

NORTHERN TERRITORY OF AUSTRALIA  
TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT  
BY-LAWS 2007

---

Subordinate Legislation No. 23 of 2007

---

TABLE OF PROVISIONS

By-law

1. Citation
2. Commencement
3. By-laws amended
4. Amendment of by-law 3 (Definitions)
5. Amendment of by-law 8 (Camping)
6. Amendment of by-law 9 (Use of powered vessels)
7. Repeal and substitution of by-law 11
  11. Fires – general
  - 11A. Fires – total fire ban
8. Amendment of by-law 13 (Trade and commerce)
9. Amendment of by-law 13A (Public events)
10. Amendment of by-law 14 (Firearms, explosives, traps, &c.)
11. Amendment of by-law 15 (Metal detectors)
12. Repeal and substitution of by-law 16
  16. Chemical substances
13. Repeal and substitution of by-law 17
  17. Wildlife
14. Amendment of by-law 18 (Disturbance of natural features)
15. Amendment of by-law 19 (Water)
16. Amendment of by-law 20 (Introduction of plants)
17. Amendment of by-law 21 (Fishing)
18. Repeal and substitution of by-law 22
  22. Introduction of animals
19. Amendment of by-law 23 (Interference with property, &c., of Commission)
20. Repeal and substitution of by-law 24
  24. Public behaviour
  - 24A. Use of portable generators
21. Amendment of by-law 25 (Public meetings, &c.)
22. Repeal and substitution of by-laws 28 and 29
  28. Driving and riding of vehicles
  29. Parking of vehicles

- 23. Amendment of by-law 31 (Use of waterborne vessels)
- 24. Amendment of by-law 32 (Operation of aircraft and hovercraft, &c.)
- 25. New Part IVB
  - PART IVB – CHANNEL POINT COASTAL RESERVE
  - 35K. Definition
  - 35L. Vehicles
  - 35M. Limit on number of permits
- 26. New Part VA
  - PART VA – INFRINGEMENT NOTICES
  - 46A. Definitions
  - 46B. When infringement notice for infringement offence may be served
  - 46C. Contents of infringement notice
  - 46D. Payment by cheque
  - 46E. Withdrawal of infringement notice
  - 46F. Liability of owner of motor vehicle
  - 46G. Evidentiary certificates
  - 46H. Application of Part
- 27. New Part VAA
  - PART VAA – APPEALS
  - 46J. Who may appeal
  - 46K. Hearing procedure
  - 46L. Operation and implementation of decision
  - 46M. Decision on appeal
- 28. Repeal and substitution of by-law 48
  - 48. Removal of offenders
- 29. Amendment of by-law 52 (Permits)
- 30. Repeal of by-law 52A
- 31. Amendment of by-law 52B (Conservation officer may require information)
- 32. Amendment of Schedule 3
- 33. Repeal and substitution of Schedule 4
  - SCHEDULE 4
- 34. Further amendments

## SCHEDULE

# NORTHERN TERRITORY OF AUSTRALIA

---

Subordinate Legislation No. 23 of 2007\*

---

## *Territory Parks and Wildlife Conservation Amendment By-laws 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 12 July 2007.

DAVID RITCHIE  
Chief Executive Officer

---

\* Notified in the *Northern Territory Government Gazette* on 8 August 2007.

**1. Citation**

These By-laws may be cited as the *Territory Parks and Wildlife Conservation Amendment By-laws 2007*.

**2. Commencement**

(1) By-laws 4(3), 26 and 33 commence on 1 October 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. Amendment of by-law 3 (Definitions)**

(1) By-law 3

*omit*

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

*substitute*

In these By-laws:

(2) By-law 3

*insert (in alphabetical order)*

"camp" includes:

- (a) stay overnight in a vehicle, vessel, tent or other temporary shelter; and
- (b) stay overnight in the open air; and
- (c) prepare a temporary shelter or park or moor a vehicle or vessel for the purpose of staying overnight;

"designated under by-law 51", for an area, means designated under a sign or notice erected, placed or displayed in a park or reserve under by-law 51;

"driver", for a vehicle or vessel, means a person in control of the vehicle or vessel;

