

NORTHERN TERRITORY OF AUSTRALIA
JABIRU TOWN DEVELOPMENT (ABORIGINAL
CAMPING AREAS) BY-LAWS

TABLE OF PROVISIONS

By-law

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

SCHEDULE 1

SCHEDULE 2

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1987, No. 29*

By-laws under the *Jabiru Town Development Act*

The Jabiru Town Development Authority, in pursuance of section 31 of the *Jabiru Town Development Act*, at a meeting held on 29 May, 1987, made the following By-laws and, for the purposes of section 63(2)(a) of the *Interpretation Act*, authorized Thomas Creed Lovegrove, its Chairman, to sign them.

Dated this tenth day of June, 1987.

T.C. LOVEGROVE
Chairman

JABIRU TOWN DEVELOPMENT (ABORIGINAL CAMPING
AREAS) BY-LAWS

1. CITATION

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

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;

* Notified in the *Northern Territory Government Gazette* on 19 August, 1987.

*Jabiru Town Development (Aboriginal
Camping Areas) By-laws*

- (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" has the same meaning as in the *Caravan Parks Act*;

"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*.

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.

*Jabiru Town Development (Aboriginal
Camping Areas) By-laws*

(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.

(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.

*Jabiru Town Development (Aboriginal
Camping Areas) By-laws*

(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.

*Jabiru Town Development (Aboriginal
Camping Areas) By-laws*

(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.

(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.

*Jabiru Town Development (Aboriginal
Camping Areas) By-laws*

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
- (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

*Jabiru Town Development (Aboriginal
Camping Areas) By-laws*

(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

(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*;

*Jabiru Town Development (Aboriginal
Camping Areas) By-laws*

- (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
- (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.

*Jabiru Town Development (Aboriginal
Camping Areas) By-laws*

SCHEDULE 1

By-law 6

FEES

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

*Jabiru Town Development (Aboriginal
Camping Areas) By-laws*

SCHEDULE 2

By-law 8

NORTHERN TERRITORY OF AUSTRALIA

*Jabiru Town Development (Aboriginal Camping
Areas) By-laws*

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.)