

NATIONAL PARKS AND GARDENS ORDINANCE 1968

No. 44 of 1968

An Ordinance to amend the *National Parks and Gardens Ordinance 1959-1967*

[Assented to 24 June, 1968]

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1968*, as follows:—

Short title
and citation

1.—(1.) This Ordinance may be cited as the *National Parks and Gardens Ordinance 1968*.

(2.) The *National Parks and Gardens Ordinance 1959-1967* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *National Parks and Gardens Ordinance 1959-1968*.

Definitions

2. Section 4 of the Principal Ordinance is amended—

(a) by inserting after the definition of “Bank” the following definition:—

“ ‘by-law’ means a by-law under this Ordinance;”
and

(b) by adding at the end thereof the following definition:—

“ ‘traffic sign’ means a sign displayed on, above or adjacent to a road or public place being a sign which gives or a combination of signs which together give a direction to traffic, and includes a mark made upon a road.”

3. After section 17 of the Principal Ordinance, the following sections are inserted:—

“17A.—(1.) Subject to the next succeeding sub-section, the Board may authorize the display of traffic signs on reserves for the purposes of—

Board may
authorize
display of
traffic signs

- (a) regulating the speed of vehicles along roads and in public places on reserves;
- (b) regulating or prohibiting the parking or standing of vehicles on roads and in public places on reserves;
or
- (c) otherwise regulating or prohibiting traffic on roads and in public places on reserves.

“(2.) The Board may not authorize the display of a traffic sign that would give a direction that is inconsistent with a direction given by a traffic sign already displayed in that place under another law of the Northern Territory.

“17B. A driver of a motor vehicle shall not contravene a direction given by a traffic sign that is displayed by authority of the Board except in accordance with a direction given by a person acting with the authority of the Board.

Drivers shall
comply with
traffic signs

Penalty: One hundred dollars.

“17C. In a prosecution for an offence under the last preceding section, evidence that a traffic sign was displayed is evidence that it was displayed by authority of the Board.”.

Traffic signs
deemed to be
lawfully
displayed

4. Section 21 of the Principal Ordinance is amended by omitting paragraphs (d), (e), (f), (g), (h) and (i) of subsection (1.) and inserting in their stead the following paragraphs:—

By-laws

- “(d) the prohibition or the regulation of the admission of vehicles to reserves and the removal of vehicles from reserves;
- (da) the prohibition or the regulation of the passage of vehicles through or over public places, other than roads, on reserves;
- (db) the regulation of the speed of vehicles along roads and in public places on reserves;
- (dc) the prohibition or the regulation of the parking or standing of vehicles on roads and in public places on reserves;
- (dd) the temporary suspension of traffic on reserves;
- (e) the prohibition or the regulation of the admission of animals to reserves and the control of animals on reserves;
- (f) the prohibition or the regulation of camping on reserves;

- (g) the prohibition of killing, injuring or frightening vertebrate animals, other than animals defined to be animals under section five of the *Wildlife Conservation and Control Ordinance* 1962-1967, on reserves;
- (ga) the prohibition or the regulation of fishing on reserves or parts of reserves;
- (h) the prohibition of the use of firearms on reserves or parts of reserves;
- (ha) the prohibition of the setting of traps on reserves or parts of reserves;
- (hb) the requiring of persons, upon entering reserves, to declare all items of fishing equipment, firearms, ammunition and traps in their possession;
- (hc) the prohibition or the regulation of the carrying of fishing equipment, firearms, ammunition and traps on reserves or parts of reserves;
- (i) the seizing of fishing equipment, firearms, ammunition and traps reasonably suspected of being carried or used in contravention of a by-law;".

5. Sections 23 and 24 of the Principal Ordinance are repealed and the following sections inserted in their stead:—

Inconsistency
between by-laws
and other laws

"23.—(1.) Section 21 of this Ordinance, or a by-law under that section, does not operate so as to exclude or restrict the operation of other laws of the Northern Territory on reserves.

"(2.) Insofar as a by-law can operate on a reserve in addition to the operation of other laws of the Northern Territory, it operates accordingly.

"(3.) A by-law that regulates the speed of vehicles on a reserve or a part of a reserve shall not be held to be inoperative by reason only of inconsistency with another law of the Northern Territory that imposes a higher speed limit on that reserve or that part of the reserve.

"(4.) A by-law that prohibits or limits the taking or killing of fish on a reserve or a part of a reserve shall not be held to be inoperative by reason only of inconsistency with another law of the Northern Territory that does not prohibit, or imposes a higher limit on, as the case may be, the taking or killing of fish.

Fees, &c.
to be paid
to Board

"24. All fees and sums of money recovered under this Ordinance or a by-law shall be paid to the Board.

"24A.—(1.) Where a person is convicted of an offence against this Ordinance or a by-law, the court before which he is convicted may order him to pay the amount of any damage or the cost of restoring, removing or repairing any damage, done by him in committing the offence.

Offender
may be
ordered to
pay for
damage he
does

"(2.) Where the offence is an offence against a by-law providing for or in relation to the prohibition or the regulation of the admission of animals to reserves or the control of animals on reserves, any damage done by the animal shall be deemed to be damage done by the person responsible for the control of the animal and any costs to the Board of bringing the animal under control and of feeding and otherwise maintaining the animal shall be deemed to be costs of restoring, removing or repairing damage done by that person.

"(3.) The court may make the order specified in sub-section (1.) of this section in addition to imposing a penalty and the amount so ordered to be paid shall be recoverable as a judgment debt due to the Board in a court of competent jurisdiction.

"24B. Where a person is convicted of an offence against a by-law providing for or in relation to the prohibition or the regulation of the admission of animals to reserves or the control of animals on reserves, the court before which he is convicted may order that the animal in respect of which the offence was committed be destroyed.

Destruction
of trespassing
animals

"24C.—(1.) Where a person seizes an article under a by-law he shall, as soon as practicable, deliver the possession of it to the Chairman or to a person nominated by the Chairman to receive possession.

Return or
forfeiture
of seized
articles

"(2.) The Chairman or nominated person may retain possession of the article for thirty days from the date of its delivery to him or, if a prosecution with respect to the article is instituted within that time, until the prosecution is disposed of.

"(3.) Where such a prosecution is instituted within the thirty days and the person prosecuted is convicted, the court before which the person is convicted may order that the article be forfeited to the Board.

"(4.) Where such a prosecution is not instituted within the thirty days or where the court does not order that the article be forfeited to the Board, the Chairman or other person having the possession of it shall make it available to the person from whom it was seized and shall notify that person by post that it is so available.

"(5.) If the person from whom it was seized does not claim it within six months of the date on which he is given notice that it is available, the article is forfeited to the Board."

Amendments
in relation
to decimal
currency

6. The Principal Ordinance is amended as set out in the Schedule to this Ordinance.

THE SCHEDULE

Section 6

AMENDMENTS OF THE PRINCIPAL ORDINANCE IN RELATION TO
DECIMAL CURRENCY

Provisions amended	Omit	Insert
Section 18 (8.)	Five pounds	Ten dollars
Section 21 (1.) (r)	Fifty pounds	One hundred dollars