



Australian Government
Director of National Parks



kakadu™
NATIONAL PARK

CONDITIONS FOR A PERMIT TO CONDUCT COMMERCIAL LANDBASED TOURS IN KAKADU NATIONAL PARK

Interpretation

In these conditions, unless the contrary intention appears:

Act means the *Environment Protection and Biodiversity Conservation Act 1999* and any Regulations, management plans and instruments made under it, and includes any Act that amends or replaces it.

agreement means the agreement at the end of these conditions.

captured, for an image, means recorded or reproduced by artistic representation, or on film, videotape, disc or other electronic medium and includes recorded sound.

Director means the Director of National Parks, and includes any statutory successor to the Director and the Director's delegates.

management plan means the management plan in operation from time to time for the park under the Act.

park means the named Commonwealth reserve(s) for which this permit is issued.

park staff means persons employed by the Director and performing duties in relation to the park.

permitted activity means the specified activity for which this permit is issued.

permittee means each person (individual, company or other commercial entity) to whom this permit is issued and includes, where the context permits, the permittee's staff and the permittee's clients.

permittee's clients means all persons, other than the permittee or the permittee's staff, who take part in the permitted activity.

permittee's staff means the permittee's employees, contractors and other agents who take part in the permitted activity.

permittee's tour guides means the permittee's employees, contractors and other agents who have primary responsibility for leading the permitted activity.

ranger means a person appointed as a ranger under s392 of the Act.

Regulations means the *Environment Protection and Biodiversity Conservation Regulations 2000* and includes any Regulations that amend or replace them.

warden means a person appointed as a warden under s392 of the Act.

In these conditions:

The singular includes the plural and vice versa.

Where a word or phrase is defined, other grammatical forms of that word or phrase have a corresponding meaning.

Where one of the words 'include', 'including' or 'includes' is used, the words 'without limitation' are taken to immediately follow.

Where the word 'must' imposes an obligation on a person to do or not do something, the obligation is taken to mean that the person must take all reasonable steps to do or not do the thing (i.e. steps that ought to be reasonable to a person who possesses the faculty of reason and engages in conduct in accordance with community standards).

A reference to the permittee includes, where the context permits, the permittee's staff and the permittee's clients involved in the permitted activity.

Note: The Director may vary or revoke these permit conditions, or impose new conditions, in accordance with r17.09 of the Regulations, and must do so where it is necessary to ensure that the matters or circumstances about which the Director is required to be satisfied when issuing the permit continue to apply

General Permit Conditions (all activities)

1. The permittee must not conduct the permitted activity before the commencement date or after the expiry date shown on the permit.
2. The permittee must not conduct the permitted activity unless the permittee has signed and submitted the agreement with the park.
3. This permit cannot be transferred to another person, except in accordance with regulation 17.11 of the Regulations.

Note: If the permittee sells the business to which the permit relates, the permittee may apply to transfer the permit to the purchaser, in accordance with r17.11 of the Regulations, or the purchaser may apply for a new permit.

4. The permittee must comply with the EPBC Act, the EPBC Regulations, the management plan, these permit conditions, and any other signs, notices, information, guidelines, codes of conduct, protocols or directions issued by, or under the authority of, the Director relating to the park.
5. The permittee must comply with all Commonwealth, State or Territory laws relating to the permitted activity.
6. The permittee must hold all permits, licences and other authorities required by law for the conduct of the permitted activity.
7. The permittee must maintain relevant training, qualifications and experience to competently conduct the permitted activity.
8. The permittee must carry a copy of this permit and these conditions or keep a copy in the permittee's transport (vehicle, vessel or aircraft) while conducting the permitted activity, and must produce it for inspection when requested by a ranger or warden.
9. The permittee must not, and must take all reasonable steps to ensure that the permittee's clients do not, walk off track or use any road, track or area that is permanently, temporarily or seasonally closed or restricted by fences, gates or signs, unless specifically authorised by this or another permit.
10. The permittee must not, and must take all reasonable steps to ensure that the permittee's clients do not:
 - a) behave contrary to the Regulations or any warning or regulatory signs; or
 - b) pick fruits, flowers or branches, or otherwise damage any native plants; or
 - c) interfere with, feed, handle or disturb any native animal, or damage or disturb a nest or dwelling place of a native animal; or
 - d) touch or interfere with any rock art, sacred site or cultural artefact; or
 - e) impede public access to any part of the park.

Note: This permit does not give the permittee any rights to the exclusive use, enjoyment or occupancy of any area of the park unless specifically authorised by this permit.

11. The permittee must notify the Director, in writing, within 7 days if:
- the permittee sells any business to which the permit relates to another person or group, or for any other reason ceases to conduct the permitted activity; or
 - the permittee is a company and there is a change in the owner(s) of the majority of issued shares in the company.
12. If the permittee is a company or other incorporated body the permittee must not, without the approval of the Director, have as a director or office holder a person who has been convicted¹ of an offence² against the Act or the Regulations within the previous 10 years.
13. The permittee must not, without the approval of the Director, use directly in the conduct of the activity to which this permit relates (eg driver or tour guide) the services of any person who has within the previous 10 years been convicted of an offence against the Act or the Regulations prior to the grant of the permit.