*Territory Parks and Wildlife Conservation Amendment By-laws 2007*

"fire" means a fire consuming a gaseous, liquid or solid fuel;

"information notice" means a written notice to a person about a decision stating:

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person may appeal to the Local Court against the decision within 28 days after receipt of the notice;

"possession", for an item, includes having control of the item;

"trap" means a device that is made, adapted or used for capturing or constraining an animal;

(3) By-law 3

*insert (in alphabetical order)*

"authorised officer", for Part VA, see by-law 46A;

"infringement notice", see by-law 46B;

"infringement offence", means an offence against a provision of these By-laws specified in Schedule 4, column 1;

"owner", for Part VA, see by-law 46A;

"prescribed amount", for an infringement offence, means the amount specified opposite the offence provision in Schedule 4, column 2;

"relevant law", for Part VA, see by-law 46A;

(4) By-law 3, definition "category D"

*omit*

granted

*substitute*

issued

**5. Amendment of by-law 8 (Camping)**

(1) By-law 8(2) to (5)

*omit, substitute*

(2) A person must not camp in a park or reserve except:

(a) in a camping area; or

(b) in accordance with a permit issued by the Commission.

Maximum penalty: \$1 000 and \$100 for each day during which the offence continues.

*Note for clause (2)*

*A person who contravenes a condition of a camping permit commits an offence under this clause.*

(3) A person must not camp in a camping area for more than 14 days in a 28 day period.

Maximum penalty: \$1 000 and \$100 for each day during which the offence continues.

(4) If a conservation officer reasonably believes a person has contravened clause (2) or (3), the officer may direct the person to remove anything used for camping in contravention of clause (2) or (3) to a place specified by the officer.

(5) The person must comply with the direction.

Maximum penalty: \$1 000 and \$100 for each day during which the offence continues.

(6) An offence against clause (2), (3) or (5) is a regulatory offence.

**6. Amendment of by-law 9 (Use of powered vessels)**

(1) By-law 9(4)

*omit*

(2) By-law 9(5)

*omit*

Subject to clause (4), a person shall not –

*substitute*

A person must not, except in accordance with a permit issued by the Commission:

**7. Repeal and substitution of by-law 11**

By-law 11

*repeal, substitute*

**11. Fires – general**

(1) A person must not light, maintain or use a fire in a park or reserve except in an area designated under by-law 51 as an area where fires are permitted (a "designated area").

Maximum penalty: \$2 000.

(2) A person who has lit or used a fire in a designated area must not:

(a) leave the fire unattended; or

(b) fail to extinguish the fire before leaving the site of the fire.

Maximum penalty: \$1 000.

(3) It is a defence to a charge of an offence against clause (2) if, before leaving the site of fire, the defendant arranged with a person apparently over the age of 18 years to remain at the place where the fire was and not leave until that person either:

(a) extinguished the fire; or

(b) made a similar arrangement with another person apparently over the age of 18 years.

**11A. Fires – total fire ban**

(1) The Commission may, by means of a sign or other notification, determine a period during which a total fire ban is in force in the whole or part of a park or reserve.

(2) If a total fire ban is in force a person must not light, maintain or use a fire anywhere in the area to which the total fire ban applies.

Maximum penalty: \$2 000.

**8. Amendment of by-law 13 (Trade and commerce)**

(1) By-law 13(1)

*omit*

without a permit granted

*substitute*

except in accordance with a permit issued

(2) By-law 13(3)

*omit, substitute*

(3) On consideration of the application, the Commission must:

(a) issue the permit; or

(b) refuse to issue the permit; or

(c) issue the permit subject to conditions.

(3A) If the Commission decides to refuse to issue a permit, the Commission must give the applicant an information notice for the decision.

(3) By-law 13(4)

*omit*

granted

*substitute*

issued

(4) By-law 13(5)

*omit*

granting

*substitute*

issue



**9. Amendment of by-law 13A (Public events)**

(1) By-law 13A(1)

*omit*

granted

*substitute*

issued

(2) By-law 13A(3)

*omit, substitute*

(3) On consideration of the application, the Commission must:

(a) issue the permit; or

(b) refuse to issue the permit; or

(c) issue the permit subject to conditions.

