

NORTHERN TERRITORY OF AUSTRALIA

TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BY-LAWS 2014

Subordinate Legislation No. 3 of 2014

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Schedule By-laws further amended

NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 3 of 2014*

Territory Parks and Wildlife Conservation Amendment By-laws 2014

The Parks and Wildlife Commission of the Northern Territory made the following by-laws under the *Territory Parks and Wildlife Conservation Act* and, for section 63(2)(a) of the *Interpretation Act*, authorised Andrew John Bridges, Chief Executive Officer of the Parks and Wildlife Commission of the Northern Territory, to sign them.

Dated 10 February 2014

A. J. BRIDGES
Chief Executive Officer

* Notified in the *Northern Territory Government Gazette* on 12 March 2014.

1 Citation

These By-laws may be cited as the *Territory Parks and Wildlife Conservation Amendment By-laws 2014*.

2 By-laws amended

These By-laws amend the *Territory Parks and Wildlife Conservation By-laws*.

3 By-law 3 amended

- (1) By-law 3, definition ***prescribed amount***

omit

- (2) By-law 3

insert (in alphabetical order)

airboat means a vessel propelled by an aircraft-type propeller or fan.

prescribed amount, for an infringement offence, means the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 4.

- (3) By-law 3, definitions ***authorised officer***, ***owner*** and ***relevant law***

omit

VA

insert

5A

- (4) By-law 3, definition ***authorized receptacle***

omit

authorized

insert

authorised

-
- (5) By-law 3, definition ***firearm***
omit
means a firearm within the meaning
insert
, see section 3(1)
- (6) By-law 3, definition ***infringement offence***
omit
, column 1

4 By-law 5 replaced

By-law 5
repeal, insert

5 Opening hours

- (1) Subject to by-law 6, unless otherwise provided in its plan of management, a park or reserve is open to the public:
- (a) if the park or reserve is specified in Schedule 2 – during the times specified in Schedule 2 opposite the name of the park or reserve; or
 - (b) if the park or reserve is not specified in Schedule 2 – at all times.
- (2) A person must not enter or remain in a park or reserve, or part of a park or reserve, other than at a time when the park or reserve, or the part of the park or reserve, is open to the public.
- Maximum penalty: 4 penalty units.
- (3) It is a defence to a prosecution for an offence against clause (2) if the defendant establishes a reasonable excuse.

5 By-law 8A inserted

After by-law 8

insert

8A Use of vehicles

- (1) The Commission may prohibit the use of vehicles in a park or reserve or part of a park or reserve:
 - (a) during particular hours of the day; or
 - (b) at all times.
- (2) Notice of the prohibition must be:
 - (a) published in a newspaper circulating in the area where the park or reserve is situated; and
 - (b) prominently displayed at all entrances to the park or reserve or the part of the park or reserve to which the prohibition relates.
- (3) A person must not use a vehicle in contravention of a prohibition that is in force.

Maximum penalty: 8 penalty units.
- (4) It is a defence to a prosecution for an offence against clause (3) if the defendant proves the use of the vehicle was due to the existence of an emergency.

6 By-law 9 amended

- (1) Before by-law 9(1)

insert

- (1AA) This by-law does not apply in relation to an airboat.

- (2) By-law 9(1)(b)

omit

power,

insert

power;

-
- (3) By-law 9(3)
omit
all words from "Where" to "shall"
insert
If the Commission makes a determination under clause (1), it must
- (4) By-law 9(3)(a), at the end
insert
and
- (5) By-law 9(5), penalty provision
omit
\$500
insert
4 penalty units
- (6) By-law 9(6)
omit
in the case of
insert
for

7 By-law 24AA inserted

After by-law 24

insert

24AA Glass containers

- (1) The Commission may, by means of a sign, designate an area in a park or reserve to be an area where glass containers are not permitted.

-
- (2) A person must not take a glass container into, or have a glass container in his or her possession in, an area designated under clause (1).

Maximum penalty: 20 penalty units.

- (3) An offence against clause (2) is a regulatory offence.

- (4) In this by-law:

glass container means a container made of glass whether alone or in combination with anything else.

Example for definition glass container

A cup, bottle, jug or bowl.

8 By-law 29 amended

- (1) By-law 29(1) and (2), penalty provision

omit

\$100

insert

1 penalty unit

- (2) After by-law 29(2)

insert

- (2A) A driver of a vehicle must not, in a park or reserve, stop the vehicle at the side of a road marked with a continuous yellow edge line.