Note: The Director may keep a register of persons who have been convicted of such an offence or who have been the subject of a request by the Director for a permittee to cease using their services within the park.

14. If any of the permittee's staff contravene these permit conditions, the Director may:
- notify the permittee of the contravention; and
 - direct the permittee to cease using the services of that person within the park for a specified time, and the permittee must forthwith comply with that request.

Note: In this situation and accordance with r14.16, the Director must give written notice to the member of the permittee's staff of the decision, including a statement that the member of the permittee's staff may apply to the Director to reconsider the decision and that, subject to the Administrative Appeals Tribunal Act 1975, the member of the permittee's staff may subsequently apply to the Administrative Appeals Tribunal for review of the reconsideration.

15. The permittee must ensure that the permittee's staff are fully informed of and understand these permit conditions before they commence taking part in the permitted activity.
16. The permittee must ensure that the permittee's staff are appropriately trained and/or accredited for any activity they conduct in the park.
17. The permittee must ensure that appropriate risk management systems, strategies and procedures are in place to minimise foreseeable risks to the permittee's staff, the permittee's clients, other members of the public and the environment and heritage values of the park, and must produce evidence of such systems, strategies and procedures as requested by the Director.

Note: Suitable templates for risk management systems are available from Parks Australia. They represent the minimum acceptable standard for a risk management system. Permittees are encouraged to develop more detailed risk management systems.

18. The permittee is responsible for the safety, well being and behaviour of the permittee's staff and clients, and must take all reasonably practicable steps to ensure that no person is exposed to risks to their health or safety whilst in the park.
19. If the permittee or any of the permittee's staff or clients is killed, injured, becomes ill, goes missing, or is involved in a dangerous incident while in the park, a member of park staff must be notified as soon as possible and the permittee and the permittee's clients must comply with any requests or directions from a member of park staff in relation to the safety of that person or any other person.

Note: In this condition "dangerous incident" means an incident that exposes a person to a serious risk to their health or safety.

20. The permittee must ensure that its supervision of the permittee's clients is reasonable in the circumstances of the permittee's clients' differing levels of fitness, experience and abilities.
21. The permittee must carry, and must ensure that each of the permittee's clients carries, sufficient potable water for the conduct of the permitted activity.

Note: The Director recommends that, in hot weather, people carry and drink one litre of water for every hour they will be active.

22. The permittee will make good any damage to the park, to the extent that the damage was caused or contributed to by the conduct of the permitted activity or a breach of the permit conditions by the permittee.

Commercial Activity Conditions

23. The permittee must not conduct the permitted activity unless the permittee holds a policy of public liability insurance sufficient to cover any liability the permittee may have to third parties or to the Director under the agreement, and in any case for an amount of not less than \$20 million in respect of any single event, with an insurer that is licensed by the Australian Prudential Regulation Authority or otherwise approved by the Director.
24. The permittee must provide to the Director a certificate of currency for the policy of public liability insurance, evidencing that the policy covers all activities in the park of the permittee and the permittee's staff, contractors and other agents:
- before the permittee commences to conduct the permitted activity; and
 - on each occasion when the policy is renewed or when a new policy is taken out; and
 - at any other time as requested by the Director.
25. The permittee's staff must not include a contractor or agent unless:
- the activities of that person are covered by the insurance required under condition 23; or
 - the person holds a permit to conduct commercial activities in the park that authorises them to provide services to the permittee in connection with the permitted activity, and holds a policy of public liability insurance that satisfies the requirements of condition 23.

Land-based Tour Permit Conditions

26. The permittee must ensure that the permittee's tour guides have knowledge of the safety information that appears in the park visitor guide, so they can be accurate in their answers to questions asked by the permittee's clients.
27. The permittee must, before a tour commences in the park, explain to the permittee's clients, in both oral and/or written form in a language understood by the clients, the standard safety information that appears in the park visitor guide and all foreseeable hazards and conditions they may encounter during the permitted activity.

Note: Such hazards and conditions may include, but are not limited to: crocodiles and other dangerous animals, plants and insects; heights; unstable and slippery rocks; extreme weather conditions; high winds; and fast-flowing water.

28. The permittee must ensure that each of the permittee's tour guides operating in the park holds a current first aid

¹ A person is taken to have been convicted of an offence if, within five years, the person has been charged with, and found guilty of, the offence but discharged without conviction or has not been found guilty of the offence, but a court has taken the offence into account in passing sentence on the person for another offence. Part VIII of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them

² Such an offence includes, for an offence under such a law, section 6 of the *Crimes Act 1914* or sections 11.1, 11.4 or 11.5 of the Criminal Code (which deal with being an accessory after the fact, attempting to commit offences, inciting to or urging the commission of offences by other people and conspiring to commit offences) or an equivalent provision of a law of a State or Territory

qualification, the minimum standard for which is "Provide First Aid HLTAID003" or equivalent.

