



## **PERMIT APPLICATION FORM**

### **Marine Access and Recreational Fishing in Pulu Keeling National Park**

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Pulu Keeling National Park (the park) is a Commonwealth reserve established under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) to manage the environment of the region for the benefit of all people, present and future. The Director of National Parks, a corporation continuing under s514A of the EPBC Act (the Director), 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 park. Permits enable the Director to:

- maximise the safety of park visitors;
- encourage responsible behaviour in the park;
- ensure that park 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 park values; and
- collect data for planning and management.

The *Environment Protection and Biodiversity Conservation Regulations 2000* (the EPBC Regulations) made under the EPBC Act prohibit some activities in Commonwealth reserves, including in the park. Individuals and other entities (e.g. companies and associations) wishing to conduct activities otherwise prohibited by the EPBC Regulations in the park, need to obtain a permit from the Director. The Director may issue a permit only if:

- the activity is consistent with the management plan in force for the park, including that the activity:
  - promotes an understanding and appreciation of the park's natural and cultural heritage;
  - is consistent with the aims of the zoning system of the park's management plan; and
  - is consistent with the conservation values and management principles of the park;
- the activity is not likely to:
  - endanger public safety;
  - unduly damage the park;
  - unduly interfere with the preservation or conservation of biodiversity or heritage in the park;
  - unduly interfere with the protection of other features or facilities in the park; or
  - interfere with the privacy of other persons in the park;
- the activity benefits the public or persons using the park; and
- the applicant for the permit and any persons proposing to carry out the activity must not have been convicted of, or be subject to proceedings for, an offence against the EPBC Act, EPBC Regulations or similar environmental laws in Australia.

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

### **How to apply**

Copies of the application form can be posted, faxed or emailed to you, or downloaded from <http://www.environment.gov.au/topics/national-parks/pulu-keeling-national-park/permits-and-licences>. To apply for a permit, 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;
- attach the permit fee or credit card details to the application form;
- ask all proposed permit holders to sign the 'Agreement' in the presence of an adult to witness (who must also sign) 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
- bring the application to the address specified at the end of the application package.

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

### **Need More Information?**

The Chief Ranger of Pulu Keeling National Park can help with any queries regarding this permit – please call 08 9162 6678 or email [pulukeelingnationalpark@environment.gov.au](mailto:pulukeelingnationalpark@environment.gov.au)

Our website is at [www.environment.gov.au/topics/national-parks](http://www.environment.gov.au/topics/national-parks). The EPBC Act and EPBC Regulations can be viewed at [www.environment.gov.au/epbc/index.html](http://www.environment.gov.au/epbc/index.html) or purchased from CANPRINT by telephoning 1300 656 863.

### **Privacy**

The Director is authorised to request personal information from permit applicants under Part 17 of the 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 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](http://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 FISHING 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 an agreement in the form attached to the application for this permit.

*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, a corporation sole continuing under section 514A of the Act, 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 to 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 Act, the Regulations, the management plan, these permit conditions, the Visitor Access Strategy, the Boating Strategy, the Recreational Fishing 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, the Recreational Fishing 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 and hold all permits, licences and other relevant authorities required by those laws.
6. The permittee must maintain relevant training, qualifications and experience to competently conduct the permitted activity.
7. 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.
8. 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.
9. The permittee must ensure that they are fully informed of and understand these permit conditions before they commence taking part in the permitted activity.
10. The permittee must ensure that they fully inform themselves of, and equip themselves for, 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.*

11. 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.
12. 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.

13. 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.*

14. The permittee must carry sufficient potable water for the conduct of the permitted activity.

15. To prevent any infestation of weeds, feral animals or pathogens, the permittee will inspect their footwear, clothing, equipment and transportation, and clean as required before entering the park.

16. 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 these conditions by the permittee.

## Pulu Keeling National Park Conditions

17. Prior to conducting the permitted activity, the permittee must provide park staff with details of all vessels and persons participating in the permitted activity during the proposed visit to the park and any further details the Director may reasonably request.

18. The permittee must not enter areas to which entry is prohibited or restricted under the Regulations, unless specifically authorised by this permit or another permit to do so.

19. The permittee must comply with the provisions of all other laws relevant to any activity to which this permit relates, in particular the permittee must:

- a) comply with all boating safety regulations made under the Marine Act 1982 (WA) (CKI);
  - 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; and
  - c) if requested by the Director, provide copies of all relevant certificates and other documents evidencing compliance with paragraphs (a) and (b) of this condition.
20. The permittee must 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.

