

NATIONAL PARKS AND WILDLIFE REGULATIONS

1 The National Parks and Wildlife Regulations (in force under the National Parks and Wildlife Conservation Act 1975) as shown in this reprint comprise Statutory Rules 1977 No. 217 amended as indicated in the Tables below.

Table of Statutory Rules

Year and Number	Date of Notification in Gazette	Date of commencement	Application saving or transitional provisions
1977 No. 217	18 Nov 1977	18 Nov 1977	
1978 No. 166	19 Sept 1978	19 Sept 1978	-
1979 No. 298	24 Dec 1979	24 Dec 1979	-
1981 No. 197	17 July 1981	17 July 1981	-
1982 No. 94	30 Apr 1982	30 Apr 1982	-
1983 No. 135	15 Aug 1983	15 Aug 1983	-
1985 No. 275	28 Oct 1985	28 Oct 1985	-
1986 No. 226	4 Sept 1986	4 Sept 1986	-
1987 No. 79	21 May 1987	21 May 1987	-
139	25 June 1987	25 June 1987	-
254	6 Nov 1987	6 Nov 1987	-
1988 No. 79	5 May 1988	5 May 1988	-
226	15 Sept 1988	15 Sept 1988	-
232	22 Sept 1988	22 Sept 1988	-
332	14 Dec 1988	14 Dec 1988	-
1992 No. 319	16 Oct 1992	16 Oct 1992	R. 53
1994 No. 411	13 Dec 1994	13 Dec 1994	-
1995 No. 374	6 Dec 1995	6 Dec 1995	-

Table of Amendments

Certain provisions of the National Parks and Wildlife Regulations were repealed either prior to renumbering by the National Parks and Wildlife Regulations (Amendment) (1992 No. 319) or by that Regulation. The amendment history of the repealed provisions appears in Table 1 below.

TABLE 1 ad=added or inserted am=amended rep=repealed rs=repealed and substituted

Provision affected	How affected
R. 8E	ad. 1981 No. 197 am. 1987 No. 139 rep. 1992 No. 319
R. 12	am. 1978 No. 166; 1979 No. 298 rep. 1992 No. 319
R. 13	rep. 1992 No. 319
R. 20B	ad. 1981 No. 197 rep. 1992 No. 319
R. 22	rs. 1981 No. 197 rep. 1992 No. 319
Schedule	rep. 1987 No. 139

The amendment history of the National Parks and Wildlife Regulations after renumbering by the National Parks and Wildlife Regulations (Amendment) (1992 No. 319) appears in Table 2 below.

TABLE 2 ad=added or inserted am=amended rep=repealed rs=repealed and substituted

Provision affected	How affected
Heading to Part 1	ad. 1981 No. 197
R. 2	am. 1981 No. 197; 1985 No. 275; 1992 No. 319
R. 3	ad. 1981 No. 197 rs. 1992 No. 319 am. 1994 No. 411
R. 4	ad. 1992 No. 319
R. 5	ad. 1988 No. 232
R. 6	ad. 1987 No. 79 am. 1988 No. 79; 1992 No. 319
Rr. 7, 8	ad. 1987 No. 79
Heading to Part 2	ad. 1981 No. 197
R. 9	ad. 1981 No. 197 am. 1988 No. 226 rs. 1988 No. 332 am. 1992 No. 319; 1994 No. 411
R. 10	ad. 1992 No. 319
R.11	am. 1981 No. 197 rs. 1992 No. 319
R. 12	am. 1981 No. 197; 1988 No. 226 rs. 1992 No. 319
R. 13	rs. 1981 No. 197 am. 1992 No. 319
R. 14	ad. 1992 No. 319
R. 15	am. 1981 No. 197; 1988 No. 226 rs. 1992 No. 319
R. 16	ad. 1981 No. 197 am. 1988 No. 226 rs. 1992 No. 319
Rr. 17-19	ad. 1992 No. 319
R. 20	am. 1981 No. 197; 1985 No. 275; 1987 No. 139; 1988 No. 226 rs. 1992 No. 319
R. 21	ad. 1992 No. 319
R. 22	ad. 1992 No. 319 am. 1994 No. 411
R. 23	ad. 1985 No. 275 am. 1992 No. 319
Rr. 24, 25	ad. 1992 No. 319
Rr. 26-28	ad. 1981 No. 197 am. 1992 No. 319
R. 29	ad. 1981 No. 197 am. 1988 No. 226 rs. 1992 No. 319
R. 30	ad 1992 No. 319
R. 31	am. 1978 No. 166; 1981 No. 197; 1992 No. 319

R. 32	ad. 1981 No. 197 am. 1988 No. 226 rs. 1992 No. 319
R. 33	ad. 1981 No. 197
R. 34	ad. 1981 No. 197 am. 1992 No. 319
R. 35	ad. 1981 No. 197
R. 36	am. 1981 No. 197; 1988 No. 226 rs. 1992 No. 319
R. 37	rs. 1981 No. 197 am. 1986 No. 226; 1988 No. 226 rs. 1992 No. 319
Rr. 38, 39	ad. 1992 No. 319
R. 40	rep. 1981 No. 197 ad. 1992 No. 319
Rr. 41-43	am. 1992 No. 319
Rr. 44, 45	ad. 1992 No. 319
Part 3 (rr. 46-57)	ad. 1987 No. 139
R. 46	ad. 1987 No. 139 am. 1992 No. 319; 1995 No. 374
R. 47	ad. 1987 No. 139 rs. 1992 No. 319
R. 48	ad. 1992 No. 319 am. 1994 No. 411; 1995 No. 374
R. 49	ad. 1987 No. 139 am. 1992 No. 319
Rr. 50, 51	ad. 1987 No. 139 rs. 1992 No. 319
Rr. 52-54	ad. 1987 No. 139
R. 55	ad. 1987 No. 139 am. 1988 No. 226; 1992 No. 319
R. 56	ad. 1987 No. 139
R. 57	ad. 1987 No. 139 am. 1988 No. 226; 1992 No. 319
R. 58	ad. 1992 No. 319 am. 1994 No. 411
Part 4 (rr. 59, 60)	ad. 1987 No. 254
Rr. 59, 60	ad. 1987 No. 254 am. 1992 No. 319
Part 5 (rr. 61-64)	ad. 1981 No. 197
R. 61	ad. 1981 No. 197 am. 1987 No. 139
Rr. 62-64	ad. 1981 No. 197
Heading to Part 6	ad. 1981 No. 197 rs. 1994 No. 411
R. 64A	ad. 1994 No. 411
R. 65	am. 1992 No. 319; 1994 No. 411
Rr. 65A-65H	ad. 1994 No. 411
Heading to Part 7	ad. 1994 No. 411
R. 66	am. 1992 No. 319; 1994 No. 411
Rr. 69-72	ad. 1992 No. 319
Rr. 73, 74	ad. 1981 No. 197 am. 1992 No. 319
R. 75	ad. 1982 No. 94

R. 76	am. 1985 No. 275; 1987 No. 139; 1988 No. 226 ad. 1983 No. 135 am. 1992 No. 319
R. 77	am. 1987 No. 139
Schedule 1	ad. 1987 No. 139 am. 1988 No. 226; 1992 No. 319
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#ADD 19:1:1995	

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Citation

1. These Regulations may be cited as the National Parks and Wildlife Regulations.*1*
SEE NOTES TO FIRST ARTICLE OF THIS CHAPTER .

Interpretation

2. In these Regulations, unless the contrary intention appears:

"approved person" means a person approved under regulation 4 who is acting in the performance of his or her duties as an officer or employee of the Commonwealth or a Territory or a member of the staff of a public authority of the Commonwealth or a Territory;

"archaeological site" includes an area of land on which are located:

- (a) Aboriginal remains; or
- (b) an Aboriginal artefact; or
- (c) an Aboriginal painting, carving, engraving or imprint;

"Authority" has the same meaning as in section 8D of the Act;

"camp" includes an overnight stay:

- (a) on a vessel in Kakadu National Park; or
- (b) in a vehicle;

"camping area" means a camping area specified under subregulation 14 (2);

"camping site" means a camping site specified under subregulation 14 (2);

"commercial fishing" means the taking of fish or aquatic invertebrate animals for commercial purposes;

"de-restricting sign" means a traffic sign bearing a black circle with a straight black diagonal line bisecting the circle, being a line commencing in the lower left quadrant of the circle;

"entrance station" means a building in a park or reserve that is:

- (a) adjacent to a road or track where persons enter the park or reserve; and
- (b) identified by a sign including the name of the park or reserve and the words "ENTRANCE STATION";

"fish" means an animal of the class Agnatha (jawless fish, including lampreys and hagfish) or the class Pisces (cartilaginous fish, including sharks, skates and rays, and bony fish) and, in relation to the Jervis Bay National Park, includes an animal of the species *Cepioteuthis australis* (Southern Calamari);

"fishing" means the taking of fish other than in the course of commercial fishing.

“historic relic” means any material, structure or thing associated with an activity of historical significance;

“historic site” means an area specified as an historic site under subregulation 29 (2);

“Land Council”, in relation to an area in a park or reserve, or in a part of a park or reserve, means the Aboriginal Land Council established for the area under the Aboriginal Land Rights (Northern Territory) Act 1976;

“landing area” means a part of a park or reserve the use of which as an aerodrome is authorised:

- (a) by a licence granted under regulation 88 of the Civil Aviation Regulations; or
- (b) by the Civil Aviation Authority under regulation 89 of those Regulations;

“launching area” means an area specified as a launching area under paragraph 38 (3) (a);

“moor” includes anchor;

“mooring area” means an area specified as a mooring area under paragraph 38 (3) (a);

“natural feature” means a feature of the landscape of a park or reserve that is not an object placed, or a structure erected, in the park or reserve by a human being;

“no parking sign” means a traffic sign bearing the words “NO PARKING”, together with an arrow or an inscription indicating the area within which parking is prohibited;

“parking area” means a part of a park or reserve designated by signs erected under paragraph 41 (1) (c) as a part within which the parking of vehicles is permitted, and includes the entrances to, the exits from and the passageways in such a part;

“parking sign” means a traffic sign bearing the word “PARKING”, with or without any other words;

“permit” means a permit that is in force under regulation 70;

“pound” means a pound referred to in regulation 22;

“public access track” means a track designated by a sign referred to in paragraph 41 (1) (d);

“relic” means:

- (a) Aboriginal remains; or
- (b) an Aboriginal artefact; or
- (c) an Aboriginal painting, carving, engraving or imprint; or
- (d) an historic relic;

“sell” includes attempt or offer to sell, barter, cause or permit to be sold or offered for sale, have in possession for sale or send or receive for sale;

“service” includes accommodation or transportation;

“service road” means a road or track designated by a sign referred to in paragraph 41 (1) (e);

“speed limit sign” means a traffic sign inscribed with figures within a red circle;

“the Act” means the National Parks and Wildlife Conservation Act 1975;

“township” means the township established or to be established by the authority;

“traffic sign” means a sign referred to in regulation 41;

“Uluru National Park” means the park to which the name “Uluru (Ayers Rock-Mt. Olga) National Park” is assigned under section 7 of the Act.

Application of these Regulations in certain circumstances

3. (1) The following provisions of these Regulations do not apply in the township:

- (a) regulation 11 ("damaging parks or reserves");
- (b) regulation 13 ("camping");
- (c) regulation 14 ("camping areas");
- (d) paragraph 15 (1) (b) ("lighting of fires");
- (e) regulation 23 ("permit for commercial activity");
- (f) regulation 24 ("collections");
- (g) regulation 25 ("public gatherings");
- (h) regulation 28 ("building and certain other works");
- (i) regulation 31 ("access to parks or reserves may be prohibited or restricted");
- (j) regulation 32 ("use of certain roads or tracks restricted");
- (k) regulation 33 ("certain activities may be carried on by Aboriginals");
- (l) regulation 34 ("Director may restrict entry to certain land");
- (m) regulation 35 ("rights of members of Land Council");
- (n) regulation 36 ("fishing other than commercial fishing");
- (o) regulation 38 ("use of vessels prohibited or restricted");
- (p) regulation 40 ("use of certain roads and tracks prohibited or restricted");
- (q) regulation 41 ("traffic signs");
- (r) regulation 42 ("motorists not to exceed maximum speed");
- (s) regulation 43 ("parking");
- (t) regulation 44 ("one way traffic");
- (u) regulation 65 ("daily offence - parking or mooring");
- (v) Part 6 ("parking and mooring - enforcement").

(2) The following provisions of these Regulations do not apply to:

- (a) the Director or a ranger or warden acting in the performance of his or her duties; or
- (b) an approved person; namely:
- (c) regulation 11 ("damaging parks or reserves");
- (d) regulation 12 ("offences relating to wildlife");
- (e) subregulation 13 (1) ("camping");
- (f) paragraph 15 (1) (b) ("lighting of fires");
- (g) regulation 17 ("firearms and other weapons and similar devices");
- (h) subregulation 18 (1) ("taking of animals into parks or reserves");
- (i) subregulation 19 (1) ("taking of plants into parks or reserves");

- (j) regulation 28 ("building and certain other works");
- (k) subregulation 31 (4) ("access to parks or reserves may be prohibited or restricted");
- (l) regulation 32 ("use of certain roads or tracks restricted");
- (m) regulation 34 ("Director may restrict entry to certain land");
- (n) subregulation 37 (1) ("aircraft");
- (o) subregulations 38 (4) and (5) ("use of vessels prohibited or restricted");
- (p) regulation 39 ("use of hovercraft prohibited or restricted");
- (q) subregulations 40 (1) and (6) ("use of certain roads and tracks prohibited or restricted");
- (r) regulation 43 ("parking");
- (s) Part 6 ("parking and mooring - enforcement").

(3) The following provisions of these Regulations do not apply to a person in an aircraft or a hovercraft or vehicle or on a vessel, if:

- (a) the Director, a ranger or warden or an approved person is in the aircraft, hovercraft or vehicle or on the vessel; and
- (b) the person is assisting the Director, ranger, warden or approved person to perform his or her duties; namely:
- (c) subregulation 37 (1) ("aircraft");
- (d) subregulations 38 (4) and (5) ("use of vessels prohibited or restricted");
- (e) regulation 39 ("use of hovercraft prohibited or restricted");
- (f) subregulations 40 (1) and (6) ("use of certain roads and tracks prohibited or restricted").

(4) These Regulations do not apply to the Norfolk Island National Park or the Norfolk Island Botanic Garden.

