

# Norfolk Island National Park

## Permit Conditions for the Conduct of Research

### Interpretation

1. In these conditions, unless the context requires otherwise:

**Act** means the *Environment Protection and Biodiversity Conservation Act 1999* and management plans and instruments made under it, and includes all Acts that amend or replace it;

**Director** means the Director of National Parks and includes the Director's delegates and successors;

**Indemnity** means the release and indemnity attached to these conditions;

**management plan** means the management plan in force from time to time for the Park under the Act;

**Park** means Norfolk Island National Park and Botanic Gardens;

**Permit** means the permit issued, subject to these conditions, to the Permittee by the Director in relation to commercial tours by land vehicle;

**Permit Period** means the period for which the Permit applies, as specified on the Permit;

**Permitted Activity** means the activity specified on the Permit;

**Permittee** means each person to whom this permit is issued, and includes the Permittee's Staff;

**Permittee's Staff** means the Permittee's employees, contractors, agents and representatives, and other participants in the Permitted Activity authorised by the Permittee, who take part in, or are otherwise involved with, the Permitted Activity;

**person** includes individuals, companies, and other commercial entities;

**Ranger** means a person appointed as a ranger under section 392 of the Act;

**Regulations** means the *Environment Protection and Biodiversity Conservation Regulations 2000* and includes all regulations that amend or replace them;

**Vehicle** means the vehicle used by the Permittee to carry out, or otherwise used in connection with, the Permitted Activity;

**Warden** means a person appointed as a warden under section 392 of the Act.
2. In these conditions, unless the context requires otherwise:
  - (a) the singular includes the plural and vice versa;
  - (b) if a word or phrase is defined, other grammatical forms of that word or phrase have corresponding meanings;
  - (c) the words 'without limitation' are taken to follow words of inclusion, including 'include', 'including' and 'includes';
  - (d) where the word 'must' requires 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;
  - (e) a reference to a regulation is to that regulation of the Regulations.

### General conditions

3. The Permittee must not conduct the Permitted Activity before the start of, or after the end of, the Permit Period.
4. The Permittee must, before commencing the Permitted Activity, properly execute the attached acknowledgment and the Indemnity, and forward to the following address:

Park Manager  
Norfolk Island National Park Telephone 22695  
PO Box 310 Facsimile 23397  
Norfolk Island  
South Pacific (Australia) 2899

5. The Permittee must give the Park five working days' notice of its intention to commence the Permitted Activity, by contacting the Park Manager on 22695.
6. The Permittee must carry a copy of the Permit and these conditions, or keep a copy in its Vehicle, at all times whilst the Permittee is engaged in the Permitted Activity, and must produce it when requested by a Ranger or Warden.
7. The Permittee must hold all licences and authorities required by law are held for the conduct of the Permitted Activity.
8. The Permittee must comply with the Act and Regulations, and all other Commonwealth, State or Territory laws relating to the Permitted Activity and incidental or ancillary activities.
9. The Permittee must comply with all signs, notices, information, guidelines, codes of conduct, protocols and directions relating to the Park issued by, or under the authority of, the Director.
10. The Permit cannot be transferred by the Permittee to another person except in accordance with regulation 17.11.
11. The Permittee must notify the Director in writing within seven days of the following occurring:
  - (a) the Permittee sells a business to which the Permit relates;<sup>1</sup>
  - (b) the Permittee ceases to conduct the Permitted Activity for any reason;
  - (c) if the Permittee is a company, there is a change in ownership of the majority of the issued shares in the company.
12. The Permittee must not:
  - (a) allow the participation of;
  - (b) use directly in the conduct of the Permitted Activity the services of;
  - (c) if the Permittee is a company or other incorporated body, have as a director or office holder, a person who has been convicted<sup>2</sup> within the previous five years<sup>3</sup> of an offence:
  - (d) against the Act or the Regulations;
  - (e) against another law of the Commonwealth or a State or Territory relating to the protection, conservation or management of native species, ecological communities or heritage.<sup>4</sup>
13. The Permit does not give the Permittee any rights to the exclusive use, enjoyment or occupancy of the Park or any part of it, unless expressly provided for in the Permit.

<sup>1</sup> In this case the Permittee may apply to transfer the Permit to the purchaser in accordance with regulation 17.11, or the purchaser may apply for a new permit.

<sup>2</sup> A person is taken to have been convicted if 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>3</sup> That is, five years from the date of conviction, not five years prior to the grant of the Permit.

<sup>4</sup> Including, in relation to offences under those laws, *Crimes Act 1914* section 6 and *Criminal Code* sections 11.1, 11.4 and 11.5 offences (that is, offences relating to being an accessory after the fact, attempting to commit offences, inciting to or urging the commission of offences, and conspiracy to commit offences), and equivalent provisions under State and Territory laws.