21. Except to the extent allowed by this permit or another permit, the permittee must 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;
- c) land a vessel or set foot on North Keeling Island in the park except to deal with an emergency involving a serious threat to human life or property;
- d) remove anything from North Keeling Island or the surrounding reef;
- e) engage in any fishing activities which are not authorised by this or another permit;
- f) disobey a direction from a ranger or warden; or
- g) make promotional material relating to the activity available to the public without the approval of the Director 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.*

22. Except with the written approval of the Director, the permittee may only enter and remain in the park during the period:

- a) commencing one (1) hour following sunrise; and
- b) ending two (2) hours prior to sunset.

23. Vessels used in, or in relation to, the conduct of the permitted activity must only anchor in areas of the park with a sand seafloor and must have someone staffing the vessel at all times.

*Note: There is no safe anchoring or mooring sites around Pulu Keeling National Park and anchoring is discouraged both in the Park and around the Islands; however permittees are able to stop and set anchor in the western (leeward) side of the Island if required.*

24. The permittee must be able to swim competently if entering the water (e.g. for swimming).

25. 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/Apply First Aid Certificate or equivalent.

26. An Emergency Position Indicating Radio Beacon (EPIRB) or similar personal locating device must be carried when the permittee is in the park.

27. The vessel used by the permittee must have a functional emergency radio or satellite telecommunication device on board.

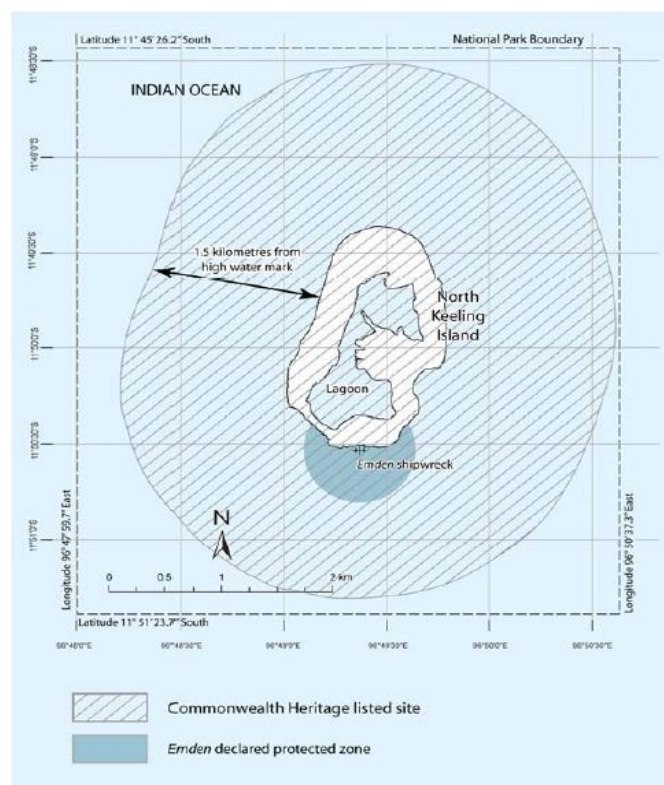
28. The permittee must inform the Director, the Australian Federal Police or the Volunteer Marine Rescue before travelling to the park for the purposes of undertaking the permitted activity and must inform the nominated body immediately after returning.

29. The permittee must not enter the protected zone surrounding the SMS Emden (refer 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](mailto: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.

Boundaries of Pulu Keeling National Park and the Emden historic shipwreck declared protection zone are shown below:



30. The permittee must not undertake fishing within 100 metres of the shoreline.
31. The permittee may only carry on fishing by trolling or deep-water fishing, and not by bottom fishing.
32. The permittee must not fish for or take marine life other than pelagic fin-fish.
33. The permittee must not conduct fishing on or from North Keeling Island.
34. The permittee must not use any underwater breathing apparatus, spears, live bait, or any equipment other than lines, hooks and lures.
35. At expiry of this permit, the permittee is required to submit an accurate catch record to the Director, substantially in the form attached to this permit.



**PERMIT APPLICATION FORM**  
**MARINE ACCESS AND RECREATIONAL FISHING**

**Pulu Keeling National Parks**  
Fax: 08 9162 6680

Please allow 24 hours for your permit to be processed.

[pulukeelingnationalpark@environment.gov.au](mailto:pulukeelingnationalpark@environment.gov.au)

Please ensure the information is legible.