Approved persons

4. For the purposes of these Regulations, the Minister may approve an officer or employee of the Commonwealth or of a Territory or a member of the staff of a public authority of the Commonwealth or of a Territory who:

- (a) in the case of an officer or employee of a Department of State of the commonwealth or member of the staff of a public authority of the Commonwealth - is approved by the Minister administering:
 - (i) that Department; or
 - (ii) the Act by which the authority is established; and
- (b) in the case of an officer or employee of a Territory Department or a member of the staff of a public authority of a Territory - is approved by the Territory Minister administering:
 - (i) that Department; or
 - (ii) the Territory Act or Ordinance by which the authority is established.

Prescribed park or reserve - subsection 3 (1) of the Act

5. Kakadu National Park is declared to be a prescribed park for the purposes of paragraph (b) of the definition of "prescribed park or reserve" in subsection 3 (1) of the act.

Prescribed routes - paragraph 3A (2) (b) of the Act

6. Each of the following routes is prescribed for the purposes of paragraph 3A (2) (b) of the Act:

- (a) the route followed by the road called the Arnhem Highway from the place at which that road intersects the western boundary of Kakadu National Park to the place at which that road intersects the boundary of the land described in Schedule 2 to the Aboriginal Land Rights (Northern Territory) Act 1976;
- (b) the route followed by the road called the Kakadu Highway from the place at which the road intersects an imaginary line joining the intersection of south latitude 13 degrees 14 minutes 49 seconds with east longitude 132 degrees 19 minutes 43 seconds and the intersection of south latitude 13 degrees 17 minutes 34 seconds with east longitude 132 degrees 22 minutes 44 seconds to the place in Kakadu National Park at which that road intersects the arnhem Highway;
- (c) the route followed by the road known as the Oenpelli Road from the place at which that road intersects an imaginary line joining the intersection of south latitude 12 degrees 30 minutes 10 seconds with east longitude 132 degrees 51 minutes 40 seconds and the intersection of south latitude 12 degrees 36 minutes with east longitude 132 degrees 55 minutes to the place at which that road intersects the Arnhem Highway;
- (d) the route followed by the road known as the Oenpelli Road from the place at which that road intersects an imaginary line joining the intersection of south latitude 12 degrees 29 minutes with east longitude 132 degrees 52 minutes 22 seconds and the intersection of south latitude 12 degrees 29 minutes with east longitude 132 degrees 55 minutes to the place known as Cahill's Crossing at which that road intersects the north-eastern boundary of Kakadu National Park;
- (e) the route followed by the road called the Old Darwin Road from the place at which that road intersects the western boundary of Kakadu National Park to the place at which that road intersects the Kakadu Highway;
- (f) the route followed by the road that intersects the Kakadu Highway at a place near Nourlangie Creek from the place of that intersection to the place at which that road intersects the boundary of the land described in paragraph (b) of Part I of the Schedule to the Proclamation under subsection 7 (2) of the Act published in the Gazette on 5 April 1979;
- (g) the air route followed by an aircraft travelling between Jabiru Airstrip in the area of land described in Schedule 2 to the Aboriginal Land Rights (Northern Territory) Act 1976 and any of the following locations:
 - (i) Baroalba Airstrip;
 - (ii) Batchelor;
 - (iii) Darwin;
 - (iv) Katherine;
 - (v) Nabarlek;
 - (vi) Oenpelli;
 - (vii) Pine Creek; in so far as that air route is in Kakadu National Park;

- (h) the air route followed by an aircraft travelling between Baroalba airstrip in Kakadu National Park and any of the following locations:
 - (i) Batchelor;
 - (ii) Darwin;
 - (iii) Katherine;
 - (iv) Nabarlek;
 - (v) Oenpelli;
 - (vi) Pine Creek; in so far as that air route is in Kakadu National Park;
- (i) the route followed by the road called the Kakadu Highway from the place at which that road intersects the western boundary of Kakadu National Park at the Mary River to the place at which that road intersects an imaginary line joining the intersection of south latitude 13 degrees 31 minutes 33 seconds with east longitude 132 degrees 13 minutes 43 seconds and the intersection of south latitude 13 degrees 33 minutes 46 seconds with east longitude 132 degrees 17 minutes 34 seconds;
- (j) the route followed by the road known as the Gimbat Road from the place at which that road intersects an imaginary line joining the intersection of south latitude 13 degrees 29 minutes 30 seconds with east longitude 132 degrees 24 minutes 49 seconds and the intersection of south latitude 13 degrees 32 minutes 32 seconds with east longitude 132 degrees 30 minutes 03 seconds to the place at which that road intersects an imaginary line joining the intersection of south latitude 13 degrees 30 minutes 49 seconds with east longitude 132 degrees 19 minutes 49 seconds and the intersection of south latitude 13 degrees 31 minutes 39 seconds with east longitude 132 degrees 22 minutes 01 seconds;
- (k) the route followed by a road from the place at which that road intersects the road known as the Oenpelli Road near the intersection of south latitude 12 degrees 35 minutes 38 seconds with east longitude 132 degrees 51 minutes 45 seconds to the place known as Mudginberri;
- (l) the water route followed by a vessel travelling between the place known as Mudginberri and that part of the boundary of the Jabiluka Project Area which follows an imaginary line joining the intersection of south latitude 12 degrees 30 minutes 10 seconds with east longitude 132 degrees 51 minutes 40 seconds and the intersection of south latitude 12 degrees 36 minutes with east longitude 132 degrees 55 minutes;
- (m) the air route followed by an aircraft travelling between Fisher Landing Ground and any of the following locations:
 - (i) Darwin;
 - (ii) Katherine;
 - (iii) Pine Creek;
 - (iv) Jabiru.

Prescribed routes - paragraph 3A (2) (c) of the Act

7. Each of the following routes is prescribed for the purposes of paragraph 3A (2) (c) of the Act:

- (a) the route followed by the pipeline situated between the borefield at Nanambu Creek and Jabiru, being the route followed by that pipeline on the commencement of this regulation;

- (b) the route followed by the power line situated between the borefield at Nanambu Creek and Jabiru, being the route followed by that power line on the commencement of this regulation;
- (c) the route followed by the power line situated between the land described in Schedule 2 to the Aboriginal Land Rights (Northern Territory) Act 1976 and Jabiru, being the route followed by that power line on the commencement of this regulation.

Prescribed activities - paragraph 3A (2) (d) of the Act

8. The following activity is a prescribed activity for the purposes of paragraph 3A (2) (d) of the Act, namely, non-destructive monitoring of the environment.

PART 2 - ACTIVITIES IN PARKS AND RESERVES

Payment of charges

9. (1) Where:

- (a) a person has engaged, or engages, in an activity referred to in subsection 17 (1A) of the Act, except the parking of vehicles, in relation to which a charge is payable under that subsection; and
- (b) the person did not pay the charge before engaging in that activity; the person shall upon being requested to do so by a warden or ranger pay to the warden or ranger the amount of the charge or, if it would not be reasonable in the circumstances to expect the person to so pay at that time, pay the amount of the charge to a warden or ranger, or to the Director, within the period of 4 days dating from the day on which the request is made.

Penalty: \$1,000.

(2) Where an amount is paid by a person under subregulation (1) to a warden or ranger, the warden or ranger:

- (a) shall issue a receipt for the amount to the person; and
- (b) shall pay the amount to the Director; and
- (c) must give the person written advice of a determination (if any) made under subregulation 36 (1) or (2) ("fishing other than commercial fishing") in relation to the park or reserve in respect of which the amount was paid; and
- (d) if the amount is paid for use of services or facilities at a camping area - must give the person a copy of a statement of the determination referred to in subregulation 14 (4) that relates to the camping area.

(3) A person to whom a request is made under subregulation (1) who is not required to pay the amount of the charge when the request is made must:

- (a) state his or her full name and usual place of residence to the ranger or warden; and

- (b) produce for inspection by the ranger or warden an authority or a licence or permit issued to the person indicating the name and usual place of residence of the person.
- (a) Penalty: \$1,000.

(4) Where a warden (other than a member of a police force who is in uniform) or a ranger requests a person to pay the amount of a charge, the warden or ranger shall:

- (a) in the case of a member of a police force - produce, for inspection by that person, written evidence of the fact that he or she is a member of a police force; or
- (b) in any other case - produce his or her identity card for inspection by that person; and, if he or she fails to do so, that person is not obliged to comply with the request.

Vehicles to stop at entrance stations

10. If a ranger or warden so directs, a person must not drive or ride a vehicle beyond an entrance station until the ranger or warden indicates that the person may drive or ride the vehicle beyond the entrance station.

Penalty: \$1,000.

Damaging parks or reserves

11. (1) A person must not, in a park or reserve, deposit rubbish, not being rubble or commercial, household or industrial waste, elsewhere than in an area or receptacle approved or provided for that purpose by the Director.

Penalty: \$1,000.

- (2) A person must not, in a park or reserve, damage, destroy or remove:
 - (a) a natural feature or an object or a structure erected by the authority of the Director; or
 - (b) an artefact fixed to a natural feature or an object or a structure of that kind by the authority of the Director.

Penalty: \$2,000.

- (3) A person must not, in a park or reserve, deface or disfigure:
 - (a) a natural feature or an object or a structure erected by the authority of the Director; or
 - (b) an artefact fixed to a natural feature or an object or a structure of that kind by the authority of the Director.

Penalty: \$2,000.

- (4) A person must not, in a park or reserve:
 - (a) deposit rubble or any commercial, household or industrial waste elsewhere than in an area approved or provided for the purpose by the director; or
 - (b) deposit solid material in an area of water or a watercourse; or
 - (c) release liquid or gaseous material in a place or manner, or at a time, that is likely:

- (i) to pollute an area of water or a watercourse; or
- (ii) to be harmful or offensive to people; or
- (iii) to be harmful to wildlife.

Penalty: \$5,000.

Offences relating to wildlife

12. (1) A person must not, in a park or reserve:

- (a) intentionally, without reasonable excuse, or recklessly kill, injure or interfere with an animal that is wildlife; or
- (b) take or have in his or her possession, without reasonable excuse, an animal that is wildlife; or
- (c) intentionally or recklessly destroy, damage or interfere with the nest or other dwelling place of an animal that is wildlife; or
- (d) knowingly sell or purchase an animal that is wildlife.

Penalty: \$5,000.

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

- (a) intentionally, without reasonable excuse, or recklessly kill or damage a plant that is wildlife; or
- (b) take or have in his or her possession, without reasonable excuse, a plant that is wildlife; or
- (c) knowingly sell or purchase a plant that is wildlife.

Penalty: \$5,000.

(3) A person must not, except in accordance with a permit or with reasonable excuse, remove an animal or plant that is wildlife from a park or reserve.

Penalty: \$2,000.

(4) A person must not, without reasonable excuse, in a park or reserve, feed an animal that is wildlife.

Penalty: \$2,000.

(5) A person must not:

- (a) dismember, eviscerate or skin the carcass of an animal, other than a fish, that is in Kakadu National Park under paragraph 18 (2) (c) ("taking of animals into parks or reserves"); or
- (b) clean a fish taken under regulation 36 ("fishing other than commercial fishing"); within 50 metres of an area of water in Kakadu National Park.

Penalty: \$2,000.

(6) Paragraph (1) (a) or (b) does not apply to a person who takes fish from an area of water in park or reserve in accordance with regulation 9.

- (7) Paragraph (2) (a) or (b) does not apply to a person in the township who:
 - (a) takes firewood from a fallen or felled tree; and
 - (b) does not remove the firewood from Kakadu National Park.
- (8) Paragraph (2) (a) or (b) does not apply to a person who:
 - (a) is camping in accordance with subregulation 13 (1); and
 - (c) takes firewood from a fallen tree that is not in a park or reserve, or a part of a park or reserve, to which access is prohibited under regulation 8; and
 - (d) does not remove the firewood from the park or reserve.
- (9) Subregulation (3) does not apply to fish taken from an area of water in a park or reserve in accordance with regulation 36.

Camping

13. (1) A person must not camp in a park or reserve other than in a camping area or in accordance with a permit.
Penalty: \$1,000.

(2) If a permit is issued to a person, the permit must have with it a notice about any determination made under subregulation 36 (1) or (2) ("fishing other than commercial fishing") in relation to the park or reserve.

- (3) The Director shall not grant to a person a permit unless:
 - (a) the person proposes to camp in an isolated area of the park or reserve; and
 - (b) in the case of a person who proposes to camp in Uluru National Park - the person proposes to travel otherwise than in or on a vehicle.

(4) It is a defence to proceedings for an offence against subregulation (1) if the camping by the defendant otherwise than in a camping area, or otherwise than in accordance with the permit, was due to an emergency.

Camping areas

- 14. (1) The Director may determine in writing:
 - (a) that a part of a park or reserve is a camping area; and
 - (b) that a part of a camping area is a camping site.
- (2) The determination must specify:
 - (a) a camping area or camping site by reference to natural features, other objects, structures or survey points; and

- (b) state:
 - (i) the name by which the camping area is to be known; or
 - (ii) the name or number by which the camping site is to be known.
- (3) The Director may, in respect of an area that is a camping area or a part of a camping area, determine in writing:
 - (a) the maximum length of time persons may camp in the area, during a specified time of the year or at any time; and
 - (b) the maximum number of persons who may camp in the area at the same time; and
 - (c) the maximum number of camping sites in the area that may be occupied at the same time; and
 - (d) that the area is set aside for a specified kind of camping or for camping by specified persons; and
 - (e) that the area is not to be used for camping for a specified period; and
 - (f) that portable generators may be operated in the area; and
 - (g) the times of day when portable generators may be operated in the area.
- (4) If the Director makes a determination under subregulation (3), he or she must cause a sign to be erected at the entrance station to the park or reserve where the camping area is located that:
 - (a) shows the approximate location of the camping area; and
 - (b) includes a statement of the determination that is sufficient to inform a person who reads the statement of the substance of the determination.
- (5) The Director must cause to be erected at each road entrance to a camping area a sign that includes the name of the camping area.
- (6) A person must not, in an area that is a camping area or part of a camping area:
 - (a) camp for a period longer than a period in a part of the year specified on a sign, being a sign erected under subregulation (4) in relation to that camping area or part of a camping area (in this subregulation called "camping area sign"); or
 - (b) camp if, by camping, the maximum number of campers specified on a camping area sign would be exceeded; or
 - (c) camp in contravention of a statement referred to in paragraph (4) (b) that is on a camping area sign; or
 - (d) camp in a period in a part of the year specified on a camping area sign; or
 - (e) operate a portable generator elsewhere than in an area specified on a camping area sign in relation to the operation of portable generators; or

- (f) operate a portable generator at a time of day other than a time specified on a camping area sign in relation to the operation of portable generators.

Penalty: \$500.

(7) A ranger or warden may direct that a person camp in a camping area on a camping site specified in the direction.

(8) A person given a direction by a ranger or warden under subregulation (7) must not camp on a camping site other than the camping site specified in the direction.

Penalty: \$500.

