Prescribed environmentally relevant activities

Request to transfer all or part of an environmental authority

*This document is the approved form to apply to transfer all or part of an environmental authority for a prescribed environmentally relevant activity (ERA) under sections 251 to 253 of the* Environmental Protection Act 1994 *(EP Act).*

Only use this form if you want to:

* Transfer the entire environmental authority to a new holder or holders (e.g. through the sale of a business)
* Transfer part of the environmental authority to a new holder or holders (e.g. transfer the responsibility for a particular environmentally relevant activity contained within the environmental authority). This may also include adding a new joint holder to the environmental authority
* Remove a joint holder or holders from the environmental authority.

Where a new holder is involved in the transfer, they must be a registered suitable operator before they can carry out an ERA. If the proposed new holder is not already registered as a suitable operator, they must complete the *“Application to be a registered suitable operator”* (ESR/2015/1771[[1]](#footnote-2)) and submit it together with this application form. If the application to be a registered suitable operator is refused, this application to transfer all or part of an environmental authority may also be refused.

If you would like to have a pre-lodgement meeting:

* For prescribed ERAs 2, 3 and 4—contact the Department of Agriculture and Fisheries by email at [**livestockregulator@daf.qld.gov.au**](mailto:livestockregulator@daf.qld.gov.au)
* For any other prescribed ERA—please fill out and lodge the form Application for a Pre-Design/Pre-Lodgement Meeting (ESR/2015/16641), prior to lodging this application form.

**Checklist for making a transfer application**

You must complete this checklist in order to continue.

| **Checklist question** | | **Guidance** |
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| Is this application to transfer all or part of an environmental authority for a resource activity? | YES   NO | If yes, you cannot make an application to transfer as it is only available for prescribed ERAs. Refer to the guidance support material available at **www.business.qld.gov**. |

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| Is this application to transfer an environmental authority for ERA 57 regulated waste transport for the transport of regulated waste (other than tyres)? | YES   NO | If yes, before operating the new holder will need to provide the Department of Environment, Science and Innovation with details of the vehicles that will operate under the environmental authority.  To update vehicle details please complete and submit the *Details of regulated waste vehicles – ERA 57* (ESR/2015/1851[[2]](#footnote-3)) or register to use Online Services at <https://www.qld.gov.au/environment/pollution/licences-permits/onlineservices>. to update vehicles online once the environmental authority has been transferred. |
| Is this application to transfer an environmental authority for ERA 60 waste disposal? | YES   NO | If yes, please be aware that on transfer of the environmental authority all waste levy obligations will transfer to the new environmental authority holder under the *Waste Reduction and Recycling Act 2011.*  On the date the environmental authority is transferred any current on-site operational purpose (OSOP) exempt waste approvals or declared resource recovery areas (RRAs) will cease to be valid. As a result any waste stored within RRAs or used for OSOP will immediately attract the waste levy.  To avoid this new RRA declarations should be made and OSOP approvals sought prior to the environmental authority transfer occurring. Further information for landfill operators can be found at:  https://www.qld.gov.au/environment/management/waste/recovery/disposal-levy/operators |
| Is this application to transfer a trial environmental authority which was issued with an expiry date? | YES   NO | If yes, you cannot transfer this environmental authority type. A new application will be required. |

**Definitions of terms used in this form**

Where there is inconsistency between the definition of terms here and the terms used in the EP Act, the terms in the EP Act apply.

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| Environmentally relevant activity (ERA) | A resource activity or a prescribed ERA. |
| Prescribed ERA | An ERA that is not a resource activity and is prescribed under section 19 of the EP Act. |
| Registered suitable operator | A person or corporation who/that under section 318I of the EP Act have been assessed as being suitable to carry out an ERA and have been listed on the suitable operator register. |
| Resource activity | An activity that is any of the following:   1. a geothermal activity 2. a greenhouse gas (GHG) storage activity 3. a mining activity 4. a petroleum activity. |

