

JUSTICES ACT 1902—REGULATION

(Relating to short descriptions of offences under the National Parks and Wildlife (Land Management) Regulation 1987)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Justices Act 1902, has been pleased to make the Regulation set forth hereunder.

JOHN DOWD
Attorney General.

The National Parks and Wildlife (Short Description of Offences) Regulation 1989 is amended:

- (a) by omitting clause 2 (2) and by inserting instead the following subclause:
 - (2) If a choice of words is indicated in Column 2 of the Schedule, the words remaining after the omission of the words irrelevant to the offence constitute the prescribed expression.
- (b) by omitting Schedule 1 and by inserting instead the following Schedule:

SCHEDULE 1

(Cl. 2)

Column 1	Column 2
OFFENCES UNDER NATIONAL PARKS AND WILDLIFE (LAND MANAGEMENT) REGULATION 1987	PRESCRIBED EXPRESSION
Clause 5 (2)—drive vehicle into a park otherwise than at place designated as entrance by notice	enter park at unauthorised point

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Clause 6 (1) (a)—take animal into park	take animal into park
Clause 6 (1) (b)—keep animal in park	keep animal in park
Clause 6 (1) (c)—be in charge/possession/control of animal in park	be in charge/possession/ control of animal in park
Clause 6 (1) (d)—fail to prevent animal of which the person has charge/possession/control from entering park	fail to prevent animal entering park
Clause 7 (1) (a)—ride or tether horse or drive vehicle except on a ride, drive, road, track, trail or area set apart for that purpose within any park	ride/tether/drive on unauthorised area
Clause 7 (1) (b)—park vehicle or moor vessel in an area other than an area set apart by the authority for parking or mooring or otherwise than in accordance with conditions imposed by the authority and exhibited by a notice with any park	unauthorised parking/ mooring
Clause 7 (1) (c)—driver or rider of any vehicle or rider or person in charge of my horse proceeding along, standing on or using any ride, drive, road, track, trail or area set apart for driving or riding vehicles or horses, failing to to comply with conditions imposed by the authority and exhibited by a notice with respect to: (i) control of traffic; (ii) the rate of travel of any vehicle or horse; (iii) the use of any ride, drive, road, track, trail or area	fail to comply with driving riding conditions
Clause 7 (1) (d) (i)—deviate from any ride, drive, road, track or trail	deviate from road or path
Clause 7 (1) (d) (ii)—without consent use in a commercial operation anyvessel or raft on any stream, river, dam, lake, reservoir or waterway	unauthorised commercial use of vessel

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Clause 7 (1) (d) (iii)—without consent use any earthmoving equipment, tractor-drawn equipment, helicopter, aeroplane, hovercraft or any means of conveyance other than a motor car, motor omnibus, motor truck, motor cycle, motor scooter, bicycle, horse or horse-drawn carriage	unauthorised use of equipment/conveyance
Clause 7 (1) (d) (iv)—without consent use or have in possession an oversnow vehicle	unauthorised use/possession oversnow vehicle
Clause 7 (2)—between 7 p.m. and 7 a.m. cause or permit any vehicle to stand within any area within Kosciusko National Park the boundaries of which are delineated by snow poles or other prominent markers and which are indicated as being set apart for parking by notice	cause/permit vehicle stand in unauthorised area
Clause 8 (a)—within any park use any table or seat otherwise than in accordance with conditions	unauthorised use of table/seat
Clause 8 (b)—within any park enter or use any shelter, lavatory, shed, building, bathing enclosure or beach or any other public amenity or area or place of any nature otherwise than in accordance with conditions	unauthorised entry/use of amenity/area/place
Clause 9 (3)—camp on any part of a park not set aside for camping or otherwise than in accordance with conditions	unauthorised camping/camp contrary to conditions
Clause 9 (4) (a)—camp for a continuous period in excess of period exhibited by notice	camp in excess of specified period
Clause 9 (4) (b)—permanently reside in park	reside in park
Clause 10 (1) (a) deposit or leave any litter except in an area or receptacle provided	deposit/leave litter
Clause 10 (1) (b)—where no area or receptacle for litter is provided, fail to remove from the park all litter taken into or created by the person in the park	fail to remove litter

