NORTHERN TERRITORY OF AUSTRALIA

TERRITORY PARKS AND WILDLIFE CONSERVATION ACT 1976

As in force at 13 September 2025

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 13 September 2025

TERRITORY PARKS AND WILDLIFE CONSERVATION ACT 1976

An Act to make provision for and in relation to the establishment of Territory Parks and other Parks and Reserves and the study, protection, conservation and sustainable utilisation of wildlife

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Territory Parks and Wildlife Conservation Act 1976*.

2 Commencement

(1) Sections 1 and 2 and Parts V, VI, VII, VIII, IX and X of this Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette* as the date on which those sections come into operation.

(2) The remaining sections of this Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette* as the date on which those remaining sections come into operation.

3 Repeal

The Ordinances listed in Schedule 1 are repealed.

4 Transitional

(1) Notwithstanding the repeals effected by section 3, the by-laws in force under the *National Parks and Gardens Act 1959* immediately before the commencement of this Act are, in relation to the land in relation to which they operated immediately before the commencement of this Act, as valid and effectual as if when they were made this Act had been in operation and they had been made by the Commission under this Act, and they shall continue in force but may be amended or repealed by by-laws made under this Act.

(2) For the purposes of subsection (1), section 71 empowers the Commission to make by-laws in relation to land that, immediately before the commencement of this Act, was committed to the care,

control and management of the Reserves Board under section 13(1) of the *National Parks and Gardens Act 1959* as though that land was declared under this Act to be a reserve under the *Crown Lands Act 1992*.

5 Management of land formerly held by Reserves Board

(1) Notwithstanding the repeals effected by section 3 but subject to this Act, land that immediately before the commencement of this Act was committed to the care, control and management of the Reserves Board under section 13(1) of the *National Parks and Gardens Act 1959* continues to be committed to the care, control and management of the Commission as though that Act had not been repealed but the Commission had, by virtue of this Act, assumed the assets, rights and liabilities of the Reserves Board.

(2) The commission of an area of land, or of a part of an area of land, to the Commission may be revoked in like manner to the manner in which the commission of an area of land or of a part of an area of land to the Reserves Board could have been revoked immediately before the commencement of this Act.

6 Protected area under *Wildlife Conservation and Control Act 1962*

Where, immediately before the commencement of this Act, an area of land was a protected area under the *Wildlife Conservation and Control Act 1962*, that area continues to be a protected area as though the declaration was made under this Act but the declaration may be revoked by action taken under this Act.

7 Transfer of employees

(1) At the commencement of this Act all persons employed by the Northern Territory Reserves Board under the *National Parks and Gardens Act 1959* shall become employees of the Commission on the same terms under which they were employed immediately before the commencement of this Act.

8 Transfer of rights, assets and liabilities

(1) The rights, assets and liabilities of the Northern Territory Reserves Board existing immediately before the commencement of this Act are acquired and accepted by the Commission.

(2) The Commission shall carry out, complete and give effect to all dealings, transactions or matters that the Northern Territory Reserves Board was required to carry out, complete or give effect to at the commencement of this Act as if the Commission were that Board and exercising its powers and functions under the *National*

Parks and Gardens Act 1959.

(3) All documents and things existing at the commencement of this Act and executed by or signed on behalf of the Northern Territory Reserves Board shall be construed as if those documents or things were executed by or signed on behalf of the Commission, and all references in those documents or things to the Northern Territory Reserves Board shall be read as references to the Commission.

(4) Notwithstanding any law of the Territory, the Registrar-General shall, after the commencement of this Act, without other authority than this Act, upon application by the Commission, amend all references in the registers kept under the *Land Title Act 2000* to the Northern Territory Reserves Board, to read as references to the Commission.

9 Interpretation

(1) In this Act:

Aboriginal means a member of the Aboriginal race of Australia.

Aboriginal corporation means a corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth).

Aboriginal land has the same meaning as in the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Aboriginal Land Council means the Aboriginal Land Council established under section 21 of the *Aboriginal Land Rights (Northern Territory) Act 1976* for the area that contains the particular area of Aboriginal land.

Aboriginal ranger means a person employed within an Aboriginal ranger group by an Aboriginal corporation or a Land Council.

Aboriginal tradition has the same meaning as in the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth.

aircraft means a machine or apparatus that can derive support in the atmosphere from the reactions of the air or from buoyancy, and includes a glider or hang-glider but does not include a hovercraft.

ALRA, for Part 3, see section 22(1).

animal means a member of the animal kingdom other than man, whether dead or alive, and includes:

(a) vertebrates;

(b) invertebrates;

(c) protistans;

(d) the progeny of an animal, including larvae, pupae, an animal in an egg or any other embryonic form;

(e) a part of an animal, including an exudate, a secretion or reproductive material; and

(f) a chemical or other extract derived from an animal.

area of essential habitat means an area of land declared to be an area of essential habitat under section 37.

article includes a substance or a mixture of substances.

authorising body means a Land Council, Land Trust, Aboriginal corporation, traditional Aboriginal owner, or other entity or person that has the legal authority to determine where an Aboriginal ranger can exercise their powers.

classification means a classification of the conservation status of wildlife prescribed under section 28(1).

commercial purpose, in relation to an animal or plant, means the keeping, breeding, displaying, moving or other dealing with or use of the animal or plant for the purposes of selling, trading or bartering with the animal or plant or of otherwise earning a livelihood or making a profit, and includes the use of the animal or plant for scientific purposes.

Commission means the Commission within the meaning of the *Parks and Wildlife Commission Act 1980*.

community living area, for Part 3, see section 22(1).

conservation officer means a person appointed to be a conservation officer under section 92.

co-operative management agreement means an agreement entered into by the Commission under section 35.

Corporation means the Conservation Land Corporation within the meaning of the *Parks and Wildlife Commission Act 1980*.

Crown land means land:

(a) held by the Territory for an estate in fee simple; or

(b) in respect of which neither a lease granted by the Territory is in force nor an estate in fee simple has been granted by the Territory.

Director means the Director within the meaning of the *Parks and Wildlife Commission Act 1980*.

feral animal means a species of animal or an animal of a species of animal that is declared to be a feral animal under section 47.

Framework Act means the *Parks and Reserves (Framework for the Future) Act 2003.*

honorary conservation officer means:

(a) a person appointed to be an honorary conservation officer under section 92; or

(b) a person who is an honorary conservation officer by virtue of section 93.

hovercraft means a vehicle designed to be supported on a cushion of air.

indigenous land use agreement, for Part 3, see section 22(1).

indigenous to Australia, in relation to animals or plants, includes:

(a) migratory animals that periodically or occasionally migrate to or visit Australia or the coastal waters of Australia; and

(b) animals or plants introduced into Australia (including the coastal waters of Australia), directly or indirectly, by Aboriginals before the year 1788.

indigenous to the Territory, in relation to animals or plants, includes:

(a) migratory animals that periodically or occasionally visit the Territory or the coastal waters within the jurisdictional limits of the Territory; and

(b) animals or plants introduced into the Territory (including the coastal waters of the Territory), directly or indirectly, by Aboriginals before the year 1788.

interfere with, in relation to an animal or a plant, means to:

(a) harm, disturb, alter the behaviour of or otherwise affect the capacity of the animal or plant to perform its natural processes; or

(b) damage or destroy the habitat of the animal or plant.

joint management, for Part 3, see section 22(1).

joint management agreement, for a park or reserve, means an agreement between the Territory and the traditional Aboriginal owners of the park or reserve about the management of the park or reserve.

joint management park or reserve means:

(a) a scheduled park or reserve; or

(b) a park or reserve for which a joint management agreement has been executed under section 23A(1).

joint management partners, for Part 3, see section 22(1).

joint management plan, for Part 3, see section 22(1).

land includes the sea above any part of the sea bed of the Territory.

Land Council, for a park or reserve, means the Land Council (within the meaning of the *Aboriginal Land Rights (Northern Territory) Act 1976*) for the part of the Territory in which the park or reserve is located.

land owner includes a person who is a lessee of, or holds any other interest in, land.

Land Trust means an Aboriginal Land Trust established under the *Aboriginal Land Rights (Northern Territory) Act 1976* or a Park Land Trust established under the Framework Act.

management program means a wildlife management program, or a management program in respect of feral animals or prohibited entrants, formulated and implemented under section 32.

member means a member of the Commission.

minerals means:

(a) any of the minerals mentioned in section 9 of the *Mineral Titles Act 2010*; or

(ab) any of the extractive minerals mentioned in section 10 of the *Mineral Titles Act 2010*; or

(b) petroleum, within the meaning of the *Petroleum Act 1984*; or

(c) petroleum, within the meaning of the *Petroleum (Submerged Lands) Act 1981*.

mining interest, except for Part 3, means:

(a) a mineral title as defined in section 11(1) of the *Mineral Titles Act 2010*; or

(ab) a non-compliant existing interest as defined in section 204(1) of the *Mineral Titles Act 2010*; or

(b) a licence or permit, within the meaning of the *Petroleum Act*, or a licence or permit granted under the *Petroleum (Prospecting and Mining) Act 1954-1981* and kept in force by virtue of section 119 of the *Petroleum Act 1984*; or

(c) an access authority, special prospecting authority, lease, licence or permit, within the meaning of the *Petroleum (Submerged Lands) Act 1981*.

mining interest, for Part 3, see section 22(1).

operations for the recovery of minerals includes prospecting or exploration for minerals.

park means a park declared under section 12.

permit means a permit granted under section 56.

petroleum interest, for Part 3, see section 22(1).

Place Names Committee means the Place Names Committee for the Northern Territory established under the *Place Names Act 1967*.

plan of management means a plan of management in force under section 18.

plant means a member of the plant kingdom or the fungus kingdom, whether dead or alive, and includes:

(a) algae and lichen;

(b) procaryotes;

(c) a virus and a virus like particle;

(d) the seeds, pollen or spores of a plant or a plant at any other stage of its life history;

(e) a part of a plant including an exudate or a secretion; and

(f) a chemical or other extract derived from a plant.

Police Force or ***Police Force of the Territory*** means the Police Force of the Northern Territory within the meaning of the *Police Administration Act 1978*.

private land means any land which is not Crown land.

progeny means the offspring of an animal and includes live ova and live sperm and an animal in an egg or in an embryonic form.

prohibited entrant means a species of animal or plant or an animal of a species of animal or a plant of a species of plant that is a prohibited entrant under section 52 or 53.

protected wildlife means a species of wildlife or an animal or plant of a species of wildlife that is protected wildlife under section 43.

relevant agreements, for Part 3, see section 22(1).

reserve means a reserve declared under section 12.

sanctuary means a sanctuary declared by or under section 25A.

scheduled park or reserve:

(a) means a park or reserve specified in Schedule 1, 2 or 3 to the Framework Act; and

(b) if an area of land specified in Schedule 5 to that Act is declared under section 12 to be included in a park or reserve specified in Schedule 1 to that Act – includes that area of land.

State means a State of Australia.

sustainable use, in relation to wildlife, means the taking or using of wildlife at a level that is capable of being continued without endangering the capacity of the wildlife to maintain itself and sustain its natural processes.

take means:

(a) in relation to an animal – to hunt, catch, restrain or kill, or attempt or assist to hunt, catch, restrain or kill, the animal; and

(b) in relation to a plant – to sever, remove, damage or destroy, or assist to sever, remove, damage or destroy, the plant.

this Act includes the Regulations.

threatened wildlife means a species of wildlife or an animal or plant of a classification or species of wildlife that the Minister identifies as threatened wildlife under section 30.

traditional Aboriginal owners, of a park or reserve, means:

(a) the traditional Aboriginal owners, within the meaning of the *Aboriginal Land Rights (Northern Territory) Act 1976*, of the park or reserve; or

(b) if there is no person to whom paragraph (a) applies – the person or persons who, by Aboriginal tradition, are responsible for making decisions about the park or reserve.

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.

unprotected wildlife means a species of wildlife or an animal or plant of a species of wildlife that is not protected wildlife.

vehicle includes a hovercraft.

vertebrate means an animal that is:

(a) a mammal;

(b) a bird;

(c) a reptile; or

(d) an amphibian.

vessel means a ship, boat, raft or pontoon or any other thing capable of carrying persons or goods through or on water, but does not include a hovercraft.

wilderness zone means a wilderness zone declared under section 12.

wildlife means:

(a) animals and plants that are indigenous to Australia;

(b) animals and plants that are indigenous to the Australian coastal sea or the sea-bed and subsoil beneath that sea;

(c) migratory animals that periodically or occasionally visit Australia or the Australian coastal sea;

(d) animals and plants of a kind introduced into Australia, directly or indirectly, by Aboriginals before the year 1788; and

(e) such other animals and plants as are prescribed.

(2) In this Act, a reference to the sea-bed includes a reference to the surface of any coral formation, and a reference to the subsoil includes a reference to the coral beneath the surface of any such formation.

(3) In this Act, a reference to public notice is a reference to notice published:

(a) in the *Gazette*;

(b) in a local newspaper, if any, circulating in the area concerned; and

(c) in a newspaper circulating throughout the Territory.

(3A) In this Act, a reference to a species of wildlife is a reference to a species, subspecies, population or subpopulation of wildlife, and includes a reference to a hybrid or variant race of a species of wildlife.

(4) The Minister may, by notice in the *Gazette*, declare land to be a park or reserve for the purposes of the *Petroleum Act 1984*, *Petroleum (Submerged Lands) Act 1981* or section 73 of the *Mineral Titles Act 2010.*

(5) The Minister shall not, under subsection (4), declare land to be a park or reserve unless he has the agreement of the minister administering the relevant Act to that land being so declared.

10 Act binds the Crown

This Act binds the Crown.

Part 2 Parks and reserves

11 Object of this Part

The object of this Part is to make provision for the establishment and management of parks and reserves appropriate to be established by the Administrator.

12 Parks and reserves established by Administrator

(1) Subject to this section and to section 14, the Administrator may:

(a) by notice in the *Gazette*, declare an area of land to be a park or reserve, whether or not a person, other than the Territory, holds a right, title or interest, including:

(i) a right, title or interest (including a lease) held by the Corporation; and

(ii) any native title rights and interests within the meaning of the *Native Title Act 1993* of the Commonwealth,

in respect of the land or a part of the land (including any subsoil);

(aa) by the same notice in the *Gazette*, declare that, notwithstanding subsection (7), a right, title or interest held by the Territory in respect of the land, or a part of the land, (including any subsoil) within the park or reserve does not, on the declaration of the park or reserve, vest in the Corporation; and

(b) by the same or by another notice in the *Gazette*, declare the whole or a specified part of the park or reserve to be a wilderness zone.

(1A) Notwithstanding the declaration under subsection (1) of an area of land to be a park or reserve, nothing in this Act is to be taken to affect or derogate from a right, title or interest, including any native title rights and interests within the meaning of the *Native Title Act 1993* of the Commonwealth, held by a person other than the Territory or the Corporation in respect of the land or a part of the land (including any subsoil).

(2) The Commission may, after receiving a report from the Place Names Committee, assign a name to a park or reserve or a proposed park or proposed reserve.

(3) A notice under subsection (1) declaring an area to be a reserve may specify the purpose or purposes for which it is so declared.

(4) Where a plan of management is in force in relation to a park or reserve, a declaration shall not be made under subsection (1) in relation to the park or reserve except in accordance with the plan of management.

(6) Where an area is declared by notice under subsection (1) to be a park or reserve:

(a) the subsoil beneath any land within the area;

(b) the bed of any stream, lake, inlet or other water within the area; and

(c) the subsoil beneath any such bed,

except in so far as they are, in the notice, expressly declared to be not within that park or reserve, shall be taken to be within that park or reserve.

(7) Except where a declaration is made under subsection (1)(aa) in relation to land, on the declaration of a park or reserve under subsection (1), all right, title and interest both legal and beneficial held by the Territory in respect of the land (including any subsoil) within the park or reserve, but not in respect of any minerals, becomes, by force of this subsection, vested in the Corporation.

(8) Where any land is acquired by the Territory for the purposes of this section, the Minister shall, as soon as practicable after the acquisition, but subject to compliance with section 14, cause the carrying out of that purpose to be submitted for consideration by the Administrator.

13 Revocation of parks, reserves or sanctuaries

(1) Subject to this section and to section 14, the Administrator may, by notice in the *Gazette*:

(a) revoke or amend a notice given under section 12; or

(b) revoke the declaration by or under section 25A of a sanctuary or change the boundaries of a sanctuary.

(2) A notice under subsection (1) by virtue of which any land (including any subsoil) or sea ceases to be land or sea within a park or reserve or within a sanctuary or a wilderness zone shall not be given except in accordance with a resolution passed by the Legislative Assembly.

(3) If, by virtue of a notice given under subsection (1), any land, other than land leased by the Corporation as lessee, ceases to be land within a park or reserve, all right, title and interest held by the Corporation in respect of that land becomes, by force of this subsection, vested in the Territory.

(4) If, by virtue of a notice given under subsection (1), any land leased by the Corporation as lessee ceases to be land within a park or reserve, the lease of that land is, by force of this subsection, surrendered.

14 Report by Commission

(1) The Administrator shall not publish a notice under section 12, 13 or 25A except after consideration by the Administrator of a report by the Commission in relation to the matter dealt with by the notice.

(2) Before submitting a report under subsection (1) in relation to prescribed land, the Commission shall:

(a) by public notice:

(i) state the nature of the report and of any recommendations proposed to be made in the report;

(ii) invite interested persons to make representations in connection with the report by such date, not being less than 60 days after the date of publication of the notice in the *Gazette*, as is specified in the notice; and

(iii) specify an address to which such representations may be forwarded; and

(b) give due consideration to any representations so made,

and, when submitting the report, it shall attach to the report any representations so made, together with its comments on those representations.

(3) In this section, ***prescribed land*** means land other than land which, at the date of the report in relation to that land required by subsection (1) or at any time before the date of that report:

(a) was:

(i) a park, reserve or conservation or wilderness zone within the meaning of the *National Parks and Wildlife Conservation Act 1975* of the Commonwealth;

(ii) a park, reserve, protected area or sanctuary; or

(iii) committed to the care, control and management of the Commission;

(b) was land which the Governor-General or the Administrator had purported to declare to be such a park, reserve, wilderness or conservation zone, protected area or sanctuary; or

(c) was land which the Administrator had purported to commit to the care, control and management of the Reserves Board under the *National Parks and Gardens Act 1959*.

16 Restriction on disposal

(1) Notwithstanding this Act (subsection (2) excepted) and any other law of the Territory, no right, title or interest held by the Corporation in respect of land within a park or reserve shall be sold, leased or otherwise disposed of.

(2) Where the plan of management relating to a park or reserve so provides, the Corporation may grant leases of, or licences in respect of, land in that park or reserve in accordance with the plan of management.

17 Mining, works, forestry, etc. in parks, reserves and wilderness zones

(1AA) This section does not apply in relation to a joint management park or reserve or a wilderness zone in a joint management park or reserve.

Note for subsection (1AA)

See Part 3, Division 4A in relation to the use and development of joint management parks and reserves.

(1) Subject to subsection (2), this section has effect notwithstanding any law of the Territory.

(2) Nothing in this section prevents the carrying out in a park or reserve or in a wilderness zone of:

(a) the exploration for, or recovery or processing of, minerals under and in accordance with the conditions of a mining interest; or

(b) an activity permitted, or the exercising of a right or power conferred or continued in force, by or under the *Mineral Titles Act 2010*, the *Petroleum Act 1984* or section 18A of the *Petroleum (Submerged Lands) Act 1981* in relation to a mining interest.

(3) Subject to subsections (4) and (5), the following activities may not be carried out in a park or reserve except in accordance with the plan of management for the park or reserve or an authorisation granted under section 21A for the park or reserve:

(a) excavation;

(b) erection of a building or other structure;

(c) works;

(d) felling or taking of timber.

(4) The Commission may carry out an activity mentioned in subsection (3) in a park or reserve if doing so is not inconsistent with the plan of management for the park or reserve.

(5) If no plan of management is in force in relation to a park or reserve, subsection (3) does not prevent the Commission from carrying out an activity mentioned in subsection (3) in the park or reserve provided that the activity is not inconsistent with the objectives mentioned in section 18(5).

(6) A wilderness zone shall be maintained in its natural state and shall be used only for purposes specified in the plan of management relating to the wilderness zone, but this subsection does not prohibit anything done by the Commission in accordance with subsection (7).

