



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Application for a permit to kill, injure or take, or damage or destroy a nest or dwelling place of, a member of a protected species

In the external territories of Christmas Island, Cocos (Keeling) Islands and the Coral Sea Islands a large number of species are protected species under the *Environment Protection and Biodiversity Conservation Regulations 2000* (the EPBC Regulations). The Minister for the Environment (the Minister) uses a permit system to help regulate actions likely to affect members of these protected species. Permits are issued subject to conditions that help to identify, protect, conserve, and manage biodiversity, heritage, and other values of these territories, and provide a system through which the public and industry can share in these responsibilities. They allow the Minister to:

- ensure the protection of these species
- encourage responsible behaviour with respect to these species
- ensure that those dealing with these species are accountable for their actions
- separate potentially conflicting activities
- manage impacts on high-use and sensitive areas
- monitor activities that could degrade biodiversity, heritage, and other values of these territories
- collect data for planning.

A protected species is a native species that is:

- in, or taken in:
 - the Coral Sea Islands Territory
 - the Territory of Christmas Island
 - the Territory of Cocos (Keeling) Islandsother than in a Commonwealth reserve

- not a listed species

- a species for which a member of the species is:
 - in the Christmas Islands Territory in an area of:
 - primary rainforest
 - marginal rainforest
 - open forest, scrubby forest, and vine forest
 - coastal fringe
 - shore cliffs and spray zone

as defined in DJ Du Puy, 'Christmas Island', in *Flora of Australia*, Volume 50, Oceanic Islands 2, Australian Government Publishing Service, Canberra, 1993

- in the Cocos (Keeling) Territory on the land above the high water mark on Horsburgh Island (Pulu Luar) or South Island (Pulu Atas), other than a fruit or leaf of the species *Cocos nucifera* (coconut); or
 - in the Territory of Cocos (Keeling) Islands in the area known as *the Rip* as defined in a declaration, dated 16 October 1992, made under subregulation 48(1) of the National Parks and Wildlife Regulations, gazetted on 22 October 1992
- a species in the following classes:

- Mammalia (mammals)
- Aves (birds)
- Reptilia (reptiles)
- Amphibia (amphibians)
- a species in the following families:
 - Coenobitidae (terrestrial hermit crabs) other than a member of the species *Birgus latro* (robber crab) in the Territory of Christmas Island that:
 - is taken by a person whose principal place of residence is the Territory and who has lived in the Territory for three months immediately before taking the member
 - is taken for personal consumption by the person who took the member or a member of that person's household
 - is not offered, in whole or part, for barter, sale or export
 - is not taken from the Territory Golf Course, as defined in National Parks and Wildlife (Unprotected Animals and Plants – Christmas Island) Declaration No. 1 of 1995, gazetted on 20 December 1995
 - Gecarcinidae (land crabs);
 - Grapsidae (shore crabs);
 - Ocypodidae (ghost crabs);
 - Palaemoninae (freshwater shrimps).
- a species, in the Territory of Christmas Island, whose members are obligate cave-dwellers.

Individuals and other entities (eg. companies and associations) intending to kill, injure or take, or damage or destroy a nest or dwelling place of, a member of a protected species need to have a permit issued by the Minister. The Minister may only issue a permit to take an action affecting a member of a listed species or ecological community if he or she is satisfied that:

- there are reasonable grounds for believing that the action will not, or is not likely to, adversely affect the conservation of a protected species or a population of a protected species
- the applicant for the permit and any persons proposing to carry out the activity have not been convicted of, nor are subject to proceedings for, an offence against the EPBC Act, EPBC Regulations or similar environmental laws in Australia.

The standard conditions for a permit to kill, injure or take, or damage or destroy a nest or dwelling place of, a member of a protected species are included in this application package. To apply for a permit, please:

- ensure you understand and are prepared to comply with the permit conditions
- answer all relevant questions in the application form
- ask all permit holders to sign and an adult to witness and sign the agreement
- sign and ask an adult to witness and sign the declaration
- send the application to the address at the end of the package.

Ensure you answer all the applicable questions to the best of your knowledge; there are heavy penalties for giving false or misleading information. By lodging this application, all proposed permit holders agree that if a permit is issued they, and their staff and agents, will act in accordance with all permit conditions.

Permit applications may take up to two weeks to administer and assess. The EPBC Regulations can be viewed at <https://www.legislation.gov.au/Details/F2023C00002> (external link). The permit administrator for protected species can be contacted by emailing EPBC.Permits@dcceew.gov.au.

STANDARD CONDITIONS FOR A PERMIT TO KILL, INJURE OR TAKE, OR DAMAGE OR DESTROY A NEST OR DWELLING PLACE OF, A MEMBER OF A PROTECTED SPECIES

involved in the permitted activity.

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.

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 Agriculture, Water and the Environment in relation to the Commonwealth reserve or Territory in respect of which this permit is issued.

Minister means the Minister responsible for administration of the *Environment Protection and Biodiversity Conservation Act 1999* and its subordinate legislation.

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.

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.

territory means the external territory(s) of Australia for which this permit is issued.

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 '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

Note: The Minister 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 Minister is required to be satisfied when issuing the permit continue to apply.

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 and these permit conditions.
- 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 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.
- 7) 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 convicted¹ 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 heritage².
- 8) The permittee may give to another person a written authority to take for or on behalf of the permittee an action authorised by this permit and such authority must include a requirement to comply with the conditions of this permit and may impose further conditions.

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 VIIC 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.

