This form needs to be filled out if you want to apply for the transfer of a licence issued under the *Protection of the Environment Operations Act 1997* (‘*POEO Act’*).

If you need help completing this form, please contact the Regulatory and Compliance Support Unit (RCSU) on 02 9995 5700 or by e-mail at poeo.licensing@epa.nsw.gov.au.

Once completed and signed by ***both*** the current and proposed licence holder, the form, together with the applicable fee, should be sent to RCSU (as indicated at the end of this form).

The prescribed fee to accompany the application is $278 (2 fee units) per licence. The fee **must** be submitted for this application to be processed. Please make cheque payable to the **Environment Protection Authority**, or see EFT details below;

Payment by Electronic Funds Transfer (EFT) should be deposited to:

Bank: **Westpac Banking Corporation**

Account Name: **EPA Operating Account**

BSB: **032 001**

Account No: **170 737**

Remittance for EFT payments should be e-mailed to **poeo.licensing@epa.nsw.gov.au**

***Fees are exempt from GST by the Commonwealth Treasurer’s Division 81 determination under* A New Tax System (Goods and Services Tax) Act 1999.**

# **Licence to be transferred**

* 1. **Licence to be transferred**

|  |  |
| --- | --- |
| Licence number |  |

* 1. **Name of current licence holder(s)**

|  |  |
| --- | --- |
| Full name(s) ofcurrent licence holder(s) |  |
|  |
| ACN /ABN (if applicable) | ACN: ABN: |

* 1. **Reason(s) for transfer**

|  |  |
| --- | --- |
| Write down the specific reason(s) why you are requesting the transfer of the licence. |  |
|  |
|  |
|  |

# **Licence fees payable**

It is the policy of the EPA not to grant an application for the transfer of a licence unless all outstanding fees have been paid. If the transfer is to take place during the licence fee period, this does not include any load-based fee that is due at the end of that period.

Please tick (🗸) ‘Yes’ or ‘No’.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Yes** |  | **No** |
| * + 1. Have all fees that are due or payable by the current licence holder been paid (including any interest or penalty)?
 |  |  |  |

If you answered ‘**No**’ to this question and you think there are special reasons why the EPA should transfer the licence despite fees being unpaid, please attach a statement setting out those special reasons to this form.

# **Date of transfer of responsibility for the activity to the proposed new licence holder**

Please state below the date on which the new licence holder will take over responsibility for the activity from the current licence holder.

To ensure the EPA has time to effect the transfer of the licence, you should submit this application **at least 30 days prior** to the date you state below.

|  |  |
| --- | --- |
| Date of transfer |  |

# **Proposed licence holder**

* 1. **Name of the proposed licence holder(s)**

The licence holder must be an individual(s), a company, body corporate or public authority, but ***not*** a partnership, trust or joint venture name.

|  |  |
| --- | --- |
| Full name(s) of proposed licence holder(s) |  |
|  |
| Trading as(if applicable) |  |
| ACN /ABN (if applicable) | ACN: ABN: |
| CorporateWeb address |  |

* 1. **Is the proposed licence holder(s) the occupier of these premises?**

In accordance with section 48 of the *POEO Act*, a person who is the occupier of any premises at which any scheduled activity is carried out, must hold a licence that authorises that activity to be carried out at those premises. ‘*Occupier*’ is defined as ‘*the person who has the management or control of the premises*’.

Please tick (🗸) ‘Yes’ or ‘No’.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Yes** |  | **No** |
| * + 1. Will the proposed licence holder be the occupier of the premises to which the licence applies?
 |  |  |  |
| * + 1. Will the proposed licence holder have management and control of the premises to which this licence applies?
 |  |  |  |

* 1. **Postal address of the proposed licence holder(s)**

|  |  |
| --- | --- |
| Postal address and fax number for **all** correspondence | PO Box: |
| No: Street name: |
| Suburb:  |
| State: Postcode: |
| Fax: |
| Corporate Email address: |

* 1. **Contact person for the proposed new licence holder(s) for EPA inquiries**

|  |  |
| --- | --- |
| Name | Mr/Mrs/Ms Given name: |
| Surname: |
| Organisation (if different from licence holder) |  |
| Position |  |
| Address (if different from postal address in section 2.2) | No: Street name: |
| Suburb:  |
| State: Postcode: |
| Phone numbers | Business: Mobile: |
| After hours: Pager: |
| Fax |  |
| Email |  |

* 1. **Fit and proper person**

Please tick (🗸) ‘Yes’ or ‘No’.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Yes** |  | **No** |
| **Has the applicant (whether a natural person or a corporation) ever:** |  |  |  |
| * + - 1. been convicted or paid a penalty under a penalty notice for an offence under a provision of any environment protection legislation1 or other relevant legislation?2
 |  |  |  |
|  |
| * + - 1. had a licence or other authority suspended or revoked under environment protection legislation[[1]](#footnote-1) or other relevant legislation?[[2]](#footnote-2)
 |  |  |  |
|  |  |  |  |
| **If the applicant is a *corporation*, has any director3 of the corporation ever:** |  |  |  |
| * + - 1. been convicted, or paid a penalty under a penalty notice for an offence under a provision of any environment protection legislation1 or other relevant legislation?2
 |  |  |  |
|  |
| * + - 1. had a licence or other authority suspended or revoked under environment protection legislation1 or other relevant legislation?2
 |  |  |  |
|  |
| * + - 1. been a director3 of another corporation convicted or paid a penalty infringement notice under a provision of any environment protection legislation1 or other relevant legislation?2
 |  |  |  |
|  |
| * + - 1. been a director3 of another corporation which had a licence or other authority suspended or revoked under environment protection legislation1 or other relevant legislation?2
 |  |  |  |

If you answered ‘**Yes**’ to any of the above questions, please attach a statement setting out the specific circumstances and why you think those circumstances should not prevent you from holding a licence.