(7) Despite subsections (3), (4) and (5), the following may only be carried out in a wilderness zone by the Commission in accordance with the plan of management relating to the wilderness zone or for purposes essential to the management of the park or reserve in which the wilderness zone is located:

(a) excavation;

(b) erection of a building or other structure;

(c) works;

(d) felling or taking of timber;

(e) establishment of tracks;

(f) use of a vehicle, aircraft or vessel.

18 Plans of management

(1AA) This section does not apply in relation to a joint management park or reserve.

Note for subsection (1AA)

See Part 3, Division 4 for provisions about joint management plans for joint management parks and reserves.

(1) As soon as practicable after a park or reserve has been declared, the Commission shall prepare a plan of management in respect of that park or reserve taking into account such public opinion as is known to it.

(2) The plan of management may include provisions in relation to an area that is proposed to be added to the park or reserve, but those provisions shall not have effect until the area is added to the park or reserve.

(3) The plan of management shall set out a detailed description of the manner in which it is proposed to manage the park or reserve and shall include:

(a) a general description of any existing or proposed buildings, structures, facilities or other development; and

(b) a detailed description of any excavation, works or other operations, other than excavation, works or other operations relating to mining interests, that may be carried on,

in the park or reserve.

(4) Where a plan of management provides for excavation, works or other operations, other than excavation, works or other operations relating to a mining interest, it shall set out the conditions, if any, that are to be applicable.

(5) In the preparation of the plan of management, regard shall be had to the following objects:

(a) in the case of a park – the encouragement and regulation of the appropriate use, appreciation and enjoyment of the park by the public;

(b) in the case of a reserve – the regulation of the use of the reserve for the purpose for which it was declared;

(c) the preservation of the park or reserve in its natural condition and the protection of its special features, including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interest;

(d) the protection, conservation and management of wildlife within the park or reserve; and

(e) the protection of the park or reserve against damage.

(5A) Notwithstanding anything in subsection (5), a plan of management may propose the use of a particular part or parts of a park or reserve for a purpose which involves restricting public access thereto.

(6) The plan of management may provide for the division of the park or reserve into zones and set out the conditions under which each zone shall be kept and maintained.

(7) When the Commission has prepared the plan of management, it shall, by public notice:

(a) state that the plan has been prepared;

(b) invite interested persons to make representations in connection with the plan by such date, not being less than one month after the date of publication of the notice in the *Gazette*, as is specified in the notice;

(c) specify an address or addresses at which copies of the plan may be inspected or purchased; and

(d) specify an address to which representations in connection with the plan may be forwarded.

(8) A person may, not later than the date specified in the notice, make representations to the Commission in connection with the plan of management, and the Commission shall give due consideration to any representations so made and, if it thinks fit, alter the plan accordingly.

(9) The Commission shall thereupon forward to the Minister for presentation to the Administrator:

(a) the plan of management; and

(b) if representations have been made under subsection (8) – those representations, together with the comments of the Commission on those representations.

(10) The Administrator may accept the plan of management as so submitted or after making such alterations as the Administrator thinks fit.

(11) Where the Administrator makes alterations to a plan of management under subsection (10), the Administrator shall prepare a report specifying the alterations, and the report shall accompany the plan when it is laid before the Legislative Assembly under section 19.

19 Plan of management to be laid before Assembly

(1) The Minister shall, as soon as practicable after a plan of management has been accepted under section 18, cause it to be laid before the Legislative Assembly.

(2) The Legislative Assembly may in pursuance of a motion, notice of which is given within 7 sitting days after the plan of management has been laid before it, pass a resolution disallowing the plan of management.

(3) If the Legislative Assembly does not pass a resolution in accordance with subsection (2) disallowing the plan of management, the plan of management comes into operation on the day immediately following the last day upon which such a resolution could have been passed.

(4) If, before the expiration of 7 sitting days after the plan of management has been laid before the Legislative Assembly:

(a) the Assembly expires or is prorogued; and

(b) notice of motion for the disallowance of the plan of management has not been given,

the plan of management shall, for the purposes of this section, be deemed to have been laid before the Legislative Assembly on the first sitting day of the Assembly after the expiry or prorogation, as the case may be.

(5) If the Legislative Assembly passes a resolution in accordance with subsection (2) disallowing the plan of management, the Administrator shall direct the Commission to prepare a fresh plan of management and the Commission shall thereupon reconsider the matter and prepare a fresh plan of management, and for that purpose section 18 applies accordingly.

(6) As soon as practicable after a plan of management has come into operation, the Minister shall publish a notice in the *Gazette* and in such newspapers as he thinks fit, stating that the plan of

management has come into operation and specifying an address or addresses where copies of the plan of management may be inspected or purchased.

20 Amendment or revocation of plan of management

(1) The Commission may at any time amend a plan of management, and section 18, exclusive of subsections (1), (7) and (8), and section 19 apply in relation to any such amendment in like manner as they apply in relation to a plan of management.

(2) A plan of management in respect of a park or reserve may be revoked by a new plan of management in respect of that park or reserve, but the revocation shall not take effect until the new plan comes into operation.

21 Compliance with plan of management

While a plan of management is in force, the Commission and the Corporation shall perform their duties and functions and exercise their powers in relation to the park or reserve to which the plan relates in accordance with that plan and not otherwise.

21A Use and development of land

(1) The Commission may authorise the use and development of land in a park or reserve, other than a joint management park or reserve, for any of the following purposes:

(a) conservation;

(b) education;

(c) hospitality;

(d) retail;

(e) tourism;

(f) Aboriginal community living area;

(g) any purpose that promotes the protection or presentation of the park or reserve.

(2) The use and development of land may be authorised under this section if:

(a) there is no plan of management in force in respect of the land; or

(b) there is a plan of management in force in respect of the land and the use and development is not inconsistent with the plan.

(3) The Commission does not require an authorisation to use and develop land in a park or reserve for a purpose mentioned in subsection (1).

(4) This section does not give the Commission the power to authorise the subdivision of land.

Note for section 21A

The use and development of land include a wide variety of activities, including constructing campgrounds, roads and structures and other activities that alter land.

21B Application for authorisation

(1) A person may apply to the Commission for authorisation to use and develop land in a park or reserve, other than a joint management park or reserve, for any purpose specified in section 21A(1).

(2) An application under subsection (1) must be:

(a) in a form approved by the Commission; and

(b) accompanied by any fee determined by the Commission.

21C Factors relevant to authorisation

(1) Before deciding whether to authorise a use or development under section 21A, the Commission must consider the following:

(a) the alternative uses and developments of the land;

(b) the ecological sustainability of the affected environment;

(c) the principles of management mentioned in section 31;

(d) the protection of biological diversity of the affected land;

(e) any plan of management in force in respect of the land;

(f) the public interest;

(g) the views of traditional owners or native title holders of the affected land;

(h) any other matters the Commission considers relevant.

(2) The Commission must not authorise any use or development of land that is inconsistent with any plan of management of the land.

(3) Unless justified in the circumstances, the Commission must not authorise a person found guilty of an offence related to the environment, wildlife or the use or development of land within the 5 year period immediately before the person applies for the authorisation.

(4) An authorisation must be in a form approved by the Commission.

21D Terms and conditions of authorisation

(1) An authorisation under section 21A is subject to any terms and conditions specified by the Commission.

(2) It is a condition of an authorisation that the holder of the authorisation and each person employed or otherwise engaged by the holder of the authorisation complies with the authorisation and this Act.

(3) In the event of an inconsistency between this Act and a term or condition of an authorisation imposed by the Commission, the Act prevails.

21E Variation of authorisation

(1) The Commission may, by written notice to the holder of an authorisation under section 21A, vary a term or condition of the authorisation if it considers it appropriate.

(2) The variation may be made on:

(a) the Commission's own initiative; or

(b) the application by the holder of an authorisation to the Commission.

(3) An application under subsection (2)(b) must be in a form approved by the Commission.

(4) A variation may add, substitute or delete a term or condition of an authorisation.

(5) A variation of an authorisation takes effect on the later of the following:

(a) the date the notice of the variation is served on the holder of the authorisation;

(b) the date specified in the notice.

21F Cancellation of authorisation

(1) The Commission may, by written notice to the holder of an authorisation under section 21A, cancel the authorisation if the holder of the authorisation:

(a) fails to pay a fee or royalty required under the authorisation; or

(b) is found guilty of an offence against this Act or a regulation or by-law made under this Act; or

(c) pays a prescribed amount under an infringement notice issued under the regulations or by-laws; or

(d) contravenes any term or condition of the authorisation; or

(e) requests in writing that the authorisation be cancelled.

(2) The cancellation of an authorisation takes effect on the date specified in the notice.

21G Transfer of authorisation

(1) The Commission may approve the transfer of an authorisation under section 21A.

(2) The holder of an authorisation may apply to the Commission, to approve the transfer of the authorisation, in a form approved by the Commission.

(3) A transfer of an authorisation takes effect on the later of the following:

(a) the date the notice of the transfer is served on the holder of the authorisation;

(b) the date specified for that purpose in the notice.

21H Compliance with authorisation

(1) The following persons must not contravene an authorisation under section 21A:

(a) the holder of the authorisation;

(b) a person employed or otherwise engaged by the holder of the authorisation to use or develop land in a park or reserve under the authorisation.

Maximum penalty: 50 penalty units.

(2) An offence against subsection (1) is a regulatory offence.

21J Offence for using or undertaking development unless permitted

(1AA) Subsection (1) does not apply in relation to land that is in a joint management park or reserve.

Note for subsection (1AA)

See section 25AKJ for an equivalent offence for joint management parks and reserves.

(1) A person must not use or develop land in a park or reserve unless authorised or otherwise permitted under this Act or the by-laws.

Maximum penalty: 50 penalty units.

250 penalty units.

(2) An offence against subsection (1) is a regulatory offence.

Part 3 Joint management of certain parks and reserves

Division 1 Preliminary

22 Interpretation

(1) In this Part:

ALRA means the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

community living area means an area of land identified for use as an Aboriginal community living area.

indigenous land use agreement, see section 253 of the *Native Title Act 1993* (Cth).

joint management, of a park or reserve, means management of the park or reserve by the joint management partners.

joint management partners, for a park or reserve, has the meaning in section 25AA(1).

joint management plan, for a park or reserve, means the joint management plan for the park or reserve as amended and in force from time to time under Division 4.

mining interest means:

(a) a mineral title as defined in section 11(1) of the *Mineral Titles Act 2010*; or

(b) a non-compliant existing interest as defined in section 204(1) of the *Mineral Titles Act 2010*.

petroleum interest has the same meaning as in the *Petroleum Act 1984*.

relevant agreements means:

(a) for a scheduled park or reserve – the following leases and agreements entered into in respect of the park or reserve:

(i) the joint management agreement referred to in section 8(d) of the Framework Act;

(ii) any lease referred to in section 8(c) or 10(1)(f) of the Framework Act;

(iii) any indigenous land use agreement referred to in section 8(e) of the Framework Act; and

(b) for a park or reserve for which a joint management agreement has been executed under section 23A(1):

(i) the joint management agreement; and

(ii) any lease and indigenous land use agreement entered into in respect of the park or reserve.

(2) A reference in this Part to the decision making processes of the traditional Aboriginal owners of a park or reserve is a reference to the decision making processes of those owners as described in section 77A(a) and (b) of ALRA.

23 Relationship with other provisions of Act

If there is an inconsistency between a provision of this Part and another provision of this Act, to the extent of the inconsistency, the provision of this Part applies and the other provision does not apply.

Division 1A Joint management agreements

23A Minister may execute joint management agreement

(1) The Minister may execute, on behalf of the Territory, a joint management agreement:

(a) for a park or reserve; or

(b) for a park or reserve and an area of land adjoining the park or reserve.

(2) The terms of the joint management agreement must provide that access to the park or reserve, and any adjoining area of land to which the agreement relates, is to be open to the public without payment of an entry fee.

Division 2 Redeclaration of parks and reserves

24 Minister may redeclare parks and reserves

(1) This section applies to an area of land (a ***relevant area***) declared to be a park or reserve by a section 12 declaration.

(2) If the park or reserve for a relevant area is a scheduled park or reserve, the Minister may, by a single *Gazette* notice:

(a) revoke the declaration, or purported declaration, for the relevant area; and

(b) declare the relevant area to be a park or reserve, provided that:

(i) any part of the relevant area to be used for any of the following purposes may be excluded from the declaration:

(A) public road or road reserve;

(B) other corridor for transport;

(C) supply of a utility;

(D) Aboriginal community living area; and

(ii) any other area of land may be included in the declaration if the other area of land adjoins the relevant area and is either of the following:

(A) the subject of an indigenous land use agreement under which it is agreed the other area of land will be granted to a Land Trust and leased to the Territory for the purposes of a park or reserve;

(B) described as part of the scheduled park or reserve in Schedule 1, Part 5 of ALRA.

(3) If the park or reserve for a relevant area is not a scheduled park or reserve but the joint management partners have executed a joint management agreement for the park or reserve (whether or not the agreement relates to other land adjoining the park or reserve) the Minister may, by a single *Gazette* notice:

(a) revoke the declaration, or purported declaration, for the relevant area; and

(b) declare the relevant area to be a park or reserve, provided that:

(i) any part of the relevant area to be used for any of the following purposes may be excluded from the declaration:

(A) public road or road reserve;

(B) other corridor for transport;

(C) supply of a utility;

(D) Aboriginal community living area; and

(ii) any other area of land to which the joint management agreement relates may be included in the declaration.

(4) The powers under subsections (2) and (3) may be exercised only once in relation to each park or reserve.

(5) A revocation under subsection (2)(a) or (3)(a) has effect as if it were a revocation under section 13.

(6) A declaration under subsection (2)(b) or (3)(b) has effect as if it were the declaration of a park or reserve under section 12.

(7) In this section:

section 12 declaration means a declaration or purported declaration, in force or purportedly in force under section 12 immediately before the commencement of this Part.

utility means communications, electricity, gas or water.

25 Section 12 continues to apply to land in Schedule 5

To remove doubt, section 12 continues to apply in relation to a declaration that an area of land specified in Schedule 5 to the Framework Act is included in a park or reserve specified in Schedule 1 to that Act.

Division 3 Joint management partners, objective and principles

25AA Joint management partners

(1) The joint management partners for a joint management park or reserve are:

(a) the Territory or a body nominated by the Territory as the representative of the Territory; and

(b) the traditional Aboriginal owners of the park or reserve.

(2) The joint management partners are together responsible for the management of the park or reserve.

(3) The joint management partners must perform their functions under this Part in respect of the park or reserve in a manner that:

(a) is consistent with the relevant agreements for the park or reserve; and

(b) achieves the objective stated in section 25AB; and

(c) is in accordance with the principles stated in section 25AC; and

(d) is in accordance with the joint management plan for the park or reserve.

25AB Objective of joint management

The objective of joint management of a joint management park or reserve is to jointly establish an equitable partnership to manage and maintain the park or reserve as part of a comprehensive and

representative system of parks and reserves in the Territory and for the following purposes:

(a) benefiting both the traditional Aboriginal owners of the park or reserve and the wider community;

(b) protecting biological diversity;

(c) serving visitor and community needs for education and enjoyment.

25AC Principles of joint management

The objective is to be achieved by managing the park or reserve in accordance with the following principles:

(a) recognising, valuing and incorporating Aboriginal culture, knowledge and decision making processes;

(b) utilising the combined land management skills and expertise of both joint management partners;

(c) recognising and addressing the need for institutional support and capacity building of the joint management partners;

(d) recognising that community living areas in or in close proximity to parks and reserves are an integral part of the natural and cultural resource management of parks and reserves;

(e) involving continuing statutory responsibilities and functions of the Minister with respect to parks and reserves;

(f) managing parks and reserves may include cooperative management agreements for areas of land outside parks and reserves;

(g) establishing a process for the consideration of applications for mining and petroleum.

Division 4 Joint management plans

25AD Preparation of draft plan

(1) As soon as practicable after a joint management park or reserve has been declared under section 12 or redeclared under section 24, the joint management partners must agree on and together prepare a draft joint management plan for the park or reserve.

(2) After preparing the draft plan, the joint management partners must publish a notice in the *Gazette*:

(a) stating that the draft plan has been prepared;

(b) inviting interested persons to make submissions about the draft plan on or before the specified date, which must be at least one month after the date on which the notice is published;

(c) stating where a copy of the draft plan may be inspected or purchased; and

(d) stating where submissions about the plan may be forwarded.

(3) The joint management partners must consider all submissions received in accordance with the invitation and, as a result, may modify the draft plan as they consider appropriate.

(4) After complying with subsection (3), the joint management partners must forward the draft plan to the Minister.

25AE Contents of draft plan

(1) The draft plan for the park or reserve must be consistent with the following:

(a) the relevant agreements for the park or reserve;

(b) the objective stated in section 25AB;

(c) the principles stated in section 25AC.

(2) The draft plan must contain the following:

(a) a description of the traditional Aboriginal owners of the park or reserve;

(b) practicable ways for those owners to work with local conservation officers, including the establishment of executive and other committees where appropriate to ensure the processes referred to paragraph (c) are adhered to;

(c) processes for the matters listed in subsection (3).

(3) The draft plan must contain processes for the following:

(a) identifying the natural and cultural values of the park or reserve;

(b) managing sites of Aboriginal spiritual or cultural significance in the park or reserve;

(c) identifying visitor management issues and developing agreed procedures for dealing with those issues that reflect the interests of the traditional Aboriginal owners and of the other stakeholders in the park or reserve;

(d) approving the siting of works and facilities in the park or reserve;

(e) identifying management zones in, and management regimes for, the park or reserve;

(f) developing relevant training and employment strategies in relation to the park or reserve;

(g) establishing community living areas in or in close proximity to the park or reserve as an integral part of the natural and cultural resource management of the park or reserve;

(h) dealing with commercial and infrastructure development in the park or reserve, giving preference to the traditional Aboriginal owners of the park or reserve;

(i) resolving disputes about the management of the park or reserve at the local level and by means that are appropriate to the park or reserve;

(j) subject to section 25AJ, providing for hunting and the use of other resources in the park or reserve by the traditional Aboriginal owners in a manner consistent with the effective management of the park or reserve;

(k) considering proposals for the conduct of research in or about the park or reserve;

(l) considering proposals for the expansion of the park or reserve;

(m) dealing with proposals not otherwise dealt with in the draft plan.

25AF Minister to table draft plan in Legislative Assembly

(1) As soon as practicable after receiving the draft plan forwarded under section 25AD, the Minister must table the draft plan in the Legislative Assembly.

(2) Section 19(2) to (5) (inclusive) applies in relation to the draft plan as if:

(a) a reference to a plan of management were a reference to the draft plan;

(b) a reference to the Administrator were a reference to the Minister;

(c) a reference to the Commission were a reference to the joint management partners; and

(d) a reference to section 18 were a reference to sections 25AD and 25AE.

25AG Notice of plan coming into operation

As soon as practicable after a joint management plan comes into operation, the Minister must publish, in the *Gazette* and in the newspapers the Minister considers appropriate, a notice stating:

(a) that the plan has come into operation; and

(b) where copies of the plan may be inspected or purchased.

25AH Amendment or revocation of plan

(1) The joint management partners for a joint management park or reserve may amend the joint management plan for the park or reserve.

(2) Sections 25AD(2) to (4) (inclusive), 25AE, 25AF and 25AG apply in relation to the amendment.

(3) A joint management plan for a joint management park or reserve may be revoked by another joint management plan for the park or reserve, but the revocation does not take effect until that other plan comes into operation.

25AI Compliance with plan

The joint management partners for a joint management park or reserve must manage the park or reserve in accordance with the joint management plan for the park or reserve.

25AJ Limitation of rights under section 122

The joint management plan for a joint management park or reserve may limit the right of Aboriginals to use the park or reserve (whether for hunting, food gathering or ceremonial or religious purposes) as

properly recognised by section 122, but only to the extent necessary and reasonable for environmental or safety reasons.

25AK Management of park or reserve before plan comes into operation

(1) This section applies in relation to the management of a joint management park or reserve before the first joint management plan for the park or reserve comes into operation.

(2) The joint management partners must manage the park or reserve:

(a) on the "business as usual" basis articulated in the core principles agreed between the Northern Land Council, the Central Land Council and the Territory in October 2002 so that the park or reserve can continue to operate normally until the first joint management plan for the park or reserve comes into operation; and

(b) subject to paragraph (a), in the same manner as the Commission (acting with the approval of the Administrator under section 17(5)) would manage another park or reserve under this Act if no plan of management were in force in relation to that other park or reserve.