(3A) If the Commission decides to refuse to issue a permit, the Commission must give the applicant an information notice for the decision.

(3) By-law 13A(4)

*omit*

granted

*substitute*

issued

(4) By-law 13A(5)

*omit*

granting

*substitute*

issue

**10. Amendment of by-law 14 (Firearms, explosives, traps, &c.)**

(1) By-law 14, heading

*omit, substitute*

**Weapons, explosives and traps**

(2) By-law 14(1) to (4)

*omit, substitute*

(1) A person must not, except in accordance with a permit issued by the Commission:

(a) possess any of the following in a park or reserve:

(i) a firearm, speargun or other weapon;

(ii) ammunition, explosives or firework;

(iii) a net or other trap; or

(b) lay bait or poison.

Maximum penalty: \$1 000.

(2) Clause (1)(a) does not apply if the person reports possession of the item to the conservation officer in charge of the park or reserve on, or as soon as practicable after, entry to the park or reserve.

(3) A person mentioned in clause (2) must, on the request of a conservation officer, surrender the item.

Maximum penalty: \$1 000.

(4) The conservation officer must keep the item while the person remains in the park or reserve and return it, on request, when the person leaves the park or reserve.

(4A) A person must not discharge a firearm into a park or reserve from outside the park or reserve.

Maximum penalty: \$1 000.

- (3) By-law 14(5), penalty provision

*omit, substitute*

*Note*

*Section 120 of the Act provides for the return or forfeiture of seized articles.*

- (4) By-law 14, at the end

*insert*

(6) An offence against clause (1), (3) or (4A) is a regulatory offence.

## **11. Amendment of by-law 15 (Metal detectors)**

- (1) By-law 15(1)

*omit*

unless he has first obtained from the Commission a permit to do so.

*substitute*

except in accordance with a permit issued by the Commission.

Maximum penalty: \$500.

- (2) By-law 15(2) and (3), at the end

*insert*

Maximum penalty: \$500.

- (3) By-law 15(4), penalty provision

*omit*

## **12. Repeal and substitution of by-law 16**

By-law 16

*repeal, substitute*

## **16. Chemical substances**

A person must not disperse or lay (whether from an aircraft or in another way) a chemical substance in a park or reserve except in accordance with a permit issued by the Commission.

Maximum penalty: \$5 000.

**13. Repeal and substitution of by-law 17**

By-law 17

*repeal, substitute*

**17. Wildlife**

(1) A person must not, except in accordance with a permit issued by the Commission, damage, injure, destroy or otherwise interfere with wildlife that is an animal in a park or reserve.

Maximum penalty: \$2 000.

(2) A person must not, except in accordance with a permit issued by the Commission, remove wildlife that is an animal from a park or reserve.

Maximum penalty: \$2 000.

(3) Clauses (1) and (2) do not apply to a person who damages, injures, destroys, interferes with or removes a fish from a park or reserve in accordance with by-law 21.

**14. Amendment of by-law 18 (Disturbance of natural features)**

(1) By-law 18(1)

*omit*

Subject to clause (2), a person

*substitute*

A person

(2) By-law 18(2) to (4)

*omit, substitute*

(2) Clause (1) does not apply to the collection of dead wood.

(3) The Commission may, by means of a sign or notice, designate an area where the collection of dead wood is permitted.

(4) A person must not collect dead wood in a park or reserve except:

(a) in an area designated under clause (3); and

(b) for the purpose of a fire for cooking or providing warmth.

Maximum penalty: \$500.

(5) A person must not remove dead wood from a park or reserve.

Maximum penalty: \$500.

(6) An offence against clause (1), (4) or (5) is a regulatory offence.

**15. Amendment of by-law 19 (Water)**

By-law 19

*omit*

granted

*substitute*

issued

**16. Amendment of by-law 20 (Introduction of plants)**

By-law 20(b)(ii)

*omit*

granted

*substitute*

issued

**17. Amendment of by-law 21 (Fishing)**

By-law 21(5)

*omit, substitute*

(5) Clauses (3) and (4) do not apply to a person acting in accordance with a permit issued by the Commission.

(6) An offence against clause (3) is a regulatory offence.