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Clause 10 (1) (c)—deposit or leave any mineral, metal or mineral or metal waste	deposit/leave mineral/metall waste
Clause 10 (1) (d)—leave any offensive or polluting substance, matter or thing	leave offensive/polluting matter
Clause 10 (1) (e)—wilfully break any article of glass, china, pottery or plastic	break glass/china/pottery/ plastic
Clause 10 (1) (f)—write or paint or otherwise mark on or deface, damage, destroy, remove or interfere with any tank, dam, water supply, sewerage or electrical installation, causeway, wharf, jetty, bridge, building, plant, equipment, rock, tree, timber, relic, road, path, culvert, picnic area, camping area, caravan park area, parking area, cabin area, table, seat, pillar, pole, snowpole, railing, gate, lookout, sign, notice, rubbish receptacle, monument, memorial or other fixture or improvement	write/paint/mark on deface/ damage/destroy/remove/ interfere with part of park
Clause 10 (1) (f)—affix any bill, notice or advertisement to any tank, dam, water supply, sewerage or electrical installation, causeway, wharf, jetty, bridge, building, plant, equipment, rock, tree, timber, relic, road, path, culvert, picnic area, camping area, caravan park area, parking area, cabin area, table, seat, pillar, pole, snowpole, railing, gate, lookout, sign, notice, rubbish receptacle, monument, memorial or other fixture or improvement	affix bill/notice/ advertisement to part of park
Clause 10 (1) (g)—carry, lay or set any trap, snare or poison, or drop from any aircraft or otherwise deposit any poison bait or poisonous chemical substance	carry/lay/set/drop/deposit trap/poison
Clause 10 (1) (h)—hurt, capture, destroy, trap or snare or have in possession any animal	hurt/capture/destroy/trap/ snare/possess animal
Clause 10 (1) (i)—take any animal's nest or egg	take nest/egg
Clause 10 (1) (i)—interfere with my animal's nest or egg or habitation or resting place or my beehive	interfere with nest/egg/behive

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Clause 10 (1) (j)—behave in a disorderly manner or use any offensive language or cause annoyance to other persons	disorderly behaviour/ offensive language/ cause annoyance
Clause 10 (1) (k)—use any machinery, plant, radio, television, cassette, record player or other equipment for relaying music or sound, or any vehicle, model aircraft or boat in a manner likely to cause a nuisance to any person or animal	use article causing nuisance to person/animal
Clause 10 (1) (l)—where authority has approved a fireplace or other location for lighting of fires, light, maintain or use any fire in any place other than an approved fireplace or location	light/maintain/use fire in unauthorised place
Clause 10 (1) (m)—light, maintain or use any fire which does not comply with conditions specified by notice for fires	light/maintain/use fire contrary to conditions
Clause 10 (1) (n)—fail to summon assistance if assistance is available to control or extinguish any fire which the person lit or used or caused to be lit or used and which is beyond the person's power to control or extinguish	fail to summon assistance re fire
Clause 10 (1) (o) use matches, cigarettes or smokers' materials or any inflammable or explosive substance or object in a careless or dangerous manner or in a manner likely to cause a fire in the park	use inflammable/explosive substance/object in careless/dangerous manner
Clause 10 (1) (p)—set any trap or net for fish in any water, or have in possession any fish trap or fishing net other than a landing net	possess/set fish trap/net
Clause 10 (1) (q)—deposit any relic	deposit relic
Clause 10 (1) (r)—abandon any vehicle	abandon vehicle
Clause 10 (2)—within any Aboriginal area deposit my bone or shell	deposit bone/shell
Clause 11 (1) (a)—take or place my beehive	take/place beehive

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Clause 11 (1) (b)—dam, divert or pollute the water in any river, stream, tank, dam or reservoir	dam/divert/pollute watercourse/water supply
Clause 11 (1) (c)—erect or utilise any building, structure, installation, engineering work, plant, equipment, amusement device, fixture or improvement	erect/use item
Clause 11 (1) (d)—erect any hoarding or notice or display any commercial or political advertising matter, sign, bill or poster	erect/display signage
Clause 11 (1) (e)—interfere with any soil, sand, gravel, clay, rock, ochre, mineral, timber, gum, resin, humus or other natural substance or object	interfere with natural feature
Clause 11 (1) (f)—cut, remove, damage or destroy, or have in possession for removal or otherwise any tree, shrub, fern, creeper, vine, palm, plant, flower, seed, root, herbage, turf or other vegetative cover	cut/remove/damage/destroy / possess vegetation
Clause 11 (1) (g)—introduce any exotic plant or part of an exotic plant	introduce exotic plant/part exotic plant
Clause 11 (1) (h)—interfere with any relic	interfere with relic
Clause 11 (1) (i)—take any rubbing, latex peel or impression of any relic	take rubbing/peel/ impression of relic
Clause 11 (1) (i)—have in possession any metal detector	possess metal detector
Clause 11 (1) (l)—interfere with or remove any deposit, object or material evidence relating to the settlement or occupation of New South Wales or a part of New South Wales (not being Aboriginal settlement or occupation) where the deposit, object or material evidence is more than 25 years old at the date of interference or removal	intedere with/remove evidence of settlement
Clause 11 (1) (1)—have in possession any firearm or prohibited weapon	possess firearm/prohibited weapon