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| **GUIDE** | **Application details** |
| If you require assistance in answering any part of this form, or have any questions about your application please contact the relevant department. Contact details are at the end of this form  The environmental authority number and details may be found on the existing environmental authority or quoted in other correspondence received from the administering authority.  If more space is required for any responses, please attach additional information as a separate page.  If there is an agent acting on behalf of holder of environmental authority, provide details in this section. An agent could be a consultant or a contact for the environmental authority holder.  As statutory documents need to be sent to all applicants, this section can also be used when there are multiple environmental authority holders to nominate an address for statutory documentation to be sent ‘care of’ to. | Environmental authority details  |  | | --- | | ENVIRONMENTAL AUTHORITY NUMBER | | ENVIRONMENTAL AUTHORITY HOLDERS NAMES |   **Agent details/address for service**  The address supplied here will also be used as a service address for sending statutory documents.   |  |  | | --- | --- | | INDIVIDUAL OR BUSINESS NAME (INCLUDE TRADING NAME IF RELEVANT) | | | RESIDENTIAL ADDRESS OR REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX ADDRESS) | | | CONTACT PERSON | | | PHONE | FACSIMILE | | EMAIL | | |
| If the transfer application involves both the transfer of the environmental authority to a new holder as well as the removal of an existing holder, applicants must complete all questions in this application form. | Select the type of transfer required  |  |  |  | | --- | --- | --- | | Mark relevant option(s) | | | |  | The environmental authority is to be transferred in full to a new holder. Once the transfer is complete, the existing holders will no longer be holders of the environmental authority. | Go to question 3 | |  | A new joint holder is to be added to the environmental authority. The existing holder will become a joint holder for all ERAs contained within the environmental authority. | Go to question 3 | |  | Only a part of the environmental authority is to be transferred.  For example if multiple prescribed ERAs are on an environmental authority and one of the ERAs is to be transferred to a new holder. | Go to question 3 | |  | The environmental authority has joint holders and this application is only to remove one or more of the current joint holders. No new holders are proposed to be added. | Go to question 7 | |
| These are the details of the proposed new holder who, if the application is approved, will be added to the environmental authority.  If there are 2 transferees to be added, complete the table in the adjacent column for the first transferee and then Part A of Attachment 1 for the second transferee. If there are more than 2 transferees, Attachment 1 can also be printed in multiple, be completed by the transferees and then attached to this application when lodged. | Details of the new holder (‘the transferee’)  |  |  | | --- | --- | | INDIVIDUAL OR BUSINESS NAME (INCLUDE TRADING NAME IF RELEVANT) | | | ABN/ACN/AN (IF RELEVANT) | | | RESIDENTIAL ADDRESS OR REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX ADDRESS) | | | CONTACT PERSON (ON BEHALF OF BUSINESS) | | | POSTAL ADDRESS (IF DIFFERENT FROM ABOVE) | | | PHONE | FACSIMILE | | EMAIL | |   Tick if Part A of Attachment 1 has been completed |
| If the transferee is already registered as a suitable operator it is not necessary to register again. However, the details of the transferee must match those listed on the suitable operator register. (this includes the ABN/ACN etc. if applicable)  A person who held a valid registration certificate or environmental authority as of 31 March 2013 is taken to be a registered suitable operator unless their registration has otherwise been suspended or cancelled.  The suitable operator registration number can be found on either the notice advising that the application to be a registered suitable operator has been approved or, on the registration certificate (if you have a valid existing registration certificate).  If there are 2 transferees to be added, complete the information requested in adjacent column for the first transferee and then Part A of Attachment 1 for the second transferee. If there are more than 2 transferees, Attachment 1 can also be printed in multiple, be completed by the transferees and then attached to this application when lodged. | Is the transferee a registered suitable operator? For the transferee identified above in question 3, tick the box that applies and provide any further requested detail as appropriate.  The transferee is a registered suitable operator.  Their suitable operator registration number is:    The transferee has lodged an application to be registered suitable operator and is waiting for it to be decided.  The transferee is not an existing registered suitable operator and has not yet lodged an application to become a registered suitable operator.  The proposed transferee must complete the *“Application to be a registered suitable operator”* (ESR/2015/1771[[3]](#footnote-4)) and submit it together with this transfer application. The application must be completed in full, otherwise this transfer application may be rejected as incomplete.  If you will be lodging the suitable operator application form, please lodge it concurrently with this application and to the same lodgement location i.e. Department of Environment, Science and Innovation, Department of Resources or the Department of Agriculture and Fisheries.  Tick if Part A of Attachment 1 has been completed |
| Provide details of which components of the environmental authority will continue to be held by the current holders of the environmental authority and which components will be held by the proposed transferee or transferees. For example an environmental authority may contain 4 prescribed ERAs and it is proposed to transfer 1 of the prescribed ERAs to a new holder  If a particular prescribed ERA is to be transferred, provide details of the transferee it will be transferred to, the ERA type and threshold. | Is this application for a partial transfer of the environmental authority? No ® The environmental authority is being transferred in full to the transferee in question 3 (and Attachment 1 if there are multiple transferees).  Yes ® Describe the transfer in the table below.   |  | | --- | | DESCRIPTION OF TRANSFER | |  | |