**18. Repeal and substitution of by-law 22**

By-law 22

*repeal, substitute*

**22. Introduction of animals**

(1) A person must not take an animal into a park or reserve or allow an animal under the person's control to enter a park or reserve except in accordance with:

- (a) a *Gazette* notice published by the Commission; or
- (b) a permit issued by the Commission; or
- (c) a sign erected by the Commission permitting animals in an area.

Maximum penalty: \$1 000.

(2) A notice or sign may be subject to conditions determined by the Commission, and the Commission must specify those conditions in or on the notice or sign.

(3) An offence against clause (1) is a regulatory offence.

**19. Amendment of by-law 23 (Interference with property, &c., of Commission)**

(1) By-law 23, heading

*omit, substitute*

**Interference with Commission property**

(2) By-law 23(1), at the end

*insert*

Maximum penalty: \$1 000.

(3) By-law 23(2), penalty provision

*omit, substitute*

Maximum penalty: \$1 000.

**20. Repeal and substitution of by-law 24**

By-law 24

*repeal, substitute*

**24. Public behaviour**

A person must not, in a park or reserve:

- (a) create a disturbance or intentionally obstruct or disturb another person engaged in the proper use of the park or reserve; or
- (b) create noise or do anything that might cause reasonable offence or annoyance; or
- (c) behave in a disorderly, indecent or offensive manner; or
- (d) use offensive or indecent language; or
- (e) behave in a manner likely to injure the person or another person.

Maximum penalty: \$500.

**24A. Use of portable generators**

(1) The Commission may, by means of a sign, designate an area where the use of portable generators is permitted.

(2) A person must not use a portable generator except:

- (a) in an area designated under clause (1); or
- (b) in accordance with a permit issued by the Commission.

Maximum penalty: \$500.

**21. Amendment of by-law 25 (Public meetings, &c.)**

(1) By-law 25, heading

*omit, substitute*

**Public meetings**

(2) By-law 25

*omit*

unless he has first obtained a permit to do so granted

*substitute*

except in accordance with a permit issued

**22. Repeal and substitution of by-laws 28 and 29**

By-laws 28 and 29

*repeal, substitute*

**28. Driving and riding of vehicles**

(1) A person must not drive a vehicle in a park or reserve except:

- (a) on a road; or
- (b) in a camping area; or
- (c) in an area designated under by-law 51 as a parking area; or
- (d) in accordance with a permit issued by the Commission.

Maximum penalty: \$1 000.

(2) Clause (1) does not apply to the riding of a horse or bicycle.

(3) A person must not ride a horse in a park or reserve except:

- (a) on a road; or
- (b) in an area designated under by-law 51 as:
  - (i) a bridle path; or
  - (ii) a place where equestrian activities may take place; or
  - (iii) a parking area; or
- (c) in accordance with a permit issued by the Commission.

Maximum penalty: \$1 000.

(4) A person must not ride a bicycle in a park or reserve except:

- (a) on a road; or
- (b) in a camping area; or
- (c) in an area designated under by-law 51 as a parking area; or



- (d) in accordance with a sign erected by the Commission permitting the riding of bicycles; or
- (e) in accordance with a permit issued by the Commission.

Maximum penalty: \$1 000.

- (5) An offence against clause (1), (3) or (4) is a regulatory offence.

(6) For this by-law, riding a horse or bicycle includes having control of the horse or bicycle.

## **29. Parking of vehicles**

(1) A driver of a vehicle must not stop the vehicle at a place in a park or reserve to which a no stopping sign applies.

Maximum penalty: \$100.

(2) A driver of a vehicle must not stop the vehicle at any place in a park or reserve to which a no parking sign applies, unless the person:

- (a) is dropping off, or picking up, passengers or goods; and
- (b) remains within 3 metres of the vehicle; and
- (c) completes the dropping off, or picking up, of the passengers or goods, and drives on, as soon as possible and within:
  - (i) 2 minutes after stopping the vehicle; or
  - (ii) if information on or with the sign indicates another time – the indicated time.

Maximum penalty: \$100.

- (3) An offence against clause (1) or (2) is a regulatory offence.