Cocos (Keeling) Islands, Indian Ocean 6799

Details of Proposed Permit Holder																									
<p>The Director of National Parks is authorised to collect the personal information requested in this form under the <i>Environment Protection and Biodiversity Conservation Regulations 2000</i>. This information is used to assess permit applications and manage activities within Commonwealth reserves. A full Privacy Notice, the Director's Privacy Policy and details on who to contact if you have a concern about your personal information are available at <a href="http://www.environment.gov.au/node/35979">www.environment.gov.au/node/35979</a>.</p>																									
<p><b>1. Has the proposed permit holder previous held a permit for the activity?</b></p> <p><input type="checkbox"/> No    <input type="checkbox"/> Yes                      If yes, what is the permit number</p>																									
<p><b>2. Name of proposed permit holder</b> (If more than 2, attach their details on separate sheet)</p> <p>Full Name</p> <p>Full Name</p>																									
<p><b>3. Contact details of proposed permit holder</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Contact person</td> <td style="width: 20%;"></td> <td style="width: 20%;">Title/Position</td> <td style="width: 10%;"></td> </tr> <tr> <td>Postal Address</td> <td colspan="3"></td> </tr> <tr> <td>Physical Address</td> <td colspan="3"></td> </tr> <tr> <td>Mobile</td> <td></td> <td>Telephone</td> <td>Fax</td> </tr> <tr> <td>Email</td> <td></td> <td>Website</td> <td></td> </tr> </table>						Contact person		Title/Position		Postal Address				Physical Address				Mobile		Telephone	Fax	Email		Website	
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<p><b>8. Relevant qualification and experience of the proposed permit holder</b></p> <p>Please provide name, relevant qualifications and experience of the proposed permit holder and all other persons who will be carrying out the activity.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Full Name</th> <th style="width: 20%;">Position</th> <th style="width: 50%;">Experience/Qualification</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>						Full Name	Position	Experience/Qualification																	
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Details of Proposed Activity																									
<p><b>9. Briefly describe the activity and its purpose(s)</b></p>																									
<p><b>10. When will the activity take place in the park?</b></p>																									



**11. How often and for how long will the activity be?**

**12. Will the activity:**

- yes  no result in the death or injury of native species?
- yes  no involve taking, trading, keeping or moving native species?
- yes  no result in damage to or destruction of nests or dwelling places of native species?

If yes to any of the above, please details of how the action will affect native species, including how many will be affected.

**13. 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 [www.comlaw.gov.au/Details/C2013C00539](http://www.comlaw.gov.au/Details/C2013C00539).

- |   |   |
|---|---|
| <input type="checkbox"/> Ensure you know the relevant regulations.                | <input type="checkbox"/> Ensure you know the conditions of your permit.   |
| <input type="checkbox"/> Avoid feeding or interfering with wild animals.          | <input type="checkbox"/> Wash down vehicles/vessels to limit weed spread  |
| <input type="checkbox"/> Dispose of food scraps and rubbish properly.             | <input type="checkbox"/> Take only what you brought.                      |
| <input type="checkbox"/> Timing the activity to minimise impacts.                 | <input type="checkbox"/> Risk management of activity to minimise impacts. |
| <input type="checkbox"/> Contingency plans if emergencies/impacts begin to occur. |   |
| <input type="checkbox"/> Other – please specify                                   |   |

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

Please provide 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.

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

Include any animals or plants to be transported through the park.

**16. Details of transportation involved in the activity**

Type of transport	Own/Operated by	Details
<i>E.g. Hired boat</i>	<i>Boat Hires R Us</i>	<i>Type, Make, Model, Registration, Capacity, Colour, Weight, etc.</i>

**17. 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.

**18. Details of any assistance or involvement sought from park staff (if applicable)**

**A separate copy of the below 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 any other authorised participants; or
  - (ii) an act or omission involving fault on the part of the permittee or any other authorised participants 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;
- 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, and any other 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) \_\_\_\_\_

Position \_\_\_\_\_

*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 that none of the proposed permit holders have been convicted<sup>1</sup> of, or is presently subject to proceedings for, an offence under:

- a) the EPBC Act or EPBC 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 6<sup>2</sup> of the *Crimes Act 1914* or sections 11.1, 11.4 or 11.5<sup>3</sup> 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.

If you cannot 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)  Position

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

In the presence of (witness' name)

Signed  Date

<sup>1</sup> 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.

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

<sup>3</sup> 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.

If this application is approved, you prefer to receive the permit documentation via:

Mail     Email     Fax

Submit applications to:

**Pulu Keeling National Park**  
Chief Ranger  
PO Box 1043 Cocos (Keeling) Islands 6799  
**Fax:** +61 8 9162 6680  
**E-mail:** [pulukeelingnationalpark@environment.gov.au](mailto:pulukeelingnationalpark@environment.gov.au)

*Please allow a minimum of 24 hours for permits to be processed.*

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