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| Complete this section if this transfer application is being made to remove any joint holders from the environmental authority. | List any current holder(s) to be removed from the environmental authority  |  |  | | --- | --- | | individual or business NAME (include Trading name if relevant) | ABN/ACN/AN (IF RELEVANT) | |  |  | |  |  | |  |  | |
| You may apply to discharge your financial assurance using the form ‘Application to amend or discharge financial assurance’ (ESR/2016/1752). This form is available at [www.qld.gov.au](http://www.qld.gov.au) using the publication number (ESR/2016/1752) as a search term.  Note that subject to section 314(5) of the *Environmental Protection Act 1994,* the discharge may not be approved until the transfer is approved, any financial assurance required for the environmental authority has been given by the new holder, and the transfer has taken effect. | Financial assurance Does the current holder have any financial assurance held as part of the approved environmental authority?  Yes—confirm which applies below:  I am also applying to amend or discharge my financial assurance with this application. Attached is a completed ‘Application to amend or discharge financial assurance’ (ESR/2016/1752).  I am not applying to amend or discharge my financial assurance with this application.  No |

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| This declaration is to be signed by the transferee only. Where the transferee is a company, this declaration is to be signed by an authorised person for that company.  Transferees are advised that at such time as they become holders of the environmental authority they also assume responsibility for any statutory requirements associated with that environmental authority—such as current transitional environmental programs, environmental protection orders or rehabilitation requirements associated with land contaminated as part of the prescribed ERA. Accordingly, transferees are encouraged to exercise due diligence which may include, but should not be limited to, reviewing the public registers held by the administering authority, prior to endorsing this application.  If there are multiple transferees, fill in the declaration in Part C of Attachment 1 for each second and subsequent transferee that is proposed to the added to the environmental authority. | Declaration by new holders (transferees) **Note:** If you have not told the truth in this application you may be prosecuted.  I declare that:   * I am applying to be become the holder or a joint holder of the environmental authority. * I am able to comply with the conditions of approval in the environmental authority. * I am authorised to sign on behalf of the transferee, and commit the transferee in all matters relevant to this application. * I understand that if this application is approved, and I am not the landowner of the land the subject of the environmental authority, I am required to notify the landowners concerned within 10 business days of receiving the transferred environmental authority. * I am aware that I must comply with all obligations under the EP Act and its subordinate regulation * I am aware that under section 480 of the EP Act that it is an offence to give the administering authority or an authorised person a document that contains information that I known, or ought reasonably know, to be false or misleading in a material particular. * I am aware that under section 480A of the EP Act that, if I am required to give a document to the administrating authority, it is an offence to give a document that contains incomplete information in a material particular. * I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*. * I understand that I am responsible for managing the environmental impacts of these activities, and that approval of this application is not an endorsement by the administering authority of the effectiveness of management practices proposed or implemented.  |  |  | | --- | --- | | TRANSFEREE SIGNATURE | | | NAME and Position of signatory | date |   Tick if Part B of Attachment 1 has been completed. |
| Where there is more than 1 holder of the environmental authority, this declaration is to be signed by all holders, unless there is an agreement between all holders that 1 can sign on behalf of the other.  **Note:** If only 1 holder is signing this application form, they are committing all holders to the content of the application and the declaration.  Where the environmental authority holder is a company, this form must be signed by an authorised person for that company. | Declaration by current environmental authority holders **Note:** If you have not told the truth in this application you may be liable for prosecution.  Where an agreement is in place between all holders of the environmental authority, that one holder can sign on behalf of the other joint holders, please tick the below checkbox.  I have the authority to sign this form on behalf of all the joint holders of the environmental authority.  I declare that:   * I am the holder of the environmental authority, or authorised signatory for the holder of the environmental authority. * The information provided is true and correct to the best of my knowledge. I understand that it is an offence under section 480 of the *Environmental Protection Act 1994* to give to the administering authority or an authorised person a document containing information that I know, or ought reasonably know, is false or misleading in a material particular. * I am aware that under section 480A of the *Environmental Protection Act 1994* that, if I am required to give a document to the administrating authority, it is an offence to give a document that contains incomplete information in a material particular. * I understand that failure to provide sufficient information may result in the application being refused. * I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*. * I understand that I am responsible for managing the environmental impacts of these activities, and that approval of this application is not an endorsement by the administering authority of the effectiveness of management practices proposed or implemented. * I understand that an incomplete application (including applications that do not include the fee) may be invalid. Invalid applications will be returned without processing and will only be processed if resubmitted with all invalidating issues addressed.  |  |  | | --- | --- | | ENVIRONMENTAL AUTHORITY HOLDER’S NAME | | | SIGNATURE | | | POSITION OF SIGNATORY | DATE | | JOINT HOLDER’S NAME (IF APPLICABLE) | JOINT HOLDER’S SIGNATURE (IF APPLICABLE) | | JOINT HOLDERS NAME (IF APPLICABLE) | JOINT HOLDERS SIGNATURE (IF APPLICABLE) | |
| The first step towards payment is to calculate the fees payable. Information on these fees can be located in the information sheets Fees for Permits for Environmentally Relevant Activities (ERAs) available at **www.qld.gov.au** (using the publication number ESR/2015/1721 as a search term).  Credit card payments over the phone are still available at Department of Agriculture and Fisheries for applications for ERA 2, ERA 3, and ERA 4. | Payment of fees  |  |  | | --- | --- | | The application fee is: | $ |   You may pay your application fee via cheque or money order.  Select the payment method below:   |  | | --- | | For payment to the Department of Environment, Science and Innovation:    Email the completed application with a request to pay the application fee by Bpoint.  Please do not email your credit card details – we will send you a link to pay securely by credit card via BPoint. | | Payment by cheque or money order made payable to the Department of Agriculture and Fisheries (attached).  Please contact me (the applicant) for credit card payment (Department of Agriculture and Fisheries only). | |  | |
|  | **Applicant checklist**  Application form to request transfer of all or part of the environmental authority is signed and completed.  Attachment 1 (Part A): Transferee details are completed and signed for each second and subsequent transferee (if applicable).  Attachment 1 (Part B): Transferee declaration is signed for each second and subsequent transferee (if applicable).  *“Application to be a registered suitable operator”* (ESR/2015/1771[[4]](#footnote-5)) has been signed and completed by each transferee (if applicable). |

