

Marine Mammal Tour Permit Application Form

About this Application

This application is for Marine Mammal Tour Permits issued under the *Wildlife Act 1975* and the *Wildlife (Marine Mammals) Regulations 2019*:

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

* A limited permit area has been declared for Port Phillip Bay which excludes the issuing of whale watching permits for dolphins.

Applicant details					
Mr/Mrs/Ms		First name			
Surname				Date of birth	
Business and/or Trading Name					
Business address					
Street					
City/suburb/town		State		Postcode	
Postal address					
Street name/PO Box					
City/suburb/town		State		Postcode	
Contact details					
Telephone (business)			Email		
Telephone (other)			Mobile		
Website					
Business details					
Australian Business Number (ABN)					
Vessel details					
Type of vessel			Registration no.		
Prior convictions					
Have you ever been convicted of any offence under the <i>Wildlife Act 1975</i> or the <i>Wildlife (Marine Mammal) Regulations</i> (or similar legislation in other states or territories) during the last 10 years? If yes, please provide details below.					
Yes <input type="checkbox"/> No <input type="checkbox"/>	Year		State		
Offence(s)					

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Permit type

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

- | | |
|--|------------------------------------|
| <input type="checkbox"/> Whale watching (vessel) | <input type="checkbox"/> Seal Tour |
| <input type="checkbox"/> 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:

- | | |
|--|---|
| <input type="checkbox"/> Cape Bridgewater | <input type="checkbox"/> The Skerries |
| <input type="checkbox"/> Lady Julia Percy Island | <input type="checkbox"/> Seal Rocks |
| <input type="checkbox"/> Rag Island | <input type="checkbox"/> Kanowna Island |

Tour information

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

- | | |
|--|---|
| <input type="checkbox"/> Bottlenose Dolphins | <input type="checkbox"/> Humpback Whales |
| <input type="checkbox"/> Common Dolphins | <input type="checkbox"/> Blue Whales |
| <input type="checkbox"/> Southern Right Whales | <input type="checkbox"/> Other (please specify) |
| <input type="checkbox"/> Burrunan Dolphins | |

Tour departure point (s):

General location of tours:

Length of tours (hours):

Maximum number of tours per day:

Proposed operating dates:

Operating facilities:

Maximum passenger capacity of vessel:

Nominated tour supervisor(s):

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

- | | |
|-----------------------------|---|
| <input type="checkbox"/> No | <input type="checkbox"/> Yes. Please provide the permit number and expiry date. |
|-----------------------------|---|

Collection, use and disclosure of personal information and business contact details

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

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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

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

Australian driver licence

Australian firearms licence

Veteran's Affairs card

Medicare card

Proof of Age card issued by a state or territory government

Australian citizenship certificate

Defence Force identity card

Examples of supporting documentation (only required if your government-issued identity document does not include your current address)

Council rate notice

Utility bill

Motor vehicle registration

Property lease/rental agreement

Electoral enrolment

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.

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 DEWLP.
- “**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

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:

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- 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".
- 1.1 The Permit Holder must effect and maintain the Policy in the name of the Insured, and noting the interests of the Other Relevant Parties.
- 1.2 The Permit Holder must ensure that the Policy contains provisions under which DELWP is to be notified of any changes to the Policy.
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 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.

Supporting information

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Please include the following information with your application:

1. 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.
2. Copies of current 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.
3. Copy of current certificate of survey for the nominated vessel or a copy of a current maintenance release for the nominated aircraft.
4. Provide a copy of supporting documentation given to participants and/or displayed on the vessels e.g. brochures, signage or other interpretive information.

Send your completed application and supporting information to wildlifelicensing@delwp.vic.gov.au

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

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