



Australian Government
Director of National Parks



PERMIT APPLICATION FORM

Marine Access and Recreational Diving or Snorkelling in Pulu Keeling National Park

Pulu Keeling National Park is a Commonwealth reserve established under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) to manage the reserve for the benefit of all people, present and future. The Director of National Parks, also established under the EPBC Act, uses a permit system to help regulate some activities. Permits may be issued subject to conditions that help to identify, protect, conserve and manage biodiversity, heritage and other values of Commonwealth reserves. This is a system through which industry and the public can share in the responsibilities of managing and protecting the reserve. Permits enable the reserve's managers to:

- maximise the safety of visitors
- encourage responsible behaviour
- ensure that commercial and other users 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
- collect data for planning and management.

The *Environment Protection and Biodiversity Conservation Regulations 2000* (the EPBC Regulations) prohibit some activities in Commonwealth reserves. Individuals and other commercial entities (e.g. companies and associations) wishing to conduct an activity otherwise prohibited by the EPBC Regulations in Pulu Keeling National Park may be able to obtain a permit issued by the Director. The Director may issue a permit only if:

- the activity is consistent with the management plan in force for the reserve including that the activity:
 - promotes an understanding and appreciation of the park's natural and cultural heritage
 - is consistent with the aims of the park's management plan
 - is consistent with the conservation values and management principles of the park
 - any lease of indigenous people's land in the park
- the activity is not likely to:
 - endanger public safety
 - unduly damage the reserve
 - unduly interfere with the preservation or conservation of biodiversity or heritage in the reserve
 - unduly interfere with the protection of other features or facilities in the reserve
 - interfere with the privacy of other people in the reserve
- the activity benefits the public or persons using the park

In making a decision whether to issue a permit, the Director may take into account whether a person to whom the permit is to be issued has, in the last 10 years, been convicted of or is subjected to proceedings for an environmental offence.

Some activities need to satisfy additional requirements before the Director can issue a permit for them.

How to apply

This application package can be posted, faxed or emailed to you, or you can download it from <http://environment.gov.au/topics/national-parks/pulu-keeling-national-park/permits-and-licences>.

To apply for a permit for marine access and recreational diving, please:

- ensure you understand and are prepared to comply with the permit conditions
- answer all the questions in the application form—if you need more space than is available on the form, please attach a separate sheet
- ask all proposed permit holders to sign, and an adult to witness and sign, the agreement near the end of the application package
- sign, and ask an adult to witness and sign, the declaration at the end of the application package; and
- submit the completed application form in person at the Parks Australia office on West Island or Home Island or by emailing pulukeelingnationalpark@environment.gov.au or post to

Parks Australia

PO Box 1043

Cocos Keeling Islands WA 6799

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

Please allow 5 days for your permit application to be assessed and returned to you.

Need More Information?

The Chief Ranger can help with any queries regarding this permit – please call 08 9162 6678 or email pulukeelingnationalpark@environment.gov.au.

Our website is at www.parksaustralia.gov.au, and the EPBC Act and Regulations can be viewed at www.environment.gov.au/epbc/index.html or purchased from CANPRINT, telephone 1300 656 863.

Privacy

The Director of National Parks ('the Director') is authorised to request personal information from permit applicants under Part 17 of the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations). The personal information that you provide will be used by the Director to assess your permit application and manage activities within the park, including compliance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and EPBC Regulations. If you do not provide the requested information, your permit application cannot be assessed.

Disclosure

Your personal information may be disclosed to other Commonwealth (and in some circumstances, state and territory) government departments and agencies where it is required or authorised by or under law or where it is reasonably necessary for law enforcement.

Privacy Policy

The collection, storage, use and disclosure of personal information by the Director is governed by the *Privacy Act 1988* (Cth) and, in particular, by the Australian Privacy Principles. The Director's Privacy Policy is available at www.environment.gov.au/node/35979. The Privacy Policy details how you can access and correct your personal information held by the Director and who to contact if you have a concern about your personal information.

CONDITIONS FOR A PERMIT FOR MARINE ACCESS AND RECREATIONAL DIVING OR SNORKELLING IN PULU KEELING 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 and the permittee's staff.

