

NORTHERN TERRITORY OF AUSTRALIA
NITMILUK (KATHERINE GORGE) NATIONAL PARK
(AIRCRAFT) BY-LAWS

Regulations 2002, No. 60

TABLE OF PROVISIONS

By-law

1. Citation
2. Commencement
3. Definitions
4. Offence to fly aircraft over Park without permit
5. Person or aircraft operator may apply for permit
6. Commission may issue permit
7. Some applications to be referred to Board
8. Terms of permit
9. Board to set fee payable
10. Permit may be subject to royalty payment
11. No other permit required

NORTHERN TERRITORY OF AUSTRALIA

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By-laws under the *Nitmiluk (Katherine Gorge) National Park Act*

The Nitmiluk (Katherine Gorge) National Park Board, in pursuance of section 25 of the *Nitmiluk (Katherine Gorge) National Park Act*, at a meeting held on 14 November 2002, made the following by-laws and, for the purposes of section 63(2)(a) of the *Interpretation Act*, authorised Robert Lee, it's Chairman, to sign them.

Dated 27 November 2002.

ROBERT LEE
Chairman

**NITMILUK (KATHERINE GORGE) NATIONAL PARK (AIRCRAFT)
BY-LAWS**

1. Citation

These By-laws may be cited as the Nitmiluk (Katherine Gorge) National Park (Aircraft) By-laws.

2. Commencement

These By-laws come into operation on 1 January 2003.

3. Definitions

In these By-laws –

"aircraft operator" means a person (other than the pilot) who is responsible for the operation of the aircraft and compliance with applicable regulations;

"height" means height above mean sea level.

4. Offence to fly aircraft over Park without permit

(1) A person must not fly an aircraft at a height of less than 3 000 metres over the Park unless the person or the aircraft operator holds a permit under these By-laws.

Penalty: 50 penalty units

(2) An aircraft operator must not cause or permit an aircraft to be flown at a height of less than 3 000 metres over the Park unless the aircraft operator or the pilot of the aircraft holds a permit under these By-laws.

Penalty: 50 penalty units.

(3) Clauses (1) and (2) do not apply –

- (a) if the aircraft is involved in performing park management duties;
- (b) to military aircraft; or
- (c) in an emergency.

5. Person or aircraft operator may apply for permit

(1) A person or an aircraft operator may apply to the Commission for a permit under these By-laws.

Nitmiluk (Katherine Gorge) National Park (Aircraft) By-laws

(2) An application is to contain the information required by the Commission and is to state the nature of the intended flight or flights.

6. Commission may issue permit

In accordance with policy set by the Board from time to time and subject to by-law 7, the Commission may issue a permit for a person to fly an aircraft below a height of 3 000 metres over the Park, subject to any conditions determined by the Commission.

7. Some applications to be referred to Board

(1) If an application for a permit indicates an intention to perform multiple flights in a commercial enterprise, the Commission is to refer the application to the Board.

(2) If the Board approves an application for a permit, the Commission is to issue the permit, subject to any conditions determined by the Board.

8. Terms of permit

A permit –

(a) is valid for the period specified in the permit; and

(b) is subject to –

(i) compliance with an operational agreement (if any) between the aircraft operator and the Commission; and

(ii) the conditions, if any, the Commission (or the Board) thinks fit and specifies in the permit.

9. Board to set fee payable

(1) The Board may, from time to time, determine the amount that is payable as a fee for a permit under these By-laws.

(2) A fee determined under clause (1) may vary according to the period of validity of the permit and the nature of the intended flight or flights.

10. Permit may be subject to royalty payment

A permit may be subject to the payment of a royalty (whether calculated on a "per person" basis, percentage of revenue basis or otherwise) as determined by the Board in addition to the fee referred to in by-law 9.

11. No other permit required

A permit issued under these By-laws in relation to a commercial enterprise authorises the holder of the permit to operate the enterprise within the Park and a separate permit under the Territory Parks and Wildlife Conservation By-laws is not required unless specified by the Commission.