Lighting of fires

15. (1) A person must not light, maintain or use a fire in a park or reserve:

- (a) while a declaration under subregulation (2) is in force; or

- (b) at any other time - other than:

- (i) in a portable barbecue or stove; or
- (ii) in a fireplace provided by the Director; or
- (iii) in a place approved by the Director; or
- (iv) in accordance with a permit.

Penalty: \$5,000.

(2) The Director may declare in writing:

- (a) a period specified in the declaration to be a period of total fire ban; and

- (b) that the lighting, maintenance or use of a fire is prohibited; in the park or reserve or part of a park or reserve to which the declaration relates, if he or she reasonably believes that it is necessary for the protection of public safety, wildlife or the area to which the declaration relates to prohibit the lighting, maintenance or use of fires in that area.

(3) Subject to subregulation (4), notice of a declaration:

- (a) must be published in a newspaper circulating in the area to which the declaration relates; and

- (b) must be prominently displayed on a sign:

- (i) at the entrance station of the park or reserve where that area is located; and
- (ii) at the road entrance to the area.

(4) The Director must give notice of a declaration having regard to the forms of communication available for giving notice to persons likely to be in the area to which the declaration relates if:

- (a) no newspaper circulates in that area; or

- (b) it is not practicable to display the notice at the entrance station or road entrance to the area.

Certain activities prohibited in parks or reserves

16. (1) A person must not, except in accordance with a permit or with reasonable excuse:

- (a) bring into a park or reserve; or
- (b) remove from a park or reserve; clay, earth, gravel, sand or stone.

Penalty: \$2,000.

(2) It is not a defence to a prosecution for an offence against subregulation (1) that the defendant has taken a pebble or stone flake as a souvenir from a natural feature in a park or reserve.

(3) A person must not, except in accordance with a permit, use, or have in his or her possession, in a park or reserve a metal detector.

Penalty: \$2,000.

(4) A person must not, except in accordance with a permit, fossick in a park or reserve.
Penalty: \$2,000.

(5) For the purposes of subregulation (4), fossicking is taken to include:

- (a) use of:
 - (i) a metal detector; or
 - (ii) a panning dish, a powered fan or a sieve to separate mineral materials of different sizes; or
 - (iii) a pump to remove mineral materials from the bed of a watercourse or body of water; or
 - (iv) a riffle or sluice box in the manner in which it was designed to be used; and
- (b) excavating, digging, raking or shovelling clay, earth, gravel, sand or stone in order to find other mineral materials.

(6) A person must not, except in accordance with a permit, have in his or her possession a fossil in, or remove a fossil from, a park or reserve.

Penalty: \$2,000.

(7) A person must not, except in accordance with a permit, use, or have in his or her possession, explosives in a park or reserve.

Penalty: \$5,000.

Firearms and other weapons and similar devices

17. (1) A person must not in a park or reserve, except in accordance with a permit use, or have in his or her possession:

- (a) a firearm; or

- (b) a net designed to take an animal, other than a hand-held net designed to land a fish caught on a hook and line; or
- (c) a flail or spear; or
- (d) a snare or trap; or
- (e) a hunting-bow, speargun or any other device designed to discharge a projectile.

Penalty: \$2,000.

(2) Paragraph (1) (a) does not apply to:

- (a) the possession by a person who is a resident of the township of a firearm:
 - (i) in the township; or
 - (ii) in a place in Kakadu National Park that is occupied under a lease or licence from the Director for the purposes of recreational shooting; or
 - (b) the possession by a person who is a resident of the township of a firearm who is transporting the firearm:
 - (i) to or from a place referred to in subparagraph (a) (i) or (ii); or
 - (ii) on the Arnhem or Kakadu Highway; or
 - (c) the use by a person who is a resident of the township of a firearm at a place referred to in subparagraph (a) (ii); being a firearm that is registered under a law of the Northern Territory relating to the registration of firearms.
- (3) Paragraph (1) (a) does not apply to a police officer who is acting in that capacity.

(4) Paragraph (1) (b) does not apply to the possession of a prawning net by a person in Jervis Bay National Park who is going directly to a place in the city of Shoalhaven in New South Wales where the net may be used lawfully to take prawns.

Taking of animals into parks or reserves

18. (1) A person must not:

- (a) intentionally or recklessly cause or permit an animal owned by, or in the possession of, the person, to enter a park or reserve; or
 - (b) have an animal in his or her possession in a park or reserve.
- (d) Penalty: \$1,000.

(2) Subregulation (1) does not apply to:

- (a) the use of a guide dog by a blind person; or
- (b) the taking into, or possession in, a park or reserve, of an animal in accordance with a permit; or
- (c) the taking of the carcass of an animal into a park or reserve as food for the person.

(3) The Director must not grant a permit unless he or she reasonably believes that the animal will be kept under such restraint as is necessary to prevent the animal from straying in the park or reserve.

(4) A person who, in accordance with a permit, takes an animal into, or has in his or her possession an animal in, a park or reserve must not:

- (a) permit the animal to be at large in the park or reserve; or
- (b) in the case of a person who lives in the park or reserve - fail to remove the animal from the park or reserve when the person leaves the park or reserve if he or she ceases to live there; or
- (c) in any other case - fail to remove the animal from the park or reserve when the person leaves the park or reserve.

Penalty: \$1,000.

(5) It is a defence to a prosecution for an offence against paragraph (4) (b) or (c) that the person has transferred the ownership of the animal to another person in the park or reserve in accordance with a permit.

Taking of plants into parks or reserves

19. (1) A person must not knowingly take a plant into, have in his or her possession a plant in, or cause or permit a plant to be taken into, a park or reserve.

Penalty: \$1,000.

- (2) Subregulation (1) does not apply to:
 - (a) the taking into the township of a plant of a kind included by the director on a list of plants given by the Director to the Authority and to residents of the township; or
 - (b) the taking of a plant into a park or reserve in accordance with a permit; or
 - (c) the taking of a plant into a park or reserve for the purpose of cultivating or propagating the plant on land held under a lease or licence granted by the Director, if the plant may be cultivated or propagated in accordance with the lease or licence; or
 - (d) the taking of a plant into a park or reserve as food.

Cultivation of plants

20. (1) A person must not cultivate or propagate a plant in a part of Kakadu National Park that is not in the township or in another park or reserve, except in accordance with:

- (a) a permit; or
- (b) if the part of Kakadu National Park or the other park or reserve is occupied by the person under a lease or licence granted by the Director - the lease or licence.

Penalty: \$2,000.

- (2) A person must not cultivate or propagate in the township a plant of a kind that is not:

- (a) indigenous to Kakadu National Park; or
- (b) specified under paragraph 19 (2) (a).

Penalty: \$2,000.

- (3) If a plant that is not:

- (a) cultivated or propagated in accordance with a permit; or
- (b) cultivated or propagated on land held under a lease or licence granted by the Director in accordance with the lease or licence; is growing on land in Kakadu National Park outside the township or in another park or reserve that is occupied by a person, the Director may direct the person in writing to remove the plant from the land in accordance with the terms of the direction.

- (4) If a plant that is not:

- (a) indigenous to Kakadu National Park; or
- (b) a plant of a kind specified under paragraph 19 (2) (a); is growing on land in the township occupied by a person, the Director may give the person a direction in writing to remove the plant from the land in accordance with the terms of the direction.

- (5) A person must comply with a direction given to the person under subregulation (3) or (4).

Penalty: \$2,000.

- (6) A ranger or warden may destroy or remove from a park or reserve a plant:

- (a) that is cultivated or propagated in contravention of subregulation (1) or (2); and
- (b) in respect of which a direction has been given, but not complied with, under subregulation (3) or (4).

Control of animals and plants that are not wildlife

21. (1) The Director may, if he or she considers it necessary for the protection and conservation of wildlife or the protection and preservation of a park or reserve, or a part of a park or reserve, take such reasonable measures as he or she considers necessary for the control of animals and plants that are not wildlife.

- (2) Nothing in subregulation (1) applies in relation to cattle, horses or sheep.

Impounding of animals

22. (1) The Director may:

- (a) establish and maintain a pound; and
- (b) for the purposes of this regulation, enter into an arrangement with the authority or another body for use of a pound established by the Authority or other body.

- (2) The Director may impound an animal that is not wildlife that is found straying in a park or reserve.
- (3) If the Director impounds an animal, he or she must:
- (a) cause the animal to be removed to a pound; and
 - (b) take reasonable steps to identify the owner of the animal and inform him or her of the impounding.
- (4) If an impounded animal does not carry any means by which its owner may be identified, the steps to be taken by the Director under paragraph (3) (b) include publishing an advertisement that includes:
- (a) a description of the animal; and
 - (b) the date when, and area of the park or reserve where, the animal was impounded; in a newspaper circulating in the area where the park or reserve is located.
- (5) The Director must release an impounded animal to the owner of the animal on payment of the cost of impounding the animal.
- (6) The cost of impounding an animal includes:
- (a) the cost of removing the animal to a pound; and
 - (b) the cost of identifying the owner of the animal; and
 - (c) in the case of a pound referred to in paragraph (1) (a):
 - (i) costs of providing staff at the pound that are reasonably attributable to the management of the animal; and
 - (ii) the cost of feeding and watering the animal; and
 - (d) in the case of a pound referred to in paragraph (1) (b) - the amount that the Director is charged by the Authority or other body for the use of the pound in respect of the animal; and
 - (e) in any other case, expenses of the Director in respect of the animal.
- (7) If an animal is not claimed before the end of a period of 7 days that begins:
- (a) in the case of an impounded animal the owner of which is informed of the impounding - on the day on which the owner was informed; and
 - (b) in the case of an animal described in an advertisement mentioned in subregulation (4) - on the day on which the advertisement was published; the Director may destroy or otherwise dispose of the animal.

Permit for commercial activity

23. (1) A person shall not hire or sell any thing in a park or reserve other than in accordance with a permit.

Penalty: \$2,000, together with \$200 for each day or part of a day during which the offence continues.

(2) A person shall not produce in a park or reserve any thing for hire or sale, whether in a park or reserve or otherwise other than in accordance with a permit.

Penalty: \$2,000, together with \$200 for each day or part of a day during which the offence continues.

(3) A person shall not provide in a park or reserve any service for reward other than in accordance with a permit.

Penalty: \$2,000, together with \$200 for each day or part of a day during which the offence continues.

(4) A person shall not carry on in a park or reserve any commercial activity not referred to in subregulation (1), (2) or (3) other than in accordance with a permit.

Penalty: \$2,000, together with \$200 for each day or part of a day during which the offence continues.

(5) The Director must not grant a permit under subregulation (1), (2), (3) or (4) for an activity to be carried on in a park or reserve unless the activity will:

- (a) benefit the public or persons using the park or reserve; and
- (b) be consistent with the achievement of the objects referred to in subsections 6 (1) and 11 (8) of the Act; and
- (c) in the case of commercial fishing - not contravene a law of the commonwealth or a Territory in respect of commercial fishing.

Collections

24. (1) A person must not collect from members of the public in a park or reserve money or goods as gifts, other than in accordance with a permit.

Penalty: \$500.

(2) The Director must not grant a permit under subregulation (1) if the grant of the permit would result in 2 or more permits being granted in respect of the same place and the same period.

Public gatherings

25. (1) A person must not organise or attend a public gathering of more than 15 persons in a park or reserve.

(2) Subregulation (1) does not apply:

- (a) in an emergency; or
- (b) to a gathering that is, or involves, an activity in respect of which the person:
 - (i) has been granted a permit for the purposes of this regulation; or
 - (ii) has been granted a permit under regulation 70 for the purposes of a provision of these Regulations other than this regulation; or

- (c) to an activity referred to in a plan of management for the park or reserve, or a part of the park or reserve, in which the gathering is taking place or is to take place, as being envisaged by, or consistent with, the plan of management; or
- (d) to a gathering in which the traditional Aboriginal owners (if any) of the park or reserve, or the part of the park or reserve, where the gathering is taking place or is to take place, are participating or are to participate; or
- (e) to a gathering taking place, or to take place, on land occupied under a lease or licence granted by the Director.

Penalty: \$500.

(3) Subject to subregulation 70 (2) ("permit for an activity"), the Director must grant a permit referred to in subparagraph (2) (b) (i), if:

- (a) the activity in relation to which the application for the permit relates is approved in writing by the Board (if any) for the park or reserve, or the part of the park or reserve, where the gathering is to take place; and
- (b) the activity would not result in the capacity of:
 - (i) a parking area; or
 - (ii) fireplace or toilet facilities provided by the Director; being exceeded; and
- (c) grant of the permit would not result in 2 or more permits being granted in respect of the same place and the same period.

Use of chemicals

26. (1) A person shall not use a chemical pesticide or herbicide in a park or reserve without a permit.

(2) Nothing in subregulation (1) applies to the reasonable use of a pesticide or a herbicide by a person for domestic purposes.

Scientific research

27.(1) A person other than the holder of a permit shall not carry out research for scientific purposes in a park or reserve.

Penalty: \$1,000.

(2) Before granting to a person a permit in respect of an area of land on which a sacred site is situated, the Director shall consult the traditional aboriginal owners of the land.

(3) A reference in this regulation to scientific purposes includes a reference to archaeological and anthropological purposes.

Building and certain other works

28. (1) Where the carrying on of one or more of the following activities, that is to say, the making of excavations, the erection of a building or structure, the carrying out of works or the felling

or removal of timber, in a park or reserve is not likely to damage permanently the park or reserve or interfere permanently with the management of wildlife, the activity may be carried on in accordance with a permit.

(2) A person shall not carry on an activity of the kind referred to in subregulation (1) in a park or reserve without a permit.

(3) If a person carries on an activity in contravention of subregulation (2), the person is, in respect of each day, or part of a day, when he or she carries on the activity, guilty of an offence.
Penalty: \$1,000.

Archaeological and historic sites

29. (1) The Director may determine in writing that a part of a park or reserve where an historic relic is located is an historic site.

(2) The determination must:

- (a) specify an historic site by reference to natural features, other objects, structures or survey points; and
- (b) state the name by which the site is to be known.

(3) If the Director makes a determination under subregulation (1), he or she must cause to be erected:

- (a) a sign at the entrance station to the park or reserve where the historic site is located that shows the approximate location of the historic site; and
- (b) a sign at the historic site that includes the name of the historic site.

(4) A person must not in a park or reserve, except in accordance with a permit:

- (a) intentionally or recklessly damage, deface or otherwise interfere with, an archaeological or historic site or a relic on the site; or
- (b) intentionally remove a relic from an archaeological site or historic site; or
- (c) intentionally have in his or her possession a relic from an archaeological site or historic site.

Penalty: \$5,000.

(5) Subregulation (4) does not apply to the traditional Aboriginal owners of land where an archaeological site is situated in respect of that site.

