### PERMIT TO CONDUCT AN ACTIVITY IN A COMMONWEALTH RESERVE

<table>
<thead>
<tr>
<th>Commonwealth reserves for which this permit is valid</th>
<th>Kakadu National Park</th>
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<tr>
<th>Commencement date</th>
<th>Expiry date</th>
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<tr>
<th>Name of permittee</th>
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<tr>
<th>Provisions of the EPBC Act &amp; Regulations for which this permit is issued</th>
<th>Regulation 12.06(2) for regulation 12.36</th>
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<tr>
<th>Specific activity permitted</th>
<th>To conduct land-based tours for commercial purposes in the above-named Commonwealth reserves in accordance with the attached conditions.</th>
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Failure to comply with the attached conditions is an offence punishable on conviction by a fine not exceeding $5500 and may also result in suspension or cancellation of this permit.

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Delegate of the Director of National Parks  
Date  

OFFICIAL USE ONLY

<table>
<thead>
<tr>
<th>Permit Number:</th>
<th>...............................</th>
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<tbody>
<tr>
<td>Receipt date:</td>
<td>...............................</td>
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<tr>
<td>Amount Received:</td>
<td>...............................</td>
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CONDITIONS FOR A PERMIT TO CONDUCT A LAND-BASED TOUR FOR COMMERCIAL PURPOSES 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.
- **member of park staff** means a person employed by the Department of the Environment and Heritage in relation to the Commonwealth reserve or Territory in respect of which this permit is issued.
- **park** means the named Commonwealth reserve(s) for which this permit is issued.
- **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 EPBC 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 EPBC 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 ‘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 (ie 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.

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**General Permit Conditions**

1) The permittee must not conduct the permitted activity before the commencement date or after the expiry date shown on the permit.

2) This permit cannot be transferred to another person, except in accordance with regulation 17.11 of the Regulations.

3) 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.

4) The permittee must comply with all Commonwealth, State or Territory laws relating to the permitted activity.

5) The permittee must hold all permits, licences and other authorities required by law for the conduct of the permitted activity.

6) The permittee must maintain relevant training, qualifications and experience to competently conduct the permitted activity.

7) 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.

8) The permittee must 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.

9) The permittee must 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.

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**Notes:** 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.

**Notes:** 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.
Commercial Activity Conditions

10) The permittee must notify the Director, in writing, within seven days if:
   a) 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
   b) The permittee is a company and there is a change in the owner(s) of the majority of issued shares in the company.

   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.

11) The permittee must not allow the participation of, or use directly in the conduct of the permitted activity the services of, or if a company or other commercial entity, must not have as a director or other office holder, any person who has been convicted\(^1\) of an offence against the Act or Regulations or another law of the Commonwealth or a State or Territory about the protection, conservation or management of native species, ecological communities or heritage\(^2\) within five years of the date of conviction.

   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.

12) 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 the Director will give written notice to that member of the permittee’s staff of the decision, stating that he or she may apply to the Director to reconsider the decision and that, subject to the Administrative Appeals Tribunal Act 1975, he or she may subsequently apply to the Administrative Appeals Tribunal for review of the reconsideration.

13) 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.

Land-based Tour Permit Conditions

14) 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.

15) 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 $10 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.

16) 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:
   a) before the permittee commences to conduct the permitted activity; and
   b) on each occasion when the policy is renewed or when a new policy is taken out; and
   c) at any other time as requested by the Director.

17) The permittee’s staff must not include a contractor or agent unless:
   a) the activities of that person are covered by the insurance required under condition 14; or
   b) 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 14.

18) 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.

19) 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.

20) The permittee must, before a tour commences, explain to the permittee’s clients, in both oral and 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: dangerous animals, plants and insects; heights; unstable and slippery rocks; extreme weather conditions; high winds; and fast-flowing water.

21) The permittee must ensure that each of the permittee’s tour guides holds a current first aid qualification, the minimum standard for which is Level 2 Senior First Aid Certificate or equivalent.

22) 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.

23) 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.

24) The permittee must, 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.

25) If the permittee or any of the permittee’s clients is killed, injured, becomes ill or goes missing 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.

26) The permittee must not, while conducting the permitted activity, use a vessel on waters in the park, unless authorised to do so by this or another permit issued by the Director.

27) The permittee must identify as being used by the permittee all vehicles used for the permitted activity by signwriting, magnetic stickers, or a signboard visible through the windscreen, and display a Parks Australia Permitted Tour Operator vehicle sticker on the driver’s side of the windscreen.

28) 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 an on-line tour guide training assessor to accompany a tour from time to time at no cost to the Director.

Kakadu National Park conditions

29) The permittee must provide the permittee’s clients with accurate information in relation to the park and to Bininj culture and sites.

Note: The on-line tour guide training course for Kakadu National Park and the park’s Tour Operator Handbook are sources of accurate and appropriate information.

30) The permittee must ensure that the permittee’s tour guides are educated and tested about crocodile safety.

31) 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.

32) 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 and at Waldak Irrmbal (West Alligator Head), Jim Jim Falls, Twin Falls, Bilkbilkmi (Graveside Gorge), Maguk (Barramundie Gorge), Gunlom (Waterfall Creek Falls) and Jarrangbarnmi (Koolpin Gorge).

33) The permittee inform the park’s Permits Officer within a reasonable time of any changes to the list of registration numbers of vehicles used for the permitted activity in Kakadu National Park.

34) The permittee must not enter the areas of Ikoymarrwa (Moline Rockhole), Ferny Gully, Bilkbilkmi (Graveside Gorge) or Waldak Irrmbal (West Alligator Head), or the roads leading from the Kakadu Highway or Four Mile Hole to them, unless authorised by this or another permit.

35) The permittee must not use facilities at Merl, Muirella Park, Mardugal, Garnamarr or Gunlom camping areas unless the applicable camping fees or shower fees have been paid prior to use.

36) Where a camping area has camping sites designated for tour groups, the permittee...
must use only those camping sites.

37) The permittee must not arrive at a camping area after 8.30pm, or make unreasonable noise or otherwise disturb other campers.

38) When camping at Jim Jim or Sandy Billabong camping areas, each designated tour group camping site must be used only by a maximum of twelve people (including the permittee’s staff) per night.

39) When camping at Sandy Billabong camping area, the permittee must ensure that the permittee’s tour groups comply with the tag system and:
   a) pick up a tag (on a ‘first come, first served’ basis) for a campsite prior to entering Sandy Billabong campground and between 4pm and 8pm from the Muirella Park campground manager; and
   b) only allow a maximum of twelve people (including the permittee’s staff) per night at each numbered tour group campsite; and
   c) stay a maximum of two nights per trip; and
   d) return tags to the ‘drop off’ box (at the gate) when leaving the campground; and
   e) when no campground manager is engaged at Muirella Park (ie approximately November to April each wet season) tour groups may use campsites at Sandy Billabong on a ‘first come, first served’ basis.