



PERMIT APPLICATION FORM

Other Activities in the Australian National Botanic Gardens

The Australian National Botanic Gardens is a Commonwealth reserve established under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) to manage the gardens 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 the Australian National Botanic Gardens 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 for the garden (or where there is no management plan) the purposes for which the reserve was declared; including that the activity:
 - promotes an understanding and appreciation of the garden's natural and cultural heritage
 - is consistent with the conservation values and management principles of the garden
- the activity is not likely to:
 - endanger public safety
 - unduly damage the garden
 - unduly interfere with the preservation or conservation of biodiversity or heritage in the garden
 - unduly interfere with the protection of other features or facilities in the garden
 - interfere with the privacy of other people in the garden
- the activity benefits the public or persons using the garden

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.

Apply well in advance

Please allow a minimum of 14 days for the permit application to be processed. If you require a permit in less than 14 days' time, please contact the permits administrator for the Australian National Botanic Gardens on 02 6250 9540 (if calling from within Australia) or 61 2 6250 9540 (if calling from overseas), or email permits@anbg.gov.au.

How to apply

This application package can be posted, faxed or emailed to you, or you can download it from www.environment.gov.au/resource/other-activities-4.

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
- if the proposed activity is a commercial activity, please attach a certificate of currency for a policy of public liability insurance covering all staff and agents to the value of at least \$20 million for the proposed activity.
- 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
- send the application to the address 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 its permit conditions.

Need More Information?

The permits administrator for the Australian National Botanic Gardens can help with any queries regarding this permit – please call 02 6250 9540 or email permits@anbg.gov.au.

Our website is at www.parksaustralia.gov.au/botanic-gardens/, 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 TO CONDUCT OTHER ACTIVITIES IN THE AUSTRALIAN NATIONAL BOTANIC GARDENS

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.

authorised participants means all persons, other than the permittee or the permittee's staff, who take part in the permitted activity.

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.

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 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 and authorised participants 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

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.

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.

4. The permittee must comply with the EPBC Act, the EPBC Regulations, the management plan, these permit conditions, and any other signs, notices, information, guidelines, codes of conduct, protocols or directions issued by, or under the authority of, the Director relating to the park.
5. The permittee must comply with all Commonwealth, State or Territory laws 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 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 not, and must take all reasonable steps to ensure that the permittee's staff and authorised participants do not, walk off track or use any road, track or area that is permanently, temporarily or seasonally closed or restricted by fences, gates or signs, unless specifically authorised by this or another permit.
10. The permittee must not, and must take all reasonable steps to ensure that the permittee's staff and authorised participants do not:
 - a) behave contrary to the Regulations or any warning or regulatory signs; or
 - b) pick fruits, flowers or branches, or otherwise damage any native plants; or
 - c) interfere with, feed, handle or disturb any native animal, or damage or disturb a nest or dwelling place of a native animal; or
 - d) touch or interfere with any rock art, sacred site or cultural artefact; or
 - e) impede public access to any part of the park.

Notes: This permit does not give the permittee any rights to the exclusive use, enjoyment or occupancy of any area of the park unless specifically authorised by this permit.

11. The permittee must notify the Director, in writing, within 7 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.
12. If the permittee is a company or other incorporated body the permittee must not, without the approval of the Director, have as a director or office holder a person who has been convicted¹ of an offence² against the Act or the Regulations within the previous 10 years.

¹ A person is taken to have been convicted of an offence if, within 5 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

13. The permittee must not, without the approval of the Director, use directly in the conduct of the activity to which this permit relates (eg driver or tour guide) the services of any person who has within the previous 10 years been convicted of an offence against the Act or the Regulations prior to the grant of the permit.

Note: The Director may keep a register of persons who have been convicted of such an offence or who have been the subject of a request by the Director for a permittee to cease using their services within the park.

14. If any of the permittee's staff contravene these permit conditions the Director may:
- notify the permittee of the contravention, and
 - direct the permittee to cease using the services of that person within the park for a specified time, and the permittee must forthwith comply with that request.

Note: In this situation the Director will give written notice to that member of the permittee's staff of the decision, stating that he or she may apply to the Director to reconsider the decision and that, subject to the Administrative Appeals Tribunal Act 1975, he or she may subsequently apply to the Administrative Appeals Tribunal for review of the reconsideration

15. The permittee must ensure that the permittee's staff and authorised participants are fully informed of and understand these permit conditions before they commence taking part in the permitted activity.
16. The permittee must ensure that the permittee's staff are appropriately trained and/or accredited for any activity they conduct in the park.
17. The permittee must ensure that appropriate risk management systems, strategies and procedures are in place to minimise foreseeable risks to the permittee's staff, authorised participants, other members of the public and the environment and heritage values of the park, and must produce evidence of such systems, strategies and procedures upon request by the Director.