(6) It is a defence to a prosecution for an offence against subregulation (4) if the defendant proves that he or she had no reasonable grounds to suspect:

- (a) that the object that he or she removed was a relic; or
- (b) that the site was an archaeological site or historic site.

Safety of persons in parks and reserves

30. (1) If a ranger or warden believes that the safety of a person in a park or reserve is, or is likely to be, endangered, the ranger or warden may give that person or another person such directions as are reasonably necessary to ensure the safety of the person.

(2) A person to whom a direction is given must comply with the direction.

Penalty: \$1,000.

Access to parks or reserves may be prohibited or restricted

31. (1) The Director may prohibit access to a park or reserve, or part of a park or reserve, where he has reasonable cause to believe that:

- (a) public safety would or may be endangered; or
- (b) the protection or preservation of wildlife would or may be interfered with; or
- (c) the protection and preservation of the park or reserve, or that part of the park or reserve, would or may be interfered with; by access to the park or reserve or that part of the park or reserve.

(2) The Director may prohibit access to a park or reserve, or part of a park or reserve, by a person where he has reasonable cause to believe that:

- (a) public safety would or may be endangered; or
- (b) the protection or preservation of wildlife would or may be interfered with; or
- (c) it is necessary to prohibit access to a park or reserve, or a part of a park or reserve, in order to maintain the privacy of a cultural event to be held, in the park or reserve, or the part of the park or reserve, by the traditional Aboriginal owners of the park, reserve or part of the park or reserve; or
- (d) the protection and preservation of the park or reserve, or part of the park or reserve, would or may be interfered with; by access to the park or reserve, or that part of the park or reserve, by that person.

(3) Notice of a prohibition under subregulation (1) or (2) shall:

- (a) be published in a newspaper circulating in the area in which the park or reserve is situated; and
- (b) be prominently displayed at all entrances to the park or reserve or part of the park or reserve.

(4) A person must not enter a park or reserve or a part of a park or reserve in contravention of a prohibition under subregulation (1) or (2) otherwise than:

- (a) in accordance with a permit; or
- (b) in the company of the Director or a ranger or warden acting in the performance of his or her duties.

Penalty: \$1,000.

(5) It is a defence to proceedings for an offence against subregulation (4) if the defendant proves that:

- (a) his presence in the park or reserve or the part of a park or reserve, as the case may be:
 - (i) was due to an emergency; or
 - (ii) was unavoidable by the taking of reasonable care; or
- (b) he had no reasonable grounds for suspecting that his entry into the park or reserve, or part of the park or reserve, was prohibited under subregulation (1) or (2).

Use of certain roads or tracks restricted

32. (1) A person, other than an authorised person, must not in a park or reserve, except in an emergency or in accordance with a permit, use a road or track the entrance to which is clearly indicated by a sign that includes the words "AUTHORISED PERSONS ONLY".

Penalty: \$1,000.

(2) In subregulation (1), "authorised person" means a traditional Aboriginal owner of the land through which the road or track passes, or to which the road or track leads, or a person approved by the owner.

Certain activities may be carried on by Aboriginals

33. (1) The Director may, with the agreement of a Land Council, specify conditions subject to which Aboriginals may:

- (a) enter areas of a park or reserve to which access is restricted or prohibited under these Regulations;
- (b) hunt animal wildlife in a park or reserve;
- (c) harvest plant wildlife in a park or reserve;
- (d) use a vehicle, vessel or aircraft in an area of a park or reserve in which the use of the vehicle, vessel or aircraft is prohibited by these Regulations;
- (e) take a dog into a park or reserve; or
- (f) take firewood from a park or reserve.

(2) The conditions that the Director may specify are:

- (a) with respect to the activity referred to in paragraph (1) (a) - that the entry is carried out during the periods specified by the Director;
- (b) with respect to an activity referred to in paragraph (1) (b) or (c) - that the hunting or harvesting, as the case requires, is carried out during the period, in the area and in the manner specified by the Director;

- (c) with respect to an activity referred to in paragraph (d) - that the vehicle, vessel or aircraft is used during the period, in the area and in the manner specified by the Director;
- (d) with respect to the activity referred to in paragraph (1) (e):
 - (i) that the number of dogs taken into the park or reserve by one Aboriginal or group of Aborigines does not exceed the number specified by the Director; and
 - (ii) that a dog taken into the park or reserve in pursuance of this regulation is not permitted to be at large in the park or reserve; and
- (e) with respect to the activity referred to in paragraph (1) (f) - that the firewood is taken during the period, in the area and from the timber specified by the Director.

(3) A person who carries on an activity specified in subregulation (1) in accordance with the conditions specified in subregulation (2) with respect to that activity is not guilty of an offence against these Regulations by reason only of having carried on that activity in accordance with those conditions.

(4) A person who carries on an activity referred to in subregulation (1) shall not fail to comply with a condition specified by the Director with respect to the carrying on of that activity. Penalty: \$1,000.

Director may restrict entry to certain land

34. (1) The Director may make available areas of land in a park or reserve for use by the traditional Aboriginal owners of the land.
- (2) A person other than:
 - (a) a person who is a traditional Aboriginal owner of the land or a person approved by such a person; or
 - (b) a person to whom the Director has granted a permit; shall not enter an area of land made available under subregulation (1).

Penalty: \$5,000.

- (3) It is a defence to a prosecution of an offence against subregulation (2) that:
 - (a) the defendant's presence in an area of land made available under subregulation (1) was due to the existence of an emergency; or
 - (b) the defendant had no reasonable grounds for suspecting that the area of land was an area of land that had been made available for use by the traditional Aboriginal owners of the land.

Rights of members of Land Council

35. Notwithstanding the provisions of regulations 9, 32, 33 and 34, a member or officer of a Land Council acting in the performance of his duties as a member or officer may, at any time, enter and move freely in a park or reserve.

Fishing other than commercial fishing

36. (1) The Director may determine in writing that an area of water in a park or reserve is an area where, at any time or for a period specified by the director in the determination, fishing is prohibited.

(2) The Director may determine in writing:

- (a) that an area of water in a park or reserve is an area where fishing is subject to conditions; and
- (b) the kind of fish that a person in the area must not take; and
- (c) the number of fish that may be taken in the area by a person in a day.

(3) Subject to subregulation (4), notice of a determination must be:

- (a) published in a newspaper that is circulated in the area where the park or reserve is located; and
- (b) prominently displayed on a sign at each entrance station in the park or reserve.

(4) The Director must give other notice of a determination, having regard to the forms of communication available for giving notice, to persons likely to be in the area to which the determination relates, if:

- (a) no newspaper is circulated in that area; or
- (b) it is not practicable to display the notice at an entrance station.

(5) A person must not:

- (a) fish in an area of water where fishing is prohibited at any time under subregulation (1); or
- (b) fish in an area of water in a period when fishing is prohibited under subregulation (1); or
- (c) fish in an area of water for a kind of fish that must not be taken in the area in accordance with a determination under subregulation (2); or
- (d) take in a day in an area of water a number of fish that exceeds the number that may be taken in the area in accordance with a determination under subregulation (2).

Penalty: \$2,000.

(6) A person who is fishing in an area of water in a park or reserve must not:

- (a) use equipment that allows the person to breathe under the surface of the water; or
- (b) take fish using equipment other than:
 - (i) a rod and line to which a hook is attached; or
 - (ii) a hand-held line to which a hook is attached; or

- (iii) a hand-held net designed to land a fish caught on a hook to which a line is attached.

Penalty: \$2,000.

(7) A person must not use as bait for fishing in a park or reserve an animal that is wildlife, other than a fish taken in accordance with these Regulations.

Penalty: \$500.

- (8) A person must not fish in a park or reserve by leaving a fishing line unattended.

Penalty: \$500.

- (9) This regulation is in addition to any law of a Territory that is:

- (a) in respect of fishing; and
- (b) in force in the park or reserve.

Aircraft

37. (1) A person must not in a park or reserve, except in an emergency:

- (a) taxi an aircraft, other than in a landing area; or
- (b) land or take-off an aircraft, other than in accordance with a permit.

Penalty: \$1,000.

(2) The Director must cause to be erected in a landing area a prominent sign that includes the words "LANDING AREA".

- (3) This regulation is in addition to the Civil Aviation Regulations.

Use of vessels prohibited or restricted

38.(1) The Director may in respect of an area of water in a park or reserve, determine in writing:

- (a) that use of vessels is prohibited; and
- (b) the maximum speed at which a vessel may proceed; and
- (c) that a vessel is not to be used during a specified period; and
- (d) the maximum number of vessels to be used at the same time; and
- (e) that a vessel is not to be launched except from a launching area; and
- (f) that a vessel is not to be moored overnight except in a mooring area; if he or she reasonably believes that the determination is required for the purposes of the proper management of the area, promoting public safety or protecting wildlife.

(2) If the Director makes a determination under paragraph (1) (a), (b), (c) or (d), he or she is to cause to be erected, as close to the area of water as is reasonably practicable, a sign that includes a description of the area of water and:

- (a) in the case of a determination under paragraph (1) (a):
 - (i) a statement to the effect that use of boats in the area is prohibited; or
 - (ii) where the determination does not apply to all vessels - a statement to the effect that use of a vessel described in the statement is prohibited in the area; and
- (b) in the case of a determination under paragraph (1) (b) - the words "MAXIMUM SPEED OF BOATS" followed by the speed so determined, expressed in knots; and
- (c) in the case of a determination under paragraph (1) (c) - the times of day or days when a vessel is not to be used; and (d) in the case of a determination under paragraph (1) (d) - the words "BOATING ONLY WITH A PERMIT" followed by a statement to the effect that:
 - (i) the number of permits issued is subject to the maximum number of vessels specified in the determination; or
 - (ii) where the determination does not apply to all vessels - the number of permits issued is subject to the maximum number of vessels specified in the determination of a kind specified in the determination.

(3) If the Director makes a determination under paragraph (1) (e) or (f):

- (a) the determination must specify the launching area or mooring area by reference to natural features, other objects, structures or survey points; and
- (b) the Director must cause to be erected:
 - (i) a sign at the entrance station to the park or reserve where the launching area or mooring area is located that shows the approximate location of the area of water and the launching area or mooring area; and
 - (ii) a sign at the launching area that includes the words "LAUNCHING AREA - BOATS MUST BE LAUNCHED AT DESIGNATED LAUNCHING AREAS"; and
 - (iii) a sign at the mooring area that includes the words "MOORING AREA - BOATS MUST BE MOORED OVERNIGHT AT DESIGNATED MOORING AREAS".

(4) In an area of water in respect of which a determination under paragraph (1) (a), (b), (c) or (d) is in force, a person must not:

- (a) use a vessel if a sign is erected under paragraph (2) (a) or (d) in respect of the area of water; or
- (b) cause a vessel to proceed at a speed that exceeds the speed specified on a sign erected under paragraph (2) (b) in respect of the area of water; or
- (c) use a vessel in a period specified on a sign erected under paragraph (2) (c) in respect of the area of water; except in accordance with a permit or in an emergency.

Penalty: \$1,000.

(5) In an area of water in respect of which a determination under paragraph (1) (e) or (f) is in force, a person must not:

- (a) launch a vessel from a place that is not in a launching area; or
- (b) moor a vessel overnight in a place that is not in a mooring area; except in accordance with a permit or in an emergency.

Penalty: \$1,000.

(6) The Director must grant a permit to use a vessel in an area of water in respect of which a determination under paragraph (1) (d) is in force if the grant of the permit would not result in the maximum number of vessels authorised in relation to the area exceeding the number of vessels authorised in the determination.

Use of hovercraft prohibited or restricted

39. A person must not pilot a hovercraft in a park or reserve, except in accordance with a permit or in an emergency.

Penalty: \$1,000.

Use of certain roads and tracks prohibited or restricted

40. (1) A person must not, except in accordance with a permit or in an emergency, drive or ride a vehicle in a park or reserve except:

- (a) on a road that is not a service road; or
- (b) on a public access track; or
- (c) in a camping area or parking area.

Penalty: \$1,000.

(2) It is a defence to a prosecution for an offence against subregulation (1) in respect of a service road if the defendant proves that when the offence is alleged to have occurred a sign was not erected under paragraph 41 (1) (e) at the junction of the service road with a public access track, or another road that is not a service road, by which he or she gained access to the first-mentioned service road.

(3) The Director must not grant a permit if he or she believes that use of the vehicle is likely to:

- (a) cause the condition of the service road or track to which the application relates to deteriorate significantly; or
- (b) cause the condition of another part of the park or reserve to be significantly degraded.

(4) The Director may, by notice in writing, prohibit or restrict the use of vehicles on a road or public access track in a park or reserve, if he or she believes that:

- (a) any use of vehicles; or
- (b) unrestricted use of vehicles; on the road or public access track is likely to:

- (c) endanger public safety; or
- (d) interfere with the management or protection of wildlife; or
- (e) cause the condition of the road or track to deteriorate significantly; or
- (f) cause the condition of another part of the park or reserve to be significantly degraded.

(5) The Director must cause notice of a prohibition or restriction to be prominently displayed on a sign at a junction of the road or public access track with another road or a public access track.

(6) A person must not drive or ride a vehicle on a road or public access track in contravention of a prohibition or restriction under subregulation (4).
Penalty: \$1,000.

(7) It is a defence to proceedings for an offence against subregulation (6) if the defendant proves that:

- (a) the driving or riding of the vehicle on the road or public access track was due to an emergency; or
- (b) when the offence is alleged to have occurred, a sign was not erected under subregulation (5) at the junction of the road or public access track referred to in that subregulation with another road or public access track by which he or she gained access to the first-mentioned road or track.

Traffic signs

41. (1) The Director may authorise in writing the display or erection of signs in a park or reserve for the following purposes:

- (a) regulating, prohibiting or restricting the stopping or parking of vehicles, or defining the manner in which vehicles may be parked, in the park or reserve;
- (b) fixing the limits of speed for vehicles in the park or reserve, or part of the park or reserve;
- (c) designating part of a park or reserve as a part within which the parking of vehicles is permitted;
- (d) designating a track as a public access track;
- (e) designating a road or track as a service road;
- (f) designating a road or public access track as a one way traffic carriageway.

(2) A sign erected for the purpose of designating part of a park or reserve as a part within which the parking of vehicles is permitted shall, in addition to the words designating that part, bear the words "PARKING AREA".

(3) A sign erected for the purpose of designating a track as a public access track must include the words "PUBLIC ACCESS TRACK".

(4) A sign erected for the purpose of designating a road or track as a service road must include the words "SERVICE ROAD - WALKERS ONLY".

(5) A sign erected for the purpose of designating a road or public access track as a one way traffic carriageway must include the words "ONE WAY" and an arrow indicating the direction in which a vehicle using the road or track must proceed.

