

# Marine Mammal Tour Permit Application Form

## About this Application

This application is for one or more of the following Marine Mammal Tour Permits, issued under the *Wildlife Act 1975* and the *Wildlife (Marine Mammals) Regulations 2009*:

- Whale Watching Tour Permit (aircraft-based)
- Whale Watching Tour Permit (boat-based)
- Seal Tour Permit

\* Whale Swim Tour Permits for the Port Phillip Bay Limited Permit area are fully allocated until 30 June 2019.

Permits can only be issued to a Natural Person. Due to the introduction of new marine mammal regulations in 2019/20, permits will only be issued up to 29 February 2020.

## 1. Your personal details

Mr/Mrs/Ms	First name	Other name/s	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Date of birth	Gender ( <i>select one</i> )		
<input type="text" value="dd/mm/yyyy"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Intersex		

## 2. Business address

Property name ( <i>Name of house, farm or building if applicable</i> )	Flat / Unit no.	House/Lot no.
<input type="text"/>	<input type="text"/>	<input type="text"/>
Street name		
<input type="text"/>		
City/Suburb/Town	Postcode	
<input type="text"/>	<input type="text"/>	

## 3. Your postal address

*If the same as the above address, please write 'As above'*

Property name ( <i>Name of house, farm or building if applicable</i> )	Flat / Unit no.	House/Lot no.
<input type="text"/>	<input type="text"/>	<input type="text"/>
Street name or PO Box		
<input type="text"/>		
City/Suburb/Town	Postcode	
<input type="text"/>	<input type="text"/>	

#### 4. Your contact details

Telephone No.

Mobile No.

Email

#### 5. Prior convictions

Have you been convicted of any offence in Victoria under the *Wildlife Act 1975* or the *Prevention of Cruelty to Animals Act 1986* during the last 10 years? If "yes", give details below:

Description of offence

Year

State

#### 6. Permit type

Select [x] the type of permit you are applying for:

- Whale watching (vessel)  Seal Tour  
 Whale watching (aircraft)

If you are applying for a Seal Tour permit please select [x] which seal colony you are seeking to conduct tours at:

- Cape Bridgewater  The Skerries  
 Lady Julia Percy Island  Seal Rocks  
 Rag Island

#### 7. Tour information

Please select [x] what species of whale your proposed whale watching or whale swim tour will focus on:

- Bottlenose Dolphins  Humpback Whales  
 Common Dolphins  Blue Whales  
 Southern Right Whales  Other (please specify)

Tour departure point (s):

General location of tours:

*Please attach a short statement outlining the purpose of the tour operations, the proposed tour offering (including number of tours per day, operating periods).*

Do you have a current Tour Operator Permit issued by Parks Victoria?

- No  Yes. Please provide the permit number and expiry date.

#### 8. Vessel or aircraft details

Type of vessel/aircraft

Registration no.

Passenger capacity

## 9. Collection, use and disclosure of personal and business contact information

### Privacy and Data Protection Act 2014

The Department of Environment, Land, Water and Planning (DELWP) is committed to protecting personal information provided by you in accordance with the principles of the Victorian privacy laws. The information you provide will be used to monitor compliance with licence conditions and to provide information about any changes to legislative requirements. Your contact details may also be used by DELWP or its contracted service providers under confidentiality agreements to survey you about your experience with DELWP or to seek feedback related the keeping of wildlife. A licence may not be issued if the information required is not provided.

The information you provide will also be made available to any authorised law enforcement agency.

You may access the information you have provided to DELWP by contacting the Customer Service Centre on 136 186.

### Disclosure of business details

If your application is successful, your business details (including your name, trading name, business telephone) may be disclosed to members of the public seeking to contact you about the wildlife-related services you are authorised to provide under the *Wildlife Act 1975*.

- YES, please disclose my business contact details  NO, please do not disclose my business contact details

## 10. Evidence of identity

Please attach a legible copy of one current government-issued document which shows your name and current address or one government-issued document which shows your name and a supporting document showing your current residential address.

Examples of acceptable Government-issued documents	Examples of supporting documentation (only required if your government-issued identity document does not include your current address)
Australian driver licence	Council rate notice
Australian firearms licence	Utility bill
Centrelink or social security card	Motor vehicle registration
Veteran's Affairs card	Property lease/rental agreement
Medicare card	Electoral enrolment
Proof of Age card issued by a state or territory government	
Australian citizenship certificate	
ImmiCard	
Defence Force identity card	

*It is not necessary to have the copy of your document certified or witnessed. Once your identity has been verified, all documents provided for this purpose will be destroyed.*

## 11. Licence type

The fees listed below are provided as a guide only as they are for a 12 month permit. Your permit fee will be calculated on a monthly pro-rata basis if your application is approved.

- Whale watching (vessel) (\$311.00)  Seal Tour (\$311.00)
- Whale watching (aircraft) (\$370.30)

## 12. Insurance, release and indemnity

If your application is successful, you will be required to comply with the following insurance, release and indemnity provisions.

“**DELWP**” means the Department of Environment, Land, Water and Planning.

“**Insured**” means the Permit Holder, including the Permit Holder’s officers, employees, agents, contractors, subcontractors and invitees.

“**Other Relevant Parties**” means the Minister for Environment, Climate Change and Water, the Secretary to the Department of Environment, Land, Water and Planning, the Minister for Ports, and any other body delegating its powers to DELWP.

“**Permit Holder**” means the applicant for the permit specified in the permit application form.

“**Term**” means the period of operation of the permit.