(3) Despite subsection (2), the joint management partners and the Land Council for the park or reserve may agree on a process to deal with a particular issue, or a particular set of issues, concerning the management of the park or reserve.

Division 4A Use and development of joint management parks and reserves

25AKA Carrying out of certain activities on joint management parks and reserves

(1) Subject to subsection (2), this section has effect despite any law of the Territory.

(2) Nothing in this section prevents the carrying out in a joint management park or reserve or in a wilderness zone that is in a joint management park or reserve of:

(a) the exploration for, or recovery or processing of, minerals under and in accordance with the conditions of a mining interest; or

(b) an activity permitted, or the exercising of a right or power conferred or continued in force, by or under the *Mineral Titles Act 2010*, the *Petroleum Act 1984* or section 18A of the *Petroleum (Submerged Lands) Act 1981* in relation to a mining interest.

(3) Subject to subsection (4), the following activities may not be carried out in a joint management park or reserve except in accordance with the joint management plan for the park or reserve or an authorisation granted under section 25AKB for the park or reserve:

(a) excavation;

(b) erection of a building or other structure;

(c) works;

(d) felling or taking of timber.

(4) If no joint management plan is in force in relation to a joint management park or reserve, subsection (3) does not prevent the Commission from preserving or protecting the park or reserve, protecting or conserving wildlife in the park or reserve, controlling authorised scientific research or protecting persons or property in the park or reserve, provided that the activity is not inconsistent with the relevant agreements for the park or reserve.

(5) A wilderness zone that is in a joint management park or reserve is to be maintained in its natural state and must be used only for purposes specified in the joint management plan relating to the wilderness zone, but this subsection does not prohibit anything done by the Commission in accordance with subsection (6).

(6) Despite subsection (4), the following may only be carried out in a wilderness zone that is in a joint management park or reserve by the Commission in accordance with the joint management plan, the relevant agreements or an authorisation granted under section 25AKB relating to the park or reserve:

(a) excavation;

(b) erection of a building or other structure;

(c) works;

(d) felling or taking of timber;

(e) establishment of tracks;

(f) use of a vehicle, aircraft or vessel.

(7) To avoid doubt, this section is not intended to limit the exercise of the following in a joint management park or reserve:

(a) rights of Aboriginal persons under section 122;

(b) traditional rights to use Aboriginal land as mentioned in section 71 of the ALRA, except to the extent of any limitation imposed in accordance with that Act;

(c) native title rights and interests as defined in section 223 of the *Native Title Act 1993* (Cth), except to the extent of any limitation imposed in accordance with that Act.

25AKB Use and development of land

(1) Subject to subsections (2) and (3), the joint management partners for a joint management park or reserve may authorise the use and development of land in the park or reserve for any of the following purposes:

(a) conservation;

(b) education;

(c) hospitality;

(d) retail;

(e) tourism;

(f) Aboriginal community living area;

(g) any purpose that promotes the protection or presentation of the park or reserve.

(2) The use and development of land may be authorised under this section if there is no joint management plan in force in respect of the land.

(3) If there is a joint management plan in force in respect of the land, the use and development must not be inconsistent with the plan.

(4) The joint management partners for a joint management park or reserve may use and develop land in the park or reserve for a purpose mentioned in subsection (1) without an authorisation if the use or development is not inconsistent with any of the following that are in force for the park or reserve:

(a) the relevant agreements;

(b) the joint management plan;

(c) if there is no joint management plan – any agreement under section 25AK(3).

(5) This section does not give the power to authorise the subdivision of land.

Note for section 25AKB

The use and development of land includes a wide variety of activities, including constructing campgrounds, roads and structures and other activities that alter land.

25AKC Application for authorisation

(1) A person may apply to the joint management partners for a joint management park or reserve for authorisation to use or develop land in the park or reserve for any purpose specified in section 25AKB(1).

(2) The application must be:

(a) in a form approved by the joint management partners; and

(b) accompanied by any fee determined by the joint management partners.

25AKD Factors relevant to authorisation

(1) Before deciding whether to authorise a use or development of land within a joint management park or reserve under section 25AKB, the joint management partners must consider the following:

(a) the objective of joint management mentioned in section 25AB;

(b) the principles of joint management mentioned in section 25AC;

(c) the principles of management mentioned in section 31;

(d) any joint management plan in force in respect of the land;

(e) the views of traditional Aboriginal owners or native title holders within the meaning of the *Native Title Act 1993* of the affected land;

(f) any other matters the joint management partners consider relevant.

(2) The joint management partners must not authorise any use or development of land in a joint management park or reserve that is inconsistent with any joint management plan or any relevant agreements for the park or reserve.

(3) Unless justified in the circumstances, the joint management partners must not authorise a person found guilty of an offence related to the environment, wildlife or the use or development of land within the 5 year period immediately before the person applies for the authorisation.

(4) An authorisation must be in a form approved by the joint management partners.

25AKE Terms and conditions of authorisation

(1) An authorisation under section 25AKB is subject to any terms and conditions specified by the joint management partners for the relevant joint management park or reserve and specified in the authorisation.

(2) It is a condition of an authorisation that the holder of the authorisation and each person employed or otherwise engaged by the holder of the authorisation complies with the authorisation and this Act.

(3) In the event of an inconsistency between this Act and a term or condition specified in an authorisation, the Act prevails.

25AKF Variation of authorisation

(1) The joint management partners for a joint management park or reserve may, by written notice to the holder of an authorisation under section 25AKB, vary a term or condition of the authorisation if the partners consider it appropriate.

(2) The variation may be made on:

(a) the initiative of the joint management partners; or

(b) the application by the holder of the authorisation.

(3) An application under subsection (2)(b) must be in a form approved by the joint management partners.

(4) A variation may add, substitute or delete a term or condition of an authorisation.

(5) A variation of an authorisation takes effect on the later of the following:

(a) the date the notice of the variation is served on the holder of the authorisation;

(b) the date specified in the notice.

25AKG Cancellation of authorisation

(1) The joint management partners for a joint management park or reserve may, by written notice to the holder of an authorisation under section 25AKB, cancel the authorisation if the holder:

(a) fails to pay a fee or royalty required under the authorisation; or

(b) is found guilty of an offence against this Act or a regulation or by-law made under this Act; or

(c) pays a prescribed amount under an infringement notice issued under the regulations or by-laws; or

(d) contravenes any term or condition of the authorisation; or

(e) requests in writing that the authorisation be cancelled.

(2) The cancellation of the authorisation takes effect on the date specified in the notice.

25AKH Transfer of authorisation

(1) The joint management partners for a joint management park or reserve may, by written notice, approve the transfer of an authorisation under section 25AKB.

(2) The holder of an authorisation under section 25AKB may apply to the joint management partners to approve the transfer of the authorisation, in a form approved by the joint management partners.

(3) A transfer of an authorisation takes effect on the later of the following:

(a) the date the notice of the approval is served on the holder of the authorisation;

(b) the date specified for that purpose in the notice.

25AKI Compliance with authorisation

(1) The following persons must not contravene an authorisation under section 25AKB:

(a) the holder of the authorisation;

(b) a person employed or otherwise engaged by the holder of the authorisation to use or develop land in a joint management park or reserve under the authorisation.

Maximum penalty: 50 penalty units.

(2) An offence against subsection (1) is a regulatory offence.

25AKJ Offence of using or developing land on joint management park or reserve

(1) A person must not use or develop land in a joint management park or reserve unless authorised or otherwise permitted to do so under this Act or any by-laws that apply to the park or reserve.

Maximum penalty: 50 penalty units.

(2) An offence against subsection (1) is a regulatory offence.

Division 5 Mining in joint management parks and reserves

25AL Certain provisions of *Mineral Titles Act 2010* and *Petroleum Act 1984* do not apply

Section 73 of the *Mineral Titles Act 2010* and section 15 of the *Petroleum Act 1984* do not apply in relation to the grant of a mining or petroleum interest in a joint management park or reserve.

25AM Mines Minister to consider opinion of joint management partners

(1) Before granting a mining or petroleum interest in a joint management park or reserve, the Mines Minister must request the Parks Minister to obtain the opinion of the joint management partners for the park or reserve about the proposed grant and forward the opinion to the Mines Minister for consideration.

(2) The opinion may include recommendations about conditions for the protection of the environment to which the grant of the interest should be subject.

(3) If:

(a) the Mines Minister decides to grant the interest; and

(b) the opinion considered under subsection (1) includes recommendations about the conditions of the grant as described in subsection (2),

the Mines Minister must grant the interest subject to those conditions:

(c) if it is otherwise within his or her power to do so; and

(d) if satisfied that the conditions are appropriate measures for the protection of the environment.

(4) If the joint management partners do not provide the Parks Minister their opinion within 4 months after being requested to do so, the Mines Minister is not required to consider it.

(5) In this section:

Mines Minister means the Minister for the time being administering the *Mineral Titles Act 2010* or *Petroleum Act 1984* (as the case requires).

Parks Minister means the Minister for the time being administering this Act.

Division 6 Role of Land Councils

25AN Application of Division

(1) This Division applies in relation to:

(a) a park or reserve specified in Schedule 2 or 3 to the Framework Act; and

(b) a park or reserve for which a joint management agreement has been executed under section 23A(1).

(2) However, in regard to a park or reserve referred to in subsection (1)(b), the application of this Division is subject to exclusion or modification by:

(a) the joint management agreement for the park or reserve; and

(b) any indigenous land use agreement applying to the park or reserve.

25AO Functions of Land Councils in relation to parks and reserves

(1) Pursuant to section 23(2) of ALRA, the following functions are conferred on a Land Council:

(a) to ascertain and express the wishes and the opinion of Aboriginals living in its area as to the management of the parks and reserves in that area and as to appropriate legislation concerning those parks and reserves;

(b) to protect the interests of the traditional Aboriginal owners of, and other Aboriginals interested in, those parks and reserves;

(c) to consult with the traditional Aboriginal owners of, and other Aboriginals interested in, those parks and reserves about the use of those parks and reserves;

(d) to negotiate with persons desiring to obtain an estate or interest (including a licence) in any of those parks or reserves on behalf of the traditional Aboriginal owners of that park or reserve and any other Aboriginals interested in that park or reserve;

(e) to supervise, and provide administrative and other assistance to, the Park Land Trusts holding, or established to hold, park freehold title in parks and reserves in its area.

(2) In carrying out its functions under subsection (1) in relation to a park or reserve in its area, a Land Council must have regard to the interests of, and must consult with, the traditional Aboriginal owners of the park or reserve and any other Aboriginals interested in the park or reserve and, in particular, must not take any action (including, but not limited to, the giving or withholding of consent in any matter in connection with the park freehold title held by a Park Land Trust) unless the Land Council is satisfied that:

(a) the traditional Aboriginal owners of the park or reserve understand the nature and purpose of the proposed action and, as a group, consent to it; and

(b) any Aboriginal community or group that may be affected by the proposed action has been consulted and has had adequate opportunity to express its view to the Land Council.

(3) In this section:

area, in relation to a Land Council, has the same meaning as in ALRA.

park freehold title has the same meaning as in the Framework Act.

Park Land Trust has the same meaning as in the Framework Act.

25AP Application of money paid to Land Councils

(1) If a Land Council receives a payment in respect of a park or reserve (including under a lease or licence granted in accordance with the Framework Act), within 6 months after receiving the payment, the Land Council must pay an amount equal to the payment to or for the benefit of the traditional Aboriginal owners of the park or reserve.

(2) Section 35(8) to (11) (inclusive) of ALRA applies (with the necessary changes) to a payment referred to in subsection (1) as if it were a payment referred to in section 35(4) of ALRA.

Division 6A Application of Territory Parks and Wildlife Conservation By-laws 1984

25APA Application of By-laws to joint management parks and reserves

(1) Subject to subsections (2) to (5), the *Territory Parks and Wildlife Conservation By-laws 1984*, as in force from time to time, apply in relation to each joint management park and reserve and are taken to have always applied in relation to each joint management park and reserve, to the extent the By-laws are not inconsistent with a by-law made for a joint management park or reserve under section 25AQ.

(2) In the application of the *Territory Parks and Wildlife Conservation By-laws 1984* in relation to a joint management park or reserve:

(a) a reference to the plan of management for the park or reserve is taken to be a reference to the joint management plan for the park or reserve; and

(b) a reference to an authorisation under section 21A is taken to be a reference to an authorisation under section 25AKB.

(3) The Commission must not grant a permit under the *Territory Parks and Wildlife Conservation By-laws 1984* that authorises the carrying out of trade or commerce or a public event in a joint management park or reserve unless the grant of the permit is:

(a) consistent with the processes for management of the park or reserve under the joint management plan for the park or reserve; or

(b) if there is no joint management plan for the park or reserve – consistent with section 25AK.

Note for subsection (3)(b)

Section 25AK provides for the management of a joint management park or reserve before the first joint management plan for the park or reserve comes into operation and allows the joint management partners and the Land Council for the park or reserve to agree on a process to deal with particular issues concerning the management of the park or reserve.

(4) Despite section 99 and any by-law in the *Territory Parks and Wildlife Conservation By-laws 1984* that relates to reviews of decisions made under those By-laws, a decision made under the By-laws that relates to the issue of or refusal to issue a permit in relation to a joint management park or reserve is not a reviewable decision.

(5) The *Territory Parks and Wildlife Conservation By-laws 1984* cease to have effect in relation to a joint management park or reserve on the earlier of the following:

(a) the day specified in a by-law made for the park or reserve under section 25AQ;

(b) the day prescribed by regulation.

25APB Validation

(1) Anything done or purported to have been done under the *Territory Parks and Wildlife Conservation By-laws 1984* in relation to a joint management park or reserve before the commencement of this Division is taken to be valid and to always have been valid.

(2) Without limiting subsection (1), a thing done or purported to have been done under the *Territory Parks and Wildlife Conservation By-laws 1984* includes the following:

(a) the erection of signage;

(b) the issue or purported issue of a permit, declaration, notice, approval, prohibition, designation or determination by the Commission;

(c) the issue or purported issue of an infringement notice;

(d) the taking or purported taking of any action in relation to an offence committed, or alleged to have been committed, against the By-laws.

Division 7 Miscellaneous

25AQ By-laws

(1) Subject to this section, the joint management partners for a joint management park or reserve may make by-laws for the park or reserve prescribing matters:

(a) required or permitted by this Part or the joint management plan for the park or reserve to be prescribed by by-law; or

(b) necessary or convenient for carrying out or giving effect to the functions and powers of the joint management partners under this Part.

(2) The By-laws must not be inconsistent with any of the following:

(a) this Part;

(b) the relevant agreements for the park or reserve;

(c) the joint management plan for the park or reserve.

(3) Subject to subsection (3A), section 25(2) to (9) (inclusive) of the Nitmiluk Act applies in relation to the By-laws as if:

(a) a reference to the Nitimiluk Park were a reference to the park or reserve;

(b) a reference to by-laws made under the Nitmiluk Act were a reference to by-laws made under this section;

(c) a reference to the plan of management for the Nitmiluk Park were a reference to the joint management plan;

(d) a reference to the Nitmiluk Act were a reference to this Act; and

(e) a reference to the Nitmiluk Park Board were a reference to the joint management partners.

(3A) Despite section 25(2)(zb) of the *Nitmiluk (Katherine Gorge) National Park Act 1989*, the By-laws may, for an offence against the By-laws, provide for the following:

(a) the offence to be a regulatory offence;

(b) the payment of a prescribed amount instead of a penalty that may otherwise be imposed for the offence, the service of a notice relating to payment of the amount on a person alleged to have committed the offence and the particulars to be included in the notice.

(4) A prosecution for an offence against the By-laws cannot be commenced except with the written authority of the joint management partners.

(5) For section 63A(1)(a) of the *Interpretation Act 1978*, it is sufficient if the By-laws are signed by a person authorised by the joint management partners to sign them.

(6) In subsection (3):

Nitmiluk Act means the *Nitmiluk (Katherine Gorge) National Park Act 1989*.

Nitmiluk Park means the Park within the meaning of the Nitmiluk Act.

25AR Lease of park or reserve not a subdivision

A lease entered into in respect of a joint management park or reserve does not create, or have the effect of creating, a subdivision within the meaning of the *Planning Act 1999*.

Part 3A Sanctuaries

25A Sanctuaries

(1) Where, immediately before the commencement of this Act, an area of land was a sanctuary under the *Wildlife Conservation and Control Act 1962*, that area continues to be a sanctuary, but the declaration by this section may be revoked by action taken under this Act.

(2) Subject to section 14, the Administrator may, by notice in the *Gazette*, declare:

(a) any area of unoccupied Crown land in the Northern Territory; or

(b) an area of land held in fee simple by the Corporation or in respect of which the Corporation holds a lease,

to be a sanctuary.

(3) The Commission may, after receiving a report from the Place Names Committee, assign a name to a proposed sanctuary.

25B Notices to be exhibited in sanctuaries

(1) The Director shall ensure that a clear sign, indicating that an area is a sanctuary and including such other terms as are approved by him, is prominently displayed and maintained in good condition at the side of each road entering that sanctuary, at or near the place where it enters that sanctuary.

(2) A person shall not remove, deface or otherwise interfere with a sign displayed under subsection (1).

Maximum penalty: 50 penalty units or imprisonment for 6 months.

25C Persons not to enter sanctuaries

A person other than:

(a) a conservation officer or an honorary conservation officer, exercising his powers or performing his functions under this Act;

(aa) the holder of a mining interest in relation to land in the sanctuary, or his workmen, servants or agents, exercising his or their powers or performing his or their functions in pursuance of the mining interest and in accordance with any conditions to which it is subject;

(b) an officer or employee, within the meaning of the *Public Service Act 1922* of the Commonwealth or the *Public Sector Employment and Management Act 1993*, who is required in the course of his duty to enter a sanctuary; or

(c) a person authorized by the Director to enter a sanctuary,

shall not without lawful excuse enter or remain in a sanctuary.

Maximum penalty: 100 penalty units or imprisonment for 12 months.

25D Firearms and traps prohibited in a sanctuary

Subject to this Act, a person shall not:

(a) take a firearm or trap into a sanctuary; or

(b) have in his possession in a sanctuary a firearm or trap.

Maximum penalty: 100 penalty units or imprisonment for 12 months.

25E Defence against prosecution

It is a defence to a prosecution for an offence against section 25C, 25D or 25G if the defendant proves:

(a) that at the time the offence is alleged to have been committed he was on a public road or was otherwise authorized to be in the sanctuary and that the firearm or trap was not used by him while he was in the area; or

(b) that there was not on the road by which he entered the sanctuary the sign required to be displayed there by section 25B and that he did not know or have cause to suspect that he was on a sanctuary.

25F Persons not to kill in sanctuary

(1) Subject to this Act, a person shall not in a sanctuary take, capture, kill or have in his possession any animal.

Maximum penalty: 100 penalty units or imprisonment for 12 months.

(2) A person shall not fish in freshwater in a sanctuary, or have in his possession a fish that was caught in freshwater in a sanctuary.

Maximum penalty: 100 penalty units or imprisonment for 12 months.

(3) In this section, ***freshwater*** means the water in a lake, lagoon or billabong whether or not it is at any time connected with the sea and water in any stream above the tidal limit.

25G Taking plants on or from sanctuary

Where a sanctuary is declared for the purpose of protecting a class or description of plants, a person who takes a plant of that class or description on or from the sanctuary, except with and in accordance with a permit or licence granted under this Act, is guilty of an offence.

Maximum penalty: 100 penalty units or imprisonment for 12 months.

Part 4 Animals and plants

Division 1 General

26 Application of Part

This Part does not apply to aquatic life within the meaning of the *Fisheries Act 1988* that:

(a) has been caught, taken or harvested under a licence or permit granted under that Act; or

(b) comprises a managed fishery or part of a managed fishery within the meaning of that Act.

27 Exemption from application of Part

The Minister may, by notice in the *Gazette*, declare that this Part or a particular provision of this Part does not apply to or in relation to:

(a) the whole or a specified part of the Territory;

(b) a specified species of animal or plant; or

(c) a specified activity in relation to an animal or plant,

and accordingly this Part or that provision does not apply.

Division 2 Management of wildlife

Subdivision 1 Classification of wildlife

28 Prescribed classifications

(1) The Administrator must prescribe by regulation classifications for classifying the conservation status of wildlife in the Territory.