(4) In this by-law:

"no parking sign", means a no parking sign mentioned in the Australian Road Rules;

"no stopping sign" means a no stopping sign mentioned in the Australian Road Rules.

**23. Amendment of by-law 31 (Use of waterborne vessels)**

- (1) By-law 31(1), at the end

*insert*

Maximum penalty: \$500.

- (2) By-law 31(2), penalty provision

*omit, substitute*

Maximum penalty: \$500.

**24. Amendment of by-law 32 (Operation of aircraft and hovercraft, &c.)**

- (1) By-law 32, heading

*omit, substitute*

**Operation of aircraft**

- (2) By-law 32(1)(e)

*omit*

granted

*substitute*

issued

**25. New Part IVB**

After by-law 35J

*insert*

**PART IVB – CHANNEL POINT COASTAL RESERVE**

**35K. Definition**

In this Part:

"Channel Point Coastal Reserve" means the area of land declared, under section 12(1) of the Act, to be a reserve by notice dated 30 May 2005 and published in *Gazette* No. S21 on 31 May 2005, and includes an adjacent area of land that is declared, under section 12(1) of the Act, to be a park or reserve, regardless of when the declaration is made.

**35L. Vehicles**

(1) A person must not drive a motor vehicle or vessel in the Channel Point Coastal Reserve except in accordance with a permit issued by the Commission.

Maximum penalty: \$1 000.

(2) Clause (1) does not apply to a person entitled or permitted under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) or *Aboriginal Land Act* to enter or remain on Aboriginal land held by the Delissaville/Wagait/Larrakia Aboriginal Land Trust.

**35M. Limit on number of permits**

There must not be in force at any time more than 10 permits issued for by-law 35L(1).

**26. New Part VA**

After by-law 46

*insert*

**PART VA – INFRINGEMENT NOTICES**

**46A. Definitions**

In this Part:

"authorised officer", for a certificate about a motor vehicle, means the Registrar or other person administering the relevant law;

"owner", of a motor vehicle, means a person in whose name the vehicle is or was last registered under the relevant law;

"relevant law", for a motor vehicle, means:

- (a) if the vehicle is or was last registered in the Territory – the *Motor Vehicles Act*; or
- (b) if the vehicle is or was last registered in another jurisdiction – the corresponding law of the jurisdiction.

**46B. When infringement notice for infringement offence may be served**

If a conservation officer reasonably believes a person has committed an infringement offence, the officer may serve a notice (an "infringement notice") on the person.

**46C. Contents of infringement notice**

- (1) The infringement notice must state the following particulars:
  - (a) the name and address of the alleged offender, if known;
  - (b) the date of the infringement notice;
  - (c) the date, time and place of the infringement offence;
  - (d) a description of the infringement offence and the prescribed amount payable for the offence;
  - (e) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
  - (a) the alleged offender may expiate the infringement offence and avoid further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after service of the notice;
  - (b) the alleged offender may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and serving it on the specified enforcement agency;
  - (c) if the alleged offender is the owner of a motor vehicle used in the commission of the offence who was not in control of the vehicle when the offence was committed, the alleged offender may give the Director a statutory declaration under by-law 46F(3) within 28 days after service of the notice;
  - (d) if the alleged offender does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act* including (but not limited to) action for the following:
    - (i) suspension of the alleged offender's licence to drive;
    - (ii) suspension of the alleged offender's vehicle registration;
    - (iii) seizure of personal property of the alleged offender;
    - (iv) deduction of an amount from the alleged offender's wages or salary;

- (v) registration of a statutory charge on land owned by the alleged offender;
- (vi) making of a community work order for the alleged offender which may result in imprisonment of the alleged offender if the alleged offender breaches the order.

(3) In addition the infringement notice must include an appropriate form for making the statement of election mentioned in clause (2)(b).

#### **46D. Payment by cheque**

If an alleged offender tenders a cheque in payment of a prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

#### **46E. Withdrawal of infringement notice**

(1) The Director may withdraw the infringement notice by written notice served on the alleged offender.

(2) The notice must be served within 28 days after service of the infringement notice but before payment of the prescribed amount.

