

Schedule 1 Fees

Schedule 2

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the By-laws as in force at 18 March 2003. Any amendments that commence after that date are not included.

JABIRU TOWN DEVELOPMENT (ABORIGINAL CAMPING AREAS) BY-LAWS 1987

By-laws under the *Jabiru Town Development Act 1978*

1 Citation

These By-laws may be cited as the *Jabiru Town Development (Aboriginal Camping Areas) By-laws 1987*.

2 Definitions

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

Aboriginal means a person who is a member of the Aboriginal race of Australia.

Aboriginal camping area means land declared to be an Aboriginal camping area under by-law 3.

camper means an Aboriginal who is permitted under these By-laws to:

- (a) occupy a shelter;
- (b) erect and maintain a tent; or
- (c) enter and place a caravan,

on an Aboriginal camping area and to remain on the area, and includes the members of his family accompanying him.

caravan means a habitable container designed to be towed, driven or carried by a vehicle, whether the container is fixed or mobile and whether or not it has wheels.

management committee means a management committee established under by-law 3(3).

shelter means a structure provided in an Aboriginal camping area by the Authority for allocation to, and lawful occupation by, a camper, and includes an ablution block adjoining that structure.

tent means a structure or erection constituted of or covered wholly or in part with canvas, calico, synthetic fibre or material of a similar nature.

vehicle has the same meaning as in the *Traffic Act 1987*.

3 Declaration of Aboriginal camping areas

- (1) The Authority may, by resolution, declare, for the purposes of section 31(1A)(b) of the Act, land in Jabiru to be an Aboriginal camping area.
- (2) A resolution under clause (1) may include restrictions relating to:
 - (a) the types of tents which may be erected on;
 - (b) the types of caravans which may enter and remain on; and
 - (c) the maximum period for which:
 - (i) a tent may be erected on;
 - (ii) a caravan may enter and remain on; or
 - (iii) a camper may occupy a shelter in,an Aboriginal camping area.
- (3) Where the Authority, under clause (1), declares land to be an Aboriginal camping area the Council may establish a management committee for that area consisting of such persons as the Council, in writing, appoints.
- (4) A management committee has, in relation to the Aboriginal camping area for which it is established, the powers and functions prescribed in these By-laws or otherwise delegated to it by the Council.
- (5) A person appointed as a member of a management committee remains a member until:
 - (a) he resigns his appointment by notice in writing delivered to the Council; or
 - (b) his appointment is terminated by the Council by notice in writing delivered to the member.
- (6) A person may be appointed a member of a management committee notwithstanding that he is not a member of the Authority or the Council or a camper.

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- (7) A management committee may exercise its powers or perform its functions in such manner as it, by resolution, determines.
 - (8) A management committee may authorize a member of the committee to exercise any of its powers or perform any of its functions.
 - (9) Where a management committee, under clause (8), authorizes a member to exercise a power or perform a function the exercise of the power or the performance of the function by the member shall, for the purposes of these By-laws, be deemed to have been exercised or performed by the committee.

4 Signs may be erected

- (1) The Council may cause to be erected, placed or displayed in an Aboriginal camping area signs or notices for the purpose of:
 - (a) designating a place within which the erecting of tents or placing of caravans is permitted;
 - (b) designating roads and access routes;
 - (c) designating a place within which the parking of vehicles is permitted;
 - (d) designating a place within which fires are permitted; and
 - (e) conveying information or a warning to persons using the area.
- (2) A person who:
 - (a) contravenes or fails to comply with; or
 - (b) uses a place other than for a purpose designated by,a sign or notice erected, placed or displayed under clause (1) is guilty of an offence.

Penalty: \$200.

5 Allocation of shelters and sites

- (1) A management committee of an Aboriginal camping area may in respect of the area:
 - (a) allocate a shelter for occupancy by a camper; or
 - (b) allot a site on which a camper may erect and maintain a tent or place a caravan.

(2) Where a management committee, under clause (1)(b) allots a site to a camper it may give such directions as it thinks fit to the camper in relation to the site.

(3) A person or camper who occupies a shelter which has not been allocated to him under clause (1)(a) is guilty of an offence.

Penalty: \$200.

(4) A person or camper who:

(a) erects a tent or places a caravan on a site which has not been allotted to him under clause (1)(b); or

(b) contravenes or fails to comply with a direction given under clause (2),

is guilty of an offence.

Penalty: \$200.

6 Fees

(1) For the purposes of these By-laws, the fee specified in column 2 of Schedule 1 is payable in respect of the occupation of a shelter or the use of a site specified in column 1 of that Schedule.

(2) A management committee may make rules in relation to the payment of the fees specified in Schedule 1.

(3) A person shall not occupy a shelter or use a site to erect a tent or place a caravan in an Aboriginal camping area:

(a) unless, in respect of the shelter or site, the fee specified in Schedule 1 has been paid; or

(b) except in accordance with the rules, if any, made under clause (2).

Penalty: \$200.

7 Removal of unsuitable tents, &c.

(1) Where a tent or a caravan in an Aboriginal camping area is, in the opinion of the management committee of the area, delapidated, unsightly or inadequate to provide reasonable privacy, the management committee may direct the owner or occupier of the tent or caravan to remove it from the area.

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- (2) Where the owner or occupier of a tent or caravan fails to comply with a direction under clause (1), the management committee may remove the tent or caravan or cause it to be removed from the Aboriginal camping area.