(2) A regulation prescribing a classification may apply, adopt or incorporate, either wholly or in part, a classification as from time to time prescribed or published by any authority or body (whether or not a Territory authority or body).

29 Classification of wildlife

(1) The Minister must identify the conservation status of each of the species of wildlife in the Territory and apply a classification prescribed under section 28 to each species accordingly.

(2) On classifying wildlife under subsection (1), the Minister must:

(a) give public notice:

(i) of the making of the classification;

(ii) inviting the public to make submissions in respect of the classification not later than 30 days after the date of the notice; and

(iii) stating that copies of the classification are available for inspection or purchase at the offices of the Commission specified in the notice during the business hours of the Commission;

(b) make the classification and a copy of his or her written reasons for classifying the species of wildlife available for inspection or purchase at those offices of the Commission;

(c) consider any submissions made in respect of the classification and review the classification and make the alterations to it, if any, that he or she considers appropriate; and

(d) present the revised classification to the Administrator for approval.

(3) If the Administrator is satisfied that:

(a) subsections (1) and (2) have been complied with; and

(b) a classification of a species of wildlife is appropriate,

the Administrator may in writing approve the classification.

(4) If the Administrator approves the classification of a species:

(a) the Minister must give public notice of the approval; and

(b) the Director must cause copies of the classification to be kept and made available for inspection or purchase by the public at the offices of the Commission during its business hours.

(5) The public notice of the approval must include a statement that copies of the classification are available for inspection or purchase at the offices of the Commission during the business hours of the Commission.

(6) A classification of a species has effect on and from the day the Minister gives public notice of its approval under subsection (4)(a).

(7) The classification of a species under this section may be varied and, for the purpose of varying a classification of a species, a reference in this section to:

(a) classifying a species includes a reference to varying a classification of a species; and

(b) a classification of a species includes a reference to a variation of a classification of a species.

30 Threatened wildlife

(1) The Minister must, by notice in the *Gazette*, identify by classification or species the wildlife that is threatened wildlife.

(2) The reference in subsection (1) to a classification is to be read as a reference to a classification as in force from time to time.

Subdivision 2 Principles of management

31 Principles of management

(1) The management of wildlife under this Act is to be carried out in a manner that promotes:

(a) the survival of wildlife in its natural habitat;

(b) the conservation of biological diversity within the Territory;

(c) the management of identified areas of habitat, vegetation, ecosystem or landscape to ensure the survival of populations of wildlife within those areas;

(d) the control or prohibition of:

(i) the introduction or release of prohibited entrants into the Territory; and

(ii) any other act, omission or thing that adversely affects, or will or is likely to adversely affect, the capacity of wildlife to sustain its natural processes; and

(e) the sustainable use of wildlife and its habitat.

(2) Species of wildlife are to be managed in a manner that:

(a) accords with their classification under section 29; and

(b) in the case of threatened wildlife – maintains or increases their population and the extent of their distribution within the Territory at or to a sustainable level (which may include breeding in captivity).

(3) Feral animals are to be managed in a manner that:

(a) reduces their population and the extent of their distribution within the Territory; and

(b) controls any detrimental effect they have on wildlife and the land.

Subdivision 3 Management programs

32 Management programs

(1) The Commission may formulate and implement or co-operate with the Commonwealth or a State or another Territory of the Commonwealth or with an authority of the Commonwealth or of a State or another Territory of the Commonwealth in formulating and implementing:

(a) wildlife management programs for the protection, conservation, sustainable use, control and management of wildlife;

(b) management programs for the control and management of feral animals; or

(c) management programs for the prohibition, control and management of prohibited entrants.

(2) In formulating and implementing a wildlife management program referred to in subsection (1)(a), the Commission must take into account:

(a) the classification of the wildlife under section 29 to which the program relates;

(b) the habitat of the wildlife to which the program relates;

(c) the extent to which parks and reserves (including parks and reserves established under a law of the Commonwealth or a State or Territory of the Commonwealth) assist in the conservation of the wildlife to which the program relates;

(d) the population of the wildlife to which the program relates and the causes of any known increases or decreases in the population;

(e) any known response by the wildlife to which the program relates to any action taken for the purpose of the protection, conservation, control, sustainable use or management of the wildlife; and

(f) the obligations of the Commonwealth under international treaties and agreements relating to the protection and conservation of wildlife,

and is to provide for a review of the program to be undertaken at appropriate intervals.

(3) The matters that a management program referred to in subsection (1)(b) is to provide for include:

(a) assessment and analysis of the population and distribution of the feral animal within the Territory;

(b) examination of the habitat of the feral animal within the Territory;

(c) evaluation of the impact the feral animal has on wildlife and its habitat and on ecosystems, vegetation and the landscape in general;

(d) control of the population and distribution of the feral animal within the Territory;

(e) assessment of whether the survival of the feral animal in its natural habitat is threatened and, if so, whether its protection and survival in the Territory would assist its conservation; and

(f) review of the program at appropriate intervals.

(4) The matters that a management program referred to in subsection (1)(c) is to provide for include:

(a) assessment of whether the survival of a prohibited entrant in its natural habitat is threatened and, if so, whether its protection and survival in the Territory would assist its conservation;

(b) evaluation of the actual and potential threat the prohibited entrant poses to wildlife, habitats, ecosystems, vegetation and the landscape; and

(c) review of the program at appropriate intervals.

33 Management program may refer to co-operative management agreement etc.

A management program may provide for, apply to or refer to a co-operative management agreement, an area of essential habitat or an agreement under section 73 or 74.

34 Administrator to approve management program

(1) If the Commission formulates a management program, the Director must submit the management program to the Administrator for approval.

(2) The Administrator may in writing approve a management program that has been submitted to him or her.

(3) The Director must, within 14 days after the Administrator approves a management program, give public notice of the approval and a description of the details of the management program.

(4) The Commission must not implement a management program unless the Administrator has approved it.

Subdivision 4 Co-operative management agreements

35 Commission may make co-operative management agreements for management of wildlife etc.

The Commission may negotiate and enter into agreements to implement co-operative schemes for:

(a) the protection, conservation, sustainable use, control and management of wildlife;

(b) the control and management of feral animals;

(c) the prohibition, control and management of prohibited entrants; or

(d) the management, preservation, maintenance or care of areas of habitat, ecosystem, vegetation, or landscape,

in accordance with a management program.

36 Certain provisions of co-operative management agreements

(1) A co-operative management agreement may provide for:

(a) if the Minister gives his or her written approval – the provision of financial or other assistance by the Territory or the Commission for the purpose of achieving an objective of the agreement; or

(b) further agreements to be made between the persons who have entered into the co-operative management agreement for the purpose of achieving the objectives of the co-operative management agreement.

(2) A co-operative management agreement:

(a) is to refer to a management program; and

(b) may relate to an area of essential habitat.

Subdivision 5 Areas of essential habitat

37 Declaration of area of essential habitat

(1) Subject to section 38, if there is an area of land that, on its own or together with another area of land or other areas of land, is a habitat that is essential for the survival in that area or those areas of wildlife generally or a species of wildlife, the Administrator may, by notice in the *Gazette*, declare the area to be an area of essential habitat.

(2) The Administrator must not make a declaration under subsection (1) unless:

(a) he or she is satisfied that the Director has consulted with the owner and, if not the same person, the occupier of the land and any other person who, in the opinion of the Director, has an interest that is likely to be adversely affected by the declaration; and

(b) the Minister recommends the making of the declaration under section 38(3)(a).

(3) Despite subsection (1), if, in the opinion of the Minister, there is an area of land in which there is a species of wildlife that is likely to become extinct if not immediately protected, the Minister may, by notice in the *Gazette*, declare the area to be an area of essential habitat.

(4) The area of land referred to in subsection (1) or (3) may be:

(a) land that has been alienated from the Crown, including Aboriginal land but not including other freehold land; or

(b) land that is reserved or dedicated under a law in force in the Territory.

(5) In a declaration under this section, the Administrator or Minister, as the case may be, must:

(a) describe the area of land declared to be an area of essential habitat;

(b) specify the wildlife to which the declaration relates;

(c) give the reasons for making the declaration;

(d) give details of the proposed management of the area the subject of the declaration, including specification of the objectives of making the declaration and any management programs, co-operative management programs and by-laws made under section 71 that apply to the land; and

(e) state that the land the subject of the declaration is to be used and enjoyed in a manner that is consistent with the objectives of the declaration.

(6) In a declaration under this section, the Administrator or the Minister, as the case may be, may specify:

(a) an article, thing, animal or plant that may not be taken into or out of the area of essential habitat the subject of the declaration; or

(b) the activities that may not be carried out in the area of essential habitat the subject of the declaration,

unless authorised in writing by the Director.

(7) The land the subject of a declaration under this section is to be used and enjoyed in a manner that is consistent with the declaration.

38 Submissions regarding declaration of area of essential habitat

(1) Before the Administrator makes a declaration under section 37(1) and on the making by the Minister of a declaration under section 37(3), the Minister must invite written submissions in respect of the declaration from:

(a) the owner and, if not the same person, the occupier of the land that is or is proposed to be the subject of the declaration and any other person who, in the opinion of the Director, has an interest that is likely to be adversely affected by the declaration by serving a written notice on each of those persons; and

(b) any other interested person by giving public notice.

(2) Notice under subsection (1) is to:

(a) include a description of the terms of the declaration; and

(b) specify the date not more than 28 days after the date of the notice by which submissions are to be received by the Minister.

(3) The Minister must consider each submission made to the Minister under this section and any other matter that comes to his or her attention in relation to the declaration and may:

(a) if the declaration is proposed to be made under section 37(1) – make the recommendation he or she thinks appropriate to the Administrator in relation to the making of the declaration or refuse to recommend the making of the declaration; or

(b) if the Minister made the declaration under section 37(3) – vary (including by the imposition of conditions) or revoke the declaration as he or she thinks appropriate.

39 Notification of declaration of area of essential habitat

The Director must, not later than 7 days after the date a declaration of an area of essential habitat is made under section 37 or the date the Minister varies or revokes a declaration under section 38(3)(b):

(a) serve written notice of the making or variation of the declaration and its terms or the revocation of the declaration on the persons on whom written notice was served under section 38(1)(a); and

(b) give public notice of the making or variation of the declaration and its terms or the revocation of the declaration.

40 Notices to be exhibited in area of essential habitat

(1) The Director must erect and maintain in good condition a sign:

(a) at the points of entry into and exit from an area of essential habitat; and

(b) otherwise in the vicinity of the area of essential habitat,

as he or she considers appropriate to notify a person travelling into, from or in the vicinity of the area that it is an area of essential habitat.

(2) A sign under subsection (1) is to:

(a) clearly indicate that a person reading it is entering, leaving or in the vicinity of an area of essential habitat (as the case may be);

(b) specify:

(i) the articles, things, animals or plants that may not be taken into the area of essential habitat; and

(ii) the activities that may not be carried out in the area of essential habitat,

without the written authority of the Director;

(c) generally indicate, by diagram or otherwise, the boundaries of the area; and

(d) be erected in such a manner that the words and diagrams on the sign are clearly visible to a person travelling past the sign.

(3) A person must not remove, deface or otherwise interfere with a sign displayed under subsection (1).

Maximum penalty: 50 penalty units or imprisonment for 6 months.

41 Notification of area of essential habitat on title

Where a declaration of an area of essential habitat has the effect of imposing a restriction on the use and enjoyment of land, the declaration is a restriction for the purposes of section 35 of the *Land Title Act 2000*.

42 Conservation officer may carry out certain work

(1) A conservation officer may carry out the work in an area of essential habitat that the Director considers necessary to attain the objectives of the declaration of the area of essential habitat.

(2) The conservation officer may, after giving the person in lawful occupation of land in the area of essential habitat reasonable notice of his or her intention to do so, enter the land with the assistance, plant, machinery and equipment as the Director considers appropriate to carry out the work.

(3) The Commission is liable to pay reasonable compensation for any damage or loss suffered in consequence of work being done under this section.

Division 3 Protected wildlife

43 Protected wildlife

(1) All wildlife that:

(a) is in a park, reserve, sanctuary, wilderness zone or area of essential habitat; or

(b) is a vertebrate that is indigenous to Australia,

is protected wildlife.

(2) The Regulations may prescribe species of wildlife that are protected wildlife.

(3) Despite subsections (1) and (2), the Minister may, in relation to the whole or a specified part of the Territory, declare by notice in the *Gazette* that a species of wildlife is protected wildlife.

(4) Protected wildlife is protected wildlife whether or not the property in the wildlife is vested in the Territory.

44 Lawful dealings with certain protected wildlife

(1) The Minister may, by notice in the *Gazette*, declare that it is lawful to keep or bring into, release in or take out of the Territory, including for a commercial purpose, animals of a specified animal species of protected wildlife without being granted a permit to do so.

(2) A declaration under subsection (1) is to specify the conditions that apply, if any, to the keeping or bringing into, releasing in or taking out of the Territory of the animals.

45 Killing of protected wildlife

(1) Subject to subsection (3), the Minister may, by notice in the *Gazette*, declare that it is lawful to kill animals of a specified species of protected wildlife.

(2) A declaration under subsection (1) is to specify the conditions that apply to or in relation to the killing of the animals, including:

(a) the period during which and the times when the animals may be killed;

(b) the areas within which the animals may be killed;

(c) the type of equipment that is to be used to kill the animals;

(d) the maximum number of animals that a person may kill;

(e) the maximum number or amount of dead animals or parts of dead animals a person may have in his or her possession or under his or her control; and

(f) that, notwithstanding the declaration, a person wishing to kill the animals cannot do so unless he or she has been granted a permit to do so or is a nominee under a permit granted to another person to do so.

(3) The Minister may not exercise his or her power under subsection (1) to authorise:

(a) the killing of animals located in a park, reserve, sanctuary or wilderness zone; or

(b) the killing of animals for commercial purposes.

45A Taking or interfering with protected wildlife under prescribed statutory approval

A person who holds a statutory approval prescribed by regulation for this section is, for this Act, authorised to take or interfere with protected wildlife to the extent necessary to carry out an action permitted under the statutory approval.

46 Director may require person to give up protected wildlife

(1) The Director may, by notice in writing served on:

(a) a person who is or was the holder of a permit;

(b) a person who is or was a nominee under a permit; or

(c) a person who is or was otherwise authorised under this Act to deal with wildlife,

require the person to give to the Director protected wildlife that is in the possession or under the control of the person by virtue of the permit or other authorisation.

(2) The person must comply with the notice.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

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

(4) If the Director receives protected wildlife because of a notice served under subsection (1), the Director must pay just compensation for the wildlife to the person on whom the notice was served.

Division 4 Feral animals

47 Declaration of feral animals

(1) The Minister may, by notice in the *Gazette*, declare a species of animal:

(a) that is not indigenous to Australia or, if it is indigenous to Australia, its natural habitat is not in the Territory;

(b) that, since its introduction into Australia or the Territory, has spread from the site of its introduction and established itself within Australia or the Territory; and

(c) whose population or presence in a particular area in the Territory is not able to be easily controlled,

to be a feral animal.

(2) The declaration may be made in relation to the whole or a specified part of the Territory.

48 Feral animal control areas

If, in the Minister's opinion, wildlife or an area of habitat, ecosystem, vegetation or landscape is or soon will be threatened by the presence of a feral animal, the Minister may declare an area of land in respect of the wildlife, habitat, ecosystem, vegetation or landscape to be a feral animal control area.

49 Notice to owner etc. to eradicate feral animals

(1) The Director may, by notice in writing, require the owner or occupier of land in a feral animal control area to undertake the measures specified in the notice for the control or eradication of a feral animal on the land.

(2) A person on whom a notice is served under subsection (1) must take all reasonable steps to comply with the terms of the notice.

Maximum penalty: 50 penalty units or imprisonment for 6 months and, in addition, 5 penalty units for each day during which the offence continues after the first day on which the offence is committed.

50 Commission may provide materials etc.

If the Director serves a notice on a person under section 49, he or she may provide without expense to that person:

(a) the materials or equipment necessary to carry out the measures specified in the notice; or

(b) other assistance, by way of labour or otherwise, that the Director considers necessary or desirable for the control or eradication of the feral animal.

51 Conservation officer may enter and do work

(1) A conservation officer may, with the assistance the Director considers appropriate, enter a feral animal control area at any time and do anything necessary or expedient for the investigation, control or eradication of a feral animal in the area.

(2) If the conservation officer or a person assisting the conservation officer, in doing a thing for the investigation, control or eradication of a feral animal in pursuance of subsection (1), causes damage to the land, crops, buildings, fences or other improvements on the land, the owner or occupier of the land is entitled to be compensated for that damage unless:

(a) the damage was caused without negligence on the part of the conservation officer or person; and

(b) the owner or occupier was required by a notice under section 49 to undertake measures for the control or eradication of the feral animal and has failed to do so.

Division 5 Prohibited entrants

52 Non-indigenous vertebrates are prohibited entrants

Animals of a species of animal that:

(a) is a vertebrate; and

(b) is not indigenous to the Territory,

are prohibited entrants unless prescribed not to be prohibited entrants by the Regulations.

53 Declaration of prohibited entrants

(1) The Minister may, by notice in the *Gazette*, declare:

(a) a species of animal that is not a vertebrate and is not indigenous to the Territory; or

(b) a species of plant that is not indigenous to the Territory,

to be a prohibited entrant.

(2) The declaration may be in relation to the whole or a part of the Territory.

54 Prohibited entrants that escape or are liberated

(1) If an animal:

(a) escapes from the possession of or from being under the control of a person; or

(b) is released or permitted to escape,

in a place where it is a prohibited entrant, immediately on that escape or liberation, the animal is to be taken to be a feral animal and Division 4 applies in respect of the animal accordingly.

(2) Despite Division 4, if a prohibited entrant has escaped or been released, a conservation officer may, with the assistance the Director thinks appropriate, enter land where the Director believes the prohibited entrant is or might be to:

(a) investigate whether the feral animal is present on the land and the threat it poses or is likely to pose to a habitat, ecosystem, vegetation or landscape on the land; or

(b) take immediate action to eradicate the prohibited entrant.

(3) If the conservation officer or a person assisting the conservation officer enters on to land in pursuance of subsection (2) and causes damage to the land, crops, buildings, fences or other improvements on the land, the owner or occupier of the land is entitled to be compensated for that damage unless the damage was caused without negligence on the part of the conservation officer or person.

Division 6 Permits

55 Application for permit

(1) A person may apply to the Director for a permit authorising the person and the person's nominees (if any) specified in the application to:

(a) take or interfere with protected wildlife;

(b) take or interfere with wildlife for commercial purposes;

(c) subject to a declaration under section 44, keep protected wildlife;

(d) subject to a declaration under section 44, bring protected wildlife into, release protected wildlife in or take protected wildlife out of the Territory; or

(e) bring prohibited entrants into, keep prohibited entrants in or take prohibited entrants out of the Territory.

(2) An application under subsection (1) must be:

(a) in a form approved by the Director; and

(b) accompanied by the prescribed fee and the prescribed information, if any.

56 Grant or refusal to grant permit

(1) Subject to this Part, the Director may grant or refuse to grant a permit having considered and taken into account:

(a) the classification of wildlife under section 29;

(b) the principles of management set out in section 31;

(c) all relevant management programs, co-operative management agreements, declarations of areas of essential habitat and agreements under sections 73 and 74;

(d) the likely effect (and in particular any detrimental impact) of the issue of a permit on the continued survival of wildlife, habitats, vegetation and ecosystems and on the landscape and the environment generally;

(e) in the case of a permit relating to prohibited entrants – matters relating to the retrieval, capture, disposal or destruction of an escaped prohibited entrant;

(f) the welfare of the animal or animals to which the permit relates;

(g) the protection of the safety and welfare of the public; and

(h) any prescribed matters.

(2) The Director must not grant a permit authorising:

(a) an activity that is inconsistent with the objectives of a management program; or

(b) unless the Minister gives his or her written approval to do so – the taking or interference with wildlife that is threatened wildlife.

(3) The Director must not grant a permit to a person if the person or a nominee specified by the person in the application has been found guilty of an offence against this Act or that otherwise relates to wildlife within the 5 year period immediately before the person applies for the permit.

(4) A permit is to be in a form approved by the Director and, if the permit is granted to a person and his or her nominees, is to specify the nominees.

