



## Supplementary Form C

- Threatened species & Ecological Communities
- Migratory species
- Listed marine species

(use Form A for Cetaceans)

*Use this supplementary form if you are applying for a permit to kill, injure, take, trade, keep or move a listed species or ecological community, a listed migratory species, or a listed marine species in a Commonwealth Area. You will also need to complete "The General Permit Application Form".*

*If you are proposing to take or send specimens out of Australia it is likely that you will also need an export permit. Import permits may also be necessary for taking specimens into an overseas country. For more information on imports and exports contact the Wildlife Trade Assessments Section on 02 6274 1900 or email [wps@awe.gov.au](mailto:wps@awe.gov.au).*

*Please note that it is a requirement under subsection 200(3) of the Environment Protection and Biodiversity Conservation Act 1999 that details of this application (which may include the applicant's name) be provided to persons or bodies registered with the Department of Agriculture, Water and the Environment under section 266A of the Act, and to whom notice of applications is to be given, for the purpose of inviting submissions from those persons or bodies regarding permit applications.*

**1** Under which section(s) of the EPBC Act are you applying for this permit?

It will help you complete your application if you know which list in the EPBC Act the affected species/ecological community appears on.

Search the lists at: [www.environment.gov.au/cgi-bin/sprat/public/sprat.pl](http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl)

Please note some species appear on more than one list. For example, the Green Turtle *Chelonia mydas* is a listed threatened species, a listed migratory species, and a listed marine species.

**Select all that apply**

Section 201 — Listed threatened species and ecological communities ☒

Section 216 — Listed migratory species ☒

Section 258 — Listed marine species ☐

**2** On the next page list details of species or ecological communities that will be affected by the action.  
Use the following codes to enter details in columns 3, 4 and 5.

**Column 3 Conservation status of threatened species or ecological communities under EPBC Act**

EW Extinct in the wild  
EX Extinct  
CE Critically endangered  
EN Endangered  
VU Vulnerable  
CD Conservation dependent

**Column 5 Type of effect**

DE Death  
IN Injury  
TR Trading  
TA Taking  
KE Keeping  
MO Moving

Details of species or ecological communities that will be affected by the action.

Common name of listed species/ecological communities, listed migratory species, or listed marine species.	Scientific name of species Common and scientific names are available at the Department's website: <a href="http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl">www.environment.gov.au/cgi-bin/sprat/public/sprat.pl</a>	Conservation status under EPBC Act	Estimated number that will be affected. For ecological communities, provide estimate of the affected area	Type of effect
whale shark	Rhincodon typus	VU	15	IN

Where the project is of less than 1 km<sup>2</sup> in size, provide the location as a single pair of latitude and longitude references. Latitude and longitude references should be used instead of AMG and/or digital coordinates.

Locality: waters around Christmas Island, Indian Ocean

Latitude:                      degrees:                      minutes:                      seconds:

Longitude:                      degrees:                      minutes                      seconds:

Where the project area is greater than 1 km<sup>2</sup>, or any dimension is greater than 1 km, provide additional coordinates to enable accurate identification of the location of the project area.

Latitude: -10.4912

Longitude: 105.6230

Attach a map to show the boundaries of the area in which the action will be conducted.

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

- A. The objectives and purposes of the action;
- B. The equipment and methods used;

4 What are the likely short and long term impacts of the proposed action on the species or the ecological community?

Short term impacts:

The shark will dive away from the surface for a short time (<1 minute) after which it will return to normal habits

Long term impacts:

Unlikely, but minimal potential for tag abrasion to the small area of skin of the shark's dorsal fin in contact with the tag. If this occurs, the skin will heal (rapidly) with some discoloration and limited scarring.

5 Describe the steps that will be taken to minimise impacts on the listed species/ecological community, including contingency plans in the case of events that may adversely affect members of the species/ecological community.

