



If the person completing this form is representing a small business (i.e. a business having less than 20 employees), please provide an estimate of the time taken to complete this form.

Please include:

- the time taken spent reading the instructions, working on the questions and obtaining the information; and
- the time spent by all employees in collecting and providing this information.

Hours

Minutes

Supplementary Form A — Whales and Dolphins (cetaceans)

Application under section 238 of the Environment Protection and Biodiversity Conservation Act 1999.

This form has two purposes:

1. To apply for a permit to undertake an action which will contribute significantly to the conservation of whales and dolphins such as research on whales and dolphins.
2. To apply for a permit to interfere with whales and dolphins, where that interference is incidental to and not the purpose of the action, for example, building an underwater structure where you may come into contact with whales or dolphins.

Please supply the information requested in this form if you will interfere with, injure, take, keep, move, possess or treat (cut up/divide) a cetacean or part of a cetacean in the Australian Whale Sanctuary or waters beyond the Australian Whale Sanctuary (overseas).

This form should be completed in conjunction with The General Permit Application form.

If you need more space

If there is insufficient space on this form to fully address any of the questions please attach additional pages and list these attachments at question 16.

When using additional documentation to answer individual questions in this application, please refer to the document title, the specific section(s) and the page number(s) on which the information appears.

Application fee

There is a \$25 fee for permits where the action will contribute significantly to the conservation of cetaceans. There are some fee exemptions in certain circumstances, details of which can be obtained from the Department at the below address.

Where to send the forms and the application fee

Please send the completed General Permit Application **and this form** and any accompanying attachments to:

Director
Migratory Species Section
Department of Agriculture, Water and the Environment
GPO Box 787
CANBERRA ACT 2601

If you wish to carry out activities within the Great Barrier Reef Marine Park, you may need to apply to the Great Barrier Reef Marine Park Authority for a permit. For information please follow this link: [Great Barrier Reef Marine Park Authority permits](#)

If your activity will be undertaken in an Australian Marine Park then you may need to apply to the Director of National Parks for an authorisation. For more information please follow the link below:

<https://onlineservices.environment.gov.au/parks/australian-marine-parks>

If you are proposing to send specimens out of Australia you will need an export permit. Import permits will be necessary for bringing parts or products of cetaceans into Australia. For more information on imports and <http://www.environment.gov.au/biodiversity/wildlife-trade/permits#need>



1 Details of species that will be affected by the action. Use the following codes to enter details in columns 3 and 5.

Column 1 Common name of species. Common and scientific names are available at the Departmental website: http://www.environment.gov.au/erin/ applications/biodiversity/sprat/	Column 2 Scientific name of species	Column 3 Conservation status of threatened species under EPBC Act (e.g. the blue whale is endangered EN) Codes for Column 3 EW Extinct in the wild EX Extinct CE Critically endangered EN Endangered VU Vulnerable CD Conservation dependent	Column 4 Estimated number that will be affected.	Column 5 Type of effect Codes for Column 5 IC Interfering with a cetacean IN Injuring TA Taking KE Keeping MO Moving TC Treating PO Possessing
Humpback Whale	Megaptera novaeangliae	VU	10	IC
Pygmy Blue Whale	Balaenoptera musculus brevicauda	EN	3	IC
Orca	Orcinus orca		15	IC
Dwarf Minke Whale	Balaenoptera acutorostrata		5	IC

2 Provide the latitude and longitude of where the action will be conducted. Latitude and longitude references should be used instead of AMG and/or digital coordinates.

Where the project area is less than 1 square km, provide a single pair of latitude and longitude references.

Where the project area is greater than 1 square km or any dimension is greater than 1 km, attach a list of coordinates to enable accurate identification of the location of the project area.

Latitude

Degrees Minutes Seconds

21	48	293s
21	44	679s
21	47	282s
34	46	210s

Longitude

Degrees Minutes Seconds

114	14	073e
114	5	705e
113	54	993e
119	35	384e

Locality name or description

Knob Canyon, Hood Canyon, Exmouth Gulf, Exmouth
Coastline

3 **Attach an A4 sized map to show the boundaries of the area in which the action will be conducted.**

4 Provide an attachment describing the action addressing the following points.

- The equipment and methods used to comply with the EPBC Act Regulations.
- What steps will be taken to minimise impacts on cetaceans.
- The objectives and purposes of the action.