57 Terms and conditions of permits

(1) A permit is subject to:

(a) the prescribed terms and conditions; and

(b) the conditions imposed by the Director providing for all or any of the following:

(i) the manner in which an animal or plant may be taken or otherwise interfered with under the permit;

(ii) the manner in which an animal or plant is to be kept or transported under the permit;

(iii) the maximum number or amount of an animal or plant, or part of an animal or plant, to which the permit relates;

(iv) the species, sex, age, size, location of the animal or plant to which the permit relates;

(v) the marketing of the animal or plant, or a derivative or product of an animal or plant, to which the permit relates, including the labelling or applying of markings to the animal, plant, derivative or product;

(vi) the furnishing to the Director of returns and reports;

(vii) the period or periods of time during which, or the hours each day when, the permit is in force and the date of expiration of the permit;

(viii) the welfare of animals;

(ix) the protection of the safety and welfare of the public;

(x) in the case of a permit relating to a prohibited entrant – the retrieval, capture, disposal or destruction of the prohibited entrant if it escapes or is liberated and the indemnification of the Territory against any costs or expenses incurred by the Territory because of the prohibited entrant;

(xi) if the holder of the permit or a nominee under the permit will employ or otherwise engage one or more persons to carry out activities under the permit for or on behalf of him or her – the authorisation of those persons;

(xii) any prescribed matters.

(2) It is a condition of a permit that, where the holder of the permit or a person who carries out activities under the permit for and on behalf of the holder of the permit is carrying out an activity authorised by the permit, the holder or the person must:

(a) have the permit or a duplicate of the permit issued under section 61 in his or her possession; and

(b) if required by a conservation officer or an honorary conservation officer to do so – show the permit or duplicate of the permit to the officer.

(3) It is a condition of a permit that the holder of the permit, each nominee under the permit and each person employed or otherwise engaged by the holder of the permit or a nominee under the permit to carry out activities under the permit must comply with the permit and this Act.

(4) A permit authorising the taking of wildlife for commercial purposes is subject to the condition that, if the property in the wildlife is vested in the Territory, the holder of the permit is to pay the royalties (if any) assessed in accordance with section 116 in respect of the wildlife.

(5) In the event of an inconsistency arising between a term or condition of a permit prescribed by this Act and a term or condition of a permit imposed by the Director, the prescribed term or condition prevails.

58 Variation of permit

(1) If, in the opinion of the Director it is appropriate:

(a) on account of the classification of wildlife under section 29, the principles of management specified in section 31, a management program, the declaration of an area of essential habitat, an agreement under section 73 or 74 or a change in the circumstances in relation to the survival, conservation or protection of wildlife or the environment generally; or

(b) for the purposes of the welfare of an animal or the safety and welfare of the public,

the Director may:

(c) on his or her own initiative; or

(d) on the application of the holder of a permit to the Director,

by notice in writing served on the holder of the permit, vary a term or condition of the permit.

(2) An application under subsection (1)(d) is to be in a form approved by the Director.

(3) A permit may be varied by the addition, substitution or deletion of a term or condition.

(4) A variation of a permit takes effect on:

(a) the date the notice of the variation is served on the holder of the permit; or

(b) the date specified for that purpose in the notice,

whichever occurs last.

59 Cancellation of permits

(1) If:

(a) the holder of a permit:

(i) fails to pay fees or royalties required to be paid under the permit;

(ii) is found guilty of an offence against this Act or that otherwise relates to wildlife;

(iii) has paid a sum in pursuance of a notice of infringement issued under this Act; or

(iv) is in breach of any other term or condition of the permit;

(b) a nominee under a permit:

(i) is found guilty of an offence against this Act or that otherwise relates to wildlife; or

(ii) is in breach of a term or condition of the permit;

(c) information becomes available that indicates a new threat to, or any other new circumstance in relation to, the survival of wildlife, habitats, vegetation, ecosystems, the landscape or the environment generally (whether or not that will or has caused the classification of the wildlife to be varied) to which the permit relates; or

(d) the holder of a permit requests in writing that the permit be cancelled,

the Director may, by notice in writing served on the holder of a permit, cancel a permit.

(2) The cancellation of a permit takes effect on the date of cancellation specified in the notice.

(3) A person whose permit is cancelled under subsection (1)(a) is not eligible to apply for and be granted a permit until the expiry of 5 years after the date of the notice of cancellation.

60 Permit holder requires permission to enter land

The grant of a permit does not authorise:

(a) the holder of the permit;

(b) a nominee under the permit; or

(c) a person employed or otherwise engaged by the holder of the permit or a nominee under the permit to carry out activities under the permit,

to enter onto land to carry out the activities authorised by the permit without the consent of the owner or the occupier of the land or, in the case of unalienated Crown land, the Minister responsible for the administration of the *Crown Lands Act 1992*.

61 Duplicate permits

(1) On granting a permit, the Director may issue a duplicate of the permit for:

(a) each nominee under the permit; and

(b) each person who will be employed or otherwise engaged by the holder of the permit or a nominee under the permit to carry out activities under the permit.

(2) A duplicate permit is to be in a form approved by the Director.

62 Permit holder is owner of wildlife taken under permit

If wildlife is taken by a person under a permit, the wildlife becomes the property of the holder of the permit and, subject to any lawful agreement or other lawful arrangement the holder has entered into that affects his or her rights and interests in the wildlife, the holder may lawfully deal with that wildlife as its owner.

63 Permits not transferable

A permit is not transferable.

Division 8 Offences

66 Offences relating to protected wildlife

(1) A person must not take or interfere with protected wildlife unless the person is authorised to do so under this Act.

Maximum penalty: In the case of protected wildlife other than threatened wildlife:

(a) if the offender is a natural person – 500 penalty units or imprisonment for 5 years; or

(b) if the offender is a body corporate – 2,500 penalty units.

In the case of threatened wildlife:

(a) if the offender is a natural person – 1,000 penalty units or imprisonment for 10 years; or

(b) if the offender is a body corporate – 5,000 penalty units.

(2) A person must not have in his or her possession or under his or her control an animal that is protected wildlife unless the person is authorised to do so under this Act.

Maximum penalty: In the case of protected wildlife other than threatened wildlife:

(a) if the offender is a natural person – 500 penalty units or imprisonment for 5 years; or

(b) if the offender is a body corporate – 2,500 penalty units.

In the case of threatened wildlife:

(a) if the offender is a natural person – 1,000 penalty units or imprisonment for 10 years; or

(b) if the offender is a body corporate – 5,000 penalty units.

(3) A person must not bring protected wildlife into, release protected wildlife in or take protected wildlife out of the Territory unless the person is authorised to do so under this Act.

Maximum penalty: In the case of protected wildlife other than threatened wildlife:

(a) if the offender is a natural person – 500 penalty units or imprisonment for 5 years; or

(b) if the offender is a body corporate – 2,500 penalty units.

In the case of threatened wildlife:

(a) if the offender is a natural person – 1,000 penalty units or imprisonment for 10 years; or

(b) if the offender is a body corporate – 5,000 penalty units.

(4) It is a defence to a prosecution against subsection (1) if the defendant proves that the contravention or failure to comply that constitutes the offence occurred as a result of the defendant's reasonable use and enjoyment of the land where the wildlife was located and was not the result of negligence on the part of the defendant.

67 Offence relating to unprotected wildlife

A person must not take or interfere with unprotected wildlife for commercial purposes unless the person is authorised to do so under this Act.

Maximum penalty: In the case of a natural person – 500 penalty units or imprisonment for 5 years.

In the case of a body corporate – 2,500 penalty units.

67A Offence relating to feral animals

A person must not release a feral animal in the Territory.

Maximum penalty: In the case of a natural person –
100 penalty units or imprisonment for 12 months.

In the case of a body corporate –
500 penalty units.

67B Offences relating to prohibited entrants

A person must not:

(a) bring a prohibited entrant into the Territory;

(b) have a prohibited entrant in his or her possession or under his or her control;

(c) release a prohibited entrant in the Territory; or

(d) take a prohibited entrant out of the Territory,

unless the person is authorised to do so under this Act.

Maximum penalty: In the case of a natural person –
100 penalty units or imprisonment for 12 months.

In the case of a body corporate –
500 penalty units.

67C Offences relating to areas of essential habitat

(1) A person must not, either directly or indirectly, alter, damage or destroy an area or part of an area of essential habitat unless the person is authorised to do so under this Act.

Maximum penalty: In the case of a natural person –
500 penalty units or imprisonment for 5 years.

In the case of a body corporate –
2,500 penalty units.

(2) A person must not take, interfere with or remove wildlife in or from an area of essential habitat unless the person is authorised to do so under this Act.

Maximum penalty: In the case of a natural person – 500 penalty units or imprisonment for 5 years.

In the case of a body corporate – 2,500 penalty units.

(3) A person must not, without being authorised to do so under this Act, have in his or her possession or under his or her control, or use, in a part of an area of essential habitat that is not a public or private road:

(a) an article, thing, animal or plant specified in a declaration under section 37(6) as an article, thing or wildlife that may not be taken into an area of essential habitat without the written authority of the Director; or

(b) any other article or thing that is:

(i) a kind of weapon that discharges a projectile; or

(ii) a kind of trap.

Maximum penalty: In the case of a natural person – 50 penalty units or imprisonment for 6 months.

In the case of a body corporate – 250 penalty units.

67D Compliance with permit

(1) The following persons must not contravene or fail to comply with a permit:

(a) the holder of the permit;

(b) a nominee under the permit;

(c) a person employed or otherwise engaged by the holder of the permit or a nominee under the permit to carry out activities under the permit.

Maximum penalty: In the case of a natural person – 50 penalty units or imprisonment for 6 months.

In the case of a body corporate – 250 penalty units.

(2) An offence against subsection (1) is a regulatory offence.

67E Offence relating to crocodile traps

(1) A person must not interfere with or damage a crocodile trap owned by the Territory or the Commission.

Maximum penalty: 50 penalty units or 6 months imprisonment.

(2) An offence against subsection (1) is a regulatory offence.

(3) Subsection (1) does not apply if the person is authorised by the Director to interfere with or damage the crocodile trap.

(4) In this section:

crocodile trap means a trap designed for catching crocodiles, whether in use or not.

interfere with includes the following:

(a) touch;

(b) stand on;

(c) enter;

(d) move;

(e) otherwise disturb.

Part 6 The Territory Parks and Wildlife Commission

68 Commission may authorize display of traffic signs

(1) Subject to subsection (2), the Commission may authorize the display of traffic signs in parks and on reserves for the purposes of:

(a) regulating the speed of vehicles along roads and in public places in parks and on reserves;

(b) regulating or prohibiting the parking or standing of vehicles on roads and in public places in parks and on reserves; or

(c) otherwise regulating or prohibiting traffic on roads and in public places in parks and on reserves.

(2) The Commission 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.

69 Drivers must comply with traffic signs

(1) A driver of a motor vehicle shall not contravene a direction given by a traffic sign that is displayed by authority of the Commission except in accordance with a direction given by a person acting with the authority of the Commission.

Maximum penalty: 5 penalty units.

(2) An offence against subsection (1) is a regulatory offence.

70 Traffic signs deemed to be lawfully displayed

In a prosecution for an offence under section 69, evidence that a traffic sign was displayed is evidence that it was displayed by an authority of the Commission.

71 By-laws

(1) Subject to subsection (1A), the Commission may make by-laws, not inconsistent with this Act or the regulations, prescribing all matters required or permitted by this Act to be prescribed by by-laws or necessary or convenient to be so prescribed for carrying out or giving effect to the functions and powers of the Commission.

(1A) The Commission shall not make a by-law under this section relating to operations for the recovery or processing of minerals in a park or reserve or a sanctuary, other than fossicking, and no by-laws made by the Commission shall be construed so as to limit the rights or activities of the holder of a mining interest, or his workmen, servants or agents, in relation to land comprising the whole or a part of a park or reserve or sanctuary in pursuance of that mining interest.

(2) Without limiting the generality of subsection (1) but subject to subsection (1A), by-laws may be made:

(a) providing for the prohibition or the regulation of fishing in parks or on reserves or part of parks or reserves;

(b) providing for the prohibition of the use of firearms in parks or on reserves or part of parks or reserves;

(c) providing for the prohibition of the setting of traps in parks or on reserves or part of parks or reserves;

(d) providing for the requiring of persons, upon entering parks or reserves, to declare all items of fishing equipment, firearms, ammunition and traps in their possession;

(e) providing for the prohibition or the regulation of the carrying of fishing equipment, firearms, ammunition and traps in parks or on reserves or part of parks or reserves;

(f) providing for the seizing of fishing equipment, firearms, ammunition and traps reasonably suspected of being carried or used in contravention of a by-law;

(g) regulating or prohibiting the pollution of water in a manner harmful to wildlife in parks, reserves or wilderness areas;

(h) providing for the protection and preservation of parks and reserves and property and things in parks and reserves;

(i) providing opening times and closing times for parks and reserves;

(j) regulating or prohibiting access to the whole or part of a park or reserve by persons or classes of persons;

(k) providing for the removal from parks and reserves of persons who are believed on reasonable grounds to be trespassers or to have contravened or failed to comply with this Act or a by-law;

(l) regulating or prohibiting camping in parks and reserves;

(m) providing for the safety of persons in parks and reserves;

(n) regulating or prohibiting the use of fire in parks and reserves;

(o) regulating the conduct of persons in parks and reserves;

(p) providing for the prevention or control of nuisances in parks and reserves and of the fouling of water in parks and reserves;

(q) regulating or prohibiting the carrying on of any trade or commerce in a park or reserve;

(r) providing for fees and charges to be imposed by the Commission upon persons entering, camping in or using a park or reserve or part of a park or reserve or using services or facilities provided by the Commission in or in connection with a park or reserve;

(s) regulating or prohibiting the use of vehicles in parks and reserves and providing for signs and road markings for those purposes;

(t) regulating or prohibiting, and providing for the imposition and collection of charges for:

(i) the parking or stopping of vehicles;

(ii) the mooring of vessels;

(iii) the landing of aircraft; and

(iv) the use of vehicles and vessels, in parks and reserves;

(u) providing for the removal of vehicles, aircraft or vessels from places in parks and reserves where they have been left in contravention of the by-laws or have been abandoned and for the impounding of such vehicles, aircraft or vessels;

(v) making provision to the effect that, where a contravention of a provision of the by-laws relating to the parking or stopping of vehicles in a park or reserve occurs in respect of a motor vehicle, the person who is to be regarded as the owner of the motor vehicle for the purposes of the by-laws (who may, in accordance with the by-laws, be or include a person in whose name the motor vehicle is registered under the law of the Territory) is to be, except as provided otherwise, deemed to have committed an offence against the provision so contravened, whether or not he in fact contravened that provision;

(x) regulating or prohibiting the use of vessels in, and the passage of vessels through, parks and reserves and the landing and use of aircraft in, and the flying of aircraft over, parks and reserves;

(y) regulating or prohibiting the taking of animals or plants into, or out of, parks and reserves and providing for the control of animals in parks and reserves;

(z) providing for the impounding, removal, destruction or disposal of animals found straying in parks and reserves;

(za) regulating or prohibiting the taking into parks and reserves, and the use in parks and reserves, of weapons, traps, nets, snares, fishing apparatus and other devices;

(zb) regulating or prohibiting the laying of baits and the use of explosives and poisons in parks and reserves;

(zc) providing for the collection of specimens and the pursuit of research in parks and reserves for scientific purposes;

(zca) providing for fossicking in parks and reserves; and

(zd) providing for any matter incidental to or connected with any of the foregoing.

(3) A provision of the by-laws regulating or prohibiting the flying of aircraft over a park or reserve does not have any force or effect to the extent to which it is inconsistent with a law of Australia, but such a provision shall not be taken for the purposes of this subsection to be inconsistent with such a law if it can be complied with without contravention of that law.

(4) The power to make by-laws conferred by this Act may be exercised:

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and

(b) so as to make, as respects the cases in relation to which it is exercised, the same provision for all those cases or different cases or classes of case.

(5) The power to make by-laws conferred by this Act shall not be taken, by implication to exclude the power to make provision for or in relation to a matter by reason only of the fact that:

(a) a provision is made by this Act in relation to that matter or another matter; or

(b) power is expressly conferred by this Act to make provision by by-laws for or in relation to another matter.

(6) The by-laws may provide, in respect of an offence against the by-laws, for the following:

(a) a maximum penalty of, or of not more than an amount equal to, 40 penalty units;

(b) a maximum penalty of, or of not more than an amount equal to, 8 penalty units for each day during which the offence continues.

(6A) The by-laws may, for an offence against the by-laws, provide for the following:

(a) the offence to be a regulatory offence;

(b) the payment of a prescribed amount instead of a penalty that may otherwise be imposed for the offence, the service of a notice relating to payment of the amount on a person alleged to have committed the offence and the particulars to be included in the notice.

(7) The limitation imposed by subsection (6) on the penalties that may be prescribed by the by-laws does not prevent the by-laws from requiring a person to make a statutory declaration.

(8) In this section ***park*** or ***reserve*** shall be taken to include, and to have always included, land the care, control and management of which (however described), by or under this or any other Act (including by agreement with the owner of the land), lies with the Commission.

71A By-laws apply to land other than parks or reserves

(1) Where the Commission enters into an agreement under section 73 or 74, the by-laws apply to and in relation to land the subject of the agreement to the extent, and subject to the conditions, limitations and qualifications (if any), as is agreed between the parties to the agreement.

(2) Where a by-law applies under subsection (1), the Commission shall, not later than 28 days after entering into the agreement, publish notice of the application of the by-law in:

(a) the *Gazette*; and

(b) a newspaper circulating throughout the Territory,

and such notice shall include a description of the land to which the by-law applies.

(3) A by-law referred to in subsection (2) shall take effect in relation to the land to which it applies on and from the date of publication of the notice in the *Gazette*.

73 Agreements regarding wildlife etc. on land occupied by Aboriginals

(1) If Aboriginals occupy an area of land or take and use wildlife from an area of land in accordance with Aboriginal tradition, the Commission may:

(a) assist or co-operate in; or

(b) enter into negotiations and finalise agreements relating to,

the management of the land to protect and conserve wildlife on the land and protect the natural features of the land with:

(c) subject to the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth, an Aboriginal Land Council established under that Act in respect of the land; or

(d) any other organisation or body that controls or manages the land or in which the land is vested.

(1A) An agreement under subsection (1) may provide for financial assistance by the Territory or the Commission to achieve the object of the agreement but any such provision providing for financial assistance by the Territory shall have no effect unless approved in writing by the Minister.

(1B) An agreement under subsection (1) may provide for the granting of permits in relation to the taking and using of wildlife in accordance with Aboriginal tradition on the land to which the agreement relates.

(1C) The Commission must not take any action under subsection (1) in relation to land referred to in that subsection unless the Director has consulted with the Aboriginals who the Director is satisfied use the land in accordance with Aboriginal tradition.

(2) Where, at the expiration of 2 years from the date of execution of a deed of grant of an estate in fee simple by the Governor-General under section 12 of the *Aboriginal Land Rights (Northern Territory) Act 1976*, no agreement under subsection (1) has been entered into between the Commission and an Aboriginal Land Council, a then existing declaration of a sanctuary or a protected area over the land contained in the deed of grant or a part of that land is, by operation of this subsection, revoked.

74 Protection etc. of wildlife and natural features of private land

(1) The Commission may negotiate, and enter into agreements, with a land owner relating to schemes for the protection and conservation of wildlife in, and the protection of the natural features of, his land.

(1A) An agreement under subsection (1) may provide for financial assistance by the Territory or the Commission to achieve the object of the agreement but any such provision providing for financial assistance by the Territory shall have no effect unless approved in writing by the Minister.

74A Nature of agreement for protection and conservation of wildlife

(1) An agreement under section 74(1) is binding on the land-owner according to its tenor but may be varied by further agreement.

(2) The burden of an agreement under section 74(1), to the extent that it relates to the preservation, maintenance or care of land (including a fixture on the land), is an interest registrable under the *Land Title Act 2000* and operates as a covenant which runs with the land, and the Minister has power to enforce the covenant against persons deriving title from the person who entered into the agreement as if it were a restrictive covenant, notwithstanding that it may be positive in nature or that it is not for the benefit of any land of the Territory.

Part 8 Administration

91 Officers and employees of Australia and government authorities

(1) The Administrator may make arrangements with the Government of Australia for the performance of functions and the exercise of powers under this Act by officers or employees of Australia or of an authority of Australia.