The tag unit may partially dislodge and be seated in an orientation on the fin that may cause some wear to the skin. If this is observed, every attempt will be made to remove the tag unit and no further attempt to tag this individual will be undertaken. While this is possible, it is unlikely given the tagging methodology in place has been refined over many years researching whale sharks and the experience of the tagging staff is extensive. A recent scientific publication reviewing healing rates in whale sharks has proven rapid regeneration of skin and fins after injury (see Womersley et al., 2021).

Womersley, F., Hancock, J., Perry, C. T., & Rowat, D. (2021). Wound-healing capabilities of whale sharks (*Rhincodon typus*) and implications for conservation management. *Conservation Physiology*, 9(1), coaa120.

6 Attach a description of any research relevant to the affected species or communities 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; and
- C. relationship of the researchers to the permit applicant, including any funding being provided by the permit applicant.

7 Will the action involve invasive techniques?

No ☐ **Go to next question**

Yes ☒ If permit relates to mammals, birds, reptiles or amphibians, attach evidence that the proposed methods have been approved by an independent Animal Ethics Committee (this may include a State or Territory ethics committee, even if the action is conducted in a Commonwealth area).

**A permit can only be issued under one of the following criteria: the action**

- *will contribute significantly to the conservation of a listed species/ecological community (go to Question 8); or*
- *will be incidental to, and not the purpose of the action (go to Question 12); or*
- *is of particular significance to indigenous tradition (go to Question 15); or*
- *is necessary to control pathogen(s) (go to Question 18).*

8 Are you applying on the basis that the action will contribute significantly to the conservation of a listed species/ecological community?

No ☐ **Go to 12**

Yes ☒ **Go to next question**

9 Why do you believe that the action will contribute significantly to the conservation of listed species/ecological communities, listed migratory species or listed marine species?

The whale shark (*Rhincodon typus*) is classified as 'Endangered' in the 2016 IUCN Red List of Threatened Species. Key aspects of its biology and ecology remain unknown, including critical habitats for feeding and breeding.

On a global scale, their numbers are in decline, mainly from anthropogenic activities. To assist with long-term conservation management and to stem their decline, further research to collect baseline data to be reviewed when developing and/or refining local, national and international management plans for this species must be undertaken.

- 10 Will the proposed action implement the recommendations of any recovery plan or wildlife conservation plan in force for the species or ecological community that may be affected by the action?

*Commonwealth recovery plans that are in force are available at*

*[www.environment.gov.au/biodiversity/threatened/recovery-list-common.html](http://www.environment.gov.au/biodiversity/threatened/recovery-list-common.html)*

*Commonwealth wildlife conservation plans that are in force are available at*

*[www.environment.gov.au/biodiversity/migratory/publications/shorebird-plan.html](http://www.environment.gov.au/biodiversity/migratory/publications/shorebird-plan.html)*

*State and territory recovery plans are available from state and territory environmental agencies.*

No ☐ **Go to next question**

Yes ☒ Describe how this will be implemented.

The Whale Shark Recovery Plan was due to expire in 2010 although it is still listed on the AWE website (<https://www.awe.gov.au/environment/biodiversity/threatened/publications/recovery/whale-shark-rhincodon-typus-recovery-plan-2005-2010>) and 'should remain in place until such time that the number of sharks visiting Australian waters is no longer threatened by actions taken outside of Australian waters, and that numbers of whale sharks visiting Australian waters has improved to the point that the species can be removed from the EPBC threatened species list'.

'A recovery plan for the whale shark was released in 2005. This recovery plan is still in place.'  
(<https://www.awe.gov.au/environment/marine/marine-species/sharks/whale-shark>) – 25.11.21.

- 11 Will the proposed action respond directly or indirectly to recommendations of any national or international organisation responsible for management of the affected species?

No ☐ **Go to next question**

Yes ☒ Describe how the proposed action will respond.

- 1) Identify areas of critical habitat for whale sharks
- 2) assist with allocation of protected areas
- 3) provide recommendations to assist conservation management of this endangered species

- 12 Are you applying on the basis that the impact of the action will be incidental to, and not the purpose of, the action?

No ☐ **Go to 15**

Yes ☒ **Go to next question**

- 13 Why do you believe that the impact of the action will be incidental to and not the purpose of the action?