#### **46F. Liability of owner of motor vehicle**

(1) This by-law applies if:

- (a) an offence involving the use of a motor vehicle is committed; and
- (b) the name of the offender is not known when the infringement notice is issued for the offence.

(2) The owner of the vehicle at the time the offence occurs is taken to have committed the offence even if the actual offender is someone else.

(3) However, the owner of the vehicle is not taken to have committed the offence if, within 28 days after receiving the infringement notice, the owner gives the Director a statutory declaration complying with:

- (a) clause (4) or (5); and
  - (b) if the owner is a body corporate – clause (7).
- (4) A statutory declaration complies with this clause if it states:
- (a) the name and address of the natural person in control of the vehicle when the offence was committed; or

- (b) if the name and address of that person are not known to the owner – all information known to the owner that may help in identifying or finding the person.

(5) A statutory declaration complies with this clause if it states facts establishing the vehicle had been stolen, or was being used without the owner's consent, when the offence was committed.

(6) If a statutory declaration made for clause (4) states that the owner had sold or otherwise disposed of the vehicle before the offence was committed, the statutory declaration must state the following:

- (a) the name and address of the person to whom the vehicle was sold or disposed of;
- (b) the date and, if relevant, the time of the sale or disposal;
- (c) if the sale or disposal was made through an agent – the name and address of the agent.

(7) If the owner of the vehicle is a body corporate, a statutory declaration under clause (4) or (5) must be made by:

- (a) if the owner of the vehicle is a body politic or statutory corporation – a person properly authorised for the purpose; or
- (b) if the owner of the vehicle is another body corporate – a director, secretary or manager of the body.

#### **46G. Evidentiary certificates**

(1) This by-law applies to proceedings for an infringement offence.

(2) A certificate purporting to be signed by an authorised officer stating any of the following is evidence of the matter stated:

- (a) a person was the owner of a motor vehicle on a date;
- (b) a notice of disposal (however described) for a motor vehicle under the relevant law shows:
  - (i) the vehicle was sold or disposed of on a date; and
  - (ii) a person is the new owner of the vehicle;
- (c) a person was, under the relevant law, the former owner (however described) of a vehicle on a date.

(3) A certificate purporting to be signed by the Director stating any of the following is evidence of the matter stated:

- (a) a document is a copy of an infringement notice for an infringement offence;
- (b) an infringement notice was properly served on a person on a date.

(4) In this by-law, a reference to a person or thing is a reference to a person or thing stated in the certificate.

#### **46H. Application of Part**

(1) This Part does not prejudice or affect the start or continuing of proceedings for an infringement offence unless the offence is expiated.

(2) Also, this Part does not prevent more than one infringement notice for the same infringement offence being served on an alleged offender and, to expiate the offence, it is sufficient for the alleged offender to pay the prescribed amount in accordance with any of the notices.

- (3) In addition, this Part does not:
  - (a) require an infringement notice to be served; and
  - (b) does not affect the liability of a person to be prosecuted in a court for an infringement offence for which an infringement notice has not been served.

#### **27. New Part VAA**

Before Part VI

*insert*

### **PART VAA – APPEALS**

#### **46J. Who may appeal**

(1) A person who is entitled to be given an information notice for a decision may appeal to the Local Court against the decision.

- (2) An appeal must:
  - (a) be started within 28 days after:
    - (i) if the person receives an information notice for the decision – the day the person receives the notice; or
    - (ii) if subparagraph (i) does not apply – the day the person becomes aware of the decision; and
  - (b) state fully the grounds on which it is made.

**46K. Hearing procedure**

The appeal is a hearing de novo.

**46L. Operation and implementation of decision**

(1) The appeal does not affect the operation or implementation of the decision.

(2) However, the Local Court may make an order staying or otherwise affecting the operation or implementation of so much of the decision as the Court considers appropriate to effectively hear and decide the appeal.

(3) The order:

(a) is subject to any conditions stated in it; and

(b) has effect:

(i) for the period stated in it; or

(ii) if no period is stated in it – until the Court has decided the appeal.

**46M. Decision on appeal**

(1) The Local Court must make an order:

(a) confirming the decision; or

(b) setting the decision aside and substituting its own decision.

