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**Environmental Approvals Application Form**

**territory of heard and mcdonald islands**

**environment protection and management ordinance 1987**

**Environment Protection and Biodiversity Conservation Act 1999**

**Environment Protection and Biodiversity Conservation Regulations 2000**

This application form applies to any person or organisation undertaking activities in the Heard Island and McDonald Islands (HIMI) Marine Reserve, including scientists and tour operators.

If access to the Outer Marine Reserve only (as defined in the Management Plan) is required a separate application form is available – contact EIA@aad.gov.au.

**NOTES**

* All proponents must read the Heard Island and McDonald Islands Marine Reserve Management Plan 2014-2024 prior to completing this form. References are made to this plan throughout the form that you should refer to when completing your application. All activities undertaken in the area must comply with the plan’s prescriptions. The plan can be found online at: <http://heardisland.antarctica.gov.au>
* Given their very severe climate and extreme isolation, Heard Island and McDonald Islands are an inherently dangerous place to visit. Be aware that emergency assistance is generally not readily available. All visitors to HIMI must be totally prepared, self-sufficient and aware of all potential dangers associated with their activities.
* This application form should be submitted a *minimum* of four months prior to departure for HIMI to allow adequate time for assessment. Please ensure that all requested information is provided in the first instance to avoid delays.

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| File [Records] ref:  | Responsible Officer:TET Environmental Policy Officer | Authorising Officer:TET Manager | Authorisation Date: Jan 2015  |
| Review Date: Jan 2020 |
| Location of Hard Copies/Points of Use: Territories, Environment and Treaties Section |

**Privacy Notice**

The Department of the Environment (the **Department**) is bound by the *Privacy Act 1988* (Cth) (the **Privacy Act**). The collection, access, storage, use and disclosure by the Department of the personal information you provide in your application is governed by the Privacy Actand, in particular, by the 13 Australian Privacy Principles (**APPs**).

Personal information includes information such as: your name, mailing or street address, email address, telephone contact number and facsimile number as well as other information which we are required to collect in performing our functions or activities.

This Privacy Notice describes how we collect and manage your personal information and is provided pursuant to APP 5. Your consent to the disclosure of your personal information to other Australian Government Agencies is also being sought in accordance with APP 6.

The information, including personal information, on your application will be used to assess your application and the environmental impact of your proposed activity. The collection of this information is authorised by the Environment Protection and Management Ordinance 1987 (HIMI) and the Environment Protection and Biodiversity Conservation Act 1999.

This information may be used to contact you regarding your application.

Your personal information will only be accessed by our authorised staff. The information, including personal information, may be disclosed to other Australian Government agencies such as the Australian Maritime Safety Authority, for related regulatory purposes pertaining to your activities. We may also disclose your personal information to law enforcement authorities or agencies if it relates to enforcement activities, or to other parties where it is required or authorised by Australian law or court/tribunal order.

By signing your application you consent to the Department dealing with personal information in accordance with this Privacy Notice, including the disclosure of your personal information to other Australian Government agencies where necessary.

Further information about how we collect, protect and manage personal information, and how you can access, or seek correction to, your personal information is contained in our Privacy Policy which is available at: <http://www.environment.gov.au/node/13271>.

If you have an enquiry or a complaint about your privacy, please contact our Privacy Contact Officer on 02 6275 9255 or via email privacy@environment.gov.au.

**In accordance with the *Environment Protection and Management Ordinance 1987 (HIMI)*, the *Environment Protection and Biodiversity Conservation Act 1999*, and the *Environment Protection and Biodiversity* *Conservation* *Regulations 2000*,**

**I provide the following written application:**

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| **PART A – Details of applicant** |

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| **A1. Applicant details**Name of applicant (proponent or Chief Investigator):  |
| Name of person filling in this form: |
| If applying as an organisation, provide details for all persons authorised to act on its behalf: |
| If applying as an expedition, provide the names of all members of the expedition: |
| Postal address: |
| Telephone contact: |
| Email address: |
| If the permit is to be issued to a Company, Partnership or Association, then provide the following information:Name of Company, Association or Partnership: |
| ABN: |
| Business Address: |
| Web-site: |
| **A2. Is this a research or operational activity being conducted as part of the Australian Antarctic programme (AAp)?**If so, please provide details including project name and number and attach a copy of the project application: |
| **For non-AAp applications,** please provide the name of vessel and crew/passenger carrying capacity: |