.....has been researching whale sharks (Rhincodon typus) since 1995. ....is adept at deploying and retrieving tags on whale sharks in situ. ....has also collected biopsy samples from this species in the wild.....has experience at several field sites, including Ningaloo Marine Park, Shark Bay Marine Park, Galapagos Islands, Maldives and the Philippines. ... is skilled at ensuring minimal impact to whale sharks during research programs.

- 14 Why do you believe that the taking of the action will not adversely affect the:

- i. survival or recovery in nature of the species or ecological community?
- ii. conservation status of a listed species or ecological community?

This methodology has been successfully used in previous whale shark tagging studies at Ningaloo Marine Park and Shark Bay Marine Park under Animal Ethics Permits from Murdoch University and The University of Queensland.

The minimum number of animals to provide a statistically valid sample size for subsequent analysis has been selected, although these totals will not affect survival or recovery of the species or their conservation status.

**15** Are you applying on the basis that the action is of particular significance to indigenous tradition?

No ☒ **Go to 18**

Yes ☐ **Go to next question**

**16** Explain why do you believe that the proposed action will be of particular significance to indigenous tradition?

**17** Why do you believe that the proposed action will not adversely affect the:

- i. survival or recovery in nature of the listed species or ecological community; or
- ii. conservation status of the listed species or ecological community.

**18** Are you applying on the basis that the action is necessary to control a pathogen(s), and is conducted in a way that will, as far as is practicable, keep to a minimum any impact on listed species/ecological communities, listed migratory species or listed marine species?

No ☒ **Continue to Payment Section**

Yes ☐ **Go to next question**

**19** Why do you believe that the action is necessary for the control of pathogen(s)?

**20** Explain how the action will be conducted in a way to minimise impacts on the species/communities affected.

**If you have answered NO to Questions 8, 12, 15 and 18, it is unlikely that a permit can be issued under the EPBC Act.**

## 21 Fees

The following fees apply:

- permits relating to listed threatened species or ecological communities - \$100
- permits relating to listed migratory species - nil
- permits relating to listed marine species – nil

Please note that exemption from fee payment may apply under circumstances as set out in EPBC Regulation 18.04.

## 22 Method of Payment

To make a payment, the department's preferred methods of payment are by credit card, bank cheque or by electronic funds transfer (EFT). A tax invoice can be arranged prior to payment, but you should allow up to five business days to process the transaction.

Please contact [EPBC.permits@awe.gov.au](mailto:EPBC.permits@awe.gov.au) if you would like to request a tax invoice.

### Credit Card

Please submit your permit application to the Department to obtain a permit reference number. This reference number will be required when you contact the Department to make the payment.

Contact the Collector of Public Money (Accounts)  
on (02) 6274 1151

### EFT Payments

EFT Payments can be made to:

BSB: 092-009

Bank Account No. 115859

Amount: See applicable fee in section 21 above.

Account Name: Department of Agriculture, Water and the Environment

Department address: GPO Box 858, Canberra ACT 2601

Bank: Reserve Bank of Australia

Bank Address: 20-22 London Circuit Canberra ACT 2601

Description: Part 13 permit application fee [Include name of project]

Reference: [include Permit reference number (if known)]

## 23 Attachments

Indicate below which documents are attached.

- |   |   |
|---|---|
| Description of proposed action              | <b>See question 3</b> <input checked="" type="checkbox"/> |
| Description of relevant research            | <b>See question 6</b> <input checked="" type="checkbox"/> |
| Evidence of approval of invasive techniques | <b>See question 7</b> <input checked="" type="checkbox"/> |
| Details for payment of fee                  | <b>See question 22</b> <input type="checkbox"/>           |

## 24 Declaration

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

Signature of applicant

Name of person signing

Date

29.11.21

### Send this application and fee to:

EPBC Referrals  
Environment Approvals Division  
Department of Agriculture, Water and the Environment

GPO Box 858  
CANBERRA ACT 2601

Email: [EPBC.Permits@awe.gov.au](mailto:EPBC.Permits@awe.gov.au)