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|  | **Privacy statement**  The Departments of Environment, Science and Innovation (DESI) and Agriculture and Fisheries (DAF) are collecting the information on this form to process your application for the transfer of an environmental authority. This collection is authorised under sections 251 to 253 of the *Environmental Protection Act 1994*. Some information may be given to the Department of Resources for the purposes of processing this application and/or the administration of the *Strategic Cropping Land Act 2011*.  Your personal information will only be accessed by authorised employees within these departments and will not be disclosed to any other parties unless authorised or required by law.  For queries about privacy matters please email [**privacy@des.qld.gov.au**](mailto:privacy@ehp.qld.gov.au)or telephone: 13 74 68. |

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| **Further information**  The latest version of this publication can be found at **www.qld.gov.au**. | Please submit your completed application kit to: **For ERA 2, ERA 3 or ERA 4**   |  |  | | --- | --- | | **Post:**  Senior Environmental Scientist  Animal Industries  Department of Agriculture and Fisheries  PO Box 102  TOOWOOMBA QLD 4350 | **Enquiries:**  Phone: 13 25 23  Fax: (07) 4529 4192  Email: **livestockregulator@daf.qld.gov.au** |   **For all other ERAs**   |  |  | | --- | --- | | **Post:**  Permit and Licencing  Department of Environment, Science and Innovation  GPO Box 2454  BRISBANE QLD 4001 | **Enquiries:**  Permit and Licencing  Phone: 13 QGOV (13 74 68)  Email: [**palm@des.qld.gov.au**](mailto:palm@ehp.qld.gov.au) | |  |  | |

# Attachment 1

If there are more than 2 transferees to be added to the environmental authority or more than 2 current holders of the environmental authority, you may need to print Attachment 1 in multiple so that each person/corporation can complete the relevant parts of this attachment. When this occurs, attach each completed copy of Attachment 1 to the application form.