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Clause 11 (1) (m)—have in possession any airgun, speargun or other lethal weapon or any explosive or firework	possess airgun/speargun/ lethal weapon/explosive/ firework
Clause 11 (1) (m)—throw any object likely to cause damage or injury to any person, animal or thing	throw object likely to cause damage/injury
Clause 11 (1) (n)—ride or use a skateboard, roller skates, bicycle or other means of conveyance on a pathway or track or trail set apart by the authority for pedestrian traffic only	use conveyance in pedestrian area
Clause 11 (1) (o)—sell or hire or attempt to sell or hire any article, thing or service to any person	attempt/sell/hire item/service
Clause 11 (1) (p)—conduct any entertainment or instruction for money or other consideration	conduct entertainment/ instruction for reward
Clause 11 (1) (q)—compete with or hinder the commercial operations of any person or business possessing a lease, licence, occupancy or franchise from the Minister or Director	compete with/hinder authorised commercial operation
Clause 11 (1) (r)—take any photograph, cine, movie or television film for sale, hire or profit	film for reward
Clause 11 (1) (s)—carry on research work	conduct research
Clause 11 (1) (t)—conduct or take part in any sporting activity that forms part of an organised competition or tournament	conduct/participate sporting competition
Clause 11 (1) (u)—organise or attend any concert, public meeting, function or demonstration	organise/attend unlawful assembly
Clause 11 (1) (v)—organise, attend or participate in or cause to be organised any group activity of any kind, any manoeuvre whether of a military, naval, aerial nature or otherwise or any course of training or similar activity	organise/attend/cause organisation unlawful group activity/manoeuvre/ training
Clause 11 (1) (w)—engage in any activity or recreational pursuit which involves risking the safety of the person or other persons	behaviour dangerous to persons

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Clause 12 (3)—enter or be within any park or part of a park which the authority has closed to the public	enter/be in closed area
Clause 15 (1)—driver or rider of a vehicle or horse entering with or driving or riding the vehicle or horse into or through or along any park or any public or other road traversing or bounding the park without paying fees or contrary to conditions	enter park without paying fees/contrary to conditions
Clause 15 (2)—using or embarking or disembarking at any wharf or jetty within any park without paying fees	use/embark from/disembark at wharf without paying fee
Clause 16 (3)—erect, construct, lay down or set up a mooring or marina in the waters without a licence	establish mooring/marina without licence
Clause 16 (7)—moor a vessel on the water other than at a mooring or marina in respect of which the person: <ul style="list-style-type: none"> (a) is the holder of a licence; (b) is the hirer from the holder of a licence which authorises the holder to hire out the mooring or marina; or (c) does so with the consent of the licensee or hirer 	moor vessel without authority
Clause 16 (8) (a)—moor at any mooring (not being a mooring forming part of a marina) in the waters more than one vessel (whether or not secured directly to the mooring or to another vessel secured to the mooring)	moor additional vessel to mooring
Clause 16 (8) (b)—moor at any mooring (not being a mooring forming part of a marina) in the waters any vessel in contravention of licence in respect of the mooring	moor vessel contrary to licence

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Clause 16 (9) (a)—holder of a licence in respect of a marina in the waters shall not moor or cause or permit to be moored at a mooring forming part of the marina more than one vessel (whether or not secured directly to the mooring or to another vessel secured to the mooring)	moor/cause/permit moor additional vessel at marina
Clause 16 (9) (b) holder of licence in respect of marina in the waters shall not moor or cause or permit to be moored at a mooring forming part of the marina any vessel in contravention of licence in respect of the mooring	moor/cause/permit moor vessel at marina contrary to licence
Clause 16 (10)—person representing that he/she is authorised to moor a vessel or cause or permit a vessel to be moored in the waters when not so authorised	false representation re mooring
Clause 25 (2)—person being required to give information to a poundkeeper, make a false claim as to ownership of an animal, make a false claim as to authorisation by the owner to obtain the release of an animal or give a false name and address	provide false information to poundkeeper
Clause 61 (1) (b)—person refusing or neglecting to comply with any reasonable request or reasonable direction made or given by the Director or the trustees or an officer or employee of the Service or an authorised person, being a request or direction relating to an act or omission by the person within a park	refuse/neglect to comply with request

EXPLANATORY NOTE

The object of this Regulation is to amend the National Parks and Wildlife (Short Description of Offences) Regulation 1989 so as to amend the prescribed short descriptions that, by virtue of the Justices Act 1902, are sufficient to state or describe in any information, complaint, summons warrant, notice, order or other document certain summary offences under the National Parks and Wildlife (Land Management) Regulation 1987.
