Application Form

Environmental Protection Act 1994

Application to be a suitable registered operator - Application Form

This approved form is to be used to apply to become a suitable operator under section 318F of the Environmental Protection Act 1994 for the carrying out of an environmentally relevant activity (ERA).

1. Applicant details

|  |  |
| --- | --- |
| Name – Individual or chief executive officer if applicant is an organisation | Date of birth if an individual  Click or tap to enter a date. |
| Organisation name | Organisation number  (e.g. ACN/ABRN etc.) |
| Residential or registered business address (not a post office box) | Phone |
| Postal address (if different from above) | Facsimile |
| Email | tick if you do not want to receive correspondence via email |

1. Applicant suitability

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Questions** | | **No** | | **Yes[[1]](#footnote-2)** | |
| Has the applicant, or the applicant’s partner[[2]](#footnote-3) (and if the applicant is a company – the applicant’s executive officers[[3]](#footnote-4)) ever: | | | | | |
| * Been **convicted of an environmental offence**[[4]](#footnote-5) under the *Environmental Protection Act 1994*? | |  | | attach details | |
| * had an environmental authority, instrument, licence or permit (however called similar to an environmental authority), cancelled or suspended under the Environmental Protection Act 1994 or a corresponding law[[5]](#footnote-6) (whether in Queensland or elsewhere)? | |  | | attach details | |
| * had a suitable operator registration or similar registration, however called, been cancelled or suspended under the Environmental Protection Act 1994 or a corresponding law (whether in Queensland or elsewhere)? | |  | | attach details | |
| Has the applicant ever been issued with any of the following instruments under the *Environmental Protection Act 1994:* | | | | | |
| * a penalty infringement notice? | |  | | attach details | |
| * An environmental protection order? | |  | | attach details | |
| * a notice requiring a transitional environmental program | |  | | attach details | |
| * a notice to conduct or commission an environmental audit | |  | | attach details | |
| * a notice to conduct or commission an environmental investigation | |  | | attach details | |
| **Questions** | **No** | | **Yes**1 | |
| * a direction notice |  | | attach details | |
| * a clean up notice |  | | attach details | |
| * a cost recovery notice |  | | attach details | |
| * a restraint or enforcement order |  | | attach details | |
| * another compliance or enforcement action which is not stated above |  | | attach details | |

1. Applicant certification

I declare that the information provided is true and correct to the best of my knowledge. I understand that it is an offence under section 480 and 480A of the Environmental Protection Act 1994 to give the administering authority or an authorised person a document containing information that I know, or ought reasonable know, is false, misleading or incomplete in a material particular.

I have attached details for any question where I have answered “yes”.

|  |  |  |
| --- | --- | --- |
| Signature |  | Date |
| Name of person signing |  |

**Submit your completed application via email to:** [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au) or:

|  |  |
| --- | --- |
| **Post:**  Permit and Licence Management  Department of Environment, Science and Innovation  GPO Box 2454  BRISBANE QLD 4001 | **Further Information:**  [www.business.qld.gov.au](http://www.business.qld.gov.au)  Email: [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au)  Phone: 13 QGOV (13 74 68) |

**Privacy statement**

The Department of Environment, Science and Innovation (the department) is committed to protecting the privacy, accuracy and security of your personal information in accordance with the *Information Privacy Act 2009*. The department is collecting your personal information to determine your suitability as a registered operator under sections 318F and 318R of the *Environmental Protection Act 1994*. Some of this information may be disclosed to the Department of Resources for the purpose of the joint regulation of mining activities. If you answered yes to any question, the chief executive may disclose your information to an administering authority of another state under a corresponding law or the commissioner of the police service for the purpose of obtaining a suitability report. If the commissioner of the police service is asked for a report, the commissioner may disclose your information to officials administering police services in other Australian jurisdictions for information relevant to the suitability report.

If your application is approved your name, address and organisation number will be disclosed on the register of suitable operators which will be publicly available on the department’s website. This disclosure is authorised by section 318I(1)(b) of the *Environmental Protection Act 1994*. All other information will not be disclosed to any other person or agency unless you have given us permission or we are authorised or required by law. All information supplied on this form may be disclosed publicly in accordance with the *Right to Information Act 2009* and *Evidence Act 1977*. For queries about privacy matters email: privacy@des.qld.gov.au or telephone: 13 QGOV (13 74 68).

1. If yes is ticked, you must indicate if the event occurred to you individually or to a company or business in which you currently hold, or have held, a position of management or control. You must also provide complete details (including the state/territory/country in which the event occurred, the relevant legislation, location of offence or incident, date of offence or incident, amount of fine, facts and circumstances surrounding the offence or incident, details of relevant persons involved including name and positions, name of court, court reference number etc.) in an attachment. You may also attach any submission you want the chief executive to consider in assessing this information, which will be used in deciding whether you are a suitable operator. A ‘relevant person’ is either the applicant or any person with whom the applicant is a partner or, if a corporation, any of the corporation’s executive officers.

   Additionally, if you answer yes to any question, the chief executive responsible for the Environmental Protection Act 1994 may disclose your information to an administering authority of another state under a corresponding law or to the commissioner of the police service to obtain a suitability report. The commissioner of the police service may disclose your information to officials administering police services in other Australian jurisdictions for information relevant to the suitability report. [↑](#footnote-ref-2)
2. Partner means—

   (a) an individual who has involvement with another entity’s business dealings, or

   (b) a person who plays a role in managing or controlling a business along with another person. [↑](#footnote-ref-3)
3. Including any other companies of which the executive officers are, or have been, an executive officer. [↑](#footnote-ref-4)
4. Environmental offence means—

   (a) an offence against any of the following provisions—section 260, section 295(3), chapter 7, part 2, section 357(5), section 361, chapter 8 of the Environmental Protection Act 1994; or

   (b) an offence against a corresponding law, if the act or omission that constitutes the offence would, if it happens in Queensland, be an offence against a provision mentioned in paragraph (a). [↑](#footnote-ref-5)
5. Corresponding law means under a law of the Commonwealth or another State that provides for the same or similar matters as the Environmental Protection Act 1994. [↑](#footnote-ref-6)