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| **PART B – Environmental Impact Assessment**  |

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| **B1. Activity Details:**Please provide an overview of the activity *(and/or refer to sections of your attached project application or plan if applicable)*: |
| What is the objective or purpose of the activity/activities and how do they relate to the HIMI Management Plan and IUCN Category 1a Strict Nature Reserve management principles? (ref 7.1.6(b)) |
| Please explain how your proposed research or monitoring activities are consistent with the HIMI management plan. (ref 5.5.7) |
| What are the locations of the proposed activity/activities? (Please provide the name and geographic coordinates of locations, and a map including planned vehicle/aircraft/ship routes). |
| What are the planned dates you will undertake activities at HIMI? (Allow for contingencies and travel schedule changes). |
| How many shore landings or field visits do you anticipate will be involved? What is the frequency and duration of these types of activities, and what transport will be used to access the locations and move around within the locations? |

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| **B2. Alternatives to the Activity**What are possible alternatives to the activity, including the alternative of not carrying on the activity? What are the consequences of each alternative? |

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| **B3. Important features of the environment**3.1 Section 3 of the HIMI Marine Reserve Management Plan describes the seven management zones of HIMI – Main Use Zones, Visitor Access Zones, Heritage Zone, Wilderness Zone, Restricted Zones, Inner Marine Zone and Outer Marine Zone. Provide the names of the zones that you wish to enter and the purpose and duration for each entry (see ref 3.1.2 for restrictions on entry to zones). |

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| **B4. Environmental impacts and mitigation measures**4.1 Complete the table below, outlining the potential direct and indirect impacts of the activity on each listed environmental feature. Consider the nature, extent, duration and intensity of your activity, noting aspects such as physical disturbance, emissions, waste (including human waste), noise, light, etc.Under ‘Mitigation measures’ describe the steps that will be taken to minimise any adverse impacts you have identified. |
| **Environmental Feature** | **Potential Impacts** | **Mitigation measures** |
| Ice, water, or air quality |  | *For example, explain what procedures will be put in place to handle wastes, chemicals, fuel and to prevent cross-contamination of sites.* |
| Wildlife or wildlife habitat |  | *For example, describe the separation distances that will be adhered to, and/or if the activity has been timed to avoid impacts, particularly in relation to known breeding cycles, movements or aggregations of animals.* |
| Vegetation, such as moss or lichen, and its available habitat |  |  |
| Ecological communities |  |  |
| Heritage values (ref 6.2)  |  |  |
| Geology |  | *For example, if collecting geological samples, explain how sampling procedures will minimise disturbance.* |
| ‘Wilderness’ and aesthetic values |  |  |
| Equipment belonging to other programmes or projects |  | *For example, indicate if you will be installing equipment near other project installations.* |
| Other (please describe) |  |  |

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| 4.2 Provide information on any uncertainties there are in regards to the anticipated impact of your activities, or the anticipated effectiveness of your mitigation measures. |
| 4.3 Describe any contingency plans to be followed in the case of emergencies or unexpected adverse impacts on the environment. (ref 4.8) |
| 4.4 Describe the training, briefing, supervision and experience of organisers and expeditioners. |
| 4.5 Are you aware of any current or planned activities in the same areas as your activity? If so, how do you intend to mitigate the potential cumulative impacts of these activities over an extended period of time? *(For example, explain if you have coordinated with other projects to share existing samples, or to minimise the number of entries, etc)* |
| 4.6 Permits authorising entry into the Territory and Reserve will require strict compliance with the biosecurity provisions in section 5.4 of the HIMI management plan to avoid accidental introduction of non-native species. Will your activity involve importing non-indigenous species into HIMI? Yes ☐ No ☐ |
| 4.7 If you answered YES to the above, will it be used only for the purposes of food (noting that brassicas, poultry or poultry products including egg products, viable seed or fungal products and animal products that have not been inspected are not permitted)? Provide details. (ref 5.4.12) |
| 4.8 How will you mitigate any accidental introductions? |
| **Documentation:**4.9 Please provide, where relevant, documentation and/or procedures in support of the mitigation measures you have described above. |

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| **PART C – Specific impacts** |