Maximum penalty: 1 penalty unit.

- (3) By-law 29(3)

omit

or (2)

insert

, (2) or (2A)

-
- (4) By-law 29(4)

insert (in alphabetical order)

edge line, see the dictionary at the end of the *Australian Road Rules*.

- (5) By-law 29(4), definition **no parking sign**

omit

sign,

insert

sign

9 By-law 31A inserted

After by-law 31

insert

31A Use of airboats

- (1) The Commission may, by *Gazette* notice, declare an area in a park or reserve to be an area where airboats may be used.
- (2) A person must not use an airboat in a park or reserve except:
 - (a) in an area for which a declaration under clause (1) is in force;
or
 - (b) in accordance with a permit issued by the Commission.

Maximum penalty: 40 penalty units.

- (3) An offence against clause (2) is a regulatory offence.
- (4) It is a defence to a prosecution for an offence against clause (2) if the defendant proves the use of the airboat was due to the existence of an emergency.

10 Schedule 2 replaced

Schedule 2

repeal, insert

Schedule 2 Opening hours

by-law 5(1)(a)

Park or reserve	Hours open to public
Alice Springs Desert Park	7.30 am – 6.00 pm daily (last admission time 5.00 pm) Closed 25 December
Alice Springs Telegraph Station Historical Reserve	8.00 am – 9.00 pm daily
Berry Springs Nature Park	8.00 am – 7.00 pm daily
Charles Darwin National Park	8.00 am – 7.00 pm daily
Cutta Cutta Caves Nature Park	8.30 am – 4.30 pm daily Closed from 25 December in each year to 31 March in the following year
Fogg Dam Conservation Reserve	6.00 am – 8.00 pm daily
Holmes Jungle Nature Park	8.00 am – 6.00 pm daily
Howard Springs Nature Park	7.30 am – 7.00 pm daily
Nitmiluk (Katherine Gorge) National Park (excluding camping areas)	7.00 am – 7.00 pm daily
Territory Wildlife Park	8.30 am – 6.00 pm daily (last admission time 4.00 pm) Closed 25 December

11 Schedule 4 replaced

Schedule 4

repeal, insert

Schedule 4 Infringement offences and prescribed amounts

by-law 3, definitions ***infringement offence*** and ***prescribed amount***

Provision	Prescribed amount in penalty units
by-laws 6(4), 7(3), 8(2), (3) and (5), 8A(3), 9(5), 12, 13(1), 14(3) and (4A), 15(1), (2) and (3), 16, 18(4) and (5), 19, 20, 23(1) and (2), 24, 24A(2), 26, 29(1), (2) and (2A), 30(1), 31(1) and (2), 35C, 35D, 35E, 35F(1) and (2), 35G, 35H(1) and (2), 35I, 35J and 35L	1
by-laws 11(2), 14(1), 17(1) and (2), 21(3), 22(1), 24AA(2), 28(1), (3) and (4), 47 and 48(2)	2
by-laws 11(1) and 11A(2)	3
by-laws 18(1) and 31A(2)	4

12 By-laws further amended

The Schedule has effect.

13 Expiry of By-laws

These By-laws expire on the day after they commence.

Schedule By-laws further amended

by-law 12

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part I, heading	whole heading	Part 1 Preliminary matters
Part II, heading	II	2
by-law 6(1)(a), at the end		or
by-law 6(1)(c)	caused,	caused;
by-law 6(2)(b)	with,	with;
by-law 6(3) and (4)	shall	must
by-law 6(4), penalty provision	\$1,000	8 penalty units
by-law 6(5), after "his"		or her
by-law 7(2)	Where shall	If must
by-law 7(3)	shall	must
by-law 7(3), penalty provision	whole penalty provision	Maximum penalty for an offence against clause (3): 8 penalty units.
by-law 8(1A)	shall	must
by-law 8(2), (3) and (5), penalty provision	\$1 000 and \$100	8 penalty units and 1 penalty unit
by-law 10(1)	shall be therein	are opposite
by-law 10(1A)	Notwithstanding shall	Despite must