Motorists not to exceed maximum speed

42. (1) A person shall not:

- (a) drive a vehicle on a part of a road or public access track in a park or reserve at a speed exceeding the maximum speed applicable to that part of the road or track; or
- (b) drive a vehicle in a parking area or camping area at a speed exceeding 20 kilometres per hour.

Penalty: \$500.

(2) Where a speed limit sign is erected on the side of a road or public access track in a park or reserve and is facing the direction from which a vehicle has approached, the maximum speed applicable in relation to the part of that road or track between that speed limit sign and another speed limit sign, or a derestricting sign, erected on the same side of the road or track and facing the same direction is a speed of a number of kilometers per hour equal to the number represented by the figures on the first-mentioned speed limit sign.

Parking

43. (1) Where a no parking sign bearing an arrow is erected on a side of a road or public access track in a park or reserve, a person shall not park a vehicle on that side of the road or track between the sign and:

- (a) the nearest junction of that road or track and another road or public access track situated in the direction indicated by the arrow on the sign; or
- (b) the nearest no parking sign situated on that side of the road or track in the direction indicated by the arrow on the first-mentioned sign; whichever is the closer.

(2) Subject to this regulation, a person shall not park a vehicle except:

- (a) in a parking area; or
- (b) on a road or public access track.

(3) A person must not, except in an emergency, park a vehicle in a park or reserve in such a manner as to unreasonably obstruct the passage of other vehicles.

(4) A person must not, except in an emergency, park a vehicle in such a manner as to obstruct access to a boat ramp in a launching area.

(5) A person who is camping in a camping area may park his or her vehicle in the camping area.

One way traffic

44. A person must not use a motor vehicle on a road or public access track in a park or reserve in the direction opposite to the direction indicated by the arrow on a traffic sign erected under paragraph 41 (1) (f) in respect of the road or track.

Penalty: \$500.

Signs in general

45. (1) A person must not in a park or reserve:

- (a) display or erect a sign, or a similar device, that is likely to be mistaken for a sign erected under these Regulations; or
- (b) damage, obscure or remove a sign erected under these Regulations.

Penalty: \$500.

(2) A person must not, except in accordance with:

- (a) a permit; or
- (b) a lease or licence granted by the Director; display or erect a sign, banner, hoarding or like device, not being a sign to which paragraph (1) (a) applies, in a park or reserve or on land occupied under the lease or licence.

Penalty: \$500.

(3) A sign or other device displayed or erected in a park or reserve that purports to be a sign for the purposes of these Regulations is, unless the contrary is established, taken to have been displayed or erected by the director.

PART 3 - WILDLIFE CONSERVATION

Interpretation

46. In this Part, unless the contrary intention appears:

“authority” means an authority given under regulation 54;

“licence” means a licence granted under regulation 50;

“licensee” means the holder of a licence;

“prescribed law” means the Whale Protection Act 1980, the Wildlife Protection (Regulation of Exports and Imports) Act 1982 or any law of a State or Territory relating to the protection and conservation of wildlife;

“protected animal” means:

- (a) in relation to a Territory specified in paragraph 47 (1) (a) - an animal that is wildlife, other than:
 - (i) an animal taken in accordance with a law of the Commonwealth, or of a Territory, in relation to commercial fishing; or
 - (ii) an animal declared under regulation 48:
 - (A) not to be a protected animal; or
 - (B) not to be protected in a specified place or in a specified circumstance; or
- (b) in relation to waters referred to in paragraphs 47 (1) (b) and (c) - an animal specified in Schedule 1, 2 or 3;

“protected plant” means:

- (a) in relation to a Territory specified in paragraph 47 (1) (a) - a plant that is wildlife, other than a plant declared under regulation 48 not to be a protected plant; and
- (b) in relation to waters referred to in paragraphs 47 (1) (b) and (c) - pelagic algae;

“sell” includes exchange or give.

Application of Part

47. (1) Subject to subregulation (2), this Part applies only:
- (a) in:
 - (i) the Coral Sea Islands Territory; and
 - (ii) the Territory of Christmas Island; and
 - (iii) the Territory of Cocos (Keeling) Islands; and
 - (b) in or on waters of the Australian coastal sea that are adjacent to, and on the seaward side of:
 - (i) in the case of a State - the coastal waters of the State within the meaning of the Coastal Waters (State Powers) Act 1980; and
 - (ii) in the case of the Northern Territory - the coastal waters of the Territory within the meaning of the Coastal Waters (Northern Territory Powers) Act 1980; and
 - (c) in or on the waters above the continental shelf of Australia; and
 - (d) on or in the sea-bed and subsoil beneath those waters; and (e) in the airspace above those waters.
- (2) This Part does not apply in:
- (a) a park or reserve; or
 - (b) the Great Barrier Reef Marine Park.

Animals and plants may be declared to be not protected

48. (1) The Minister may declare, in a notice published in the Gazette that:
- (a) an animal, other than an animal specified in Schedule 1, 2, or 3:
 - (i) is not a protected animal; or
 - (ii) is not protected in a specified place; or
 - (iii) is not protected in a specified circumstance; and
 - (b) a plant is not a protected plant.
- (2) The Minister may declare, in a notice published in the Gazette:
- (a) that paragraphs 55 (1) (a) and (c) and (2) (a) and (c) do not apply to an act that is done in relation to a protected animal; and
 - (b) that paragraph 55 (3) (a) does not apply to an act that is done in relation to a protected plant; if the act is:
 - (c) done in the course of a lawful activity described in the declaration; and
 - (d) unavoidable in the course of carrying out that activity; and
 - (e) not done recklessly.
 - (3) A declaration has effect only in a Territory, or a part of a Territory, that:
 - (a) is a Territory, or a part of a Territory, referred to in paragraph 47 (1) (a); and
 - (b) is specified in the notice.
 - (4) A declaration relating to the Territory of Cocos (Keeling) Islands or to the Territory of Christmas Island must be published in the Government Gazette of the Territory concerned.
 - (5) Subject to subregulation (6), notice of a declaration must be published in a newspaper circulating in the area to which the declaration relates.
 - (6) If a newspaper does not circulate in an area to which the declaration relates, the Minister must give notice of the declaration having regard to the forms of communication available for giving notice to persons likely to be in the area.
 - (7) Subject to subregulations (8) and (9), a declaration is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.
 - (8) Paragraph 48 (1) (a) of the Acts Interpretation Act 1901 does not apply to a declaration.
 - (9) Subsection 48 (2) of the Acts Interpretation Act 1901 applies to a declaration as if a reference to notification were a reference to publication in the Gazette.

Licence - application

49. (1) A person may apply to the Director for a licence:
- (a) to kill, take, keep, sell or purchase a protected animal; or
 - (b) to take, keep, sell or purchase a protected plant.
- (2) An application under subregulation (1) shall:
- (a) be in writing and signed by the applicant;
 - (b) contain particulars of the name and address of the applicant and the date of the application;
 - (c) state whether the applicant has, within 3 years immediately preceding the date of the application, been convicted of an offence against the Act, these Regulations or a prescribed law;
 - (d) specify the nature of the activity in respect of which the licence is sought;
 - (e) specify the maximum number of persons (if any) to whom the applicant intends to give an authority;
 - (f) specify:
 - (i) the species or sub-species of animals or plants to which that activity relates;
 - (ii) the number of animals or plants of each species or sub-species to which that activity relates;
 - (iii) the place and time at which, and the manner in which, the applicant proposes to carry on that activity; and
 - (iv) the purpose of that activity; and
 - (g) be accompanied by the fee (if any) payable for the licence.

Licence for an activity

50. (1) The Director may:
- (a) grant a licence to carry out an activity specified in an application made in accordance with regulation 49; and
 - (b) charge a fee for the grant of the licence; if:
 - (c) the activity:
 - (i) is not likely to affect adversely the population of a protected animal or protected plant (including an animal or plant other than that to which the application relates); and
 - (ii) the purpose of the activity is scientific research into, educational study of, or non-commercial propagation of, the protected animal or the protected plant to which the application relates; and
 - (d) the applicant has not, within 3 years immediately preceding the date of the application, been convicted of an offence against the Act, these Regulations or a prescribed law.

(2) A licence that has effect in a Territory, or in a part of a Territory, specified in paragraph 47 (1) (a) may also be granted if:

- (a) the activity specified in the application:
 - (i) does not involve the killing, taking, keeping, sale or purchase of an animal specified in Schedule 2; and
 - (ii) is in accordance with a program for the management of wildlife declared under regulation 58 to be an approved management program; and
- (b) the applicant has not, within 3 years immediately preceding the date of the application, been convicted of an offence against the Act, these Regulations or a prescribed law.

Form of licences

51. A licence:

- (a) must be in writing; and
- (b) must specify the activity authorised by the licence; and
- (c) must specify the period for which the licence is granted, being a period of not greater than 1 year; and
- (d) may specify conditions subject to which the licence is granted, being conditions relating to:
 - (i) the species or sub-species of animals or plants, and the number of animals or plants of each species or sub-species, to which the activity relates; and
 - (ii) the purpose of the activity; and
 - (iii) the maximum number of persons (if any) to whom the licensee may give an authority; and
 - (iv) the protection or conservation of wildlife and the well-being of protected animals kept in captivity by the licensee; and
- (e) may specify times at, or periods during which, the activity may, or must not, be carried on; and
- (f) may specify the manner in which the activity may, or must not, be carried on; and
- (g) may specify the manner in which any damage caused by the carrying on of the activity is to be rectified; and
- (h) may specify, in respect of:
 - (i) a condition specified in the licence; or
 - (ii) a requirement specified in the licence; the time at or before which the condition or requirement is to be complied with.

Licence - suspension

52. (1) Where the Director suspects, on reasonable grounds, that circumstances exist by reason of which he or she would be empowered to cancel a licence, the Director may, by notice in writing served on the licensee, suspend the licence for such period, not exceeding 28 days, as is specified in the notice.

(2) A suspension under this regulation shall not be renewed.

(3) During the period of suspension of a licence, the licence has no force or effect.

Licence - cancellation

53. The Director may, by notice in writing served on a licensee, cancel the licence held by the licensee where:

(a) since the granting of the licence, a change has occurred in relation to a matter that was taken into account in determining the application for the licence, being a change that makes it desirable, for the protection or conservation of wildlife, that the activity authorised by the licence should cease;

(b) the licensee has contravened a condition of the licence; or

(c) the licensee is convicted of an offence against the Act, these Regulations or a prescribed law.

Authorities under licences

54. (1) A licensee may, with the written consent of the Director, either generally or as otherwise provided by the instrument of authority, give to a person written authority to carry on, for and on behalf of the licensee, any activity that may lawfully be carried on in accordance with the licence.

(2) The Director shall not give his or her consent under subregulation (1) if:

(a) the person to whom an authority is proposed to be given has, at any time within the immediately preceding period of 3 years, been convicted of an offence against the Act, these Regulations or a prescribed law; or

(b) the giving of an authority to the person would contravene a condition of the licence.

(3) Where the carrying on of an activity by a person is authorised by an authority, the licence shall, for the purposes of these Regulations, be deemed to authorise that person to carry on that activity.

(4) The giving of an authority does not prevent the carrying on of an activity by the licensee.

(5) Except as provided in this regulation, a licence does not authorise the carrying on of any activity by a person for or on behalf of the licensee.

(6) A licensee who gives an authority shall give to the Director written notice of that fact within 14 days after giving the authority.

(7) A licensee who, without reasonable excuse, refuses or fails to comply with subregulation (6) is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000.

Offences relating to protected animals and plants

55. (1) A person must not:

- (a) intentionally and without reasonable excuse, or recklessly, kill, injure or interfere with a protected animal, not being an animal specified in Schedule 2 ("protected animals: birds in danger of extinction") or 3 ("protected animals: migratory birds"); or
- (b) take or have in his or her possession, without reasonable excuse, sell or purchase an animal referred to in paragraph (a); or
- (c) intentionally or recklessly interfere with, damage or destroy the nest or dwelling place of an animal referred to in paragraph (a).

Penalty: \$1,000.

(2) A person must not:

- (a) intentionally and without reasonable excuse, or recklessly kill, injure or interfere with a protected animal, being an animal specified in Schedule 2 or Schedule 3; or
- (b) take or have in his or her possession, without reasonable excuse, sell or purchase an animal referred to in paragraph (a); or
- (c) intentionally or recklessly interfere with, damage or destroy the nest or dwelling place of an animal referred to in paragraph (a).

Penalty: \$2,000.

(3) A person must not:

- (a) intentionally and without reasonable excuse, or recklessly kill or damage a protected plant; or
- (b) take or have in his or her possession, without reasonable excuse, sell or purchase a protected plant.

Penalty: \$1,000.

(4) Subregulations (1), (2) and (3) do not apply in relation to an activity by a person who is authorised, or deemed to be authorised, to carry on that activity by a licence.

(5) Subregulations (1) and (2) do not apply to an act by a person that is reasonably necessary:

- (a) to avoid loss of human life, injury to a person or damage to property; or
- (b) to relieve or prevent the suffering of a protected animal.

(6) Subregulations (1) and (2) do not apply to an act by a person who is an Australian Aboriginal, being an act that is in accordance with the traditions of the race of that person in relation to the hunting of a protected animal for food in the area in which the act is done.

(7) Paragraphs (1) (a) and (c), (2) (a) and (c) and (3) (a) do not apply to a person who commits an act:

- (a) to which a declaration under subregulation 48 (2) ("animals and plants may be declared to be unprotected") applies; or
- (b) while engaged in a licensed commercial fishing operation, being an act that is unavoidable in the course of carrying out that operation; if, as soon as practicable after the commission of the act, the person notifies the Director or a ranger or warden:
- (c) that the act has been committed; and
- (d) of the time when, and the place where, the act was committed.

Licensee to keep records

56. (1) A licensee authorised to keep a protected animal shall keep a record in relation to each protected animal kept by the licensee specifying:

- (a) the species or sub-species of that animal;
- (b) when, how and at what place that animal was acquired; and
- (c) the name and address of any person from whom that animal was acquired; and, where that animal ceases to be kept by the licensee, the licensee shall enter in that record particulars of the name and address of the person to whom that animal was sold and the date of the sale of that animal or the circumstances in which the licensee otherwise ceased to keep that animal.

(2) A licensee shall retain each record kept in accordance with subregulation (1) for a period of not less than 3 years commencing on the day on which the animal to which the record relates ceases to be kept by the licensee.

(3) A person who, without reasonable excuse, refuses or fails to comply with subregulation (1) or (2) is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000.