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| **C1. Activity****Some activities on HIMI are prohibited by Australian law and some require a permit.**In answering the following questions it is suggested that you provide detail and allow for contingencies.For activities involving native species will your activity, if authorised, cause: |
| Death? | Yes ☐ No ☐ |
| Injury? | Yes ☐ No ☐ |
| Removal from HIMI? | Yes ☐ No ☐ |
| Taking of samples or parts such as moulted feathers? | Yes ☐ No ☐ |
| Catch or capture? | Yes ☐ No ☐ |
| Other physical interference? | Yes ☐ No ☐ |
| Any of the above activities must comply with humane practices approved by an appropriate animal ethics committee (ref 5.1.7) – please provide a copy of this, if you are conducting this type of research. |
| Do you intend to damage, deface, move, possess or otherwise interfere with cultural heritage in the Territory? (ref 6.3) | Yes ☐ No ☐ |
| If YES, please provide details: |
| Will your activity involve sampling or interfering with plants? (ref 6.3) | Yes ☐ No ☐ |
| If YES, please provide details: |
| Will your activity involve sampling lakes, terrestrial or glaciated environments for microbes or genetic material?) | Yes ☐ No ☐ |
| If YES, please provide details: |
| Will your activity involve collecting, harvesting and/or carrying out research on any marine organisms? | Yes ☐ No ☐ |
| If YES, please provide details: |
| Will your activity involve interfering with or removing any soil or rocks from HIMI? | Yes ☐ No ☐ |
| If YES, please provide details: |
| Do you intend to, or is there a possibility, that you may leave any equipment, material or refuse? (ref 5.3) | Yes ☐ No ☐ |
| If YES, please provide details: |
| Where you have answered YES to *any* question, provide the names below of all people undertaking the activity (i.e. to be named on a permit) and provide details of samples at **C2**:**Names**: |

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| **C2. Details of affected species or samples**If you have answered YES to a question at C1, list the samples being collected, or the species being studied or potentially impacted i.e. observed, disturbed, sampled (including dead or moulted parts). Include other impacts on breeding locations or dwelling place. |
| **Common name of species or sample type** | **Scientific name of species if applicable** | **Maximum number that will be affected or sample volume** | **Type of effect e.g. disturbance, removal** |
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| **C3. Impacts on affected species**There are a number of restrictions that apply to the granting of a permit (ref 5.5.4 and 5.5.5.). For example, before a permit can be obtained to interfere with a native species of bird, seal, or plant, it must be satisfactorily demonstrated that the variety of species, the habitats essential to their existence, and the balance of the natural ecological systems existing will be maintained.**Provide an assessment of the likely short and long term impacts of the proposed activity on the following:** |
| Individual members of affected species: |
| The population of which they form a part: |
| The species as a whole: |
| The ecological community: |
| Provide and/or describe the evidence used to support the above assessment. |

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| **PART D – Other matters**  |

**D1. Access to biological resources (ref 5.5.17)**

Do you intend to collect biological material? Yes ☐ No ☐

Do you intend to access biological resources for commercial, or potential commercial, purposes? Yes ☐ No ☐

If **YES**: you will need to negotiate a benefit sharing agreement with Parks Australia, Department of the Environment.

If **NO:**

- Australian Antarctic programme science applicants must complete the project application certifications as part of their project application.

- All other applicants collecting biological material must complete a statutory declaration (available at the end of this form) and submit it with this application.

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| D2. WeaponsWill your activity require the use of any weapons within HIMI? Yes ☐ No ☐If YES, please contact the AAD for further information about your responsibilities under the HIMI *Weapons Ordinance 2001.* |

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| D3. Other issuesPlease indicate methods used to forecast the impacts of the activity and mitigation measures developed (such as consultation or experience with similar activities), and any uncertainties/knowledge gaps relevant to assessing likely impacts. Include references where relevant.  |
| A permit will **not** be issued to authorise a vessel to enter the Territory unless it possesses a valid de-ratting certificate or de-ratting exemption certificate recognised by the Australian Government’s quarantine standards (ref 5.4.6). You will be required to provide a copy of this certificate prior to departure. |
| The permittee must not conduct the permitted activity unless the permittee holds, or is covered by, a policy of public liability insurance sufficient to cover any liability the permittee may have to third parties or to the Director under the agreement and in any case for an amount of not less than $20 million in respect of any single event, with an insurer that is licenced by the Australian Prudential Regulation Authority or otherwise approved by the Director. A certificate of currency must be provided before departure. |
| All activities must be undertaken in accordance with the prescriptions of the Heard Island and McDonald Islands Marine Reserve Management Plan 2014-2024. Have you read the plan? Yes ☐ No ☐Please indicate any prescriptions that you are unable to meet or do not understand. |
| Any others matters thought relevant by those completing this document.  |

**For all Non-Government Expeditions:** Please note that the Director of the AAD may require an organiser or leader of an activity to attend pre-departure planning or briefing sessions conducted by the AAD.