- 9) The permittee must ensure that the permittee's staff and any person to whom the permittee has given authority to take for or on behalf of the permittee an action authorised by this permit are fully informed of and understand these permit conditions before they commence taking any action authorised by this permit.
- 10) The permittee must ensure that all members of the permittee's staff and any person to whom the permittee has given authority to take for or on behalf of the permittee an action authorised by this permit have appropriate training, qualifications and experience to competently perform their functions in relation to taking any action authorised by this permit.

The permittee must notify the Minister, 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 permitted action must not be conducted in a national park and must be conducted at localities nominated by a member of park staff.

DETAILS OF PROPOSED PERMIT-HOLDERS AND ACTIVITY

Names of proposed permit holders: (individuals, companies, associations or other entities)

Contact details for a proposed permit holder:

name <input style="width: 95%;" type="text"/>	position title <input style="width: 95%;" type="text"/>
telephone number <input style="width: 95%;" type="text"/>	postal address <input style="width: 95%;" type="text"/>
mobile number <input style="width: 95%;" type="text"/>	locality <input style="width: 95%;" type="text"/>
fax number <input style="width: 95%;" type="text"/>	State/postcode <input style="width: 95%;" type="text"/>
email <input style="width: 95%;" type="text"/>	website <input style="width: 95%;" type="text"/>

Business details: (if the proposed activity is for commercial purposes or the proposed permit holder is a company, association or other commercial entity)

name of company, association or other commercial entity <input style="width: 95%;" type="text"/>	
trading name(s) <input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
business address <input style="width: 95%;" type="text"/>	Australian Business Number <input style="width: 95%;" type="text"/>
locality <input style="width: 95%;" type="text"/>	State of business registration <input style="width: 95%;" type="text"/>
State/postcode <input style="width: 95%;" type="text"/>	business registration number <input style="width: 95%;" type="text"/>

Details of person completing the application (if this person is not the proposed permit holder)

applicant's name <input style="width: 95%;" type="text"/>	relationship to permit holder <input style="width: 95%;" type="text"/>
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Please describe the proposed activity, including when, where and why.

Details of previous permit:

Has the permit holder previously held a permit for the proposed activity?

If yes, what was the permit reference number of the most recent permit?

What methods do you propose to use to comply with the EPBC Regulations and to minimise impact on any native species?

<input type="checkbox"/> I will ensure I know the relevant regulations.	I will ensure I know my permit conditions.	<input type="checkbox"/>
<input type="checkbox"/> I will explain these rules to all staff and agents.	I will look out for animals on the road.	<input type="checkbox"/>
<input type="checkbox"/> I will not feed or interfere with animals.	I will remain on roads and marked tracks.	<input type="checkbox"/>
<input type="checkbox"/> I will not pick fruit or break branches.	I will wash all weed seeds off my vehicles/vessels.	<input type="checkbox"/>
<input type="checkbox"/> I will dispose of food scraps and rubbish properly.	I will take only what I brought.	<input type="checkbox"/>
<input type="checkbox"/> I will time the activity to minimise impacts.	I will manage risks to minimise impacts.	<input type="checkbox"/>
<input type="checkbox"/> I will have contingency plans for emergencies or impacts that may begin to occur.	other	<input type="checkbox"/>

If 'other', please provide details

DETAILS OF AN ACTION AFFECTING A MEMBER OF A PROTECTED SPECIES

What are the common and scientific names of each species for which this application is made, and how many members of each species will be affected?

common name	scientific name	no.

Which of the following effects on a member of a native species will the action involve:

<input type="checkbox"/> death	<input type="checkbox"/> injury	<input type="checkbox"/> taking
<input type="checkbox"/> trading	<input type="checkbox"/> keeping	<input type="checkbox"/> moving
<input type="checkbox"/> damage to nest	<input type="checkbox"/> destruction of nest	<input type="checkbox"/> damage to dwelling place
<input type="checkbox"/> destruction of dwelling place		

What are the relevant qualifications and experience of each person taking the action?

Circumstances of the proposed action.

Please tick, cross or shade the appropriate box

box

Will the action adversely affect the conservation status of a protected species, or a population of a protected species?

yes

no

If you answered 'no', explain why.

If you answered 'yes', do not proceed with the application.

Have you completed all applicable questions on this application form?

yes

no

Have you (the applicant) read, signed and had witnessed the declaration in this application package?

yes

no

DECLARATION

I, , the applicant for this permit, declare that the information in this application is correct to the best of my knowledge AND that I and all of the proposed permit holders have read and understand all of the standard permit conditions enclosed AND that neither I nor any of the proposed permit holders have been convicted¹ of, or are subject to proceedings for, an offence under:

- a) the EPBC Act or Regulations; or
- b) another law of the Commonwealth or a State or Territory about the protection, conservation or management of native species or ecological communities; or
- c) section 6² of the Crimes Act 1914 or sections 11.1, 11.4 or 11.5³ of the Criminal Code, in relation to an offence under a law mentioned in a) or b) above; or
- d) a provision of a law of a State or Territory that is equivalent to a provision mentioned in c) above.

¹ Part VIIC 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. The applicant is taken to have been convicted of an offence if, within five years before the application is made, the applicant: 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 applicant for another offence.

² Section 6 of the *Crimes Act 1914* deals with being an accessory after the fact.

³ Sections 11.1, 11.4 and 11.5 of the Criminal Code deal with attempts to commit offences, inciting to or urging the commission of offences by other people and conspiracy to commit offences.

Name of applicant Position

Signature of applicant Date

In the presence of:

Name of witness *The witness must be at least 18 years of age*

Signature of witness Date

Send this application to:

EPBC Referrals
Environmental Permitting and Compliance Division
Department of Climate Change, Energy, the Environment and Water

GPO Box 3090
CANBERRA ACT 2600

or email to EPBC.Permits@dcceew.gov.au