



*Environment Protection and Biodiversity Conservation Regulations 2000*

**PERMIT TO TAKE AN ACTION AFFECTING A MEMBER OF A LISTED SPECIES OR ECOLOGICAL COMMUNITY IN A COMMONWEALTH AREA**

<i>external territories for which this permit is valid</i>	<b>Christmas Island</b>
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<i>Commencement date</i>	<b>August 2007</b>	<i>Expiry date</i>	<b>31 July 2008</b>
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<i>Name of permittee</i>	<b>David Drynan Australian Bird and Bat Banding Scheme</b>
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<i>Provisions of the EPBC Act &amp; Regulations for which this permit is issued</i>	<b>Part 13</b>
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<i>Specific activity permitted</i>	<b>Bird banding up to 300 members of each species Turdus poliocephalus (Island Thrush) Sula sula (Red-footed Booby) Sula leucogater (Brown Booby) Phaethon rubricauda (Red-tailed Tropicbird) Fregata ariel (Lesser Frigatebird) Fregata minor (Great Frigatebird) Anous stolidus (Common Noddy)</b>
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**Failure to comply with the attached conditions is an offence punishable on conviction by a fine not exceeding \$5500 and may also result in suspension or cancellation of this permit.**

  
.....  
*Delegate of the Minister for the Environment and Heritage*

  
.....  
*Date*

**OFFICIAL USE ONLY**

Permit Number: LS2007-0001  
Receipt date: .....  
Amount Received: .....

# STANDARD CONDITIONS FOR A PERMIT TO TAKE AN ACTION AFFECTING A MEMBER OF A LISTED SPECIES OR ECOLOGICAL COMMUNITY IN A COMMONWEALTH AREA

## Interpretation

*In these conditions, unless the contrary intention appears:*

**Act** means the *Environment Protection and Biodiversity Conservation Act 1999* and any Regulations, management plans and instruments made under it, and includes any Act that amends or replaces it.

**agreement** means the agreement at the end of these conditions.

**captured**, for an image, means recorded or reproduced by artistic representation, or on film, videotape, disc or other electronic medium and includes recorded sound.

**management plan** means the management plan in operation from time to time for the park under the Act.

**member of park staff** means a person employed by the Department of the Environment and Heritage in relation to the Commonwealth reserve or Territory in respect of which this permit is issued.

**Minister** means the Minister for the Environment and Heritage, and includes any statutory successor to the Minister and the Minister's delegates.

**park** means the named Commonwealth reserve(s) for which this permit is issued.

**permitted activity** means the specified activity for which this permit is issued.

**permittee** means each person (individual, company or other commercial entity) to whom this permit is issued and includes, where the context permits, the permittee's staff and the permittee's clients.

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

**permittee's staff** means the permittee's employees, contractors and other agents who take part in the permitted activity.

**ranger** means a person appointed as a ranger under s392 of the EPBC Act.

**Regulations** means the *Environment Protection and Biodiversity Conservation Regulations 2000* and includes any Regulations that amend or replace them.

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

**warden** means a person appointed as a warden under s392 of the EPBC Act.

*In these conditions:*

The singular includes the plural and vice versa.

Where a word or phrase is defined, other grammatical forms of that word or phrase have a corresponding meaning.

Where one of the words 'include', 'including' or 'includes' is used, the words 'without limitation' are taken to immediately follow.

Where the word 'must' imposes an obligation on a person to do or not do something, the obligation is taken to mean that the person must take all reasonable steps to do or not do the thing (ie steps that ought to be reasonable to a person who possesses the faculty of reason and engages in conduct in accordance with community standards).

A reference to the permittee includes, where the context permits, the permittee's staff and the permittee's clients involved in the permitted activity.

*Note: The Minister may vary or revoke these permit conditions, or impose new conditions, in accordance with r17.09 of the Regulations, and must do so where it is necessary to ensure that the matters or circumstances about which the Minister is required to be satisfied when issuing the permit continue to apply.*

## General Permit Conditions

- 1) The permittee must not conduct the permitted activity before the commencement date or after the expiry date shown on the permit.
- 2) This permit cannot be transferred to another person, except in accordance with regulation 17.11 of the Regulations.
- 3) The permittee must comply with the EPBC Act, the EPBC Regulations and these permit conditions.
- 4) The permittee must comply with all Commonwealth, State or Territory laws relating to the permitted activity.
- 5) The permittee must hold all permits, licences and other authorities required by law for the conduct of the permitted activity.
- 6) The permittee must carry a copy of this permit and these conditions or keep a copy in the permittee's transport (vehicle, vessel or aircraft) while conducting the permitted activity, and must produce it for inspection when requested by a ranger or warden.
- 7) The permittee must not allow the participation of, or use directly in the conduct of the permitted activity the services of, or if a company or other commercial entity, must not have as a director or other office holder, any person who has been convicted<sup>1</sup> of an offence against the Act or Regulations or another law of the Commonwealth or a State or Territory about the protection, conservation or management of native species, ecological communities or heritage<sup>2</sup>.
- 8) The permittee may give to another person a written authority to take for or on behalf of the permittee an action authorised by this permit and such authority must include a requirement to comply with the conditions of this permit and may impose further conditions.
- 9) The permittee must ensure that the permittee's staff and any person to whom

<sup>1</sup> A person is taken to have been convicted of an offence if, within five years, the person has been charged with, and found guilty of, the offence but discharged without conviction or has not been found guilty of the offence, but a court has taken the offence into account in passing sentence on the person for another offence. Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them.

<sup>2</sup> 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.

the permittee has given authority to take for or on behalf of the permittee an action authorised by this permit are fully informed of and understand these permit conditions before they commence taking any action authorised by this permit.

- 10) The permittee must ensure that all members of the permittee's staff and any person to whom the permittee has given authority to take for or on behalf of the permittee an action authorised by this permit have appropriate training, qualifications and experience to competently perform their functions in relation to taking any action authorised by this permit.
- 11) The permittee must notify the Minister, in writing, within seven days if:
  - a) the permittee sells any business to which the permit relates to another person or group, or for any other reason ceases to conduct the permitted activity; or
  - b) The permittee is a company and there is a change in the owner(s) of the majority of issued shares in the company.

*Note: If the permittee sells the business to which the permit relates, the permittee may apply to transfer the permit to the purchaser, in accordance with r17.11 of the Regulations, or the purchaser may apply for a new permit.*

- 12) If the permittee or a person authorised by the permittee takes an action that results in the death or injury of, or involves trading, taking, keeping or moving of a member of a listed species or listed threatened ecological community, in or on a Commonwealth area, that was not authorised by this or another permit, the person must notify the Secretary of the Department of the Environment and Heritage in writing (GPO Box 787 Canberra ACT 2601, by telephone (02 6274 1111) or by email ([epbcwild@deh.gov.au](mailto:epbcwild@deh.gov.au)) that the action was taken, within seven days of becoming aware of the action, and include time and place, circumstances that led to the action being taken, the number of members of each species affected by the action and the consequences of the action.