14. The Permittee must ensure that the Permittee's Staff are fully informed of, are familiar with and understand these conditions before they commence taking part in the Permitted Activity.
15. The Permittee is responsible at all times for the safety, well being and behaviour of the Permittee's Staff. The Permittee must ensure that it has appropriate procedures in place to minimise the risk of potential hazards to the Permittee's Staff.
16. If a member of the Permittee's Staff contravenes these conditions, the Director may:
  - (a) notify the Permittee of the contravention;
  - (b) direct the Permittee to cease using the services of that person within the Park for a specified time, and the Permittee must immediately comply with that request.<sup>5</sup>
17. These permit conditions may be varied or revoked, or new conditions imposed, in accordance with regulation 17.09, and must do so if 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. The Director will, so far as circumstances allow, consult with the Permittee before taking action under regulation 17.09.

### Research conditions

18. The Permittee must maintain appropriate training, qualifications and experience to competently conduct the Permitted Activity.
19. The Permittee must provide prospective participants in the Permitted Activity with written notice detailing the nature of the research and the expectations of participation, and providing contact details for the Permittee and the Park Manager. The notice must be provided in sufficient time and detail to enable prospective participants to question the Permittee about the research project, and the Park Manager about the Park.
20. The Permittee must keep the Park Manager informed of all locations and times at which the Permitted Activity is to be conducted.
21. The Permittee must, as far as practicable, undertake the collections authorised by the Permit out of sight of persons who are not the Permittee's Staff.
22. The Permittee must provide to the Director a full list of all specimens taken in the course of the Permitted Activity, including the location, time and date at which each specimen was taken, as soon as possible after completing the Permitted Activity, but no later than one month after the expiration of the Permit Period.
23. If the Permitted Activity involves taking native species, the Permittee must lodge holotypes of undescribed taxa taken in the course of the Permitted Activity with the following bodies:
  - (a) Australian National Herbarium: holotypes of native species of plants;
  - (b) Australian National Insect Collection: holotypes of native species of the Class Insecta.
24. The Permittee must provide to the Director, in electronic and

<sup>5</sup> In this case the Director must give written notice of the decision to the relevant person in accordance with regulation 14.16, including a statement that the person may apply to the Director to reconsider the decision and that, subject to the *Administrative Appeals Tribunal Act 1975* the person may subsequently apply to the Administrative Appeals Tribunal for review of the reconsideration.

hard copies, an accurate report on the Permitted Activity, including a plain English summary approximately one page in length. The report must be provided within four months of the expiration of the Permit Period, and, if the Permit Period is greater than 12 months, within seven days after the anniversary of the commencement of the Permit Period.

The Permittee grants to the Director a non-exclusive, transferable, royalty-free, irrevocable and perpetual licence to use the information contained in the report in connection with the Park and the Director's business.

25. The Permittee must submit to the Director a draft copy of each abstract, research paper or presentation the Permittee intends to submit for publication or presentation, at least 21 days prior to making the submission, and must take into account comments made by the Director.
26. The Permittee must provide the Director with a copy of all reports and other publications arising from the Permitted Activity.
27. The Permittee must notify the Director as soon as it receives a request for media comment about the Permitted Activity, and must not issue a press release or other statement in relation to the Permitted Activity without the prior written approval of the Director.
28. The Permittee is responsible for obtaining all other permits and authorisations required to conduct the Permitted Activity.<sup>6</sup>

### Park specific conditions

29. The Permittee must provide a means of communication, either radio or telephone (or both), at all times when conducting the Permitted Activity in the Park, including Phillip Island.
30. The Permittee must ensure the Permittee's Staff are fully informed of, are familiar with and understand the safety information contained in the Park visitor guide.
31. Except as authorised by the Permit, the Permittee must not interfere with, handle, disturb or feed animals, and must not pick fruits, flowers, or otherwise damage plants in the Park.<sup>7</sup> In particular, no seabirds or nests may be interfered with in any way in the course of or in relation to the Permitted Activity unless specifically authorised by the Permit.
32. The Permittee must not damage or remove buildings or other structures, natural features or cultural heritage places or objects in the Park.
33. The Permittee must not litter in the Park or bring soil, firewood, living or viable plant materials, or animals into the Park unless specifically authorised by the Permit.
34. The Permittee may drive, ride or tow a vehicle only on a road that is not designated as a restricted access road by an "Authorised Persons Only" or "Service Road – Walkers Only" sign, or on a designated public access track, or in a designated parking area.
35. The Permittee must be accompanied by a guide approved by the Park Manager when undertaking the Permitted Activity on Phillip Island.

<sup>6</sup> For example, the Permittee may be required to also obtain permits under Part 8A of the Regulations or Part 13 of the Act (or both).

<sup>7</sup> Section 354(1)(a) of the Act makes it an offence "to kill, injure, take, trade, keep or move a member of a native species in the Park except in accordance with the management plan".

