

NORTHERN TERRITORY OF AUSTRALIA
TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT
BY-LAWS (NO. 2) 2007

Subordinate Legislation No. 24 of 2007

TABLE OF PROVISIONS

By-law

1. Citation
2. Commencement
3. By-laws amended
4. New by-law 52A
52A. Infringement notices
5. Repeal of by-law 52A

NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 24 of 2007*

Territory Parks and Wildlife Conservation Amendment By-laws (No. 2) 2007

The Parks and Wildlife Commission of the Northern Territory, pursuant to the powers conferred on it by the *Territory Parks and Wildlife Conservation Act* makes the following by-laws.

Dated 10 August 2007.

DAVID RITCHIE
Chief Executive Officer

* Notified in the *Northern Territory Government Gazette* on 16 August 2007.

1. Citation

These By-laws may be cited as the *Territory Parks and Wildlife Amendment By-laws (No. 2) 2007*.

2. Commencement

(1) By-law 5 commences on 1 October 2007, immediately before the commencement of by-laws 4(3), 26 and 33 of the *Territory Parks and Wildlife Amendment By-laws 2007*.

(2) The remaining provisions of these By-laws commence on the day on which these By-laws are notified in the *Gazette*.

3. By-laws amended

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

4. New by-law 52A

After by-law 52

insert

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; or

(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; and
 - (b) the nature of the alleged infringement or infringements and the penalty or penalties payable; and
 - (c) the place or places at which a penalty may, in accordance with these By-laws, be paid; and
 - (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 may be 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; or
- (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; and

- (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.

5. Repeal of by-law 52A

By-law 52A

repeal