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 (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 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.
4. The permittee must comply with the EPBC Act, the EPBC Regulations, the management plan, these permit conditions, the Visitor Access Strategy, the Boating Strategy and the Diving Strategy and any other notices, information, guidelines, codes of conduct, protocols or directions issued by, or under the authority of, the Director relating to the park.

Note: Copies of the Management Plan, the Park Visitor Access Strategy, the Park Boating Strategy and the Park SCUBA Diving

Strategy any other notices, information, guidelines, codes of conduct or protocols relating to the Park can be obtained from the Parks Australia office on West Island.

5. The permittee must comply with all Commonwealth, State or Territory laws, including the laws of Cocos (Keeling) Islands (CKI), 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 ensure that all equipment used in the permitted activity is suitable and safe for its intended use, appropriately maintained in good working condition and inspected before commencing the permitted activity.
9. 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.
10. The permittee must ensure that they are fully informed of and understand these permit conditions before they commence taking part in the permitted activity.
11. The permittee must ensure that they fully inform themselves of all potential hazards and conditions they may encounter while conducting the permitted activity.

Note: Hazards may include, but are not limited to, strong currents, turbulent seas, extreme weather conditions, dehydration and dangerous wildlife.

12. The permittee must ensure that appropriate risk management strategies are in place to minimise foreseeable risks to themselves, other members of the public and the environment and heritage values of the park, and must produce evidence of such strategies upon request by the Director.
13. Each permittee is responsible for their safety, well being and behaviour 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.
14. If a permittee is killed, injured, becomes ill, goes missing or is involved in a dangerous incident while in the park, a member of park staff or the Australian Federal Police must be notified as soon as possible and the permittee 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.

15. The permittee must carry sufficient portable water for the conduct of the permitted activity.
16. To prevent any infestation of weeds, feral animals or pathogens the permittee will inspect their footwear, clothing and equipment and clean as required before entering the park.
17. 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.

Pulu Keeling National Park Conditions

18. Prior to conducting the permitted activity, the permittee must provide the park with details of all vessels and persons participating in the permitted activity during that visit and any further details the Director may reasonably request.
19. The permittee must not enter areas to which entry is prohibited or restricted under the EPBC Regulations, unless specifically authorised by this permit or another permit to do so.
20. The permittee shall comply with the provisions of all other laws relevant to any activity to which this permit relates, in particular the permittee shall:
 - a) comply with all boating safety regulations made under the *Marine Act 1982* (WA) (CKI); and
 - b) ensure that any vessel used in the conduct of the permitted activity is registered, suitable for the conduct of the permitted activity, operated and maintained in accordance with all relevant and applicable Commonwealth and State or Territory laws. The permittee shall if requested by the Director provide copies of all relevant certificates and other documents evidencing compliance with this condition.
21. The permittee shall not engage in activities or conduct themselves in a manner which causes or is likely to cause annoyance, inconvenience or disturbance to any other park visitors.
22. The permittee shall not:
 - a) disturb any wildlife;
 - b) feed, kill, injure, touch or take any animal or any organism or inanimate object, including any part of the *SMS Emden*, while diving or snorkelling.
 - c) land a vessel or set foot on the park except to deal with an emergency involving a serious threat to human life or property;
 - d) visit areas of the park to which access has been prohibited;
 - e) remove anything from North Keeling Island or the surrounding reef;
 - f) engage in any fishing activities;
 - g) disobey a direction from a Ranger or Warden; or
 - h) make promotional material relating to the activity available to the public without the approval of the Park Manager or through a park permit for commercial filming, photography or artwork.

Note: Fishing means: any searching for, or taking fish or attempting to search for, or take fish or engaging in any other activities that can reasonably be expected to result in the locating, or taking, of fish.

23. The permittee is not entitled to enter or remain in the park before 2 hours after sunrise and after 2 hours before sunset unless prior written approval, signed by the Park Manager, has been obtained.
24. Vessels used in or in relation to the conduct of the activity to which this permit relates shall anchor in sand areas only and will have someone staffing the vessel at all times

Note: there is no safe anchoring or mooring sites around Pulu Keeling National Park. The only place to stop and set anchor is on the western (leeward) side of the Island.

