

NORTHERN TERRITORY OF AUSTRALIA

TERRITORY PARKS AND WILDLIFE CONSERVATION
AMENDMENT ACT 1989

No. 18 of 1989

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NORTHERN TERRITORY OF AUSTRALIA

No. 18 of 1989

AN ACT

to amend the *Territory Parks and Wildlife Conservation Act*

[Assented to 15 June 1989]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Territory Parks and Wildlife Conservation Amendment Act 1989*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Territory Parks and Wildlife Conservation Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 9(1) of the Principal Act is amended by omitting the definition of "prohibited entrant" and substituting the following:

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

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5. PLANS OF MANAGEMENT

Section 18 of the Principal Act is amended by inserting after subsection (5) the following:

"(5A) Notwithstanding anything in subsection (5), a plan of management may propose the use of a particular part or parts of a park or reserve for a purpose which involves restricting public access thereto."

6. UNPROTECTED ANIMALS, PESTS AND PROHIBITED ENTRANTS

Section 27 of the Principal Act is amended by omitting subsections (1) to (3) and substituting the following:

"(1) The Regulations may declare, whether with or without qualifications, that an animal is -

- (a) an unprotected animal; or
- (b) a pest.

"(2) For the purposes of this Act -

- (a) no species of wildlife is a prohibited entrant unless, not being indigenous to the Territory, it is declared a prohibited entrant by the Regulations; and
- (b) all other vertebrates are prohibited entrants unless declared not to be such either by the Regulations or by a notice under subsection (3).

"(3) The Minister may by notice in the *Gazette* declare vertebrates of any species specified in the notice not to be prohibited entrants, and the notice shall take effect from the date of its publication in the *Gazette* or, where it provides for a later date, from that later date."

7. EFFECT OF DECLARATION

(1) Section 28(1) of the Principal Act is amended by omitting "A declaration made under section 27(2) or in pursuance of section 26(3) or 27(1)" and substituting "A declaration made for the purposes of section 26(3), or for any of the purposes of section 27,".

(2) Section 28(2) of the Principal Act is amended -

- (a) by omitting "where a declaration is made under section 27(2) or in pursuance of section 26(3) or 27(1), that declaration" and substituting "a declaration referred to in subsection (1)"; and

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- (b) by omitting "or a prohibited entrant" and substituting ", a prohibited entrant or not a prohibited entrant".

8. INTRODUCTION OF PROHIBITED ENTRANTS

Section 35 of the Principal Act is amended -

- (a) by omitting from subsection (1) "issued under this Act" and substituting "issued under this section"; and

- (b) by adding after subsection (2) the following:

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

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

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

- (a) revoke the permit; or
- (b) vary the terms, conditions and limitations of the permit."

9. REGULATIONS

Section 42(1) of the Principal Act is amended by inserting after paragraph (a) the following:

"(aa) the acquisition, possession and disposal without a permit of a manufactured article containing a part or parts of a protected animal;"

10. PERMITS - PROTECTED ANIMALS

Section 43 of the Principal Act is amended -

- (a) by inserting in subsection (1)(e) after "breed," the word "process"; and

- (b) by inserting after subsection (2) the following:

"(2A) Without limiting the generality of subsection (2), a permit authorizing the processing of flesh for human consumption may contain terms and conditions relating to -

- (a) the method of processing the flesh;

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- (b) the standards of hygiene to be observed in and in connection with the processing, and the standards of cleanliness to be maintained with respect to the premises on which it takes place; and
- (c) the inspection of the premises on which the processing takes place and the testing of the processed flesh."

11. REGULATIONS

Section 123 of the Principal Act is amended by adding after subsection (2) the following:

"(3) Where a plan of management proposes the use for a specified purpose of a particular part of the park or reserve to which the plan relates, the Administrator may by regulations restrict access to that part to such extent and in such manner as appears to the Administrator to be necessary or desirable in connection with its proposed use, and may in particular confine access, or grant preferential access, thereto to a class or description of persons specified in the regulations.

"(4) Subsection (3) does not derogate from the general power of the Commission to make by-laws with respect to access to parks and reserves as mentioned in section 71(2)(j) except to the extent that by-laws under that section must not be inconsistent with any regulations."