(2) If the Court makes an order under clause (1)(b), the substituted decision is, for these By-laws (other than this Part), taken to be the decision of the Commission.



**28. Repeal and substitution of by-law 48**

By-law 48

*repeal, substitute*

**48. Removal of offenders**

(1) A conservation officer or honorary conservation officer may direct a person to leave a park or reserve if the officer reasonably believes the person:

- (a) is a trespasser; or
- (b) has contravened the Act or these By-laws.

(2) The person must leave the park or reserve and not re-enter for 48 hours after the direction was given.

Maximum penalty: \$2 000.

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

(4) If the person does not comply with the direction, the officer may use reasonable force to remove the person from the park or reserve.

**29. Amendment of by-law 52 (Permits)**

(1) By-law 52(1), after "by-law 13"

*insert*

or 13A

(2) By-law 52(2)

*omit, substitute*

(2) On consideration of the application, the Commission must:

- (a) issue the permit; or
- (b) refuse to issue the permit; or
- (c) issue the permit subject to conditions.

(2A) If the Commission decides to refuse to issue a permit, the Commission must give the applicant an information notice for the decision.

(2B) The permit must specify:

- (a) how long the permit is in force; and

(b) any conditions of the permit.

(3) By-law 52, at the end

*insert*

(4) An offence against clause (3) is a regulatory offence.

**30. Repeal of by-law 52A**

By-law 52A

*repeal*

**31. Amendment of by-law 52B (Conservation officer may require information)**

(1) By-law 52B(1)

*omit*

infringement, within the meaning of by-law 52A, he

*substitute*

infringement offence, the officer

(2) By-law 52B(1)(a) and (b)

*omit*

his

*substitute*

the person's

**32. Amendment of Schedule 3**

Schedule 3, item 5

*omit, substitute*

5. Entry to, and guided tour of, historical precinct of Alice Springs Telegraph Station Historical Reserve
- \$7.50 per adult
- \$4.00 per child
- \$6.20 per pensioner or student
- \$6.20 per person in a group booking
- \$20.00 per family

**33. Repeal and substitution of Schedule 4**

Schedule 4

*repeal, substitute*

**SCHEDULE 4**

By-law 3, definitions "infringement offence" and "prescribed amount"

**INFRINGEMENT OFFENCES AND PRESCRIBED AMOUNTS**

<b>Column 1</b>	<b>Column 2</b>
<b>Offence provision (by-law)</b>	<b>Prescribed amount</b>
6(4)	\$100
7(3)	\$100
8(2), (3) and (5)	\$100
9(5)	\$50
11(1)	\$400
11(2)	\$200

*Territory Parks and Wildlife Conservation Amendment By-laws 2007*

11A(2)	\$400
12	\$50
14(1)	\$200
14(3) and (4A)	\$100
15(1), (2) and (3)	\$50
16	\$50
17(1) and (2)	\$200
18(1)	\$500
18(4) and (5)	\$100
19	\$50
20	\$100
21(3)	\$200
22(1)	\$200
23(1) and (2)	\$100
24	\$100
24A(2)	\$100
26	\$100
28(1), (3) and (4)	\$200
29(1) and (2)	\$25
30(1)	\$50
31(1) and (2)	\$50
35C	\$50
35D	\$50
35E	\$100

*Territory Parks and Wildlife Conservation Amendment By-laws 2007*

35F(1) and (2)	\$100
35G	\$50
35H(1) and (2)	\$50
35I	\$50
35J	\$100
35L	\$100
47	\$200
48(2)	\$200

---

**34. Further amendments**

The Schedule has effect.

**SCHEDULE**

By-law 34

**FURTHER AMENDMENTS OF *TERRITORY PARKS AND WILDLIFE  
CONSERVATION BY-LAWS***

Provision	Amendment	
	omit	substitute
By-laws 5(2), 6(4), 7(3), 9(5), 10(2), 12, 13(1), 13A(1), 16A(3), 18(1), 19, 20, 21(3) and (4), 25, 26, 27, 30(1), 32(1), 35C, 35D, 35E, 35F(1) and (2), 35G, 35H(1) and (2), 35I, 35J, 47, 50(2), 51(4) and 52(3), penalty provisions	Penalty	Maximum penalty