Note: Suitable templates for risk management systems are available from Parks Australia. They represent the minimum acceptable standard for a risk management system. Permittees are encouraged to develop more detailed risk management systems.

18. The permittee is responsible for the safety, well being and behaviour of the permittee's staff and authorised participants, 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.
19. If the permittee or any of the permittee's staff or authorised participants is killed, injured, becomes ill, goes missing or is involved in a dangerous incident while in the park, a member of park staff must be notified as soon as possible and the permittee and the authorised participant 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

20. The permittee must ensure that its supervision of authorised participants is reasonable in the circumstances of the authorised participants' differing levels of fitness, experience and abilities.
21. The permittee must carry, and must ensure that each authorised participant carries, sufficient potable water for the conduct of the permitted activity.

Note: The Director recommends that, in hot weather, people carry and drink one litre of water for every hour they will be active.

22. 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.

Commercial Activity Conditions

23. The permittee must not conduct the permitted activity unless the permittee holds 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 licensed by the Australian Prudential Regulation Authority or otherwise approved by the Director.
24. The permittee must provide to the Director a certificate of currency for the policy of public liability insurance, evidencing that the policy covers all activities in the park of the permittee and the permittee's staff, contractors and other agents:
- before the permittee commences to conduct the permitted activity; and
 - on each occasion when the policy is renewed or when a new policy is taken out; and
 - at any other time as requested by the Director.
25. The permittee's staff must not include a contractor or agent unless:
- the activities of that person are covered by the insurance required under condition 23; or
 - the person holds a permit to conduct commercial activities in the park that authorises them to provide services to the permittee in connection with the permitted activity, and holds a policy of public liability insurance that satisfies the requirements of condition 23.

Australian National Botanic Garden Conditions

26. 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.
27. **FURTHER CONDITIONS MAY BE ADDED.**



PERMIT APPLICATION FORM OTHER ACTIVITIES

Australian National Botanic Gardens
 ☎ 02 6250 9540 Fax: 02 6250 9599
 📧 permits@anbg.gov.au
 ✉ GPO Box 1777, Canberra ACT 2601

Please allow a minimum of 14 days for your permit to be processed.
 Please ensure the information is legible.

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 www.environment.gov.au/node/35979.</p>																							
<p>1. Has the proposed permit holder previous held a permit for the activity?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes If yes, what is the permit number</p>																							
<p>2. Name of proposed permit holder (If more than 1, attach their details on separate sheet)</p> <p>Full Name</p>																							
<p>3. Contact details of proposed permit holder</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Contact person</td> <td style="width: 30%;"></td> <td style="width: 20%;">Title/Position</td> <td style="width: 25%;"></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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Email		Website																					
<p>4. What is the proposed permit holder's: (if applicable)</p> <p>ABN ACN</p>																							
<p>5. Proposed permit holder is: <input type="checkbox"/> Individual – go to Question 7 <input type="checkbox"/> Company</p> <p><input type="checkbox"/> Other – please specify</p>																							
<p>6. Please provide details of directors, partners or committee members of the proposed permit holder (If more space is required, attach a separate list.)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Office Holder's Full Name</th> <th style="width: 40%;">Address</th> <th style="width: 30%;">Title or Position</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> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>				Office Holder's Full Name	Address	Title or Position																	
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8. Relevant qualification and experience of the proposed permit holder

Please provide name, relevant qualifications and experience of the proposed permit holder and all employees who will carry out the activity.

Full Name	Position	Experience/Qualification

Details of Proposed Activity

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

If the proposed activity is a commercial activity, please attach a certificate of currency for a policy of public liability insurance covering all staff and agents to the value of at least \$20 million.

10. When will the activity take place in the Australian National Botanic Gardens?

11. How often and for how long will the activity be? Include number of visits and the usual length of stay.

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.

<input type="checkbox"/> Ensure you know the relevant regulations.	<input type="checkbox"/> Ensure you know the conditions of your permit.
<input type="checkbox"/> Avoid picking fruit or breaking branches.	<input type="checkbox"/> Remain on roads and marked tracks.
<input type="checkbox"/> Avoid feeding or interfering with wild animals.	<input type="checkbox"/> Look out for animals on the road.
<input type="checkbox"/> Explain conditions/regulations to staff and agents.	<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 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.)

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

Attach a map if possible. Where applicable, specify the proposed route through the Australian National Botanic Gardens, including entry and exit points.

17. Details of any assistance or involvement sought from staff (if applicable)

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 all 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 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:

- 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.

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 National Botanic Gardens, 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

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.

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

Mail Email Fax

Submit applications to:

Australian National Botanic Gardens
Permits Administrator
GPO Box 1777 Canberra ACT 2601
Fax: +61 2 6250 9599
E-mail: permits@anbg.gov.au

Please allow a minimum of 14 days 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