“**Site**”- means the area where the Permit holder intends to or conducts whale or seal watching activities authorised under this Permit

**1. INSURANCE**

- 1.1 The Permit Holder must effect and maintain insurance throughout the Term of the Permit with an insurer approved by the Australian Prudential Regulation Authority (APRA):
- a. a public, and if relevant, products liability insurance policy for not less than \$20 million (or any greater amount required by DELWP) in respect of any single claim arising out of the activities of the Insured covering all third party claims arising out of:
    - i. loss, including financial loss, destruction or damage to real or personal property and ensuing loss of use of that property;
    - ii. death, injury to, or disease of persons;
    - iii. the operation of watercraft; and
  - b. an employers liability and workers' compensation policy which covers any damage, loss or liability suffered or incurred by any person engaged by the Permit Holder arising:
    - i. by virtue of any statute relating to workers' or accident compensation or employers' liability; or
    - ii. at common law, such policies referred to collectively as "the Policy".
- 1.2 The Permit Holder must effect and maintain the Policy in the name of the Insured, and noting the interests of the Other Relevant Parties.
- 1.3 The Permit Holder must ensure that the Policy contains provisions under which DELWP is to be notified of any changes to the Policy.
- 1.4 The Permit Holder must provide DELWP with:
- a. a certificate of currency for the Policy which clearly confirms the requirements of the preceding clause 1.2:
    - i. prior to the Permit commencement date;
    - ii. at any other time upon request by DELWP;
  - b. a copy of the Policy upon request by DELWP. DELWP shall have the right to insist on any amendments to the policy wording or limits as it reasonably requires.
- 1.5 The Permit Holder must promptly notify DELWP if:
- a. an event occurs which may give rise to a claim under or prejudice the Policy; or
  - b. the Policy is cancelled.
- 1.6 The Permit Holder must not do anything or allow anything to be done which may:
- a. prejudice any insurance held in connection with the Site/s; or
  - b. increase the premium payable for any insurance held in connection with the Site/s.
- 1.7 The Permit Holder must effect and maintain all other insurances in a manner and to such extent which is reasonable and customary for an organisation engaging in activities of the kind referred to and permitted by the Permit.
- 1.8 The Permit Holder shall deliver upon request to DELWP copies of any policies required to be entered into by it pursuant to clause 1.7 and DELWP shall have the right to insist on any amendments to the policy wording or limits as it reasonably requires.

**2. RELEASE**

- 2.1 The Permit Holder agrees that it:
- a. occupies and uses the Site/s at its own risk;
  - b. has inspected and assessed, and will continue to inspect and assess, the Site/s and is of the opinion that the Site/s is safe and suitable for the activities of the Permit Holder.
- 2.2 The Permit Holder releases DELWP and Other Relevant Parties from:
- a. all claims and demands resulting from any accident, damage, death or injury occurring at the Site/s or any other area used by the Permit Holder in connection with this Permit; and
  - b. all loss, cost, damage, liability or other detriment (whether direct or consequential) suffered or incurred by the Permit Holder,

In connection with the Permit Holder's occupation and use of the Site/s or other areas used in connection with this Permit or the cancellation, amendment or suspension of the Permit, except to the extent caused or contributed to by the negligence of DELWP.

- 2.3 References in this clause 2.2 to the Permit Holder, DELWP and the Other Relevant Parties include their respective officers, employees, agents, contractors, subcontractors, invitees and their successors and assigns.

## 12. Insurance, release and indemnity *Continued*

### 3. INDEMNITY

3.1 The Permit Holder indemnifies and agrees to keep indemnified DELWP and Other Relevant Parties against all actions, claims, demands, losses, damages, costs and expenses (whether direct or consequential) for which any of DELWP or Other Relevant Parties is or may be or become liable concerning or in connection with:

- a. the default of the Permit Holder under this Permit;
- b. the Permit Holder's use of the Site/s or any other area used by the Permit Holder in connection with this Permit;
- c. loss, damage, or injury to property or persons caused or contributed by the Permit Holder's act, omission, default or negligence,

except to the extent caused or contributed to by the negligence of DELWP.

3.2 References in clause 3.1 to the Permit Holder, DELWP and the Other Relevant Parties include their respective officers, employees, agents, contractors, subcontractors and invitees.

3.3 Clause 3.1 and 3.2 are intended to operate for the benefit of DEPI and the Other Relevant Parties. However, if required by DELWP or the Other Relevant Parties at any time after the execution of this Permit, the Permit Holder will enter into a separate deed of indemnity or release – which is applicable with the Other Relevant Parties in substantially the same terms as Clause 3.1 and 3.2.

## 13. Declaration by applicant

*"I understand that there are penalties for making a false declaration and that any permit issued as a result of a false declaration will be cancelled, and may affect my eligibility for licences or permits issued under the Wildlife Act 1975 in the future, and that all details provided by me on this form are true and correct. I also consent to the collection, use and disclosure of my personal information for the purposes described in Part 9."*

Signature of applicant

Date

dd/mm/yyyy

## 14. Supporting information

Please include the following information with your application:

1. Summary of proposed tour operations as described in Part 7.
2. Copy of current public liability insurance providing not less than \$20 million coverage, which includes coverage for risks arising from the operation of relevant watercraft/aircraft.
3. Copies of certificates of competency for the nominated master and crew of vessel appropriate to the vessel class, length and the proposed operational area of your tours.
4. Attached a copy of current certificate of survey for the nominated vessel or a copy of a current maintenance release for the nominated aircraft.
5. Payment for your permit via cheque or money order made out to 'Department of Environment, Land, Water and Planning'.

### Send your completed application:

Wildlife Licensing  
Department of Environment, Land, Water and Planning  
475 Mickleham Rd  
ATTWOOD VIC 3049