(2) The Minister may make arrangements with the Officer in Charge of a Department of the Public Service of the Territory or with an authority of the Territory, for the performance of functions and the exercise of powers under this Act by officers or employees of the Department or of the authority, as the case may be.

92 Appointment of conservation officer or honorary conservation officer

(1) The Commission may, by writing under its seal, appoint the following as a conservation officer:

(a) an officer or employee of the Commission;

(b) an Aboriginal ranger.

(2) The Commission may, by writing under its seal, appoint the following as an honorary conservation officer:

(a) an officer or employee referred to in section 91;

(b) an officer or employee of the Public Service of another State or Territory.

(2A) A person ceases to be a conservation officer or honorary conservation officer when:

(a) the person resigns; or

(b) the person's appointment is terminated; or

(c) the person ceases to meet the criteria necessary for appointment.

(3) Despite subsection (2), the Minister may, subject to any terms and conditions as the Minister thinks fit, appoint a person to be an honorary conservation officer.

93 Conservation officers, &c., ex officio

By force of this section:

(a) the Director is a conservation officer; and

(b) any member of the Police Force of the Territory is an honorary conservation officer.

93A Function of conservation officers and honorary conservation officers

(1) It is the function of conservation officers and honorary conservation officers to assist the Director with the management of parks, reserves, sanctuaries and areas of essential habitat and with the conservation of wildlife.

(2) Aboriginal rangers are recognised as being highly qualified for providing the functions of conservation officers because of their traditional, cultural and technical skills.

93B Powers of conservation officers and honorary conservation officers

(1) The Director must, by written notice, determine which of the powers conferred on conservation officers by or under this Act a conservation officer or class of conservation officer has and the conditions of the exercise of those powers.

(1A) Prior to determining, under subsection (1), the powers and conditions to be conferred on a conservation officer appointed under section 92(1)(b), the Director must consult the employer of the conservation officer and obtain written authority from that employer endorsing the powers and conditions of appointment.

(2) The Director must, by written notice, determine which of the powers conferred on conservation officers by or under this Act an honorary conservation officer appointed under section 92(2) or (3) has and the conditions of the exercise of those powers.

(3) A conservation officer or a honorary conservation officer appointed under section 92(2) or (3):

(a) may only exercise the powers determined under subsection (1) or (2); and

(b) must exercise their powers subject to the conditions determined under this section.

(4) An honorary conservation officer who is a member of the Police Force of the Northern Territory has and may exercise, subject to the directions of the Commissioner of Police, the powers conferred on a conservation officer by or under this Act.

(5) The Director may, by written notice, place one or more of the following conditions on the powers of a conservation officer appointed under section 92(1)(b):

(a) the conservation officer may exercise their powers in a specified geographical area;

(b) the conservation officer may exercise their powers in an area subject to an agreement under section 73 or 74.

(6) If specifying a geographical area under subsection (5)(a), the Director must not include:

(a) an area of Aboriginal Land under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) as an area in which the conservation officer may exercise their powers unless the Director receives written consent from an authorising body that the conservation officer may exercise their powers on the land; and

(b) an area of private land unless the land owner, Land Council or Land Trust has given the Director written consent.

93C Compliance with Director's directions by officers

The Director may give directions to a conservation officer or an honorary conservation officer appointed under section 92(2) or (3) in respect of the exercise his or her powers and performance of his or her function and the conservation officer or honorary conservation officer must comply with those directions.

94 Identity cards

(1) The Commission shall cause to be issued to each conservation officer and to each honorary conservation officer, other than a member of the Police Force, an identity card containing a photograph and the signature of the holder.

(2) A person who ceases to be a conservation officer or honorary conservation officer shall forthwith return his identity card to the Commission.

Maximum penalty: 20 penalty units.

95 Conservation officers have powers of constables

In addition to any powers elsewhere conferred on a conservation officer by this Act, a conservation officer in carrying out his functions and duties under this Act, has all the powers and duties, and the same protection at law in relation to the exercise and performance of those powers and duties, as a member of the Police Force with the rank of constable under the *Police Administration Act 1978*.

96 Search of premises and persons

(1) In this section:

enter includes to board.

premises includes vacant land and vehicles.

residential premises means premises used exclusively or primarily for residential purposes and includes a private room in a motel, hotel or guesthouse while the room is occupied but does not include a private room in a motel, hotel or guesthouse if the room is unoccupied or any other part of a motel, hotel or guesthouse.

vehicle includes an aircraft and a vessel.

(2) For the purposes of this section, a vehicle, substance or thing is connected with an offence if:

(a) the offence has been committed with respect to the vehicle, substance or thing;

(b) the vehicle, substance or thing will afford evidence of the commission of the offence; or

(c) the vehicle, substance or thing was used, is being used or is intended to be used for the purpose of committing the offence.

(3) For the purposes of the administration or enforcement of this Act, a conservation officer may:

(a) enter:

(i) premises other than residential premises at any time of the day or night; or

(ii) any premises with the consent of the occupier or a person apparently in charge of the premises; and

(b) enter premises under paragraph (a)(i) or (ii) with the assistance, and using the force, that is necessary and reasonable.

(4) For the purpose of entering a vehicle under subsection (3), a conservation officer may require a person to stop or move the vehicle or to bring the vehicle to a place and remain in control of the vehicle until the conservation officer permits the vehicle to depart.

(5) A conservation officer who enters premises under subsection (3) may do any of the following:

(a) inspect or examine the premises or a substance or thing found in or on the premises;

(b) break open and search furniture and fixtures, or boxes, packages and other containers, found in or on the premises;

(c) take measurements of, or conduct tests in relation to, the premises or a substance or thing found in or on the premises;

(d) take photographs, films or audio, video or other recordings of the premises or a substance or thing found in or on the premises;

(e) take and remove from the premises samples for analysis of a substance or thing found in or on the premises;

(f) if the premises entered are a vehicle – subject to subsection (9), seize the vehicle;

(g) subject to subsection (9), seize a substance or thing found in or on the premises, including a vehicle;

(h) in the case of a document found in or on the premises – take copies of or extracts from the document;

(j) require a person in or on the premises to:

(i) answer questions or provide information;

(ii) make available documents kept on the premises; or

(iii) provide reasonable assistance to the conservation officer in relation to the exercise of his or her powers under this section.

(6) A conservation officer:

(a) may require a person to stop, to state his or her name and address and to answer the questions put to the person by the officer; and

(b) if the officer believes on reasonable grounds that the person:

(i) has committed, is committing or is about to commit an offence against this Act; or

(ii) is in possession of a substance or thing connected with an offence,

may require the person to accompany the officer to a place, at that place search the person and any bag or other container in the person's possession and, subject to subsection (9), seize a substance or thing found on the person or in the person's possession.

(7) A search of a person under subsection (6) is to be conducted by:

(a) if the person is female – a female conservation officer; or

(b) if the person is male – a male conservation officer.

(8) After taking a sample under subsection (5)(e) or seizing a vehicle, substance or thing under subsection (5)(f) or (g) or (6)(b), a conservation officer must give a receipt for the sample, vehicle, substance or thing to:

(a) in the case of a sample taken under subsection (5)(e) or a vehicle, substance or thing seized under subsection (5)(f) or (g):

(i) the occupier or a person apparently in charge of the premises; or

(ii) the person who the conservation officer reasonably believes was in possession of the sample, vehicle, substance or thing immediately before it was taken or seized; or

(b) in the case of a substance or thing seized under subsection (6)(b) – the person searched.

(9) A conservation officer may seize a vehicle, substance or thing under subsection (5)(f) or (g) or subsection (6)(b) if he or she has reasonable grounds for believing that:

(a) the vehicle, substance or thing is connected with an offence against this Act; and

(b) the seizure is necessary to prevent the vehicle, substance or thing from being:

(i) concealed, lost, damaged or destroyed; or

(ii) used to commit the offence.

(10) A conservation officer is not entitled:

(a) to remain on premises entered by the conservation officer under subsection (5) if, on request by the occupier or a person apparently in charge of the premises, the conservation officer does not produce his or her identity card; or

(b) to continue to do anything authorised under subsection (6) in respect of a person if, on request by the person, the conservation officer does not produce his or her identity card.

97 Power to inspect permits

A conservation officer may require a person who is engaged or it appears is, has been or will be engaged in an activity for which a permit is required to show the conservation officer his or her permit or duplicate permit authorising the activity.

97A Person to comply with requirements of conservation officer etc.

(1) A person must not:

(a) refuse or fail to comply with a requirement of a conservation officer under section 96 or 97;

(b) fail to answer a question put to him or her by a conservation officer; or

(c) give an answer to a question put to him or her by a conservation officer that is false or misleading in a material particular.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

(2) In subsection (1), ***conservation officer*** includes an honorary conservation officer.

98 Confiscation and forfeiture

(1) Where a court finds a person guilty of an offence against this Act, the court may order the forfeiture to the Territory of any vehicle, aircraft, vessel or thing used or otherwise involved in the commission of the offence.

(2) A vehicle, aircraft, vessel or thing seized under section 96 may be retained by the conservation officer who seized it until the expiration of a period of 60 days after the seizure or, if a prosecution for an offence against this Act in the commission of which it may have been used or otherwise involved is instituted within that period, until the prosecution is terminated.

(3) The Director may authorize a vehicle, aircraft, vessel or thing seized under section 96 to be released to its owner, or to the person from whose possession it was seized, either unconditionally or on such conditions as he thinks fit, including conditions as to the giving of security for payment of its value if it is forfeited.

(4) A vehicle, aircraft, vessel or thing forfeited under this section may be sold or otherwise disposed of as the Commission thinks fit.

(5) A conservation officer may seize:

(a) any animal or plant that he reasonably believes to have been killed or taken in contravention of this Act;

(b) any animal that he reasonably believes is being held unlawfully or is the property of Australia; or

(c) any animal that he reasonably believes to have been used or otherwise involved in the commission of an offence against this Act.

(6) Where an animal or plant has been seized under subsection (5), the Director or a conservation officer may cause it to be:

(a) released;

(b) retained; or

(c) sold or otherwise disposed of.

(7) Where an animal or plant seized under subsection (5) was not killed or taken in contravention of this Act or used or otherwise involved in the commission of an offence against this Act, any person who has suffered loss or damage by reason of the seizure is entitled to reasonable compensation.

Part 9 Review of decisions

99 Review by NTCAT

(1) A ***reviewable decision*** is:

(a) a decision specified in Schedule 2; or

(b) a decision made under the by-laws that is prescribed by the by-laws to be a reviewable decision for this section.

(2) An ***affected person*** is:

(a) for a reviewable decision referred to in subsection (1)(a) – a person specified in Schedule 2 for the decision; or

(b) for a reviewable decision referred to in subsection (1)(b) – a person prescribed by the by-laws to be an affected person for the decision.

(3) NTCAT has jurisdiction to review a reviewable decision.

(4) An affected person for a reviewable decision may apply to NTCAT for review of the decision.

Note for section 99

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

Part 10 Miscellaneous matters

110 Limitation of liability

(1) No civil or criminal liability is incurred by the Director, a member of the Commission, a conservation officer, an honorary conservation officer or any other officer or employee of the Commission for or in relation to an act or omission on his or her part done or made in good faith in or in connection with the performance or exercise, or purported performance or exercise, of his or her powers or functions under this Act.

(2) Subsection (1) has effect subject to Part VIIA of the *Police Administration Act 1978* to the extent it relates to the civil liability of an honorary conservation officer who is a member of the Police Force.

111 Recovery of expenses of Commission

(1) Where the Commission enters land and incurs expenses in carrying out work on the land that the owner or occupier of the land was required to do under this Act, the Commission may recover the expenses reasonably incurred by the Commission from the owner or occupier of the land as a debt due and payable to the Commission.

(2) An amount recoverable as a debt by virtue of subsection (1) is an overriding statutory charge within the meaning of the Land Title Act on the land to which it relates.

(3) In subsection (2), ***amount*** includes the interest, if any, that accrues on the amount.

112 Power to enter land

(1) The Commission may authorize the Director, with such assistants, plant, machinery and equipment as he thinks fit, to enter any land to:

(a) assess whether or not the land is suitable for reservation under this Act; or

(b) examine the wildlife located on the land for the purposes of:

(i) classifying the wildlife under section 29;

(ii) formulating and implementing a management program;

(iii) negotiating and entering into a co-operative management agreement;

(iv) declaring an area of essential habitat; or

(v) declaring a feral animal control area.

(2) The Director shall not enter upon private land in pursuance of an authority given under subsection (1) until after he has given reasonable notice to the occupier of that land that he has been authorized under this section to carry out the investigation.

(3) Where the Director enters upon land in pursuance of an authority given under subsection (1), he may do such things as he thinks necessary for the purpose of carrying out his assessment or examination.

(4) The Commission is liable to pay reasonable compensation for any damage or loss suffered in consequence of the carrying out of an assessment or examination under this section.

113 Authorized destruction of feral animals in park etc.

(1) Notwithstanding anything contained in this Act, if the Director is satisfied that feral animals are present in a park, reserve, area of essential habitat or sanctuary in such numbers that the habitat is being affected or the survival of wildlife in the area is imperilled, he may destroy or, by an authority in writing, he may authorize the destruction of, such a number of those feral animals as is, in his opinion, necessary to ensure the preservation of the habitat or of the wildlife in the area.

(2) An authority given under subsection (1) authorizes the person named therein to enter the area named in the authority, to take firearms and traps into the area named in the authority and to take, capture, kill and have in his possession animals in the area named in the authority.

(3) In this section ***feral animal*** includes an animal of a domesticated species which is living in a wild state.

114 Making of false statement

A person must not, whether orally or in writing, wilfully make a false or misleading statement in connection with a matter under this Act.

Maximum penalty: In the case of a natural person – imprisonment for 2 years.

In the case of a body corporate – 500 penalty units.

115 Averment in relation to parks etc.

In any proceedings for an offence against this Act, an averment of the prosecutor, contained in the information or complaint, that, at a specified time:

(a) the defendant was in a specified park, reserve, sanctuary or area of essential habitat;

(b) an animal was a protected animal, or partly protected animal, game, or feral animal or a prohibited entrant; or

(c) an animal, plant, vehicle, aircraft, vessel or article referred to in the information or complaint was in a specified park, reserve, sanctuary or area of essential habitat,

is prima facie evidence of the matter averred.

115A Parties to offences committed outside Territory

(1) A person in the Territory who is a party to an act done in a place outside the Territory that:

(a) is an offence against a law in force in that place; and

(b) if the act had been done in the Territory – would be an offence against this Act,

is to be taken to have committed the offence against this Act and, if found guilty of that offence by virtue of this section, is liable to the same penalty and forfeiture as if the act had been done in the Territory.

(2) Subsection (1) is to be construed so that, if the person has previously been found guilty of the offence against a law in force in the place outside the Territory, a court may not find him or her guilty of the offence against this Act.

115B Liability of permit holders and nominees for actions of others under permit

(1) Where:

(a) a nominee under a permit; or

(b) a person employed or otherwise engaged by the holder of a permit or a nominee under a permit to carry out activities under the permit,

commits an offence against this Act while carrying out or purportedly carrying out activities under the permit, the holder of the permit is to be taken to have committed the same offence.

(2) It is a defence to a prosecution for an offence committed by virtue of subsection (1):

(a) that the nominee or the person referred to in subsection (1)(b) would not have been found guilty of the offence because the nominee or person would have been able to establish a defence;

(b) that the defendant did not know, and could not reasonably have been expected to know, that the offence was to be or was being committed; or

(c) that the defendant exercised due diligence to prevent the commission of the offence.

(3) Where a person employed or otherwise engaged by a nominee under a permit to carry out activities under the permit commits an offence against this Act while carrying out or purportedly carrying out activities under the permit, the nominee is to be taken to have committed the same offence.

(4) It is a defence to a prosecution for an offence committed by virtue of subsection (3):

(a) that the person referred to in subsection (3) would not have been found guilty of the offence because the person would have been able to establish a defence;

(b) that the defendant did not know, and could not reasonably have been expected to know, that the offence was to be or was being committed; or

(c) that the defendant exercised due diligence to prevent the commission of the offence.

(5) A person may be prosecuted and found guilty of an offence by virtue of subsection (1) or (3) whether or not the nominee or the person referred to in subsection (1)(b) or (3) has been prosecuted for or found guilty of the offence.

(6) A person is not liable to imprisonment if found guilty of an offence by virtue of subsection (1) or (3) if the person would not have been found guilty of the offence if subsection (1) or (3) had not been enacted.

115C Conduct of directors, employees and agents

(1) Where, in a prosecution for an offence against this Act, it is necessary to establish the state of mind of a body corporate or a natural person in relation to particular conduct, it is sufficient to show:

(a) that the conduct was engaged in by a director, employee or agent of the body corporate, or an employee or agent of the natural person, within the scope of his or her actual or apparent authority; and

(b) that the director, employee or agent had that state of mind.

(2) For the purposes of a prosecution for an offence against this Act, conduct engaged in on behalf of a body corporate or a natural person by a director, employee or agent of the body corporate, or an employee or agent of the natural person, within the scope of his or her actual or apparent authority is to be taken to have been engaged in also by the body corporate or the natural person.

(3) A natural person is not liable to imprisonment for an offence against this Act if the person would not have been found guilty of the offence if subsection (1) or (2) had not been enacted.

(4) A reference in this section to engaging in conduct is to be read as including a reference to failing or refusing to engage in conduct.

(5) A reference in this section to a director of a body corporate is to be read as including a reference to a member of a body corporate incorporated for a public purpose by a law of the Territory, the Commonwealth or a State or another Territory of the Commonwealth.

116 Royalties and advance payments etc.

(1) The Minister may, by notice in the *Gazette*, determine for the Territory or a part of the Territory:

(a) the manner in which; and

(b) the rates at which,

royalties in respect of wildlife the property of the Territory taken under a permit are to be assessed.

(2) A royalty assessed under subsection (1) is a debt due and payable to the Territory by the holder of the permit.

(3) The Regulations may provide for:

(a) the payment of prescribed amounts in advance by the holder of a permit and the crediting of amounts so paid towards royalties subsequently payable by the holder to the Territory;

(b) the calculation of the amount to be paid to the Territory as royalties as a proportion of profits earned from commercial dealings in respect of wildlife and the deferral of the payment of those royalties; and

(c) the payment of royalties owing to the Territory by:

(i) the provision of services of an equivalent value to or at the direction of the Territory; or

(ii) entering into a joint venture or a profit sharing agreement with the Territory the terms of which provide for the payment of royalties to the Territory by the provision of capital or services of the equivalent value or out of any profit made to or at the direction of the Territory.

117 Fees, charges, etc.

(1) Where the Minister, the Director or an officer or employee of the Commission:

(a) supplies a service, product or commodity;

(b) grants a permit; or

(c) gives a permission, consent or approval,

under this Act, the Director may demand, levy and receive, as a debt due and payable to the Commission, such fees, charges or royalties as are prescribed by or under this Act in respect thereof.

(2) The Minister may, by notice in the *Gazette*, determine a fee or charge in respect of a matter referred to in subsection (1) where no such fee or charge is otherwise prescribed.

117A Register

(1) The Director must keep at the principal office of the Commission a register (in a form, including an electronic form, or a combination of forms as the Director thinks fit) in which is to be recorded the details of all of the following:

(a) areas of essential habitat;

(b) management programs;

(c) classifications of wildlife under section 29;

(d) feral animal control areas.

(2) The Director must keep at the principal office of the Commission each of the following:

(a) a copy of the classification of wildlife;

(b) a list of threatened species;

(c) a list of protected animals;

(d) a list of feral animals;

(e) a list of prohibited entrants;

(f) a list of the species of vertebrates that are not indigenous to the Territory and that under section 52 are not prohibited entrants;

(g) a copy of the declarations of areas of essential habitat and feral animal control areas;

(h) a copy of the management programs.

(3) A member of the public may inspect the register kept under subsection (1) or a document referred to in subsection (2) during the business hours of the principal office of the Commission.

118 Offender may be ordered to pay for damage he does

(1) Where a person is found guilty of an offence against this Act or a by-law, the court before which he is found guilty 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.

(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 parks or reserves or the control of animals on parks or

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 Commission 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 subsection (1), in addition to imposing a penalty, and the amount so ordered to be paid shall be recoverable as a judgment debt due to the Commission in a court of competent jurisdiction.