Enforcement

57. (1) A warden or ranger may:
- (a) require a person whom the warden or ranger finds committing, or whom the warden or ranger suspects on reasonable grounds of having committed, an offence against this Part to state his or her full name and usual place of residence; and
 - (b) require a person to produce an authority, licence or permit (if any) issued to the person, indicating the name and usual place of residence of the person; and
 - (c) require a person whom the warden or ranger suspects on reasonable grounds of having carried on an activity that the person is required to be authorised to carry on to produce the licence or authority granted or given to that person; and
 - (d) require a licensee who is authorised to keep a protected animal to produce any records kept by the licensee in accordance with regulation 56.

(2) Where a warden or ranger (other than a member of a police force who is in uniform) makes a requirement of a person under subregulation (1), the warden or ranger shall:

- (a) where he or she is a member of a police force - produce, for inspection by that person, written evidence of the fact that he or she is a member of that police force; or
- (b) in any other case - produce his or her identity card for inspection by that person; and, if the warden or ranger fails to do so, the person is not obliged to comply with the requirement.

(3) In this regulation, a reference, in relation to a member of a police force, to written evidence of the fact that that person is a member of that police force is, in the case of a member who would normally be required to produce in the course of his or her police duties written identification, a reference to such identification.

(4) A person who, without reasonable excuse, refuses or fails to comply with a requirement made of the person under subregulation (1) is guilty of an offence punishable, on conviction, by a fine not exceeding \$1,000.

Approved management programs

58. (1) The Director may declare, in a notice published in the Gazette, that a program for the management of wildlife is an approved management program.

(2) An approved management program may only apply in a Territory specified in paragraph 47 (1) (a).

(3) The Director must not make a declaration unless he or she is satisfied that:

- (a) there is available to him or her sufficient information concerning the biology of each species subject to the program of management, and the role of that species in the ecosystem in which it occurs, to enable him or her to evaluate a management program for that species; and
- (b) the program of management provides for measures to ensure that the taking in the wild in accordance with that program of an animal, or of a plant, that is wildlife:
 - (i) will not be detrimental to the survival of the species, or of a sub-species of that species, to which the animal or plant belongs; and
 - (ii) will be carried out at minimal risk to the continuing role of the species or sub-species in the ecosystems in which it occurs and so as to maintain the species or sub-species in a manner that is not likely to cause irreversible changes to, or long term deleterious effects on, the species or sub-species or the habitat of the species or sub-species; and
- (c) the program of management provides for adequate periodic monitoring and assessment of the effects of the taking of an animal or plant that is wildlife under that program on the species, or sub-species, to which the animal or plant belongs, on the habitat of the species or sub-species and on any other species or sub-species of animal or plant wildlife that is likely to be affected by that taking.

(4) A declaration relating to the Territory of Cocos (Keeling) Islands or to the Territory of Christmas Island must be published in the Government Gazette of the Territory concerned.

(5) Subject to subregulation (6), notice of a declaration must be published in a newspaper that is circulated in the area to which the declaration relates.

(6) If a newspaper is not circulated in an area to which the declaration relates, the Director must give other notice of the declaration, having regard to the forms of communication available for giving notice to persons likely to be in the area.

(7) Subject to subregulations (8) and (9), a declaration is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.

(8) Paragraph 48 (1) (a) of the Acts Interpretation Act 1901 does not apply to a declaration.

(9) Subsection 48 (2) of the Acts Interpretation Act 1901 applies to a declaration as if a reference to notification were a reference to publication in the Gazette.

PART 4 - CONSERVATION ZONES

Application of Regulations in relation to conservation zones

59. The provisions of subregulations 12 (1), (2), (3) and (4) and regulations 17, 18, 19, 21, 29, 73 and 75 apply in relation to conservation zones as they apply in relation to parks and reserves and, for the purposes of that application, the references in those provisions to a park or reserve shall be read as references to a conservation zone.

Exemptions

60. Nothing in subregulation 12 (1), (2), (3) or (4) or regulation 17, 18, 19, 21 or 29 applies in relation to:

- (a) the Director, a ranger or a warden acting in the performance of his or her duties as Director or as a ranger or warden, as the case requires, in relation to a conservation zone; or
- (b) an approved person in a conservation zone.

PART 5 - TOWN PLANS

Approval of town plan by Director

61. (1) Where a plan of management provides for the establishment or development of a township, a person proposing to establish or develop the township shall submit a town plan to the Director.

- (2) The Director shall, within 1 month after the submission of the plan, make a decision:
 - (a) accepting or rejecting the plan; or
 - (b) requiring the plan to be amended.

(3) Before making a decision under subregulation (2), the Director shall inform the Minister of the action that he proposes to take.

(4) The Director shall notify the person in writing of his decision and, where he requires the plan to be amended, furnish details of the amendments required.

(5) Where the Director requires a plan to be amended:

(a) the person may submit the amended plan to the Director;

(b) the Director shall, within 1 month after the submission of the amended plan, make a decision:

(i) accepting or rejecting the amended plan; or

(ii) requiring the plan to be further amended; and

(c) the Director shall notify the person in writing of his decision and, where he requires the plan to be further amended, furnish details of the amendments required.

(6) Before making a decision under paragraph (5) (b), the Director shall inform the Minister of the action he proposes to take.

(7) The Director may require an amended plan to be further amended as often as he considers necessary.

Amending approved plan

62. (1) Where it is desired to amend a town plan that has been approved under regulation 61, the person desiring to amend the approved plan shall submit the approved plan as amended to the Director.

(2) Regulation 61 applies to and in relation to amendments of an approved town plan as if references in that regulation to a town plan were references to an approved town plan as amended.

Director may prepare plan

63. Where:

(a) a plan of management provides for a township to be established or developed on land held under lease from the Director and no notice of intention to submit a town plan is received by the Director within 6 months after the day on which the plan of management comes into operation; or

(b) a plan of management provides for a township to be established or developed by the Director; the Director:

(c) may cause a town plan to be prepared; and

(d) shall submit the plan to the Minister for his approval.

Revocation of town plan

64. (1) In this regulation, a reference to an approved town plan is a reference to a town plan that has been approved under regulation 63.

- (2) Where:
- (a) the plan of management in respect of a park or reserve no longer provides for an approved town plan; or
 - (b) by reason of changed circumstances, an approved town plan is no longer necessary; the Director may revoke the approved town plan.
- (3) Before revoking an approved town plan, the Director shall:
- (a) by notice published in a newspaper circulating in the area affected by the approved town plan, invite interested persons to make representations in connection with the proposed revocation by such date as is specified in the notice;
 - (b) give due consideration to any representations so made; and
 - (c) notify the Minister of the proposed revocation and furnish the Minister with any representations so made.

PART 6 - PARKING AND MOORING: ENFORCEMENT

Interpretation

64A. In this Part, unless the contrary intention appears:

“determined fee” means the fee determined under subsection 17 (1A) of the act for the parking of a vehicle in a parking area for a period specified in the determination;

“parking permit” means a permit issued under regulation 65A;

“parking voucher” means a voucher;

- (a) that is issued from a voucher machine; and
- (b) on which the date and time of issue and expiry of the parking voucher is printed by the voucher machine;

“voucher machine” means a machine installed under regulation 65B.

Offences - parking and mooring

65. If a person parks a vehicle or moors a vessel in contravention of these Regulations (except subregulations 65D (1) and (2) ("parking permits and parking vouchers"), regulation 65E ("interference with parking permits or parking vouchers"), subregulations 65F (1) and (2) ("abuse of voucher machines") and regulations 65G ("unauthorised installation of voucher machines") and 65H (unauthorised interference with voucher machines)) he is, in respect of each day, or part of a day,

during which the vehicle or vessel remains so parked or moored, guilty of an offence punishable, on conviction, by a fine not exceeding \$200.

Parking permits

- 65A. (1) The Director may issue a parking permit to a person.
- (2) A parking permit:
- (a) authorises the parking of the vehicle for which it was issued in the parking area to which the permit relates; and
- (b) remains in force until the end of the period specified in the permit.
- (3) A parking permit does not have effect until it is fixed to a vehicle:
- (a) in the case of a vehicle that is not a motor cycle or a trailer - in accordance with subparagraph 65D (3) (a) (i); and
- (b) in the case of a motor cycle or a trailer - in accordance with subparagraph 65D (3) (b) (i).
- (4) A person to whom a parking permit is issued may surrender the permit by removing it from the vehicle.

Voucher machines and parking vouchers

- 65B. (1) The Director may authorise in writing the installation of a voucher machine in a parking area.
- (2) On payment of the determined fee, a parking voucher issued from a voucher machine authorises the parking of a vehicle in the parking area in which the voucher machine is installed.
- (3) Unless the contrary is established, a voucher machine that purports to be a voucher machine installed in a parking area with the authority of the director is taken to have been installed in accordance with this regulation.

Parking fees

65C. The Director must adjust a voucher machine so that, after payment of the determined fee by a method described on the machine, a parking voucher is issued from the machine.

Parking permits and parking vouchers

- 65D. (1) A person must not park a vehicle in a parking area in which a voucher machine is installed unless the parking of the vehicle is authorised by:
- (a) a parking permit that is attached to the vehicle; or
- (b) a parking voucher that is:

- (i) issued from that machine; and
- (ii) displayed on the vehicle.

Penalty: 2 penalty units.

(2) A person must not park a vehicle in a parking area in which a voucher machine is installed after the end of the period in which the parking of the vehicle is authorised by:

- (a) a parking permit that is attached to the vehicle; or
- (b) a parking voucher that is:

- (i) issued from that machine; and
- (ii) displayed on the vehicle.

Penalty: 2 penalty units.

(3) For the purposes of this regulation, a parking permit is taken not to be attached to a vehicle, unless:

- (a) in the case of a vehicle that is not a motor cycle or trailer - the permit is so fixed to the interior of the windscreen or window of the vehicle; and
- (b) in the case of a motor cycle or trailer - the permit is so fixed to the motor cycle or trailer; that all words, figures and symbols appearing on the side of the permit showing the date and time of issue and expiry of the permit are capable of being clearly read by a person standing beside the vehicle.

(4) For the purposes of this regulation, a parking voucher is taken not to be displayed on a vehicle, unless:

- (a) in the case of a vehicle that is not a motor cycle or trailer - the voucher is so placed against the interior of the windscreen or window of the vehicle; and
- (b) in the case of a motor cycle or trailer - the voucher is so displayed on the motor cycle or trailer; that all words, figures and symbols appearing on the side of the voucher showing the date and time of issue and expiry of the voucher are capable of being clearly read by a person standing beside the vehicle.

(5) A person is not taken to have contravened this regulation if the person:

- (a) fixed a parking permit, or displayed a parking voucher, on the vehicle concerned in accordance with subregulation (3) or (4); and
- (b) took reasonable steps to ensure that the permit or voucher remained fixed or displayed in accordance with that subregulation.

(6) It is a defence to proceedings for an offence against subregulation (1) or (2) if:

- (a) the defendant proves that he or she stopped the vehicle to:
 - (i) set down a passenger or a passenger's luggage, or other goods; or
 - (ii) permit a person to enter the vehicle or load on the vehicle a person's luggage, or other goods; and

- (b) the period for which the vehicle stopped was no longer than was reasonable.

Interference with parking permits or parking vouchers

65E. A person must not interfere with, or remove, a parking permit or a parking voucher on a vehicle that is parked in a parking area, unless:

- (a) the person is the owner of the vehicle; or
- (b) the person is the person:
 - (i) to whom the permit was issued; or
 - (ii) who obtained the voucher; or
- (c) the permit was issued, or the voucher was obtained, on behalf of the person; or
- (d) the person is acting with the authority of;
 - (i) the owner of the vehicle; or
 - (ii) the person to whom the permit was issued; or
 - (iii) the person who obtained the voucher.

Penalty: 2 penalty units.

Abuse of voucher machines

65F. (1) A person must not:

- (a) operate a voucher machine except in accordance with any instructions that are shown on the machine; or
- (b) insert in a voucher machine anything except a coin, or coins, of the denomination, or denominations, specified on the voucher machine; or
- (c) insert a bent or damaged coin in a voucher machine.

Penalty: 2 penalty units.

(2) A person must not do an act that is likely to interfere with the operation of a voucher machine.

Penalty: 2 penalty units.

Unauthorised installation of voucher machines

65G. A person must not, except with the authority of the Director:

- (a) install in or near a parking area a device that is likely to be mistaken for a voucher machine; or
- (b) attach or affix anything to or place anything on, or stand anything against, a voucher machine.

Penalty: 2 penalty units.

Unauthorised interference with voucher machines

65H. A person must not, except with the authority of the Director, remove, move, damage, deface, paint, obscure, write on, or otherwise interfere with, a voucher machine.

Penalty: 2 penalty units.

PART 7 - MISCELLANEOUS

Infringement notices

66. (1) In this regulation:

“prescribed offence” means an offence against:

- (a) subregulation 11 (1) or (4) (“damaging parks or reserves”); or
- (b) subregulation 12 (5) (“offences relating to wildlife”); or
- (c) subregulation 37 (1) (“aircraft”); or
- (d) subregulation 38 (4) or (5) (“use of vessels prohibited or restricted”); or
- (e) regulation 39 (“use of hovercraft prohibited or restricted”); or
- (f) subregulation 40 (1) or (6) (“use of certain roads and tracks prohibited or restricted”); or
- (g) subregulation 42 (1) (“motorists not to exceed maximum speed”); or
- (h) regulation 43 (“parking”); or
- (i) regulation 44 (“one way traffic”); or
- (j) regulation 65 (“daily offence - parking or mooring”);
- (k) an offence against subregulation 65D (1) or (2) (“parking permits and parking vouchers”);
- (l) an offence against regulation 65E (“interference with parking permits or parking vouchers”);
- (m) an offence against subregulation 65F (1) or (2) (“abuse of voucher machines”);
- (n) an offence against regulation 65G (“unauthorised installation of voucher machines”);
- (o) an offence against regulation 65H (“unauthorised interference with voucher machines”);

“vehicle” includes vessel.

(2) Where a ranger or warden has reason to believe that a prescribed offence has been committed, he may serve or cause to be served an infringement notice in accordance with this regulation.