25. The permittee must be able to swim competently if entering the water (eg for swimming).
26. The permittee shall be familiar and comply with the recognised authority standards and best practice for recreational diving. Decompression, night or any other dives deemed to be high risk under these standards are not allowed for under this permit.
27. The permittee must carry a first aid kit with them at all

times. The permittee or person accompanying the permittee must have a current first aid qualification. The minimum standard requirement is the Senior First Aid Certificate or equivalent.

28. An Emergency Position Indicating Radio Beacon (EPIRB) or similar personal locating device or a satellite phone must be carried when the permittee is in the park.
29. The permittee shall inform Parks Australia, the Australian Federal Police or the Volunteer Marine Rescue before going to the Park, to carry on an activity to which this permit relates and shall inform the nominated body immediately after returning.
30. The permittee must not enter the protected zone surrounding the *SMS Emden* (refer to Map1 below) unless the permittee holds an appropriate permit issued by the Commonwealth delegate under the *Underwater Cultural Heritage Act 2018*.

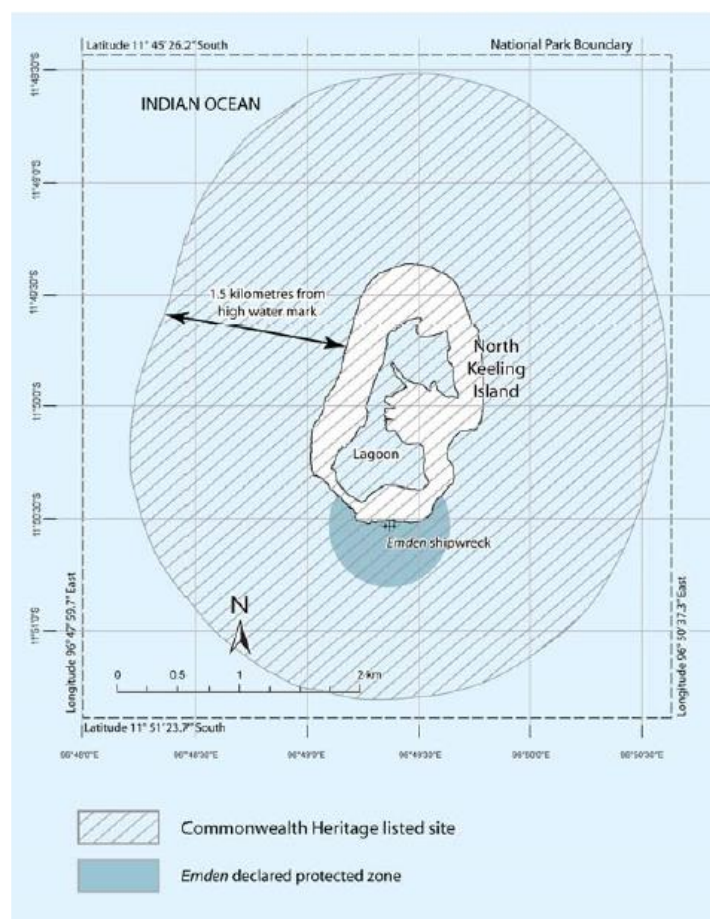
For more information contact

UnderwaterHeritage@environment.gov.au or to apply for a permit online visit

<https://dmzapp17p.ris.environment.gov.au/shipwreck/public/wreck/search.do>

The Pulu Keeling National Park Chief Ranger can help with any queries regarding this permit on 08 9162 6678.

Map 1: Boundaries of Pulu Keeling National Park and the *Emden* historic shipwreck declared protection zone.



Details of Proposed Activity

5. Briefly describe the activity and its purpose(s)

6. When will the activity take place in the park and for how long?

7. What methods are proposed for compliance with the EPBC Regulations and to minimise impacts on any native or non-native species?

The EPBC Act and Regulations can be viewed at <https://www.legislation.gov.au/Series/C2004A00485>.

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| <input type="checkbox"/> Ensure you know the relevant regulations. | <input type="checkbox"/> Ensure you know the conditions of your permit. |
| <input type="checkbox"/> Avoid touching or damaging any animal or organism. | <input type="checkbox"/> Wash down vehicles/vessels and clean clothes and equipment to limit spread of weeds or pathogens. |
| <input type="checkbox"/> Timing the activity to minimise impacts. | <input type="checkbox"/> Take out only what you brought in. |
| <input type="checkbox"/> Do not dispose of food scraps and rubbish in the park | <input type="checkbox"/> Contingency plans if emergencies/impacts begin to occur. |
| <input type="checkbox"/> Risk management of activity to minimise impacts. | |
| <input type="checkbox"/> Other – please specify | |

8. Details of other approvals or permits (If more space is required, attach a separate page.)

Please details of any other approvals, permits, or licences relating to this activity that you are applying for or have obtained, under Commonwealth, State or Territory legislation.

