15 January 2003

The facts on flying over Katherine Gorge

Parks and Wildlife Minister, Kon Vatskalis, today said the imposition of controls over commercial operators flying over Katherine Gorge airspace had absolutely nothing to do with land rights, air rights or native title.

"Flights over Katherine Gorge will NOT be banned under this by-law," Mr Vatskalis said.

"This is about protecting Territorians jobs, the enjoyment of the park by visitors and providing a level playing field for all commercial operators within Nitmiluk National Park.

"At the moment we have a helicopter operator who works within the Park. His flight times and operations are regulated by the Park board. He plays by the rules.

"We also have operators who charge customers to fly into the Park from outside the Park’s boundaries. These operators are not regulated and do not provide a commercial return for the Park.

"In recent years, there have been a significant number of complaints by tourists visiting the gorge with around one in five saying their visit was affected by the noise of unlimited numbers of helicopters flying overhead.

"This gorge brings thousand of tourists to the Katherine region and Territory every year. We are not going to put visitors’ enjoyment at risk. If numbers dropped by 20%, it would cost us jobs and money across the Territory."

Mr Vatskalis said the Nitmiluk Board advised operators of its plans repeatedly over the last two years and sought their response. The Board also took a survey of visitors over the last twelve months.

"This same control exists over Kakadu, and is also exercised in other national parks and reserves around the world," Mr Vatskalis said.

"This is not a cause for hysterical reaction. It is about ensuring the tourist experience is improved, the commercial operations of the Park are maximised and there is a level playing field for all commercial operators," said Mr Vatskalis.

THE FACTS ABOUT THE NITMILUK GORGE AIRSPACE BY LAW

THE BY LAW MEANS:

1. Flights are not banned.
2. Control of the commercial flights for paying tourists within the park to allow a level playing field for all operators. One operator works within park regulations and another operator flies into the Park from outside of the Park’s boundaries.

THE REASONS THE BOARD HAS MOVED IN THIS DIRECTION

1. This is not about land rights or native title, it is about rights for tourists and Territorians using the Park, protecting their enjoyment of the Park and ensuring it is not ruined by uncontrolled flights up and down the Park.
2. It is about ensuring that the jobs and money brought into Katherine by the
WILL HELICOPTERS STILL BE ABLE TO USE THE PARK?

1. Yes. Flights are NOT banned.
2. Helicopters will still operate in the Park but they will operate within regulations offered by the Park. This has been in the business community for some time as open tenders have been called for companies to take up this concession.
3. Helicopter operations currently operating from outside of the Park but using it in their flights will not be able to use the airspace unless they have received permission to do so from the Park Board of Management.

DOES IT EXIST ELSEWHERE?

1. Yes. In Kakadu National Park agreements exist for use of the airspace.

CONSULTATION

1. The Board of Management has sent out dozens of letters to tourist operators over the last twelve months to two years.
2. Visitor surveys have been conducted for the last twelve months.
3. The Board met yesterday and have made it clear that the by law is to apply only to commercial operators flying passengers on sightseeing tours of the Park.
4. An open tender process for a concession to be given for a helicopter company to operate inside the Park has been conducted over recent months.

THE PROCESS

1. The Nitmiluk Gorge Park was created under its own special Act of Parliament in 1993
2. That Act under section 25 gives the Board the power to make by laws in relation to the Park.
3. At their November 2002 meeting the Board resolved to implement the by law. The Minister gazetted that by law in December 2002.

THE EFFECT OF THE BY LAW

1. The by law does NOT provide for land rights or native title over the airspace of the Park and this has never been a consideration of either Government or the Park Board of Management.
2. The effect of the by law is to allow the Board to make arrangements for the commercial use of the airspace, up to 3000 meters, over the gorge.
3. It has no impact on any aircraft movements other than those helicopters who use the Park for commercial tourist ventures.
4. The Board’s legal advice is that it is not in contravention of Commonwealth legislation and can work alongside Commonwealth regulation and law. The Commonwealth has been advised and has given no indication that the by law is invalid.
5. Section 25 (5) of the Nitmiluk (Katherine Gorge) National Park Act, the section providing power to the Board to make by laws, it clearly states

"A provision of the by laws regulating or prohibiting the flying of aircraft over the Park does not have any force or effect to the extent to which it is inconsistent with a law of the Commonwealth or the Territory, 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."

If it is in contravention then the by law would be withdrawn.