*Environmental Protection Act 1994*

Application to amend or discharge financial assurance held for an environmental authority for a prescribed environmentally relevant activity

This is the approved form to be used by the holder of an environmental authority for a prescribed environmentally relevant activity to apply for an amendment to, or discharge of, financial assurance under sections 312 of the Environmental Protection Act 1994 (EP Act).

For information on financial assurance including how it is to be calculated, please refer to the Guideline ‘Financial assurance under the *Environmental Protection Act 1994*’, located at [**www.business.qld.gov.au**](http://www.business.qld.gov.au).

If you would like to have a pre-lodgement meeting, please complete and lodge the form “Application for a Pre-Design/Pre-Lodgement Meeting (ESR/2015/1664[[1]](#footnote-1))”, prior to lodging this application.

**Checklist for making an application**

You must complete this checklist before you continue with the application form.

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| **Checklist questions** | | **Guidance** |
| Is financial assurance currently held for the environmental authority? | YES  NO | If no, you cannot make this application. This is because there is no financial assurance amount to either amend or discharge. |
| Is the environmental authority for a prescribed environmentally relevant activity? | YES  NO | If no, you cannot make this application[[2]](#footnote-2).  For changing an estimated rehabilitation cost amount use the form “Application for a decision on the estimated rehabilitation cost (ESR/2018/44261)”.  The Financial Provisioning Scheme Manager is responsible for the release of scheme assurance, for information visit [**www.business.qld.gov.au**](http://www.business.qld.gov.au) or email [fps@treasury.qld.gov.au](mailto:fps@treasury.qld.gov.au). |