9. Equipment and methods to be used (If more space is required, attach a separate page.)

Include details of any safety equipment, strategies and procedures to be used.

10. Details of all sites to be visited under the proposed permit

Attach a map if possible. Where applicable, specify the proposed route through the park, including entry and exit points.

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| 11. Permitted vessel details | |
| Vessel Name | Include registration number, type, size and carrying capacity; please indicate whether vessels have sewage holding tanks. |
| | |
| 12. Details of any assistance or involvement sought from park staff (if applicable) | |
| | |

A separate copy of this agreement needs to be signed by each proposed permit holder

Agreement

THIS DEED made the day of , 20

WITNESS as follows:

In consideration of the permit issued to the permittee, the permittee agrees to:

- a) release the Director of National Parks, the Commonwealth of Australia, and their servants and agents ('the released parties') from all and any claims which the permittee might at any time hereafter have or have had against the released parties in respect of any injury, loss or damage which may be suffered by the permittee in the course of the permitted activity, except to the extent that any act or omission involving fault on the part of the released parties contributed to the relevant injury, loss or damage; and
- b) indemnify and keep indemnified the Director of National Parks, the Commonwealth of Australia, and their servants and agents ('the indemnified parties') against all actions, proceedings, claims or demands brought against the indemnified parties in respect of any injury, loss or damage arising out of:
 - (i) a breach of the permit conditions by the permittee or the permittee's staff; or
 - (ii) an act or omission involving fault on the part of the permittee or the permittee's staff in carrying on the permitted activity,except to the extent that any act or omission involving fault on the part of the indemnified parties contributed to the relevant liability, loss or damage; and
- c) acknowledge that this permit does not give the permittee any rights to the exclusive use, enjoyment or occupancy of any area.
- d) take all reasonable steps to ensure that the permittee, the permittee's staff and authorised participants comply with the conditions subject to which the permit is issued; and
- e) provide information about the permitted activity as reasonably requested by the Director.

Note: The Director will only request such information for park management and planning purposes, and agrees not disclose to any other person any information so provided without the express permission of the permittee unless legally required to do so.

Proposed permit holder's name

A copy of this agreement is to be signed by each proposed permit holder, or if the proposed permit holder is a company or other commercial entity, by its duly authorised officer.

Signed Date

Name (please print)

This agreement is signed in the presence of a witness aged 18 years or older:

In the presence of (witness' name)

Signed Date

Declaration

I, , the applicant for this permit, DECLARE that the information in this application is correct to the best of my knowledge AND I am authorised to complete this application on behalf of all proposed permit holders AND that none of the proposed permit holders have been convicted¹ of, or is presently subject to proceedings for, an offence under:

- c) the EPBC Act or Regulations; or
- d) another law of the Commonwealth or a State or Territory about the protection, conservation or management of native species or ecological communities; or
- e) 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
- f) a provision of a law of a State or Territory that is equivalent to a provision mentioned in c) above.

If you can not make this declaration because a proposed permit holder has been convicted of, or is subject to proceedings for a relevant type of offence please contact Pulu Keeling National Park for further advice. These matters do not exclude a permit being issued but can be taken into account.

Signed Date

Name (please print)

This declaration is made before a witness aged 18 years or older:

In the presence of (witness' name)

Signed Date

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:

- a) has been charged with, and found guilty of, the offence but discharged without conviction; or
- b) 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.

Submit applications to:

Pulu Keeling National Park Office

Parks Australia

Cocos (Keeling) Islands

Indian Ocean 6799

Fax 08 9162 6680

Email: pulukeelingnationalpark@environment.gov.au

To assist us in developing more efficient permit administration, please provide an estimate of the time taken to complete this form, including the time spent by the applicant and any other persons in reading the application form, collecting the information and answering the questions: hours and minutes.