(3) An infringement notice may be served:

- (a) by serving the notice personally or by post on the person who appears to have committed the offence;
- (b) in the case of an infringement notice in respect of an offence against regulation 65:
 - (i) by serving the notice personally on any person who is driving, or appears to be in charge of, the vehicle the subject of the offence;
 - (ii) by securely placing or affixing the notice upon the vehicle the subject of the offence in a conspicuous position; or

- (iii) where the owner of the motor vehicle the subject of the offence has furnished a statutory declaration in accordance with subregulation 67 (5) or 67 (6) - by serving the notice personally or by post on the person whose name is specified in the statutory declaration as being in charge of the motor vehicle at the time of the alleged offence or by leaving it at his last-known place of residence or business with a person apparently over the age of 16 years and apparently an occupant of or employed at that place; or
 - (c) by leaving the notice at the last-known place of residence or business of the person who appears to have committed the offence with a person apparently over the age of 16 years and apparently an occupant of or employed at that place.
- (4) Where an infringement notice in respect of an offence against regulation 65 is to be served by post on the owner of the vehicle the subject of the offence, it may be addressed to him:
- (a) at his last-known place of residence or business;
 - (b) in the case of the owner of a vehicle registered under a law of a State or Territory - at the latest address of the owner in the record of registration of the vehicle; or
 - (c) in the case of a person whose name is specified in a statutory declaration furnished in accordance with subregulation 67 (5) or 67 (6) - at the address shown in the statutory declaration.
- (5) An infringement notice shall:
- (a) subject to subregulation (6), clearly show on its face the full name, or surname and initials, and address of the person on whom it is served;
 - (b) clearly specify the nature of the alleged offence;
 - (c) clearly specify the day, time and place of the alleged offence;
 - (d) contain a notification to the person on whom it is served that, if he does not wish the matter to be dealt with by a court, he may pay the amount of the prescribed penalty specified in the notice; and
 - (e) clearly specify the place at which, and the manner in which, the prescribed penalty may be paid; and may contain such other particulars, if any, as the Director considers necessary.
- (6) An infringement notice that is served by placing or affixing the notice upon a vehicle shall be addressed to "the owner" of the vehicle without further description of the owner.
- (7) For the purposes of this regulation, the prescribed penalty for a prescribed offence is \$50.
- (8) Where an infringement notice has been served and, before the expiration of the period of 14 days or within such further time (not exceeding 28 days) as the Director, whether before or after the expiration of that period, allows, the amount of the prescribed penalty is paid in accordance with the notice:
- (a) any liability of a person in respect of the alleged prescribed offence shall be deemed to be discharged;

- (b) no further proceedings shall be taken in respect of the alleged prescribed offence; and
- (c) no person shall be regarded as having been convicted for the alleged prescribed offence.

(9) At the hearing of a prosecution for an offence against regulation 65, a certificate signed by the Director and stating that a notice, a copy of which is attached to the certificate, was on the date specified in the certificate, duly served by securely placing the notice or affixing the notice, as the case may be, in a conspicuous position upon the vehicle specified in the certificate is evidence of the matters so stated.

(10) At the hearing of a prosecution for a prescribed offence in respect of which a notice under this regulation has been served, a certificate signed by the Director and stating:

- (a) that the Director did not allow further time, for the purpose of subregulation (8), for the payment of the prescribed penalty in respect of the prescribed offence; and
- (b) that the prescribed penalty in respect of the prescribed offence was not paid in accordance with the notice within 14 days after the date of the notice; is evidence of the matters so stated.

(11) At the hearing of a prosecution for a prescribed offence in respect of which a notice under this regulation has been served, a certificate signed by the Director and stating:

- (a) that the Director allowed, for the purpose of subregulation (8), the further time specified in the certificate for the payment of the prescribed penalty in respect of the prescribed offence; and
- (b) that the prescribed penalty in respect of the prescribed offence was not paid in accordance with the notice or within the further time allowed by the director for the purpose of subregulation (8); is evidence of the matters so stated.

(12) For the purposes of subregulations (9), (10) and (11), a document that purports to have been signed by the Director shall be taken to have been so signed unless the contrary is proved.

(13) Nothing in this regulation prevents the service of more than one notice in respect of the same prescribed offence, but it is sufficient for the application of subregulation (8) to a person on whom more than one such notice has been served for that person to pay the prescribed penalty in accordance with any one of the notices so served on him.

(14) Except as provided by subregulation (8), nothing in this regulation in any way prejudices or affects the institution or prosecution of proceedings in respect of an alleged prescribed offence or limits the amount of the fine that may be imposed by a court in respect of a prescribed offence.

(15) Nothing in this regulation shall be construed as requiring the serving of a notice under this regulation or as affecting the liability of a person to be prosecuted in a court in respect of an alleged prescribed offence in relation to which a notice has not been served.

Liability of owner of motor vehicle for offences

67. (1) In this regulation, a reference to an owner, in respect of a motor vehicle, means, in the case of a motor vehicle that is registered in a State or Territory under a law of that State or Territory providing for the registration of motor vehicles, the person in whose name the motor vehicle is so registered.

(2) Except as provided in this regulation, where an offence against regulation 65 occurs, the owner of the motor vehicle at the time of the offence shall be deemed to have committed the offence, whether or not he in fact committed the offence.

(3) Nothing in this regulation affects the liability of an actual offender other than the owner of the motor vehicle, but:

- (a) the owner and the actual offender shall not both be liable for the same offence; and
- (b) where a penalty has been imposed on a person in respect of an offence against regulation 65, a further penalty shall not be imposed upon or recovered from another person in respect of the same offence.

(4) The owner of a motor vehicle shall not be deemed to have committed an offence against regulation 65 if the vehicle was, at the time of the alleged offence, stolen or illegally taken or used.

(5) The owner of a motor vehicle shall not, by virtue of this regulation, be deemed to have committed an offence against regulation 65 if, within 14 days after the date of a notice served under regulation 66 or within 14 days after service of a summons in respect of the alleged offence, he furnishes to the director a statutory declaration made by him stating:

- (a) that it is made for the purposes of this regulation;
- (b) that he was not in charge of the motor vehicle at the time of the alleged offence; and
- (c) the name and address of the person who was in charge of the motor vehicle at that time.

(6) Where the owner of a motor vehicle is a body corporate, the body corporate shall not, by virtue of this regulation, be deemed to have committed an offence against regulation 65 if, within 14 days after the date of a notice served under regulation 66 or within 14 days after service of a summons in respect of the alleged offence, a director, manager or secretary of the body corporate furnishes to the Director a statutory declaration made by him stating:

- (a) that it is made for the purposes of this regulation;
- (b) that the motor vehicle was not being used for the purposes of the body corporate at the time of the alleged offence; and
- (c) the name and address of the person who was in charge of the motor vehicle at that time.

(7) Where a notice has been served under regulation 66, or a summons has been served, on the owner of a motor vehicle in respect of an alleged offence against regulation 65, the owner may, within 14 days after the date of the notice or service of the summons, as the case may be, furnish to the Director a statutory declaration made by him or by some person having knowledge of the facts stating:

- (a) that it is made for the purposes of this regulation;
- (b) that the owner was not in charge of the motor vehicle at the time of the alleged offence;
- (c) that he has not been able to ascertain who was in charge of the motor vehicle at that time; and

- (d) the nature of the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the motor vehicle at that time.

(8) Where a notice has been served under regulation 66, or a summons has been served, on a body corporate as the owner of a motor vehicle in respect of an alleged offence against regulation 65, a director, manager or secretary of the body corporate may, within 14 days after the date of the notice or service of the summons, as the case may be, furnish to the Director a statutory declaration made by him or by some person having knowledge of the facts stating:

- (a) that it is made for the purposes of this regulation;
- (b) that to his knowledge, from the facts as set out in the declaration, the motor vehicle was not being used for the purposes of the body corporate at the time of the alleged offence;
- (c) that he has not been able to ascertain who was in charge of the motor vehicle at that time; and
- (d) the nature of the inquiries made for the purposes of ascertaining the name and address of the person who was in charge of the motor vehicle at that time.

(9) At the hearing of a prosecution for an offence against regulation 65 against the owner of a motor vehicle who has furnished a statutory declaration under subregulation (7), the court shall dismiss the charge if it is satisfied (whether on the statements contained in the statutory declaration or otherwise) that:

- (a) the owner was not in charge of the motor vehicle at the time of the alleged offence; and
- (b) the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the motor vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence.

(10) At the hearing of a prosecution for an offence against regulation 65 against a body corporate that is the owner of a motor vehicle and in respect of which a statutory declaration has been furnished under subregulation (8), the court shall dismiss the charge if it is satisfied (whether on the statements contained in the statutory declaration or otherwise) that:

- (a) the motor vehicle was not being used for the purposes of the body corporate at the time of the alleged offence; and
- (b) the inquiries made for the purpose of ascertaining the name and address of the person who was in charge of the motor vehicle at that time were reasonable in the circumstances of the case and were carried out with due diligence.

(11) At the hearing of a prosecution for an offence against regulation 65, a certificate signed by the Director and stating that a person specified in the certificate has not, in relation to that offence, furnished a statutory declaration to the Director for the purpose of a provision of this regulation is evidence of the matter so stated.

(12) For the purpose of subregulation (11), a document that purports to have been signed by the Director shall be taken to have been so signed unless the contrary is proved.

Copy of statutory declaration to be served with summons

68. (1) Where a person is named in a statutory declaration furnished under subregulation 67 (5) or 67 (6) as being the person who was in charge of the motor vehicle at the time of the alleged offence against regulation 65:

- (a) that person shall not be found guilty of that offence unless a copy of the statutory declaration was affixed to the summons for the offence at the time it was served on him; and
- (b) the statutory declaration is admissible in evidence in a prosecution in respect of that offence against that person and is evidence that that person was in charge of the vehicle at that time.

(2) In a prosecution for an offence against regulation 65, a document purporting to be a statutory declaration furnished in accordance with subregulation 67 (5) or 67 (6) shall, unless the contrary is shown, be taken to be such a statutory declaration, duly made and furnished.

Applications for permits

69. An application for a permit must:

- (a) be in writing and signed by the applicant; and
- (b) be lodged with the Director; and
- (c) state the name and address of the applicant; and
- (d) show the date on which the application is made; and
- (e) specify the park or reserve, or the part of the park or reserve, where the activity in respect of which the application is made would take place; and
- (f) specify the activity, when it is proposed to take place and its expected duration; and
- (g) be accompanied by the fee (if any) payable for the permit.

Permit for an activity

70. (1) The Director may:

- (a) grant a permit to a person to carry out an activity in a park or reserve; and
- (b) charge a fee for the grant of the permit.

(2) The Director must not grant a permit for an activity if:

- (a) he or she believes that the activity is likely to:
 - (i) endanger public safety; or
 - (ii) unduly damage the park or reserve; or
 - (iii) unduly interfere with the preservation or protection of wildlife; or
 - (iv) unduly interfere with the management of the park or reserve or wildlife; or

- (b) the activity is not in accordance with the plan of management for the park or reserve.

Form of permits

71. A permit:

- (a) must be in writing; and
- (b) must specify the provision of these Regulations for the purposes of which it is granted; and
- (c) must specify the activity that is permitted; and
- (d) must specify the period for which the permit is granted; and
- (e) must specify the park or reserve where the activity may be carried on; and
- (f) may specify conditions subject to which the permit is granted; and
- (g) may specify times at, or periods during which, an activity to which the permit relates may, or must not, be carried on; and
- (h) may specify the area within a park or reserve where the activity may, or must not, be carried on; and
- (i) may specify the manner in which the activity may, or must not, be carried on; and
- (j) may specify the manner in which any damage caused by the carrying on of the activity is to be rectified; and
- (k) may specify, if an advertisement or other public notice is to be displayed, or is displayed, in a park or reserve in connection with an activity that is, or is to be, carried on under the permit - the matters to be stated, or not to be stated, in the advertisement or notice; and
- (l) may specify, in respect of:
 - (i) a condition specified in the permit; or
 - (ii) a requirement specified in the permit; the time at, or before which, the condition or requirement must be complied with.

Daily offence - breach of permit conditions or restrictions

72. If a person to whom a permit is granted contravenes:

- (a) a condition specified in the permit; or
- (b) a requirement specified in the permit; the person is guilty of an offence in respect of each day, or part of a day, when the contravention occurs.

Penalty: \$200.

Exemptions

73. (1) In granting a permit with respect to the carrying on of an activity, the Director may exempt the person to whom the permit was granted from such of the provisions of these Regulations as are necessary to enable the person to carry on the activity.

(2) An exemption may be in general terms or may be limited to the activities, areas and periods specified in the permit.

Cancellation or variation of permits

74. (1) The Director may cancel a permit, if:

- (a) the holder of the permit contravenes the permit or a condition to which the permit is subject; or
- (b) the holder is convicted of an offence against the Act or these Regulations; or
- (c) since the grant of the permit:
 - (i) a change has occurred in relation to a matter that the director is obliged under these Regulations to consider in deciding whether to grant the permit; and
 - (ii) the Director believes that the change requires the cessation of the activity in respect of which the permit was granted.

(2) The Director may vary a permit, before the time at which the permit expires, if:

- (a) a circumstance described in paragraph (1) (a) or (b) occurs; or
- (b) since the grant of the permit - a change has occurred in relation to a matter that the Director is obliged under these Regulations to consider in deciding whether to grant the permit; and
- (c) the Director believes that the circumstance or change does not require the permit to be cancelled but requires variation of the activity in respect of which the permit was granted.

(3) Where the Director cancels or varies a permit, he shall, as soon as practicable, notify in writing the person to whom the permit was granted of the fact.

Consideration and review of decisions of Director

75. (1) In this regulation, "decision" has the same meaning as in the administrative Appeals Tribunal Act 1975.

(2) Where the Director makes a decision to which subregulation (4) applies, the Director shall give to any person whose interests are affected by the decision notice in writing of the making of the decision, including a statement to the effect that application may be made to the Director to reconsider the decision and setting out the person's rights to seek review of a reconsidered decision under subregulation (11).

(3) Any failure to comply with the requirements of subregulation (2) in relation to a decision does not affect the validity of the decision.

(4) A person whose interests are affected by a decision of the Director under these Regulations, not being:

- (a) a decision under regulation 33 or 52; or
- (b) a decision that is deemed to be a decision under these Regulations by subsection 43 (6) of the Administrative Appeals Tribunal Act 1975; may, if he is dissatisfied with the decision, by notice in writing given to the Director within 21 days after the day on which the decision first comes to the notice of the person, request the Director to reconsider the decision.

(5) An organization or association of persons, whether incorporated or not, shall be taken to have interests that are affected by a decision if the decision relates to a matter included in the objects or purposes of the organization or association.

(6) Subregulation (5) does not apply in relation to a decision given before the organization or association was formed or before the objects or purposes of the organization or association included the matter concerned.

(7) There shall be set out in the request the reasons for making the request.

(8) The Director shall, within 1 month after the day on which he receives the request, reconsider the decision and may make any decision that he might have made in the first instance.

(9) The Director shall give to the person who has requested the reconsideration of the decision notice in writing of the decision made under subregulation (8) and of the grounds for that decision.

(10) A notice referred to in subregulation (9) shall include a statement to the effect that, subject to the Administrative Appeals Tribunal Act 1975, application may be made to the Administrative Appeals Tribunal for review of the decision to which the notice relates by or on behalf of a person whose interests are affected by the decision.

(11) An application may be made to the Administrative Appeals Tribunal for the review of a decision by the Director made under subregulation (8).