5 Attach a description of any research relevant to the affected species or community that will be carried out in the course of or in conjunction with the proposed action, including:

- A. A copy of the research proposal.
- B. The names of the researchers and institutions involved in or supporting the research.
- C. Relationship of the researchers to the permit applicant, including any funding being provided by, or to, the permit applicant

6 Will the action involve invasive techniques?

No ☒ ⇒ **Go to next question**

Yes ☐ ⇒ Attach application and approval from an Animal Ethics Committee.

7 Are you applying on the basis that the action will contribute significantly to conservation of cetaceans? (**Please note**, a fee of \$25 is required for this type of permit — see Question 21)

No ☐ ⇒ **Go to 9**

Yes ☒ ⇒ **Go to next question**

8 Why do you believe that the action will contribute significantly to the conservation of cetaceans?

The objective of the interactions are to collect photos and video to be used in multiple cetacean catalogues as well as to film video for multiple documentaries.

The catalogs include the Southern Hemisphere Blue

Whale Catalogue, The Australian Orca Database and the Timor Leste National Cetacean Catalogue, all of which are collaborative photographic databases which the team has previously contributed to. As humpbacks, blue whales and orca are all highly migratory these photo ID's will be able to prove an incredibly long migration between Western Australia and the Savu and Timor Sea of Indonesia. Along this migration there in the ever increasing threat of ship strikes, entanglement and poisoning from plastic pollution. The team has spent years in the Timor and Savu Sea filming and documenting cetaceans and is hoping to be the first to have high quality images of the same cetacean taken thousands of miles apart. This will highlight one of the greatest migrations on our planet and show the hurdles these animals have to go through to migrate such a long distance. Already we have proof through the catalogs that this is possible but the story behind it has not been told.

This is why we are hoping to have 2 survey/filming sites in WA which are separated by 1000 nautical miles of coast.

Once the images and video is attained the team hopes to publish the story in Oceanographic Magazine where we have previously been featured. The video will be shared with the members of "Ocean Soul" which plan to use the video to highlight cetacean intelligence. As well we will be using the video for multiple conservation campaigns such as greenpeace and thrive conservation. On our team is head of cinematography Paul Hilton. Paul has had his work featured in a handful of documentaries aimed at highlighting threats to marine species including "Racing Extinction" and "The Cove" both award winning films.

Now go to 13



9 Are you applying on the basis that the effect on cetaceans will be incidental to, and not the purpose of, the action?

You must also answer questions 10, 11 & 12 to apply for this type of permit.

No ☐ ⇒ You are not able to apply for a permit using this form, please contact the Migratory Species Section at EPBC.Permits@environment.gov.au, or call (02) 6274 1111.

Yes ☐ ⇒ Why do you believe that the impact of the action will be incidental to and not the purpose of the action?

The team will be using a small 4m rib to approach cetaceans, as this is quiet and low impact. The vessel will not approach closer than 100 meters and stay clear of the no approach zone; the vessel will hold this distance or greater between watercraft and cetaceans.

Maximum of one in water interaction per cetacean will be attempted done solely by surface snorkelling with a maximum of 3 swimmers in the water. No scuba or other equipment will be used to minimise noise and disturbance. Camera operators will enter the water farther than 100 meters from the cetacean and maintain the minimum distance of 30 meter once in the water.

Majority of filming will be done with a telephoto lens above water and aerial photography from a drone. Only if conditions are right will in-water interactions be attempted.

Drone observation will be at an average of 60 meters and will have a minimum height of 35 meters. If any disturbance to cetaceans is observed drone observation will be aborted immediately.

Camera equipment will include 2x Sony A1, 1x Cannon C300, 2x Mavic Pro 2, 600mm telephoto lens, 16-35mm lens, along with similar cameras and lens to be used as backups.

Each member of the team has extensive experience interacting with cetaceans and have been involved in numerous surveys, films and eco-tourism activities of this sort.

These include filming for the film "Racing Extinction" and "Ocean Soul", working in Timor Leste and Tonga for "Out There With Paul Hilton" bringing guests to have interactions with Blue Whales, Sperm Whales and

Humpback Whales, attaining Marine Mammal Observationist and Protected Species Observer qualifications, and partnering with institutions such as

University of Charles Darwin to conduct cetacean surveys in the Timor Sea.