119 Destruction of trespassing animals

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

120 Return or forfeiture of seized articles

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

(2) The Director or nominated person may retain possession of the article for 60 days after its seizure 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 60 days and the person prosecuted is found guilty, the court before which the person is found guilty may order that the article be forfeited to the Commission.

(4) Where such a prosecution is not instituted within the 60 days or where the court does not order that the article be forfeited to the Commission, the Director or other person having the possession of it shall make it available to the person from whom it was seized and shall notify the person by post that it is so available.

(5) If the person from whom it was seized does not claim it within 6 months of the date on which he is given notice that it is available, the article is forfeited to the Commission.

121 Service of notices

Where, this Act requires or permits a notice to be served on any person, the notice may be served:

(a) personally on that person;

(b) by delivering it to a person apparently above the age of 14 years, and apparently living or employed at the premises at which the person to be served lives or carries on business; or

(c) by forwarding it by certified post in an envelope addressed to the person to be served at his last known place of abode or business.

122 Traditional use of land and water by Aboriginals

(1) Nothing in or under this Act limits the right of Aboriginals who have traditionally used an area of land or water from continuing to use that area in accordance with Aboriginal tradition for hunting, food gathering (otherwise than for the purpose of sale) and for ceremonial and religious purposes.

(2) The operation and effect of this Act is subject to the *Native Title Act 1993* of the Commonwealth.

123 Regulations

(1) The Administrator may make Regulations, not inconsistent with this Act, prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the Regulations may:

(a) make provision for or in relation to the licensing, control and regulation of zoological gardens, menageries and aviaries;

(b) establish a local management committee for any park, reserve, sanctuary or area of essential habitat, and make provision as to the composition of the committee, the appointment and terms of office of its members, its meetings and proceedings, its functions and powers and the manner of their performance, and any matters of an incidental or ancillary nature;

(c) prescribe fees, charges or royalties payable under this Act;

(d) prescribe the information to accompany an application for a permit; or

(e) prescribe the terms or kinds of terms that may be included in management programs and co-operative agreements.

(3) Where a plan of management proposes the use for a specified purpose of a particular part of the park or reserve to which the plan relates, the Administrator may by regulations restrict access to that part to such extent and in such manner as appears to the Administrator to be necessary or desirable in connection with its proposed use, and may in particular confine access, or grant preferential access, thereto to a class or description of persons specified in the regulations.

(4) Subsection (3) does not derogate from the general power of the Commission to make by-laws with respect to access to parks and reserves as mentioned in section 71(2)(j) except to the extent that by-laws under that section must not be inconsistent with any regulations.

(5) The Regulations may not declare a declared weed, as defined in section 4 of the *Weeds Management Act 2001*, to be protected wildlife and any plant declared by the Regulations to be protected wildlife ceases to have that status on it becoming a declared weed under that Act.

(6) The Regulations may:

(a) provide for the payment to the Commission of a prescribed amount instead of a penalty that may otherwise be imposed for an offence against this Act and for the service of a notice relating to payment of the amount on a person alleged to have committed the offence and the particulars to be included in the notice;

(b) prescribe maximum penalties of 100 penalty units or, in the case of a body corporate, 500 penalty units for offences against the Regulations; or

(c) designate an offence against the Regulations as a regulatory offence.

124 Acquisition on just terms

If, but for this section, property is acquired under this Act (including as a result of an act done under a permit) otherwise than on just terms:

(a) the person from whom the property is acquired is entitled to receive just compensation for the acquisition; and

(b) a court of competent jurisdiction may determine the amount of the compensation or make the orders necessary to ensure that the compensation is on just terms.

Part 11 Transitional matters for Parks and Water Legislation Amendment Act 2024

125 Definitions

In this Part:

amending Act means the *Parks and Water Legislation Amendment Act 2024*.

commencement means the commencement of Part 2 of the amending Act.

former appeal provisions means:

(a) Part 4, Division 7, as in force immediately before the commencement; and

(b) Part 5B of the *Territory Parks and Wildlife Conservation By-laws 1984* as in force immediately before the commencement.

new review provisions means:

(a) Part 9, as inserted by section 17 of the amending Act; and

(b) Part 5B of the *Territory Parks and Wildlife Conservation By-laws 1984*, as inserted by section 30 of the amending Act.

126 NTCAT review limited to decisions made after commencement

The new review provisions apply only in relation to a reviewable decision that is made after the commencement.

127 Appeals not instituted before commencement

(1) This section applies to a person if, immediately before the commencement, the person was entitled to appeal to the Local Court against a decision under the former appeal provisions and the person had not yet instituted an appeal against the decision.

(2) The person may appeal to the Local Court against the decision in accordance with the former appeal provisions as if Part 2 of the amending Act had not commenced.

(3) The Local Court is to hear and determine the person's appeal in accordance with the former appeal provisions as if Part 2 of the amending Act had not commenced.

128 Appeals not determined before commencement

(1) This section applies in relation to an appeal to the Local Court that:

(a) was instituted by a person under the former appeal provisions; and

(b) had not been finally determined by the Local Court before the commencement.

(2) The Local Court is to continue to hear and determine the person's appeal in accordance with the former appeal provisions as if Part 2 of the amending Act had not commenced.

Schedule 1 Ordinances Repealed

section 3

No. and Year	Name of Ordinance
No. 11 of 1959	*National Parks and Gardens Ordinance 1959*
No. 26 of 1961	*National Parks and Gardens Ordinance 1961*
No. 34 of 1962	*National Parks and Gardens Ordinance 1962*
No. 56 of 1963	*National Parks and Gardens Ordinance 1963*
No. 6 of 1966	*National Parks and Gardens Ordinance 1966*
No. 20 of 1967	*National Parks and Gardens Ordinance 1967*
No. 44 of 1968	*National Parks and Gardens Ordinance 1968*
No. 59 of 1974	*National Parks and Gardens Ordinance (No. 2) 1974*
No. 35 of 1976	*National Parks and Gardens Ordinance 1976*
No. 44 of 1963	*Wildlife Conservation and Control Ordinance 1962*
No. 60 of 1964	*Wildlife Conservation and Control Ordinance 1964*
No. 35 of 1965	*Wildlife Conservation and Control Ordinance 1965*
No. 17 of 1966	*Wildlife Conservation and Control Ordinance 1966*
No. 49 of 1967	*Wildlife Conservation and Control Ordinance 1967*
No. 9 of 1968	*Wildlife Conservation and Control Ordinance 1968*
No. 31 of 1968	*Wildlife Conservation and Control Ordinance (No. 2) 1968*
No. 50 of 1969	*Wildlife Conservation and Control Ordinance 1969*
No. 74 of 1970	*Wildlife Conservation and Control Ordinance 1970*
No. 12 of 1972	*Wildlife Conservation and Control Ordinance 1972*
No. 15 of 1973	*Wildlife Conservation and Control Ordinance 1973*
No. 28 of 1974	*Wildlife Conservation and Control Ordinance 1974*
No. 47 of 1974	*Wildlife Conservation and Control Ordinance (No. 3) 1974*
No. 83 of 1974	*Wildlife Conservation and Control Ordinance (No. 2) 1974*
No. 4 of 1976	*Wildlife Conservation and Control Ordinance 1975*

Schedule 2 Reviewable decisions

section 99

Item	Reviewable decision	Affected person
1	A decision of the Commission under section 21A to authorise the use and development of land	A person directly affected by the authorisation
2	A decision of the Commission under section 21A to refuse to authorise the use and development of land	The applicant for the authorisation
3	A decision of the Commission under section 21D to impose a condition on an authorisation	The applicant for the authorisation
4	A decision of the Commission under section 21E to vary a term or condition of an authorisation	The holder of the authorisation
5	A decision of the Commission under section 21F(1)(a), (b), (c) or (d) to cancel an authorisation	The holder of the authorisation
6	A decision of the Commission under section 21F(1)(e) to refuse to cancel an authorisation on application by the holder of the authorisation	The holder of the authorisation
7	A decision of the Commission under section 21G to refuse to approve the transfer of an authorisation	The holder of the authorisation The proposed transferee
8	A decision of the Director under section 49 to give a notice	The person on whom the notice is served
9	A decision of the Director under section 56 to grant a permit	A person directly affected by the grant of the permit
10	A decision of the Director under section 56 to refuse to grant a permit	The applicant for the permit

Item	Reviewable decision	Affected person
11	A decision of the Director under section 57 to impose conditions on a permit	The applicant for the permit
12	A decision of the Director under section 58 to vary a term or condition of a permit on the Director's own initiative	The holder of the permit A person directly affected by the decision
13	A decision of the Director under section 58 to refuse to vary a term or condition of a permit on application by the holder of the permit	The holder of the permit
14	A decision of the Director under section 58 to vary a term or condition of a permit on application by the holder of the permit	A person directly affected by the decision
15	A decision of the Director under section 59(1)(a), (b) or (c) to cancel a permit	The holder of the permit
16	A decision of the Director under section 59(1)(d) to refuse to cancel a permit on application by the holder of the permit	The holder of the permit

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Territory Parks and Wildlife Conservation Ordinance 1976* (Act No. 23, 1977)**

Assent date	2 June 1977
Commenced	ss 1 and 2, 45 to 123: 19 November 1977 (*Gaz* No. 46, 18 November 1977, p 18); rem: 1 January 1978 (*Gaz* No. 51, 22 December 1977, p 1)

***Territory Parks and Wildlife Conservation Ordinance (No. 2) 1976* (Act No. 24, 1977)**

Assent date	2 June 1977
Commenced	ss 1 – 4: 18 November 1977; ss 14 – 21, 23 – 26: 19 November 1977 (*Gaz* No. 46, 18 November 1977, p 18); rem: 1 January 1978 (*Gaz* No. 51, 22 December 1977, p 1)

Amending Legislation

***Territory Parks and Wildlife Conservation Ordinance 1978* (Act No. 56, 1978)**

Assent date	1 July 1978
Commenced	1 July 1978

***Territory Parks and Wildlife Conservation Ordinance (No. 3) 1976* (Act No. 25, 1977)**

Assent date	2 June 1977
Commenced	1 January 1978 (*Gaz* No. 51, 22 December 1977, p 1)

***Territory Parks and Wildlife Conservation Ordinance 1978* (Act No. 56, 1978)**

Assent date	1 July 1978
Commenced	1 July 1978

***Territory Parks and Wildlife Conservation Ordinance (No. 3) 1978* (Act No. 57, 1978)**

Assent date	1 July 1978
Commenced	1 July 1978

***Statute Law Revision Act 1978* (Act No. 95, 1978)**

Assent date	5 September 1978
Commenced	5 September 1978

***Territory Parks and Wildlife Conservation Ordinance (No. 2) 1978* (Act No. 112, 1978)**

Assent date	9 November 1978
Commenced	1 February 1979 (s 3, s 2 *Aboriginal Land Ordinance 1978* (Act No. 106, 1978) and *Gaz* G4, 26 January 1979, p 18)

***Territory Parks and Wildlife Conservation Act (No. 4) 1978* (Act No. 130, 1978)**

Assent date	21 December 1978
Commenced	21 December 1978

***Territory Parks and Wildlife Conservation Act (No. 2) 1979* (Act No. 82, 1979)**

Assent date	13 July 1979
Commenced	31 August 1979 (*Gaz* G35, 31 August 1979, p 1)

***Territory Parks and Wildlife Conservation Act 1979* (Act No. 86, 1979)**

Assent date	19 July 1979
Commenced	19 July 1979

***Remuneration (Statutory Bodies) Act 1979* (Act No. 9, 1980)**

Assent date	14 January 1980
Commenced	8 February 1980 (*Gaz* G6, 8 February 1980, p 6)

***Territory Parks and Wildlife Conservation Act 1980* (Act No. 15, 1980)**

Assent date	13 March 1980
Commenced	23 March 1980 (s 3, s 2 *Conservation Commission Act 1980* (Act No. 13, 1980) and *Gaz* G13, 28 March 1980, p 7)

***Territory Parks and Wildlife Conservation Amendment Act 1981* (Act No. 101, 1981)**

Assent date	21 December 1981
Commenced	21 December 1981

***Territory Parks and Wildlife Conservation Amendment Act 1983* (Act No. 10, 1983)**

Assent date	27 April 1983
Commenced	27 April 1983

***Territory Parks and Wildlife Conservation Amendment Act (No. 2) 1983* (Act No. 23, 1983)**

Assent date	24 June 1983
Commenced	24 June 1983

***Criminal Law (Regulatory Offences) Act 1983* (Act No. 68, 1983)**

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), *Gaz* G46, 18 November 1983, p 11 and *Gaz* G8, 26 February 1986, p 5)

***Territory Parks and Wildlife Conservation Amendment Act 1985* (Act No. 62, 1985)**

Assent date	24 December 1985
Commenced	28 January 1986 (s 2, s 2 *Mining Amendment Act 1985* (Act No. 63, 1985) and *Gaz* S3, 28 January 1986)

***Territory Parks and Wildlife Conservation Amendment Act (No. 2) 1985* (Act No. 71, 1985)**

Assent date	24 December 1985
Commenced	24 December 1985

***Territory Parks and Wildlife Conservation Amendment Act 1986* (Act No. 37, 1986)**

Assent date	19 September 1986
Commenced	19 September 1986

***Territory Parks and Wildlife Conservation Amendment Act (No. 2) 1986* (Act No. 55, 1986)**

Assent date	19 December 1986
Commenced	24 December 1986 (s 2, s 2 *Northern Territory Land Corporation Act 1986* (Act No. 53, 1986) and *Gaz* S90, 24 December 1986)

***Territory Parks and Wildlife Conservation Amendment Act 1988* (Act No. 7, 1988)**

Assent date	21 March 1988
Commenced	1 November 1988 (*Gaz* S62, 26 October 1988)

***Territory Parks and Wildlife Conservation Amendment Act 1989* (Act No. 18, 1989)**

Assent date	15 June 1989
Commenced	22 November 1989 (*Gaz* G46, 22 November 1989, p 5)

***Territory Parks and Wildlife Conservation Amendment Act 1990* (Act No. 27, 1990)**

Assent date	7 June 1990
Commenced	17 June 1992 (*Gaz* G24, 17 June 1992, p 5)

***Territory Parks and Wildlife Conservation Amendment Act (No. 2) 1990* (Act No. 51, 1990)**

Assent date	15 October 1990
Commenced	15 October 1990

***Mining Amendment Act 1991* (Act No. 27, 1991)**

Assent date	17 June 1991
Commenced	17 June 1991

***Territory Parks and Wildlife Conservation Amendment Act 1992* (Act No. 12, 1992)**

Assent date	21 April 1992
Commenced	12 August 1992 (*Gaz* G32, 12 August 1992, p 3)

***Statute Law Revision Act 1992* (Act No. 46, 1992)**

Assent date	7 September 1992
Commenced	7 September 1992

***Public Sector Employment and Management (Consequential Amendments) Act 1993* (Act No. 28, 1993)**

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and *Gaz* S53, 29 June 1993)

***Territory Parks and Wildlife Conservation Amendment Act 1994* (Act No. 72, 1994)**

Assent date	15 December 1993
Commenced	15 December 1993

***Parks and Wildlife Commission (Consequential Amendments) Act 1995* (Act No. 46, 1995)**

Assent date	15 November 1995
Commenced	29 November 1995 (s 2, s 2 *Conservation Commission Amendment Act 1995* (Act No. 69, 1995) and *Gaz* S42, 29 November 1995)

***Sentencing (Consequential Amendments) Act 1996* (Act No. 17, 1996)**

Assent date	19 April 1996
Commenced	s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz* S15, 13 June 1996)

***Territory Parks and Wildlife Conservation Amendment Act 1996* (Act No. 48, 1996)**

Assent date	31 October 1996
Commenced	31 October 1996

***Territory Parks and Wildlife Conservation Amendment Act 1998* (Act No. 4, 1998)**

Assent date	25 March 1998
Commenced	25 March 1998

***Land Title (Consequential Amendments) Act 2000* (Act No. 45, 2000)**

Assent date	12 September 2000
Commenced	1 December 2000 (s 2, s 2 *Land Title Act 2000* (Act No. 2, 2000) and *Gaz* G38, 27 September 2000, p 2)

***Territory Parks and Wildlife Conservation Amendment Act 2000* (Act No. 58, 2000)**

Assent date	14 November 2000
Commenced	6 December 2000 (*Gaz* G48, 6 December 2000, p 8)

***Statute Law Revision Act 2001* (Act No. 3, 2001)**

Assent date	22 March 2001
Commenced	22 March 2001

***Statute Law Revision Act (No. 2) 2001* (Act No. 62, 2001)**

Assent date	11 December 2001
Commenced	11 December 2001

***Territory Parks and Wildlife Conservation Amendment Act 2005* (Act No. 4, 2005)**

Assent date	4 March 2005
Commenced	31 May 2005 (*Gaz* S23, 31 May 2005)

***Police Administration Amendment (Powers and Liability) Act 2005* (Act No. 11, 2005)**

Assent date	17 March 2005
Commenced	20 April 2005 (*Gaz* G16, 20 April 2005, p 5)

***Territory Parks and Wildlife Conservation Amendment Act 2006* (Act No. 11, 2006)**

Assent date	26 April 2006
Commenced	26 April 2006

***Territory Parks and Wildlife Conservation Amendment (Joint Management Park) Act 2007* (Act No. 20, 2007)**

Assent date	18 September 2007
Commenced	31 October 2007 (*Gaz* G44, 31 October 2007, p 4)

***Territory Parks and Wildlife Conservation Amendment Act 2009* (Act No. 6, 2009)**

Assent date	12 March 2009
Commenced	18 May 2009 (*Gaz* S22, 18 May 2009)

***Statute Law Revision Act 2009* (Act No. 25, 2009)**

Assent date	1 September 2009
Commenced	16 September 2009 (*Gaz* G37, 16 September 2009, p 3)

***Territory Parks and Wildlife Conservation Legislation Amendment Act 2010* (Act No. 34, 2010)**

Assent date	18 November 2010
Commenced	6 December 2010 (Gaz S66, 6 December 2010)

***Mineral Titles (Consequential Amendments) Act 2010* (Act No. 37, 2010)**

Assent date	18 November 2010
Commenced	7 November 2011 (*Gaz* G41, 12 October 2011, p 5)

***Penalties Amendment (Miscellaneous) Act 2013* (Act No. 23, 2013)**

Assent date	12 July 2013
Commenced	28 August 2013 (*Gaz* G35, 28 August 2013, p 2)

***Statute Law Revision Act 2014* (Act No. 38, 2014)**

Assent date	13 November 2014
Commenced	13 November 2014

***Territory Parks and Wildlife Conservation Amendment Act 2019* (Act No. 34, 2019)**

Assent date	6 November 2019
Commenced	7 November 2019 (s 2)

***Statute Law Amendment (Territory Economic Reconstruction) Act 2021*(Act No. 19, 2021)**

Assent date	31 August 2021
Commenced	pt 6: 2 October 2021; rem: 29 September 2021 (*Gaz* G39, 29 September 2021, p 1)

***Interpretation Amendment Act 2021* (Act No. 28, 2021)**

Assent date	15 December 2021
Commenced	1 January 2022 (s 2)

***Statute Law Amendment (Territory Economic Reconstruction) Act 2022* (Act No. 5, 2022)**

Assent date	14 April 2022
Commenced	pt 7: 25 May 2023 (*Gaz* G11, 25 May 2023, p 2); rem: 25 May 2022 (*Gaz* G21, 25 May 2022, p 1)

***Parks and Water Legislation Amendment Act 2024* (Act No. , 2024)**

Assent date	11 June 2024
Commenced	pt 3: 2 July 2024 (s 2(2)); rem: 12 June 2024 (s 2(1))

***Lands, Planning and Environment Legislation Amendment Act 2025* (Act No. 25, 2025)**

Assent date	12 September 2025
Commenced	pt 6: nc; rem: 13 September 2025 (s 2(1))

3 SAVINGS AND TRANSITIONAL PROVISIONS

ss 13(2) and 18 *Territory Parks and Wildlife Conservation Ordinance (No. 3) 1978* (Act No. 57, 1978)

ss 14 and 15 *Territory Parks and Wildlife Conservation Act (No. 2) 1979* (Act No. 82, 1979)

ss 4, 5 and 6 *Territory Parks and Wildlife Conservation Act 1980* (Act No. 15, 1980)

s 21 *Territory Parks and Wildlife Conservation Amendment Act 1992* (Act No. 12, 1992)

s 33 *Territory Parks and Wildlife Conservation Amendment Act 2000* (Act No. 58, 2000)

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 4, 5, 6, 7, 8, 17, 22, 25AL, 25AM, 25AQ, 25AR, 25A, 25C, 26, 41, 60, 74A, 95, 110 and 123.