8 Permit to occupy shelter or use site

- (1) A person or camper shall not:
- (a) occupy a shelter; or
 - (b) use a site,
- in an Aboriginal camping area unless the camper or person has, under clause (3), been granted a permit in relation to the shelter or site, and the permit is in force.

Penalty: \$200.

- (2) A camper may apply to a management committee of an Aboriginal camping area for a permit to occupy a shelter or use a site on the area.
- (3) A management committee on receipt of an application under clause (2) may grant or refuse to grant a permit.
- (4) A permit granted under clause (3) shall be:
- (a) in accordance with Schedule 2; and
 - (b) subject to such conditions as the management committee thinks fit and endorses on the permit.

9 Ordering or warning off persons

- (1) Where a person who is on an Aboriginal camping area is:
- (a) disturbing;
 - (b) causing a nuisance to; or
 - (c) in the opinion of the management committee, likely to disturb or cause a nuisance to,
- campers lawfully using the area or other residents of Jabiru, the management committee of the area, or a member of the Police Force acting at the request of the management committee, may:
- (d) order that person to leave; or

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- (e) warn that person to stay off,
the area.
- (2) A management committee of an Aboriginal camping area may, where it suspects that a person is likely to enter the area, warn that person to stay off the area.
- (3) A management committee of an Aboriginal camping area may, where a person is convicted of an offence against these By-laws, warn that person to stay off the area.
- (4) A warning under clause (1), (2) or (3) may be given to the person either orally or by notice in writing delivered to that person or sent to him by post.
- (5) It is sufficient compliance with clause (4) in relation to a warning to stay off, where the person concerned is a member of a group, if the warning is addressed to the group or the members of it, and it is clear that the person is included among those persons addressed.
- (6) Where a person:
- (a) fails or refuses to leave an Aboriginal camping area after being ordered to do so; or
- (b) comes onto an Aboriginal camping area after being warned off,
- under this by-law, a member of the Police Force may caution that person and warn him of the consequences of his not leaving the area, and if the person fails to leave the area forthwith the member may:
- (c) arrest him without warrant to be further dealt with according to law; or
- (d) without arrest, but by force if necessary, remove him and his property, if any, from the area.
- (7) A person who:
- (a) fails to leave an Aboriginal camping area on being ordered to do so; or

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- (b) comes onto an Aboriginal camping area after being warned to stay off,

under this by-law is guilty of an offence.

Penalty: \$200.

- (8) A person is guilty of an offence if, within 12 months of being warned to stay off an Aboriginal camping area under this by-law, he wilfully comes onto that area.

Penalty: \$200.

10 Offences

A person in an Aboriginal camping area shall not:

- (a) damage or, without lawful excuse, interfere with a fixture or fitting provided for or in connection with the supply of water, electricity or other service to the area;
- (b) damage, deface or misuse:
 - (i) a shelter, structure, erection, sign or notice erected on; or
 - (ii) a tree, shrub or plant in, the area;
- (c) carry on a trade, business or commercial enterprise (other than a trade, business or commercial enterprise approved by the Council);
- (d) use a tent or caravan for a purpose not permitted under these By-laws;
- (e) evict a camper lawfully occupying a shelter or otherwise disturb or interfere with that camper's exclusive occupation of the shelter;
- (f) have in his possession an animal other than in compliance with the *Jabiru Town Development (Control of Animals) By-laws 1984*;
- (g) create a disturbance which, in the opinion of the Council, may cause a nuisance to campers lawfully using the area or to residents of Jabiru;
- (h) carry out work on a vehicle other than routine maintenance; or

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- (j) obstruct or impede the access to or from:
 - (i) the area;
 - (ii) a place designated for use as a road, access route or for parking vehicles;
 - (iii) the entrance to a public building; or
 - (iv) along a road or track used by the public.

Penalty: \$200.

11 Regulatory offence

A person who contravenes or fails to comply with these By-laws (other than by-law 9(8)) is guilty of a regulatory offence.

Schedule 1 Fees

by-law 6

Column 1	Column 2
Occupation of a shelter	\$2 per night or \$5 for 7 consecutive nights
Occupation of a shelter to which electricity is connected	\$3 per night or \$13 for 7 consecutive nights
Occupation of a site on which a tent is erected	\$1 per night or \$5 for 7 consecutive nights
Placing a caravan on a site	\$1 per night or \$5 for 7 consecutive nights

Schedule 2

by-law 8

NORTHERN TERRITORY OF AUSTRALIA

JABIRU TOWN DEVELOPMENT (ABORIGINAL CAMPING AREAS) BY-LAWS 1987

PERMIT

The holder of this permit is permitted to:

- use and occupy a tent
- place and occupy a caravan
- occupy a shelter

For days from/...../.....
date of arrival

until 12 noon on/...../.....
date of departure

Payment of \$..... received from
name of camper

Dated this day of, 19...

Signed by.....
for and on behalf of
the management committee

(The permit holder must comply with the conditions endorsed on the reverse side of this permit.)

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

Jabiru Town Development (Aboriginal Camping Areas) By-laws (SL No. 29, 1987)

Notified	19 August 1987
Commenced	19 August 1987

Statute Law Revision Act 2003 (Act No. 12, 2003)

Notified	18 March 2003
Commenced	18 March 2003

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 2 and 10 and sch 2.

4 LIST OF AMENDMENTS

bl 2 amd Act No. 12, 2003, s 16