Sale of liquor

76. (1) A person shall not sell liquor in Kakadu National Park without the permission in writing of the Director.
Penalty: \$2,000.

(2) The Director shall not grant permission under subregulation (1) to a person who is not the holder of a licence under the Liquor Act.

(3) Where an application has been made for permission under subregulation (1), the Director:

- (a) shall afford the Northern Land Council an opportunity to comment on the merits of the application; and

(b) in deciding whether to grant the permission, shall have regard to any views expressed by the Northern Land Council.

(4) In this regulation:

“liquor” means a beverage that contains more than 1.15 per cent by volume of ethyl alcohol;

“Liquor Act” means the Liquor Act of the Northern Territory;

“Northern Land Council” means the body of that name established under the aboriginal Land Rights (Northern Territory) Act 1976.

Form of identity card

77. An identity card issued for the purposes of section 39 of the Act shall be in accordance with the form in Schedule 4.

SCHEDULE 1
Regulation 46
PRESCRIBED PROTECTED ANIMALS OTHER THAN BIRDS IN DANGER OF EXTINCTION
AND MIGRATORY BIRDS

Item No. Protected animals

1. All members of the Family Hydrophiidae (sea snakes)
2. All members of the Family Laticaudidae (sea snakes)
3. All members of the Order Pinnipedia (seals, fur seals and sea lions)
4. All members of the Class Aves (birds) occurring naturally in a place in or on which these Regulations apply, other than members of that Class specified in Schedules 2 and 3
5. All members of the Genus *Crocodylus* (crocodiles)
6. All members of the Genus *Dugong* (dugong)
7. All members of the Family Cheloniidae (marine turtles)
8. *Dermochelys coriacea* (Leathery Turtle)

SCHEDULE 2
Regulation 46
PROTECTED ANIMALS: BIRDS IN DANGER OF EXTINCTION

Item	Scientific name	Common name
1	<i>Dromaius minor</i>	King Island Emu
2	<i>Dromaius baudinianus</i>	Kangaroo Island Emu
3	<i>Pterodroma leucoptera leucoptera</i>	Gould's Petrel
4	<i>Sula abbotti</i>	Abbott's Booby
5	<i>Leipoa ocellata</i>	Malleefowl
6	<i>Rallus pectoralis clelandi</i>	Lewin's Water Rail (Western race)
7	<i>Rallus philippensis maquariensis</i>	Macquarie Island Rail
8	<i>Notornis alba</i>	White Gallinule
9	<i>Sterna albifrons</i>	Little Tern
10	<i>Columba vitiensis godmanae</i>	Lord Howe Pigeon
11	<i>Gallicolumba norfolciensis</i>	Norfolk Island Ground-dove
12	<i>Hemiphaga novae eelandiae spadicea</i>	New Zealand Pigeon (Norfolk Island race)
13	<i>Petrophassa smithii blaawi</i>	Western Partridge Pigeon
14	<i>Cacatua pastinator pastinator</i>	Western Long-billed Corella
15	<i>Calyptorhynchus baudinii graptogyne</i> South-eastern	Red-tailed Black Cockatoo
16	<i>Nestor productus</i>	Norfolk Island Kaka
17	<i>Cyanoramphus novaezelandiae cookii</i>	Norfolk Island Parrot (Green Parrot)
18	<i>Cyanoramphus novaezelandiae subflavescens</i>	Lord Howe Parakeet
19	<i>Cyanoramphus novaezelandiae erythrotis</i>	Macquarie Island Parakeet
20	<i>Psittaculirostris diophthalma coxeni</i>	Coxen's Fig-parrot
21	<i>Psephotus pulcherrimus</i>	Paradise Parrot
22	<i>Geopsittacus occidentalis</i>	Night Parrot
23	<i>Neophema chrysogaster</i>	Orange-bellied Parrot
24	<i>Psephotus chrysopterygius</i>	Golden-shouldered Parrot
25	<i>Pezoporus wallicus flaviventris</i>	Western Ground Parrot
26	<i>Ninox novaeseelandiae albaria</i>	Lord Howe Boobook Owl
27	<i>Ninox novaeseelandiae undulata</i>	Norfolk Island Boobook Owl

28	<i>Lalage leucopyga leucopyga</i>	Norfolk Island Long-tailed Triller
29	<i>Coracina tenuirostris melvillensis</i>	Melville Cicadabird
30	<i>Drymodes superciliaris colcloughi</i>	Roper River Scrub-robin
31	<i>Poecilodryas superciliosa cerviniventris</i>	Derby white-browed Robin
32	<i>Falcunculus frontatus whitei</i>	Kimberley Crested Shriketit
33	<i>Rhipidura cervina</i>	Lord Howe Fantail
34	<i>Turdus xanthopus vinitinctus</i>	Lord Howe Island Vinous-tinted Thrush
35	<i>Turdus poliocephalus poliocephalus</i>	Norfolk Island Thrush
36	<i>Stipiturus malachurus intermedius</i>	Mount Lofty Southern Emu-wren
37	<i>Gerygone insularis</i>	Lord Howe Warbler
38	<i>Dasyornis broadbenti littoralis</i>	South-western Rufous Bristlebird
39	<i>Manorina melanotis</i>	Black-eared Miner
40	<i>Xanthomyza phrygia</i>	Regent Honeyeater
41	<i>Lichenostomus melanops cassidix</i>	Helmeted Honeyeater
42	<i>Pardalotus quadragintus</i>	Forty-spotted Pardalote
43	<i>Zosterops strenua</i>	Robust White-eye
44	<i>Zosterops albogularis</i>	Norfolk Island Silvereye
45	<i>Erythrura gouldiae</i>	Gouldian Finch
46	<i>Aplonis fusca</i>	Norfolk Island Starling

SCHEDULE 3

Regulation 46

PROTECTED ANIMALS: MIGRATORY BIRDS

Item No.	Scientific Name	Common Name
1.	<i>Diomedea exulans</i>	Wandering Albatross
2.	<i>Pterodroma solandri</i>	Providence Petrel
3.	<i>Calonectris leucomelas</i>	Streaked Shearwater
4.	<i>Puffinus pacificus</i>	Wedge-tailed Shearwater
5.	<i>Puffinus carneipes</i>	Flesh-footed Shearwater
6.	<i>Puffinus griseus</i>	Sooty Shearwater
7.	<i>Puffinus tenuirostris</i>	Short-tailed Shearwater
8.	<i>Oceanites oceanicus</i>	Wilson's Storm-petrel
9.	<i>Oceanodroma leucorhoa</i>	Leach's Storm-petrel
10.	<i>Phaethon lepturus</i>	White-tailed Tropicbird
11.	<i>Sula leucogaster</i>	Brown Booby
12.	<i>Sula dactylatra</i>	Masked Booby
13.	<i>Sula sula</i>	Red-footed Booby
14.	<i>Fregata minor</i>	Great Frigatebird
15.	<i>Fregata ariel</i>	Least Frigatebird
16.	<i>Fregata andrewsi</i>	Christmas Island Frigatebird
17.	<i>Ardeola ibis</i>	Cattle Egret
18.	<i>Egretta alba</i>	Great Egret
19.	<i>Egretta sacra</i>	Eastern Reef Egret
20.	<i>Ixobrychus sinensis</i>	Yellow Bittern
21.	<i>Plegadis falcinellus</i>	Glossy Ibis
22.	<i>Anas clypeata</i>	Northern Shoveler
23.	<i>Anas querquedula</i>	Garganey
24.	<i>Haliaeetus leucogaster</i>	White-bellied Sea-eagle
25.	<i>Grus antigone</i>	Sarus Crane
26.	<i>Rallina fasciata</i>	Red-legged Crake

27.	<i>Crex crex</i>	Corncrake	
28.	<i>Hydrophasianus chirurgus</i>		Pheasant-tailed Jacana
29.	<i>Rostratula benghalensis</i>		Painted Snipe
30.	<i>Charadrius hiaticula</i>		Ringed Plover
31.	<i>Charadrius mongolus</i>		Mongolian Plover
32.	<i>Charadrius leschenaultii</i>		Large Sand Plover
33.	<i>Charadrius veredus</i>		Oriental Plover
34.	<i>Charadrius dubius</i>		Little Ringed Plover
35.	<i>Charadrius asiaticus</i>		Caspian Plover
36.	<i>Pluvialis dominica</i>		Lesser Golden Plover
37.	<i>Pluvialis squatarola</i>		Grey Plover
38.	<i>Arenaria interpres</i>		Ruddy Turnstone
39.	<i>Calidris mauri</i>		Western Sandpiper
40.	<i>Calidris alpina</i>		Dunlin
41.	<i>Calidris ruficollis</i>		Red-necked Stint
42.	<i>Calidris subminuta</i>		Long-toed Stint
43.	<i>Calidris bairdii</i>		Baird's Sandpiper
44.	<i>Calidris melanotos</i>		Pectoral Sandpiper
45.	<i>Calidris acuminata</i>		Sharp-tailed Sandpiper
46.	<i>Calidris ferruginea</i>		Curlew Sandpiper
47.	<i>Calidris canutus</i>		Red Knot
48.	<i>Calidris tenuirostris</i>		Great Knot
49.	<i>Calidris alba</i>	Sanderling	
50.	<i>Philomachus pugnax</i>		Ruff
51.	<i>Tryngites subruficollis</i>		Buff-breasted Sandpiper
52.	<i>Limicola falcinellus</i>		Broad-billed Sandpiper
53.	<i>Limnodromus semipalmatus</i>		Asian Dowitcher
54.	<i>Tringa totanus</i>		Redshank
55.	<i>Tringa stagnatilis</i>		Marsh Sandpiper
56.	<i>Tringa nebularia</i>		Greenshank
57.	<i>Tringa glareola</i>		Wood Sandpiper
58.	<i>Tringa brevipes</i>		Grey-tailed Tattler
59.	<i>Tringa incana</i>		Wandering Tattler
60.	<i>Tringa hypoleucos</i>		Common Sandpiper
61.	<i>Tringa terek</i>	Terek Sandpiper	
62.	<i>Limosa limosa</i>		Black-tailed Godwit
63.	<i>Limosa lapponica</i>		Bar-tailed Godwit
64.	<i>Numenius madagascariensis</i>		Eastern Curlew
65.	<i>Numenius phaeopus</i>		Whimbrel
66.	<i>Numenius minutus</i>		Little Curlew
67.	<i>Numenius arquata</i>		Eurasian Curlew
68.	<i>Gallinago stenura</i>		Pin-tailed Snipe
69.	<i>Gallinago hardwickii</i>		Latham's Snipe
70.	<i>Gallinago megala</i>		Swinhoe's Snipe
71.	<i>Phalaropus lobatus</i>		Red-necked Phalarope
72.	<i>Phalaropus fulicarius</i>		Grey Phalarope
73.	<i>Glareola maldivarum</i>		Oriental Pratincole
74.	<i>Stercorarius maccormicki</i>		South-polar Skua
75.	<i>Stercorarius pomarinus</i>		Pomarine Jaeger
76.	<i>Stercorarius parasiticus</i>		Arctic Jaeger
77.	<i>Stercorarius longicauda</i>		Long-tailed Jaeger
78.	<i>Chlidonias leucoptera</i>		White-winged Tern
79.	<i>Chlidonias niger</i>		Black Tern
80.	<i>Sterna bengalensis</i>		Lesser Crested Tern

81.	<i>Hydroprogne caspia</i>	Caspian Tern
82.	<i>Sterna hirundo</i>	Common Tern
83.	<i>Sterna sumatrana</i>	Black-naped Tern
84.	<i>Sterna anaethetus</i>	Bridled Tern
85.	<i>Sterna albifrons</i>	Little Tern
86.	<i>Anous stolidus</i>	Common Noddy
87.	<i>Cuculus saturatus</i>	Oriental Cuckoo
88.	<i>Hirundapus caudacutus</i>	White-throated Needletail
89.	<i>Merops ornatus</i>	Rainbow Bee-eater
90.	<i>Apus pacificus</i>	Fork-tailed Swift
91.	<i>Hirundo rustica</i>	Barn Swallow
92.	<i>Hirundo striolata</i>	Greater Striated Swallow
93.	<i>Motacilla flava</i>	Yellow Wagtail
94.	<i>Motacilla citreola</i>	Yellow-headed Wagtail
95.	<i>Motacilla cinerea</i>	Grey Wagtail
96.	<i>Motacilla alba</i>	White Wagtail
97.	<i>Acrocephalus arundinaceus</i>	Great Reed-Warbler
98.	<i>Phylloscopus borealis</i>	Arctic Willow Warbler

SCHEDULE 4
Regulation 77
IDENTITY CARD

This is to certify that (name of warden or ranger), whose photograph appears hereon, is a warden (or ranger) under the National Parks and Wildlife Conservation Act 1975.

Dated this _____ day of _____ 19 .

(Signature of Director)
Director

TABLE SHOWING PARTS AND REGULATIONS OF THE NATIONAL PARKS AND WILDLIFE REGULATIONS AFTER RENUMBERING BY THE NATIONAL PARKS AND WILDLIFE REGULATIONS (AMENDMENT) (1992 No. 319)

NOTE - This Table does not form part of the National Parks and Wildlife Regulations, and is printed for convenience of reference only.

Old Number	New Number	Old Number	New Number	Old Number	New Number	Old Number	New Number
Part I	Part 1	7C	28	16AK	57		
Regulation 1	Regulation 1	7D	29	16AKA	58		
2	2	7E	30	Part IIIA	Part 4		
2A	3	8	31	Regulation	Regulation		
2AAAA	4	8A	32	16AL	59		
2AAA	5	8B	33	16AM	60		
2AA	6	8C	34	Part IV	Part 5		
2AB	7	8D	35	Regulation	Regulation		
2AC	8	9	36	16A	61		
Part II	Part 2	10	37	16B	62		
Regulation 2B	Regulation 9	10A	38	16C	63		
2C	10	10B	39	16D	64		
3	11	11	40	Part V	Part 6		
4	12	14	41	Regulation	Regulation		
5	13	15	42	17	65		
5A	14	16	43	18	66		
6	15	16AAA		44	19	67	
6A	16	16AAB		45	20	68	
6B	17	Part III		Part3	20AA	69	
6C	18	Regulation		Regulation	20AB	70	
6D	19	16AA	46	20AC	71		
7	20	16AB		47	20AD	72	
7AAA	21	16ABA		48	20A	73	
7AAB	22	16AC		49	20C	74	
7AA	23	16AD		50	20D	75	
7AB	24	16AE		51	20E	76	
7AC	25	16AF		52	21	77	
7A	26	16AG		53	Schedule 1	Schedule 1	
7B	27	16AH		54	Schedule 2	Schedule 2	
		16AI		55	Schedule 3	Schedule 3	
		16AJ		56	Schedule 4	Schedule 4	