5 LIST OF AMENDMENTS

lt	amd No. 23, 1983, s 7; No. 58, 2000, s 4
pt 1 hdg	sub No. 34, 2019, s 9
s 1	amd No. 23, 1983, s 7
s 2	sub No. 24, 1977, s 4 amd No. 23, 1983, s 7
s 3	amd No. 13, 2024, s 4
ss 4 – 6	amd No. 23, 1983, s 7
s 7	amd No. 24, 1977, s 5; No. 23, 1983, s 7
s 8	amd No. 23, 1983, s 7; No. 45, 2000, s 11
s 9	amd No. 24, 1977, s 6; No. 56, 1978, s 3; No. 57, 1978, s 4; No. 112, 1978, s 4; No. 82, 1979, s 4; No. 86, 1979, s 3; No. 15, 1980, s 7; No. 10, 1983, s 2; No. 23, 1983, ss 3 and 7; No. 62, 1985, s 4; No. 7, 1988, s 4; No. 18, 1989, s 4; No. 27, 1991, s 4; No. 12, 1992, s 4; No. 72, 1994, s 3; No. 46, 1995, s 3; No. 58, 2000, s 5; No. 25, 2009, s 10; No. 37, 2010, s 11; No. 34, 2019, s 4; No. 13, 2024, s 5
s 10	amd No. 23, 1983, s 7
pt 2 hdg	amd No. 34, 2019, s 9
s 11	amd No. 57, 1978, s 5
s 12	amd No. 24, 1977, s 7; No. 25, 1977, s 4; No. 56, 1978, s 4; No. 57, 1978, ss 6, 14, 15 and 17; No. 82, 1979, s 5; No. 27, 1990, s 3; No. 4, 1998, s 2
s 13	amd No. 24, 1977, s 8; No. 56, 1978, s 5; No. 57, 1978, ss 15 and 17; No. 82, 1979, s 6
s 14	amd No. 56, 1978, s 6; No. 57, 1978, s 15; No. 82, 1979, s 7
s 15	rep No. 56, 1978, s 7
s 16	amd No. 82, 1979, s 8
s 17	amd No. 56, 1978, s 8; No. 57, 1978, s 15; No. 62, 1985, s 5; No. 27, 1991, s 4; No. 72, 1994, s 4; No. 37, 2010, s 11; No. 19, 2021, s 101; No. 13, 2024, s 6
s 18	amd No. 24, 1977, s 9; No. 57, 1978, ss 15 and 16; No. 62, 1985, s 6; No. 18, 1989, s 5; No. 13, 2024, s 7
s 19	amd No. 24, 1977, s 26; No. 57, 1978, ss 14, 15 and 16; No. 101, 1981, s 2
s 21	amd No. 82, 1979, s 9
s 21A	ins No. 19, 2021, s 102 amd No. 13, 2024, s 8
s 21B	ins No. 19, 2021, s 102 amd No. 13, 2024, s 9
s 21C	ins No. 19, 2021, s 102 amd No. 13, 2024, s 10
ss 21D – 21G	ins No. 19, 2021, s 102
s 21H	ins No. 5, 2022, s 129 amd No. 13, 2024, s 11
s 21J	ins No. 5, 2022, s 129 amd No. 13, 2024, s 12

pt 3 hdg	rep No. 58, 2000, s 6 ins No. 4, 2005, s 4 amd No. 34, 2019, s 9
pt 3 div 1 hdg	ins No. 4, 2005, s 4
s 22	amd No. 24, 1977, s 26; No. 57, 1978, ss 15 and 16; No. 12, 1992, s 5 rep No. 58, 2000, s 6, No. 13, 2024, s 13 ins No. 4, 2005, s 4 amd No. 20, 2007, s 4; No. 6, 2009, s 4; No. 37, 2010, s 11; No. 13, 2024, s 13
s 23	amd No. 23, 1983, s 7 rep No. 58, 2000, s 6 ins No. 4, 2005, s 4
pt 3 div 1A hdg	ins No. 20, 2007, s 5
s 23A	ins No. 20, 2007, s 5 amd No. 6, 2009, s 5
pt 3 div 2 hdg	ins No. 4, 2005, s 4
s 23A	ins No. 12, 1992, s 6 rep No. 58, 2000, s 6
s 24	amd No. 23, 1983, s 7; No. 12, 1992, s 7; No. 46, 1992, s 13 rep No. 58, 2000, s 6 ins No. 4, 2005, s 4 amd No. 20, 2007, s 11 sub No. 6, 2009, s 6
s 25	amd No. 24, 1977, s 10; No. 57, 1978, ss 7 and 15; No. 23, 1983, s 7; No. 12, 1992, s 8 rep No. 58, 2000, s 6 ins No. 4, 2005, s 4
pt 3 div 3 hdg	ins No. 4, 2005, s 4
s 25AA	ins No. 12, 1992, s 9 rep No. 58, 2000, s 6 ins No. 4, 2005, s 4 amd No. 20, 2007, s 6
s 25AB	ins No. 4, 2005, s 4 amd No. 20, 2007, s 11
s 25AC	ins No. 4, 2005, s 4
pt 3 div 4 hdg	ins No. 4, 2005, s 4
s 25AD	ins No. 4, 2005, s 4 amd No. 20, 2007, s 11
s 25AE	ins No. 4, 2005, s 4 amd No. 20, 2007, s 7
ss 25AF – 25AG	ins No. 4, 2005, s 4
ss 25AH – 25AK	ins No. 4, 2005, s 4 amd No. 20, 2007, s 11
pt 3 div 4A hdg	ins No. 13, 2024, s 14
ss 25AKA – 25AKJ	ins No. 13, 2024, s 14
pt 3 div 5 hdg	ins No. 4, 2005, s 4 amd No. 20, 2007, s 11

ss 25AL – 25AM	ins No. 4, 2005, s 4 amd No. 20, 2007, s 11; No. 37, 2010, s 11
pt 3 div 6 hdg	ins No. 4, 2005, s 4
s 25AN	ins No. 4, 2005, s 4 sub No. 20, 2007, s 8
s 25AP	ins No. 4, 2005, s 4
pt 3 div 6A hdg	ins No. 13, 2024, s 15
ss 25APA – 25APB	ins No. 13, 2024, s 15
pt 3 div 7 hdg	ins No. 4, 2005, s 4
s 25AQ	ins No. 4, 2005, s 4 amd No. 11, 2006, s 3; No. 20, 2007, s 9; No. 28, 2021, s 20
s 25AR	ins No. 4, 2005, s 4 sub No. 20, 2007, s 10
s 25AAA	ins No. 12, 1992, s 9 rep No. 58, 2000, s 6
pt 3A hdg	ins No. 24, 1977, s 11 amd No. 34, 2019, s 9
s 25A	ins No. 24, 1977, s 11 amd No. 56, 1978, s 9; No. 95, 1978, s 12; No. 23, 1983, s 7; No. 55, 1986, s 4; No. 12, 1992, s 10
s 25B	ins No. 24, 1977, s 11 amd No. 23, 1983, s 7; No. 58, 2000, s 7; No. 23, 2013, s 18
s 25C	ins No. 24, 1977, s 11 amd No. 23, 1983, s 7; No. 62, 1985, s 7; No. 28, 1993, s 3; No. 58, 2000, s 8; No. 23, 2013, s 18
s 25D	ins No. 24, 1977, s 11 amd No. 23, 1983, s 7; No. 58, 2000, s 9; No. 23, 2013, s 18
s 25E	ins No. 24, 1977, s 11 amd No. 12, 1992, s 11
s 25F	ins No. 24, 1977, s 11 amd No. 23, 1983, s 7; No. 58, 2000, s 10; No. 23, 2013, s 18
s 25G	ins No. 24, 1977, s 11 amd No. 57, 1978, s 14; No. 23, 1983, s 7 rep No. 62, 1985, s 8 ins No. 12, 1992, s 12 amd No. 58, 2000, s 11; No. 23, 2013, s 18
pt 4 hdg	sub No. 24, 1977, s 11; No. 58, 2000, s 12 amd No. 34, 2019, s 9
s 26	sub No. 24, 1977, s 11 amd No. 7, 1988, s 5 sub No. 58, 2000, s 12
ss 26A – 26B	ins No. 7, 1988, s 6 rep No. 58, 2000, s 12
s 27	sub No. 24, 1977, s 11 amd No. 57, 1978, s 14; No. 18, 1989, s 6 sub No. 58, 2000, s 12
s 28	sub No. 24, 1977, s 11 amd No. 23, 1983, s 7; No. 18, 1989, s 7 sub No. 58, 2000, s 12
s 29	sub No. 24, 1977, s 11 amd No. 23, 1983, s 4; No. 7, 1988, s 7 sub No. 58, 2000, s 12

s 30	sub No. 24, 1977, s 11
	amd No. 23, 1983, s 7
	sub No. 58, 2000, s 12
s 31	sub No. 24, 1977, s 11
	amd No. 23, 1983, s 5
	sub No. 58, 2000, s 12
ss 32 – 34	sub No. 24, 1977, s 11
	amd No. 23, 1983, s 7
	sub No. 58, 2000, s 12
s 35	sub No. 24, 1977, s 11
	amd No. 23, 1983, s 7; No. 18, 1989, s 8
	sub No. 58, 2000, s 12
s 36	sub No. 24, 1977, s 11
	amd No. 57, 1978, ss 14 and 15
	sub No. 58, 2000, s 12
s 37	sub No. 24, 1977, s 11; No. 58, 2000, s 12
s 38	sub No. 24, 1977, s 11
	amd No. 23, 1983, s 7
	sub No. 58, 2000, s 12
s 39	sub No. 24, 1977, s 11; No. 58, 2000, s 12
s 40	sub No. 24, 1977, s 11
	amd No. 23, 1983, s 7
	sub No. 58, 2000, s 12
	amd No. 23, 2013, s 18
s 41	sub No. 24, 1977, s 11
	amd No. 23, 1983, s 7
	sub No. 58, 2000, s 12
	amd No. 3, 2001, s 8
s 42	sub No. 24, 1977, s 11
	amd No. 7, 1988, s 8; No. 18, 1989, s 9
	sub No. 58, 2000, s 12
s 43	sub No. 24, 1977, s 11
	amd No. 7, 1988, s 9; No. 18, 1989, s 10
	sub No. 58, 2000, s 12
s 43A	ins No. 7, 1988, s 10
	rep No. 58, 2000, s 12
s 44	sub No. 24, 1977, s 11
	amd No. 32, 1980, s 7
	sub No. 58, 2000, s 12
pt 5 hdg	rep No. 15, 1980, s 8
	ins No. 12, 1992, s 13
	rep No. 58, 2000, s 12
s 45	amd No. 24, 1977, s 12; No. 57, 1978, s 15
	rep No. 15, 1980, s 8
	ins No. 12, 1992, s 13
	sub No. 58, 2000, s 12
s 45A	ins No. 25, 2025, s 59
s 46	rep No. 15, 1980, s 8
	ins No. 12, 1992, s 13
	sub No. 58, 2000, s 12
	amd No. 23, 2013, s 18
s 47	rep No. 15, 1980, s 8
	ins No. 12, 1992, s 13
	sub No. 58, 2000, s 12
s 48	amd No. 57, 1978, s 15
	rep No. 15, 1980, s 8
	ins No. 12, 1992, s 13
	sub No. 58, 2000, s 12

s 49	rep No. 24, 1977, s 13 ins No. 12, 1992, s 13 sub No. 58, 2000, s 12 amd No. 23, 2013, s 18
ss 50 – 55	rep No. 24, 1977, s 13 ins No. 12, 1992, s 13 sub No. 58, 2000, s 12
s 56	rep No. 15, 1980, s 8 ins No. 58, 2000, s 12
s 57	rep No. 15, 1980, s 9 ins No. 58, 2000, s 12
s 58	amd No. 57, 1978, s 8 rep No. 15, 1980, s 9 ins No. 58, 2000, s 12
s 59	amd No. 57, 1978, ss 9 and 15 rep No. 15, 1980, s 9 ins No. 58, 2000, s 12
s 60	amd No. 57, 1978, s 10 rep No. 9, 1980, s 9 ins No. 58, 2000, s 12
s 61	amd No. 57, 1978, s 14 rep No. 15, 1980, s 9 ins No. 58, 2000, s 12
ss 62 – 63	amd No. 57, 1978, s 15 rep No. 15, 1980, s 9 ins No. 58, 2000, s 12
pt 4	
div 7 hdg	rep No. 13, 2024, s 16
s 64	rep No. 15, 1980, s 9 ins No. 58, 2000, s 12 rep No. 13, 2024, s 16
s 64A	ins No. 56, 1978, s 10 rep No. 15, 1980, s 9
s 65	rep No. 15, 1980, s 9 ins No. 58, 2000, s 12 rep No. 13, 2024, s 16
s 66	amd No. 24, 1977, s 26; No. 56, 1978, s 11; No. 57, 1978, ss 11 and 16; No. 82, 1979, s 10 rep No. 15, 1980, s 9 ins No. 58, 2000, s 12 amd No. 23, 2013, s 18
s 67	amd No. 57, 1978, s 17; No. 82, 1979, s 11 rep No. 15, 1980, s 9 ins No. 58, 2000, s 12 amd No. 23, 2013, s 18
s 67A	ins No. 58, 2000, s 12
ss 67B – 67C	ins No. 58, 2000, s 12 amd No. 23, 2013, s 18
s 67D	ins No. 58, 2000, s 12 amd No. 11, 2006, s 4; No. 23, 2013, s 18
s 67E	ins No. 34, 2010, s 4
s 69	amd No. 23, 1983, s 7; No. 58, 2000, s 13; No. 11, 2006, s 5; No. 23, 2013, s 18
s 70	amd No. 24, 1977, s 26
s 71	amd No. 23, 1983, s 7; No. 62, 1985, s 9; No. 51, 1990, s 2; No. 12, 1992, s 14; No. 58, 2000, s 14; No. 11, 2006, s 6; No. 23, 2013, s 18
s 71A	ins No. 48, 1996, s 2

s 72	amd No. 57, 1978, s 15 rep No. 23, 1983, s 6
s 73	amd No. 57, 1978, s 15 sub No. 112, 1978, s 5 amd No. 12, 1992, s 15; No. 58, 2000, s 15
s 74	amd No. 12, 1992, s 16; No. 34, 2019, s 5
s 74A	ins No. 12, 1992, s 17 amd No. 62, 2001, s 15
s 75	amd No. 57, 1978, s 15 rep No. 58, 2000, s 16
s 76	amd No. 57, 1978, s 16 rep No. 15, 1980, s 9
s 77	amd No. 57, 1978, s 15 rep No. 15, 1980, s 9
pt 4A hdg	rep No. 15, 1980, s 10
ss 77A – 77N	ins No. 82, 1979, s 12 rep No. 15, 1980, s 10
pt VII hdg	rep No. 46, 1995, s 3
s 78	rep No. 46, 1995, s 3
s 79	amd No. 23, 1983, s 7 rep No. 46, 1995, s 3
s 80	amd No. 24, 1977, s 26; No. 57, 1978, s 16; No. 23, 1983, s 7 rep No. 46, 1995, s 3
s 81	rep No. 46, 1995, s 3
s 82	amd No. 57, 1978, s 12 rep No. 9, 1980, s 6
ss 83 – 85	amd No. 24, 1977, s 26; No. 57, 1978, s 16 rep No. 46, 1995, s 3
s 86	rep No. 46, 1995, s 3
ss 87 – 88	amd No. 23, 1983, s 7 rep No. 46, 1995, s 3
s 89	rep No. 24, 1977, s 14 ins No. 71, 1985, s 2 rep No. 46, 1995, s 3
s 90	amd No. 24, 1977, s 15 rep No. 15, 1980, s 9
pt 8	amd No. 34, 2019, s 9
s 91	amd No. 24, 1977, s 26; No. 56, 1978, s 12; No. 57, 1978, ss 15 and 16; No. 23, 1983, s 7
s 92	sub No. 24, 1977, s 16 amd No. 48, 1996, s 3; No. 38, 2014, s 2; No. 34, 2019, s 6
s 93	sub No. 24, 1977, s 16
s 93A	ins No. 24, 1977, s 16 sub No. 58, 2000, s 17 amd No. 34, 2019, s 7
s 93B	ins No. 24, 1977, s 16 amd No. 23, 1983, s 7 sub No. 58, 2000, s 17 amd No. 34, 2019, s 8
s 93C	ins No. 58, 2000, s 17
s 94	amd No. 24, 1977, s 17; No. 23, 1983, s 7; No. 58, 2000, s 18; No. 23, 2013, s 18
s 95	amd No. 24, 1977, s 18; No. 86, 1979, s 4; No. 23, 1983, s 7
s 96	amd No. 24, 1977, s 19; No. 57, 1978, s 16; No. 86, 1979, s 5; No. 23, 1983, s 7 sub No. 58, 2000, s 19
s 97	amd No. 24, 1977, s 20; No. 23, 1983, s 7 sub No. 58, 2000, s 20

s 97A	ins No. 58, 2000, s 20 amd No. 23, 2013, s 18
s 98	amd No. 24, 1977, s 21; No. 57, 1978, s 17; No. 23, 1983, s 7; No. 17, 1996, s 6
pt 9 hdg	rep No. 57, 1978, s 13 ins No. 13, 2024, s 17
s 99	rep No. 57, 1978, s 13 ins No. 13, 2024, s 17
s 100	amd No. 24, 1977, s 22 rep No. 57, 1978, s 13
ss 101 – 102	rep No. 57, 1978, s 13
ss 103 – 104	amd No. 24, 1977, s 26 rep No. 57, 1978, s 13
s 105	rep No. 57, 1978, s 13
ss 106 – 107	amd No. 24, 1977, s 26 rep No. 57, 1978, s 13
s 108	rep No. 57, 1978, s 13
s 109	amd No. 15, 1980, s 11 rep No. 25, 2009, s 10
pt 10 hdg	sub No. 34, 2019, s 9
s 110	amd No. 56, 1978, s 13; No. 23, 1983, s 7 sub No. 58, 2000, s 21 amd No. 11, 2005, s 25
s 111	amd No. 23, 1983, s 7 sub No. 58, 2000, s 21 amd No. 3, 2001, s 8
s 112	amd No. 23, 1983, s 7; No. 58, 2000, s 22
s 113	amd No. 24, 1977, s 23; No. 56, 1978, s 14; No. 23, 1983, s 7; No. 58, 2000, s 23
s 114	amd No. 24, 1977, s 24; No. 23, 1983, s 7 sub No. 58, 2000, s 24 amd No. 23, 2013, s 18
s 115	amd No. 56, 1978, s 15; No. 23, 1983, s 7; No. 58, 2000, s 25
ss 115A – 115C	ins No. 58, 2000, s 26
s 116	rep No. 130, 1978, s 3 ins No. 12, 1992, s 18 sub No. 58, 2000, s 27
s 117	amd No. 23, 1983, s 7 sub No. 12, 1992, s 18 amd No. 58, 2000, s 28
s 117A	ins No. 68, 1983, s 40 amd No. 12, 1992, s 19 sub No. 58, 2000, s 29
s 118	amd No. 23, 1983, s 7; No. 17, 1996, s 6
s 119	amd No. 17, 1996, s 6
s 120	amd No. 17, 1996, s 6; No. 11, 2006, s 7
s 121	amd No. 23, 1983, s 7
s 122	amd No. 24, 1977, s 25 sub No. 112, 1978, s 6 amd No. 23, 1983, s 7 sub No. 58, 2000, s 30
s 123	amd No. 95, 1978, s 14; No. 82, 1979, s 13 sub No. 37, 1986, s 2 amd No. 7, 1988, s 11; No. 18, 1989, s 11; No. 12, 1992, s 20; No. 58, 2000, s 31; No. 23, 2013, s 18; No. 38, 2014, s 2
s 124	ins No. 58, 2000, s 32
pt 11 hdg	ins No. 13, 2024, s 18

ss 125 – 128	ins No. 13, 2024, s 18
sch 1	amd No. 56, 1978, s 16; No. 13, 2024, s 19
sch 2	ins No. 13, 2024, s 20