by-law 10(2)	shall in respect of which a fee is fixed under	must for which a fee is set out in
by-law 10(2), penalty provision	\$100	1 penalty unit
by-law 10(3)	he	the person
by-law 10(4)	For the purposes of	In
Part III, heading	III	3
by-law 11(1), penalty provision	\$2 000	15 penalty units
by-law 11(2), penalty provision	\$1 000	8 penalty units
by-law 11A(2)	\$2 000	15 penalty units
by-law 12	shall	must
by-law 12(a)	authorized	authorised
by-law 12(b)(ii)	material,	material;
by-laws 12 and 13(1), penalty provision	\$1,000 and \$100	8 penalty units and 1 penalty unit
by-law 13(1)	shall	must
by-law 13(2)	shall be made in writing to the Commission and shall state	must be made in writing to the Commission and state the following
by-law 13(2)(c)	and	
by-law 13(4)	shall be	is
by-law 13(4)(b)	, if any,	
by-law 13(6)	For the purposes of this by-law, trade or commerce	In this by-law: trade or commerce
by-law 13A(1), penalty provision	\$1 000 and \$100	8 penalty units and 1 penalty unit

by-law 13A(2)	is to be made in writing to the Commission and is to state	must be made in writing to the Commission and state the following
by-law 13A(2)(f)	restricted; and	restricted;
by-law 13A(4)(b)	(if any)	
by-law 14(1), (3) and (4A), penalty provision	\$1 000	8 penalty units
by-law 14(5)	referred to (<i>all references</i>) which he	mentioned that the officer
by-law 14(5), note, after "Note"		<i>for clause (5)</i>
by-law 15(1)	shall	must
by-law 15(1), penalty provision	\$500	4 penalty units
by-law 15(2)	his (<i>all references</i>) referred to he shall	his or her mentioned he or she must
by-law 15(2), penalty provision	\$500	4 penalty units
by-law 15(3)	referred to (<i>all references</i>) shall, shall retain	mentioned must, will retain
by-law 15(3), penalty provision	\$500	4 penalty units
by-law 15(4)	referred to (<i>all references</i>) which he	mentioned that the officer
by-law 16, penalty provision	\$5 000	40 penalty units

by-law 16A(1)(a), at the end		or
by-law 16A(1)(c)	reserve,	reserve;
by-law 16A(1)	notice in the <i>Gazette</i> , as the case may be,	<i>Gazette</i> notice
by-law 16A(2)	Where shall	If must
by-law 16A(2)(b)	applies,	applies;
by-law 16A(3)	shall	must
by-law 16A(3), penalty provision	whole penalty provision	Maximum penalty for an offence against clause (3): 40 penalty units.
by-law 17(1) and (2), penalty provision	\$2 000	15 penalty units
by-law 18(1)	shall	must
by-law 18(1)(b)(ii)	Commission,	Commission;
by-law 18(1), penalty provision	\$5,000 and \$100	40 penalty units and 1 penalty unit
by-law 18(4) and (5), penalty provision	\$500	4 penalty units
by-law 19	shall	must
by-law 19(a)	him or him	the person or him or her
by-law 19(a) and (b), at the end		or
by-law 19(d)	storage,	storage;
by-law 19, penalty provision	\$5,000 and \$1,000	40 penalty units and 8 penalty units
by-law 20	shall	must

by-law 20(a)	him or him;	the person or him or her;
by-law 20, penalty provision	\$1,000	8 penalty units
by-law 21(1)(a)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
by-law 21(1)(b)	indicating,	indicating;
by-law 21(2)(b)	shall not be taken,	must not be taken;
by-law 21(3)	or fails to comply with	
by-law 21(3), penalty provision	\$1,000	8 penalty units
by-law 21(4)	whole clause	(4) A person must not have fishing equipment in his or her possession at any place within 200 m of a lake, river, watercourse or area of water in which fishing is prohibited.
by-law 22(1), penalty provision	\$1 000	8 penalty units
by-law 23(1)	shall	must
by-law 23(1), penalty provision	\$1 000	8 penalty units
by-law 23(2)	shall with a	must with
by-law 23(2)(a)	building	a building
by-law 23(2), penalty provision	\$1 000	8 penalty units
by-laws 24 and 24A(2), penalty provision	\$500	4 penalty units
by-law 25	shall organize	must organise