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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 Permits and Licensing. 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. | Environmental authority **Environmental authority details**   |  | | --- | | ENVIRONMENTAL AUTHORITY NUMBER  Insert number. | | ENVIRONMENTAL AUTHORITY HOLDERS’ NAMES  Insert name/s. | |
| If there is an agent acting on behalf of the holder of the 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 applicants to nominate an address for statutory documentation to be sent ‘care of’ to. | Agent details/address for service The address supplied here will also be used as a service address for sending statutory documents. If blank, statutory documents will be sent to the principal applicant nominated in the original environmental authority application (if applicable).   |  |  | | --- | --- | | INDIVIDUAL OR BUSINESS NAME (INCLUDE TRADING NAME IF RELEVANT)  Insert name. | | | RESIDENTIAL ADDRESS OR REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX ADDRESS)  Insert address. | | | POSTAL ADDRESS (IF DIFFERENT FROM ABOVE)  Insert address. | | | CONTACT PERSON  Insert name. | | | PHONE  Insert number. | FACSIMILE  Insert number. | | EMAIL  Insert email. | | |
|  | What is the purpose of this application? →To apply to amend the amount of financial assurance held. Go to question 4  →To apply to amend the form of financial assurance held. Go to question 10  →To apply for discharge of financial assurance. Go to question 11. |
| Amending the amount of financial assurance held | |
| Where this application is being made in conjunction with an application to transfer an environmental authority for a prescribed environmentally relevant activity (ERA) the administering authority has the ability to withhold making a decision on the request to amend or discharge financial assurance until:   * The transfer application has been approved; and * Any financial assurance to be paid by the new holder has been paid; and * The transfer has taken effect.   When a financial assurance period ends, a new calculation for the next nominated financial assurance period is required. This is especially important where a discount has been applied to financial assurance, as eligibility for a discount must be reassessed at the end of each financial assurance period. At the end of any financial assurance period the amount of financial assurance required reverts back to its undiscounted value. | Is this application directly related to one or more of the following actions?  |  |  |  |  | | --- | --- | --- | --- | | Mark relevant option(s) | | Has this application been approved | | |  | An application for an amendment to the environmental authority | → Yes  → No | → Under assessment  → Not yet lodged | |  | An application for the transfer of an environmental authority | → Yes  → No | → Under assessment  → Not yet lodged | |  | The previous financial assurance period has ended | | | |  | Other ( please specify details below)  Insert detail. | | | |
| Refer to the Guideline ‘Financial assurance under the *Environmental Protection Act 1994,* for the most up to date information required to be submitted with this application.  The administering authority may require the applicant to provide a compliance statement before deciding the application. If required, the administering authority will notify the applicant by a written notice that a compliance statement must be provided before the decision to amend the amount or form of financial assurance is made. | Details of changes to the type or area of land disturbance Attach a detailed description of any changes to the area or type of disturbance as per the requirements of the Guideline ‘Financial assurance under the *Environmental Protection Act 1994*’ including:   * Details of any change in the area or the type of disturbance proposed. * A comparison of the change to the disturbance identified in the existing rehabilitation plan. |
| Refer to the Guideline ‘Financial assurance under the *Environmental Protection Act 1994’,* for the most up to date information required to be submitted with this application | Revised rehabilitation program Attach a revised version of the rehabilitation program for the project in accordance with the requirements of the Guideline ‘Financial assurance under the *Environmental Protection Act 1994*’ including:   * The method of rehabilitation proposed. * The location and area of the proposed rehabilitation. * Details of any rehabilitation staging. * Description of any performance indicators, acceptance criteria, final land use, assumptions or published standards that underpin the rehabilitation objectives. |
| Refer to the Guideline ‘Financial assurance under the *Environmental Protection Act 1994’*, for the most up to date information required to be submitted with this application. | | Applying a financial assurance discount You must complete the following checklist if you are applying for a discount on your financial assurance in accordance with Appendix B under the Guideline ‘Financial assurance under the *Environmental Protection Act 1994*’.   |  |  |  | | --- | --- | --- | | **Checklist questions** | | **Guidance** | | Does your application demonstrate compliance with the mandatory pre-requisites? | YES  NO | If no, you cannot apply for a financial assurance discount. | | Does your application demonstrate that the applicable discount criteria have been met and have you attached the required documentation? | YES  NO | If no, you cannot apply for a financial assurance discount. | |
| To calculate financial assurance, you must use the approved methodology outlined in the Guideline ‘Financial assurance under the *Environmental Protection Act 1994’.* A description of the period for the holding of financial assurance can also be found in the same guideline.  1 Insert the amount (GST exclusive) that is currently held by the administering authority under the EP Act. | Proposed amendment to financial assurance State the proposed amended amount and period for holding of the financial assurance below and attach copies of the calculation undertaken in accordance with the approved methodology described in Guideline ‘Financial assurance under the *Environmental Protection Act 1994*’   |  |  | | --- | --- | | Total cost of rehabilitation | $ Insert cost. | | Proposed discount | % Insert discount. | | Amount of financial assurance **proposed** to be held | $ Insert amount. | | Amount of financial assurance **currently** held1 | $ Insert amount. | | Total change in financial assurance | $ Insert amount. | | Period for the holding of financial assurance | Insert period. | |
| Return of financial assurance requires the same information needed to discharge financial assurance. | Return of financial assurance If you intend to submit a replacement financial assurance or an application is for less financial assurance, complete Question 15 of this form to have the financial assurance that is currently held returned to you. |
| Amending the form of financial assurance held | |
| In most cases the administering authority will require financial assurance to be given in the form of an unconditional, irrevocable and on demand guarantee.  The request for payment of financial assurance in an alternative form does not guarantee that this will be the form approved by the administering authority. | Form of financial assurance Complete this question and then go to the Declaration.  The administering authority will in most cases require that financial assurance is to be paid in the form of an unconditional, irrevocable and on demand guarantee.  Tick to acknowledge acceptance.  If you would like to pay the financial assurance in another form, you must contact the administering authority (details at the end of this application form) to discuss, prior to making this application.  Tick to confirm you have discussed this with the department and provide a description of the proposed form and a justification below.   |  | | --- | | PROPOSED FORM AND JUSTIFICATION  Insert detail. | |
| Discharge or return of financial assurance | |
| The administering authority may require the applicant to give it a compliance statement before deciding the application. If required, the administering authority will notify the applicant by a written notice that a compliance statement is required before the decision to discharge financial assurance is made. A compliance statement must declare the extent to which activities carried out under the environmental authority have complied with the conditions of the environmental authority. | Is this application related to one or more of the following actions?  |  |  |  |  | | --- | --- | --- | --- | | Mark relevant option(s) | | Has this application been approved | | |  | An application for the surrender of an environmental authority | → Yes  → No | → Under assessment  → Not yet lodged | |  | An application for the transfer of an environmental authority | → Yes  → No | → Under assessment  → Not yet lodged | |  | Other ( please specify details below)  Insert detail. | | | |
| The rehabilitation report will have been required as part of an application to surrender the environmental authority. Just re-attach it to this application form. | Is this application related to the surrender of an environmental authority? Yes → Attach a copy of the final rehabilitation report  No |