In-water interaction will be attempted only if conditions allow and cetaceans behaviour shows no signs of irritation or disturbance. Expected interaction time will be extremely short as cetaceans tend to move on rather quickly, estimated 10 seconds. In total the team will be out on the water only in ideal conditions for photography which will

require light wind and swell and clear skies. This will limit the number of days to on average 2-3 days a week during migration season. The team intends to spend 6 hours in total during these days conducting filming and surveying activities. Much of which will be spent traveling too and from locations and searching for cetaceans. A 2 year permit is required due to the small window of weather which these operations are able to be



carried out, the migration seasons and the low likelihood of spotting cetaceans.

We will always have a spotter on board our main watercraft looking for signs of disturbance or distress from cetacean species, If any signs of disturbance are indicated the team will immediately abandon any attempt to observe cetaceans. Under no circumstance will the team be diving with mother and calves.

10 Why do you believe that the proposed action will not adversely affect the conservation status of a species of cetacean or population of that species?

The team believes there will be no adverse affect on the conservation status of the species stated because the species will not be harmed in any way. Guidelines outlined in the “Australian National Guidelines for Whale and Dolphin Watching 2017” will be vigorously maintained by all members of the team.

We hope that the imagery and data that we collect will contribute to the conservation of cetaceans and will cause no irritation or harm of any sort to them.

We are dedicated to the protection and conservation of whales and dolphins and will not conduct any activities that could potentially put them at risk.



- 11** Describe how the proposed action will be consistent with any recovery plans or wildlife conservation plans in force for the species of cetaceans that may be affected by the action.

Commonwealth recovery and wildlife conservation plans that are in force are available from the Department of Agriculture, Water and the Environment web site:

<http://www.environment.gov.au/cgi-bin/sprat/public/publicshowallrps.pl>

State and territory recovery plans will be available from state and territory environmental agencies.

The conservation management plan for many of the species listed in this request have outlined details describing the importance of measuring and monitoring population recovery and minimizing vessel collision. We hope that the data we collect and contribute to catalogs will help to monitor and measure population recovery. As well though our images and films we hope to raise awareness around the impacts of vessel collision, entanglement and microplastic pollution. By raising public awareness we hope that all vessels become more aware of their impact on cetaceans. We believe our intentions align with the conservation management plans for the species listed and hope to contribute to the recovery of cetaceans from their near hunt to extinction in the 18th and 19th century.

- 12** The applicant is required to take all reasonable steps to minimise interference with cetaceans.

How will this be carried out?

The team will take all necessary steps by following the guidelines listed in "Australian National Guidelines for Whale and Dolphin Watching 2017". As well we will take additional steps by only interacting with cetaceans for the necessary time we need to collect photo, video, waypoint location and time of sighting. Once these have been recorded the team will move on and leave the cetacean. We believe that we have the necessary experience from working in the industry to know how to minimise interference while still completing our objective in a timely manner.

- 13** Attach details of any proceedings against the proposed permit holder under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources.

14 Fees

The following fees apply:

- If you answered **yes** at question 7, for an action which will contribute significantly to the conservation of cetaceans - \$25 (there are fee exemptions in some circumstances).
- An incidental action relating to cetaceans - nil

- 15** Are you paying by credit card?

No ☐ ⇒ **Attach a cheque, go to next question**

Yes ☐ ⇒ Complete the following details

Card: Visa ☐ Bankcard ☐ MasterCard ☐

Card number

Expiry date (month/year)

Card holder's name as shown on card

Amount

Cardholder's signature



16 Attachments

Indicate below which documents are attached.

- Attach a map. **See question 3** ☒
- The equipment and methods used to comply with the EPBC Act Regulations. **See question 4** ☐
- What steps will be taken to minimise impacts on cetaceans. **See question 4** ☒
- The objectives and purposes of the action. **See question 4** ☐
- Copy of research proposal. **See question 5** ☐
- Names of researchers and institutions. **See question 5** ☐
- Relationship of researcher to permit applicant. **See question 5** ☐
- Ethics committee approval. **See question 6** ☐
- Details of any proceedings against the permit holder under a Commonwealth, State or Territory law. **See question 13** ☐
- Cheque for payment of fee. **See question 14** ☐
- List all additional documents below ☐

Titles of all attached documents (*include the document title, the specific section(s) and the page number(s) on which the information appears*)

- Map of area in which activities will be conducted.

-The equipment and methods used to comply with the EPBC Act Regulations

-Names of researchers and institutions

-Links to relevant publications and previous documentary work.

17 Declaration

I declare that the information contained in this application is correct to the best of my knowledge.

Signature of applicant

Name of person signing

Alexander Westover

Date

14/12/2021