by-law 25, penalty provision	\$1,000	8 penalty units
by-law 26	shall reserve or any property therein	must reserve, or any property within the park or reserve,
by-law 26, penalty provision	\$1,000	8 penalty units
by-law 27, heading	, &c.	and other objects
by-law 27	shall	must
by-law 27, penalty provision	\$5,000	40 penalty units
Part IIIA, heading	IIIA	3A
Part IV, heading	IV	4
by-law 28(1), (3) and (4), penalty provision	\$1 000	8 penalty units
by-law 30(1)	shall	must
by-law 30(1), penalty provision	\$500	4 penalty units
by-law 30(2)	his	the driver's
by-law 30(3)	whole clause	(3) In this by-law: <i>speed limit derestriction sign</i> means a speed derestriction sign mentioned in the <i>Australian Road Rules</i> . <i>speed limit sign</i> means a speed-limit sign mentioned in the <i>Australian Road Rules</i> .
by-law 31(1)	shall	must

by-law 31(1)(a)	all words from "displayed on" to "that"	designated under by-law 51 for the
by-law 31(1), penalty provision	\$500	4 penalty units
by-law 31(2)	shall by a sign erected, placed or displayed	must
by-law 31(2), penalty provision	\$500	4 penalty units
by-law 32(1)	shall	must
by-law 32(1)(b)	hovercraft,	hovercraft;
by-law 32(1)(c) and (d), at the end		or
by-law 32(1), penalty provision	\$1,000	8 penalty units
by-law 32(2)	notice in the <i>Gazette</i> referred to	<i>Gazette</i> notice mentioned
by-law 35	shall	must
Part IVA, heading	IVA	4A
by-law 35B	, unless the contrary intention appears	
by-law 35C(a) to (c), at the end		or
by-laws 35C and 35D, penalty provision	\$500	4 penalty units
by-laws 35E and 35F(1) and (2), penalty provision	\$2 000	15 penalty units
by-laws 35G and 35H(1) and (2), penalty provision	\$500	4 penalty units
by-law 35I(a)		or

by-law 35I, penalty provision	\$500	4 penalty units
by-law 35J(a), at the end		and
by-law 35J, penalty provision	\$2 000	15 penalty units
Part IVB, heading	IVB	4B
by-law 35L(1), penalty provision	\$1 000	8 penalty units
Part V, heading	V	5
by-law 36	the purposes of	
by-law 37(b)	days,	days;
by-law 38(1)	shall	must
by-law 38(2)	shall (all references)	must
	by reason of the fact that	because
by-law 38(2)(b)	found,	found;
by-law 39(1)	Where shall be	If is
by-law 39(1)(a)	him	the owner
by-law 39(1)(b)	of the date referred to 38(2),	the date mentioned 38(2);
by-law 39(2)	Where	If
by-law 39(2)(a), at the end		and
by-law 39(2)(c)	\$200,	\$200;
by-law 40(1) and (5)	shall	must

by-law 40(3)	Not less than shall	At least must
by-law 41	shall (all references)	must
by-law 42	It shall be boat shall	It is boat
by-law 44(1) and (1)(c)	shall	must
by-law 44(1)(a), at the end		and
by-law 44(2)	Where him shall	If the owner
by-law 45	shall be	is
by-law 46	shall the purposes of	may
Part VA, heading	VA	5A
Part VAA, heading	VAA	5B
Part VI, heading	whole heading	Part 6 Miscellaneous matters
by-law 47	shall comply with and him	must the person
by-law 47(a), at the end		or
by-law 47, penalty provision	\$1,000	8 penalty units
by-law 48(2), penalty provision	\$2 000	15 penalty units
by-law 49(3)(b)	referred to	mentioned
by-law 50(1)	he or failed to comply with his	the officer the person's

by-law 50(2)	shall his	must his or her
by-law 50(2), penalty provision	\$500	4 penalty units
by-law 51(1)	authorize the purpose of	authorise any of the following purposes
by-law 51(1)(f)	permitted; or	permitted;
by-law 51(2)	shall	must
by-law 51(3)	shall , as the case may be,	must
by-law 51(4)	authorized shall	authorised must
by-law 51(4)(a)	for the purposes of	under
by-law 51(4), penalty provision	\$200	2 penalty units
by-law 52(1)	shall be made in writing to the Director and shall state	must be made in writing to the Director and state the following
by-law 52(1)(c)	and	
by-law 52(3)	shall be whilst he holder shall	must be while the person person must
by-law 52(3), penalty provision	\$50	1 penalty unit
by-law 52B(1)	Where his	If the person's
by-law 52B(2)	Where that person shall	If the person must

by-law 52B(2), penalty provision	whole penalty provision	Maximum penalty: 4 penalty units.
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