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|  | Is there a transitional environmental program related to this application? Yes → Insert details below  No   |  |  | | --- | --- | | TITLE AND DATE | APPROVAL NUMBER (WHERE ISSUED) | | Insert title and date. | Insert number. | |
| 1 Insert the amount (GST exclusive) that is currently held by the administering authority under the EP Act. | Amount of financial assurance currently held  |  |  | | --- | --- | | Amount of financial assurance **currently** held1 | $ Insert number. | |
| All amounts stated are to be GST exclusive. | Where the financial assurance is to be discharged or returned to a person, company or financial institution, please identify the person, company or institution and nominate the amount to be returned |
| | NAME | ABN/acn/an | AMOUNT | guarantee number | name on guarantee | FORM THAT THE FINANCIAL ASSURANCE IS CURRENTLY HELD in | | --- | --- | --- | --- | --- | --- | | Insert name. | Insert. | $ Insert. | Insert. | Insert. | Insert. | | Insert name. | Insert. | $ Insert. | Insert. | Insert. | Insert. | | Insert name. | Insert. | $ Insert. | Insert. | Insert. | Insert. | | Insert name. | Insert. | $ Insert. | Insert. | Insert. | Insert. | | |
| Where there is more than one holder of the environmental authority, this declaration is to be signed by all holders, unless there is an agreement between all holders that one can sign on behalf of the other.  Note: If only one 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.  **Privacy statement**  The Department of Environment, Science and Innovation 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 in accordance with section 312 of the *Environmental Protection Act 1994* in order to process your application. The information will only be accessed by authorised employees within the department. Your information will not be given 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 74 68. | Declaration **Note:** If you have not told the truth in this application you may be prosecuted  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 an authorised signatory. * 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 is false or misleading in a material particular. * I understand that under section 480A of the *Environmental Protection Act 1994* that, if I am required to give a document to the administrating authority or an authorised person, 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*.   If this application is for an amendment to the amount of financial assurance held, I also declare that:   * The amount of financial assurance has been calculated in accordance with the guideline ‘Financial assurance under the *Environmental Protection Act 1994*’.  |  |  | | --- | --- | | ENVIRONMENTAL AUTHORITY HOLDER’S NAME  Insert name. | | | SIGNATURE | | | POSITION OF SIGNATORY  Insert position. | DATE  Insert date. | | JOINT HOLDER’S NAME (IF APPLICABLE)  Insert name. | JOINT HOLDER’S SIGNATURE (IF APPLICABLE) | | JOINT HOLDERS NAME (IF APPLICABLE)  Insert name. | JOINT HOLDERS SIGNATURE (IF APPLICABLE) | |
|  | **Applicant checklist**  Application form has been signed and completed  Question : Details of any changes to disturbed land attached (if applicable)  Question 6: Revised rehabilitation program attached (if applicable)  Question : Discount information attached (if applicable)  Question 12: Final rehabilitation report (if applicable) |
| **Further information**  The latest version of this publication and other publications referenced in this document can be found at **www.qld.gov.au** using the relevant publication number (ESR/2015/1752 for this document) as a search term. | Please submit your application to: Permits and Licensing  GPO Box 2454 Brisbane Qld 4001  Email: [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au)  Phone: 13 QGOV (13 74 68) |

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**](http://www.qld.gov.au). [↑](#footnote-ref-1)
2. Financial assurance for resource activities has changed as a result of the Financial Provisioning Scheme under the *Mineral and Energy Resources (Financial Provisioning) Act 2018.* Information on these changes and a guideline for resource activities on ‘Estimated rehabilitation costs under the *Environmental Protection Act 1994’*, can be found at [**www.business.qld.gov.au**](http://www.business.qld.gov.au). [↑](#footnote-ref-2)