**Part A**

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| These are the details of proposed new holder who, if the application is approved, will be added to the environmental authority. | Details of the new holder (‘the transferee’) (Question 3 in application form)  |  |  | | --- | --- | | INDIVIDUAL OR BUSINESS NAME (INCLUDE TRADING NAME IF RELEVANT) | | | ABN/ACN/AN (IF RELEVANT) | | | RESIDENTIAL ADDRESS OR REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX ADDRESS) | | | CONTACT PERSON (ON BEHALF OF BUSINESS) | | | POSTAL ADDRESS (IF DIFFERENT FROM ABOVE) | | | PHONE | FACSIMILE | | EMAIL | | |
| If the transferee is already registered as a suitable operator it is not necessary to register again. However, the details of the transferee must match those listed on the suitable operator register. (this includes the ABN/ACN etc if applicable)  A person who held a valid registration certificate or environmental authority as of 31 March 2013 is taken to be a registered suitable operator unless their registration has otherwise been suspended or cancelled.  The suitable operator registration number can be found on either the notice advising that the application to be a registered suitable operator has been approved or, on the registration certificate (if you have a valid existing registration certificate). | Is the transferee a registered suitable operator? (Question 4 in application form) For the transferee identified above in question 3, tick the box that applies and provide any further requested detail as appropriate.  The transferee is a registered suitable operator.  Their suitable operator registration number is:      The transferee has lodged an application to be registered suitable operator and is waiting for it to be decided.  The transferee is not an existing registered suitable operator and has not yet lodged an application to become a registered suitable operator.  The proposed transferee must complete the *“Application to be a registered suitable operator”* (ESR/2015/1771[[5]](#footnote-6)) and submit it together with this transfer application. The application must be completed in full, otherwise this transfer application may be rejected as incomplete.  If you will be lodging the suitable operator application form, please lodge it concurrently with this application and to the same lodgement location i.e. Department of Environment, Science and Innovation, Department of Resources or the Department of Agriculture and Fisheries. |

**Part B**

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| This declaration is to be signed by the transferee. It does not need to be signed by current holders of the environmental authority. Where the transferee is a company, this declaration is to be signed by an authorised person for that company.  Transferees are advised that at such time as they become holders of the environmental authority they also assume responsibility for any statutory requirements associated with that environmental authority – such as current transitional environmental programs, environmental protection orders or rehabilitation requirements associated with land contaminated as part of the prescribed ERA activity. Accordingly, transferees are encouraged to exercise due diligence which may include, but should not be limited to, reviewing the public registers held by the administering authority, prior to endorsing this application. | Declaration by new holders (transferees) (Question 8 in application form) **Note:** If you have not told the truth in this application you may be liable for prosecution under the relevant acts or regulations.  I declare that:   * I am applying to become the holder or a joint holder of the environmental authority identified in question 1. * I am able to comply with the conditions of approval in the environmental authority. * I am authorised to sign on behalf of the transferee, and commit the transferee in all matters relevant to this application. * I understand that if this application is approved, and I am not the landowner of the land the subject of the environmental authority, I am required to notify the landowners concerned within 10 business days of receiving the transferred environmental authority. * I am aware that I must comply with all obligations under the EP Act and its’ subordinate regulation. * I am aware that under section 480 of the EP Act that it is an offence to give the administering authority a document that contains information that is I know, or ought reasonable know, is false or misleading in a material particular. * I am aware that under section 480A of the EP Act that, if I am required to give a document to the administrating authority, it is an offence to give a document that contains incomplete information in a material particular. * I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*. * I understand that the administering authority is not responsible for the effect of infrastructure and management techniques implemented.  |  |  | | --- | --- | | TRANSFEREE SIGNATURE | | | NAME and Position of signatory | date | |

1. This is the publication number. The publication number can be used as a search term to find the latest version of a publication at **www.qld.gov.au**. [↑](#footnote-ref-2)
2. This is the publication number. The publication number can be used as a search term to find the latest version of a publication at **www.qld.gov.au**. [↑](#footnote-ref-3)
3. This is the publication number. The publication number can be used as a search term to find the latest version of a publication at **www.qld.gov.au**. [↑](#footnote-ref-4)
4. This is the publication number. The publication number can be used as a search term to find the latest version of a publication at **www.qld.gov.au**. [↑](#footnote-ref-5)
5. This is the publication number. The publication number can be used as a search term to find the latest version of a publication at **www.qld.gov.au**. [↑](#footnote-ref-6)