What is the minimum guide to passenger ratio to be landed at any site?

Could an official observer from the AAD accompany the expedition? Yes ☐ No ☐

**Comments**:

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| **PART E – Deed of Indemnity and Declaration** |

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| THIS DEEDmade the       day of       , 20   |
| WITNESS as follows: |
| In consideration of the permit issued to the permittee, the permittee agrees to:1. 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
2. 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:
3. a breach of the permit conditions by the permittee or the permittee’s staff; or
4. 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* 1. acknowledge that this permit does not give the permittee any rights to the exclusive use, enjoyment or occupancy of any area.
	2. take all reasonable steps to ensure that the permittee, the permittee’s staff and all authorised participants comply with the conditions subject to which the permit is issued; and
	3. provide information about the permitted activity as reasonably requested by the Director.
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| 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. |
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| 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  |
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| **Declaration** |

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| 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: |
| 1. the EPBC Act or Regulations; or
2. another law of the Commonwealth or a State or Territory about the protection, conservation or management of native species or ecological communities; or
3. 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
4. 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 the Permits Administrator, Australian Antarctic Division, for further advice. These matters do not exclude a permit being issued but can be taken into account. |
| Signed  | Date  |
| Name (please print)  | Position  |
| In the presence of (witness’ name)  |
| This declaration is made before a witness aged 18 years or older: |
| Signed  | Date  |
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| 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:1. has been charged with, and found guilty of, the offence but discharged without conviction; or
2. 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. |

**Questions, queries and submission** of this form (and statutory declaration for any biological sampling) can be forwarded to the Environmental Policy Officer as below.

Environmental Policy Officer Email to EIA@aad.gov.au

Strategies Branch Phone: 03-6232-3402 or 03-6232-3159

Australian Antarctic Division

203 Channel Highway

Kingston Tasmania 7050

Commonwealth of Australia

STATUTORY DECLARATION

*Statutory Declarations Act 1959*

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| *1 Insert the name, address and occupation of person making the declaration* | I, [*Insert the name, address and occupation of person making the declaration*]make the following declaration under the *Statutory Declarations Act 1959:* |
| *2 Set out matter declared to in numbered paragraphs* | 2That in relation to [*insert proposed action*], [*insert proponents name*]:1. does not intend to use the biological resources, to which the proposed action relates, for commercial purposes; and
2. undertakes to give a written report on the results of any research on the biological resources to the Commonwealth of Australia; and
3. undertakes to offer a taxonomic duplicate of each sample taken, to an Australian public institution that is a repository of taxonomic specimens of the same order or genus as those collected, for permanent loan; and
4. undertakes not to give the sample to any person, other than the institution mentioned in paragraph (c) above, without permission of the Commonwealth of Australia; and
5. undertakes not to carry out, or allow others to carry out, research or development for commercial purposes on any genetic resources, or biochemical compounds, comprising or contained in the biological resources unless a benefit sharing agreement has been entered into with the Commonwealth.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*,and I believe that the statements in this declaration are true in every particular. |
| *3 Signature of person making the declaration* | 3 |
| *4 Place**5 Day**6 Month* *and year* | Declared at 4 on 5 of 6 Before me, |
| *7 Signature of person before whom the declaration is made (see over)* | 7 |
| *8 Full name, qualification and address of person before whom the declaration is made (in printed letters)* | 8 |

*Note 1*   A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2*   Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

**A statutory declaration under the *Statutory Declarations Act 1959* may be made before–**

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor Dentist Legal practitioner

Medical practitioner Nurse Optometrist

Patent attorney Pharmacist Physiotherapist

Psychologist Trade marks attorney Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public

Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Employee of the Commonwealth who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Fellow of the National Tax Accountants’ Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

(a) an officer; or

(b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or

(c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

(a) the Parliament of the Commonwealth; or

(b) the Parliament of a State; or

(c) a Territory legislature; or

(d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority; or

(c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority

Sheriff

Sheriff’s officer

Teacher employed on a full-time basis at a school or tertiary education institution