29. The permittee must ensure that each of the vehicles used in the conduct of the permitted activity contains a comprehensive first aid kit that is suitable for the types of incidents that may occur during the permitted activity.
30. The permittee's tour guides must carry a basic first aid kit while leading the permittee's clients in activities away from the permittee's vehicle.
31. The permittee must not use a vessel for tour purposes on waters in the park, unless authorised to do so by this or another permit issued by the Director.
32. The permittee must ensure that all vehicles used for the permitted activity are identified as being used by the permittee through signwriting, magnetic stickers or a signboard visible through the windscreen, and display a current Parks Australia Permitted Tour Operator vehicle sticker on the driver's side of the windscreen.
33. For the purpose of evaluating compliance with these permit conditions, the permittee must, subject to availability of space and the provision of reasonable notice, allow a member of park staff, a traditional owner or a tour guide training assessor to accompany tours from time to time at no cost to the Director.
34. Permittees who are issued with 3 year permits must hold tourism accreditation, and provide the Director with evidence of that accreditation annually.

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35. The permittee's clients must not include a person aged 5 years or over unless:
 - a) the person is a Northern Territory resident; or
 - b) the person is in possession of, or covered by, a valid Park Pass; or
 - c) the person is listed in a valid Park Pass manifest issued by the Director and in the possession of the permittee's tour guide.
36. The permittee must provide the permittee's clients with accurate information in relation to the park and to Bininj/Mungguy culture and sites.

Note: The Kakadu Knowledge for Tour Guides e-learning program and the park's Tour Operator Handbook are sources of accurate and appropriate information, including information about culture and crocodile safety.

37. The permittee must ensure that each of the permittee's tour guides (i.e. those who have primary responsibility for leading tour groups - see Interpretation section at the start of these conditions) has successfully completed the Kakadu Knowledge for Tour Guides e-learning program prior to leading a tour in the park.
38. The permittee must ensure that the permittee's tour guides are educated and tested about crocodile safety.
39. The permittee must hold a current permit issued by the Director for the use for commercial gain of captured images of a Commonwealth reserve, for all the permittee's promotional material relating to the permitted activity, including pamphlets, brochures and internet material such as web-pages.

Note: Permits are required to capture and use images for commercial gain. A photography permit authorises the use of images included in promotional material submitted with the permit application and approved for use. You can obtain an application form at www.environment.gov.au/resource/media-and-artists

40. The permittee must only use the emergency call devices (ECDs or radio alarms) that are located in the park to request medical help or a search and rescue operation, or to notify a member of park staff of a death, injury, missing person or other incident.

Note: Emergency call devices are located at the information bay on the Arnhem Highway, Burrungkuy (Nourlangie Rock) carpark, Waldak Irrmbal (West Alligator Head), Ubirr, Cahills Crossing carpark, Jim Jim Falls carpark, Jim Jim Falls plunge pool, Top of Jim Jim Falls, Twin Falls carpark, Twin Falls Gorge boat landing, Top of Twin Falls, Bilkbilkmi (Graveside Gorge), Maguk (Barramundi Gorge), Gunlom, Jarrangbarra (Koolpin Gorge), Yurmikmik – Motor Car Falls, and Yurmikmik carpark.

41. The permittee must keep the park's Permits Officer updated within a reasonable time of any changes to the lists of permittee's staff and vehicles used for the permitted activity in the park.
42. In conducting the permitted activity the permittee must only use the sites authorised by this or another permit.
43. The permittee must not enter the areas of Igoyarrwa, Ferry Gully, Bilkbilkmi (Graveside Gorge) Waldak Irrmbal (West Alligator Head) or the roads leading from the Kakadu Highway, Four Mile Hole or Gunlom Road, to them, unless authorised by this or another permit.
44. The permittee must not operate vehicles in excess of 6 tonnes Gross Vehicle mass on the following public roads and public access tracks:
 - a) Jim Jim Falls Road & Twin Falls Track
 - b) Maguk (Barramundi Gorge) Track
 - c) Bilkbilkmi (Graveside Gorge) Track
 - d) Two Mile Hole, Four Mile Hole & Waldak Irrmbal (West Alligator Head) Track
 - e) Kubara (Baroalba Springs) Road
45. The permittee must not tow trailers on the Jim Jim Falls and Twin Falls Track anywhere south of the Karnamarr Campground.
46. The permittee must not use facilities at Merl, Djarradjin (Muirella Park), Mardukal, Karnamarr or Gunlom camping areas unless the applicable camping fees or shower fees have been paid prior to use.
47. Where a camping area has camping sites designated for tour groups, the permittee must use only those camping sites.
48. The permittee must not arrive at a camping area after 8:30pm, or make unreasonable noise or otherwise disturb other campers.