Please note that, in determining whether a person is a fit and proper person, the EPA may take into consideration any or all of the factors listed in section 83(2) of the *POEO Act*.

1. **Signature of proposed new licence holder**

This application may only be signed by a person(s) with the legal authority to sign it. The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Please tick (✓) the box next to the category that describes how this application is being signed.

|  |  |  |
| --- | --- | --- |
| **If the proposed licence holder is:** |  | The application must be signed and certified by one of the following: |
| an individual  |  | the individual. |
| a company |  | the common seal being affixed in accordance with the *Corporations Act 2001, or*two directors, ora director and a company secretary, orif a proprietary company that has a sole director who is also the sole company secretary – by that director. |
| a public authority other than a council |  | the chief executive officer of the public authority, orby a person delegated to sign on the public authority’s behalf in accordance with its legislation (Please note: a copy of the relevant instrument of delegation must be attached to this application). |
| a local council |  | the general manager in accordance with s.377 of the *Local Government Act 1993*(‘LG Act’), orthe seal of the council being affixed in a manner authorised under the LG Act. |

***I/We (the proposed licence holder):***

* ***apply for the transfer of the licence listed in Question 1 from the current licence holder***
* ***declare that the information in this form (including any attachment) is not false or misleading in any material particular***
* ***am/are aware of the requirements under Part 5.7A of the POEO Act to prepare a pollution incident response management plan before commencing operations – Note that section 153C of the POEO Act and Part 3A (clauses 98a – 98f) of the Protection of the Environment Operations (General) Regulation 2009 set out what must be included in the plan, including specific requirements for the transport of trackable waste and other obligations related to these plans;* Environmental Guidelines: Preparation of pollution incident response management plans *is available at*** [***www.epa.nsw.gov.au/legislation/20120227egpreppirmp.htm***](http://www.epa.nsw.gov.au/legislation/20120227egpreppirmp.htm)

|  |  |  |  |
| --- | --- | --- | --- |
| Signature |  | Signature |  |
| Name (printed) |  | Name (printed) |  |
| Position |  | Position |  |
| Date |  | Date |  |

Seal (if signing under seal):

1. **Consent of the current licence holder**

This application may only be signed by a person(s) with the legal authority to sign it. The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Please tick (✓) the box next to the category that describes how this application is being signed.

|  |  |  |
| --- | --- | --- |
| **If the current licence holder is:** |  | The application must be signed and certified by one of the following: |
| an individual  |  | the individual. |
| a company |  | the common seal being affixed in accordance with the *Corporations Act 2001, or*two directors, ora director and a company secretary, orif a proprietary company that has a sole director who is also the sole company secretary – by that director. |
| a public authority other than a council |  | the chief executive officer of the public authority, orby a person delegated to sign on the public authority’s behalf in accordance with its legislation (Please note: a copy of the relevant instrument of delegation must be attached to this application). |
| a local council |  | the general manager in accordance with s.377 of the *Local Government Act 1993*(‘LG Act’), orthe seal of the council being affixed in a manner authorised under the LG Act. |

***I/We (the current licence holder) consent to the transfer of the licence listed in Question 1 to the proposed new licence holder.***

|  |  |  |  |
| --- | --- | --- | --- |
| Signature |  | Signature |  |
| Name (printed) |  | Name (printed) |  |
| Position |  | Position |  |
| Date |  | Date |  |

Seal (if signing under seal):

**Additional information**

1. If the licence is transferred, it will be transferred subject to the existing conditions of the licence.
2. It is an offence to supply any information in this form that is false or misleading in a material particular. There is a maximum penalty of $22,000 for a corporation or $11,000 for an individual.
3. Details of the licence application and licence will appear on the EPA’s Public Register. The EPA can be asked by any person to provide reasons for refusing or granting a licence application.

***Once completed and signed the form should be sent to:***

**Regulatory and Compliance Support Unit**

**Environment Protection Authority NSW**

**Locked Bag 5022**

**Parramatta NSW 2124**

EPA 2016

1. ‘Environment protection legislation’is defined in Part 1 of the *Protection of the Environment Administration Act 1991*. [↑](#footnote-ref-1)
2. ‘Other relevant legislation’ is defined in clause 52 of the Protection of the Environment Operations (General) Regulation 2009.

3 ‘Director’ also includes a person involved in the management of the affairs of the corporation. [↑](#footnote-ref-2)